



martin and martin, incorporated

37 south main street • suite A • chambersburg, pennsylvania • 17201-2251

(717) 264-6759
(717) 264-7339 (fax)
www.martinandmartininc.com

November 9, 2021

PA DEP
Roger Bellas
Waste Management Program
2 Public Square
Wilkes-Barre, PA 18701-1915

RE: Bethlehem Landfill Company (BLC)
First Environmental Assessment Review
Municipal Waste Major Permit Modification
Application—Northern Realignment
Application# 100020-A203 APS# 1033510, AUTH
ID# 1345418
Response to September 24, 2021 Letter
Our file: b/1162.4/Northern Realignment/RL9242021

Dear Roger:

In response to your First Environmental Assessment Review letter dated September 24, 2021 to our client, Bethlehem Landfill Company, we offer the following responses in **bold** for ease of reading.

Deficiencies

1. Form D Section A Geologic: Although there are no deficiencies, DEP requests BLC provide copies of the most recent complete Form 6 and Form 7 to be included with this application.

Attached (Attachment A) is the table of contents from the previously submitted and approved Form 6 & 7 along with the supplements from the Phase IV Expansion and Southeastern Realignment, which were also previously submitted and approved.

2. Form D Section K Zoning and Land Use: BLC should provide responses to section 3.b, 3.c, 3.d, and 3.e.

Attached (Attachment B) is a revised Form D Attachment 11 from the original application. The Lower Saucon Township (LST) Zoning Hearing Board granted Special Exception zoning approval and related variances for the project on November 9, 2020. After receiving a recommendation for conditional approval from the LST Planning Commission and a full review by the Lehigh Valley Planning Commission, LST Council

MUNICIPAL • URBAN • REGIONAL • LAND DEVELOPMENT AND ENVIRONMENTAL PLANNERS

MUNICIPAL • CIVIL • SANITARY • SOLID WASTE AND ENVIRONMENTAL ENGINEERS

granted conditional Preliminary/Final Land Development approval, conditioned upon, among other things, the Department's approval of the Major Permit Modification. The zoning and land development approval letters from Lower Saucon Township are enclosed herein.

3. Form D Section M Air Quality Impacts:

- 1) BLC states that emission sources are controlled by a landfill gas enclosed flare and future RNG plant. BLC should provide a schedule for when the RNG facility is expected to be constructed and operational.

Archaea Energy (Formerly Aria Energy) has confirmed that construction of the RNG facility has started and they anticipate the facility being operational in the 1st quarter of 2023.

- 2) BLC states that no adverse air impacts to the surrounding community are anticipated. There are potential impacts of odors and dust. BLC should further evaluate and describe the potential impacts from odors and dust.

As indicated in the Harms/Benefits analysis, BLC acknowledges odors and dust are known potential harms. However, BLC makes every effort to mitigate these potential harms by washing and watering access roads, installing final and temporary capping and expanding the landfill gas collection and control system as needed. Furthermore, homes in the general vicinity of the landfill are predominantly to the west of the landfill (including the few homes along Skyline Drive and Applebutter road, and the more remote Steel City community located on the other side of the ridge), and to the southeast along Applebutter Road and Ringhoffer Road. As the prevailing winds are from the west and from the northeast, the potential impacts from odors and dust are limited. The proposed Northern Realignment footprint is even further from Applebutter Road and Ringhoffer Road than the previously approved Southern Realignment.

- 3) BLC only describes the control measures as the expansion of the landfill gas (LFG) collection and control system. BLC should describe all odor and dust control measures the landfill utilizes.

In addition to the LFG collection and control system, BLC utilizes daily and intermediate cover along with temporary and final cap as odor control measures.

Regarding dust control, BLC has paved access roads that it cleans with a sweeper vehicle at least weekly, and a water truck is utilized to keep all access roads from having fugitive dust emissions. All parking lots/areas are cleaned at least weekly and the access roadways cleaned at least daily on operating days.

The access roadways at unloading areas of active cells are constructed so that water runs off and does not pool. Water shall be applied to the unpaved road surfaces to reduce fugitive dusts. Water is generally applied at least twice a day.

Harms

4. The Transportation Compliance Plan (TCP) has not been updated since the facility changed its name to "Bethlehem Landfill Company." All references to "IESI PA Bethlehem Landfill Corporation," "IESI Bethlehem Landfill" and "IESI" should be changed to "BethlehemLandfill Company."

These corrections have been made in the attached (Attachment C) revised Transportation Compliance Plan (TCP).

5. The facility name on the Nuisance Minimization and Control Plan (NMCP) title and throughout the document should be changed to "Bethlehem Landfill Company."

These corrections have been made in the attached (Attachment D) revised Nuisance Minimization Plan (NMCP).

6. The NMCP title includes "Southeast Realignment Application," this should be changed to "Northern Realignment Application." The first line in Paragraph 1 should also change the reference from "Southeast Realignment" to "Northern Realignment."

These corrections have been made in the attached (Attachment D) revised Nuisance Minimization Plan (NMCP).

7. In order to improve odor mitigation, BLC should add details of working face management (size of working face) and use of odor control misters to the NMCP. Furthermore, BLC should specify frequency of odor patrols conducted by landfill staff in the NMCP. Offsite odor patrols should be conducted at a minimum once per day.

The NMCP has been revised (Attachment D) to note that the size of the landfill working face is typically kept to a maximum of a 100 ft x 100 ft area. The use of odor control misters are currently being utilized at BLC and will continue to be utilized and expanded as necessary. Their use has been added to the revised NMCP. BLC currently performs daily offsite odor patrols on operating days and will continue to do so as noted in the revised NMCP.

8. DEP staff have noted a few high wind events followed by offsite litter over the past year. BLC should add a high wind provision(s) to the NMCP to provide for shut down of operations and/or modification of operations (i.e., stopping use of tipper) during high wind events.

BLC has a policy of not operating the tipper during wind events with a sustained rate of 35 mph or more. BLC currently utilizes approximately 200 linear feet of mobile workface litter fencing. BLC intends to add an additional 100 linear feet of mobile workface litter fencing to be used in close proximity to the active work face. Additionally, over 800 feet of litter fence has been added along the Southern portion of the Southeastern Realignment (top of the MSE Berm) between the landfill and Applebutter Road.

9. BLC did not identify the risk of fire as a harm and has not proposed mitigation. While BLC does not have a history of fires and subsurface reactions, they can and do occur at landfills. While DEP is aware that BLC has emergency equipment available should a subsurface fire or reaction occur at the landfill; BLC should also detail any efforts that are taken to monitor for and minimize the risk of fires and subsurface reactions occurring.

The site's LFG extraction wells are monitored for oxygen, pressure and temperature. The LFG well monitoring readings are reviewed by BLC LFG staff for any irregularities in the data that indicates potential subsurface reactions. Additionally, all waste is immediately covered at the end of each working day which minimizes the potential for fires. Additionally, as a preventative measure, BLC maintains a full tank of water in the on-site water truck in the unlikely event of a fire.

Benefits

10. Maximizing Use of Current Disposal Area: BLC has identified, as an Environmental benefit, the extended operating life of an existing, permitted municipal waste landfill, allowing for continued provision of all of the environmental services which the site provides by maximizing use of the current disposal area without the need to create or improve existing public and private infrastructure.

DEP review: Maximizing the disposal capacity within the currently permitted area is not a benefit. It is an action that avoids or minimizes the extent of the environmental and social and economic harms. DEP's Technical Guidance Document No. 254-2100-101 states that an activity or mechanism which reduces or prevents harm created by the facility does not amount to a benefit. In order to consider this a benefit, BLC would have to definitively show that without the expansion, there would have to be a new landfill constructed using virgin natural resources to accommodate the disposal needs of the community or region.

BLC respectfully disagrees with the Department's position, and contends that maximizing the use of the existing landfill area is not an activity or mechanism to reduce or prevent harm (although it does that as well), but a beneficial and environmentally conservative approach to utilizing air space above the permitted contours of the existing landfill, while avoiding the use of virgin natural resources or constructing new infrastructure to accommodate the waste disposal needs of the community and region.

11. Beneficial Use of Landfill Gas: BLC has identified, as an Environmental benefit, that they will provide landfill gas to a third party for generation of electricity for public consumption.

DEP review: Landfills are required to control gas that is generated by operation of their facilities. DEP's Technical Guidance Document No. 254-2100-101 states that an activity or mechanism which reduces or prevents harm created by the facility does not amount to a benefit. Beneficial reuse of landfill gas is mitigation of gas that is created by the landfill and an expected business practice and as such is not considered to be a benefit of the Northern Realignment project. Furthermore, the Bethlehem Renewable Energy facility has not operated since 2019 and despite permits being issued for the new Aria Energy East landfill gas to energy plant in 2020, construction has not yet commenced for this project. BLC should provide a timeline for when they expect to begin beneficially using landfill gas.

BLC respectfully disagrees with the Department's position. The assertion in the Guidance Document that generation of electricity from landfill gas is simply mitigation of a harm is based on a determination by a former DEP secretary and is unsupported on the facts, has no basis in law, and is contrary to the caselaw cited by the Department below.

12. Contributions: BLC has identified, as a Social and Economic benefit that they support many community activities in a variety of ways, including through direct financial support.

DEP review: Charitable contributions and scholarships are not considered to be benefits of the Northern Realignment project. [Berks County v. Department of Environmental Protection, 894 A.2d 183(Pa. Cmwlth. 2006). Eagle Environmental II, L. P. v. Department of Environmental Protection, 884 A.2d 867(Pa. 2005)]

BLC respectfully disagrees with the Department's position. The referenced cases are distinguishable as the charitable contributions and scholarships proposed by BLC in connection with the application are contingent upon approval of the proposed Northern Realignment project and rely upon the revenues from the proposed project to fund the continuation of these benefits.

DEP will consider the free white-goods disposal offered by BLC a Social and Economic benefit because BLC is providing the monetary benefit of free disposal.

No response required.

13. Benefits to Lower Saucon Township: Lower Saucon Township, the host community for BLC, will continue to receive benefits from the continued operation of the landfill. The Township will have a local facility that is capable of handling the municipal and residual waste disposal needs of its residents, businesses, and industries. The Township will continue to receive host benefit fees. The current host fee amount is \$6.14/Ton for municipal solid waste and \$8.87/Ton for residual waste. These rates increase annually at a rate of 4% per year. The Township receives approximately \$2.7 million a year of unencumbered funds for its use and amounts to approximately 30% of the total Township operating revenue.

DEP Review: Additional capacity at a local facility in and of itself is not considered to be a benefit. BLC has not demonstrated the need for additional waste capacity in Lower Saucon Township. In order for this to be considered a benefit, BLC must demonstrate that an actual hardship to the local community, considering alternatives to eliminate any hardships, will exist if the Northern Realignment project is not permitted.

No response required.

The host fees are based on tonnages and are paid on a quarterly basis and there is no guaranteed minimum amount. This is considered to be a Social and Economic benefit for the life of the Northern Realignment project.

No response required.

14. Local Benefits Attributable to Operating Expenses: BLC has identified that the continued operation of the landfill results in additional purchases and use of local and regional goods, services, and supplies. These include fuel, piping, supplies, quarry products, environmental control products and systems, vehicle services, tires, rental equipment, professional consulting and testing services, gas management services, parts and inventory, facility landscape services and computers and office supplies. These expenditures are projected at a rate of approximately \$1,481,430 per year for the duration of the proposed project.

DEP Review: BLC does not identify the radius of area where the local and regional goods, services and supplies come from. Without this information, DEP cannot determine the intensity and reach of the benefit. BLC should define more specifically the local expenditures that would benefit those impacted by the harms/potential harms of the landfill.

The majority of the benefits related to the \$1.48 million in operating expenses (casual labor, fuel, quarry products, tires, landscaping services, etc.) are spent within a 30-mile radius of the landfill.

15. Local Benefits Attributable to Capital Expenditures: BLC has identified the project will result in an increase in local spending on capital improvements in terms of equipment purchases and site development costs totaling an estimated \$21.3 million during the proposed additional 3 years of additional site life. These expenditures average approximately \$7.1 million per year, of which more than \$5.7 million are projected to be made within the local area.

DEP Review: BLC specifies more than \$5.7 million of the expenditures are projected to be made within the local area; however, BLC does not define "local area" (i.e., radius or description). Without this information, DEP cannot determine the intensity and reach of the benefit. BLC should define more specifically the local expenditures that would benefit those impacted by the harms/potential harms of the landfill.

The majority of the benefits related to the \$5.7 million in Capital Expenditures (NAPA Construction company consist of Site Work, protective cover, fill material, topsoil, etc.) and are spent within a 30-mile radius of the landfill.

16. Local Benefits Attributable to Payroll Payments: BLC has identified that the project will result in direct employment for a number of area residents and indirect employment through locally purchased supplies and services. The economic benefits attributed to payroll taxes associated with the Northern Realignment project is approximately \$845,000 per year and will continue over the 3 year extended site life.

DEP Review: Indirect employment is not considered a benefit of the project. Unless BLC can show that without the expansion, there will be indirectly employed individuals that will be unemployed; DEP cannot consider this as a benefit. The continued employment of landfill employees will be considered to be a Social and Economic benefit of the project. However, BLC should better define and quantify this benefit (i.e., number of full time, part time, and seasonal positions).

BLC respectfully disagrees with the Department's assertion and contends that indirect employment is a properly quantified and generally accepted economic concept and as such remains a benefit of the project. It is inappropriate for the Department to suggest that BLC must identify specific indirectly employed individuals that will become unemployed without the expansion, nor is such information required to satisfy the Pennsylvania Municipal Waste Regulations at 25 Pa. Code §271.127. Furthermore, BLC contends that the direct employment benefit is already appropriately and adequately defined in the Economic Study (Attachment G to the Harms/Benefits Analysis) as amounting to \$710,784 in labor, \$109,555 in benefits, and \$24,895 in 401k benefits, annually, to 15 full-time employees at the Bethlehem Landfill.

17. Benefits Attributable to Tax Revenues: BLC has identified that the public receives economic benefits from the landfill, which include payroll and taxes paid to the local school district on landfill property and sales taxes in the amount of approximately \$69,000 per year. The proposed Northern Realignment project will continue these benefits over the 3 year extended site life.

DEP Review: Property taxes are paid by any landowner and with or without the expansion BLC would have to pay property taxes based on the value of the acreage of property that BLC owns. BLC should provide information that quantifies the value of the BLC property with and without the expansion. Only increased tax revenue caused by the Northern Realignment project may be considered a benefit.

No response required

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

Very truly yours,

MARTIN AND MARTIN, INCORPORATED



Kevin N. Bodner

cc: David Pannucci, BLC (via email)
Lower Saucon Township (via email)
Northampton County Council (via email)
Lehigh Valley Planning Commission (via email)

ATTACHMENT A

TABLE OF CONTENTS FROM PREVIOUSLY APPROVED FORM 6 & 7 AND SUPPLEMENTAL SUBMISSIONS

**Waste Connections, Inc.
Bethlehem Landfill Company
Northern Realignment**

**DRAFT Compilation of Form 6 and Form 7 Submissions
1991 through 2016**

Table of Contents

Phase III Permit Application

Form 6: Prepared by Gannett Fleming 1991

- Attachment 6-1: Form 6 Supplemental Information
- Attachment 6-2: Report of Site Geology

Form 7: Prepared by Gannett Fleming 1991-1993

- Attachment 7-1: Form 7 Supplemental Information
- Attachment 7-2: Pumping Test Data
- Attachment 7-3: Transmissivity Calculations
- Attachment 7-4: Benthic Macroinvertebrate Stream Study
- Attachment 7-5: Geotechnical Resumes
- Attachment 7-6: Basis for Remediation Approach
- Attachment 7-7: Groundwater Abatement System, March 18, 1993
- Attachment 7-8: Supplemental Groundwater Monitoring Wells, June 7, 1993
- Attachment 7-9: Response to DER Concerns, September 16, 1993
- Attachment 7-10: Section II Groundwater Issues

Appendix A – 1991 Groundwater Assessment Report

Appendix B –Groundwater Monitoring Well and Piezometer Logs

Appendix C –Boring and Test Pit Logs

Appendix D –Previous Drilling Logs

Available Phase I Drawings

- Sheet No. 1, Groundwater Monitoring Well and Contour Plan
- Sheet No. 8, Public and Private Water Resources Location Plan
- Sheet No. 9, Subsurface Exploration Plan
- Sheet No. 10, Geologic Structural Feature Plan

Phase IV Disposal Area Modification (July 2000 – February 2003)

Introductory Narrative for Phase I Forms

Form 6

Form 7

- Supplemental Narrative on Groundwater Monitoring Program
- Responses to Hydrogeologic Technical Review Comments, March 7, 2003

Drawing LF-2, Site Monitoring / Groundwater Contour Plan, June 2000

Drawing LF-2A, Existing and Proposed Groundwater Monitoring Points, October 2002

**Waste Connections, Inc.
Bethlehem Landfill Company
Northern Realignment**

**DRAFT Compilation of Form 6 and Form 7 Submissions
1991 through 2016**

**Table of Contents
(continued)**

Southeastern Realignment (2014-2016)

Attachment 7-1: Monitoring Wells Decommissioning Plan

- Monitoring and Well Decommissioning Plan, July 2014
- Monitoring and Well Decommissioning Plan, January 2016 (Revised)

Attachment 7-2: Groundwater Contours

- Composite Highest Groundwater Elevation Contours, July 2014

Drawing LF-5, Existing and Proposed Groundwater Monitoring Points, December 2014

ATTACHMENT B

**REVISED FORM D-
ATTACHMENT 11**

ENVIRONMENT ASSESSMENT CRITERIA

ATTACHMENT 11

K. Zoning and Land Use

1. Does the county where this project is located or proposed have a comprehensive local land use plan? **Yes. Lehigh Valley Planning Commission, 2005.**
2. Does the municipality where this project is located or proposed have a comprehensive local land use plan? **Yes. Multi-Municipal Comprehensive Plan, 2009. Borough of Hellertown – Lower Saucon Twp.**
3. Does the county or municipality where your project is located have a zoning ordinance? **Yes.**
 - a. Provide a copy of the local zoning ordinance and land use plans adopted by the county or local government. **See Attachment 11, Exhibit 3.**
 - b. Identify possible conflicts the new facility will have with local zoning ordinances and land use plans. **No conflicts. The Northern Realignment has already been approved by Lower Saucon Township Planning Commission and Council pending approvals of the Solid Waste Application.**
 - c. Submit copy of the expanded notice sent to county and local government asking information if the permit application conflicts with their zoning ordinances and land use plans. **A full Land Development Plan Application of the Northern Realignment was sent to both the County and Lower Saucon Township for review and approval. The Land Development Plans are approved.**
 - d. Identify measures that have or will be taken to obtain municipal approval. **See 3B**
 - e. If municipal approval is already secured, provide copies of such land-use approvals. **Attached**
4. Is the project located on preserved farmland that is restricted to agricultural use by (a) an agricultural conservation easement under the authority of the Act of June 30, 1981 (P.L. 128, No. 43), as amended, known as the Agricultural Area Security Law, 3 Pa. C.S.A. §901 et seq. or (b) deed restrictions that have been imposed under the authority of the Act of January 19, 1967 (P.L. 992, No. 442) as amended, known as the Open Space Law, 53 P.S. §5001 et seq. and that have been recorded in the appropriate county land records office (c) easements owned by any other “qualified conservation organization,” as that term is defined at Section 170(h)(3) of the Internal Revenue Code? If yes, identify the location and acreage of preserved farmland and an explanation on how the facility can be located on this area and still be in compliance with the conservation easement. If the project is located adjacent to preserved farmland: identify the location and acreage of preserved farmland, the location of the project and the potential impact the project may have on the preserved farmland. **No. See Attachment 11, Exhibit 2.**
5. Is the project located on farmland in agricultural security areas that have been approved by local government units after public review and comment according to the procedure in the act of June 30, 1981 (P.L. 128, No. 43), as amended, known as the Agricultural Area Security Law, 3 Pa. C.S.A. §901 et seq.? If yes, identify the location and acreage of farmland in agricultural security areas and the location of the project. Secure and attach comments and recommendations from the township Agricultural Security Area advisory committee. **No.**
6. Is the project located on farmland that is enrolled for preferential tax assessments as land in “agricultural use” under the Act of December 19, 1974 (P.L. 973, No. 319), as

amended, known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, 72 P.S. §5490.1 et seq. Or as "farmland" under the Act of January 13, 1966 (1965 P.L. 1292, No. 515), as amended, known as "An act enabling certain counties of the Commonwealth to covenant with land owners for preservation of land in farm, forest, water supply, or open space uses." If yes, identify the location and acreage of farmland enrolled for preferential tax assessments and the location of the project. **No.**

7. Is the project located on farmland planned for agricultural use, subject to agricultural use and subject to agricultural zoning under the authority of the Act of July 31, 1968 (P.L. 805, No. 247), as amended, known as the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.? If yes, identify the location and acreage of this farmland and the location of the project. Include comments and recommendations from the county planning commission and/or the local planning commission. **No.**
8. Is the project located on active farmland? If yes, does the active farmland include land capability classes designated as I, II, III, IV or unique? If yes, identify possible alternatives to avoid these classes of soils and measures taken to minimize impacts. Attach recommendations from the local Cooperative Extension Service or the county Natural Resources Conservation Service. **No.**
9. If the project is not located on active farmland, will the project affect land identified as prime farmland, farmland of state-wide importance, or farmland of local importance? If yes, attach comments and recommendations from the Natural Resources Conservation Service. **No.**

**APPROVALS FROM LOWER
SAUCON TOWNSHIP**

**GEORGE A.
HEITZMAN**

ATTORNEY AND COUNSELLOR AT LAW

18 EAST MARKET STREET
P.O. BOX 1446
BETHLEHEM, PA 18016-1446

TEL. (610) 691-5500
FAX. (610) 691-7866

MARYANNE GARBER JD
LAND AIR WATER LEGAL SOLUTIONS LLC
1000 WESTLAKES DR, STE 150
BERWYN PA 19312

November 10, 2020

RE: Special Exception 01-20

Dear Ms. Garber:

Please be advised that at its specially scheduled meeting on November 9, 2020, the Zoning Hearing Board of Lower Saucon Township voted by a vote of 5 to 0 to grant your client variances §180-102C(2)(a), §180-102C(2)(d), §180-109F(1)(b)[1], of the Zoning Ordinance.

The variances granted are limited to variances from §180-102C(2)(a), §180-102C(2)(d), §180-109F(1)(b)[1].

The Zoning Board also voted by a vote of 4 to 0 that a Special Exception is required in order for the Northern Realignment to proceed. Finally, the Zoning Board voted by a vote of 4 to 0 to grant a Special Exception for the Northern Realignment. The construction must be in accordance with all of the evidence and testimony and the plan presented at the hearing pertaining to the Special Exception and the variances that were requested and granted. The Special Exception and the variances were also granted subject to compliance with all other applicable rules, regulations, and ordinances of the Township and all other applicable rules, regulations, and ordinances.

Very truly yours,

George A. Heitzman

GAH:dd

cc: Lower Saucon Township Zoning Hearing Board



Township Council of Lower Saucon Township

Officials:

Sandra Yerger, President
Jason Banonis, Vice President
Thomas Carocci
Priscilla deLeon
Kristen Stauffer

December 4, 2020

Maryanne Garber, Esq.
Land Air Water Legal Solutions LLC
850 Cassatt Road, Suite 210
100 Berwyn Park
Berwyn, PA 19312

Re: Bethlehem Landfill Company – Northern Realignment Lot Consolidation, Land Development and Site Plan

Dear Attorney Garber:

This letter is to advise you that at the December 2, 2020 Lower Saucon Township Council meeting Council granted approval, based on the conditions outlined in the attached motion, for the Northern Realignment Lot Consolidation, Land Development and Site Plan for the Bethlehem Landfill Company located at 2335 Applebutter Road, Bethlehem, PA.

Enclosed please find the final motion that was approved. Please have the applicant sign the approval and return to the Township at your earliest convenience.

Please do not hesitate to contact our office should you have any questions.

Sincerely,

Leslie Huhn
Township Manager

LH/bld

Enclosure

cc: Council
James Young, Township Zoning Officer
B. Lincoln Treadwell, Jr., Esquire
Brien R. Kocher, Hanover Engineering
Mr. Astor Lawson, District Manager, Waste Connections
Mr. David Pannucci, Regional Engineer, Waste Connections

FINAL MOTION

**BETHLEHEM LANDFILL COMPANY – NORTHERN REALIGNMENT LOT CONSOLIDATION, LAND
DEVELOPMENT AND SITE PLAN
2335 APPLEBUTTER ROAD
TAX MAP PARCELS P7-5-33, N8-14-1 AND N8-14-2
FOR THE DECEMBER 2, 2020 LOWER SAUCON TOWNSHIP COUNCIL MEETING**

Date of Application: August 10, 2020
90 – Day MPC Deadline: December 2, 2020
Plan Date: August 10, 2020 and revised October 29, 2020
Plan Prepared by: Martin and Martin, Inc.

Project Background:

The Applicant proposes a lot consolidation and Northern Realignment expansion land development at the existing Bethlehem Landfill Company property located at 2335 Applebutter Road. The approximately 198.86 acres of land to the north and east (former Helms and Redington Parcels) of the existing landfill property are proposed to be consolidated with the existing 224.47 acre landfill property to create a 423.33 acre property. There are no improvements or landfill activities proposed on these adjacent lands to be consolidated. The proposed waste disposal expansion area will be located within the existing 206-acre PaDEP Permit Boundary. The proposed 29-acre, lined landfill expansion will have a total disturbance of approximately 48.9 acres, with all but approximately 5.3 acres either previously disturbed or approved for earth disturbance for landfill or landfill support activities. The waste stream anticipated for the proposed facility will be similar to those currently accepted. Additionally, the Applicant proposes to modify Detention Basin 2 to accommodate additional runoff from the expansion. The landfill is served with both public water and sanitary sewer services.

On November 9, 2020, the Lower Saucon Township Zoning Hearing Board granted a special exception and variances in support of the land development project. On November 19, 2020, the Lower Saucon Township Planning Commission recommended approval of the requested waivers and conditional approval of the Preliminary/Final Lot Consolidation, Land Development and Site Plan.

Action Needed:

The Applicant is requesting conditional Preliminary/Final Lot Consolidation, Land Development and Site Plan approval.

Staff Recommendation for Consideration:

- A. Preliminary/Final Lot Consolidation, Land Development and Site Plan approval, subject to the following conditions:
1. The Applicant shall address the review comments contained in the letter dated November 25, 2020 from Hanover Engineering Associates, Inc. to the satisfaction of the Township Council.
 2. The Applicant shall comply with the Special Exception granted by the Lower Saucon Township Zoning Hearing Board and any applicable conditions.
 3. Any granted waivers, deferrals, and variances, with any conditions, shall be denoted on the Plan in a manner satisfactory to the Township Solicitor.

4. The Applicant shall comply with the regulations of all municipal and governmental agencies having jurisdiction.
5. The Applicant shall comply with the provisions of the Host Agreement and the Amendment to the Host Agreement.
6. The Applicant shall provide two (2) Mylars and seven (7) paper prints of the Record Plans with original signatures, notarizations, and seals.
7. The Applicant shall provide two (2) CDs of all Plans in both a functional AutoCAD format (e.g. .dwg) as well as a static image format (e.g. .jpeg or .pdf).
8. The Applicant shall pay any outstanding escrow balance due to the Township for review of the Plans and preparation of legal documents.
9. The Applicant shall satisfy all these conditions within three (3) years of the date of the conditional approval unless an extension is granted by the Township Council.
10. The Applicant's Major Permit Modification application, plans, and approval from DEP shall be materially consistent to the plans herein approved.

B. The granting of the following Subdivision and Land Development Ordinance (SALDO), Stormwater Management Ordinance (SMO) and Zoning Ordinance (ZO) waivers:

1. SALDO Sections 145-22.A and 145-33.A – waiver regarding Preliminary Plan approval prior to submission of a Final Plan and to allow a combined Preliminary/Final Plan submission.
2. SALDO Sections 145-30 and 145-34.D.(6) – waiver regarding certificate of insurance naming the Township and Township Engineer.
3. SALDO Section 145-33.B.(1) – waiver regarding the horizontal Plan scale.
4. SALDO Sections 145-33.C.(1) and 145-34.C.(3) – waiver regarding the identification of existing features within 500 feet of the property.
5. SALDO Section 145-33.C.(2) and ZO Section 180-102.C.(2)(d) – waiver regarding the identification of contour lines within 500 feet of the site and contour line intervals.
6. SALDO Sections 145-33.F.(1)(a) and 145-34.C.(9)(a) and Appendix B-7 – waiver regarding standard notices for drainage facilities and easements.
7. SALDO Section 145-34.D.(5) – waiver regarding stormwater management facilities operation and maintenance agreement.
8. SALDO Sections 145-41.B.(4) and 145-45.B.(3), (4) and (9) – waiver regarding the widening of existing roads adjacent to the property to meet required widths and construction standards.
9. SALDO Section 145-45.G.(2) – waiver regarding driveway specifications for the “haul roads.”
10. SALDO Section 145-46.B.(3) – waiver regarding storm drainage easements.
11. SMO Section 137-18.E – waiver regarding minimum detention facility orifice size.
12. SMO Section 137-18.G – waiver regarding detention basin access ramp.
13. SMO Section 137-18.H – waiver regarding a separate detention basin fence.
14. SMO Section 137-18.K – waiver regarding detention basin outside berm slope.
15. SMO Section 137-18.L – waiver regarding the detention basin depth, slope, drain down time and fencing requirements.
16. SMO Section 137-18.N – waiver regarding the minimum 1% slope of the detention basin bottom.
17. SMO Section 137-19.F.(2) – waiver regarding swale bank slopes.
18. SMO Section 137-19.G.(8) – waiver regarding concrete drainage structures.
19. SMO Section 137-19.G.(10) – waiver regarding concrete endwalls with 30-inch footings.
20. SMO Section 137-19.G.(14) – waiver regarding the drainage pipe discharge destination and pipe failure.

21. SMO Section 137-23.M – waiver regarding maximum grading slope of 3H:1V.
22. SMO Sections 137-26.D and E, -34, -36, -37 and -38 – waiver regarding stormwater management legal agreements.
23. SMO Sections 137-37.B and C – waiver regarding drainage easements.
24. SMO Appendix I – waiver regarding storm drainage maintenance and easement notes.

Applicant's Approval of Conditions

We hereby represent and certify that we are the Owners and Applicants of the Record Plan described herein. We have read the above list of conditions for the approval being considered for this application and we hereby accept and approve these conditions for granting the approval in accordance with Article V of the Pennsylvania Municipalities Planning Code.

Date

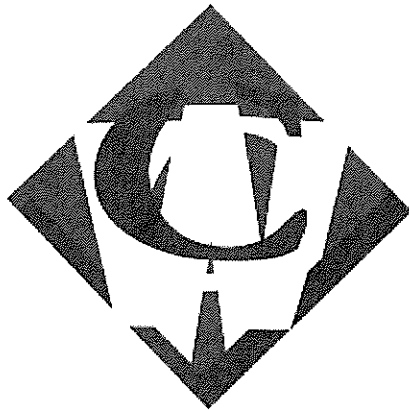
Signature

Print Name

ATTACHMENT C

REVISED TRANSPORTATION COMPLIANCE PLAN (TCP)

**BETHLEHEM LANDFILL COMPANY
NORTHAMPTON COUNTY, PENNSYLVANIA**



WASTE CONNECTIONS INC.
Connect with the Future®

**TRANSPORTATION
COMPLIANCE
PLAN**

Last Updated: September 2021

I. INTRODUCTION

Bethlehem Landfill Company (Bethlehem Landfill - BLC) is committed to working with the owner/operators of soil, construction material, and waste transportation vehicles in an effort to continually improve waste transportation safety and environmental compliance. In support of this effort, Bethlehem Landfill has developed and implemented this Transportation Compliance Plan, which has been disseminated to the owners/operators of soil, construction materials, and waste transportation vehicles that deliver to the facility. This plan is also maintained on file at the facility.

Bethlehem Landfill is a municipal waste landfill permitted by the Pennsylvania Department of Environmental Protection (DEP) under Operating Permit No. 100020. The facility is permitted to accept municipal waste, construction and demolition waste, residual waste and special handling wastes with DEP prior approval.

All trucks are to only access the site via the attached Designated Truck Routes to Bethlehem Landfill.

Upon arrival at the facility, waste transportation vehicles are required to first proceed to the scale. At the scale, the weighmaster records all the pertinent information regarding the waste delivery, customer name, truck number, gross vehicle weight, waste type and origin. All Bethlehem Landfill equipment operators are trained in, among other things, waste acceptance procedures.

II. TRAINING AND EDUCATION

Bethlehem Landfill personnel will participate in transportation and vehicle safety programs offered by DEP and the Pennsylvania Department of Transportation (PennDOT). Literature provided by DEP or PennDOT will be distributed to all customers, and where appropriate, incorporated into Bethlehem Landfill's Transportation Compliance Plan.

Further, Bethlehem Landfill has provided handouts to customers listing the hauler rules and regulations. In addition, Bethlehem Landfill will distribute this Transportation Compliance Plan to all new customers. Through these measures, Bethlehem Landfill will help educate all customers on the transportation regulations listed in PA Code Title 25 Environmental Protection Chapters 271-285.

III. STRATEGIES TO ASSIST IN COMPLIANCE

A file will be maintained on site that includes copies of the inspection forms and any documentation that Bethlehem Landfill has accumulated due to this Transportation Compliance Plan. This file will be made available to DEP for inspection.

IV. COMPLIANCE CHECKS

Waste transportation vehicles will be checked at the scale house by the weighmaster on a routine basis for the following:

1. Gross vehicle weight.
2. Act 90 (Stickers and Cab Cards).
3. Tarps.
4. Signage.

In addition, operators on the landfill working face will check waste transportation vehicles after they unload to ensure that the vehicles are free of debris before they depart from the working face.

V. INSPECTION FORM

Attached to this Plan is a Truck Inspection Form to be utilized during the compliance checks when a violation is noted. Both the driver of the waste transportation vehicle and the person conducting the inspection will be required to sign the inspection form. A copy will be supplied to the driver and the transportation company, and a copy will be maintained in the scale house.

VI. VIOLATIONS

Waste transportation vehicles will be inspected in accordance with the compliance checks listed above. Upon the first and second violation, a warning will be issued to the driver of the waste transportation vehicle and the transportation company. Upon the third violation the driver of the vehicle will not be permitted back on site for one (1) working day. Each additional infraction thereafter will result in one (1) day suspension during the month when the violation is accrued. BLC reserves the right to impose longer periods of suspension, including permanent suspensions for repeated and significant violations. All vehicles and drivers exceeding 3% of the gross vehicle weight will not be permitted back on site for three (3) working days. This program will be evaluated and revised as needed.

VII. ATTACHMENTS

The attached handouts are distributed to customers and are made part of the Transportation Compliance Plan.

ATTACHMENT I

**BETHLEHEM LANDFILL COMPANY
TRUCK INSPECTION**

Date: _____ **Ticket No.:** _____ **# Violations:** _____

Customer: _____

Address: _____

Telephone: _____

Driver: _____

<u>VIOLATIONS</u>
Gross weight vehicle exceedance – 273.311 (b) (11)
Load must be completely covered during transportation – 285.211 (a)
There shall be no release or leakage of waste during transportation – 285.213 (c)
Loads in vehicles shall be secured to prevent any of the load from escaping – 285.214 (b)
Signs on transportation vehicles must include: name, city, state and zip code – 285.218 (1)
Signs must include specific type solid waste transported (6" height) – 285.218 (2) and (3)
Transportation equipment shall be equipped with a fire extinguisher – 285.213 (a)
A daily operation record needs to be maintained in the cab of each vehicle – 285.217
Residual waste transporters shall have safety equipment available – 299.216 (a)
Other - _____

Driver: _____
Signature

BLC: _____
Signature

ATTACHMENT II



**BETHLEHEM LANDFILL COMPANY
PA DEP OPERATING PERMIT 100020**

HAULER RULES & REGULATIONS

- Operating Hours: Monday through Friday 7:00 a.m. – 3:00 p.m.
 Saturday 7:00 a.m. – 12:00 p.m.

No trucks will be accepted across the scale prior to or after these hours – no exceptions

- The main gate opens at 6:30 a.m. Trash haulers are not allowed on site prior to this time.
- No trucks are permitted to park along roadways and interstate exit ramps within a 10-mile radius of the landfill.
- Tarps and loads must be secured during transportation and prior to entering facility.
- No leaking loads will be permitted on site.
- Vehicles must not exceed the manufactures gross vehicle weight.
- Speed limit signs need to be obeyed and no littering is permitted.
- The PA DEP regulations require all transporters of municipal waste to have the proper signage on trailers and roll-off boxes.
- Tires must be washed prior to leaving the site on days the site is washing tires.
- Trailers are not allowed to sit on the premises overnight.
- Please make sure that all your paperwork is in order prior to crossing the scale.
- Enter scale slowly. No spiking brakes.
- Drivers must be courteous and cooperative with the scale house attendant and landfill operators.
- No hazardous waste or infections/chemotherapeutic waste is accepted for disposal at this facility. Residual waste and asbestos are accepted with prior approval.
- If you require any additional information, Bethlehem Landfill can be contacted at 61-317-3200.

Repeat violators will be disciplined up to and including banned from the site.

*Bethlehem Landfill Company
2335 Applebutter Road
Bethlehem, PA 18015
Phone: 610-317-3200
Fax: 610-317-8799*

Designated Routes to Bethlehem Landfill

Waste transportation vehicles delivering waste, trucks hauling cover soil and construction materials to Bethlehem Landfill are required to travel on certain designated routes to the facility. These vehicles traveling from Route 78 are required to take the Route 412 exist and travel Route 412 Northbound, turning right onto Shimersville Road just prior to the former Bethlehem Steel Plant, and then immediately following the City of Bethlehem Waste Water Treatment Facility turning right again onto Applebutter Road, and proceeding approximately 1-1/2 miles to the facility.

Waste transportation vehicles delivering waste, trucks hauling cover soil and construction materials to Bethlehem Landfill that are traveling the local routes from the south side of Bethlehem and adjacent areas, are required to proceed on Route 412 Southbound, turning left onto Shimersville Road and then turning right onto Applebutter Road. Waste transportation vehicles that are traveling from areas north of Bethlehem are required to proceed through Freemansburg on Main Street, and then after crossing the Lehigh River Bridge turning right onto Shimersville Road and then left onto Applebutter Road.

Waste transportation vehicles delivering waste, trucks hauling cover soil and construction materials to Bethlehem Landfill are directed to avoid traveling to the east of the Bethlehem Landfill along Applebutter Road and Ringhoffer Road, unless these roads are a part of normal collection routes or unless an emergency situation required temporary use of these roads.

ATTACHMENT D

REVISED NUISANCE MINIMIZATION and CONTROL PLAN (NMCP)

Attachment A

Nuisance Minimization And Control Plan

(To be inserted into Form 14)

October 2021

Bethlehem Landfill Company
Northern Realignment Application
Nuisance Minimization and Control Plan – Summary

Bethlehem Landfill Company (“BLC”) has submitted an application for the Northern Realignment of the Bethlehem Landfill. Incorporated within that application, BLC has provided numerous measures to minimize and control potential nuisances associated with the operation of a solid waste disposal facility. These measures are contained in various portions of the application and comply with the Department’s municipal waste management regulations, including 25 Pa. Code §273.136. For convenience, the Table below summarizes the monitoring aspects of these measures. For each measure, the Table identifies the principal monitoring program to verify that the measure is implemented, the record keeping system used to document the effectiveness of the measure, and a reference(s) to the application documents where additional detail on the measure is available. This summary may not be exhaustive of all design elements and operational procedures contained within the application that relate to nuisance minimization or control, and this Table is not intended to limit BLC’s ability to utilize other measures if nuisance conditions arise.

Potential Nuisance	Minimization/Mitigation Measure	Monitoring Program ¹	Record Keeping/Reporting ²	Application Document References
Odors ³	Cover (daily, intermediate and final) Waste Acceptance Plan	Weekly inspection (at least) Initial approval followed by review of each incoming load	Daily operations records Initial approval and annual confirmation; daily logs for each load; Daily ⁷ , quarterly and annual operations records	Form 14, Item L-2 (existing); Form 14, Item C (existing); Form 14, Items R, S, T and U (existing); Form F, Item C.7 (existing), DEP4/2017 EAP Comments – 100’x100’ and Odor Neutralizers ⁶ Form 14, Attachment 14-3 (approved Form R for site)(existing); Form 14, Items G-2 and H-3 (existing); Form 14, Item C (existing)
	Active Gas Collection and Flare System	Gas Monitoring and Control Plan	Continuous (flare; weather); Daily ⁷ (perimeter checks); Monthly (well field balance); Quarterly (surface monitoring)	Form K, Attachment K-2 (Landfill Gas Monitoring and Control Plan) (existing); Form G(B); Title V (existing); Form 54 (existing)
	Final Capping	Established Final Capping Schedule	Annual operations records	Plan Sheets LF-26 to LF-28; Form 14: Items T and U (existing); Form 28, Paragraph 2.1 (existing); IESI Response to DEP 3/27/2002 EAP Comments, Harms – Air Q./Odors/Nuisance (existing)
Odor	Odor Patrol	Daily (operational days)	Daily operations records ⁷	EAP Response
	Leachate Seep Control	Weekly inspection (at least)	Daily operations records ⁷	Form 14, Items R and S (existing)
	Cap/Gas System Removal	Weekly inspection (at least)	Daily operations records ⁷	Form K Narrative Response

Potential Nuisance	Minimization/Mitigation Measure	Monitoring Program ¹	Record Keeping/Reporting ²	Application Document References
Dust ³	Access Roads – Construction	Inspection during and end of construction, then periodic	Certification of Construction	Plan Sheet LF-61 and LF-62; Form 14, Items J, J-1 and J-4 (existing); Form 14, Item L-4 (existing)
	Perimeter Checks	Daily inspection	Daily operations records ⁷	Title V (existing)
	Access Roads – Maintenance (sweeper vehicle/water truck)	Daily inspection	Continuous (weather); Daily operations records ⁷	Form 14, Item D-4 (existing); Form 14, Item L-4 (existing); Form G(A); Form 54 (existing)
	Dust Monitors (if needed)	Periodic inspection	Daily operations records	Form 14, Item L-4 (existing); Form G(A)
	Vegetate disturbed areas	Daily inspection	Daily operations records	Form H (existing); Form 14, Item L-4 (existing)
	Waste Acceptance Plan	Initial approval followed by review of each incoming load	Initial approval and annual confirmation; daily logs for each load; Daily, quarterly and annual operations records	Form 14, Attachment 14-3 (approved Form R for site)(existing); Form 14, Items G-2 and H-3 (existing); Form 14, Item C (existing)
	No Open Burning	Daily inspection	Daily operations records ⁷	Form 14, Items L-2 and Item O (existing)
Mud ³	Access Roads – Construction	Inspection during and end of construction, then periodic	Certification of Construction	Plan Sheet LF-61 and LF-62; Form 14, Items J, J-1 and J-4 (existing); Form 14, Item L-4 (existing)
	Access Roads – Maintenance (sweeper vehicle/water truck)	Daily inspection	Daily operations records ⁷	Form 14, Item D-4 (existing); Form 14, Item L-4 (existing); Form G(A)
Vectors ³	Cover (daily, intermediate and final)	Weekly inspection (at least)	Daily operations records	Form 14, Item L-2 (existing); Form 14, Item C (existing); Form 14, Items R, S, T and U (existing); Form F, Item C.7
	Licensed Extermination Services	Inspections by Landfill Manager and observations by landfill personnel	Daily operations records	Form 14, Item L-1 (existing)
Litter ³	Tarps and covers on vehicles	Inspection of each incoming load and random inspections	Truck Inspection Form	Exhibit 12 to IESI Response to DEP 3/27/2002 EAP Review (Transportation Compliance Plan ⁴) (existing)
	Working Face Management – small size and water spray	Inspection during waste disposal	Continuous (weather); Daily operations records ⁷	Form 14, Item M and Item P-4 (existing); Form 54 (existing)

Potential Nuisance	Minimization/Mitigation Measure	Monitoring Program ¹	Record Keeping/Reporting ²	Application Document References
	Waste Trailer Tipper	Inspection during waste disposal	Daily operations records	Form 14 – Waste Trailer Tipper 2/18/14 (existing)
	Prompt placement of daily cover	Weekly inspection (at least)	Daily operations records	Form 14, Item L-2 (existing); Form 14, Items C and M/ Form 14, Item R (existing); Form F, Item C.7
	Litter fencing	Daily inspection	Daily operations records ⁷	Form 14, Item M (existing)
	Litter patrol	Weekly inspection, and as needed	Daily operations records ⁷	Form 14, Item M (existing)
Noise ³	Equipment fitted with proper mufflers	Daily observation	Daily operations records ⁷	Form 14, Item L-3 (existing)
	Onsite speed limit at 10 m.p.h.	Daily observation	Daily operations records ⁷	Form 14, Item L-3 (existing)
	Backup Motion Sensor system	Daily observation	Daily operations records ⁷	IESI Response to DEP 3.27.2002 EAP Comments, Harms – Noise, and Exhibit 17 (existing)
	Hours of Operation	Daily observation	Daily operations records ⁷	Form 14, Item I (existing)
Traffic ^{3,5}	Weight restriction compliance	Weigh each incoming load and random inspections	Scalehouse records and Truck Inspection Form	Exhibit 12 to IESI Response to DEP 3/27/2002 EAP Review (Transportation Compliance Plan ⁴) (existing)
	Vehicle signage compliance	Inspection of each incoming load and random inspections	Truck Inspection Form	Exhibit 12 to IESI Response to DEP 3/27/2002 EAP Review (Transportation Compliance Plan ⁴) (existing)
	Fire extinguisher compliance	Random inspections	Truck Inspection Form	Exhibit 12 to IESI Response to DEP 3/27/2002 EAP Review (Transportation Compliance Plan ⁴) (existing)
	Safety equipment compliance	Random inspections	Truck Inspection Form	Exhibit 12 to IESI Response to DEP 3/27/2002 EAP Review (Transportation Compliance Plan ⁴) (existing)
	Recordkeeping compliance	Random inspections	Truck Inspection Form	Exhibit 12 to IESI Response to DEP 3/27/2002 EAP Review (Transportation Compliance Plan ⁴) (existing)
	Route compliance ⁵	Routine observation and monthly landfill advisory committee	Daily operations records	Exhibit 12 to IESI Response to DEP 3/27/2002 EAP Review (Transportation Compliance Plan ⁴) (existing)
	Traffic flow ⁵	Routine observation	Traffic Impact Study	Form D, Attachment 10, Exhibit 1

Potential Nuisance	Minimization/Mitigation Measure	Monitoring Program ¹	Record Keeping/Reporting ²	Application Document References
Runoff	Soil Erosion and Sediment Control Plan	Inspections after each rain event, daily and weekly (including landfill benches, pipes and perimeter channels)	Daily operations records ⁷	Form I, Table I-2
	Access Roads – Construction	Inspection during and end of construction, then periodic	Certification of Construction	Form I, Section D; Plan Sheet LF-61 and LF-62; Form 14, Item D-7 (existing); Form 14, Items J-1, 3 and 5 (existing); Form 14, Item L-4 (existing)
	Leachate Seep Control	Weekly inspection	Daily operations records	Form 14, items R and S (existing); IESI Response to DEP 3/27/02 EAP Comments, harms – Air Quality/Odors/Nuisance (existing)
Leachate	Liner System	Construction QA/QC and certification	Certification of Construction	Form 24, Attachment 24-2 (QA/AC Plan); Form 14, Items C, C-4 (existing)
	Leachate Management System	Continuous monitor via electronic sensors, and routine observation	Daily operations records	Form 25, Attachment 25-1; Form 14, Items C, C-4 (existing)
	Groundwater Monitoring System	Quarterly and annual sampling	Quarterly and Annual Operation Records	Form 18 (existing); Form 7; Form 14, item C (existing)
	Groundwater Abatement System	Quarterly and annual sampling	Quarterly and Annual Operation Records	Form 18 (existing); Form 7; Form 14, item C (existing)

1. – As site conditions warrant, but at least annually, IESI will review the compliance history of the facility (during preparation of the Annual Operations Report) and evaluate whether adjustments to existing operations are required to address nuisance conditions. Pursuant to such review, if an increase in nuisance conditions is identified, IESI will evaluate the occurrence of such conditions to determine whether a correlation exists with any of the meteorological monitoring data collected for the facility, and will incorporate such information into an appropriate response.

2. – The Landfill Manager encourages all Landfill personnel to report any safety hazards, public nuisances, or anything that may pose a threat to public health or the environment. The Landfill Manager maintains a log of all reports and any complaints from residents and/or the Department relative to nuisances. In addition, relevant construction and operational records note unusual conditions and corrective actions when taken, and these documents are open to regular review by the Department and Township inspectors.

3. – If IESI receives a complaint from a neighboring property owner or from an occupant along the approach routes regarding concerns with odors, dust, mud, vectors, litter, noise or traffic related to Landfill activities, IESI investigates the complaint and reports the findings to the complainant. A record of the complaint and the findings are recorded on the daily operations record.

4. – The Transportation Compliance Plan for the IESI Bethlehem Landfill provides for an annual review of the Plan and an evaluation of whether adjustments to the Plan are needed to minimize and mitigate potential conditions. TCP updated November 2017.

5. – The Transportation Compliance Plan includes trucks hauling cover soil and construction materials.

6. – Odor neutralizers are a water-based product. Therefore, under prolonged temperatures below freezing, the odor neutralizer system will not be operational.

7. – During operational days.