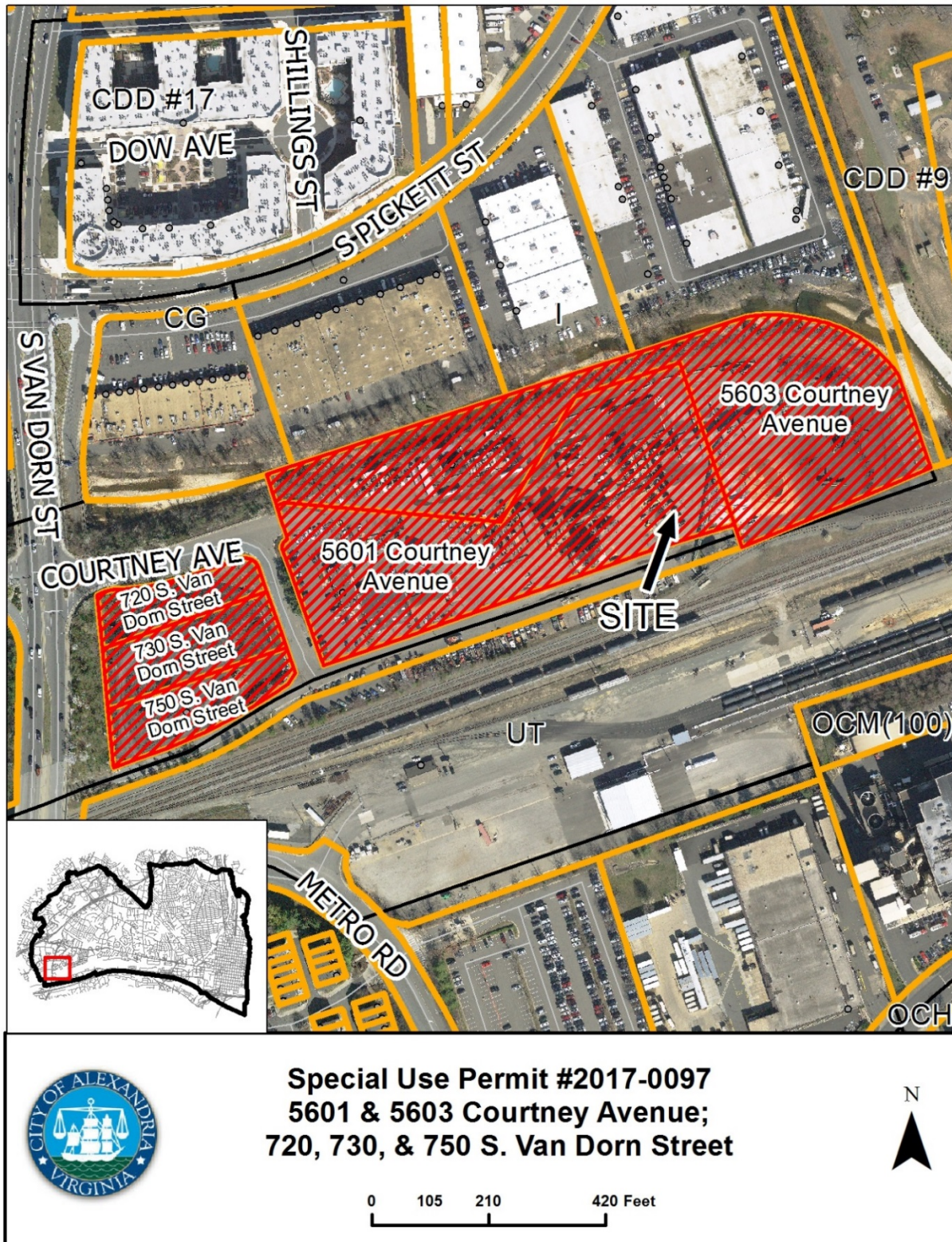


DOCKET ITEM #11
Special Use Permit #2017-0097
5601 & 5603 Courtney Avenue and
720, 730, and 750 South Van Dorn Street
Virginia Paving Review

Application	General Data	
Public hearing and consideration of a review of previously approved Special Use Permit #2010-0014 for the continued operation of an existing asphalt plant consistent with Condition #75 of said Special Use Permit.	Planning Commission Hearing:	October 3, 2019
	City Council Hearing:	October 19, 2019
Address: 5601 and 5603 Courtney Avenue; 720, 730 and 750 South Van Dorn Street	Zone:	I / Industrial
Applicants: City of Alexandria Department of Planning & Zoning	Small Area Plan:	Eisenhower West

Staff Recommendation: CLOSURE of the asphalt plant use in November 2022 subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Part 4 of this report.

Staff Reviewers: Robert Kerns, AICP robert.kerns@alexandriava.gov
Nathan Randall nathan.randall@alexandriava.gov



PROJECT LOCATION MAP

VIRGINIA PAVING SUP REVIEW
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PART 1 – EXECUTIVE SUMMARY

I. REQUEST

This case is the City of Alexandria Department of Planning & Zoning review of the existing Special Use Permit for the operation of the asphalt plant known as Virginia Paving at 5601 Courtney Avenue. The review, which chiefly concerns the land-use consistency of the asphalt plant with the Eisenhower West Small Area Plan and redevelopment in the area, is required under Condition #75 of the most recent approval (SUP#2010-0014).

The Virginia Paving plant has operated in the City for decades and has an extensive background that will be described in this report, including the asphalt production process, complaints reported to the City about its operation, environmental considerations, and the various improvements that were made at the site between 2006 and 2009. However, the central question before City Council is the one posed in Condition #75, which functions as a potential sunset clause for the use. It requires a review of the consistency of the asphalt plant use with two matters: 1) the recommendations of the Eisenhower West Small Area Plan and 2) the ensuing and foreseeable redevelopment in the area. The condition, which is quoted in full later in this report, provides for the potential closure of the plant under specific parameters if City Council determines that the use is not consistent with the two previously-mentioned items.

Staff notes that a companion request to allow various encroachments into the Courtney Avenue public right-of-way from Virginia Paving was originally scheduled to be heard at the same time as the current SUP review but is now recommended for deferral while staff continues to review options on the matter.

II. SUMMARY OF ISSUES

Issues that are discussed in greater detail in this staff report include the following:

- The extensive background for the asphalt plant use, including its approval history, the asphalt production process, and the improvements to the site that were installed following the 2006 SUP approval;
- The environmental aspects of the asphalt plant operations and how they are regulated;
- The compliance history of the use, as it relates to both state and SUP requirements as well as the history of complaints;
- The language of Condition #75 and the land-use question it asks City Council to determine in connection with the plant's potential closure;
- An analysis of the two major land-use questions contained in Condition #75;
- Additional information that may be helpful to City Council, such as potential fiscal impacts and the loss of community benefits; and
- Recommended changes to existing SUP conditions.

III. CITY COUNCIL OPTIONS

At least five options are available to City Council as it contemplates the review stipulated in Condition #75. These options are described below:

- A. Determination that the use is inconsistent with the Eisenhower West Small Area Plan and the ensuing/foreseeable redevelopment in the area. If such a determination is made:
 - 1. The use shall close after operating for seven additional years from the adoption of the Eisenhower West Small Area Plan (which was approved November 14, 2015), which amounts to a closure date of November 14, 2022;
 - 2. The use shall close after operating for an additional period of time beyond November 14, 2022 using a closure date determined by any amortization-related arguments that may be offered by the applicant; or
 - 3. The use shall close after operating for an additional period of time beyond November 14, 2022 that City Council may approve for alternative reasons to those listed above.
- B. Determination that the use is not inconsistent with the Eisenhower West Small Area Plan and the ensuing/foreseeable redevelopment in the area. If such a determination is made:
 - 1. The use may continue operating indefinitely, without a new sunset clause or expiration date; or
 - 2. The use may continue operating with a new sunset clause which may or may not require additional analysis in connection with that new date.

IV. STAFF RECOMMENDATION

Staff finds that, as noted in Option A-1 above, the asphalt plant is not consistent with either the recommendations of the Eisenhower West Small Area Plan or the ensuing/foreseeable redevelopment of the area as described in greater detail in this report. Staff sees no reasons at the present time to recommend an additional period of continued operation of the use for alternative reasons to the ones laid forth in Condition #75. Subject to the revised conditions contained in this report, staff recommends the closure of the asphalt plant no later than November 14, 2022.

PART 2 – BACKGROUND

I. SITE & OPERATIONS OVERVIEW

A. Project Site

The subject site is comprised of five irregularly-shaped lots of record comprising a total area of 491,315 square feet in total (11.3 acres). Three of the lots have frontage on South Van Dorn Street and the two others have frontage on Courtney Avenue. Courtney Avenue is a public right-of-way that intersects with South Van Dorn at the northwestern edge of the site just to the north of the South Van Dorn Street bridge. The street then slopes downward and curves through the site, separating the western three lots fronting South Van Dorn from the two other lots to the east. At the south-central portion of the site near the railroad tracks, Courtney Avenue splits into two parts that travel parallel to the railroad tracks: one that continues to the west and another that continues to the east. The western leg continues underneath the South Van Dorn Street bridge to directly meet the Vulcan site. The eastern leg continues between the southern-most property line of 5601 Courtney Avenue to the eastern edge of the Virginia Paving site close to Backlick Run.

The site is developed with the Virginia Paving Company asphalt plant, which includes an approximately 12,000 square foot office and maintenance building and several pieces of large industrial equipment in which asphalt products are produced. The pieces of equipment, which are housed outdoors and fixed to the ground, include: a drum dryer/mixer, approximately twenty storage tanks for a variety of materials including asphalt cement and asphalt storage, a hot-oil burner to heat other equipment at the site, several conveyor belts including those between the plant and the adjacent railroad tracks, and several material piles. An accessory oil recycling and storage facility has operated at the site for decades, most recently by a tenant that leases a portion of the site from Virginia Paving. Prior to the use of natural gas at the asphalt plant, Virginia Paving used the oil processed at the facility as fuel for its operations. The current tenant, Heritage Crystal Clean, stores recycled oil but does not process it at the site today.

The majority of the asphalt plant operation is located on the two eastern-most lots. The recycled asphalt pavement (RAP) pile is located on the three western-most lots adjacent to the South Van Dorn Street bridge. Plant operations also occur on two portions of adjacent public right-of-way. The first of these areas is a small portion of Courtney Avenue that has been paved for use as part of a surface parking lot. The second portion comprises most of the eastern leg of Courtney Avenue between the office building and the eastern terminus of the public right-of-way. Virginia Paving uses this portion of right-of-way, which it has gated, as the main drive aisle for trucks and other vehicles to access the asphalt plant. Various pieces of equipment, including a check-in area and a conveyor belt, are located on this portion of public right-of-way. The applicant has filed for an encroachment request for both portions of their operations located in the right-of-way. That request, although originally expected to be heard concurrently with this SUP review, has been recommended for deferral while staff continues its review of that case.

The project site is generally flat except for the presence of material storage piles, particularly the one closest to the South Van Dorn Street bridge, and those areas immediately abutting the northwestern-most portion of Courtney Avenue, which rises in grade to meet South Van Dorn

Street. Although the site is essentially at the same grade as many of its neighboring properties, it is located significantly below the South Van Dorn Street bridge. The site includes some landscaping around its edges, including landscaping that was required to be installed as part of a previous SUP approval. Approximately the eastern three-quarters of the site, including essentially all of the eastern properties on which the majority of the asphalt plant operations are located, are located within the City's 100-Year Floodplain. Those portions of the site located within 100 feet of the Backlick Run streambank are designated as a Resource Protection Area (RPA).

B. Surrounding Area

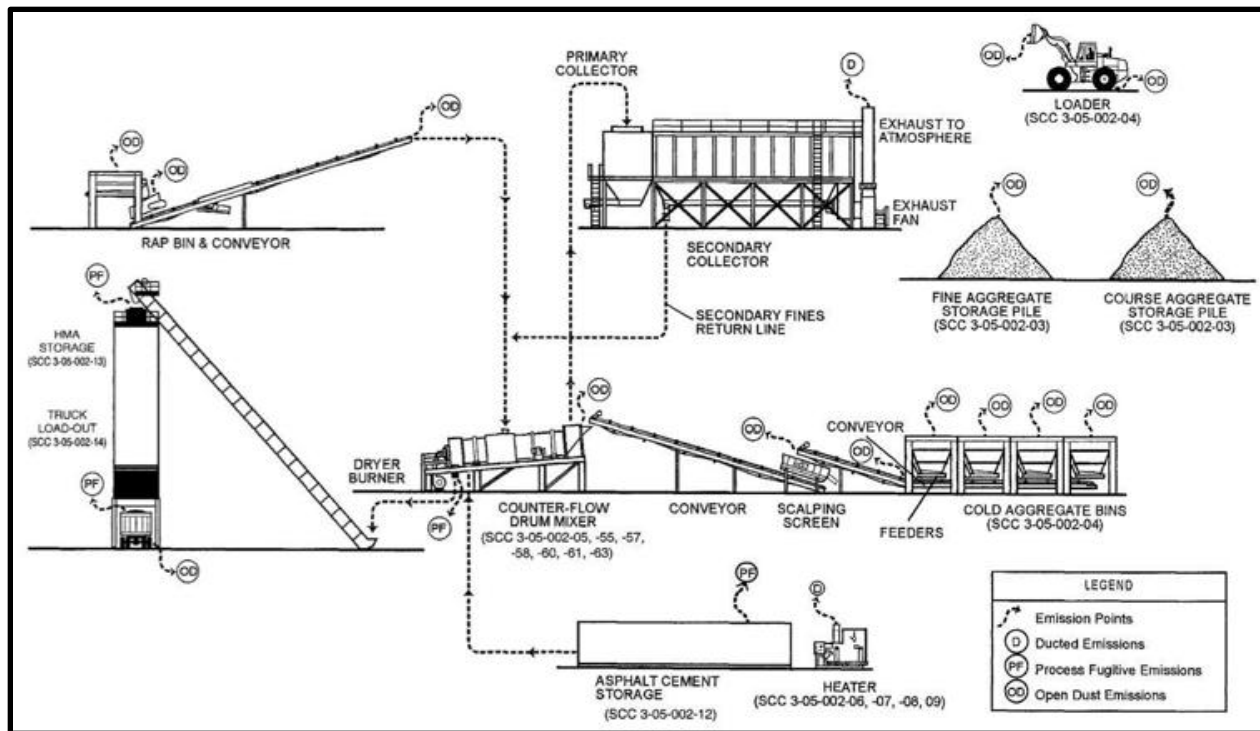
The area surrounding the project site is occupied by a mix of industrial, commercial and residential uses. Industrial warehouse and commercial uses are located immediately to the north along South Pickett Street. To the south are railroad tracks, the Norfolk Southern railroad facility, the Covanta Waste-to-Energy plant, a United Parcel Service shipping facility, the Eisenhower Valley Fire Station (Station 210), and the Van Dorn Street Metro Station. Vulcan Materials Company, a former concrete facility now used primarily for storage purposes, is located to the west across South Van Dorn Street. Residential uses in the immediate vicinity include the Modera Tempo (Landmark Gateway) community to the north, the Summer's Grove townhouse development to the south, and Cameron Station to the east. Boothe Park and the Samuel Tucker Elementary School are also located in close proximity to the east.

C. Asphalt Production Process

The Virginia Paving asphalt plant currently produces "hot mix asphalt" as its primary asphalt paving product. Hot mix asphalt, which is the most common type of asphalt surface used on roads in the region, contains approximately 95% aggregate (mostly stones, sand, and recycled asphalt pavement) and 5% liquid asphalt, which is an oil-based product. Hot mix asphalt is produced by mixing a dried aggregate with heated liquid asphalt.

Generally speaking, the production of hot mix asphalt begins with the movement of aggregate via conveyor belt from storage piles to cold aggregate bins. The aggregate is sorted and then moves along another conveyor belt into a drum dryer/mixer. At this point, recycled asphalt pavement (or RAP) is added to the drum and the combined product is heated. Super-heated liquid asphalt, which prior to introduction into the dryer drum is heated in a separate tank, is then added into the drum. Emissions control equipment used at this plant includes a state-of-the-art baghouse that consists of primary and secondary collectors. The collectors capture and return fine particles (usually dust from stone and sand) from the mixing process back into the drum to be re-mixed. Once ready, the final asphalt product is moved again on a conveyor belt into the storage silo which is insulated to keep the asphalt adequately hot until such time that it is loaded onto individual trucks for customer use. See Figure #1 for a schematic of a typical drum asphalt plant.

Figure #1: Typical Drum Asphalt Plant



D. Virginia Paving Operations

The Virginia Paving asphalt plant at the subject site generally follows the previously-described asphalt production process. Most of the aggregate used at the facility is delivered by rail car while the balance, including recycled asphalt pavement (RAP), arrives via truck. Norfolk Southern delivers the aggregate to the facility using a siding or spur from the main rail line, at which point the applicant uses a trackmobile to move the railcars filled with aggregate to their transfer point and onto conveyor belts. The production of asphalt at this site also includes the use of aggregate handling equipment such as a RAP crusher, front end loaders, conveyors and trucks. Several trucks and other paving equipment are stored at the site. According to the applicant, between 30 and 40 trucks visit the site on an average day. Maintenance of trucks in the fleet takes place on premises in the six-bay repair garage.

Although currently allowed to produce up to 980,000 tons of asphalt each year according to both SUP and state approval, Virginia Paving has produced an average of approximately 320,000 tons annually over the last five years. Virginia Paving previously operated two drum/dryer mixers (often referenced as “Plant #1 and “Plant #2”) that could produce asphalt simultaneously. The second plant, which was much smaller than the first, stopped operating in August 2010 and was dismantled approximately six years ago. Virginia Paving operates on a variable schedule and output according to customer demand, resulting in some days or nights in which asphalt is not produced, particularly during the winter season. According to its current SUP approval, the plant can operate up to 110 overnight periods each year (between the hours of 8pm and 5am.) Overnight production is strictly used for government projects only. According to the applicant, up to 110 people are employed at the Alexandria facility during peak paving season.

Virginia Paving operates a total of five facilities in Northern Virginia, including its Alexandria plant. It is both an asphalt producer and a paving contractor that directly applies asphalt at specific job sites. It has clients in both the private and the public sector in both capacities. The City of Alexandria obtains 100% of the asphalt it uses to pave its roads from Virginia Paving and the vast majority of that asphalt is produced at the company's Alexandria facility. The Virginia Department of Transportation (VDOT) and Arlington County also obtain asphalt from this Virginia Paving facility. Projects in which Virginia Paving operated as a paving contractor include the Dulles Toll Road, the George Washington Memorial Parkway, and Interstates 395 and 66.

II. APPROVAL HISTORY

A. Pre-2006 Approval History

City Council first approved Special Use Permit #398 to allow operation of the asphalt plant use on April 12, 1960. The 1960 SUP contained few conditions overall but did include a limitation that trucks could not enter or exit the plant during overnight hours, during inclement weather, or on Sundays and holidays. The use operated for many years under the 1960 SUP approval with no recorded complaints. Newton Asphalt operated the plant under the 1960 SUP approval without any recorded complaints until 2001, at which time Virginia Paving, a subsidiary of Lane Construction Co., acquired it.

The accessory oil processing/storage facility is believed to have begun operation in the early 1980s. Following the start of that operation, City Council approved SUP#1543A in July 1983 for the operation of a used solvent storage facility, which was described in that staff report as being an extension of the already-existing oil processing and storage facility. A distinction was made in the report between the processing/storage of oil and the storage of solvents. City Council also approved SUP#2487 in May 1991 for the installation of two office trailers in connection with the oil processing/storage and solvent storage facility. One trailer continues to exist on the site today.

In the early 2000s, City staff began receiving an increasing volume of complaints regarding the operation of the asphalt plant. The complaints at that time primarily concerned odors and other air quality issues. Staff found several violations of both SUP-related and non-SUP related regulations on the property as part of its investigation, including the operation of the plant during nighttime hours in violation of the 1960 SUP. Operation of the use during overnight hours was, according to the applicant, necessary given its contracts with government agencies (including the City of Alexandria and the Virginia Department of Transportation) that required overnight paving to limit interruptions to commuters. Lane Construction subsequently filed for an SUP amendment to allow overnight operations at the plant.

B. Special Use Permit #2005-0042

The SUP amendment, although precipitated by the applicant's non-compliance, presented a critical opportunity to comprehensively review the operation of the use both generally and in response to complaints the City had received over the preceding few years. Although environmental aspects of the asphalt plant are regulated in large part by the Commonwealth of

Virginia, the City sought to require several improvements through the SUP amendment that would result in a cleaner environment for the community. Staff analyzed several aspects of the asphalt plant use and its impact on surrounding properties. Extensive environmental testing and analysis was required to have sufficient data to respond accurately and fully to citizen concerns and to have a basis for crafting SUP environmental conditions. City staff also participated in extensive community outreach over an approximately 18-month period between the submission of the SUP amendment in March 2005 and first consideration of the request at public hearings in October 2006.

On November 28, 2006, City Council approved SUP #2005-0042 to amend the original 1960 SUP approval to allow nighttime plant operations for up to 110 working days each year (typically during the high-volume paving season between April 1 and November 1) and only for government projects. Dozens of new conditions were included within the approval, whereas very few existed before, to require improvements at the asphalt plant. The SUP amendment included many new controls on plant operations, such as a lower annual production limit (to the current 980,000 tons/year) and limitations on hourly, daily, and overnight production. Extensive site improvements and environmental upgrades to asphalt equipment were required, as described in the next section of this report, to lessen the impact of the plant operations on the surrounding residential neighborhoods and the environment. These upgrades addressed matters including air quality, odors, noise, stormwater treatment, and aesthetics/landscaping.

During its consideration of the SUP amendment in 2006, City Council expressed concern about the potential for the continued operation of the asphalt plant use to hinder future redevelopment and other planning efforts at and around the Virginia Paving site. This concern was amplified given that a new long-range planning effort was anticipated to occur in the near future in the Eisenhower West area. In response, staff recommended that an expiration date or sunset clause should be added as a condition of approval. The outcome of that recommendation is the condition central to this SUP review, Condition #75. Detailed discussion of the condition language, which has remained unchanged since it was first added 13 years ago, is provided in a later section of this report.

C. Site / Operational Improvements (2006-2009)

Following approval of the SUP amendment in November 2006, Virginia Paving installed a significant number of equipment improvements at the plant. The major purpose of installing the new equipment, which was mandated through condition language of SUP#2005-0042, was to improve air quality and to reduce odors and noise. Improvements at the site that occurred from approximately 2006 through 2009 included the following:

- Installation of a Blue Smoke control system to control particulate matter at the top of the storage silos;
- Installation of low NOx burners on the drum dryers;
- Installation of vent condensers to control asphalt storage emissions;
- Installation of Fugitive Emissions Control Systems on the loadout and asphalt mix conveyor system;
- Installation of particle traps on all on-site engines, front end loaders, trucks and other

diesel equipment owned and operated by Virginia Paving;

- Increase in the height of the drum dryer exhaust stack to 20 meters;
- Increase in the height of the hot oil heater exhaust stack by six meters;
- Installation of a particulate matter emission control system at the Recycled Asphalt Pavement (RAP) crusher;
- Paving of the truck asphalt area at the eastern end of the site to reduce fugitive dust;
- Installation of a water sprayer and enclosure to reduce fugitive dust;
- Replacement of their 50-year old locomotive engine with a trackmobile (or railcar mover) that requires little warm-up time and idling; and
- Installation of best management practices (BMPs) for stormwater treatment.

Virginia Paving also made landscaping improvements along Backlick Run to stabilize its section of the streambank. A 35-foot vegetative buffer was created between the top of the bank and the eastern-most recycled asphalt pavement (RAP) pile. Within the 35-foot buffer, native trees and shrubs were planted and a Stormwater Management Facility installed to capture and treat stormwater runoff from the site. A berm was created between the RAP pile and the buffer and additional improvements were depicted on the required landscape plan and installed at the site.

In addition to site-specific improvements, Virginia Paving was required to conduct significant community outreach in the years following 2006. The Virginia Paving Liaison Committee was established to promote communication between the asphalt plant and the community, to monitor compliance with the SUP conditions, and to ensure that any complaints were adequately addressed. Comprised of members from various civic associations and other interested parties in the West End, the Liaison Committee conducted ten public meetings over the course of three years. Although the Committee ended its formal work by mutual understanding in 2010, Virginia Paving has continued to hold community meetings as required in its approved Special Use Permit.

D. Natural Gas Fuel SUP Amendment

One issue that had been discussed as part of the 2006 SUP amendment was the potential to change the type of fuel used at the site from No. 2 Fuel Oil to natural gas. Although preferred by staff and the community as a more environmentally friendly alternative, the applicant was not able to commit to using natural gas at the time of the SUP amendment. In subsequent years, and particularly through discussions in the Liaison Committee, Virginia Paving ultimately agreed to switch its fuel source. Given the extensive community outreach on the matter over the course of several years, including the agreement of the Liaison Committee, City staff advised the applicant that it could apply for Administrative Special Use Permit approval to amend various conditions to allow either natural gas or the original No. 2 Fuel Oil to be used at the site. Staff administratively approved SUP#2010-0014 on May 12, 2010 to allow this change. This SUP, into which nearly all the previous SUP conditions of approval were brought forward unchanged including Condition #75, represents the most recent approval for the asphalt plant and remains in effect today.

E. Recent Events

The Eisenhower West Small Area Plan, in which the Virginia Paving site is located, was adopted on November 14, 2015. Staff began its review of the Virginia Paving SUP as provided for in Condition #75 in the fall of 2017. As noted in a later section of this report, it has provided regular updates to the Eisenhower West – Landmark/Van Dorn Implementation Advisory Group (“Advisory Group”) and informed other stakeholders regarding the docketing of the case.

In December 2018, Lane Construction sold its entire paving division, including all of its Virginia Paving plants and several plants in other states. The buyer, Eurovia Atlantic Coast LLC, is a North Carolina-based subsidiary of Eurovia, a multinational company. Although the applicant notified staff of this change, no change of ownership SUP application was required since the prior SUP approvals did not include such a requirement.

A timeline of recent events connected with the SUP review and encroachment request are as follows:

• November 2015	Adoption of Small Area Plan
• October 2017	First update to Advisory Group
• January 2018	Meeting with applicant
• May 2018	Preliminary air quality analysis results reviewed
• Spring & Fall 2018	Updates to Advisory Group
• September 2018	Updated air quality analysis results reviewed
• February 2019	Staff update to Cameron Station Civic Association
• May 2019	Preliminary ENC submission received
• May 2019	Staff update to Advisory Group
• July 2019	Final ENC submission received
• August 2019	Additional air quality analysis (Greenhill North CDD)
• August 2019	Additional outreach to civic groups
• September 2019	Most recent staff update to Advisory Group
• September 2019	Applicant Community Meeting

III. ENVIRONMENTAL REGULATIONS

A. State Air Quality Operating Permit

Virginia Paving emits certain pollutants into the air through its production of asphalt, namely nitrogen oxide (NO_x), carbon monoxide (CO), volatile organic compounds (VOCs), sulfur dioxide (SO₂), and particulate matter (PM). Particulate matter occurs in the form of small, inhalable particles of stone and sand (dust) that can be emitted from a variety of sources at the plant, including virtually all activities involving the handling and storage of aggregate. Given these emissions from asphalt production and related equipment, the facility is subject to the federal New Source Performance Standards (NSPS) for the control and abatement of air pollution, which are administered by the Virginia Department of Environmental Quality (VDEQ). VDEQ requires the issuance of a minor New Source Review permit, also known as the

state air quality operating permit, for the facility. The most recent permit that VDEQ issued to Virginia Paving occurred in February 2018. The permit contains 47 conditions that set limits on production and emissions from major equipment, and that specify the type of equipment use and methods for record keeping and reporting. The permit allows an overall annual production limit of 980,000 tons of asphalt each year, based on the prior circumstance of two “plants” operating at the site. The annual limit in the permit for only Plant 1, which is the only plant still operating today, is 810,000 tons each year. The 980,000-ton limit represents a reduction from the 1,500,000 tons/year limit contained in an older version of the permit approved prior to the 2006 SUP.

Some of the key conditions aimed at protecting public health and the environment in the state operating permit include the following:

- Particulate emissions from the drum dryer shall be controlled by a fabric filter baghouse.
- Emissions of nitrogen oxides from the dryer shall be limited through the use of a low-NOx burner.
- Air pollutant emissions from the drum dryer shall not exceed the limits specified below:
 - NOx -0.024 lb/ton asphalt production
 - CO – 0.082 lb/ton
 - VOCs (volatile organic compounds) – 0.03 lb/ton
 - SO₂ – 0.0034 lb/ton
 - PM₁₀ (Particulate matter smaller than 10 microns; filterable and condensable) – 0.036 lb/ton
 - PM_{2.5} (Particulate matter smaller than 2.5 microns; filterable and condensable) – 0.036 lb/ton
- Emission limits are also established for the asphalt heaters and the RAP screen engine.
- Although not routinely required, the operator shall conduct additional performance tests to demonstrate compliance with the emission limits contained in this permit upon request by VDEQ.

B. State Stormwater Permit

In addition to environmental regulations regarding air quality, the Commonwealth of Virginia also requires approval of a stormwater permit, known as a VPDES General Stormwater Permit, for a variety of industrial facilities including Virginia Paving. VPDES is the state program under the Clean Water Act’s NPDES (National Pollutant Discharge Eliminations System) program that covers a variety of instances of pollutant discharges into bodies of water. The purpose of the regulations as they apply to Virginia Paving is to ensure that stormwater runoff from this industrial facility does not negatively impact water quality at surface waters surrounding the site.

When stormwater runoff occurs from an industrial site to a body of water, such as Backlick Run, this discharge point is called an outfall. The permit holder is required to meet specific discharge characterization requirements of the discharged water into the water body. The specific requirements are written into the permit, after which the permit holder must show compliance through monitoring. The General Stormwater Permit for Virginia Paving covers two stormwater outfalls from the site into adjacent Backlick Run.

As a result of a change to permit requirements in 2014, the plant (like others in Virginia) was subject to additional monitoring of total phosphorus and total nitrogen for the first time in an effort to reduce the concentrations of such materials in Chesapeake Bay. The applicant provided its first report on the matter to the VDEQ in 2016. In response, VDEQ required the applicant to make a few minor maintenance-related improvements to its stormwater Best Management Practices (BMPs) to better protect Chesapeake Bay. The status of its monitoring activities and improvement actions are reported to the VDEQ on an annual basis.

C. Special Use Permit Conditions

Through its land-use authority on Special Use Permit approvals, the City has also imposed extensive conditions on the asphalt plant starting with the 2006 SUP approval. The purpose of including these SUP conditions is to address potential land-use impacts, such as odors and noise, and to support the state environmental requirements through, for instance, additional testing and monitoring of environmental matters. The overall goal is to achieve a level of operations that is less impactful on neighboring uses and to further ensure compliance with various regulations.

With regard to air quality, the City has imposed several conditions to reduce air pollution or that have helped to control nuisances. For example, the SUP requires the applicant to more regularly test air pollutants from its operations and to report its findings to the City. Condition #15 requires stack testing for TSP every two years and Condition #25 currently requires a stack test for all other criteria emissions every five years whereas the state does not require regular testing. Perhaps most notably, several conditions of the 2006 SUP required the installation of best available control technology (BACT) for emissions, as noted previously in this report, to either improve air quality in general or to reduce the potential for odors. The equipment installed included “blue smoke” filter technology to control odors at the asphalt storage silos (Condition #11), new burners that would release less NO_x into the air (Condition #12), an increase in the stack heights for the drum dryer/mixer and the hot oil heater (Conditions #17 and #18), and the installation of an emissions control system at the RAP crusher (Condition #19). The applicant was also required to reduce fugitive dust at the site by paving certain areas that were previously unpaved (Condition #22) and regularly spraying the site with water (Conditions #21, #23 and #24).

Conditions imposed to control nuisance noises include Condition #40 which requires active reminders to truck drivers to not bang their tailgates when depositing RAP on the pile closest to the South Van Dorn Street bridge. Condition #38 prevents the applicant from allowing deliveries to the RAP pile from trucker drivers during overnight hours and Condition #39 requires the applicant to install special back-up alarms on its trucks that sense ambient noise levels. Condition #42 limits truck engine idling to five minutes. The applicant is restricted from handling aggregate delivered to the site via railcars to only to daytime hours in Condition #37. Condition #51 required Virginia Paving to replace its locomotive, mostly due to oil leaks. The replacement machine, a trackmobile, is quieter and more environmentally friendly.

The City also required, through the 2006 SUP, the installation of stormwater management BMPs (best management practices). It also required Virginia Paving to move its eastern-most RAP pile farther away from the Backlick Run streambank (and farther out of the RPA) and to install a

landscaped buffer. None of the BMPs or the moving of the RAP pile were required under the VPDES General Stormwater Permit, although some overlap may be present with the more recent changes the applicant has made at the site in response to the previously-mentioned initiative to reduce phosphorous and nitrogen concentrations in stormwater outfalls at the site. The SUP was therefore the primary mechanism through which stormwater improvements were mandated at the Virginia Paving site.

IV. COMPLIANCE

A. Annual SUP Inspection

The City's approach to enforcement at Virginia Paving since 2006 has involved an annual SUP inspection (rather than every three years as is common for other SUPs), the specific review of its environmental compliance including special PM-10 air pollutant monitoring, and a unique complaint reporting system that relies on initial responses from the applicant with City oversight. The annual inspections, the most recent of which occurred on August 22, 2019, are conducted as a coordinated effort including representatives from the Departments of Transportation & Environmental Services, Planning & Zoning, Code Administration/Fire Marshall's Office, and the Health Department. The annual inspections involve at least one site visit, the review of all SUP conditions, and a review of the various reports that the applicant is required to provide, including the results of its stack testing.

In the years since 2010, no violations of the SUP conditions have been found during these annual inspections, with two exceptions. The first exception is that staff determined early in its review of the current case that the applicant had not filed a request for an encroachment of public right-of-way for the parking area south of the office building as required by Condition #73 of SUP#2010-0014. The applicant later submitted an encroachment application (ENC#2019-0004) for this area, as well as a second area of Courtney Avenue right-of-way, to satisfy the condition requirement. That encroachment request is anticipated to be scheduled at public hearings in the near future as a separate case. The second matter relating to SUP compliance is that staff has discovered that the applicant has also not satisfied Condition #69, which required that it provide the City with an option to obtain a public access easement for a new trail on the applicant's property along Backlick Run. Staff has addressed this matter by continuing to require the applicant to record this option.

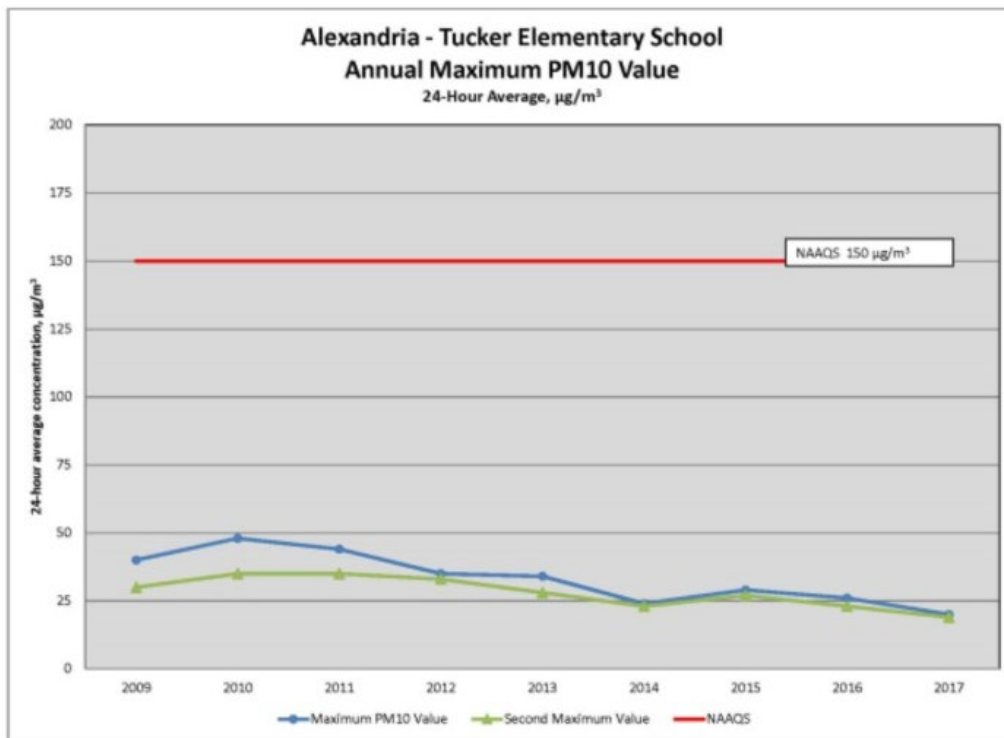
B. City Environmental Compliance

As part of the annual SUP inspections, City staff has either inspected for or received records regarding the applicant's compliance with City-specific environmental regulations. With regard to stormwater BMPs, City staff has inspected stormwater BMPs on-site and the landscaped buffer between the RAP pile and Backlick Run and has not found any problems with their operation in recent years. The applicant has also provided staff with the results of its stack testing for the drum dryer/mixer as required by conditions of the approved SUP. Stack testing of NO_x, CO, SO₂, PM-10, and PM-2.5 is currently required every five years and stack testing of TSP (which includes PM-10 and PM-2.5) is required every two years. The most recent stack test occurred in July 2018 and included all of the above-referenced items. The test results show that

air pollutants levels for each of the previously-mentioned pollutants are below the standards set by the state air quality permit.

In addition, the City operates a PM-10 monitoring station in Boothe Park, adjacent to Samuel Tucker Elementary School. The purpose of this monitoring station is to analyze concentrations of PM-10 that might be caused by the asphalt paving operation more generally and whether such pollutants could have an adverse impact on the health of children attending the school and those living nearby. TES staff, in collaboration with the VDEQ and based in part on funding from Virginia Paving consistent with Condition #78, has operated a monitor at this location since 2004. The results from the period of 2004-2006 showed that, even prior to the installation of various air quality control equipment at the site as required in the 2006 SUP, the emissions from Virginia Paving were below the National Ambient Air Quality Standard (NAAQS) limits for PM. As a result of this equipment, and as demonstrated in Figure #2 below, the Virginia Paving plant has emitted even less PM-10 in the period since 2009. In the most recent year shown in the graph below, 2017, the concentration of PM-10 measured at the monitoring station is less than 25 $\mu\text{g}/\text{m}^3$ compared to the EPA-specified NAAQS of 150 $\mu\text{g}/\text{m}^3$.

Figure #2: Annual PM-10 Concentrations



C. Post-2010 Complaint History

The third component of the City's enforcement approach at Virginia Paving is that the applicant has been required since the approval of the 2006 SUP to operate a 24-hour complaint hotline to which residents may register complaints about the operation of the asphalt plant. Complaints may also be made directly to the City. For those issues raised via the hotline, the applicant is required to log-in and investigate the complaint. They must also inform City staff of the

complaint and the steps taken to correct the problem.

Complaints received about Virginia Paving have been generally divided into verified and non-verified categories. Such a determination is important given that some odor and noise complaints, for example, can be attributed to other sources. Such instances are common at Virginia Paving, with several complaints over the years having been recorded at times when the asphalt plant is not operating. Non-verified complaints include those that could not be observed or were observed but not attributable to Virginia Paving for a variety of reasons. A verified complaint is one that is observable by another individual upon further investigation and/or reasonably attributable to Virginia Paving.

A verified complaint is not necessarily one that constitutes an explicit violation of SUP conditions. City staff investigates such verified complaints in conjunction with the applicant and requests remedial action if necessary, regardless of whether the matter observed is a violation. Staff is prepared to issue violation tickets if necessary, whether for a single violation or if any patterns of problems should emerge. Particularly in the last several years, the applicant has been very responsive to complaints and City staff has only issued one violation ticket since the approval of the last SUP in 2010. That ticket, issued in 2012, was later rescinded. The general enforcement approach used for Virginia Paving has improved communication and has allowed for the quicker resolution of single verified complaints before the City needs to take any further punitive measures. Figure #3 below describes the number of complaints received about Virginia Paving each year since and including 2010, the year of the last SUP approval.

Figure #3: Virginia Paving Complaints Received Since 2010

Year	Verified Complaints	Non-Verified Complaints	Total Complaints
2010	4	6	10
2011	3	7	10
2012	5	9	14
2013	1	9	10
2014	3	14	15
2015	4	10	14
2016	0	5	5
2017	1	1	2
2018	1	0	1
2019 YTD	1	0	1
TOTAL	23	61	82

Several points can be made about the history of complaints to the City about Virginia Paving since 2010. The first is that complaints have been relatively low in number overall and notably dropped after 2015. Only nine complaints have been made to the City in the last three years and only three of them have been verified. Another important point is that verified complaints represent a small percentage of the overall number of logged complaints. The verified complaints appear to fall into two major categories: noise and odor. Noise complaints appear to be related to the sound of truck tailgates banging closed when RAP is delivered to the pile closest to South

Van Dorn Street. These complaints were the most common between 2010 and 2012 and again since 2017. The most common complaint found between the years between 2013 and 2015, and observable elsewhere in the data, are odors. The most notable example of such complaints occurred in the fall of 2014, when City staff verified that excessive odors were attributable to the accessory oil processing facility at the site. That tenant was required to take several actions to remedy the problem, including certain operational changes and the changing of various filters that had not been changed. Complaints about that facility have not received by the City in subsequent years, and oil recycling operations have since ceased, with only the oil storage function remaining.

D. State Environmental Compliance

The Virginia Department of Environmental Quality has inspected the Virginia Paving facility approximately every two years (in 2011, 2013, 2015, and 2018) since the adoption of the most recent SUP in 2010. At the first of these four inspections, in 2011, the applicant was found to have installed a screen at its RAP crusher equipment without the required approval of an air quality permit amendment. It also did not have certain reporting results available at the site for VDEQ. A warning letter was issued and the matters were corrected to the satisfaction of VDEQ within approximately six weeks. The State did not describe these matters as constituting violations of the air quality permit.

One violation of the VPDES General Stormwater Permit, regarding an unauthorized discharge of stormwater at Virginia Paving, was documented in September 2011. It appears that a significant rain and flooding event caused the unintentional release of a chemical into floodwaters. Minor spills of fuel and fluids in 2015 and 2018 were also reported to VDEQ but were contained prior to those materials reaching any bodies of water. VDEQ has also worked with the asphalt plant in the last few years to amend its Stormwater Pollution Prevention Plan (SWPPP) to reach benchmarks for pollutant loads in stormwater consistent with VDEQ recommendations.

V. ZONING & MASTER PLAN INFORMATION

A. Zoning

The property is located in the I / Industrial zone. Section 4-1203(A) of the Zoning Ordinance allows an asphalt plant in the I zone only with a Special Use Permit. Although the matter of an amortization schedule from Section 12-214 of the Zoning Ordinance is raised Condition #75 of the approved SUP, it should be noted that the asphalt plant use is not a nonconforming use.

Existing improvements at the site predate the requirements for site plan approval (first required in approximately 1962) and for the provision of off-street parking (first required in 1963.)

B. Eisenhower West Small Area Plan

Previously located within the Landmark/Van Dorn Small Area Plan, the project site was included within the new Eisenhower West Small Area Plan upon that Plan's adoption on November 14, 2015. As described in greater depth later in this report, the asphalt plant use is inconsistent with

the Plan, which specifically recommends the redevelopment of the plant along with other heavy industrial sites in the area. The Plan recommends a mix of residential, office, and institutional uses for the project site a variety of Plan-wide improvements that involve the use of part of the site. Such improvements include the establishment of a linear park along Backlick Run and the construction of a multimodal bridge in the vicinity of the asphalt plant.

VI. CONDITION #75 DISCUSSION

1. Condition Language

Condition #75 of the existing SUP is the central reason for the SUP review case under consideration. The main function of condition, which was first added as part of the 2006 approval, is as a potential sunset clause to either limit or close-down the operation of the asphalt plant use. However, potential closure of the Virginia Paving plant could only occur after an analysis of an important land-use question contained in the condition language itself.

The entirety of Condition #75 has been quoted below. The first part of the language, highlighted in blue, contains the central land-use question. The second part pertains to when the SUP review should occur and is highlighted in purple. The third and fourth sections specifically anticipate options for the operation or closure of the asphalt plant use once the central question has been answered. Staff has highlighted the former language in orange and the latter language in green, with an important caveat to the second option highlighted in red.

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.

2. Land-Use Question

The land-use question highlighted in blue in the condition language asks whether the continued operation of the asphalt plant use would be consistent with: 1) the Eisenhower West Small Area Plan and 2) the ensuing and foreseeable development/redevelopment around the site. The first question is whether an asphalt plant is a land use that is inconsistent with the planned land use for the Virginia Paving property. The second question is whether the asphalt plant is consistent with the redevelopment of neighboring properties. If either (or both) conditions are inconsistent with the Small Area Plan, then Condition #75 envisions that a sunset date would be set.

In its approval in 2006, City Council envisioned the possibility that the continued use of the site as an asphalt plant, even one that was expected to improve its operations through the imposition of dozens of new, stricter SUP conditions, might negatively impact implementation of the Plan. It was also mindful of the general potential for the asphalt plant, as a heavy industrial use, to negatively impact development or redevelopment that may occur after the 2006 approval. The condition language envisioned that the Eisenhower West Small Area Plan would be approved in approximately 2009, and that the review would occur on or about three years from the approval date of that Plan.

3. Timeframe for SUP Review

Condition #75 also includes a timeframe, highlighted in purple above, in which the SUP review should occur, which is: “on or about three years from the adoption of the SAP.” With adoption of the Eisenhower West SAP occurred in November 2015, the review is therefore stipulated for on or about November 2018.

In recent weeks, the owner of the Virginia Paving plant has shared with staff and the community its belief that the scheduling of the SUP review at public hearings in October 2019 instead of November 2018 does not meet the standard of “on or about” three years from the SAP adoption. It contends that the SUP review is too late and that City Council no longer has the authority to conduct the review.

Staff does not agree that the SUP review has occurred too late or that City Council no longer has authority to conduct the review. The language in Condition #75 was not specific about when the review should occur, only stating that it should be “on or about” the three-year mark. Furthermore, no language was included stating that the review would be null and void if it did not happen by a certain date. On the contrary, the condition language specifically allows for future SUP reviews even if City Council finds the use to be consistent with the Eisenhower West SAP and ensuing and foreseeable development. Therefore it cannot be said that November 2018 was automatically intended to be the final opportunity to weigh in on the land-use consistency question. Finally, as a practical matter, staff has previously noted in this report that its work on the case began in Fall 2017. The applicant has been aware of the work on the review since approximately that time as well.

4. Condition #75 Timeframe for Continued Plant Operation / Plant Closure

Condition #75 provides two main options regarding the operating status of the Virginia Paving asphalt plant depending on City Council’s determination regarding the land-use question. If City Council determines that the use is consistent with the SAP and area development, the condition

allows for the use to continue operation under various conditions and, if City Council so desires, a new/revised sunset date. If Council determines that the use is not consistent, the condition provides for the future closure of the plant but allows for its continued use for a limited period of time. The earliest the plant could close, or the minimum amount of additional operating time for the plant in this scenario, is seven years from the adoption of the Small Area Plan. Based on the SAP approval date of November 14, 2015, the effective minimum closure date for Virginia Paving would be November 14, 2022 – or approximately three years from today.

The latest the plant could close (or the maximum amount of additional operating time) provided for in the condition if the use is deemed not consistent with the SAP and area development, is a theoretical range of future dates rather than a date certain. That range starts at seven years and ends at whatever longer period the applicant might demonstrate to City Council is necessary for it to recoup various investments it may have made at the plant in the years preceding the 2006 SUP approval. A very similar allowance – at least seven years or a longer period if demonstrated – is provided for nonconforming uses at Section 12-214 of the Zoning Ordinance. The concept has been borrowed from this section of the Zoning Ordinance and applied to Virginia Paving even though the asphalt plant is not a nonconforming use. Finally, an important caveat to this timeframe is included within Condition #75 and highlighted in red on the previous page. It states that no investments made after the 2006 SUP approval (when the condition was first crafted) may be counted in the applicant's analysis. The applicant has not shared with staff any amortization-related concerns it has in relation to the question of how much additional time the Virginia Paving plant should operate prior to closure.

5. Alternative Timeframe for Continued Plant Operation / Plant Closure

Notwithstanding the previously-discussed minimum and maximum additional operating time for the asphalt plant (after which it would close), City Council has the authority to approve an alternative timeframe instead. The authority for such an alternative timeframe is based on the idea that City Council is the legislative body that imposed the requirements of Condition #75 in 2006 and could now impose something different, within certain limits. One limitation is that, given the concept of “vested rights,” the alternative timeframe could not be stricter than the minimum amount of time (November 2022) that the applicant would be allowed under existing Condition #75. Staff does not believe, for example, that Council has the ability to immediately terminate the SUP and require immediate closure of the plant. Another limitation is that it is advisable for City Council to have a reasonable explanation for any alternative timeframe that it might want to approve.

PART 3 – ANALYSIS

I. SUP REVIEW

Although the background of the Virginia Paving site is extensive, the central reason for this SUP review is the land-use question contained within Condition #75. Staff's conclusion regarding this question is that the continued operation of the use is not consistent with the Eisenhower West Small Area Plan or the development/redevelopment in the area. The reasons for this conclusion as outlined in this section of the report are: A) the guidance provided by the SAP, which includes five major topics and B) the ensuing and foreseeable development in the area that has either occurred since 2006 or is expected to occur in the future.

Based on this finding, staff has recommended a closure period of seven years from the adoption of the Eisenhower West SAP, which is approximately three years from today. Staff has also considered certain additional matters that, although not directly provided for in the Condition #75 language, may be useful in Council's consideration of this SUP review. Those matters are: the fiscal impact to the City from the plant's closure, including potential changes to tax revenue and City costs; the environmental changes that might be expected upon the plant's closure; and the loss of benefits to the community that Virginia Paving provides.

A. Small Area Plan Recommendations

The first part of the question posed in Condition #75 requires an analysis of whether or not the asphalt use is consistent with the Eisenhower West Small Area Plan (SAP). The clear answer to this question, after an analysis of the existing use in comparison to the goals and recommendations of the SAP, is that the use is not compatible with the Eisenhower West SAP. Staff has focused its analysis on the specific recommendations in the Plan for the Virginia Paving site and several plan-wide elements that would be affected by the continued operation of the asphalt plant.

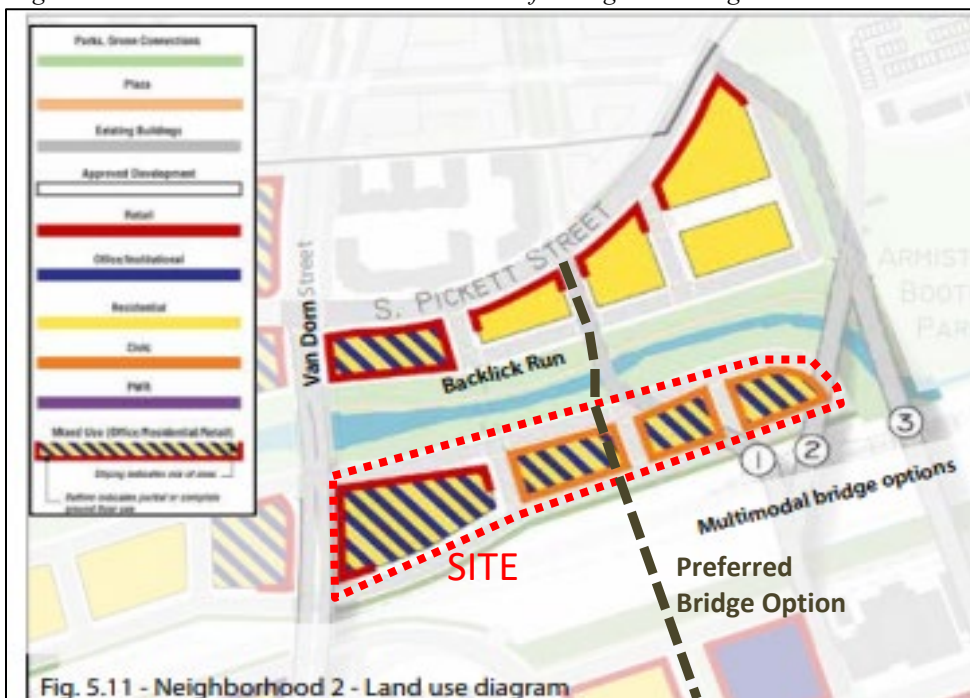
1. Site-Specific Recommendations

The first of these recommendations concerns the future use of the property. Significantly, the Plan provides an explicit statement about the existing Virginia Paving use and its compatibility on Page 32 as follows (emphasis and brackets added):

While currently an important source of asphalt for the City of Alexandria, a site [Virginia Paving] so close to a Metrorail station should be redeveloped in the future into a more compatible use.

The Plan contains a specific vision for what should replace the Virginia Paving plant as shown in Figure #4. It recommends a mix of residential or office uses that includes retail/commercial and recreational/civic uses on the ground-level of the new buildings. The new buildings are recommended on smaller blocks served by a new street grid and at heights generally measuring between 10 and 15 stories.

Figure #4: EW SAP Land-Use Recommendation for Virginia Paving Site



2. Maximum Building Heights

The Eisenhower West Small Area Plan also contains recommendations regarding maximum building heights in the Plan area. As a general matter, building heights would relate to their proximity to the Van Dorn Metro Station. The tallest maximum heights, of 20 stories (between approximately 200 and 300 feet), are closest to the Van Dorn Metro station and the lowest maximum heights, of seven stories (approximately 70-105 feet) at locations farthest away from Metro. Out of concern that some of the tallest buildings in the Plan area may not be achievable due to ambient air quality at those levels in the atmosphere, the City has commissioned an air quality study, the results of which have been presented at community meetings.

The two pollutants targeted for study in the air quality analysis were NO_x and PM_{2.5}, the latter of which was of concern in connection with the Virginia Paving operation. The PM_{2.5} model in the study showed that, if the Virginia Paving plant emitted PM_{2.5} at levels allowed under the state operating permit, PM_{2.5} concentrations in the air would significantly exceed the allowances for that pollutant in both the 24-hour and annual National Ambient Air Quality Standards for buildings recommended to be over 175 feet in height in the area to the north of the plant, spanning both the Eisenhower West and Landmark-Van Dorn Small Area Plans. This exceedance would occur only at future buildings constructed in the Plan area as opposed to existing buildings. Nonetheless, a significant inconsistency between the SAP and the continued operation of the asphalt plant would exist if no buildings recommended for heights above 175 feet could be built due to air quality concerns caused by Virginia Paving. An opportunity exists to impose a stricter PM_{2.5} standard than allowed under the state operating permit in order to address this issue. However, given that staff is recommending only three additional years of operation at the plant prior to closure, and the earliest that any new buildings above 175 in height

could be approved and constructed in the Plan area would be about three years, it has not included a new condition in this report now.

3. Resource Protection Areas

Another important goal of the Eisenhower West SAP is environmental sustainability. One recommendation in the Plan to achieve that goal is to improve stormwater management through the removal of existing structures and impervious surfaces located within existing Resource Protection Areas (RPAs) to the greatest extent possible. The removal of such structures and surfaces, which typically pre-date the adoption of the existing RPA regulations in 1992, would help allow the 100-foot buffers otherwise required around perennial streams such as Backlick Run to function as they were intended: as areas of natural stormwater treatment. The Virginia Paving site, which includes a significant amount of RPA given its position along Backlick Run, has improved its stormwater treatment over the years through SUP requirements for stormwater BMPs and the moving of its RAP pile away from the streambank. The area left behind, all of which is located within the RPA, was then landscaped to serve as a natural buffer. Although this improvement is helpful, a portion of the RPA at the site continues to be covered by impervious surfaces and the accessory oil recycling/storage facility. The continued presence of these elements of the use at the site are inconsistent with the Eisenhower West SAP.

4. Backlick Run Greenway

The Plan also envisions the establishment of a network of new open spaces throughout the Plan area. Perhaps the centerpiece of the park-related recommendations in the Plan to meet that goal is the creation of a new linear park, often referred to as the Backlick Run Greenway. The park is envisioned to be located along both the northern and southern banks of Backlick Run, the latter of which forms the effective northern border of the Virginia Paving site. The park is generally expected to coincide with the location of the RPA at the site, or approximately 100 feet onto the site from the streambank. The continued operation of the asphalt plant use would not be consistent with the Plan's vision for a linear park in this area for two reasons. The first reason is that a portion of the asphalt plant operations, especially the accessory oil recycling/storage facility, is located in the area that is recommended to be parkland. Second, in the unlikely event that a park could be created on a portion of the applicant's property while the asphalt plant continues operation, land-use conflicts could emerge between the heavy industrial use and narrow, linear park in close proximity to each other. These land-use conflicts, such as noises from trucks and asphalt production equipment, could be damaging to the intent and function of the space as a park.

5. Multimodal Bridge

Another important Plan-wide goal in the Eisenhower West SAP is to enhance transportation options and connectivity in the area. Perhaps the most-discussed recommendation to meet that goal is the construction of a new "multimodal bridge" that would serve vehicular, pedestrian and bicycle transportation needs for this portion of the City. The construction of such a bridge between Eisenhower Avenue and South Pickett Street, to the east of South Van Dorn Street, is a long-standing community planning goal, having been first contemplated in the 2009 Landmark-Van Dorn Corridor Plan. Two purposes of the bridge are to provide an alternative north-south route in the area to support future redevelopment and improve access to the Van Dorn Metro Station. Three main options for its location were included in the Plan, with the leading option (an

amended location compared to those shown in the Plan that has been referred to as the “Norfolk Southern option”) directly bisecting the Virginia Paving site. Although the exact route through the site would still need to be determined in future design phases, it is presumed that the bridge and the asphalt plant could not co-exist as it is currently operating.

Although full funding for the multimodal bridge has not been dedicated and costs have exceeded expectations, these funding challenges do not negate the important land-use question raised here. The continued operation of Virginia Paving would impede the construction of one of the important transportation-related recommendations of the Plan and therefore represents an inconsistency of the type posed in Condition #75.

The SAP recommends that the multimodal bridge be built prior to the construction of approximately seven million square feet of new construction in the vicinity. If the bridge is not constructed in this location or is delayed due to the continued operation of Virginia Paving, the amount of new construction advisable in this area would be either delayed or would be capped. In such a scenario, the absence of the new bridge would not only be an inconsistency in its own right but would create a second, related inconsistency: the delay or prevention of the full build-out of the redevelopment envisioned in the Eisenhower West Small Area Plan.

B. Ensuing and Foreseeable Area Redevelopment

Having answered the first question posed in Condition #75 of the prior SUP approval, the second part requires an analysis of whether the asphalt plant is consistent with “the ensuing and foreseeable development or redevelopment in the area.” Importantly, the question is not focused on the question of the redevelopment of the Virginia Paving site itself. Instead, the purpose of the inclusion of this question in the condition language is to assess the impact of the use on the area around the Virginia Paving site. It accomplishes this goal by asking about the pace of redevelopment in the area from a practical perspective and whether the asphalt plant remains an appropriate use within that potentially changed neighborhood. If no redevelopment projects had been approved or built since 2006, and the character of the area remained largely industrial and commercial, the chances for land-use conflicts may not increase compared to what was known 13 years ago. On the other hand, if several new development projects had been approved or built since 2006, some potential for increased land-use conflicts could exist between the asphalt plant and new uses, particularly if the new uses are residential. The potential for increased land-use conflicts could also be a disincentive for new development projects and therefore a hindrance to the implementation of the vision of the Eisenhower West Small Area Plan.

Since the condition was written in 2006, several redevelopment projects have been built, approved, or considered in the area around the Virginia Paving site. Two projects have been built or are nearly complete: Modera Tempo (Landmark Gateway) at the intersection of South Pickett & South Van Dorn, and the three-phase Cameron Park development which has achieved above-grade construction on its last building. The following projects have received City Council approval in recent months: the Greenhill North CDD, Greenhill South CDD, Public Storage CDD, and Victory Center. In addition, plans to redevelop the Vulcan site directly across the South Van Dorn Street bridge from Virginia Paving are in the early stages of staff review. Although redevelopment may not occur at any of the CDD projects in the near term given that

DSUPs still need to be approved prior to the construction of any new buildings, these approvals nonetheless represent “foreseeable redevelopment” in the area in the future.

All of the specific redevelopment projects referenced above are either majority residential or have a significant residential component to them. Heavy industrial uses such as an asphalt plant are not generally compatible with residential uses given their potential for specific land-use impacts such as noise, odors, or aesthetics. Staff acknowledges that Virginia Paving has notably improved its operations since the 2006 approval, due in part to the additional requirements that were placed on it through that SUP case, and no ticketed violations of SUP conditions have occurred since 2010. However, Alexandria residents have nonetheless logged several complaints about the use over the years and several of them have been verified over the years. Even if they do not constitute an express violation of the SUP conditions, verified complaints of odors and noise from the plant can nonetheless have a negative impact on the quality of life of nearby residents.

In addition to an increase in the number of new residential uses built or planned near the Virginia Paving site, so has the proximity of said uses to the asphalt plant. The Modera Tempo and Cameron Park developments have been built an estimated 400 and 750 feet, respectively, at their closest point from the boundaries of the asphalt plant site. More recently, the Greenhill North and Vulcan developments are as close or even closer to the site at 750 feet and 175 feet away, respectively, and Greenhill South site directly abuts the eastern end of the Virginia Paving site. The closer in proximity the residential uses are, the greater the potential for land-use conflicts and quality of life issues of the type discussed previously.

Clearly, the number of majority-residential redevelopment projects and their geographic proximity to Virginia Paving has only increased since Condition #75 was written in 2006. These circumstances of the new and foreseeable development could exacerbate the land-use impacts described above and enhance the incompatibility of the use compared to 2006 or even compared to today. Given that so many projects with a residential component are either built, approved/expected, or seeking approval, and with many of these uses expected to be as close if not closer to the Virginia Paving site, staff believes the asphalt plant is not consistent with the ensuing and foreseeable development in the area.

C. Timeframe for Closure

As mentioned in the background section of this report, Condition #75 provides options regarding the future operation of the use if City Council finds that the asphalt plant use is inconsistent with the Small Area Plan recommendations and the ensuing and foreseeable redevelopment in the area. Those two options are: either closure in November 2022 or closure at a later date that the applicant would demonstrate as being necessary in order to recoup any pre-2006 investments. As stated previously, the applicant has not made any such arguments to staff at all. A third option is that City Council may choose a reasonable alternative timeframe for the continued operation of the asphalt plant, after which it would need to close, regardless of the language in Condition #75.

After considering these options and based on the information available to staff as of the writing of this report, staff recommends that the asphalt plant close in November 2022. On the one hand,

staff recognizes the serious impact that the closure of a business can have, particularly on the business owner. In addition, the Virginia Paving site presents certain challenges that may hinder redevelopment from occurring at the site in the near future. However, the rationale for the November 2022 recommendation, which is the minimum amount of time allowed in the condition, is that the continued operation of the asphalt plant use is very clearly not consistent with the two aspects of the land-use question posed in Condition #75. It is not consistent with the Eisenhower West Small Area Plan, which recommends the redevelopment of the site into a more compatible use that allows for projects such as the Backlick Run Greenway and the multimodal bridge with a broader reach beyond the site. Redevelopment in the area, which has already been built and will continue to be built into the future, includes major residential components that would also not be compatible with the use. In addition, the plant has already been able to operate for six additional years beyond what was anticipated when Condition #75 was written in 2006 because the adoption of the Eisenhower West SAP occurred in 2015 instead of 2009.

D. Additional Considerations

Staff would also like to highlight certain additional matters that, although not directly referenced in Condition #75, may be important factors in the overall SUP review of the Virginia Paving asphalt plant site. These matters are: the fiscal impact of the closure of the facility, the environmental effects that might be expected at the site, and the loss of benefits that the applicant currently provides to the community.

1. Fiscal Impact

The potential fiscal impact to the City of the asphalt plant's closure involves two primary matters: a) the net tax revenue that could be expected from the facility compared to the net revenue that might be expected from a future redevelopment scenario and b) the extra costs that the City might incur by the closure of the facility given that it provides the vast majority of the City's asphalt for the paving of public streets.

Net Tax Revenue

With regard to the first question, staff has used a fiscal impact model to complete an analysis comparing the net tax revenue of the asphalt plant to a future redevelopment scheme for the site. Staff has used the applicant's estimate that the Virginia Paving site contributes approximately \$320,000 in revenue to the City, which is presumed to include real property taxes, business personal property taxes, and business license taxes. Next, the City assumed a development program for the site that is similar in nature to the most recent proposal for the Vulcan site immediately to the west, but that is reduced on a pro-rated basis to account for the smaller size of the Virginia Paving site. Staff believed that this proposal, while still early in the development review process, provides a reasonable estimate of market forces and offers a good comparison given that the site shares geographic similarities (such as general location and the presence of RPA and some areas of floodplain.) The total number of residential units included within the analysis, which featured a mix of multifamily and townhouse units, is 339. Staff included approximately 10,000 square feet of retail space in the proposal as well.

The total tax revenue expected from the asphalt plant, according to the applicant's own numbers, is \$320,000. The costs associated with providing City services to the asphalt plant use is

estimated in the City's fiscal impact model to vary between a minimum of \$5,000 and a maximum of \$70,000. Therefore the net tax revenue from the use is expected to be between approximately \$250,000 and \$315,000.

The total tax revenue expected from the potential residential redevelopment is expected to be \$1.975 million with costs for City services (including school costs) to be approximately \$695,000. The difference between these figures, or net tax revenue, for the new development is projected to be \$1.28 million. Comparing the figures from the asphalt plant to that of the new residential development results in a significant increase in net tax revenue to the City each year of between approximately \$965,000 and \$1.03 million.

Asphalt Paving Costs

The City of Alexandria's (City) Department of Transportation & Environmental Services (T&ES) Public Works Services Division (PWS) is responsible for maintenance and repair activities for all City streets, alleys, asphalt trails, and some parking areas. The City, through the PWS Division, has a contract with Virginia Paving for asphalt maintenance and repair services. Most of the asphalt used for City paving activities is collected at the Alexandria plant. If that plant were to close, two impacts on the City's paving program would be expected: additional costs for purchasing asphalt and new costs associated with hiring an additional work crew.

Fresh asphalt is a perishable product that immediately loses temperature once it is batched from the plant and is in route to a project. Maintaining the required temperature rate during the transportation of the asphalt is critical to the paving process and sustainability of the materials. Whether applying new pavement, if the asphalt loses too much heat, it will be difficult to achieve the final compaction result necessary to ensure a long life, smooth ride and attractive surface. There are many factors that contribute to the loss in temperature of the asphalt including: air temperature, wind, weather, and time. If the asphalt is not delivered and placed in a timely manner, the material is unusable and must be rejected.

Under the City's current contract, Virginia Paving crews must travel to and from the asphalt plant two or three times each day to collect asphalt at the Alexandria plant and deliver it to job sites. The roundtrip drive-time for each asphalt collection ranges from between 18 and 32 minutes. However, if the Alexandria plant were to close, the City would need to obtain asphalt from other plants, all of which are located at greater distance or longer drivetime from the City. Asphalt plants in closest proximity to the City with a similar capacity to the location at Van Dorn Street include: the Lorton/Occoquan location of Virginia Paving, Fort Myer Construction Company (NE Washington, DC), and National Asphalt Paving (Fairfax, VA). The estimated roundtrip drive-times for each of these alternative sources for asphalt are, respectively: 40-80 minutes, 58-125 minutes, and 42-100 minutes.

If the Alexandria plant were to close, the City should expect additional costs for purchasing asphalt as a result of increased transportation costs due to greater drive-times as well as increased costs associated with a potential increase in rejected asphalt deliveries. The PWS Division estimates that service costs would increase by as much as 10%, or up to \$450,000 annually.

Given that work crews are unable to perform maintenance and repair activities without asphalt material, an increase in additional travel time to alternate locations for asphalt collection represents a loss in productivity. In order to maintain the current work schedule for asphalt-related road surfacing activities in such a scenario, additional staff would need to be hired and a vehicle and asphalt transportation equipment would need to be purchased for one full work crew. The estimated cost for an additional asphalt maintenance crew is \$275,000 annually.

2. Environment Benefits

It is also important to note that although some environmental benefits should be expected at and around the site if the asphalt plant were to close, such as stormwater and air quality improvements, these benefits may be small and not easily detectable. With regard to stormwater matters, the chances that chemicals could be spilled on the ground and washed into Backlick Run in a flooding event, such as what occurred in 2011, is reduced to zero. With regard to air quality, there is no question that the plant emits certain pollutants into the air, such as NO_x, CO, and PM, and that those pollutants would no longer be emitted into the air as a result of the closure of the plant. That being said, the facility operates under a state air quality operating permit that tightly controls what pollutants may be emitted and at what levels. The 2006 SUP approval mandated further controls, including the installation of new equipment, to further reduce emissions. Thus, while some environmental benefit should be expected from the closure of the plant, it may not be large or immediately noticeable. The larger benefit that may be expected and observable to the public is the reduction in nuisances for neighbors and about which the City has received complaints over the years, such as odors that may waft over to residences or the banging of truck equipment.

It is also notable that fewer complaints have been recorded in recent years at the plant, and Virginia Paving has won awards for its environmental stewardship. It was the first ever asphalt plant accepted into the Virginia Environmental Excellence Program (VEEP) sponsored by the Virginia Department of Environmental Quality (VDEQ). It was recognized through this program as an “exemplary environmental enterprise” for exceeding environmental requirements.

3. Loss of Community Benefits

Virginia Paving provides certain benefits to the community in connection with the operation of the asphalt plant. During peak paving season, approximately 110 people are employed at the facility. If the Virginia Paving plant were to close, the company’s customer orders and contracts would be taken up by one of their other facilities in Northern Virginia or by other regional asphalt paving firms. Positions may shift internally at Virginia Paving or presumably some additional hiring may occur at other firms. In addition, the applicant sponsors a wide variety of community events, including Earth Day activities (which is also required as part of its community outreach), the Samuel Tucker Elementary School PTA, Alexandria First Night, various road races including the Alexandria Running Festival, the St. Rita’s Scholl Annual 5K, and the annual Alexandria Turkey Trot.

II. SUP CONDITION CHANGES

As part of this review, staff has recommended several changes to the existing SUP conditions, almost all of which have remained unchanged between 2006 and today. With one exception, these condition changes are merely administrative in nature, such as deleting those conditions that have already been satisfied and changing references from “Virginia Paving” to “the applicant.” Certain conditions have also been changed to clarify that various equipment required to be installed between 2006 and 2009, such as the Blue Smoke control system, should be maintained in the future. If left unchanged, many of these conditions would have continued to require the installation of such equipment even though installation occurred over 10 years ago.

The one condition change that is substantive in nature is new language for Condition #75. Staff is recommending in this condition that the asphalt plant and all other related or tenant operations at the site, including the oil storage facility, should close no later than November 2022. The recommended language does not include an additional land-use analysis or any other stipulations in keeping with the original intent of the condition language first approved in the 2006 SUP.

It is important to note that the set of conditions contained in Part 4 of this report are only recommended in connection with an additional three years of operation at the asphalt plant prior to closure. Should Planning Commission or City Council find that an alternative period beyond three years is appropriate, staff would recommend the inclusion of additional condition changes to ensure that off-site impacts from the use would not increase during that additional operating time. One of the most important of these additional conditions would be new language to prevent the previously-discussed PM2.5 exceedances from impacting recommended building heights in the Eisenhower West Small Area Plan (see Part 3, Section A-2.)

III. COMMUNITY

Staff and the applicant have discussed the Virginia Paving case with the community on several occasions. The topic was first introduced to the Eisenhower West / Landmark-Van Dorn Implementation Advisory Group in the fall of 2017 and staff has provided regular updates since that time. The most recent presentation on the topic to this group occurred on September 11, 2019. At the latter of these two meetings, staff shared its recommendation for the case with the Advisory Group. Issues discussed at that meeting included the timing of the SUP review, when the seven years of additional operation was intended to begin (in 2015 versus today), and the role of the Small Area Plan as a long-term vision for redevelopment rather than a document that stipulates redevelopment that must occur.

Staff also presented the case to the Cameron Station Civic Association in February 2019 and has regularly updated the Federation of Civic Associations on the topic at its regular meetings. Staff has informed several other civic groups about the docketing of the case for public hearings. Those groups include: Summer’s Grove Homeowner’s Association, Brookville-Seminary Valley Civic Association, the West End Coalition, the West End Business Association, the Alexandria Knolls West Condominium, the Watergate at Landmark Condominium, the Highpointe Condominium, the Brigadoon Condominium, and the Kensington Court Condominium. Staff has received questions about the case from the Cameron Station Civic and Summer’s Grove

Homeowner's Associations but has not yet received formal comments from them or other groups.

The applicant has reached out to the Cameron Station Civic Association, the Townes at Cameron Park community, and hosted an open community meeting on the Virginia Paving site in general and the SUP review in particular on September 12, 2019. Notification of this community meeting was sent to several of the community groups mentioned previously. Matters raised at the meeting included the timing of the SUP review, the history of problems at the site, the improvements that have been made in recent years, and more recent concerns about odors and noises from the plant.

IV. CONCLUSION

Staff recognizes that the potential closure of a business within the City is a serious matter. There is no doubt that the asphalt plant has improved its operations over the last several years and that its closure would result in the loss of jobs. However, the land-use question that was crafted 13 years ago is clear in its charge to staff to analyze the plant's consistency with two matters: the recommendations contained in the now-approved Eisenhower West Small Area Plan (SAP) and the actual development that has either been built or is expected to be built around the Virginia Paving site. As discussed in this report, staff believes that the clear answer to those land-use questions is that Virginia Paving is not consistent with the vision of the SAP or the ensuing/foreseeable redevelopment in the area. Although additional discussion is ongoing regarding the amount of additional operation may be appropriate prior to the closure of the plant, staff is currently recommending the minimum amount of time: closure by November 14, 2022, or approximately three years from now.

Subject to the revised conditions of approval, staff recommends the closure of the asphalt plant no later than November 14, 2022.

PART 4 – ADDITIONAL ITEMS

I. SITE PHOTOS



Baghouse, Drum Dryer, Asphalt Storage Silos & Pickup



Asphalt Pickup



Sand/Aggregate Piles







RAP Crusher



Used Oil Storage Facility

II. SUP CONDITIONS

A. AIR QUALITY

1. ~~Virginia Paving Company (hereinafter, VA Paving)~~ The applicant 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~~ the applicant shall limit hot mix asphalt production to 275,000 tons per year during nighttime shifts as defined in Condition #4 below. (T&ES) (City Council) (SUP#2005-0042)
2. ~~Virginia Paving~~ The applicant 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~~ The applicant 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~~ The applicant 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~~ the site 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~~ the applicant 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~~ the site are 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~~ the applicant 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~~ The applicant 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. ~~Virginia Paving~~ The applicant shall clearly mark this requirement on the heaters and train the operators so that they are aware of this condition. (T&ES) (SUP#2010-0014)

8. ~~VA Paving~~ The applicant 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~~ the applicant 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#2010-0014)

9. ~~VA Paving~~ The applicant 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 MWCOC's website. Additionally, ~~Virginia Paving~~ the applicant shall be limited to a daily production cap of 4,000 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#2010-0014)
10. The No. 2 distillate oil used as fuel by ~~VA Paving~~ the applicant 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~~ the applicant 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~ The applicant shall ~~install~~, operate and maintain the 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 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~ The applicant shall install and operate and maintain low-NOx burners on both the drum drier units dryer. ~~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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~ The applicant shall install operate 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~ The applicant shall install-operate and maintain the 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~~ The applicant 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** All on-site engines, front end loaders, trucks and other diesel equipment owned and operated by ~~VA Paving~~ the applicant shall be equipped with ~~install~~ 90% efficient particle traps. The installation of particle traps on half (50%) of this equipment shall be completed no later than October 31, 2006, starting with the largest engines, and on the remaining equipment no later than December 31, 2006. In addition, all dump trucks owned and operated by VA Paving the applicant will be replaced with new trucks that will shall meet new the 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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~
The applicant shall ~~install~~ operate 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 conveyor). (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~~ the applicant 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~~ The applicant 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) (SUP#2005-0042)
22. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~
The applicant shall ~~install~~ operate and maintain water sprays, ~~and construct enclosures, as modeled, on at~~ all transfer points as identified in the modeling ~~no later than December 31, 2006. (T&ES) (SUP#2005-0042)~~
24. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~
The applicant 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~~ the applicant 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~ The applicant shall conduct stack tests for PM2.5, PM10, NOx, SOx, 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) (T&ES) (SUP#2005-0042)
26. ~~VA Paving~~ The applicant 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~~ the applicant 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. **CONDITION AMENDED BY STAFF:** In the event that the National Ambient Air Quality Standards are modified or new ones are added, the City reserves the right to require ~~VA Paving~~ the applicant 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 PM2.5 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. **CONDITION AMENDED BY STAFF:** The City shall continue operating the PM10 monitor at Samuel Tucker School for the duration of the validity of this Special Use Permit. ~~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 PM2.5.~~

- 28B. **CONDITION DELETED BY STAFF:** ~~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) (SUP#2005-0042)~~

B. STORMWATER

29. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving The applicant shall install a maintain the Stormwater Management Facility (SWMF) first required in SUP#2005-0042 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving The applicant shall continue its execute a maintenance agreement with the City for all installed stormwater Best Management Practices (BMPs). VA Paving The applicant shall maintain 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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving The applicant shall comply with the 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~~ The applicant shall maintain the existing Asphalt Pile that has been pulled back from the stream (Backlick 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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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)~~

C. 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~~ The applicant 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~~ The applicant 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. The applicant's operation of ~~VA Paving~~ the 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~~ The applicant 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~~ The applicant 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** All on-site trucks and equipment owned and operated by ~~VA paving~~ the applicant shall be equipped with ambient noise level sensing backup alarms ~~within six months of the approval of this Special Use Permit.~~ ~~VA Paving~~ The applicant 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~~ The applicant 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~ The applicant shall ~~establish~~ maintain 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~ The applicant shall ~~install~~ maintain 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~~ at the site and appropriate signs shall be installed to make operators aware of this requirement. (T&ES) (~~SUP#2005-0042~~)
43. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~VA Paving~~ The applicant shall maintain 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)

D. 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~~ The applicant 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 of Environmental Quality at 703-746-4065. (T&ES) (SUP#2010-0014)
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. ~~VA Paving's~~ the applicant's operations, ~~the applicant~~ 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~~ the applicant shall make the repairs within ninety (90) days of the date of the notice. (T&ES) (SUP#2005-0042)
49. ~~VA Paving~~ The applicant 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 foot-candles measured at any point seven feet beyond the property line of the adjacent property used for residential purposes. (T&ES) (SUP#2005-0042)
50. All lights used ~~by VA Paving~~ the applicant shall be shielded or directed so as to confine the area of diffusion to the property, which it is intended to illuminate. (T&ES) (SUP#2005-0042)
51. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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~~ The applicant 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. (T&ES) (SUP#2005-0042)
53. ~~VA Paving~~ The applicant 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~~ the applicant are accurate and reflect such temperature readings. These records shall be maintained for a period of five years. (T&ES) (SUP#2005-0042)
54. ~~VA Paving~~ The applicant 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~~ The applicant shall promptly take corrective actions to repair the baghouse in question and notify the City upon completion of repairs and resumption of normal operations. (T&ES) (SUP#2005-0042)

55. ~~VA Paving~~ The applicant 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. (T&ES) (SUP#2005-0042)
56. ~~VA Paving~~ The applicant 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. (T&ES) (SUP#2005-0042)
57. ~~VA Paving~~ The asphalt plant site shall be available for inspection by City staff during all hours of operation. (T&ES) (SUP#2005-0042)

E. ENFORCEMENT

58. ~~VA Paving~~ The applicant 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~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)~~
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, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (PC) (P&Z) (SUP#2005-0042)
61. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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)~~

F. 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 Departments of Planning and Zoning and Transportation and Environmental Services, and shall be held twice each year. (P&Z) (SUP#2005-0042)

G. LANDSCAPING

- 64A. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~Provide and implement~~ The applicant shall maintain a comprehensive landscape plan to the satisfaction of the Directors of Planning and Zoning, Transportation & Environmental Services and Recreation, Parks & Cultural Activities, the landscaping at the site depicted on the landscape plan approved by the City on April 12, 2007 and as it may be revised in the future. ~~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.
- 64B. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** The applicant shall maintain ~~Provide~~ an agreement to the satisfaction of the Director of Planning & Zoning stating that the property owner shall maintain all items depicted and proposed in the landscape plan in a safe, healthy, thriving condition. The agreement shall contain the minimum information:
 - a. ~~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.
 - b. A note indicating that plantings that expire or are deemed in an unhealthy condition must be replaced during the next successive planting season. (RP&CA) (P&Z) (SUP#2005-0042)
- 65. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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)

H. 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. **CONDITION SATISFIED AND AMENDED BY STAFF:** ~~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)~~

I. 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. **CONDITION AMENDED BY STAFF:** ~~The asphalt plant use and all related and tenant operations shall cease operation at the site no later than November 14, 2022.~~
~~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) (P&Z) (SUP#2005-0042)~~
76. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~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~~ The applicant 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~~ the applicant 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. **CONDITION PARTIALLY SATISFIED AND AMENDED BY STAFF:** ~~Virginia Paving~~ The applicant 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)~~



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 *Barbara Ross*
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 / BA
Faroll Hamer, Director

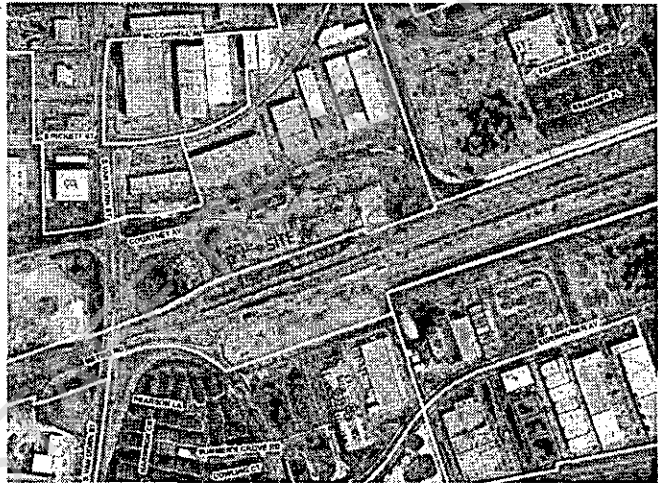
I. DISCUSSION

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 conveyor). (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-vacuuming 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 comments received.



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,

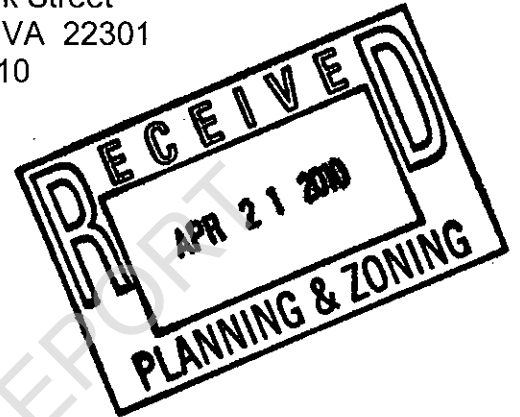
Scott Kersjes
President
3814 Dominion Mill Dr., Alexandria, VA 22304
PH 202-251-9419
Scott.kersjes@ifacilities.us

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

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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.

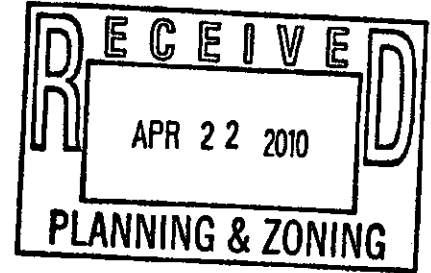
In closing, the Virginia Paving Liaison Committee requests this matter be addressed as expediently as possible saving further time, energy and cost on a matter which has most certainly received appropriate vetting and due diligence.

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 Tancetti 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.

HART & GIBBS, P.C.

IN PARTNERSHIP WITH



700 NORTH FAIRFAX STREET, SUITE 600
ALEXANDRIA, VIRGINIA 22314

TELEPHONE (703) 836-5757
FAX (703) 548-5443

MEMORANDUM

TO: Nathan Randall, Urban Planner, Department of Planning & Zoning
FROM: Mary Catherine Gibbs and Harry P. "Bud" Hart
RE: Consistency Review of Virginia Paving's SUP #2010-0014
DATE: August 28, 2019

Virginia Paving Co. took over the operation of the Alexandria asphalt production plant in the West End of the City in 2000 from Newton Asphalt, which had continuously operated the plant since the 1960's. The team at Virginia Paving remains largely the same after the company was purchased by Eurovia in November 2018. In 2006, the City approved an amendment to Virginia Paving's Special Use Permit ("SUP") to permit Virginia Paving to take trucks in and out of the plant at night for government contracts including for the City of Alexandria in exchange for significant environmental and site improvements to the plant. The continued operation of the plant as a whole was not the issue. The issue was whether Virginia Paving could take trucks in and out of the plant at night solely for government contracts. The City of Alexandria had been ordering asphalt and paving services from Newton Asphalt and then Virginia Paving during nighttime hours in order to minimize the disruption of traffic during the daylight hours. The plant improvements made under the amended SUP culminated in Virginia Paving's Alexandria plant being recognized as the best management practice for asphalt plants in urban environments.¹ In 2010, Virginia Paving amended the SUP once again so that the plant could utilize natural gas as its main fuel source instead of recycled oil, again improving the environmental impacts of the plant.

It has been an extended period of time since the City Council has focused on the Virginia Paving SUP. We think it's important to highlight the history of the many Virginia Paving Plant improvements since the SUP was approved in 2006 (SUP#2005-0042) and amended in 2010. Those improvements can be divided into two categories: 1) Plant Improvements; and 2) Landscaping improvements.

¹ A 2017 article from the Asphalt Pavement Magazine illustrates all the improvements made at this plant and describes them as Best Management Practices for the National Asphalt Pavement Association. (Copy Attached.)

1. Plant Improvements: Virginia Paving spent over \$4 million on plant improvements related to the conditions of SUP #2005-0042, and as amended in 2010. These improvements included:
 - a. Installed Blue Smoke Controls on Plant 1.
 - b. Installed Fugitive Emission Control on Plant 2.
 - c. Installed Low NO_x Burner on Plant 1 & 2.
 - d. Installed Asphalt Storage Tank Vent Condensers.
 - e. Installed Fugitive Emissions Captures and Controls on Asphalt conveyors and Load Out on Plants 1 & 2.
 - f. All on-site trucks and diesel engines installed with 90% efficient particle traps.
 - g. Replaced all Dump Trucks used by the Company with higher diesel standards.
 - h. Increased the Stack Height for Plants 1 & 2, for better dispersion of any exhaust.
 - i. Increased the Stack Height in the Hot Oil Heater.
 - j. Installed water sprays and drop enclosures on the RAP Crusher.
 - k. Paved the truck access area on the eastern end of the facility.
 - l. Installed water sprays and enclosures on all material transfer points.
 - m. Installed a storm water management facility that treats all runoff before leaving the site.
 - n. Installed a vegetative buffer between the RAP pile and the stream (Backlick Run).
 - o. Performed on site stream bank stabilization.
 - p. Installed Noise Level Sensing Backup Alarms on all on-site trucks and equipment.
 - q. Installed Noise Reducing Mufflers at each silo gate.
 - r. Remove tack deposits and repair pavement at City Intersections upon request.
 - s. Replaced the Locomotive Engine with a modern track mobile.
 - t. Plant 2 ceased operation in 2010 and was removed from the facility in 2012.
2. Landscaping Improvements: Virginia Paving installed a significant landscape improvement program approved by the City of Alexandria.
 - a. In Phase One, Virginia Paving planted a vegetative buffer on the west side of the property to compliment the stream buffer restoration that completely restored the riparian zone buffer between Backlick Run and the plant, enhances the storm water management facility installed, and was engineered for both soil stability as well as ecological restoration.

Finally, a large stand of evergreens were installed on the adjacent Armstead Booth Park side of Backlick Run.

- b. Phases Two and Three installed stands of evergreen trees along the southwest property line adjacent to the Railroad tracks to enhance the view of the property from the south and finally, along Courtney Avenue and Van Dorn Street to enhance the western perspective of the property.

As was referenced previously, all of these improvements have led to Virginia Paving's Alexandria Plant being recognized as a best management practice for asphalt plants in urban environments. A 2017 article from the Asphalt Pavement Magazine illustrates all the improvements made at this plant and describes them as Best Management Practices by the National Asphalt Pavement Association. (Copy Attached.) The SUP also included other significant requirements (78 total conditions), including annual inspections, annual reviews, 24 hour hotline service for anyone to lodge a complaint, and specific limits on asphalt production and number of nights worked. Virginia Paving has been operating and operating well under these rigid requirements for over 13 years. No other business in Alexandria has anything similar in terms of SUP regulations.

SUP REVIEW FOR CONSISTENCY

At this time, the City is seeking to review SUP #2010-0014 under its sunset provision, Condition 75. This sunset condition is the impetus for the SUP Review and therefore must be strictly adhered to in order to apply its very provisions. That condition, entitled "Consistency with the Eisenhower West Small Area Plan (SAP) and Sunset Provision", states as follows:

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.** [Emphasis added.] 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 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 the 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.

A. Threshold Issue: Timeliness of this Review

The City has not strictly complied with the terms of this review condition and therefore, the City Council has no authority to review whether the continued operation of the plant is inconsistent with the Eisenhower West Small Area Plan (“EWSAP”). Condition 75 specifically states that there is a time constraint to when the public hearing and determination on consistency needed to occur. “Such public hearing shall be held, and determination made, on or about three years after adoption of the SAP.” [Emphasis added.] There is nothing ambiguous about that. The EWSAP was adopted in November 2015. Three years after adoption of the plan was therefore November 2018. While the condition uses the term “on or about three years from adoption”, October 2019, when the public hearing is now scheduled, can in no way be considered “on or about three years from adoption of the SAP.”

“On or about” is a term of art, meaning “near; approximately; without significant variance from an agreed date.” <https://legal-dictionary.thefreedictionary.com/on+or+about>. “The phrase *on or about* is used to avoid being bound to a more precise statement than is required by law. For example, when an individual seeks to purchase a home, the date when the transaction is closed and the legal title and possession are transferred from seller to buyer is ordinarily scheduled on or about a particular date. The phrase is used to indicate that the parties recognize the fact that, although the exact date might not be convenient for both of them, the transaction should be completed as close to that date as is practicable.” West’s Encyclopedia of American Law, edition 2 (2008). Case law on these definitions clarify that as close “as is practicable” means “within a reasonable time” which must be determined by the facts and circumstances in a particular case. See State Farm Mut. Auto. Ins. Co. v. Douglas, 207 Va. 265, 268 (1966) and Dabney v. Augusta Mutual Insurance Co., 282 Va. 78, 88 (2011) (related to giving notice of an accident “as soon as practicable” to an insurer.)

As it relates to the facts and circumstances in this case, the City Council was required to hold their public hearing and make their determination on compatibility on or about three years from the approval of the Eisenhower West Small Area Plan. City Council had some leeway in the exact timing of this review, however, that leeway is not open ended. The public hearing needed to be held “as close to that date as is practicable.” 11 months after the “on or about date” is not as close to that date as is practicable. The City Council had three years from November 2015 to hold the public hearing and make their determination. This was a three year provision, and extending that timeframe for an additional 11 months is asking for almost 1/3 more time than the condition contemplates. If this were a hundred year period, perhaps an 11 month delay could be considered “on or about” however, it is indisputable that extending the review time a full 1/3 longer simply

cannot meet the “on or about” standard. As the City Council did not hold its public hearing or make its determination on consistency with the EWSAP within the required timeframe, they lost their authority to do so.

B. The Continued Operation of Plant is Not Inconsistent with the EWSAP.

In the event that the City Council determines it will hold its public hearing and make its determination on compatibility regardless of failing to do so within the required timeframe under the SUP, Virginia Paving’s operation is not inconsistent with the EWSAP for many reasons, as stated herein. First, having the plant operate here is not hindering any redevelopment in the area. Since the Small Area Plan was adopted in late 2015, several properties in and near Eisenhower West were purchased by developers and investors, or are in the process of obtaining development approvals, all while Virginia Paving remains in operation, including:

1. Stonebridge purchased the 16-acre Victory Center site that has lain fallow for a decade;
2. Several developers are testing development concepts for the Vulcan site;
3. 5380 Eisenhower Avenue and the Atlantic Self Storage site were purchased by the Boundary Companies for future redevelopment;
4. Greenhill Capital is pursuing entitlements for over 3 million square feet of mixed uses immediately north of the Virginia Paving site;
5. Public Storage recently won approval of a storage facility and future apartment tower on a site west of Van Dorn Street and interest is building in the apartment site.

Several residential communities were built adjacent to the Virginia Paving plant prior to adoption of the plan, including Summers Grove, the western end of Cameron Station, the Exchange at Van Dorn, and the Reserve at Eisenhower apartments, with no evidence that the operation hindered sales or rentals of units. Other large residential projects have been approved and built near the plant in the last five years, including the Modera Tempo and the Brandywine Alexandria. Several large and small industrial uses not usually associated with residential use remain in operation in the plan area, with no evident plans to relocate or cease operations:

- Covanta Waste to Energy Plant
- Norfolk Southern Ethanol Transloading Facility
- Vulcan Materials (until it redevelops)
- City Impound Lot
- Police Shooting Range
- Crematorium on Vine Street
- Construction trucks and equipment on the Farrington site
- Freight rail lines and established rail spurs are “part of the well-established industrial infrastructure of the area that has been in use for decades”.

Second, there is no immediate reason under the EWSAP to force Virginia Paving to cease operations. The EWSAP is a “25-year framework” to accomplish a vision of a thriving mixed-use community. It’s “Build” date for infrastructure planning is 2040. Reaching plan objectives requires a long transition period, as public infrastructure is provided and the private sector responds to market forces. There is no immediate need to remove existing businesses.

Third, the continued operation of the Virginia Paving plant does not impede any specific recommendations of the plan from being implemented. The plant is compatible with all the Key Elements presented on the Plan’s page 7. Specifically:

- The Plan’s Goal #2 is that the new mix of uses are able to coexist with industrial uses remaining in the area long-term.
- A key open space element, the revitalization of Backlick Run, can certainly be carried out while the plant continues to operate, providing an attractive Backlick Run Greenway.
- Page 26 states that properties included in the plan maintain their rights under current zoning.
- The proposed Multi-Modal Bridge can be accommodated on the eastern edge of Virginia Paving’s site.
- The Principles listed for Neighborhood 2, of which Virginia Paving’s Plant site is part, can be accomplished while the plant continues to operate:
 1. Redevelopment that builds on and strengthens existing businesses east of Van Dorn.
 2. New employment opportunities.
 3. Improvements to Backlick Run.
 4. Encouragement of pedestrian and bicycle activity.
 5. Connection to the Van Dorn Metro through the Multi-Modal Bridge.
 6. Commercial or residential uses above retail and services in the eventual redevelopment.

The Implementation Section of the Plan has 7 strategies, none of which recommends closing down existing uses. New uses are to be phased in as market demand builds. Furthermore, the Air Quality modeling carried out by the City’s consultants demonstrated that the emissions from Virginia Paving’s operations would not impact the feasibility of constructing tall buildings. In fact, the City stated at the Eisenhower West/Landmark VanDorn Advisory Group meeting on September 17, 2018, that “... Virginia Paving operations do not cause any air quality issues for all existing surrounding land uses.”

<https://www.alexandriava.gov/uploadedFiles/planning/info/EWLVDAGMeeting7Pres091718.pdf>

In summary, market-driven interest in Eisenhower West is building, as demonstrated by multiple recent investments and development proposals. Virginia Paving’s continued operation is not impeding this market interest. As projects are built incrementally, and public improvements to infrastructure and parks are made, market forces will eventually make older industrial properties more attractive for new development than for continued industrial operations.

C. There is a Strategic Value to the City of Alexandria from the Operations of Virginia Paving:

Virginia Paving is a valuable asset to the City of Alexandria. In taxes generated for the City and savings to the City based on their location in Alexandria, Virginia Paving provides between \$570,000 to \$820,000 in value annually to the City of Alexandria. The plant also provides approximately 110 jobs in Alexandria. Losing that money and taking away those jobs is inconsistent with the City Council's economic sustainability goals. For more details on Virginia Paving's value to the City, the following provides the data supporting these numbers:

a. Taxes Generated for the City of Alexandria from the Operation of this Plant:

	2017	2018
Real Estate	\$127,237	\$145,857
Bus. Personal Property	\$89,205	\$83,649
Sales	\$67,581	\$76,588
Use	\$9,642	\$16,237
BPOL	\$14,672	\$10,296
Total Tax Revenue	\$308,337	\$332,627
Avg. Annual Tax Rev.	\$320,482	

b. Value in Savings to the City of Alexandria from having this plant within the City

i. Asphalt Production for the City of Alexandria

	2014	2015	2016	2017	2018
FOB Sales	5,202	3,243	6,207	3,336	7,667
VPC Resurfacing	27,638	20,847	59,203	36,742	42,584
	32,840	24,090	65,410	40,078	50,251
5-Year Total	212,669				
5-Year Average	42,534				

ii. Cost Savings to City of Alexandria from Local Asphalt Plant

1. 5-Year Savings to City of Alexandria (Asphalt): \$665,654 to \$1,331,308 - \$133,131 to \$266,262 annually
2. Assumptions: 45-90 min. additional haul time (Occoquan plant vs. Alexandria plant)
 - a. \$75/HR trucking cost (18 ton load)

- b. $[(0.75 \times 75)/18] = \$3.13/\text{TN}$ to $[(1.50 \times 75)/18] = \$6.25/\text{TN}$
additional haul cost
- iii. 5-Year Savings to City of Alexandria (Milling)*: \$585,354 to \$1,170,708 (\$117,071 to \$234,142 annually).
 - 1. Assumptions: City resurfacing projects are mill and overlay.
 - a. Plant on Van Dorn allows storage of millings locally; millings recycled in future mix
 - b. 1:1 ratio for asphalt paving and milling haul quantities; 5-yr. average = 37,403 TN
- iv. Total Cost Savings: \$250,000 to \$500,000 annually
- v. **TOTAL VALUE OF ASPHALT PLANT ON VAN DORN: \$570,000 to \$820,000 ANNUALLY** (Tax revenue generated to City of Alexandria + Cost savings from local plant.)

D. Conclusion

The City Council lost its right to review the compatibility issue when it failed to hold the public hearing on the determination of compatibility under the terms of Condition 75 of SUP#2010-0014. Holding a hearing 11 months after the three year period ended after adoption of the EWSAP is not “on or about” three years after adoption of the plan as the language of the condition requires. Further, even if Council could make this determination legally now, we have stated a myriad of reasons why the operation of the Virginia Paving plant is not incompatible with the EWSAP. Finally, the SUP condition specifically states that the City Council has a minimum of 7 years to tell Virginia Paving to cease operations, not just 7 years and that’s all. City Council could have had several other options, if the timeliness matter didn’t preclude Council from even making this determination.

Cameron Station Civic Association
200 Cameron Station Blvd.
Alexandria, VA 22304

September 19, 2019

Via Email

Members of the Planning Commission
City Hall
301 King Street
Alexandria, Virginia 22314

Re: Virginia Paving SUP Condition #75 (Sunset Provision)

Dear Members of the Planning Commission:

The Board of the Cameron Station Civic Association (“CSCA Board”) is troubled by the fact that the Planning Commission is reviewing the Virginia Paving Special Use Permit (“SUP”) provision #75 since it states that only **City Council** has the authority to make the determinations required. Nevertheless, if the Planning Commission chooses to keep this item on the docket for the October 3, 2019 public hearing, the CSCA Board respectfully requests that the Planning Commission find that Virginia Paving’s heavy industrial use at its asphalt plant located at 5601 & 5603 Courtney Avenue and 720, 730 & 750 South Van Dorn Street in Alexandria (“Virginia Paving”) is inconsistent with the Eisenhower West SAP (“EWSAP”) and with the ensuing and foreseeable development and redevelopment in the West End of Alexandria.

Executive Summary

SUP provision #75 requires a two-pronged analysis: (1) is the current heavy industrial use inconsistent with the EWSAP?; and, (2) is the current heavy industrial use inconsistent with the ensuing and foreseeable development and redevelopment in the area? Considerations beyond these two are not relevant for purposes of this analysis. It is evident that Virginia Paving’s current heavy industrial use is inconsistent with the EWSAP and with ensuing and foreseeable development and redevelopment in the area:

1. City Staff noted in presentations to the Eisenhower West – Landmark Van Dorn Implementation Advisory Group on both May 22 and September 11 that the EWSAP makes it clear that the site on which Virginia Paving is located should be redeveloped into a more compatible land use; and,
2. City Staff also noted in presentations to the Eisenhower West – Landmark Van Dorn Implementation Advisory Group on both May 22 and September 11 that, given ensuing and foreseeable development projects (e.g. Cameron Park, Edsall Shell, Greenhill North and South, Modera Tempo and Public Storage, Vulcan and Victory Center), the current heavy industrial use by Virginia

Paving is inconsistent with the ensuing and foreseeable development and redevelopment in the area.

While considerations beyond the two noted in SUP #75 are not relevant for purposes of determining whether or not invoke this SUP provision and requiring Virginia Paving to close its facility, there are additional facts that justify requiring Virginia Paving to cease its heavy industrial uses:

- Virginia Paving's product is no longer in high demand as evidenced by the fact that its annual output has been less than 250,000 of the permitted 980,000 tons in the last several years.
- Virginia Paving's site is on the preferred location for the multimodal bridge and its continued presence will impede the building of same.
- Redevelopment of Virginia Paving's site would result in an annual net financial benefit to the City of about \$1 million which is far greater than the combined total in savings to the City from buying asphalt or collecting taxes from it.
- Virginia Paving's operations generate toxic substances which pollute our water and air (e.g. volatile organic compounds, nitrogen oxides, sulfur dioxides and small particulates (i.e. PM2.5 and PM10)).
- Virginia Paving has a long history of violating federal state and local environmental and other laws. Since 2004, Virginia Paving has been cited for 29 such violations and it is still encroaching on over 36,000 square feet on a public right of way.

A. The Conditions for Invoking Virginia Paving's Sunset Provision Have Been Met

Virginia Paving's SUP condition #75 (referred to as the "Sunset Provision") states, in pertinent part, that "**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 determines that the continued operation of the use is inconsistent with such SAP, implementing zoning and development or redevelopment, the use, and all related tenant operations on or within the site after expiration of the current lease (which is 2016), shall terminate at such time as the Council shall determine, which shall not be sooner than seven years after the adoption of the SAP or longer than the applicable amortization period under Zoning Ordinance Section 12-214 as demonstrated by the Applicant...." (Emphasis added)

SUP provision #75 requires a straightforward two-pronged analysis: (1) is the current heavy industrial use inconsistent with the EWSAP?; and, (2) is the current heavy industrial use inconsistent with the ensuing and foreseeable development and redevelopment in the area? The

answer to both questions is a simple, “Yes”. Considerations beyond these two are not relevant for purposes of this straightforward analysis.

Both the Landmark/Van Dorn Corridor Plan and the EWSAP envision significant redevelopment to occur within the combined total of 850 acres encompassed by them and this acreage includes the Virginia Paving facility. Both plans envision mixed use development to occur with increased density closer to the Van Dorn Metro station. Neither plan envisions more heavy industrial uses within their respective planning areas.

The EWSAP recognizes that the current heavy industrial use by Virginia Paving is inconsistent with the plan since it states that “...a site so close to a Metrorail station should be redeveloped in the future into a more compatible use.” The presentations by City Staff at the May 22, 2019 Eisenhower West – Landmark Van Dorn Implementation Advisory Group meeting as well as at the September 11, 2019 Eisenhower West – Landmark Van Dorn Implementation Advisory Group meeting (“City Staff May 22, 2019 Presentation” and “City Staff September 11, 2019 Presentation”, respectively), both noted that the “EWSAP recommends the redevelopment of this site and other heavy industrial uses to a more compatible land-use.” The City Staff September 11, 2019 Presentation further stated that the “Staff concludes that asphalt plant is NOT CONSISTENT with – Eisenhower West SAP recommendations [or] – Ensuing and foreseeable area development.” (Emphasis in original)

Virginia Paving is one of only three remaining heavy industrial uses in the EWSAP study area. It is directly across the street from Vulcan Materials site (a former heavy industrial use) which is slated for redevelopment. In fact, Ken Wire, counsel for the current owner of the site, gave a presentation on the current conceptual plans for redevelopment at the Vulcan Materials site at the September 11, 2019 Eisenhower West – Landmark Van Dorn Implementation Advisory Group meeting. The location of the Vulcan Materials and the Virginia Paving sites so close to the Van Dorn Metro and to each other would seem to make them good candidates for high-density mixed-use development as envisioned under the EWSAP.

Virginia Paving is also within a very short distance of the Brandywine project, Cameron Station, the Cameron Park project, the Edsall Shell project, the huge Greenhill redevelopment projects (Greenhill North and Greenhill South), Modera Tempo, and the redevelopment of the Victory Center. Moreover, Virginia Paving is also close to the recently approved Public Storage project on South Pickett street that envisions redevelopment of the back end of the acquired land that borders Backlick Run. Accordingly, a heavy industrial use such as Virginia Paving’s is obviously inconsistent with “foreseeable development and redevelopment in the West End of Alexandria.” As noted above, City staff is in agreement with this conclusion.

B. Relevant Background on Virginia Paving

There are many other compelling reasons for City Council to invoke the Sunset Provision of Virginia Paving’s SUP provision #75. However, these are not reasons contemplated under SUP #75 and are set forth below solely as useful background information.

1. Virginia Paving's Product is no Longer in High Demand

Unlike the other two remaining heavy industrial uses (Covanta Energy to Waste and the Norfolk Southern Railroad Ethanol Transloading Facility), the need for Virginia Paving's product is diminishing as evidenced by its low production output in 2017 and 2018 (an average of 240,954 tons of its allowable annual output of 980,000 tons). In addition, asphalt needs can be accommodated by Virginia Paving's nearby facilities (in Chantilly, Lorton or in Sterling, VA) or by its competitors (e.g. Fort Myer Construction Corporation, Laurel Asphalt Company, Forestville Asphalt Company and/or Senate Asphalt).

2. Virginia Paving's Location Will Impede the Ability to Build a Multimodal Bridge

Further and as noted in both the City Staff May 22, 2019 Presentation and the City Staff September 11, 2019 Presentation, the City's "[p]referred option for the multimodal bridge would bisect the site [i.e. Virginia Paving's property]." Norfolk Southern has also indicated the same preference for locating this multimodal bridge with some slight modifications. Locating the multimodal bridge at the site preferred by the City as well as by Norfolk Southern becomes impossible if Virginia Paving remains at its current location.

3. Redevelopment of Virginia Paving's Property Would be a Net Monetary Gain for Alexandria

At the September 11 meeting of the Eisenhower West – Landmark Van Dorn Implementation Advisory Group, Virginia Paving made much of the fact that the City saved money by buying its asphalt from the plant and the fact that it collected taxes from the plant. Virginia Paving's presentation at the September 11 Advisory Group meeting indicated that the combined total of such taxes and savings on asphalt are \$646,627. The City Staff September 11, 2019 Presentation noted that the benefits to the City from redevelopment of the property would amount to approximately \$1,000,000 per year. Accordingly, even assuming that Virginia Paving's numbers are not inflated, the City would gain over \$350,000 per year if the plant moved and the property was redeveloped.

4. Virginia Paving's Operations Emit Water and Air Pollutants

The October Intergovernmental Panel on Climate Change Climate Report noted that we have a climate emergency and that we must take immediate action to reduce greenhouse gas emissions in half by 2030. On July 9, 2019, City Council passed the Environmental Action Plan 2040 which commits the City to building net-zero energy public buildings, to cut in half all City-wide emissions by 2030, and reducing community greenhouse gas emissions by 80 to 100% by 2050. Virginia Paving's operations result in the emission of harmful substances such as but not limited to volatile organic compounds, nitrogen oxides, sulfur dioxides and small particulates (i.e. PM2.5 and PM10). Eliminating pollution from heavy industrial uses like Virginia Paving would send a positive message that both the Planning Commission and City Council continue to be serious about protecting our environment.

5. Virginia Paving's Past and Recent Environmental and Other Violations

The City should not forget that it took enormous efforts during 2005 and 2006 by the Cameron Station Civic Association and numerous other civic associations (located throughout the City) to get Virginia Paving to become somewhat compliant and make necessary environmental upgrades to stop it from continuing to violate numerous environmental standards. All these violations were occurring while the Samuel W. Tucker Elementary School was (and still is) less than a football field from the plant. During the time Virginia Paving was seeking to modify its SUP in order to more than double its annual production, it was in violation of a total of twenty-four federal, state and local environmental regulations:

- Two violations of the federal Clean Water Act;
- One violation of Virginia state codes relating to the illegal discharge of waste into state waters;
- Fifteen violations of the state fire code;
- Three violations of its then SUP;
- One violation of City codes for illegal dumping of waste; and
- Two “miscellaneous violations” relating to possible encroachment on City owned land and damage to City right of way at various intersections caused by asphalt spillover and accumulation.

In 2008, the Virginia Department of Environmental Quality issued a Notice of Violation to Virginia Paving for: (1) “submitting incorrect stack test data to DEQ”; (2) “exceeding short term emission limits” for “Nitrogen Oxides”, Carbon Monoxide” and “Volatile Organic Compounds”, and; (3) installing a low NOx Burner without first obtaining a permit. In 2011, Virginia Paving was (1) in violation of its Virginia state industrial stormwater permit and (2) received a warning letter from the state regarding two inconsistencies with their air quality permit (one about monitoring/record keeping and another about the installation of a screen near the RAP crusher equipment that was not pre-approved). The City Staff May 22, 2019 Presentation noted that there continue to be citizen complaints related to both noxious smells and noise. At the same meeting, City Staff stated that there are “encroachment issues” by Virginia Paving on a “public right of way.” The City Staff September 11, 2019 Presentation noted that that the “[t]otal encroachment into Courtney Ave is 36,181 square feet.”

6. Last Minute Red Herrings Floated by Virginia Paving Should be Ignored

We wish to dismiss two red herrings that Virginia Paving floated at the most recent meeting of the Eisenhower West – Landmark Van Dorn Implementation Advisory Group on September 11, 2019.

At that meeting, counsel for Virginia Paving made a thinly veiled threat of a legal challenge should the City invoke the Sunset Provision stating that that provision is “null and void” because the hearing on it did not occur three years after adoption of the EWSAP.¹ We

¹ The presentation shown by Virginia Paving at the September 11 Advisory Group meeting states that “Plan adopted 11/15. Three years after would have been 11/18.... Virginia Paving objects to the SUP Review for lack of timeliness.”

believe that this claim is without merit. Current counsel for Virginia Paving was their counsel when Virginia Paving signed off on their SUP (which gave them more than double their annual production). If time was of the essence and the three year period in this SUP provision was meant to be a definitive time limitation, counsel for Virginia Paving should have requested that the language state that “[s]uch public hearing shall be held, and determination made, **no later than [or within three years]** after adoption of the SAP.” That was not done, and the SUP provision contains the flexible terminology “**on or about three years.**” Alternatively, counsel for Virginia Paving could have tried to press the issue a year ago rather than roughly one month before this SUP provision is being scheduled for consideration before City Council. The City Staff September 11, 2019 Presentation makes it clear that this argument by Virginia Paving is without merit and states that “Virginia Paving is contesting City Council’s authority to review the SUP pursuant to Condition #75 based on timing[.] Staff believes the ‘on or about’ is being met[.] Condition language does not require precision on the date[.] Condition language does not provide for the SUP review to be ‘null and void’ due to timing....”

Another red herring floated by counsel for Virginia Paving at the September 11 meeting of the Eisenhower West – Landmark Van Dorn Implementation Advisory Group was that Virginia Paving was being treated unfairly by City Staff as compared to other heavy industrial uses.² That is not the case. The other heavy industrial uses within the boundaries of the EWSAP did not agree to a SUP containing a Sunset Provision. The City may not have a sound legal basis to force these other heavy industrial uses within the EWSAP to move out of the area, but Virginia Paving agreed to be bound by its SUP which contained the Sunset Provision. Virginia Paving asked City Council for permission to double its annual production and not the other way around. My recollection is that Virginia Paving also originally wanted to double production without spending any money on environmental upgrades even though, at that time, it was in violation of numerous environmental regulations. The City granted Virginia Paving permission to double its production and, in return, Virginia Paving agreed to a SUP requiring it to make environmental upgrades and to have a Sunset Provision. Calling this unfair, after literally reaping profits of increased production for almost thirteen years, is simply laughable.

C. Conclusion

In short, the continued heavy industrial uses at Virginia Paving’s asphalt plant located at 5601 Courtney Avenue are inconsistent with the EWSAP and with the ensuing and foreseeable development and redevelopment in the West End of Alexandria.

² The presentation shown by Virginia Paving at the September 11 Advisory Group meeting states that “[i]t is arbitrary to single out one industrial use as inconsistent now when the plan calls for redevelopment over a 25-year period.”

If there are any questions concerning these comments, please contact the undersigned at aimpastato54@gmail.com, or by phone at (703) 567-5075.

Sincerely,

/s/

Arthur A. Impastato
President
Cameron Station Civic Association

cc: Mark Jinks
Karl Moritz
Nathan Randall



September 20, 2019

Chairman and Members of the Planning Commission
City of Alexandria Virginia

Re: October 3 Docket, Virginia Paving Company Special Use Permit

Mr. Chairman and Members of the Planning Commission:

Alexandria City Council will soon vote on the future of Virginia Paving Company's plant on the West End of Eisenhower. The decision to allow the plant to remain in business or close will be based on a sunset clause in their original special use permit, also known as condition 75.

Value of Virginia Paving to Alexandria

Virginia Paving employs more than 100 people, several of whom live in Alexandria. The plant's location enables Virginia Paving to supply Alexandria with more affordable asphalt and paving, saving the City more than \$300,000 per year. Virginia Paving pays an additional \$300,000 in property, business, sales, and other taxes to the City, making its removal an immediate financial loss with far reaching impacts that will be difficult to recover.

We recommend that the City vote for Virginia Paving to stay in operation with five-year reviews, as they are a responsible steward of our environment and **extremely beneficial to Alexandria's workers, drivers, and taxpayers**. Forcing its closure is bad for Alexandrians.

Virginia Paving is not preventing new development

In fact, several new residential and retail developments are planned near Virginia Paving. Several industrial uses in this area are planned to remain for the foreseeable future.

- Greenhill recently obtained capability development document (CDD) approval for 3 million square feet of new development to the immediate north of Virginia Paving.
- The former Vulcan site is under review by Lennar, a national homebuilder.
- The Victory Center was recently purchased for homes and retail development. Several warehouses were recently bought by investors holding for future development.

Virginia Paving does not prevent City improvements

The Virginia Paving plant is not preventing Alexandria's efforts to remodel Backlick Run or build a proposed multi-modal bridge. Improvements to Backlick Run are unaffected by continued operation of the plant. The multi-modal bridge is unfunded and several years from construction. It could be built on the eastern edge of the Virginia Paving property without closing the plant.¹

Regulatory Conditions

Virginia Paving remains well within Environmental Protection Agency and Virginia Department of Environmental Quality standards for emissions.

As part of their special use permit, Virginia Paving operates under careful, welcome regulations. The company has spent more than \$4 million dollars to communicate with the City and to mitigate any environmental impact.

Virginia Paving hosts annual open houses for the community to hear about plant operations, annual inspection results by the City, and any complaints and their resolution.

The City maintains an enforcement officer position specific to Virginia Paving. As part of the special use permit, Alexandria maintains a 24 hour hotline for complaints regarding Virginia Paving. In recent years, the hotline has averaged fewer than two calls a year for odor or noise.

Environmental Impact

The Virginia Paving plant does not adversely affect nearby residential communities to any greater extent than other uses in Eisenhower West including:

- the Covanta Waste to Energy plant,
- the Norfolk Southern Transloading facility, and;
- the Capital Beltway.

Air quality studies demonstrate that other uses are far more responsible for dust. While all of these uses factor into our economy, asphalt is likely the least harmful and most beneficial.

At our request, the Virginia Paving Company provided us with a presentation regarding their company. They responded to our questions regarding the environmental impact of their Alexandria plant with studies and data that reassure us the plant is safe. Based on this information, we support the plant remaining in operation with five-year reviews.

¹ The existing multi-modal bridge proposal places the bridge so close to Van Dorn Street that it becomes redundant. More consideration should be given to moving the proposed bridge further East, possibly to support the Eisenhower East Small Area Plan, which has more urgent need of additional pedestrian capabilities.

Market Conditions

Currently, there is no urgency and little benefit to closing the plant. As Eisenhower West develops, a growing market demand for developable land will likely produce strong offers to buy and redevelop the land currently occupied by the plant. Shutting down the plant without a market for the property may lead to vacancy and urban blight at a disadvantage to all Alexandrians.

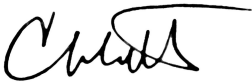
Our Advocacy

The Eisenhower Partnership has long advocated for an Eisenhower West Small Area Plan. In 2008, we funded an [Urban Land Institute technical assistance panel](#) for Eisenhower West. We participated on the Eisenhower West Small Area Plan Advisory Group and continue to participate on the Implementation Advisory Group.

We strongly believe in the future of Eisenhower West, so we are encouraged by your interest in developing this area beyond industrial use. However, Virginia Paving should be the last industrial property to leave this area as it provides significant benefits to the City with minimal disruption and little or no environmental impact.

We urge the Planning Commission recommend to City Council that the current SUP sunset period be extended and that the plant undergo SUP reviews every five years to ensure it is in compliance.

Sincerely,



Chhaya Muth, President

Cc: Eisenhower Partnership Board of Directors

Members of Planning Commission

Mayor and Members of City Council

