



This transcript constitutes the minutes  
from the public hearing held on October 6, 2005.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

## A-G-E-N-D-A

Report of Government Agencies

Office of Planning	7
Office of Property Management	16
DDOT	17

Organizations or Persons in Support

Mr. Jose Roubin	26
Mr. John Barron	31

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

P-R-O-C-E-E-D-I-N-G-S

6:41 p.m.

VICE CHAIRPERSON HOOD: Good evening,  
ladies and gentlemen.

This is the public hearing of the Zoning  
Commission of the District of Columbia for Thursday  
October 6<sup>th</sup>, 2005.

My name is Anthony Hood, Vice Chairman of  
the Commission and joining me are Commissioners  
Parsons. Commissioners Hildebrand and Jeffries will  
not be here this evening, however they will be reading  
the record to participate in this case. We are joined  
by a Chair who has been demoted for tonight. She is  
joining us so we can have a quorum so we can continue  
with our hearing. Let that be noted for the record  
that our Chair is present but will not be  
participating in this case.

The subject of this evening's hearing is  
Zoning Commission Case No.05-20. This is a request by  
the Office of Planning for text amendments to Title 11  
of the District of Columbia Municipal Regulation  
Zoning to allow asphalt plants as a permitted use  
within the industrial zone district subject to special  
exception review.

Further, an additional text amendment is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 also proposed that would permit the asphalt plant now  
2 located at 60 P Street, S.E, Square 705 Lot 802 to  
3 relocate as a matter of right within CM1 portions of  
4 DC Village.

5 Notice of today's hearing was published in  
6 the DC Register on August 12<sup>th</sup> 2005. Copies of  
7 today's hearing announcement are available to you and  
8 are located on the table near the door.

9 This hearing will be conducted in  
10 accordance with the provisions of 11 DCMR 3021.

11 The order of procedure for this evening  
12 will be as follows:

13 Preliminary matters, presentation by the  
14 Office of Planning, reports of other Government  
15 agencies, report of the ANC, organizations and persons  
16 in support, organizations and persons in opposition.

17 The following time constraints will be  
18 maintained in this hearing:

19 Organizations 5 minutes, individuals 3  
20 minutes. The Commission intends to maintain these  
21 time limits as strictly as possible in order to hear  
22 the case in a reasonable period of time. The  
23 Commission reserves the right to change the time  
24 limits for presentations if necessary and no time  
25 shall be ceded.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 All persons appearing before the  
2 Commission are to fill out 2 witness cards. These  
3 cards are located to my right near the door. Upon  
4 coming forward to speak to the Commission. Please give  
5 both cards to the reporter sitting to my right who has  
6 his hand raised.

7 Please be advised that this proceeding is  
8 being recorded by a court reporter. Accordingly we  
9 must ask you to refrain from any disruptive noises or  
10 actions in the hearing room.

11 When presenting information to the  
12 Commission, please turn on and speak into the  
13 microphone first stating your name and home address.  
14 When you are finished speaking please turn your  
15 microphone off so that your microphone is no longer  
16 picking up sound or background noise.

17 The decision of the Commission in this  
18 case must be based on the public record to avoid any  
19 appearance to the contrary. The Commission requests  
20 that persons present not engage the members of the  
21 Commission in conversation during the recess or at any  
22 other time. The staff will be available throughout  
23 the hearing to discuss procedural matters.

24 Please turn off all beepers and cell  
25 phones at this time so not to disrupt these

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 proceedings.

2 At this time, the Commission will consider  
3 any preliminary matters. Does the staff have any  
4 preliminary matters?

5 MS. SCHELLIN: Staff has no preliminary  
6 matters.

7 VICE CHAIRPERSON HOOD: Okay. If we don't  
8 have enough seats, I guess we can come to the table if  
9 we don't have enough for people to sit. That was  
10 supposed to be a joke.

11 Anyway. Okay. Presentation by the Office  
12 of Planning.

13 MS. THOMAS: Good evening, Mr. Chairman,  
14 members of the Commission. I am Karen Thomas with the  
15 Office of Planning.

16 On July 11<sup>th</sup>, the Office of Planning  
17 appeared before the Commission at the request of DDOT  
18 and OPM to petition for a text amendment to allow  
19 asphalt plants as a permitted use within the  
20 industrial zone districts. Our report dated June 27<sup>th</sup>  
21 served as our pre-hearing statement and final report  
22 and it included the recommendation that regulations  
23 specific to concrete mixing plants be applied to  
24 asphalt mixing plants by including the term "asphalt"  
25 in the recently adopted zoning text amendment sub-

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 section 802 through 820, thereby permitting the use by  
2 special exception in the CM and M zone districts.

3 In addition, another provision was added  
4 that would permit an existing facility currently  
5 located at 60 P Street, S.E. to relocate within the  
6 CM1 portions of DC Village.

7 The urgency of this amendment including an  
8 existing asphalt plant's relocation has been aligned  
9 in our report. District agencies including DDOT are  
10 concerned about a potential loss of industrial  
11 location for these businesses particularly the subject  
12 asphalt plant operations due to the District's  
13 agreement with major league baseball making it  
14 critical that the land now occupied by the existing  
15 asphalt plant become available no later than March  
16 2006. In order to expeditiously accommodate the  
17 relocation of the existing plant to a suitable  
18 industrial location, the proposed text amendment would  
19 all the Zoning Commission to consider the existing  
20 asphalt plant possible relocation as a matter of right  
21 thereby avoiding an additional hearing.

22 The uniqueness of the operations and the  
23 intent of the special exception review for asphalt  
24 plants are compatible and confers with concrete plants  
25 and have many of the same traffic, parking, intensity

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of use, pollution and adjacency concerns.

2 The purpose of the industrial exception  
3 review of concrete and asphalt plants in the  
4 industrial zone is to insure that the unique land use  
5 and operational characteristics of these facilities  
6 have no adverse impact on neighboring properties; do  
7 not restrict the potential for neighborhood  
8 revitalization efforts or overload residential streets  
9 with industrial traffic. OP recommends that the  
10 regulations specific to concrete mixing plants be  
11 applied to asphalt mixing plants and include any  
12 recently adopted text amendment to permit its use by  
13 special exception in the District in the CM industrial  
14 zones.

15 We would like to now acknowledge DDOT's  
16 representative Ms. Miller and the asphalt plant's  
17 counsel Mr. Barron and Jose Roubin and they will both  
18 testify in support of the District's need to maintain  
19 asphalt plants in the District.

20 Thank you.

21 VICE CHAIRPERSON HOOD: Are they going to  
22 testify now including your report?

23 MS. THOMAS: I was just acknowledging that  
24 they --

25 VICE CHAIRPERSON HOOD: Oh, you were

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 acknowledging that they will be testifying later.  
2 Okay.

3 Mr. Parsons, you and I. Do you have any  
4 questions?

5 COMMISSIONER PARSONS: Ms. Thomas, in your  
6 research on this case, do you know why we have  
7 prohibited the asphalt batching plants in the M zone?  
8 Why was the that prohibition placed into our  
9 regulations, and I don't know when it was.

10 MS. THOMAS: No, I really have no  
11 information as to why it was. There is a term that  
12 says "bituminous". We weren't sure going back with  
13 the Attorney General's Office, and back and forth, we  
14 weren't sure exactly what that meant at the time.

15 COMMISSIONER PARSONS: Okay. Then let me  
16 ask this: Do you see any differences in asphalt  
17 batching plants versus concrete batching plants?

18 MS. THOMAS: No. In -

19 COMMISSIONER PARSONS: Aroma or smell, for  
20 instance; do you think there is a difference between  
21 these two?

22 MS. THOMAS: I can't speak to the smell.  
23 But in previous research, when I was doing concrete  
24 plants it always came together, concrete and asphalt,  
25 concrete and asphalt. And for some reason I think it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 was just an omission on our part that we did not put  
2 in asphalt there. But all the jurisdictions in  
3 previous research, they are in the same zones and they  
4 classify the same. And as recently as 2002, the EPA  
5 classified concrete and asphalt as having the same  
6 type of characteristics.

7 COMMISSIONER PARSONS: Okay. Thank you.  
8 That's all.

9 VICE CHAIRPERSON HOOD: Thank you,  
10 I'm sorry, I missed Mr. Parsons'  
11 questions, but it may have already been covered, but  
12 I was just curious. The one on "P", we are being  
13 asked to move an existing site from P Street to DC  
14 Village. That's one of the issues.

15 MS. THOMAS: That is correct.

16 VICE CHAIRPERSON HOOD: Okay. I think I  
17 asked this at the sit down, forgive me. I'm sure I  
18 asked it but I have forgotten. Where is the one at on  
19 Bladensburg Road?

20 MS. THOMAS: Mr. Miller could probably help  
21 me. I think that's 2000 5<sup>th</sup> Street, N.E.? 5<sup>th</sup>? I had  
22 that address.

23 VICE CHAIRPERSON HOOD: 2005 5<sup>th</sup> Street.

24 MS. THOMAS: Yes. 5<sup>th</sup> Street, N.E.

25 VICE CHAIRPERSON HOOD: Are you familiar

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 with that site?

2 MS. THOMAS: Yes.

3 VICE CHAIRPERSON HOOD: Is it around homes?  
4 Because we are asking, and I think I brought this up  
5 in a number of other cases, we are asking to do this  
6 in CM1 zones and a lot of times, and I know especially  
7 in Ward 5 and maybe other wards also, there are homes  
8 right across the street. And I know asphalt unlike  
9 concrete, and I'm sure the experts want to come up and  
10 help me with this. I think asphalt, at least I think  
11 it has a different type of odor. And I know EPA has  
12 guidelines and regulations. But from a layman's terms  
13 and humanistic point of view, I smell the asphalt but  
14 I don't smell the concrete. I may see it, but it's  
15 different.

16 MS. THOMAS: Right.

17 VICE CHAIRPERSON HOOD: So I just want to  
18 make sure that what we are doing will not hinder those  
19 surrounding neighborhoods. Because again, as we all  
20 know, CM1 zones are right across the street from a lot  
21 of residential zones. And I know it's a need and I  
22 understand that too, but I just think we make sure  
23 that we craft it to where we won't have those  
24 problems.

25 MS. THOMAS: Right.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON HOOD: Even at the BZA  
2 level.

3 MS. THOMAS: The regulations that were  
4 crafted for concrete Section 80217D would allow that  
5 if any facility coming into a special exception should  
6 be located within 500 feet of a residential district  
7 not -- so there is some type of-

8 VICE CHAIRPERSON HOOD: So there is a  
9 buffer. Okay.

10 MS. THOMAS: Buffer.

11 VICE CHAIRPERSON HOOD: So we have a 500  
12 foot buffer. Okay.

13 The other thing is, I know it may come up  
14 under another jurisdiction, but keeping the smell, is  
15 it inside or is it able to just the aroma is just able  
16 to flow, or maybe I can ask the experts when they come  
17 up.

18 MS. STEINGASSER: That's exactly why  
19 requested the expert come and talk about this the  
20 particular standards of operation that asphalt does  
21 have, and there has been many advances in how that  
22 technology is treated. So that's why they would be  
23 more equipped to answer that than we are.

24 VICE CHAIRPERSON HOOD: Okay. And I'll  
25 just say this to you because I'm pretty familiar with

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Bladensburg Road, the one on Bladensburg Road must be  
2 running well because I don't even know where it is and  
3 I usually know. Someone who lives around a lot of  
4 industrial land, I usually know where everything is,  
5 concrete plants, trash transfer stations. I don't know  
6 where this one is. So that's all the questions I  
7 have.

8 Mr. Parsons has one.

9 COMMISSIONER PARSONS: The map that we have  
10 shows the CM zone as zoned in DC Village, this map  
11 here. This is a pretty -- well, I wanted to ask  
12 specifically where this would go. The impoundment lot  
13 that is there now is at the South end run by  
14 Metropolitan Police, I believe. And there is also a  
15 facility in there for the District Department of  
16 Transportation. I think there is also, I may be  
17 wrong, but the Architect to the Capitol is located in  
18 there, And I just wondered, are we displacing other  
19 uses to accomplish this or is there room for this on  
20 vacant land?

21 MS. THOMAS: We're not exactly sure. The  
22 property hasn't been surveyed out as yet, is my  
23 understanding by OPM. The survey hasn't been  
24 completed as yet. So I believe when that is completed  
25 it can become part of the record so we would know if

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 something is being displaced or not.

2 MS. STEINGASSER: And we will have that  
3 survey prior to any proposed action. We did provide  
4 in there a general site plan. Did you get a copy?

5 COMMISSIONER PARSONS: No, I haven't seen  
6 that. That would probably be helpful.

7 MS. STEINGASSER: It's a rough idea.

8 COMMISSIONER PARSONS: So the area  
9 surrounded in yellow is the Department of  
10 Transportation building?

11 MS. THOMAS: That's correct. That is DDOT  
12 and I think Urban Forestry was down there, that was  
13 the previous -

14 COMMISSIONER PARSONS: The Impoundment Yard  
15 is the large area in brown crosshatching, adjacent to  
16 the park.

17 MS. THOMAS: Yes.

18 MR. PARSONS: I am just wondering if we  
19 are going to have to relocate other facilities out of  
20 here in order to accommodate this.

21 MS. STEINGASSER: There is a representative  
22 from OPM sitting silently in the audience.

23 COMMISSIONER PARSONS: Okay, well -

24 MS. STEINGASSER: So I am going to ask him  
25 if he could address that for us. Mr. Wolfe?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: They are forewarned.  
2 Of course, I'm sure you are not surprised by my  
3 question in that the park is the one, the park is the  
4 adjacent neighbor here that I'm concerned about here.

5 MS. THOMAS: That's good. Yes.

6 COMMISSIONER PARSONS: Okay. Well, we'll  
7 deal with that then. That's all I have. Thanks.

8 MS. THOMAS: Okay.

9 VICE CHAIRPERSON HOOD: Mr. Parsons, did  
10 you want to get an answer to your question? The  
11 Office of Planning is saying that we have a  
12 representative from the Office of Property Management.

13 MR. PARSONS: Sure.

14 VICE CHAIRMAN HOOD: If you can come to  
15 the table and identify yourself.

16 MR. WOLFE: Yes, I'm Joe Wolfe, Project  
17 Manager with the Office of Property Management.

18 The site that we chose is the Urban  
19 Forestry property at DC Village, but it's possible  
20 that the plant could be located a bit south of that.  
21 I believe the language calls for the plant to be west  
22 of Shepherd Parkway.

23 COMMISSIONER PARSONS: Do you have this  
24 diagram? This -

25 MR. WOLFE: Yes. I have seen that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: So, could you draw  
2 a circle?

3 I don't know where the Urban Forestry organization is.  
4 Oh, if this will become clear in later testimony,  
5 fine.

6 MR. WOLFE: Yes, I think it will.

7 COMMISSIONER PARSONS: Okay. Great.

8 VICE CHAIRPERSON HOOD: Okay. All right.  
9 We'll wait to get the answer to those later.

10 COMMISSIONER PARSONS: Fine.

11 VICE CHAIRPERSON HOOD: All right. Any  
12 more questions, Mr. Parsons?

13 COMMISSIONER PARSONS: No. Thank you.

14 VICE CHAIRPERSON HOOD: Okay. Thank you,  
15 Ms. Thomas and Ms. Steingasser.

16 Okay. Reports of other government  
17 agencies. I am going to ask Mr. Allen Miller to come  
18 forward and anyone who is with him come forward. Give  
19 us your name and your address and what agency you are  
20 representing even though we know you are DDOT.

21 MR. MILLER: Good evening. I am Allen  
22 Miller with the District Department of Transportation.  
23 I am a Supervisory Engineer.

24 We wrote the report and I would at this  
25 time just stand on that report unless there are some

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 specific questions you gentlemen have.

2 VICE CHAIRPERSON HOOD: Mr. Parsons?

3 COMMISSIONER PARSONS: Do you plan to  
4 relocate from this location at DC Village, your  
5 facilities?

6 MR. MILLER: We have some uses that are  
7 going to be using some of that property down at the DC  
8 Village, but we believe there is sufficient property  
9 down there for the asphalt plant and the things that  
10 we plan to do. The Urban Forestry is already being  
11 moved out of there.

12 COMMISSIONER PARSONS: So, the building  
13 that I am familiar with that is shown on this diagram,  
14 that is still under your jurisdiction?

15 MR. MILLER: That is still under our  
16 jurisdiction and we will continue to use that  
17 building. We believe there is sufficient space south  
18 of that for the asphalt plant.

19 COMMISSIONER PARSONS: So that's next to  
20 the park then, isn't it?

21 MR. MILLER: That would be the next -- yes.  
22 I believe that would be next to the park.

23 COMMISSIONER PARSONS: So that is the  
24 intended location?

25 MR. MILLER: I haven't actually certified

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 a location yet. We haven't actually gone down there  
2 and surveyed out a location, but that's what we are  
3 looking at.

4 COMMISSIONER PARSONS: Okay.

5 MR. MILLER: On the west side, between  
6 Shepherd Parkway and 295.

7 COMMISSIONER PARSONS: All right. Thank  
8 you.

9 VICE CHAIRPERSON HOOD: Mr. Miller. I see  
10 in your report, it talks about the perishable  
11 products. It starts off by saying that asphalt is a  
12 perishable product. And when I see the guys or  
13 workers on the streets and it says you have up to 90  
14 minutes, and that's why this is particularly we want  
15 to keep it close to the city because of all of the  
16 development and I understand that and I think that's  
17 a great idea, but my concern is -- well, not  
18 necessarily a concern but my question is it says it  
19 costs a lot to keep it here. But aren't we doing that  
20 already?

21 MR. MILLER: No. The 90 minutes means we  
22 put it in an open body truck and haul it in. The mass  
23 of it maintains its heat for about 90 minutes. A  
24 little shorter time in the fall and a little longer  
25 time in the heat of the summer.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   We can put it in heated body trucks. That  
2 gives us just a little bit more time, but that's a  
3 whole lot more expensive to haul it. It also causes  
4 some serious problems with overcooking. If you leave  
5 it in a heated body truck more than about 3 hours, you  
6 cook off a lot of the volatiles. I don't know how  
7 familiar you are with asphalt, but basically it's a  
8 sludge that's left over when you crack petroleum. And  
9 you have enough volatiles in it that it remains  
10 plastic and it's flexible pavement rather than a rigid  
11 pavement liked Portland Cement Concrete. So, if you  
12 heat it too long you cook the volatiles off and it  
13 then becomes stiff and brittle and doesn't do what  
14 it's supposed to do.

15                   So even in using heated body trucks we are  
16 limited in the amount of time that we can keep the  
17 asphalt in use.

18                   The 90 minutes means we use a regular big  
19 20-ton dump. They dump it out of the plant. Within 90  
20 minutes we've got to have placed it and done the  
21 breakdown rolling on it.

22                   VICE CHAIRPERSON HOOD: So, the majority of  
23 the time, just educate me, the majority of the time  
24 when I see guys filling pot holes and whatever, they  
25 just left the plant 90 minutes ago?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   MR. MILLER: That's a little bit different  
2 subject. We use hot or cold mix to fill potholes.  
3 They are a much smaller piece and it's basically just  
4 a plug. What we are talking about here in general is  
5 when we are doing a road. The milling work you see or  
6 we are building a new road and you see those trucks  
7 and that machine that spreads it and the rollers. If  
8 we fail to meet the specifications, the superpave  
9 specifications, the new modern specifications, that  
10 asphalt breaks down much, much quicker. It can break  
11 down in as little as a year or two. We generally hope  
12 to get 15 to 20 years out of a road. So that becomes  
13 very important.

14                   Now when you are patching a pothole, that  
15 means that road has already failed, you are not as  
16 worried about the material that you throw in the  
17 pothole lasting quite as long. This is a temporary  
18 repair to a road until it's going to be rebuilt in  
19 maybe 5 to 7 years. The specifications are not nearly  
20 as important on patching a pothole. It's still  
21 important, but it's not as important and you can  
22 actually hold it a little longer and lose some of the  
23 volatiles and it's still usable for pothole patching.  
24 It's a slightly different process.

25                   VICE CHAIRPERSON HOOD: Okay. Okay. Thank

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 you for the education.

2 Mr. Parsons?

3 COMMISSIONER PARSONS: Do your paving  
4 contractors purchase asphalt from Prince George's or  
5 Montgomery County as they are working closer to the  
6 edge of the city?

7 MR. MILLER: Not very often. Again, the  
8 distances are generally just too great. I know we  
9 don't get any out of Northern Virginia because of the  
10 bridges and because of some other controls. We get  
11 very little out of Prince George's or Montgomery  
12 County because again, the plants that are out there  
13 are a little bit too far out. We're actually pushing  
14 the envelope of what's with the traffic around here,  
15 what's usable by going down to DC Village. That's  
16 about as far out as we can put a plant and it still be  
17 economically viable for supporting downtown and the  
18 residential areas north and east and west of the  
19 central part of the city.

20 COMMISSIONER PARSONS: So these 2 plants in  
21 the city provide all of the asphalt for all of the  
22 city?

23 MR. MILLER: Pretty much provide all of the  
24 asphalt that's used in the city.

25 COMMISSIONER PARSONS: Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   VICE CHAIRPERSON HOOD: One additional  
2 question, Mr. Miller. In your report, or in the  
3 report provided in your conclusion or your  
4 recommendation you state that, I'll just read the last  
5 sentence. "The proposal to relocate the plant to  
6 Shepherd Parkway would also prefer a site even closer  
7 to the center of the city if possible."

8                   MR. MILLER: Yes. We'd prefer to have the  
9 plant in closer to the areas that we work. Shepherd  
10 Parkway, as I said is kind of on the edge of where  
11 it's economically viable to bring the material in. If  
12 we have a problem or we are working in, say, down  
13 around the new ballpark and we have a problem on the  
14 Frederick Douglas Bridge, a truck gets held up for 90  
15 minutes, we've just lost that load of asphalt. It's  
16 a concern to me as an engineer for the city on my  
17 projects, it's certainly a concern to the  
18 manufacturers of the product because that's a serious  
19 expense when we lose a load. So, we want to, really  
20 about 30 minutes in traffic is as about as much as you  
21 can economically work without endangering the  
22 projects.

23                   VICE CHAIRPERSON HOOD: You may not be the  
24 correct person to ask, but I'm going to ask this since  
25 you are at the table, maybe someone else can help me.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 But I mentioned earlier to the Office of Planning  
2 about when it's being processed. Is it covered, is it  
3 inside or it just able to roam?

4 MR. MILLER: The operators can give you  
5 more information on that. But the plant itself is a  
6 contained unit with the modern plants. There is still  
7 some smell that does get out. My personal opinion is  
8 that I'd rather have an asphalt plant closer to my  
9 house than a concrete plant, and I'll tell you why.

10 VICE CHAIRPERSON HOOD: I'm sorry you said  
11 that, but go ahead.

12 MR. MILLER: Because the concrete plant has  
13 dust. A lot more dust, and you get with the Portland  
14 Cement Concrete dust. And for me, it causes me  
15 breathing problems with the dust worse than the smell  
16 does. And yes, there is some smell. I'm not going to  
17 -- but with the modern plant it's fairly well  
18 contained and you'll get a little bit of smell when  
19 they put it onto the truck primarily. And they still  
20 haven't figured out how to keep it completely enclosed  
21 in that case. But certainly not as bad a smell as you  
22 get when you actually put it down and work it on the  
23 roadway.

24 VICE CHAIRPERSON HOOD: Okay. All right.

25 COMMISSIONER PARSONS: You just said

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 something and now it's making more sense to me. The  
2 90 minutes is from the time it leaves the plant until  
3 it's actually rolled onto the pavement?

4 MR. MILLER: Yes, sir. That is exactly-

5 COMMISSIONER PARSONS: We really should be  
6 worried about delivery time not 90 minutes?

7 MR. MILLER: Which is about 30 minutes is  
8 about as much delivery time as you -- sometimes you  
9 can squeeze a little more delivery time out of it if  
10 you stagger your staging. But that causes some  
11 problems with the continuous run of asphalt as you  
12 pave a street so you have more joints in it. That's  
13 not a good thing either. But what you need is, you  
14 bring the truck up. You stage a truck there as you  
15 are running up to the Barber Green machine -- the  
16 spreader. And you spread that. That truck comes out  
17 and you put the next truck in and you just keep a  
18 continuous spread so you don't have joints. Joints  
19 make the road unsmooth. You have a rougher ride.  
20 They allow moisture to get in which causes  
21 deterioration of your subbase and your materials.  
22 Every time you have a joint you run the risk of  
23 further deteriorating the road. So the more  
24 continuous the pour, the longer and smoother you can  
25 make it, the better riding the road is, the longer

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it's going to last. And, again, the 90 minutes is--  
2 you've already had your breakdown roller and you are  
3 putting your finishing roller on it in 90 minutes.

4 COMMISSIONER PARSONS: That's similar to  
5 concrete. I think they told us 25 minutes.

6 MR. MILLER: Well, yes. Both are very  
7 perishable products. We like to say in engineering  
8 that neither one of them travel very well.

9 COMMISSIONER PARSONS: Okay. That's all.

10 MR. MILLER: Okay.

11 VICE CHAIRPERSON HOOD: Thank you, Mr.  
12 Miller. You've been very helpful. Appreciate it.

13 MR. MILLER: No problem, sir.

14 VICE CHAIRPERSON HOOD: Do we have any  
15 other government agencies represented? Seeing none.

16 Any ANCs represented?

17 And I don't think we had any reports from  
18 any ANCs in the record.

19 Okay. Next we have, I guess, any  
20 organizations or persons in support. We have Mr. John  
21 Barron and Mr. Jose Roubin. If you can come forward.  
22 I guess we'll take you both at the same time.

23 And anybody else that is in the hearing  
24 room that would like to come forward they can also  
25 come forward and join this panel, if they are in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 support. Seeing none, we'll stick with those 2.

2 Whoever wants to start off can.

3 MR. ROUBIN: I'm not much on public  
4 speaking but. Good evening. My name is Jose Roubin.  
5 I reside at 1608 Fremont Lane, Vienna, Virginia 22182.  
6 I am a member of Roubin Associates, LLC, the owner of  
7 the asphalt plant currently located at 60 P Street,  
8 S.E. and I am also Vice President of Roubin & Janeiro,  
9 Inc., the operator of the plant.

10 These are jointly owned companies and I am  
11 appearing on behalf of both entities to support the  
12 proposed asphalt plant text amendment.

13 With me tonight is John Barron of the law  
14 firm of Dwayne Morris LLP. Mr. Barron will address  
15 the legal aspects of the proposed text amendment  
16 following my remarks.

17 Roubin & Associates and Roubin & Janeiro,  
18 Inc. are both Hispanic owned businesses that have  
19 owned or operated an asphalt plant in the District  
20 since the late '70s. Through our manufacturing and  
21 delivery of asphalt materials we provided numerous  
22 jobs in the District and surrounding jurisdictions  
23 involved in the paving industry.

24 We've owned this P Street, S.E. property  
25 and paid real estate taxes, income taxes to the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 District for more than 26 years. The asphalt provided  
2 from the facility has primarily been used to service  
3 DDOT projects, city streets at a price considerably  
4 lower than our competition.

5 As the Commission knows, industrial uses  
6 in general are being forced out of the District due to  
7 a variety of factors. This situation has led to a  
8 steady decline in the number of plants in the  
9 District. In the early '80s, there were 4 plants in  
10 town, Corson & Gruman, Tyrock, Faith and us. Now  
11 there are only 2 plants, ours and Fort Myers. Fort  
12 Myer bought Tyrock and Faith.

13 DDOT and other District officials have  
14 made it clear to us that they desire to keep our plant  
15 in town so as to maintain competition for the  
16 District's asphalt procurement. Based on this  
17 endorsement, we proceeded and completed the  
18 installation of our state of the art plant in 2004.  
19 We had just started operating the plant when the news  
20 of the proposed stadium came along. Needless to say,  
21 not knowing our destiny, it prevented us from bidding  
22 on numerous multi-year contracts and has threatened to  
23 end our business in the District all together.

24 We are delighted that the Commission has  
25 agreed to consider the proposed asphalt plant text

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 amendment and the possibility that we can relocate to  
2 DC Village as a matter of right. While this location  
3 is more remote than our current location, we are  
4 seriously considering this site. We won't know for  
5 sure until we've worked out the details with the  
6 District.

7 Having the right to relocate is important  
8 to us and to the District. If after the evaluation of  
9 the DC Village site it's determined that for some  
10 reason we are not able to remain competitive, then  
11 having the option to pursue alternate locations by  
12 special exception could potentially be the difference  
13 between continuing to do business in the District or  
14 shutting down our operation completely.

15 It is possible that in order for us to  
16 operate a profitable business at the DC Village site  
17 that we may need to diversify our operations so as to  
18 generate additional revenue. We are considering the  
19 benefits of adding a small concrete plant at this site  
20 as well. We believe that a concrete plant would  
21 complement our existing asphalt business. With a  
22 number of large scale projects coming up, the supply  
23 of concrete may help offset some of the disadvantages  
24 of having to relocate to DC Village.

25 DDOT has expressed to us the need for a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 concrete plant in that area of the District and it  
2 would support adding concrete plant operations at the  
3 DC Village site. Therefore, we respectfully request  
4 that the pending text amendment be modified so as to  
5 permit us to operate both the concrete and asphalt  
6 plant at the DC Village site as a matter of right.

7 We value our relationship with the  
8 District, especially DDOT and are grateful for their  
9 support and yours regarding the pending text  
10 amendment. As you know, relocating a plant involves,  
11 in some respects, more work than building one from  
12 scratch. We have to find a suitable site, prepare the  
13 site, prepare plans, specifications for the  
14 relocation, dismantle, transport, store the existing  
15 plant, obtain construction permits, operating  
16 permits, air quality permits, pour foundations and  
17 then reassemble the plant. During the period we are  
18 closed for relocation, there will only be one source  
19 of asphalt within the District. Hence, it is both the  
20 District's interest and ours to minimize the  
21 relocation period. I urge prompt approval, since the  
22 District has notified us that condemnation of our land  
23 is eminent and we need to cease operations within a  
24 few months.

25 Thank you for this opportunity to speak in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 favor of the proposed text amendment and we appreciate  
2 your consideration of our requested modification to  
3 permit both asphalt and concrete plant operations at  
4 the DC Village site as a matter of right.

5 VICE CHAIRPERSON HOOD: Thank you,

6 Mr, Barron.

7 COMMISSIONER PARSONS: That was Mr. Roubin.

8 VICE CHAIRPERSON HOOD: No, I was thanking  
9 you, but I wanted Mr. Barron to start.

10 Thank you, Mr. Roubin.

11 MR. ROUBIN: You're welcome.

12 MR. BARRON: Thank you. Given the time  
13 allotted, I don't know if I'll get through my entire  
14 statement. I have given copies to the staff for each  
15 of the members of the Commission. And I will be  
16 referring to the aerial photo attached to the rear of  
17 the statement, which shows a larger area than may have  
18 been attached to the Commission's announcement.

19 Good evening. My name is John Barron. I  
20 am a partner in the law firm of Dwayne Morris LLP. I  
21 serve as legal counsel both to Roubin & Associates and  
22 Roubin & Janeiro in connection with their asphalt  
23 plant at 60 P Street, S.E.

24 In Mr. Roubin's statement, he discussed  
25 the circumstances that support the need for the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 proposed asphalt plant text amendment and the benefits  
2 that would accrue both to the District and to the  
3 owners and operators of the plant. I'd like to  
4 comment on specific text amendment language.

5 First, we wish to make clear that we  
6 support the proposed amendments to Section 80217  
7 through 80220, 82215 and 8231F which taken together  
8 would permit an asphalt plant as a special exception  
9 in either the CM or M Districts, subject to approval  
10 of the Board of Zoning Adjustment.

11 Proposed Section 801.7M does not impose  
12 any special conditions or requirements on the  
13 relocation of our existing asphalt plant to the CM1  
14 portions of DC Village as a matter of right, other  
15 than compliance with the standards of external affects  
16 in Section 804 and the requirements applicable to site  
17 planning and external affects operations of Section  
18 805. This is important since, as noted by Mr. Roubin's  
19 testimony, there is serious concern as to the economic  
20 viability at this location due to its remoteness from  
21 downtown and the result in increase in transportation  
22 costs and travel time that would have to be absorbed.

23 It is also important to note that the  
24 existing plant is subject to a stringent Title 5 Air  
25 Quality operating permit. This permit already

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 addresses key issues such as truck idling requirements  
2 and control of fugitive dust from the plant. We  
3 anticipate that the relocated plant will be subject to  
4 these same requirements. Imposition of requirements  
5 or conditions at the DC Village site not applicable to  
6 asphalt plant operations at its current location could  
7 result in further cost increases and thus have an  
8 adverse impact on the future economic viability of the  
9 plant. Given that the DC Village site is surrounded  
10 by District and Federal Government uses and has road  
11 access to I-295 via Shepherd Parkway without  
12 traversing neighborhoods, we believe that no  
13 additional conditions or restrictions should be placed  
14 on the relocation of the asphalt plant. In short, we  
15 support adoption of proposed Section 801.7M as  
16 drafted.

17 We recognize that if proposed Section  
18 801.7M is adopted, we will need to meet the standards  
19 of external affects set forth in Section 804 and the  
20 requirements for site plan and external affects  
21 operations in Section 805. Such requirements do not  
22 apply to our existing plant and we don't know whether  
23 our existing operations, when relocated, would comply  
24 therewith or not. We have not yet finalized the terms  
25 and conditions of the sale or lease of the DC Village

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 site with OPM and have not yet made a final  
2 determination that relocation to this site is  
3 economically feasible. Once we do so, we will  
4 commence preparation of any required submittals under  
5 Section 805.1.

6 Our ability to comply with the  
7 requirements of Section 804 and 805 and the costs  
8 thereof will be a material factor in determining  
9 whether relocation to the DC Village site makes  
10 economic sense.

11 Now I go on to address, even though the  
12 Section 801.7M would permit this is as a matter of  
13 right, I go on to address the requirements that would  
14 apply in the case of a special exception for asphalt  
15 plant operations in other CM or M Districts. Just to  
16 give comfort to the Commission that we have addressed  
17 those issues that would apply. So I can go through  
18 these if you'd like. I've addressed each one of these  
19 separately. In the interest of time, I think what  
20 I'll do is refer to my submittal. But the point is  
21 that each one of the requirements that would apply to  
22 a special exception for an asphalt plant are either  
23 already addressed in other required provisions that we  
24 would have to meet as a matter of right or due to the  
25 remoteness of the site and the fact that it's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 surrounded by Federal and District Government uses,  
2 they just simply wouldn't apply. So I can address any  
3 of those concerns that you might have but I won't take  
4 the time to go through each one.

5 The bottom line is that we feel that the  
6 reviews that we'll have by DCRA and by the Department  
7 of Health will be adequate to protect the District's  
8 interests and that referral to additional agencies as  
9 might be contemplated under Section 80218 is  
10 unnecessary.

11 We also think that the concerns that are  
12 articulated under Section 80219 for special exceptions  
13 are largely addressed in the existing regulations that  
14 we would have to meet even as a matter of right.

15 So in short, we don't believe that any  
16 additional requirements as contemplated by 80220 for  
17 special exceptions should be applied here.

18 Now turning to another matter. Mr. Roubin  
19 has articulated that he is giving consideration to the  
20 desirability of co-locating concrete operations. I'll  
21 let him address the question of the atmospherics and  
22 the "smell test," so to speak. I think we are down  
23 wind of Blue Plains which may mean it may actually  
24 improve the situation. But I'll leave that to the  
25 experts.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           The concept of treating asphalt and  
2 concrete similarly is similar to the way you've  
3 already addressed it in the proposed special exception  
4 regulations. They would apply to concrete or asphalt.  
5 What we are suggesting here is that given the  
6 remoteness of the site and the stringent standards  
7 that we have to meet already for asphalt as a matter  
8 of right that we should be able to co-locate concrete.  
9 We understand that's not on the agenda tonight but we  
10 raise that as something that we request respectfully  
11 that the Commission consider at its earliest  
12 convenience. The point being that there is no  
13 concrete plant in that area of the city at present.  
14 The city has significant infrastructure projects  
15 coming up where concrete located there would be well  
16 received and we'd have additional opportunity to  
17 generate revenue that would offset, to some extent,  
18 the significant increased cost in transportation.  
19 We've even proposed a specific text amendment 281.7N  
20 which could be addressed at a later time if the  
21 Commission so desired.

22           Thank you for this opportunity to present  
23 this statement. We support adoption of the pending  
24 text amendment as drafted.

25           VICE CHAIRPERSON HOOD: Okay. Thank you,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Mr. Barron.

2 Do you have any questions, Mr. Parsons?

3 COMMISSIONER PARSONS: I do. This diagram  
4 has a red line around it.

5 MR. BARRON: Yes.

6 COMMISSIONER PARSONS: What is the meaning  
7 of that?

8 MR. BARRON: Yes, sir. This aerial photo  
9 was taken from the DC Citizen Atlas website and one of  
10 my colleagues who knows how to do line drawing drew a  
11 perimeter around the site. This is the approximate  
12 site that we are discussing. Subject to the final  
13 survey, it's unclear what the exact final boundaries  
14 will be. But this is the site. To the left running  
15 north/south is I-295. To the far left is the Blue  
16 Plains Treatment Plant. To the south is Federal  
17 Government land. To the east and sort of northeast is  
18 DC Village. And then Shepherd Parkway runs up to the  
19 north connecting with I-295 just off the north of the  
20 photo.

21 COMMISSIONER PARSONS: Well, I'm confused.  
22 The area that you circled is the area that DDOT now  
23 occupies. It's a small office building in there?

24 MR. BARRON: Yes, sir.

25 COMMISSIONER PARSONS: I thought when I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 asked Mr. Miller if he was going to relocate and he  
2 said no.

3 MR. BARRON: Don't know that that has been  
4 finally determined. The discussions that we've had  
5 with OPM could involve that entire site and could  
6 involve potentially removal of that building.  
7 Obviously it's right in the middle of the property.  
8 So we haven't gotten that far in our negotiations, but  
9 our understanding is that this site that's outlined in  
10 red, more or less, at a minimum would be available.

11 COMMISSIONER PARSONS: Okay. So you don't  
12 think you'd be considering the triangle to the south  
13 adjacent to the park?

14 MR. BARRON: Yes, we would. We've  
15 discussed that with them. We've discussed it with Mr.  
16 Wolfe and Ms. Mitten of the Office of Property  
17 Management but since they don't actually have a  
18 survey, we're not sure where the boundary lines are,  
19 how far south it goes. It is possible if the southern  
20 boundary of the DC Village site is far enough south, -  
21 we might be able to slide the site even further south  
22 and spare that building. But our current plans are,  
23 if you can see the way it's outlined right now, it's  
24 right in the middle of the site and would probably  
25 have to go.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER PARSONS: Right. So, our  
2 regulations would have you 200 feet offset from the  
3 park? I mean that's what the zoning regulations  
4 permit. And I think you said in your statement, you  
5 caveated it with we don't have a survey but you don't  
6 feel that you'll be within 200 feet of the park.

7                   MR. BARRON: That's our understanding. But  
8 I think even in fairness to the District, they don't  
9 have the exact boundaries of the entire project. So  
10 we'll have to determine that.

11                   COMMISSIONER PARSONS: All right.

12                   MR. BARRON: As presently contemplated,  
13 it's our understanding that the site would comply.

14                   COMMISSIONER PARSONS: Okay. Now, Mr.  
15 Roubin. Tell us how nice a state of the art plant is.  
16 Does it smell? How tall is it?

17                   MR. ROUBIN: Well, sure it smells.

18                   COMMISSIONER PARSONS: I'm jesting. Can  
19 you describe what one of these -- what they look like?

20                   MR. ROUBIN: It's a state of the art plant.  
21 I mean, it's brand new. We just bought it. And it's  
22 manufactured from people out in Indiana, Asphalt Drum  
23 Mixers is the name of the plant. And it's capable of  
24 running recycled materials. In other words the  
25 millings that come off the road, we can add a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 percentage of that into the new mix and even in doing  
2 that, it's still the omissions coming from our bag  
3 house -- it's a bag house system if you are familiar  
4 with that or not. Its like a giant vacuum that sucks  
5 all the fines out and everything. And it's 99.9  
6 percent clean coming out of the stack. You can't get  
7 much cleaner than that. But the smell that Mr. Hood  
8 was talking about earlier, the majority of that smell  
9 comes from the finished product, like Mr. Miller was  
10 saying earlier. It's not in the production of the  
11 plant. Once you put the materials up into the silo,  
12 that's your finished product. That's what you smell  
13 when you drive by. It's the finished product, that  
14 liquid.

15 Now, when you dump it into the trucks,  
16 that's when that smell comes out. And I don't know of  
17 any other plant that loads trucks. I mean there is --  
18 that's the way we load trucks. It's just the way it  
19 is.

20 So if you are near those silos while they  
21 are loading trucks, you will get that smell. But  
22 other than that there's nothing coming out of the  
23 stack at all. Literally you can sit there and not see  
24 anything.

25 COMMISSIONER PARSONS: So, probably a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 little bit easier if I just went down and looked but  
2 I haven't. You mentioned a "stack" and a "silo".

3 MR. ROUBIN: Yes.

4 COMMISSIONER PARSONS: What does this place  
5 look like? I mean, is the stack 200 feet high, a big  
6 spout--

7 MR. ROUBIN: No. The stack is probably  
8 about 45 foot high and basically what you are doing is  
9 -- do you want me to go through the process with you?

10 COMMISSIONER PARSONS: Well, more of what  
11 it looks like. Is it mostly contained inside somehow?

12 MR. ROUBIN: No. No. It's all outside.

13 COMMISSIONER PARSONS: Okay.

14 MR. ROUBIN: It's outside. You have  
15 storage bins for different aggregates. Those  
16 aggregates are loaded into hoppers with a belt. The  
17 belt feeds a dryer that rotates with heat going  
18 through it that dries all of the aggregate. Once the  
19 aggregates dried, its transferred to a smaller drum  
20 that's spinning. And that's one of the state of the  
21 art things about our plant is we have 2 drums. The  
22 flame never touches the liquid asphalt in our plant.  
23 In other plants it's a different story. But anyway,  
24 then it's transferred to a smaller drum that's  
25 rotating also. That's your mixing drum. That's when

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the liquid asphalt, that stinks, is interjected. But  
2 it's all in closed lines. You never smell it during  
3 the production. But all of this is exposed. I mean,  
4 its not under a giant building.

5 COMMISSIONER PARSONS: Okay. So your stack  
6 is 45 feet high.

7 MR. ROUBIN: Something like that.

8 COMMISSIONER PARSONS: All right. We'll  
9 give it 50, whatever. How about the silo?

10 MR. ROUBIN: The silos are probably about  
11 70 foot high. 65 or 70 foot high.

12 COMMISSIONER PARSONS: How many of them are  
13 there?

14 MR. ROUBIN: Well, you have three 200 ton  
15 silos and underneath of them, if you can imagine,  
16 they're kind of like lined up in a line and then  
17 underneath, the trucks pulls underneath on the scales.  
18 The scales are located right underneath of them.

19 COMMISSIONER PARSONS: What color are they?

20 MR. ROUBIN What color are they? The  
21 scales?

22 COMMISSIONER PARSONS: No. The stack and  
23 the silos.

24 MR. ROUBIN: The color of them is about the color  
25 of that wall right behind you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER PARSONS: I see. Well, it's  
2 one of the gateways to the city and I'm just trying to  
3 figure out the visual impact of what you are proposing  
4 because--

5                   MR. ROUBIN: It's a greyish color.

6                   COMMISSIONER PARSONS: And the stack is the  
7 same color?

8                   MR. ROUBIN: Yes. Everything is pretty  
9 much a uniform color.

10                  COMMISSIONER PARSONS: Okay. Thank you.

11                  VICE CHAIRPERSON HOOD: You've answered,  
12 Mr. Roubin, a number of questions and I appreciate it.  
13 Let me just ask, there is a request, another request,  
14 that I think you asked me Mr. Mason, also included in  
15 the transfer or the relocation of your asphalt plant  
16 and also included as a matter of right to incorporate  
17 the concrete plant. Has that request been made to the  
18 Office of Planning or tonight was the first night?

19                  MR. MILLER: We've had just some telephone  
20 discussions and email in the last day or two, Mr. Hood  
21 but not formally. That request will be made. We  
22 understand it's not before the Commission tonight and  
23 would require if the Commission is favorably disposed,  
24 separate notice and hearing.

25                  VICE CHAIRPERSON HOOD: So that would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 require another hearing? I was bringing it up to see  
2 if we could deal -- okay. I guess we have to  
3 advertise.

4 So, Mr. Roubin, you mentioned about, I  
5 understand about the steps. I followed all of that  
6 good. My concern was at the plant, the smell. The  
7 only time we are going to have a smell is in passing.  
8 In other words, what I'm saying is if you were to  
9 locate right in a residential neighborhood. The only  
10 time you are going to have a smell is when you are  
11 moving it. If the plant is just there and it's not  
12 being moved into a truck and whatnot, you wouldn't  
13 normally smell anything? It's only when it's moving.

14 MR. ROUBIN: If it's not operating?

15 VICE CHAIRPERSON HOOD: No, other than  
16 loading. That's basically the only time. That smell  
17 is going to be there but eventually it's going to be  
18 moved away. It just won't continuously be there. But  
19 I think that some of your argument was taken care when  
20 Mr. Miller brought a point to me that I hadn't  
21 realized. I've realized that the dust from the cement  
22 plant, which I would have to agree with him is much  
23 worse. But I'm just trying to make sure that the  
24 smell, not necessarily your plant -- let me say. I'm  
25 not really talking about your plant because you are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the one here. I am talking about the one we are  
2 talking about relocating in another CM1 zone. You were  
3 asking, we are trying to do as a matter of right for  
4 you. But I am talking about the other plant  
5 operators. If I want to get a plant and I want to go  
6 in a residential zone. I'm concerned about those  
7 residential areas and the smell. That's what it's all  
8 about with me with the smell. And like you say, when  
9 you are doing the streets, when you ride by, you smell  
10 it. But at the plant I wouldn't smell it like I do  
11 when that liquid isn't injected. Right?

12 MR. ROUBIN: Yes. You won't smell that at  
13 all. No.

14 VICE CHAIRPERSON HOOD: Okay. So, when we  
15 ride by in street, it's not what the residential  
16 homeowner will smell continuously at their home?

17 MR. ROUBIN: That's correct.

18 VICE CHAIRPERSON HOOD: Okay.

19 MR. ROUBIN: Now if you get out and stand  
20 there while they are loading the truck, you are going  
21 to get a good whiff of it.

22 VICE CHAIRPERSON HOOD: Get a whiff of it.  
23 But that smell will go away?

24 MR. ROUBIN: Yes.

25 VICE CHAIRPERSON HOOD: When they drive

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 off. Okay.

2 All right. That's all the questions I  
3 have. Any more questions?

4 COMMISSIONER PARSONS: No, I don't.

5 VICE CHAIRPERSON HOOD: All right. I thank  
6 you both. Very informative. I'll be a subject matter  
7 expert soon on asphalt. I doubt it.

8 Anyone else, organizations or persons in  
9 support? Seeing none.

10 Organizations or persons in opposition?  
11 Seeing none.

12 Okay. I think everything is on.

13 Ms. Schellin. As I stated our other 2  
14 colleagues Commissioner Jeffries and Commissioner  
15 Hildebrand will be reading the record and we will. I  
16 guess we need to allow for some time for them to read  
17 the record, right? Ms. Schellin? It's going to take  
18 us awhile to get the record back. Can we kind of come  
19 up with a general perspective of when we may be able  
20 to deal with this?

21 MS. SCHELLIN: Probably the first chance of  
22 taking this up for proposed action would be at our  
23 November 14<sup>th</sup> meeting.

24 VICE CHAIRPERSON HOOD: November 14<sup>th</sup>.

25 MS. SCHELLIN: It takes 2 to 3 weeks to get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the transcripts.

2 VICE CHAIRPERSON HOOD: Okay. All right.  
3 So we don't have any dates.

4 Do I need to read the closing statement?  
5 I do?

6 MS. SCHELLIN: Yes.

7 VICE CHAIRPERSON HOOD: Yes? No? Yes?

8 MS. SCHELLIN: Yes. I think you are  
9 supposed to.

10 VICE CHAIRPERSON HOOD: Let me read part of  
11 it.

12 Ladies and gentlemen, the other members of  
13 the Commission and I wish to thank you for your  
14 testimony and assistance in this hearing. The  
15 Commission will make a decision in this case at one of  
16 its regular monthly meetings, prospectively or  
17 hopefully in November. These meetings are held at  
18 6:30 on the second Monday of the month normally unless  
19 specially notified.

20 You should also be aware that should the  
21 Commission propose affirmative action the proposed  
22 action must be published in the DC Register as  
23 proposed rulemaking with a period of time for  
24 comments.

25 In addition, the proposed rulemaking will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 be referred to the National Capital Planning  
2 Commission for Federal impact and review. The Zoning  
3 Commission then will take final action at a public  
4 meeting following receipt of public comments and NCPC  
5 comments after which a written final rulemaking order  
6 will be published.

7 I thank everyone for their participation  
8 in this hearing tonight and I now declare this public  
9 hearing adjourned.

10 (Whereupon, the public hearing was  
11 adjourned at 7:34 p.m.)

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25