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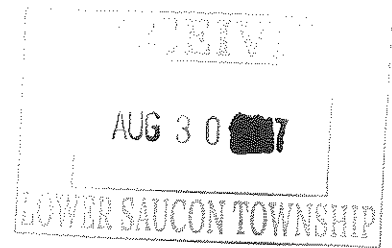
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August 29, 2017

VIA UPS

Lower Saucon Township
Attn: Ms. Leslie Huhn, Township Manager
3700 Old Philadelphia Pike
Bethlehem, PA 18015



RE: IESI PA Bethlehem Landfill
Southeastern Realignment
Preliminary/Final Land Development Plan
Township #LD 01-15
Our file: b/1162.3/LDP/RL4.22.16

Dear Ms. Huhn:

On June 15, 2016 the Lower Saucon Township Council granted conditional Preliminary/Final Land Development Approval of the above referenced project. Condition 8.a of that approval requires IESI "to submit a package containing all documentation required to meet the conditions of Preliminary/Final Approval to the Township for review prior to returning to Council." This letter will serve as documentation that, except for the issuance by PADEP of the Major Permit Modification, all of the conditions of the approval have been met. We expect PADEP action on the Major Permit Modification in the next few weeks, and will provide the Township with a copy of the permit modification as soon as it is issued.

There are eight conditions of the June 15, 2016 Preliminary/Final Land Development Approval. For ease of reference, we have individually listed each condition in regular type, with IESI's corresponding response highlighted in **bold**.

Condition No. 1 – Compliance with the Hanover Engineering Associates, Inc. letter dated May 16, 2016.

This condition has been satisfied. See Attachment 1, attached hereto.

Condition No. 2 – Compliance with the Boucher & James, Inc. letter dated May 13, 2016.

ROUTING

- Council
- Manager *ory*
- Asst. Mgr.
- Zoning
- Finance
- Police
- P. Works
- P/C
- P & R
- EAC
- Engineer
- Solicitor
- Planner
- Landfill
- EMC
- Other *Web*

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MUNICIPAL • CIVIL • SANITARY • SOLID WASTE AND ENVIRONMENTAL ENGINEERS

This condition has been satisfied. See Attachment 2, attached hereto.

Condition No. 3 – Compliance with the LVPC letter dated January 27, 2016.

This condition has been satisfied. In its January 27, 2016, the LVPC concluded that “the Drainage Plan has been found to be consistent with the Act 167 requirements.”

Condition No. 4 – Compliance with any conditions of the Zoning Hearing Board decision specifically with the terms and provisions of the Special Exception granted by the Lower Saucon Township Zoning Hearing Board.

This condition has been satisfied. See Attachment 3, attached hereto.

Condition No. 5 – Compliance with the regulations of all municipal and governmental agencies having jurisdiction.

This condition has been satisfied. IESI has received all of the required zoning and land development approvals from Lower Saucon Township. Issuance by PADEP of the Major Permit Modification will demonstrate the project’s compliance with PADEP regulations.

Condition No. 6 - The Applicant shall pay any outstanding escrow balance due to the Township in the review of the Plans and the preparation of legal documents.

This condition has been satisfied. There currently is no outstanding balance due to the Township. To the extent additional fees are incurred by the Township as part of the review of this package that have not yet been invoiced, IESI will pay such fees.

Condition No. 7 – The Applicant shall comply with provisions of the Host Agreement and the Amendment to the Host Agreement.

This condition has been satisfied. IESI is in compliance with the Host Agreement and the Amendment to the Host Agreement.

Condition No. 8 – the Applicant shall satisfy these conditions within one (1) year of the date of the conditional approval unless an extension is granted by Council.

This condition has been satisfied. Township Council granted an extension until October 18, 2017 to satisfy the conditions of the June 15, 2016 Preliminary/Final Land Development Approval.

Condition No. 8.a – The applicant shall be required to submit a package containing all documentation required to meet the conditions of Preliminary/Final Approval to the Township for review prior to returning to Council.

Ms. Leslie Huhn, Township Manager

August 29, 2017

Page | 3

This condition is satisfied by submittal of this letter.

Condition No. 8.b – The applicant shall be required to appear before Council, at a regularly scheduled meeting, to obtain Council's approval that the conditions of Preliminary/Final Approval have been satisfied and to authorize signing of the plans.

Acknowledged.

Condition No. 8.c – If there are substantive changes to the plan, the applicant shall be required to submit a new Preliminary/Final Plan to the Township for review and the PA MPC review process shall start again.

There have been no substantive changes to the plan since the June 15, 2016 Preliminary/Final Approval.


Enclosed herein is one full sized set of the Preliminary/Final Land Development Plans, which were last revised August 2017 consistent with the June 15, 2016 approval.

Per our conversation of today with Chris Garges, we are sending complete copies of this package (including all attachments and enclosures) to both Hanover Engineering and Boucher & James directly, via federal express, to facilitate their review.

IESI respectfully requests that this matter be placed on Council's agenda for September 20, 2017, to obtain Council's approval that the conditions of Preliminary/Final Approval have been satisfied and to authorize the signing of the plans.

In the event any questions arise concerning this correspondence please do not hesitate to contact this office.

Very truly yours,
MARTIN AND MARTIN, INCORPORATED



Joseph M. McDowell, P.E.

cc: Hanover Engineering (via ups, with attachments/enclosures)
Boucher & James (via ups, with attachments/enclosures)
Don Hallock (with attachments/enclosures)
Land Air Water Legal Solutions LLC (with attachments/enclosures)

ATTACHMENT 1

Hanover Engineering, Inc. – May 16, 2016 Letter

Following are the comments contained in Hanover Engineering, Inc.'s May 16, 2016 final review letter on the Preliminary/Final Land Development Application. For ease of reference, IESI responses to each of the comments are highlighted in **bold**.

A. GENERAL COMMENTS

1. The changes would allow an increase in total landfill solid waste disposal capacity, for which a Major Permit Modification would be required. The Township Technical Consultant Committee issued review comments on the proposal in July 6, 2015 and December 14, 2015 letters. Any approval by the Township should be contingent upon approval of the Major Permit Modification.

Acknowledged. IESI will provide the Township with a copy of the Major Permit Modification as soon as it is issued by PADEP.

2. The Plan proposes the construction of a retaining wall along the southern access road that is approximately 65' tall. The design for this retaining wall which is certified by a Professional Engineer must be provided to the Township.

A copy of the MSE (Mechanically Stabilized Earthen) wall design, certified by a professional engineer, was included in the April 2017 Phase II Technical Review Submittal to PADEP, a copy of which was provided to the Township on April 20, 2017.

3. The methods of stormwater management provided (to address peak runoff rate) are generally consistent with those of the original approval for this project. However, these methods do not appear to be consistent with the current regulations (governing runoff volume, recharge volume, and water quality).

To the extent feasible, the plans were prepared in conformance with the current Stormwater Regulations. Where compliance was not achievable due to site constraints or existing approved conditions, waivers of those particular sections were requested by the Applicant. Those waivers were granted by Township Council on June 15, 2016.

B. GRADING ORDINANCE COMMENTS

3. Sections 77-5.E(3)(a)[7], 7.A, J, K, 145-33.E(3), (4), (5) and 48 – See Stormwater and General/Technical Comments.

Acknowledged.

C. STORMWATER MANAGEMENT COMMENTS

7. Section 137-13.R – The April 2015 NPDES application that received a permit on November 9, 2015 permit [sic] is not consistent with the current plan set. The Township should receive any revisions to the NPDES permit plans and supporting documents.

IESI maintains a PAG-03 NPDES General Permit for Stormwater Discharges Associated with Industrial Activities at the landfill, which requires IESI to monitor stormwater discharges at 10 different locations. In the April 2015 application to renew said NPDES permit, the forms and mapping referenced a new discharge location—LS 001—as including a level spreader structure (thus, labeled with the “LS” prefix). That is because at that time, a level spreader structure was proposed as part of the Southeastern Realignment Land Development Plans at this discharge location. During the Southeastern Realignment land development approval process with the Township, the level spreader structure was eliminated in order to limit the amount of disturbance to woodlands. Although the level spreader structure has been eliminated, LS-001 remains as a monitoring point under the NPDES permit (the conditions of which do not require the level spreader structure—just monitoring). IESI will note the elimination of the level spreader structure at LS-001 in the next PAG Annual Report submitted to DEP, a copy of which will be provided to the Township.

14. Sections 137-18.C and L — The analysis which shows release rates being met assume the basin is dry at the start of the storm. Basin 2 does not dewater in eight (8) hours as required by Township regulations or three (3) days per PA DEP BMP design standards. On Page H-27 of the analysis, the draindown time from the 100-year storm is anticipated to be 17.53 days, assuming a dry basin at the beginning of the storm. A **waiver** is requested to permit the longer dewatering time.

The requested waiver was granted by Township Council on June 15, 2016.

The report includes analyses of Basin 2 from a partial storage that would be expected if it had drained for 3 days from a storage depth equal to the top of the inlet. These analyses identify that the maximum release rates are not met under the partial storage condition, however determines that adequate capacity exists downstream to accommodate the increased release rate.

A waiver of the basin dewatering time was requested, and was granted by Township Council on June 15, 2016.

15. Section 137-18.E — The basin analyzed (Basin 2) uses an orifice size of 2 inches rather than one meeting the minimum 3-inch orifice size required. Basin 4 uses an orifice size of 2 inches. Details for the outlet structures for the other basins have not been provided as the Developer does not propose to change them. The Applicant seeks

a waiver of the requirement similar to the previously conditionally approved with the Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

18. Sections 137-18.H and L(6) — The basin is not fenced as required. The Applicant seeks a waiver of the requirement similar to the previous conditionally approved Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

19. Section 137-18.I — Basin landscaping is required by this section. We defer review of the proposed Landscaping to the Township Planner.

Landscaping adjacent to Basin #2 is provided as depicted on Plan Sheets 12 and 13 of 18 and further detailed on Plan Sheet 18 of 18. The Township Planner offered no further comment on the Basin #2 landscaping in either its April 22, 2016 review letter or its May 13, 2016 review letter.

21. Section 137-18.L — The basin maximum slope, storage depth, and storage duration are exceeded. The applicant seeks a waiver of the requirement similar to the previous conditionally approved Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

22. Section 137-18.N — This section requires permanent detention basins to have a minimum bottom slope of 1%. Flat bottoms are only permissible for sedimentation basins and for approved infiltration basins. The plan proposes a flat bottom for Basin 2. The applicant seeks a waiver of this requirement.

The requested waiver was granted by Township Council on June 15, 2016.

26. Sections 137-19.G(8), (10), and Appendix A.B — These sections require all stormwater structures to be consistent with PennDOT Design Standards (including PennDOT Publication 408 Section 605 and Publication 72M, Standards for Roadway Construction). Most of the endwalls and detention basin outlet structures are not consistent with PennDOT standards. Concrete footers for endwalls have not been identified, as required. The Applicant seeks a waiver of the requirement for temporary erosion control structures, similar to the previous conditionally approved Cell 4F Modification Plans. Post construction design has not been provided for all basins.

The requested waiver was granted by Township Council on June 15, 2016.

27. Section 137-19.G(14) — Flow is required to be conveyed overland to the same destination if storm sewers fail. If the C-17 end-wall is clogged, water will drain northward rather than southward to Basin 2. The applicant seeks a waiver of this requirement.

The requested waiver was granted by Township Council on June 15, 2016.

28. Sections 137-21 and 22 — Copies of all Plans and calculations submitted to other government agencies shall be submitted to the Township and shall be consistent with the design presented in the Subdivision Plan submissions to the Township.

IESI has provided copies of all Plans and calculations submitted to other governmental agencies to the Township, and those plans are consistent with the design presented in the Preliminary/Final Land Development Plan submissions to the Township.

29. Section 137-23.M — The plan shows slopes in excess of the maximum 3:1 permitted. At the southeastern corner of the site, slopes are proposed at 2:1. The grading proposed at the retaining wall is 1:6. The Applicant seeks a waiver of this requirement. The Applicant notes that they believe IESI has the equipment necessary to maintain this slope. It is not clear how they expect these slopes are to be maintained after active maintenance of the site has ended.

A waiver was requested for proposed slopes in excess of 3:1 (Section 137-23.M), and the requested waiver was granted by Township Council on June 15, 2016.

In addition, notes 12 and 13 under General Notes on the cover sheet outline responsibilities for long-term maintenance of the project.

30. Section 137-26.C(4) — See General/Technical Comments.

No response required.

31. Sections 137-26.D, E, 34, 36, 37, 38, and 145-34.D(5) — Legal Agreements (addressing easements and maintenance responsibilities) must be addressed. The Applicant seeks a waiver of the requirement, pending satisfaction of the Township Solicitor with the post closure maintenance of the site, similar to the previous conditionally approved Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

33. Sections 137-37.B and C — Easements have not been identified on and around culverts, swales, and basins as required by this section. The Applicant seeks a **waiver** of the requirement, pending satisfaction of the Township Solicitor with the post closure maintenance of the site, as previously conditionally approved with the Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

A Stormwater Management Maintenance Agreement, which has been approved by the Township Solicitor, is included herein at Attachment 4.

34. Sections 137-Appendix I The Storm Drainage Easement Maintenance Covenant is not provided. The Applicant seeks a waiver of the requirement, pending satisfaction of the Township Solicitor with the postclosure maintenance of the site, similar to the previous conditionally approved Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

D. SUBDIVISION AND LAND DEVELOPMENT COMMENTS

1. Sections 145-19.C(4)(b),(e), (f), and 145-34.D(8) — Adequate copies of the approved Erosion and Sedimentation Control Plans and Narratives must be provided.

The Erosion and Sedimentation Control Plan was included within the DEP Major Permit Modification application for this project. PADEP reviews this Plan as part of the Major Permit Modification process. If there are any revisions to the E&S Control Plans and Narratives as a result of PADEP's review of the Major Permit Modification application (there have been none to date), IESI will provide a copy of such revisions to the Township.

4. Sections 145-30 and 34.D.(6) — Insurance for the construction is required per these sections. The Applicant seeks a **waiver** of the requirement to allow use of existing liability insurance, similar to the previous conditionally approved Cell 4F Modification Plans.

An Improvements Agreement, with security, as found acceptable by the Township, shall be provided. The applicant seeks a waiver of this requirement.

A waiver associated with the Insurance requirements was requested, and said waiver was granted by Township Council on June 15, 2016.

Enclosed herein at Attachment 5 is an Improvement Security Agreement for the landscaping required by the Preliminary/Final Land Development Plan. This agreement has been approved by the Township Solicitor. IESI will post financial security in the amount of \$125,983.00.

5. Section 145-33.A — A separate Preliminary Plan is required. The Applicant seeks a waiver of the requirement similar to the previous conditionally approved Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

6. Sections 145-33.C(1) and (2) — Some of the required existing features information has not been provided. The Applicant seeks a waiver of the requirement to not show any further detail than is currently on the plans, and to use 2013 aerial survey information.

The requested waiver was granted by Township Council on June 15, 2016.

7. Section 145-33.C(1) and (5) – The Developer has requested a Jurisdictional Determination from the Army Corps of Engineers to delineate the wetland boundary. All correspondence to and from the Army Corp of Engineers shall be furnished to the Township.

On August 29, 2016 the Army Corps of Engineers issued a Preliminary Jurisdictional Statement. The Township was a “cc” recipient of that document. The Preliminary/Final Land Development Plans meet the setback standards based upon this Jurisdictional Determination.

16. Section 145-33.F.(1)(a) —A plan note for drainage easements are required. The Applicant seeks a waiver of the requirement, pending satisfaction of the Township Solicitor with the post closure maintenance of the site similar to the previous conditionally approved Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

17. Section 145-34.D.(5) — Agreements are required for the operation and maintenance of stormwater management facilities. The Applicant seeks a waiver of the requirement, pending satisfaction of the Township Solicitor with the post closure maintenance of the site as previously conditionally approved with the Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

24. Sections 145-33.F, 34.C(8), and 34.E — All signature blocks must be properly executed (signed, sealed, and/or notarized) prior to unconditional Plan approval.

Applicant will present the requisite number of executed plans to Township Council for signature.

27. Section 145-45.B(3) and Appendices A-2.A and M — Sidewalk and curb are required for collector roads; neither has been proposed along Applebutter Road (a collector road). These requirements were previously deferred with a Covenant that they be installed at a later time when improvements were made to Applebutter Road. The Cover Sheet contains a similar covenant.

No response required.

28. Section 145-45.G(2) — Driveways are required to meet the minimum specifications of this section. The Applicant seeks a waiver of the requirement for temporary drives used during waste hauling, similar to the previous conditionally approved Cell 4F Modification Plans.

The requested waiver was granted by Township Council on June 15, 2016.

29. Section 145-46B(3) — Drainage easements are required for stormwater conveyance. Drainage easements have not been provided over the swales, culverts, and basins. The Applicant seeks a waiver of the requirement.

The requested waiver was granted by Township Council on June 15, 2016.

31. Sections 145-51.D and E — Land dedication or fee for recreation/open space may be required per these sections; we are not aware that the Township is seeking this as the use of the property is not changing.

No response required.

33. Section 145-52.B — Street trees are required by this section, unless provided by existing vegetation. We defer review of the street trees/existing vegetation to the Township Planner.

The Township Planner offered no further comments regarding street trees in either their April 22, 2016 review letter or their May 13, 2016 review letter.

E. ZONING COMMENTS

1. Section 180-98 — Crash Histories shall be submitted / reviewed to determine any crash patterns attributable to truck traffic.

The adequacy of roadway signage, particularly advance warning signs for roadway curvature shall be evaluated for truck traffic along the proposed Applebutter Road Route.

On August 1, 2016, Applicant provided the Township with of an Analysis of Accidents and Evaluation of Curves/Signage along Applebutter Road (“Applebutter Road Accident and Curve/Signage Analysis”), which was prepared by Pennoni Associates. On September 23, 2016, Michael W. Rebert, District Executive of Engineering District 5-0 of the Pennsylvania Department of Transportation (“PennDOT”) sent a letter to Leslie Huhn, Township Manager, indicating that PennDOT reviewed the Applebutter Road Accident and Curve/Signage Analysis and generally agreed with the findings. Mr. Rebert also indicated that a PennDOT sign foreman for this area would perform a field review of the existing signing and make changes or additions if warranted.

Additional traffic concerns may be identified in the review letter from the Township Technical Consultant Committee.

No additional concerns have been identified.

The multiple submissions responding to these comments shall be consolidated into one comprehensive document.

All documents pertaining to the Traffic Analysis are contained within Section 3 of the Land Development Plan Supporting Documents Binder.

F. GENERAL/TECHNICAL COMMENTS

2. The approved Modification Plans and Land Development Plans must be consistent. Copies of the approved Modification Plans will need to be provided to the Township.

The Modification Plans and Land Development plans are consistent. Copies of the approved Modification Plans have been provided to the Township.

3. The narrow strip in the northeast that looped from the maintenance building to the access drive no longer connects to the access drive. The designer has indicated that the lack of completion of the narrow access strip loop is intentional.

Acknowledged.

ATTACHMENT 2

Boucher & James, Inc. – May 13, 2016 Letter

Following are the comments contained in Boucher & James, Inc.'s May 13, 2016 final review letter on the Preliminary/Final Land Development Application. For ease of reference, IESI responses to each of the comments are highlighted in **bold**.

1. Special Exception and Variances

The applicant should revise the plans to list the conditions of the Zoning Hearing Board approval.

Sheet 1 of the plans has been revised accordingly.

2. Use

- a. ZO Section 180-102.C(2)(q) requires the copy of all required permits and supporting documents required by federal, state and local government agencies to be included in the site plan. The applicant shall provide this information to the Township, once all permits have been obtained.

IESI will provide the Township with a copy of the Major Permit Modification as soon as it is issued by PADEP.

- b. ZO Section 180-109.F(1)(b)[6] requires the submission of all Department of Environmental Protection and other applicable agencies' permit information, including but not limited to applications, review comments, and terms and conditions of permits. The applicant shall provide this information to the Township, once all permits have been obtained.

IESI has provided the Township with copies of all application materials and review comments regarding the Major Permit Modification. IESI will provide the Township with a copy of the Major Permit Modification as soon as it is issued by PADEP.

ATTACHMENT 3

Listed below are the seventeen (17) conditions of the Lower Saucon Township Zoning Hearing Board's April 18, 2016 Special Exception Approval. The conditions are listed in regular type, with IESI's corresponding response highlighted in **bold**.

1. Non-construction related noise levels at the landfill shall be maintained in compliance with Lower Saucon Township Ordinances.

Acknowledged.

2. IESI shall finalize and implement its Southeastern Realignment – Cap Removal & Waste Relocation Plan and Procedures in compliance with Pennsylvania Department of Environmental Protection (“PADEP”) requirements. The plan shall include utilization of a hydrogen sulfide analyzer with a detection range of 1-100 ppb. IESI shall promptly take all necessary response actions in accordance with the plan. The plan shall be an attachment to the landfill's Nuisance Minimization and Control Plan.

IESI revised the Southeastern Realignment - Cap Removal & Waste Relocation Plan and Procedures (“Cap Removal/Waste Relocation Plan”), consistent with this condition. The Cap Removal/Waste Relocation Plan and the landfill's Nuisance Minimization and Control Plan (“NMCP”) were submitted to PADEP in the April 2017 Phase II Technical Review Submittal. A copy of that April 2017 submittal was provided to the Township on April 20, 2017. Per that submittal to PADEP, the Cap Removal/Waste Relocation Plan and the NMCP have been added to the site's Written Plan of Operation – Form 14.

3. IESI shall review available accident history data for Applebutter Road to identify crash patterns attributable to truck traffic, and evaluate the adequacy of roadway signage on Applebutter Road for additional truck traffic generated by the Southeastern Realignment, particularly advance warning signs for roadway curvatures. IESI shall consider comments that are provided by PennDOT on the PADEP Major Permit Modification application for the Southeastern Realignment, and if deficiencies are identified by PennDOT, IESI shall propose and implement mitigation measures in coordination with PennDOT.

On August 1, 2016, Applicant provided the Township with of an Analysis of Accidents and Evaluation of Curves/Signage along Applebutter Road (“Applebutter Road Accident and Curve/Signage Analysis”), which was prepared by Pennoni Associates. On September 23, 2016, Michael W. Rebert, District Executive of Engineering District 5-0 of the Pennsylvania Department of Transportation (“PennDOT”) sent a letter to Leslie Huhn, Township Manager, indicating that PennDOT reviewed the Applebutter Road Accident and Curve/Signage Analysis and generally agreed with the findings. No deficiencies were identified by

PennDOT. PennDOT did not submit any comments on the PADEP Major Permit Modification application.

4. IESI shall modify Sheets 16 and 17 of the Preliminary/Final Land Development Plan for the Southeastern Realignment to identify all capping as either temporary or permanent.

Sheets 16 and 17 were modified, consistent with this condition.

5. IESI shall modify Sheets 9, 11 and 12 of the Preliminary/Final Land Development Plan for the Southeastern Realignment to identify the area subject to the Affirmative Covenant contained in the August 31, 2005 First Modification to Phase IV Land Development Agreement, as depicted in Exhibit IESI-20.

Sheets 9, 11 and 12 were modified, consistent with this condition.

6. If within sixty days (60) days of this Special Exception approval for the Southeastern Realignment, the Township presents IESI with final vegetative cover alternatives that have been approved by PADEP at other Pennsylvania municipal waste landfills, IESI shall consider proposing one of said alternatives for PADEP approval for the Southeastern Realignment. IESI agrees to meet with Township representatives to discuss said alternatives and, if any of said alternatives are acceptable to IESI, IESI agrees to incorporate one of them into the Form 28 Closure Plan for the Southeastern Realignment Major Permit Modification Application, and any other necessary PADEP forms, with the Phase II responses to PADEP.

No final vegetative cover alternatives were presented by the Township.

7. IESI shall ensure that all application documents submitted to PADEP and the Township for the Southeastern Realignment Major Permit Modification are materially consistent with its Special Exception Application as approved by the Zoning Hearing Board.

All application documents submitted to PADEP and the Township are materially consistent with the Special Exception Application that was approved by the Zoning Hearing Board.

8. IESI withdraws its request for zoning relief or determination by the Zoning Hearing Board that the Southeastern Realignment is covered by special exception approvals granted to the landfill in 1993 and 2001 and that no new special exception approval for the Southeastern Realignment is required.

IESI withdrew said request, consistent with this condition.

9. IESI shall obtain all permits from PADEP that are necessary for the operation of the landfill, including the Southeastern Realignment.

Acknowledged. IESI expects PADEP action on the Major Permit Modification in the next few weeks, and will provide the Township with a copy of the permit modification as soon as it is issued.

10. The Southeastern Realignment shall be designed and operated in accordance with the plans and exhibits submitted to the Zoning Hearing Board; provided, however, that the design and operation of the Southeastern Realignment may deviate from the plans and exhibits submitted to the Zoning Hearing Board, without further approval by the Zoning Hearing Board, to incorporate any changes or additional requirements resulting from the Major Permit Modification issued by PADEP for the Southeastern Realignment.

Acknowledged.

11. Except as provided in the Host Community Agreement dated 1998 and the Host Community Agreement Amendment dated 2001, the Township is not limited by way of this Special Exception approval and the Township may request that the PADEP impose conditions and/or modified conditions (above and beyond the conditions of this approval) as part of the public and Township reviews permitted during the PADEP review of the Major Permit Modification application for the Southeastern Realignment.

Acknowledged.

12. IESI shall obtain land development approval from the Township for the Southeastern Realignment in accordance with the Township's Subdivision and Land Development Ordinance.

Preliminary/Final Land Developmental was obtained from the Township for the Southeastern Realignment on June 15, 2016.

13. IESI shall submit to the Township four (4) copies and one (1) CD of revised plans, forms and other documents simultaneous with each IESI submission of amended plans and documents to the PADEP.

IESI has provided the Township with the requisite copies of all revised plans, forms, and other documents submitted to PADEP, simultaneous with their submission to PADEP.

14. IESI shall submit to the Township Zoning Officer four (4) copies and one (1) CD of all final approvals for the Southeastern Realignment, including:
 - a. the Zoning Hearing Board decision;
 - b. the Land Development Plans and Agreement;
 - c. the PADEP Major Permit Modification and all final conforming application documents provided to PADEP, which PADEP relied upon for the issuance of the Major Permit Modification;

- d. the County Conservation District or PADEP approval of any Soil Erosion Control Plan; and
- e. the PennDOT permit for any required road driveway improvements relating to the Southeastern Realignment.

IESI has provided the Township with the requisite copies of 14.a and 14.b. IESI expects PADEP action on the Major Permit Modification in the next few weeks, and will provide the Township with a copy of the permit modification as soon as it is issued. PADEP reviews and approves the Soil Erosion Control Plan as part of the Major Permit Modification approval. No road driveway improvements are proposed with regard to the Southeastern Realignment.

- 15. IESI shall provide and maintain landscaping in accordance with Sheets 12, 13 and 18 of the Preliminary/Final Land Development Plan for the Southeastern Realignment, and shall replace dead or dying landscaping to the satisfaction of Township Manager or other Township official designated by Township Council, during the next planting season.

Acknowledged.

- 16. IESI shall ensure that its site elevations do not cause any portion of the waste mass or final grading within the Southeastern Realignment to be visible above the existing tree line elevation by persons at view point locations 1, 2, 3, SC1 and SC2 to elevation points 1 and 2 as depicted in the Lines of Site Plan in Exhibit IESI-30, and shall ensure that site visibility is consistent with Exhibit IESI-30.

Acknowledged.

- 17. Nothing herein shall confer, or be construed to confer, upon Lower Saucon Township the power or authority to determine IESI's compliance with PADEP regulations or PADEP-issued permits, or to take action against IESI under the Municipalities Planning Code for any violation or alleged violation of PADEP regulations or PADEP-issued permits. Nothing herein shall otherwise alter, or be construed to alter, Lower Saucon Township's existing power or authority under the Pennsylvania Solid Waste Management Act, its zoning ordinance, or other applicable laws or regulations.

Acknowledged.

Final

PREPARED BY AND
RETURN TO:

B. Lincoln Treadwell, Esq.
Treadwell Law Offices, P.C.
915 West Broad Street
2nd Floor
Bethlehem PA 18018

TMP#:

STORM WATER MANAGEMENT MAINTENANCE AGREEMENT

THIS AGREEMENT, dated this _____ day of _____, 2017, by and between **LOWER SAUCON TOWNSHIP**, a Township of the Second Class, with its principal place of business located at 3700 Old Philadelphia Pike, Bethlehem, Northampton County, Pennsylvania 19015 (hereinafter referred to as "TOWNSHIP")

AND

IESI PA BETHLEHEM LANDFILL CORPORATION, a Delaware corporation, with its principal place of business located at 2335 Applebutter Road, Bethlehem, Northampton County, Pennsylvania, 18015; (hereinafter referred to as "IESI");

WITNESSETH:

WHEREAS, IESI is the owner of certain real property as recorded by deed in the Office for the Recording of Deeds in and for Northampton County, Easton, Pennsylvania, on July 14, 2000 at Instrument Number Vol: 2000-1; Page: 088751 and further described as Northampton County Tax Map Parcel No. p7-5-33, (hereinafter "Property") upon which it operates a landfill; and

WHEREAS, on June 15, 2016, Lower Saucon Township approved the Land Development Plan entitled "Southeastern Realignment Preliminary/Final Land Development Plan & Site Plan", dated July, 2015, last revised May, 2016 (hereinafter referred to as the "Land Development Plan"), which is made a part hereof which provides for the expansion of the existing landfill at the Property.

Final

WHEREAS, the Land Development Plan provides for the modification of certain existing stormwater management facilities and the construction of new stormwater management facilities in connection with the expansion and within the confines of the Property (“Stormwater Management Facilities”); and

WHEREAS, the Township and IESI, and their successors and assigns, agree that the health, safety, and welfare of the residents of the Township require that the Stormwater Management Facilities be constructed and maintained on the Property; and

WHEREAS, the Township requires, through the implementation of the Act 167 Watershed Stormwater Management Plan, that the Stormwater Management Facilities be constructed and adequately maintained by IESI, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein and the following terms and conditions, the parties hereto agree as follows:

1. The Stormwater Management Facilities shall be constructed by IESI in accordance with the terms, conditions, and specifications identified on the Land Development Plan. The Stormwater Management Facilities and best management practices (BMPs) depicted on the Land Development Plan shall be owned and maintained by IESI according to and in compliance with the specific provisions of the Land Development Plan, and as approved by the Northampton County Conservation District and PADEP per the facility’s Solid Waste Permit.
2. IESI shall maintain the Stormwater Management Facilities in good working condition, acceptable to the Township so that they are performing their design functions. IESI shall also be responsible for inspecting the Stormwater Management Facilities to ensure that they remain in good working condition, in accordance with the maintenance schedule depicted on the Land Development Plans.
7. 8. IESI shall indemnify the Township and its agents and employees against any and all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against the Township for the construction, presence, or existence or maintenance of the Stormwater Management Facilities by IESI.
9. In the event a claim is asserted against the Township or its agents or employees the Township shall promptly notify IESI, and IESI shall defend, at its own expense, any suit based on such claim. If any judgment or claims against the Township, its agents or employees shall be allowed, IESI shall pay all costs and expenses in connection therewith.

Final

10. This agreement shall be recorded among the land records of Northampton County, Easton, Pennsylvania and shall constitute a covenant running with the Property and/ or equitable servitude. It shall be binding on IESI, or any of its successors or assigns, only for as long as they own the Property. This Agreement shall be assigned with any transfer in ownership of the Property.

12. This Agreement may be executed in counterparts, each of which shall be deemed an original document, and all of which together shall constitute one and the same instrument. The transmission of a signed counterpart of this Agreement by facsimile or by portable document file ("PDF") shall have the same force and effect as delivery of an original signed counterpart of this Agreement, and shall constitute valid and effective delivery for all purposes. Copies of signature pages shall be considered original signature pages.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hand and seal the day and year first above written.

ATTEST:

LOWER SAUCON TOWNSHIP

Secretary

(TOWNSHIP SEAL)

ATTEST:

**IESI PA BETHLEHEM LANDFILL
CORPORATION**

By: _____
Name: _____
Title: _____

Final

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF NORTHAMPTON

On this _____ day of _____, 2017, before me, a Notary Public, personally appeared _____ who acknowledged himself to be the President of the Council of the TOWNSHIP OF LOWER SAUCON and that he as such officer, being authorized to do so, executed the foregoing agreement for the purposes herein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF _____

On this _____ day _____, 2017, before me a Notary Public, personally appeared _____, who acknowledged himself/herself to be the _____ of **IESI PA BETHLEHEM LANDFILL CORPORATION**, a Delaware corporation, and acknowledged that he/she executed the same for the purposes herein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

**IMPROVEMENT SECURITY AGREEMENT
IESI PA BETHLEHEM LANDFILL
SOUTHEASTERN REALIGNMENT**

THIS AGREEMENT, dated this ____ day of _____, 2017, by and between **LOWER SAUCON TOWNSHIP**, a Township of the Second Class, with its principal place of business located at 3700 Old Philadelphia Pike, Bethlehem, Northampton County, Pennsylvania 18015; (hereinafter referred to as "TOWNSHIP")

AND

IESI PA BETHLEHEM LANDFILL CORPORATION, a Delaware Corporation, with an office located at 2335 Applebutter Road, Bethlehem, Pennsylvania 18015; (hereinafter referred to as "DEVELOPER/OWNER"),

WITNESSETH:

WHEREAS, DEVELOPER/OWNER is the record owner of certain real property as recorded by deed in the Office for the Recording of Deeds in and for Northampton County, Easton, Pennsylvania, on July 14, 2000 at Instrument Number Vol: 2000-1; Page 088751 and further described as Northampton County Tax Map Parcel No. p7-5-33 (hereinafter "Property") upon which it operates a landfill; and

WHEREAS, on June 15, 2016 Lower Saucon Township approved the Land Development Plan entitled "Southeastern Realignment Preliminary/Final Land Development Plan & Site Plan," dated July 2015, last revised May 2016 (hereinafter referred to as the "Land Development Plan"), which is incorporated herein by reference, which provides for the expansion of the existing landfill at the Property (hereinafter "Project");

WHEREAS, the Land Development Plan provides for the installation of certain landscaping in connection with the Project as more specifically set forth on Sheets 12, 13 and 18 of the Land Development Plan and on Exhibit A hereto, entitled "Engineer's Estimate of Improvement Costs (Landscaping)" (hereinafter "Landscaping Improvements");

WHEREAS, the Township and DEVELOPER/OWNER now agree to enter into this Improvement Security Agreement to guarantee the installation of the Landscaping Improvements.

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby, agree as follows:

1. The “Whereas” clauses above-mentioned are incorporated herein by reference as if fully set out and, further, form part of the parties’ agreement.

2. DEVELOPER/OWNER agrees that, prior to the commencement of the construction of the Project, DEVELOPER/OWNER shall deliver to the TOWNSHIP an annual renewable Performance Bond or Letter of Credit in an amount equal to One Hundred Twenty-Five Thousand Nine Hundred Eighty-Three Dollars (\$125,983.00) (hereinafter “Improvement Security”), said sum being one hundred ten percent (110%) of the total cost for the installation of the Landscaping Improvements in accordance with the Land Development Plans, said Improvement Security to be held by the TOWNSHIP to guarantee and secure the installation of the Landscaping Improvements, as specified in the Land Development Plan. The Improvement Security shall be held by the TOWNSHIP, and shall not be reduced without the express written consent of the TOWNSHIP, as provided herein. The amount of the Improvement Security may be adjusted annually by the TOWNSHIP by comparing the actual cost of the Landscaping Improvements which have been installed and the estimated cost for the completion of the remaining Landscaping Improvements. Subsequent to said adjustment, the TOWNSHIP may require the DEVELOPER/OWNER to post additional security in order to assure that the financial security equals one hundred ten percent (110%).

3. DEVELOPER/OWNER hereby obligates itself to pay all costs connected with the acquisition and installation of the Landscaping Improvements, along with all costs associated with the inspection (and any necessary re-inspections) by the TOWNSHIP of all the Landscaping Improvements as set forth in the Land Development Plan, including but not limited to any and all professional fees incurred by the TOWNSHIP relative to the same.

4. The amount of the Improvement Security has been determined on the basis of the estimated costs for the installation of the Landscaping Improvements shown on Exhibit A attached hereto, and made a part hereof, which estimates have been duly accepted by the TOWNSHIP as an estimate for the Landscaping Improvements.

5. The Improvement Security shall be reduced and released in accordance with the procedures set forth in Sections 509 and 510 of the Municipalities Planning Code

6. DEVELOPER/OWNER agrees to install the Landscaping Improvements by June 30, 2021, which date is consistent with the sequencing plan for cell development contained in the

Major Permit Modification application submitted to PADEP, or by the date of any extension thereof as may be granted by the TOWNSHIP. In the event that the DEVELOPER/OWNER fails to install the Landscaping Improvements by such date, or by the date of any extension thereof as may be granted by the TOWNSHIP, the parties agree that the Township has the power to enforce any bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond, or other security are insufficient to pay the cost of installing the Landscaping Improvements, the TOWNSHIP may, at its option, install part of such Landscaping Improvements and may institute appropriate legal or equitable action to recover the monies necessary to install the remainder of the Landscaping Improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the DEVELOPER/OWNER, or both, shall be used solely for the installation of the Landscaping Improvements covered by such security, and not for any other municipal purpose.

7. DEVELOPER/OWNER agrees to notify TOWNSHIP of any change of ownership within ten (10) days of such occurrence.

8. This Agreement shall be interpreted and shall be governed by the laws of the Commonwealth of Pennsylvania. Any disputes relating to this Agreement shall be resolved in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code. For purposes of contract interpretation and for the purpose of resolving any ambiguity herein, the parties agree that this Agreement was prepared jointly by their respective attorneys.

9. The invalidity or unenforceability of any particular provision of this Agreement shall not affect any other provision hereof, and the Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this Agreement the day and year aforesaid.

ATTEST:

LOWER SAUCON TOWNSHIP

Secretary
(TOWNSHIP SEAL)

Ron Horiszny, President of Council

ATTEST:

IESI PA BETHLEHEM LANDFILL
CORPORATION

Authorized Representative

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF NORTHAMPTON

On this ____ day of _____, 2017, before me, a Notary Public, personally appeared RON HORISZNY, who acknowledged himself to be President of the Council of the TOWNSHIP OF LOWER SAUCON, and that he as such officer, being authorized to do so, executed the foregoing agreement for the purposes herein contained by signing for the TOWNSHIP OF LOWER SAUCON by himself as President of the County of said Township.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF _____

On this _____ day of _____, 2017, before me, a Notary Public, personally appeared _____, who acknowledged himself/herself to be an authorized representative of IESI PA BETHLEHEM LANDFILL CORPORATION, a Delaware Corporation, and acknowledged that he/she executed the same for the purposes herein contained by signing on behalf of IESI PA BETHLEHEM LANDFILL CORPORATION, a Delaware Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

IESI PA Bethlehem Landfill Corp.

Southeastern Realignment

Engineer's Estimate of Improvement Costs (Landscaping)

| ITEM | DESCRIPTION | QUANTITY | UNITS | UNIT PRICE | TOTAL PRICE |
|------|--|----------|------------------------------|------------|---------------------|
| | Deciduous Trees | | | | |
| D-1 | Acer rubrum / Red Maple 1 1/2" Caliper B&B | 21 | EA | \$120.00 | \$2,520.00 |
| D-2 | Ostrya virginiana / American Hophornbeam 1 1/2" Caliper B&B | 68 | EA | \$140.00 | \$9,520.00 |
| D-3 | Prunus serotina / Black Cherry 1 1/2" Caliper B&B | 13 | EA | \$120.00 | \$1,560.00 |
| D-4 | Quercus rubra / Red Oak 1 1/2" Caliper B&B | 14 | EA | \$160.00 | \$2,240.00 |
| D-5 | Cercis canadensis / Eastern Redbud Multi-trunk 1 1/2" Caliper B&B | 62 | EA | \$80.00 | \$4,960.00 |
| D-6 | Liriodendron tulipifera / Tulip Tree 1 1/2" Caliper B&B | 3 | EA | \$120.00 | \$360.00 |
| D-7 | Nyssa sylvatica / Black Gum 1 1/2" Caliper B&B | 8 | EA | \$120.00 | \$960.00 |
| | Evergreen Trees | | | | |
| E-1 | Ilex opaca / American Holly 5' Ht. B&B | 56 | EA | \$170.00 | \$9,520.00 |
| E-2 | Juniperus virginiana / Eastern Red Cedar 5' Ht Container | 110 | EA | \$170.00 | \$18,700.00 |
| E-3 | Pinus strobus / White Pine 5' Ht. B&B | 74 | EA | \$190.00 | \$14,060.00 |
| E-4 | Thuja occidentalis / Eastern Cedar 5' Ht. B&B | 9 | EA | \$170.00 | \$1,530.00 |
| | Shrubs | | | | |
| S-1 | Ilex glabra / Inkberry Holly 36" Ht. Container | 32 | EA | \$35.00 | \$1,120.00 |
| S-2 | Viburnum prunifolium / Blackhaw Viburnum 36" Ht. Container | 98 | EA | \$35.00 | \$3,430.00 |
| S-3 | Viburnum cassinoides / Witherod Viburnum 36" Ht. Container | 48 | EA | \$35.00 | \$1,680.00 |
| | Installation of Plantings | | | | |
| P-1 | Hardwood Mulch * | 120.00 | CY | \$20.00 | \$2,400.00 |
| P-2 | Tree Planting Complete in Place in accordance w/ Land Development Plan (Excavation/Backfill, Staking, Wire, Wrap, Fertilizer) | 438 | EA | \$75.00 | \$32,850.00 |
| P-3 | Shrub Planting Complete in Place in accordance w/ Land Development Plan (Excavation/Backfill, Staking, Wire, Wrap, Fertilizer) | 178 | EA | \$40.00 | \$7,120.00 |
| | | | Sub Total | | \$114,530.00 |
| | | | Total Security (110%) | | \$125,983.00 |

* based upon 0.044 CY per shrub and 0.25 CY per tree