



Asphalt Plant in SE Forsyth

Frequently Asked Questions*

*Some questions have been consolidated/combined with other like questions.

New questions and responses added 11/26/19 to the end of the document.

At a Forsyth County Board of Commissioners work session, a request for a county initiation for a conditional use permit (CUP) and variance for a new asphalt plant on Granite Road was brought before the board. The board voted to move forward as a county-initiated application. There is currently an asphalt plant and quarry on this 805-acre parcel.

There have been a number of questions posed concerning this process, as well as questions about the health risks associated with asphalt plants. This document addresses some of the most frequently asked questions. A link to additional documents and those that are mentioned in this FAQ can be found at www.forsythco.com/news. (This link can be used to view documents from the C. W. Matthews public participation meeting that was held November 7, as well as documents provided by a subject matter expert.)

- 1. What does 'county initiated' mean? And why did the county choose this route?** County initiated means that the county began the paperwork to request the CUP and variance. It does not mean that the county asked C. W. Matthews to move the asphalt plant.

C. W. Matthews still paid all applicable fees and held a public participation meeting at the Lanier Conference Center on October 29 at 5 pm. They also had to submit plans to the County's Planning and Community Development staff for review. The main benefit to C. W. Matthews was a reduction in time from initiation to public hearing.

The district commissioner brought this to the board as county initiated because he believes that it will be good for the community, as it is a plant upgrade. Therefore, he did not see any reason to delay progress. When C. W. Matthews asked for county initiation, the commissioner reasonably concluded that allowing an expedited land use process would be in everyone's best interest – to include the public.

- 2. What is the location/zoning for the new asphalt plant?** The property is located on Granite Lane in southeast Forsyth, north of the intersection of Hwy. 141 and Johns Creek Parkway. The property is currently zoned M2, which is heavy industrial. It is next to property zoned MINE, where a quarry currently operates
- 3. If it is already zoned M2 for heavy industrial, why were a Conditional Use Permit (CUP) and variance needed?** The CUP was requested to allow for an asphalt plant and 24/7 operation. The variance was requested to allow for 90-foot height.

Note: A CUP to allow 24/7 operation does not mean that the facility will operate on this schedule. It provides operational flexibility. At a meeting with community representatives, the facility operators (C. W. Matthews) said that the new facility would have similar operating hours and production output as the existing facility.

- 4. If it will be 90-feet high, does that mean it will be visible from Highway 141?** C. W. Matthews has done height visibility testing at the new location with balloons. They were visible in a few locations from Highway 141.

Frequently Asked Questions

Asphalt Plant in SE Forsyth

5. **What impact will the new asphalt plant have on property value?** There are many variables that can impact property values. Information from the Tax Assessors' office on property values in two subdivisions near the current asphalt plant and quarry show that since 2013 property values in the Stonebridge subdivision have increased an average of 43%. The subdivision was built in 2007. Lakepoint at Johns Creek has seen an average increase of 38% (Note: While the subdivision started building in 2013, many of the homes were built between 2014-2019. Prices are currently in the low to mid \$300,000. ***The county continues to receive requests to build new residential units immediately adjacent to this industrial area.***

6. **But this area isn't industrial anymore. Why can't the current asphalt plant and quarry be shut down?** The land where the quarry and current asphalt plant are located have been zoned and permitted for their existing use for many years (at least since the early 1990s). The county does not have any grounds on which to shut down these existing uses.

If the CUP and variance are denied, there will continue to be an asphalt plant and quarry on this property.

7. **What is the production of the current asphalt plant? What will be the production volume of the new plant? Will there be more trucks?** C. W. Matthews is projecting the new facility will have the same production volume as the existing one, with a similar number of trucks. They currently operate at approximately 50% capacity and are not able to sell more than 600,000 tons per year.

8. **If they aren't going to produce more, why do they want a new plant?** The specifics of this would need to be answered by C. W. Matthews. However, in community meetings they have mentioned more efficient and cleaner production as two reasons for decommissioning the current plant and building a new one.

9. **What about fumes/smells? While 'noxious fumes' may be legal from a regulatory standpoint, smells coming from the plant will negatively impact residents' quality of life. How will the fumes be controlled/abated?** The current plant can operate 24/7 and to our knowledge there have not been any odor complaints received regarding this facility during its history at that site. The new plant will feature a charcoal filtration system to abate any odorous emissions from the asphalt storage tanks. There will also be a fugitive emission control system at the silo tops that routes captured fumes to the dryer burner for incineration. These two systems will significantly reduce the possibility of any objectionable odors exiting the site.

10. **Does moving the plant to a new location have anything to do with plans to develop the quarry as a mixed-use project?** There have not been any plans submitted to the county for any other use of this property. The county cannot speak for the current owners or any potential purchasers of the property regarding what they may request in the future.

We do know that many residents in the area would like to see it develop away from the industrial and mining use for which it is currently zoned. The county's Comprehensive Plan is a long-range planning tool and provides development concepts for various areas of our community. It does not reflect any specific rezoning applications but is a long-term policy guide and strategy for future growth and development. The Comprehensive Plan can be viewed on the county's website.

Frequently Asked Questions

Asphalt Plant in SE Forsyth

11. How often will the new plant's environment data outlining noise, air pollution and emissions be made available to public to review? According to information provided by C. W. Matthews during the last public meeting, the old plant only published environment data to the EPD every 4 years. The standards and timelines for the environmental data submission and publishing is set by the Georgia EPD. C. W. Matthews has to meet their requirements. The new plant will have to be stack tested within 180 days after initial start-up to demonstrate compliance with the particulate matter and opacity limits. GA EPD limits emission rates of other pollutants by placing caps on the maximum amount of product that can be produced (600,000 tons) and the amount of fuel that can be combusted facility-wide (800,000 gallons of fuel oil at maximum 1.5% sulfur) per rolling 12 months.

The facility has no plans to combust fuel oil. They will be using natural gas exclusively. CWM must submit production and fuel usage records to demonstrate ongoing compliance per the permit requirements. They are subject to unscheduled inspections by GA EPD personnel to verify compliance as well. All information pertaining to their permit and compliance are public record. They must be requested from the GA EPD or found on their website. The state does not regulate noise as this is typically regulated by county zoning ordinances.

Forsyth County has noise ordinance limiting noise entering a residential zone, based on time of day. All sound sources must comply with these requirements, including C. W. Matthews. The ordinance reads:

Maximum sound levels in residential zones. For purposes of this subsection (9), the limits below apply only to noise originating from and entering onto a residentially zoned property.

a. Nighttime. Notwithstanding any provision in this article to the contrary, no person shall permit, operate or cause any source of sound to create a sound level in a residential zone or within any residential building during the hours between 11:00 p.m. and 7:00 a.m. in excess of 60 dB(A) or ten dB(A) above ambient levels (whichever is more), when measured at or outside the property boundary.

b. Daytime. Notwithstanding any provision in this article to the contrary, no person shall permit, operate or cause any source of sound to create a sound level in a residential zone or within any residential building during the hours between 7:00 a.m. and 11:00 p.m. in excess of 70 dB(A) or ten dB(A) above ambient levels (whichever is more), when measured at or outside the property boundary.

12. What actions were taken at the November 21 Public Hearing? The Board of Commissioners voted to hold a second public hearing on the asphalt plant. It will be held during their Regular Meeting/Public Hearings on January 9.

The BOC voted to have the following items added to the application. These items will need to be met by C. W. Matthews prior to the January 9 public hearing:

- 2nd public participation meeting
- Legal description
- Title opinion
- Confirmation of paid taxes
- LLC compliance
- Disclosure of campaign contributions
- Impact statement

Frequently Asked Questions

Asphalt Plant in SE Forsyth

- 13. We have questions about a federal investigation that concluded that from 2007-2010 C. W. Matthews utilized a non-DBE (Disadvantaged Business Enterprise) trucking firm while reporting that the work was performed by a certified DBE trucking firm.**

Forsyth County contacted C. W. Matthews and asked them about this. C. W. Matthews provided the following information in an email dated November 25, 2019:

In 2013, C.W. Matthews Contracting Company (CWM) reached a settlement and compromise with the Federal Highway Administration and the Department of Justice. The settlement arose out of a fraudulent claim by a trucking company that misrepresented themselves as a valid Disadvantaged Business Enterprise (DBE) on 4 projects in 2007. The trucking company was an independent subcontractor whose relationship with CWM was established as a result of an acquisition of another company late in 2006. Until then, CWM had never worked with this trucking company.

Importantly, CWM did not admit to any unlawful conduct, and there was no allegation whatsoever that CWM had any actual knowledge that the trucking company was not a valid DBE vendor. CWM relied in good faith that the trucking company, which was listed as an approved DBE vendor by the State of Georgia, was in fact a valid DBE business.

After it was discovered that the trucking company was not a valid DBE, CWM undertook immediate action to sever all relationships with the trucking company.

Notably, every project at issue on which the trucking company worked was completed on-time and within budget. There was never any allegation about quality of work performed. The only issue was that the trucking company fraudulently claimed to qualify for DBE status but did not meet the criteria.

- 14. C. W. Matthews said they have two plants like the one they want to construct currently in operation. Where are they located?**

According to an email received from C. W. Matthews on November 21, the two plants are located in Florida: Orlando and Daytona.