

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Energy and Environment

COMMENT RECONCILIATION MEMORANDUM

TO: File

FROM: Stephen S. Ours, P.E. *SSO*  
Chief, Permitting Branch

Abraham T. Hagos *ATH*  
Environmental Engineer

**SUBJECT: Comment Reconciliation Memo – Montana Avenue Land Development Area**

DATE: September 13, 2019

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**BACKGROUND**

On March 26, 2019, the Air Quality Division (AQD) received an application to construct and operate two Crushers and two Screeners at the Montana Avenue Land Development Area, located at 1933 Montana Avenue NE.

Public comments for the permit action were solicited from June 7, 2019 through July 8, 2019. AQD received on set of comment from Ms. Joyce Chandler (JC) during the public hearing held on July 8, 2019. The following table addresses the received comments. Comment numbers are prefaced with “JC” to denote the source of the comments.

Note also that the application and draft permit listed the address of the Montana Avenue Land Development Area as 1933 Montana Avenue NE. However, during the review of the comments received, it was noted that this is an incorrect address. In fact, there are two addresses associated with the land parcel as follows:

- 1) 1801 New York Avenue NE; and
- 2) 1920 Bladensburg Road NE.

Apparently the 1933 Montana Ave NE address had been used informally by the applicant as it represents the address of the building across the street from the main entrance to the property and is a good address to provide to people attempting to locate the site, whereas the other addresses do not bring people to the site entrance. This error has been corrected in the revised permit.

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**Strittmatter Metro LLC**

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**AIR QUALITY DIVISION RESPONSES TO COMMENTS**

<b>Comment No.</b>	<b>Comment</b>	<b>AQD Response</b>
JC-1	As a longtime resident of Ward 5 and a regular visitor and volunteer at the national Arboretum I have concerns the draft air quality permit 7253, 7254, 7255, and 7256 to construct and operate two portable crushers and two portable screeners at the Montana Avenue Land Development Area. The long term operation of the equipment for five years is not appropriate for the residents and National Arboretum. This will place an undue burden on the public health and welfare of the community and interferes with the reasonable enjoyment of their property. The operation of the crushers and screeners along with the importing of large amounts of demolish debris will interfere with the reasonable enjoyment of the visitors to the National Arboretum along with its employees. The following concerns	This comment is vague and does not clearly lay out what regulatory requirement the commenter believes the applicant would be violating if operating the units as proposed. Under the proposed permit, the applicant would be required to comply with 20 DCMR § 903 for Odorous or Other Nuisance Air Pollutants, as well as any other applicable regulations. The specific concerns enumerated in the comments below will be addressed separately.
JC-2	For Section III Operational Limitations f., Strittmatters, LLC should be prohibited from processing off site demolish debris. Strittmatters Metro should be limited to onsite debris only. The dump trucks and other large vehicles transporting the debris generate significant amounts of air pollution particular if they are idling with diesel engines in the typical traffic on New York Avenue and Bladensburg Road. Driving hazards are increased when these heavy trucks loaded with concrete are maneuvering around commuters in much smaller vehicles. The results can be deadly. Moreover, the residents of the community should not been exposed to the pollution generated	There are no air quality regulations prohibiting processing of off-site demolition debris, as long as all air quality regulatory requirements are met.  Dusty material being transported in the trucks will be required to be covered and loaded so as not to spill pursuant to 20 DCMR 605.1(c). Indirect sources, such as traffic emissions are not evaluated as part of a permit of this type. There are numerous regulatory requirements related to vehicle emissions administered on the federal and District level that apply to the

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	from offsite demolish.	vehicles in question. They will not, however, be enforced through this permit.  Traffic safety issues are not the province of air quality permitting, and are therefore not able to be addressed in this venue.
JC-3	For IV Monitoring and Testing Requirements f. if the water is not flowing to discharge spray nozzles in the wet dust suppression systems, the operations that would emit dust should be ceased until the appropriate systems are operational again.	AQD agrees with this comment and has revised the permit language to direct Strittmatter to cease operations until the water flow is re-established.
JC-4	The operation of diesel fueled crushers and screeners will place an undue environmental burden on the residents of the neighborhood including the national arboretum, which has its main entrance a few blocks from R street and Bladensburg Road. The Montana Avenue Land Development Area is bordered by New York Avenue, Bladensburg Road and Montana Avenue, NE.	AQD has determined that operation of the units, in accordance with the requirements of the permits, would be consistent with federal and District regulations. Federal regulations apply to engine emissions. Federal and District regulations apply to the crushing and screening operations to minimize dust emissions. AQD does not agree that operation of these units, if done in compliance with permit requirements, would have a significant impact on the neighbors or the National Arboretum. However, should there be unexpected impacts, or situations of non-compliance, complaints may be submitted to the Department and AQD inspectors will investigate whether any regulations or permit conditions are being violated.

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<b>Comment No.</b>	<b>Comment</b>	<b>AQD Response</b>
JC-5	<p>The DOEE should consider the potential impact of the noise and air pollution on the pair of nesting bald eagles, Mr. President and the First Lady. While bald eagles are no longer on the endangered species list, these bald eagles are one of only two set of bald eagles pairs in the District of Columbia. The eagles' nest is facing Bladensburg Road and not far from the Strittmatters Metro crushing and screening operations. The President and First Lady have raised their young at the Arboretum site every year since 2015 through 2018. After Strittmatters Metro began processing demolition debris from April through October, the eagles did not raise their young the following year. The DOEE should investigate if the operations of Strittmatter Metro may permanently drive away the national bird from the nation's Capital. Many people, young and old, enjoy the Eagle Cam of the national birds at the Arboretum which is accessible through the internet.</p>	<p>Noise is not a subject of air quality permits. AQD also believes that the distance to the eagles' nest, along with the intervening structures and trees, combined with the fact that the crushing/screening operations will be at ground level, provides sufficient protection to the eagles.</p> <p>In coming to this conclusion, AQD consulted with the Department's Fish and Wildlife Division. Bryan King, Associate Director of that Division, provided the following comments in an email of September 9, 2019:</p> <p>"I visited the site this past Friday morning. I don't anticipate that issuing the permit will have an adverse effect on the eagles located at the US Arboretum based on the following factors.</p> <ol style="list-style-type: none"><li>1. Ground Level work – All work is taking place on the ground below the sky and tree line without any vertical interference.</li><li>2. Ambient noise levels – Given the high ambient noise level associated with the city this additional disturbance should not pose any threat to the birds.</li><li>3. No vegetation or habitat is in question – No habitat will be affected.</li><li>4. Distance from feeding grounds – The proposed</li></ol>

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		work site is more than one mile away from, and in the opposite direction of all viable hunting and feeding areas 5. Distance from the existing nest site – The nest site is more than ½ mile away from the work area. 6. Existing cover – Existing cover should provide adequate insulation from the work area.”
JC-6	The permit should be limited to six months for any onsite demolish debris, which can be renewed through the usual permitting process.	There are no regulatory requirements that only onsite debris may be processed. AQD does have a source category permit that would limit operations of this type to only onsite debris (or debris brought onsite to stabilize the site) and only for a six month period (non-renewable). However, this is not the permit for which Strittmatter has applied, and as such these limits are not relevant.
JC-7	Please consider limiting the operations on Saturday because the noise and pollution would begin at 7 A.M. People also enjoy outdoor activities on Saturdays.	AQD has considered this request, however there is no legal basis for requiring a later start in the air quality regulations, and it is not a limit requested by the applicant. There is no reason to believe emissions will be higher for early morning work than work at other times of day. As such, no change to the Saturday start time will be included in the permit.

**RECOMMENDATIONS**

We recommend issuance of the Chapter 2 permits as revised according to the comment responses above.

ATKSSO