

BREDL and DEQ written correspondence and Freedom Of Information Act information

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15	July 7, 2003: DEQ letter informing BREDL that DEQ found the notification from April
16	July 8, 2003: BREDL FOIA
19	July 8, 2003: DEQ FOIA information

Main Identity

From: "Mark Barker" <mebarker@rev.net>
To: <grfeagins@deq.state.va.us>
Cc: "Lou & Janet Zeller" <bredl@skybest.com>
Sent: Monday, June 23, 2003 1:09 PM
Subject: proposed asphalt plant relocation - Wythe Co.

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

www.BREDL.org ~ PO Box 88 Glendale Springs, North Carolina 28629 ~ Phone (336) 982-2691 ~ Fax (336) 982-2954 ~ BREDL@skybest.com
IN VIRGINIA: 1828 Brandon Ave. SW Roanoke, Virginia 24015 ~ Phone (540) 342-5580 mebarker@rev.net

June 23, 2003

Rob Feagins
Air Permit Manager
Virginia Dept. of Environmental Quality
Southwest Regional Office
355 Deadmore St.,
P.O. Box 1688,
Abingdon, Va. 24212
grfeagins@deq.state.va.us

Dear Mr Feagins:

I am writing to find out the current air permitting status of the proposed W & L Construction and Paving "portable" asphalt plant to be relocated near Rural Retreat in Wythe County.

- 1) If indeed this facility is a relocation of an existing permitted plant, per 9 VAC 5-80-1320 A.1.c.(5), has the company given DEQ the 15 days advance notice of the proposed relocation and duration of operation at the new location?
- 2) We understand that W & L has several air permits at several locations, some of those permits are for existing portable asphalt plants. Does DEQ know which permit, thus which portable asphalt plant, the company will be using for the proposed plant in Wythe County?

Since public notice is not a requirement for relocating an asphalt plant, BREDL will periodically be contacting the DEQ office in Abingdon until the above questions are known.

Thank you.

Sincerely,

Mark E. Barker
SW VA Vice President
Blue Ridge Environmental Defense League
1828 Brandon Ave. SW
Roanoke, VA 24015
(540) 342-5580
mebarker@rev.net

cc: Lou Zeller, BREDL

7/8/03

Main Identity

From: "Feagins,Rob" <grfeagins@deq.state.va.us>
To: "Mark Barker" <mebarker@rev.net>
Sent: Monday, June 23, 2003 3:16 PM
Subject: RE: proposed asphalt plant relocation - Wythe Co.

Mr. Barker:

In reply to your inquiry:

1) I know of no recent 15-day notification for temporary location of a portable source of this type to Wythe County.

2) No one with WL has spoken with me about this issue, so I have no information definitively identifying the prospective unit or unit owner.

Rob.

> -----Original Message-----

> From: Mark Barker [SMTP:mebarker@rev.net]
 > Sent: Monday, June 23, 2003 1:09 PM
 > To: Feagins,Rob
 > Cc: Lou & Janet Zeller
 > Subject: proposed asphalt plant relocation - Wythe Co.

>
 > << File: clip_image002.gif >>

June 23, 2003

>
 > Rob Feagins
 > Air Permit Manager
 > Virginia Dept. of Environmental Quality
 > Southwest Regional Office
 > 355 Deadmore St.,
 > P.O. Box 1688,
 > Abingdon, Va. 24212
 > grfeagins@deq.state.va.us <<mailto:grfeagins@deq.state.va.us>>

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> 1) If indeed this facility is a relocation of an existing permitted plant, per 9 VAC 5-80-1320 A.1.c.(5), has the company given DEQ the 15 days advance notice of the proposed relocation and duration of operation at the new location?

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> Thank you.

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> Sincerely,

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> Mark E. Barker

> SW VA Vice President

> Blue Ridge Environmental Defense League

> 1828 Brandon Ave. SW

> Roanoke, VA 24015

> (540) 342-5580

> mebarker@rev.net <<mailto:mebarker@rev.net>>

>

> cc: Lou Zeller, BREDL

>

>

>

>

>

Main Identity

From: "Mark Barker" <mebarker@rev.net>
To: "Feagins,Rob" <grfeagins@deq.state.va.us>
Sent: Monday, June 30, 2003 10:25 AM
Subject: Re: proposed asphalt plant relocation - Wythe Co.

Hi,

Just checking to see if there has been any notification from W&L regarding a proposed asphalt plant in Wythe Co. near Rural Retreat?

Thanks.

Mark E. Barker
BREDL
(540) 342-5580
mebarker@rev.net

----- Original Message -----

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To: "Mark Barker" <mebarker@rev.net>
Sent: Monday, June 23, 2003 3:16 PM
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>> Sent: Monday, June 23, 2003 1:09 PM

>> To: Feagins,Rob

>> Cc: Lou & Janet Zeller

>> Subject: proposed asphalt plant relocation - Wythe Co.

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>> << File: clip_image002.gif >>

>>

June 23, 2003

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>> Rob Feagins

>> Air Permit Manager
>> Virginia Dept. of Environmental Quality
>> Southwest Regional Office
>> 355 Deadmore St.,
>> P.O. Box 1688,
>> Abingdon, Va. 24212
>> grfeagins@deq.state.va.us <<mailto:grfeagins@deq.state.va.us>>

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>> SW VA Vice President
>> Blue Ridge Environmental Defense League
>> 1828 Brandon Ave. SW
>> Roanoke, VA 24015
>> (540) 342-5580
>> mebarker@rev.net <<mailto:mebarker@rev.net>>

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>> cc: Lou Zeller, BREDL

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Main Identity

From: "Feagins,Rob" <grfeagins@deq.state.va.us>
To: "Mark Barker" <mebarker@rev.net>
Sent: Monday, June 30, 2003 10:42 AM
Subject: RE: proposed asphalt plant relocation - Wythe Co.

Mr. Barker:

I have received no such notification/request.

Rob Feagins

> -----Original Message-----

> From: Mark Barker [SMTP:mebarker@rev.net]

> Sent: Monday, June 30, 2003 10:25 AM

> To: Feagins,Rob

> Subject: Re: proposed asphalt plant relocation - Wythe Co.

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> Hi,

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> Just checking to see if there has been any notification from W&L regarding a
> proposed asphalt plant in Wythe Co. near Rural Retreat?

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> Thanks.

>

> Mark E. Barker

> BREDL

> (540) 342-5580

> mebarker@rev.net

>

>

>

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> To: "Mark Barker" <mebarker@rev.net>

> Sent: Monday, June 23, 2003 3:16 PM

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> portable source of this type to Wythe County.

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>> Rob.

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>>> Sent: Monday, June 23, 2003 1:09 PM

>>> To: Feagins,Rob

>>> Cc: Lou & Janet Zeller

>>> Subject: proposed asphalt plant relocation - Wythe Co.

>>>

>>> << File: clip_image002.gif >>

>>>

> June 23, 2003

>>>

>>> Rob Feagins

>>> Air Permit Manager

>>> Virginia Dept. of Environmental Quality

>>> Southwest Regional Office

>>> 355 Deadmore St.,

>>> P.O. Box 1688,

>>> Abingdon, Va. 24212

>>> grfeagins@deq.state.va.us <<mailto:grfeagins@deq.state.va.us>>

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>>> Dear Mr Feagins:

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> proposed W & L Construction and Paving "portable" asphalt plant to be
> relocated near Rural Retreat in Wythe County.

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>>> 1) If indeed this facility is a relocation of an existing permitted
> plant, per 9 VAC 5-80-1320 A.1.c.(5), has the company given DEQ the 15 days
> advance notice of the proposed relocation and duration of operation at the
> new location?

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> locations, some of those permits are for existing portable asphalt plants.
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> will be using for the proposed plant in Wythe County?

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>>> Since public notice is not a requirement for relocating an asphalt
> plant, BREDL will periodically be contacting the DEQ office in Abingdon
> until the above questions are known.

>>>

>>> Thank you.

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>>> Sincerely,

>>>

>>> Mark E. Barker

>>> SW VA Vice President

>>> Blue Ridge Environmental Defense League

>>> 1828 Brandon Ave. SW

>>> Roanoke, VA 24015

>>> (540) 342-5580

>>> mebarker@rev.net <<mailto:mebarker@rev.net>>

>>>

>>> cc: Lou Zeller, BREDL

>>>

>>>

>>>

>>>

>>

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>

Main Identity

From: "Mark Barker" <mebarker@rev.net>
To: <grfeagins@deq.state.va.us>
Sent: Monday, July 07, 2003 2:31 AM
Subject: Proposed asphalt plant in Wythe Co.

Hi,

Once again, just checking to see if there has been any notification from W&L Construction & Paving, Inc. regarding a proposed asphalt plant in Wythe Co. near Rural Retreat?

Thanks.

Mark E. Barker
BREDL
(540) 342-5580
mebarker@rev.net

Main Identity

From: "Feagins,Rob" <grfeagins@deq.state.va.us>
To: "Mark Barker" <mebarker@rev.net>
Sent: Monday, July 07, 2003 8:00 AM
Subject: RE: Proposed asphalt plant in Wythe Co.

Mr. Barker:

As of this time, I have received no such notification.

Rob Feagins

> -----Original Message-----

> From: Mark Barker [SMTP:mebarker@rev.net]

> Sent: Monday, July 07, 2003 2:32 AM

> To: Feagins,Rob

> Subject: Proposed asphalt plant in Wythe Co.

>

> Hi,

>

> Once again, just checking to see if there has been any notification from W&L

> Construction & Paving, Inc. regarding a proposed asphalt plant in Wythe Co.

> near Rural Retreat?

>

> Thanks.

>

> Mark E. Barker

> BREDL

> (540) 342-5580

> mebarker@rev.net

>

>

>

>

>

Main Identity

From: "Mark Barker" <mebarker@rev.net>
To: <fcparris@deq.state.va.us>
Sent: Monday, July 07, 2003 2:28 AM
Attach: FOIA070703.doc
Subject: FOIA Request

Dear Ms. Parris:

Attached is a FOIA request.

Mark E. Barker
BREDL
540-342-5580

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

www.BREDL.org ~ PO Box 88 Glendale Springs, North Carolina 28629 ~ Phone (336) 982-2691 ~ Fax (336) 982-2954 ~ BREDL@skybest.com
IN VIRGINIA: 1828 Brandon Ave. SW Roanoke, Virginia 24015 ~ Phone (540) 342-5580 mebarker@rev.net

July 7, 2003
1828 Brandon Ave. SW
Roanoke, VA 24015

Florence Parris
Office Manager
Southwest Regional Office
Department of Environmental Quality
355 Deadmore St. P.O. Box 1688
Abingdon, VA 24212

Dear Ms. Parris:

FREEDOM OF INFORMATION ACT REQUEST

On behalf of the Blue Ridge Environmental Defense League (BREDL), a 501(c)(3) non-profit organization, I am requesting information under the Virginia Freedom Of Information Act, Section 2.1-340.

Pursuant to the Freedom of Information Act, I am requesting the air permit for W & L Construction & Paving, Inc., which contains the portable asphalt plant that was located in Smyth County during 1997 and possibly 1998 along Valley Road in the New Quarry section of Smyth County near Midway (between Saltville and Chilhowie).

An electronic version may be emailed to my address below or a paper version may be mailed to the Roanoke address above.

Thank you for your time and assistance on this matter.

Sincerely,

Mark E. Barker
BREDL SW Virginia Vice President
(540) 342-5580
email: mebarker@rev.net
<http://www.bredl.org>

Main Identity

From: "Feagins,Rob" <grfeagins@deq.state.va.us>
To: <mebarker@rev.net>
Cc: "Michael Overstreet" <mdoverstreet@deq.state.va.us>; "Dallas Sizemore" <drsizemore@deq.state.va.us>
Sent: Monday, July 07, 2003 1:41 PM
Subject: W-L Construction

Mr. Barker:

Today, when reviewing the file materials for W-L Construction's portable asphalt plant with DEQ registration number 11119, we found a DEQ letter dating to April 18, 2003, in which we acknowledge their request to relocate and did authorize relocation to the Rural Retreat Quarry. W-L's request was dated April 17, 2003. This may be the relocation "event" you have referenced in previous communications with me.

This matter was discovered when we were searching our files for the unspecified W-L permit you requested recently under the Virginia Freedom of Information Act. We are in the process of extracting the permit and our FOIA coordinator will soon contact you about how to transmit this document.

This occurrence emphasizes the importance of the public's ability to identify and access specific records under the Freedom of Information Act, rather than relying on an individual's recollection of general facts. I apologize for any inconvenience or confusion my oversight may have caused.

Rob Feagins

Main Identity

From: "Mark Barker" <mebarker@rev.net>
To: <fcparris@deq.state.va.us>
Cc: "Lou & Janet Zeller" <bredl@skybest.com>
Sent: Tuesday, July 08, 2003 12:21 AM
Attach: FOIA070803.doc
Subject: REVISED FOIA request

Dear Ms. Parris:

Attached is a FOIA request which is a revision of our FOIA request of July 7, 2003. It has been revised to reflect the discovery of correspondence that DEQ thought did not exist. I will be contacting you sometime Tuesday morning.

Mark E. Barker
BREDL
540-342-5580

cc: Lou Zeller, BREDL

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

www.BREDL.org ~ PO Box 88 Glendale Springs, North Carolina 28629 ~ Phone (336) 982-2691 ~ Fax (336) 982-2954 ~ BREDL@skybest.com
IN VIRGINIA: 1828 Brandon Ave. SW Roanoke, Virginia 24015 ~ Phone (540) 342-5580 mebarker@rev.net

July 8, 2003
1828 Brandon Ave. SW
Roanoke, VA 24015

Florence Parris
Office Manager
Southwest Regional Office
Department of Environmental Quality
355 Deadmore St. P.O. Box 1688
Abingdon, VA 24212

Dear Ms. Parris:

FREEDOM OF INFORMATION ACT REQUEST **REVISED REQUEST**

On behalf of the Blue Ridge Environmental Defense League (BREDL), a 501(c)(3) non-profit organization, I am requesting information under the Virginia Freedom Of Information Act, Section 2.1-340.

Since the Virginia Department of Environmental Quality discovered crucial correspondence after we sent our original FOIA request of July 7, 2003, BREDL is revising our FOIA request.

Pursuant to the Freedom of Information Act, I am requesting the air permit for W & L Construction & Paving, Inc., which contains the portable asphalt plant that was located in Smyth County during 1997 and possibly 1998 along Valley Road in the New Quarry section of Smyth County near Midway (between Saltville and Chilhowie). This should be the permit with the DEQ registration number 11119. We are also requesting copies of the W & L Construction & Paving, Inc. letter dated April 17, 2003, which requested the relocation of the asphalt plant. We are also requesting a copy of the DEQ response dated April 18, 2003, which acknowledged and authorized the relocation of the asphalt plant to the Rural Retreat Quarry. We also request any correspondence that is in addition to the April 17 and 18 letters, which relates to the relocation of this plant to Wythe County, near Rural Retreat.

Because of the circumstances involved with the discovery of the April letters, we respectfully request this information be emailed or faxed to us as soon as possible. I will be contacting the DEQ FOIA Manager on Tuesday morning, July 8, 2003 to check on this matter.

Sincerely,

Mark E. Barker
BREDL SW Virginia Vice President
(540) 342-5580
email: mebarker@rev.net
<http://www.bredl.org>

Virginia Department of Environmental Quality
Southwest Regional Office
P.O. Box 1688
Abingdon, VA 24212-1688
Phone: (276) 676-4800
Fax: (276) 676-4899

**Virginia Department
of Environmental
Quality**

Fax

To: Mark Barker	From: Florence Parris
Fax: 540-342-5580	Pages: 8, including cover
Phone:	Date: July 8, 2003
Re:	CC: N/a

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:**

**COMMONWEALTH of VIRGINIA****DEPARTMENT OF ENVIRONMENTAL QUALITY**

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street Address: 355 Deadmore Street, Abingdon, Virginia 24210
Mailing Address: P.O. Box 1688, Abingdon, Virginia 24212-1688
Fax: (276) 676-4899
www.deq.state.va.us

Robert G. Burnley
Director

Michael D. Overstreet
Regional Director
(276) 676-4800

April 18, 2003

Mr. Aaron Taylor
Permit Administrator
W-L Construction and Paving, Inc.
P.O. Drawer 927
Chilhowie, VA 24319

Registration Number: 11119

Dear Mr. Taylor:

We have your letter of April 17, 2003, in which you propose relocation and operation of a portable drum mix asphalt plant from the Saltville Stone facility to your Rural Retreat Quarry in Wythe County, Virginia. In accordance with the terms of your October 18, 1991 permit, we hereby authorize temporary relocation and operation to the Rural Retreat Quarry.

Operation at a single site is restricted to not more than 18 months. If you intend to operate the unit at its new site for more than eighteen months, you will need to request an extension prior to the end of the first 18-month period. Additionally, major source permitting may be required for a combination of units on contiguous property that emit a total 100 tons per year or more of a regulated criteria air pollutant. If you have any questions, you can call me at (276) 676-4835.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Feagins'.

Rob Feagins
Engineering Manager, Air Permitting

c: Dallas Sizemore

JOB STATUS REPORT

TIME : 04/18/2003 09:47
 NAME : VA DEQ
 FAX# : 276-676-4899
 TEL# : 276-676-4800

DATE, TIME	04/18 09:47
FAX NO./NAME	912766463141
DURATION	00:00:17
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street Address: 355 Deadmore Street, Abingdon, Virginia 24210
 Mailing Address: P.O. Box 1688, Abingdon, Virginia 24212-1688
 Fax: (276) 676-4899
 www.deq.state.va.us

W. Tayloe Murphy, Jr.
 Secretary of Natural Resources

Robert G. Burnley
 Director

Michael D. Overstreet
 Regional Director
 (276) 676-4800

April 18, 2003

Mr. Aaron Taylor
 Permit Administrator
 W-L Construction and Paving, Inc.
 P.O. Drawer 927
 Chilhowie, VA 24319

Registration Number: 11119

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TO:	PHONE NUMBER	FAX NUMBER
ROB FEAGINS		676-4899
FROM:	(276) 646-3804	(276) 646-3141
AARON TAYLOR		

DATE: 4-17-03

SUBJECT:

PAGES: 5 page(s), including cover page.

Report Transmission Problems To: Fax Center (276) 646-3804

Message: DRUM MIX RELOCATION # 11119

CONFIDENTIALITY NOTICE

The information contained in this facsimile message, and any accompanying documents, constitutes confidential information which belongs to W-L Construction and Paving, Inc. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient of this information, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on this information, is strictly prohibited. If you have received this facsimile message in error, please contact us immediately at one of the telephone numbers above to arrange for its return or destruction. Thank you.



April 17, 2003

Department of Environmental Quality
P.O. Box 1688
Abingdon, Virginia 24212

Attn: Rob Feagins

Re: Relocation of our Drum Mix Plant – Registration Number -11119

Dear Mr. Feagins

This is a letter to inform you that we are planning to move our portable drum mix asphalt plant which is currently located at Saltville Stone, Inc. to our Rural Retreat Quarry in Wythe Co. VA. We are planning to start the move on May 14, 2003 and hope to begin operation of the plant by June 1, 2003.

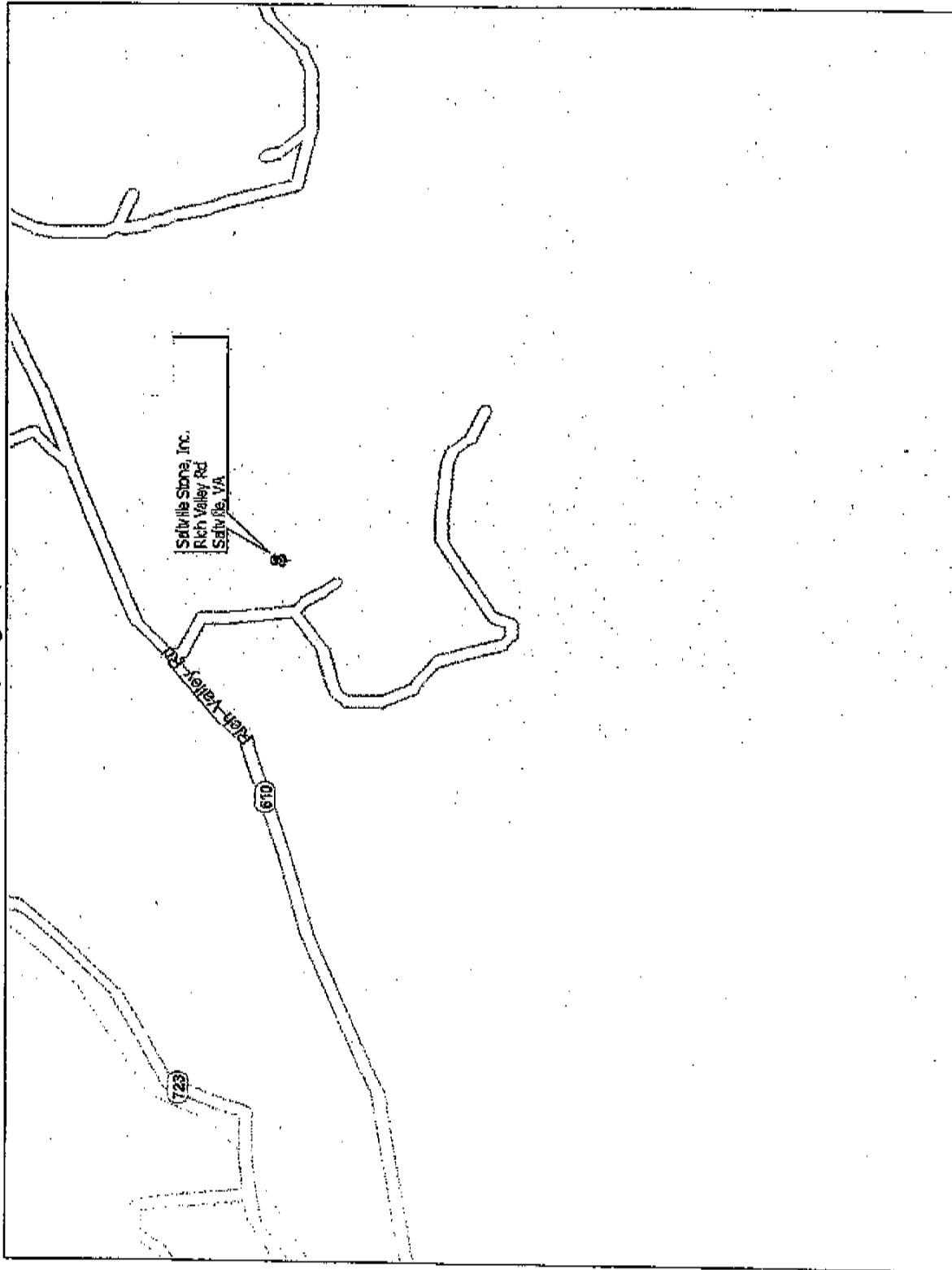
If you have any questions on this matter feel free to call our office.

Sincerely,

A handwritten signature in cursive script that reads "Aaron Taylor".

Aaron Taylor
Permit Administrator

Saltville area, Virginia, United States



0 mi 0.2 0.4 0.6

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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCUMENT CERTIFICATION FORM

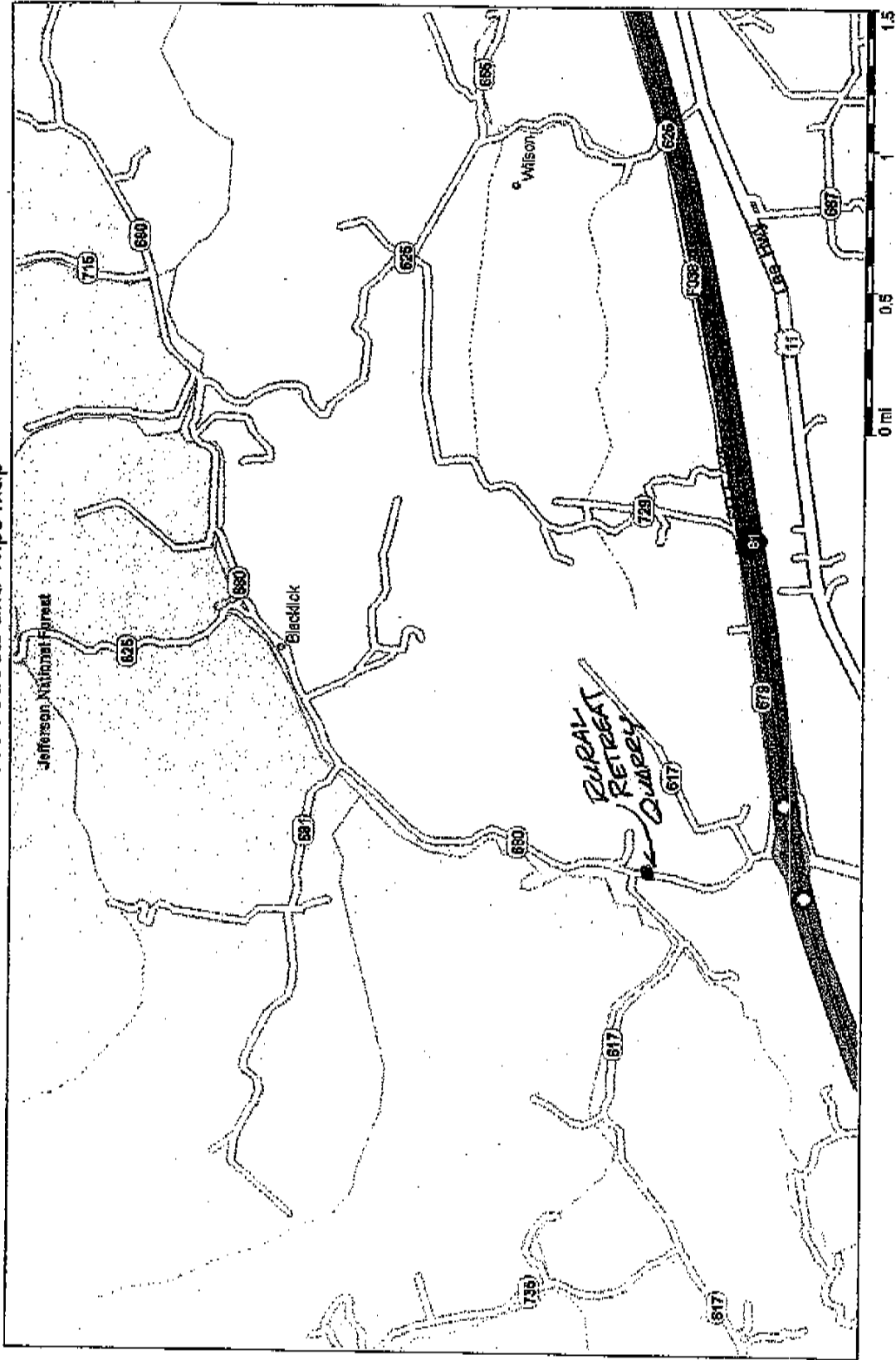
(see other side for instructions)

I certify under penalty of law that this document and all attachments (as noted above) were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SIGNATURE: *Jerry L. Short* V.P. DATE: 4-17-03
NAME: JERRY L. SHORT
TITLE: VICE PRESIDENT
COMPANY: W-L CONST. & PAVING, INC.
PHONE: 276-646-3804
REGISTRATION: 11119

References: Virginia Regulations, 9 VAC 5-80-10.D.4. See reverse of this form for instructions.

New Microsoft Streets and Trips Map



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