



Land Air Water Legal Solutions LLC

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May 25, 2016

MAY 31 2016

VIA EMAIL AND FIRST CLASS MAIL

Leslie Huhn, Township Manager
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015

Re: IESI PA Bethlehem Landfill – Southeastern Realignment Preliminary/Final Land Development & Site Plan Application – SALDO Waiver Requests

Dear Leslie:

Enclosed please find a list of the SALDO waivers requested in connection with the above-referenced application, which were included in the May 3, 2016 submittal to the Township (revised from the original waiver request submitted with the September 2015 application). Although already outlined in the attachment, we want to make certain it is clear to the Township that only two of the requested waivers are “new” to the landfill. The two “new” waiver requests are both associated with the Township’s Stormwater Management Ordinance, which was adopted in 2007. Specifically:

1. Section 137-N – “Minimum Basin bottom slope 1%” (relates to Basin 2)
2. Section 137-23.M – “Maximum 3:1 slope” (relating to the earthen embankment east of the MSE wall, and to the extent applicable, to the interior slope of Basin 2, side slopes of newly proposed channels and the MSE wall)

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All of the other waiver requests have been granted by Township Council previously in connection with prior land development approvals for the landfill, most recently the Cell 4E/MSE wall project.

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

With respect to the two “new” waivers, we note that:

1. All of the existing basins at the landfill have flat bottoms. The proposed modifications to existing Basin 2 include a ramp, as required by the Stormwater Management Ordinance, to provide for access to maintain the bottom of said basin. A flat bottom provides for maximum storage and treatment capabilities of the basin.

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web

2. There are several Township approved slopes within the existing landfill footprint with slopes in excess of 3:1, the most visible being the 2:1 slope between the scale/office area and the perimeter access road to Cells 4-C, D and E. Allowing a similar 2:1 slope as requested in connection with the Southeastern Realignment is necessary in order to allow for the shifting of the access road away from the adjoining neighbors at the southeastern corner of the property.

These two design standards were not part of Lower Saucon Township's ordinances at the time of the prior land development plan submittals, therefore, similar waivers were not necessary in connection with those prior approvals.

In our discussions with various consultants from Hanover Engineering regarding this project over the course of the last eight months, each has represented to us they have no engineering concerns regarding any of our requested waivers, including these two "new" waiver requests.

If Hanover Engineering, Mr. Treadwell, or Township staff have any remaining questions regarding our application or the waiver requests, we respectfully request that you contact us immediately to discuss.

Very truly yours,



Maryanne Starr Garber

MSG

cc: B. Lincoln Treadwell, Jr., Esq. (via email only)
Brian Kocher, Hanover Engineering (via email only)
Richard M. Bodner, P.E. (via email only)
Joseph McDowell, P.E. (via email only)
Vito Galante (via email only)
Allen Schleyer (via email only)

SECTION 13

Waiver Request List

Revised November 2015

- Removed Waiver Requested for Section 137-23.M
- Added Waiver Request for Section 137-19.G(14)

Revised January 2016

- Removed Waiver Requested for Section 145-52.B
- Added Waiver Request for Section 137-18.N

Revised May 2016

- Removed Waiver Requested for Section 137-18.K
- Added Waiver Request for Section 137-23.M

**IESI PA BETHLEHEM LANDFILL
SOUTHEASTERN REALIGNMENT
LAND DEVELOPMENT PLAN SUPPORTING DOCUMENTATION
SECTION 13 – LIST OF REQUESTED WAIVERS**

IESI PA Bethlehem seeks the following waivers in association with the Southeastern Realignment Preliminary/Final Land Development Plan. The waivers requested are the minimum modifications necessary, will not be contrary to the public interest, and are consistent with the purpose and intent of the Township's ordinances. Literal enforcement of the provisions for which IESI is seeking waivers is unnecessary and would cause undue hardship on IESI. Waivers identical to those being requested in connection with this application except Section 137-23 M regarding slopes steeper than 3:1 and Section 137-18.N regarding Basin Bottom Slopes were previously granted by Township Council in connection with the 2011 Land Development Plan Modification for Cell 4F, and other prior approvals.

Stormwater Management Ordinance

1. Section 137-18.E – Orifice Diameter
2. Section 137-18.H – Basin Fencing
3. Section 137-18.L – Maximum basin Depth, Interior Slope, Fencing and 8-Hour Drainage Requirement
4. Section 137-18.N – Minimum Basin Bottom Slope 1%
5. Sections 137-19.G(8), (10) – Concrete Structure for Outlets
6. Section 137-19.G(14) – Storm Sewer Failure, Discharge Different Destination than Point of Study
7. Section 137-23. M – Maximum 3:1 Slope
8. Sections 137-26.D, E, 34, 36, 37 and 38 – Easement Legal Agreements
9. Sections 137-37.B, C – Drainage Easements
10. Appendix I – Storm Drainage Easement Maintenance Covenant, Infiltration Notes

Subdivision and Land Development Ordinance

1. Section 145-33.A – Preliminary Plan
2. Sections 145-33.C(1) and (2) – Existing Features
3. Section 145-33.F – Standard notes for Drainage Facilities Easements
4. Section 145-34.D(5) – Easement Legal Agreements
5. Sections 145-30 and 34.D(6) – Insurance – Township and Township Engineer as Named Insureds
6. Section 145-45G(2) – Specifications for Driveways
7. Section 145-46.B(3) – Drainage Easements

Stormwater Management Ordinance

1. **Waiver Requested:** Section 137-18.E – Orifice Diameter

Justification: The minimum circular orifice diameter for controlling discharge rates from detention facilities permitted by this section is 3 inches. Orifices smaller than 3 inches are proposed, which are to be protected (filtered) by a galvanized mesh cage. Cleaning of the mesh over the orifices is included in the maintenance schedule. A waiver of Section 137-18.E is requested.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification.

2. **Waiver Requested:** Section 137-18.H – Basin Fencing

Justification: The landfill property has perimeter security fencing which encompasses the existing basins, thus no additional fencing is necessary. This waiver has been previously granted for all existing basins, including Basin #2 most recently in connection with the Cell 4F/MSE Wall Modification. No new basins are proposed. To the extent Section 137-18.H is applicable; a waiver of this Section is requested.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans

3. **Waiver Requested:** Section 137-18.L – Maximum basin Depth, Interior Slope, Fencing and 8-Hour Drainage Requirement

Justification: Modification to Basin 2 consists of reconfiguring the basin to allow for MSE Wall development but maintaining the existing Basin 2 berm. The design requirements outlined in Section 137-18L are criteria to avoid the need for safety fencing around the basins and to minimize the visual impact of those basins. As the proposed basin is fenced by the landfill perimeter fence these criteria in our view do not apply. However a waiver of Section 137-18.L was previously granted. To the extent a new waiver is required, a waiver is requested.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

4. **Waiver Requested:** Section 137-18.N – Minimum Basin Bottom Slope of 1%

Justification: A waiver of this Section is requested to permit proposed re-designed Stormwater Detention Basin #2 to have a flat bottom. Stormwater Detention Basin #2 prior to post closure will serve as a Sedimentation Basin. A flat bottom is proposed to maximize the extent of storage within Stormwater Detention Basin #2 and to maximize the treatment capabilities of Sediment Basin #2 prior to post closure. Additionally, a ramp is provided within Basin #2 for access to maintain the bottom of the facility.

5. **Waiver Requested:** Sections 137-19.G(8), (10) – Concrete Structure for Outlets

Justification: The riser within Basin 2 is an existing riser and will be utilized “as is” to minimize disturbance to the existing berm at this time. Basin 2 will ultimately be converted to a Detention Basin, at which time a new concrete structure, per PennDOT’s standards, will be installed. Additionally throughout the landfill, piping with end walls/sections have been approved and installed which do not have foundations. Since all stormwater facilities shall be owned and maintained by IESI, we seek a waiver of this requirement. To the extent a waiver to permit

construction of stormwater facilities which do not meet PennDOT specifications is required, IESI requests that waiver.

An identical waiver was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

6. **Waiver Requested:** Section 137-19.G(14) –Storm sewer failure, discharge different destination than Point of Study.

Justification: A waiver of this section is requested to permit proposed storm sewer systems designed to collect runoff from the north slope of the landfill and direct said runoff to BMP's located south of the landfill. In order to minimize discharges to the north from the proposed development storm sewers are required. In the event of storm sewers failing the discharge would be to the north and not to management BMP's to the south. Failure of storm sewers proposed is unlikely due to size and slope of piping.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

7. **Waiver Requested:** Section 137-23. M - Maximum 3:1 Slope

Justification: A waiver of this section is requested to permit proposed grading to exceed a 1 vertical to 3 horizontal slope. Due to site constraints and existing steep slopes along the perimeter of the site, slopes steeper than the prescribed 3:1 maximum are required. Appropriate erosion control blankets and land cover are provided within the Erosion and Sediment Control Plan for the site. Additionally, slopes steeper than 3:1 exist within the currently permitted landfill, and IESI has demonstrated it has adequate equipment and knowledge to successfully maintain those slopes. Further, as outlined within Note #13 of the General Notes on the Cover Sheet of the Land Development Plans, IESI has a long-term, financially guaranteed obligation to maintain all slopes pursuant to PADEP regulations. Specifically, IESI will be required to post a bond with PaDEP to insure site closure and post closure in accordance with PaDEP's applicable regulations. Said bonding can only be released upon approval of a major permit modification (including public notice and public comment) and the release of the bond would not constitute a waiver or release of liability.

8. **Waiver Requested:** Sections 137-26.D, E, 34, 36, 37 and 38 – Easement Legal Agreements

Justification: A waiver of this Section is requested regarding easement agreements with the Township for the modified stormwater facilities associated with the Southeastern Realignment. There are no drainage/stormwater easements to be dedicated to the Township for modified stormwater facilities. As noted in Note #12 of the General Notes on the Cover Sheet of the Land Development Plans, PADEP regulates, inspects and requires maintenance bonding for the stormwater facilities within the PADEP permit boundary. As outlined in connection with the Cell

4F/MSE Wall Modification, PaDEP has a perpetual right-of-entry access to the site. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

9. **Waiver Requested:** Sections 137-37.B, C – Drainage Easements

Justification: Drainage/Stormwater easements are not proposed to be dedicated to the Township for the modified stormwater facilities associated with the Southeastern Realignment. As noted in Note #12 of the General Notes on the Cover Sheet of the Land Development Plans, PADEP regulates, inspects and requires maintenance bonding for the stormwater facilities within the PADEP permit boundary. As outlined in connection with the Cell 4F/MSE Wall Modification, PaDEP has perpetual access to the site to inspect all facilities within the property including the stormwater facilities. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

10. **Waiver Requested:** Appendix I – Storm Drainage Easement Maintenance Covenant, Infiltration Notes

Justification: No drainage/stormwater easements are proposed to be dedicated to the Township for the modified stormwater facilities associated with the Southeastern Realignment. Thus, no stormwater maintenance agreement is necessary. Notes provided on the Land Development Plan require the perpetual maintenance of all Stormwater Facilities to the approved design by IESI. Furthermore, as noted in Note #12 of the General Notes on the Cover Sheet of the Land Development Plans, PADEP regulates, inspects and requires maintenance bonding for the stormwater facilities within the PADEP permit boundary. IESI requests a waiver from this Section for the same reasons it seeks a waiver from Sections 137-37.B, C, above. An identical waiver request was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

Subdivision and Land Development Ordinance

1. **Waiver Requested:** Section 145-33.A – Preliminary Plan
Justification: A waiver from this Section to allow a Final Plan review and approval without preceding Preliminary Plan Approval is requested.

An identical waiver request was granted by Township Council in connection with the Cell 4F/MSE Wall Modification approval as well as with prior Landfill Land Development Plans.
2. **Waiver Requested:** Sections 145-33.C(1) and (2) – Existing Features
Justification: Plan Sheet 1-7 of 18 along with the aerial mapping in Section 16 provide the most up-to-date existing conditions for the site. This represents the 2013 aerial photometric mapping. We request a waiver from the requirement to depict any further existing features.
3. **Waiver Requested:** Section 145-33.F – Standard notes for Drainage Facilities Easements
Justification: Drainage/Stormwater easements are not proposed to be dedicated to the Township for the modified stormwater facilities associated with the Southeastern Realignment. As noted in Note #12 of the General Notes on the Cover Sheet of the Land Development Plans, PADEP regulates, inspects and requires maintenance bonding for the stormwater facilities within the PADEP permit boundary. As outlined in connection with the Cell 4F/MSE Wall Modification, PaDEP has perpetual access to the site to inspect all facilities within the property including the stormwater facilities. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

4. **Waiver Requested:** Section 145-34.D(5) – Easement Legal Agreements
Justification: No drainage/stormwater easements are proposed to be dedicated to the Township for the modified stormwater facilities associated with the Southeastern Realignment. As noted in Note #12 of the General Notes on the Cover Sheet of the Land Development Plans, PADEP regulates, inspects and requires maintenance bonding for the stormwater facilities within the PADEP permit boundary. As outlined in connection with the Cell 4F/MSE Wall Modification, PaDEP has perpetual access to the site to inspect all facilities within the property including the stormwater facilities. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary,

throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans...

5. **Waiver Requested:** Sections 145-30 and 34.D(6) – Insurance – Township and Township Engineer as Named Insureds

Justification: Insurance is required by PaDEP regulations [25 Pa Code 271.371-377], and proof of said insurance coverage must be submitted annually with the site's Annual Operations Report [25 Pa Code 271.313]. Enclosed with the Land Development Submission is proof of insurance that has been provided to PaDEP in connection with the Solid Waste Permit. To the extent the SALDO requires the Township and Township Engineer to be named insureds, IESI requests a waiver from this requirement.

An identical waiver request was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

6. **Waiver Requested:** Section 145-45G(2) – Specifications for Driveways

Justification: The Plan does not show internal circulation drive(s). During landfill operations such drives are temporary – they are located within the disposal footprint and are used as 'haul roads' to the working face. The location changes frequently, making compliance with these provisions unnecessary and onerous.

An identical waiver request was granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.

7. **Waiver Requested:** Section 145-46.B(3) – Drainage Easements

Justification: No drainage/stormwater easements are proposed to be dedicated to the Township for modified stormwater facilities associated with the Southeastern Realignment. As noted in Note #12 of the General Notes on the Cover Sheet of the Land Development Plans, PADEP regulates, inspects and requires maintenance bonding for the stormwater facilities within the PADEP permit boundary. As outlined in connection with the Cell 4F/MSE Wall Modification, PADEP has perpetual access to the site to inspect all facilities within the property including the stormwater facilities. Pursuant to its PaDEP Solid Waste Permit, IESI is obligated to maintain the site, including all stormwater management facilities contained within the PaDEP permit boundary, throughout the life of the landfill and during the bonded post closure period, during which time PaDEP will be inspecting the site regularly and IESI will be required to monitor and report

regularly. This ensures that the stormwater management facilities will be maintained, making Township easements unnecessary.

Identical waiver requests were granted by Township Council in connection with the Cell 4F/MSE Wall Modification, as well as with prior Landfill Land Development Plans.