

IESI PA BETHLEHEM LANDFILL CORPORATION**SPECIAL EXCEPTION CONDITIONS FOR
SOUTHEASTERN REALIGNMENT**

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

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

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.
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.
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.