



Township Council of Lower Saucon Township

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April 7, 2016

Mr. Roger Bellas
Waste Management Program Director
Pennsylvania Department of Environmental Protection
Northeast Regional Office
2 Public Square
Wilkes Barre, PA 18701

Re: IESI PA Bethlehem Landfill – Facility No. 100020
Proposed Major Permit Modification – Southeast Realignment-Expansion of Capacity
April 13, 2016 Public Hearing

Dear Mr. Bellas:

On behalf of Lower Saucon Township, the Host Municipality, the Township Council thanks you for this opportunity to provide comments on the above referenced proposed landfill realignment/expansion. The Council voted on April 7, 2016, to provide the following comments:

Wetlands (Form D)

While the “functions and quality” of the wetlands are considered by Roemer not to be “exceptional,” the regulatory status of the wetlands as EV may depend on other criteria. For purposes of the regulations that govern water obstructions and encroachment (which include an activity which changes, expands or diminishes the course, current or cross section of a waterbody, including a wetland), exceptional value wetlands include:

105.17(1)

(iii) Wetlands that are located in or along the floodplain of the reach of a wild trout stream or waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto, or wetlands within the corridor of a watercourse or body of water that has been designated as a National Wild or Scenic River in accordance with the Wild and Scenic Rivers Act of 1968 (16 U.S.C.A. § 1271—1287) or designated as Wild or Scenic under the Pennsylvania Scenic Rivers Act (32 P. S. § 820.21—820.29).

The current water quality regulatory status of the Saucon Creek and its tributaries should be confirmed, and consideration given to evaluating the potential for site activities and disturbance to further diminish the wetlands, if it is not obvious that there will be no impact.

Visibility from Delaware and Lehigh National Heritage Corridor Canal Towpath

The maximum height of topsoil stockpiles on Cell 4B and 4D should be provided and checked for compliance with the Phase IV Permit requirements. DEP should require IESI to demonstrate that the Southeastern Realignment will not cause adverse visual impacts to the Delaware and Lehigh National Heritage Corridor and to fully mitigate any such adverse visual impacts.

Impact on Habitat for Long Ear Bat

Will IESI harvest all trees or dead snags greater than 5 inches in diameter at a breast height between November 1st and March 31st, as recommended?

Storm Water Runoff

The Post Closure long term regular maintenance tasks and regular inspections of all the storm water control facilities should be specified and secured with the Post Closure Bond. This is particularly important since the storm control systems designed must continue to function without clogging and/or deterioration and/or berm failure in order to reduce the risk of flooding and washouts onto Applebutter Road and Riverside Drive/ Redington Road (State Roads SR 2012 and SR- 2014) and reoccurring road collapse onto the adjacent railroad line(s). PennDOT comments should be sought, received and considered.

Additional Trucks on Applebutter Road (SR 2102)

Accident histories should be submitted and reviewed to determine any crash patterns attributable to truck traffic. Also, the adequacy of roadway signage, particularly advance warning signs for roadway curvature, should be evaluated for truck traffic. If deficiencies are found, the mitigation measures should be proposed. PennDOT comments should be sought, received and considered.

Township Land Use Approvals

Consistent with the Township's previous landfill approvals, Special Exception and Land Development Plan approval must be obtained from the Township for this expansion.

Odor Control

- IESI has submitted a document entitled "Cap Removal & Waste Relocation Plan and Procedures." (9 pages- undated-received March 23, 2016). PA DEP may or may not have this document. The Township comments on this document are as follows:
 1. The Final document should have page numbers with the date on every page. If other circumstances would arise during these activities, requiring additional protections or monitoring, this document could be modified/ upgraded as a stand-alone portion of the Operations Plan or the Nuisance Minimization and Control Plan (NMCP) likely through a minor permit modification process with DEP.
 2. In order for the document to be enforceable by DEP, it should become an integral component of the Operations Plan in a Modified permit, if approved, or as part of the "Nuisance Control and Minimization Plan" for the Modification which can then be enforced by several line items on the DEP standard field inspection form or immediately brought to PA DEP's attention by the Township's Host Municipal Inspector.
 3. It is recommended that there be a mechanism whereby the Air Quality Department reviews any air quality aspects of a municipal waste application to ensure the proposed operations and odor control procedures mimic what is in that facility's Title V permit.
 4. PA DEP should provide permit coordination with the Air Quality Department during the review of the application.

5. Immediate reporting to PA DEP and the Township should be provided for all H2S test results exceeding the action threshold proposed.
 6. If there is an air quality problem or concern with odors or emissions during these operations or through the post closure care period, it is recommended that calls or letters to or from the PA DEP, the HMI, the Township, or citizens be directed to both the Air Quality and Waste Management Divisions.
 7. A Title V Permit Plan Approval Application was submitted early on for this expansion. What is the status of that Department's review?
 8. It is recommended that this Cap Removal & Waste Relocation Plan and Procedures be submitted by IESI to the Title V Permit section of DEP and be included in the Plan Approval Application and the Waste Management Major Permit Modification Application currently under review for this expansion.
- The "Odor Control Plan" referenced in IESI's letter of December 28, 2015 should be provided for review prior to permit issuance. It is recommended that it be as specific as possible and include all the inspection and identifications, testing, reporting, mitigation methods and timing as now described by IESI in many different supporting documents.
 - With the expansion of the landfill to the east, the applicant and DEP should consider whether or not the single flare and associated blowers at their current location, will create sufficient draw from the western dome and the new proposed eastern dome being created by Cell SE 1-A and SE1-B.
 - Surface monitoring of landfill gases has identified high levels of methane that are escaping to the air. The concern is the ongoing exceedances across the site, regardless of the locations where the exceedances occur and the post repair methane readings. It is acknowledged that specific pinpoint locations are repaired and retested on a 10 and 30 day retest. The point is that in all Surface Emission Monitoring events over the last several years, additional, or repeat locations (that were "permanently repaired" in a past quarter) again exceeded the 500 ppm in the next quarterly surface air monitoring event. Continual quarterly repair of multiple gas breakthroughs, some at methane emission levels which exceeded 10,000 ppm, and numerous levels over 1,000 ppm, continue to be a significant concern. Periodic odor complaints have still been occurring, even though the Impervious Temporary Cover has reduced the frequency of complaints.
 - The Township requests that when five or more landfill odor complaints are reported to the PA DEP in a single day, or one or more odor complaints are reported in each of three consecutive weeks, the PA DEP require a full Surface Emissions Monitoring event to be conducted within five (5) days of that circumstance. The results of the monitoring should be transmitted to the Township and the PA DEP within 24 hours of the monitoring event. If an exceedance of the methane concentration limit of 500 ppm occur at any point, PA DEP protocol shall be followed to make all repairs immediately, and confirmed by ten (10) day and thirty (30) day follow-up testing in accordance with PA DEP requirements. This will avoid potentially months between the time odor becomes an issue and the time the source(s) is located and repaired.

Leachate in the Detection Zone

The Township Technical consultants are not able to concur that the flow in the LMC -7 and LMC-8 can be confirmed as stormwater, and that there is zero risk of negative future impact. Whether the source of the contaminated water is stormwater, groundwater or leachate, there is evidence of a performance/integrity issue with the liner system in the Phase III which is resulting in flow of a contaminated water from the detection zone. The Owner and PA DEP should review options for minimizing the possible future negative impact on groundwater quality. As described in the PA DEP letter of March 25, 2016, "Corrective Action" should be implemented prior to issuance of the permit for the expansion.

Closure Plan - Attachment 15

- The Final Cap schedule, not just the sequencing, for each of the seven closure stages should be provided. The Department should ensure that the proposed capping sequence be followed, such that no more than 25% of the surface area of the fill within the limit of refuse boundary is uncapped (including final vegetative stabilization) at any time. Where any circumstances would cause deviation from this requirement, IESI should be required to file and obtain a minor permit amendment approving the deviation. Each closure stage should be individually described so that the HMI and PA DEP can evaluate whether or not each stage is complete and whether or the Final Cap schedule is being met.
- Environmental Harms are associated with both the operation years and the closure/post closure period of 31 years. An updated Closure Plan narrative was not submitted, defaulting to the previous 2003 Closure Plan for this current expansion. The 2003 Closure Plan has inaccurate closure dates (year 2017) among other inconsistencies with the now proposed activities. The revised bonding calculations were updated to only include additional maintenance visits (four per year) of the MSE walls. An updated Closure Plan narrative and costs specific to this expansion should be submitted for PA DEP review. It should incorporate a schedule and cost of daily, weekly, monthly, quarterly and post rainfall inspections to regularly check security breaches of the fencing, cap integrity, odors, slope and MSE walls integrity, and stormwater basin and conveyance systems proper functioning for the length of the post closure care period. IESI has submitted written information to the Township stating a landfill employee will be onsite daily during the entire post closure period. This commitment should form part of the PA DEP permit requirements in an updated Closure Plan. Bonding costs should include reimbursement to the Township for ongoing Township inspections during this post closure period as allowed under the PA DEP Host Municipal Inspection program. This is particularly important to help insure the long term operation of the storm water channel and piping that catch stormwater and direct it to the south side of the landfill. (Also see comments on Storm Water Runoff above).
- The Closure Plan should address aspects of closure, decontamination and removal of the BRE gas collection plant and the conveyance lines from the landfill, since the BRE plant is an integral component of the Gas Management Plan for this site, and physically tied to the operation of the flare(s) during the post closure period. The Closure Plan should also describe and provide security for the actions that must be taken to secure the BRE gas piping system and facilities to remove the safety risks and environmental damage risks that would result from the facility shutdown and the separation of the BRE facilities from the IESI piping. The potential for the migration of gases along old pipe lines and inconsistent operations of the plant are concerns that should be addressed.

- In order to mitigate harms during the proposed closure year activities, the Closure Plan narrative should address how the final stage closure of Cell 4 E will occur. According to the final closure sequencing shown on plan sheets for Stages 6 and 7, final work and closure of this far western cell will occur after all other "stages" are filled and capped. However, closure of the final stage calls for excavation of over 315,000 cubic yards of refuse from Cell 4E, while bringing in additional substantial fill to meet required slopes and grades in order to close it. Neither the Closure Plan, nor an Operations Plan identify when, where or how the excavated refuse will be disposed, since all other stages will be capped up to that point. Costs are not identified on the closure bonding forms for the Cell 4E refuse excavation and disposal, or the extra fill required to meet closure of this final cell during the closure year.

Operations Plan

- An updated Operations Plan for the site, Form 12R was not submitted with the application. IESI states in their initial submission narrative (for this current expansion application) of December 2014, that daily operations will not change, thereby deferring to the current permit FORM 12 which contains dates and activities specific to the previous Phase IV Expansion permit from 2003. Operations will change significantly from the last expansion, including substantial refuse relocation activities and peeling off previous capped areas, creating potential for offsite odors, air emissions, and leachate management issues from these activities. These operations all have potential for new or exacerbated harms not associated with previous expansions of the landfill. These daily operations are associated with ongoing site development that would be occurring over the entire expansion lifetime in addition to the basic receiving and burying of incoming daily refuse. During reviews of the IESI additional and revised information submitted during the Township review process, a new "Cap Removal & Waste Relocation Plan and Procedures" document, and an updated "PPC Plan" were submitted by IESI. These plans address daily operations of developing the site specific to odor control, air emissions control and prevention of leachate generation from unlined areas during cap removal and refuse relocation activities. It is believed that a new and updated Form 12R should be prepared specific to this current expansion application, incorporating these additional environmental protections into the PA DEP permit application for review by PA DEP.
- The Township recommends a permit condition that at no time more than three acres under intermediate cover be without an established vegetative cover that complies with the vegetation stabilization requirements of the PA DEP.
- The Department should ensure that the proposed capping sequence be followed, such that no more than 25% of the surface area of the fill within the limit of refuse boundary is uncapped (including final vegetative stabilization) at any time. Where any circumstances would cause deviation from this requirement, IESI should be required to file and obtain a minor permit amendment approving the deviation.
- The Department should require IESI to take additional steps to minimize the probability that unlined areas, where the cap is proposed to be removed and additional liner system constructed, would be exposed to rainfall. Such steps should include the use of a temporary synthetic, impervious cover to be placed over uncapped areas during rain events to prevent rainfall into unlined fill areas.
- The Department should ensure that IESI update its PA DEP-approved Preparedness, Prevention and Contingency (PPC) Plan to include its proposed operations within the Southeastern Realignment, including updating its Attachment #4 with all listed controls related to cap removal activities and new evacuation routes for new interior road locations.

Public Health Study

The PA Department of Health is finishing an evaluation of the public health impacts that the IESI landfill may have on area residents. There may be two studies or two components to the one study, one involving air pollution and the other involving ground water conditions. It is recommended that the results of this study be reviewed and considered prior to the issuance of a permit for this proposed expansion.

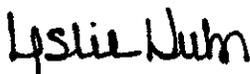
Conditions and Limitations

These comments are based upon the assumption that all plan submissions and all support studies and all supplemental reports and narratives that have been provided to the Township to address ordinance requirements and prior Township comments and PA DEP comments, will be or are already provided to the PA DEP. In the last few months IESI has submitted many revisions to prior submission and many new documents that PA DEP may or may not have. These documents have addressed many of the concerns that the Township raised on earlier submissions. Prior to approval of any DEP permit it is requested that the Township be provided with adequate copies of the documents that DEP is approving and that the Township be given a reasonable period of time to verify that DEP and the Township are looking at the same documents.

It is the Township's understanding that the April 13th Public Hearing will be held for purposes of receiving public comment on the Phase 1 EAP Major Permit Modification request and that a separate review and review time period will be established for the Technical Review of the formal application for the Permit Modification. The Township reserves the right to provide Technical Comments during that review. If this assumption is not correct the Township asks that PA DEP advise the Township specifically of the remaining time they have for comments.

The Township looks forward to a time when IESI, the PA DEP and Township representatives can meet to discuss the Harms and Benefit analysis prior to PA DEP finalizing that document.

Sincerely,



Leslie Huhn
Township Manager

cc: Council
Chris Garges, Zoning Officer
B. Lincoln Treadwell, Jr., Esq.
Jim Birdsall, P.E., Hanover Engineering
Charles Elliott, Esq.
Lower Saucon Township Planning Commission
Lower Saucon Township EAC
IESI Bethlehem Landfill