



HanoverEngineering

EXHIBIT

BLC 68

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March 3, 2023
Revised

Mr. Mark Hudson, Manager
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA 18015-5426

RE: Bethlehem Landfill Company – Phase V
Expansion
Conditional Use Application
2335 Applebutter Road
LST Project #CU 01-23
Hanover Project LS23-18

Dear Mr. Hudson:

We have reviewed the second submission of the following above-referenced Application and supporting Plans and documentation, prepared by Martin and Martin, Incorporated:

1. Martin and Martin, Incorporated cover letter, dated February 23, 2023.
2. Martin and Martin, Incorporated response letter dated February 23, 2023.
3. Bethlehem Landfill Company Phase V Expansion Conditional Use Application – Attachment 3, revised February 2023
4. Bethlehem Landfill Phase V Expansion Conditional Use Application Plan Bethlehem Landfill Company “Exhibit A”, Sheets 1 through 12 of 12, dated January 6, 2023, last revised February 23, 2023.

Bethlehem Landfill Company proposes to expand (Phase V Expansion) the existing landfill operations by adding disposal capacity through both lateral and overlay expansions of the existing facility. The Phase V Expansion proposes 117.4 acres of lateral expansion (new disposal footprint/newly lined area) and 26.74 acres atop previously permitted lined disposal area. The total Phase V development area, which includes the proposed disposal area and associated new or alternative landfill support activities and structures, is 189.0 acres, all to be located within what will ultimately be a consolidated 503.46 acre parcel. The type and amount of waste the landfill is permitted to receive will remain the same. The landfill is served with both public water and sanitary sewer services.

The Phase V Expansion will also require approvals from Lower Saucon Township Council for the proposed lot consolidation and land development and from PADEP for a Major Modification to the landfill’s PADEP Solid Waste Permit.

This review is limited to the conditional use requirements contained in the Lower Saucon Township Zoning Ordinance, including Ordinance No. 2022-02

We offer the following comments on this proposed Conditional Use Application, based on our letter dated January 24, 2023:

A. ZONING ORDINANCE – CHAPTER 180

1. Sections 180-12.1.C and D – The governing body shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all the general requirements of Section 180-12.1.C, as well as any specific requirements and standards in Section 180-12.1.D for the proposed use. The Project Narrative in the Conditional Use Application states the Phase V Expansion as proposed meets the requirements and standards of Sections 180-12.1.C and D, and the Applicant will provide testimony on all these points at the Conditional Use Hearing.
4. Section 180-79.1.B – Landfills and Waste Disposal Facilities may be permitted when authorized as a conditional use by the Township Council.
5. Section 180-83.B – The 75’ special building restriction line has been added to all property lines adjacent to residentially zoned land, except on portions of the landfill owned property with proposed conservation easements. The required planting screen is not proposed – the narrative states that existing undisturbed vegetation will serve as the planting screen.
8. Sections 180-94 and 180-109.C.(1) – The applicant has indicated that no additional water usage is proposed. There will be an increase in leachate flows and has indicated that an updated agreement with the City of Bethlehem will be required.
9. Sections 180-95.B.(5) and (6) – The following comments regarding the existing wetlands and streams shall be satisfactorily addressed
 - a. As noted in Riparian Corridor Buffer, Wetlands Floodplain Note 2 on the Cover Sheet, the USACE shall review and confirm the wetland delineation of Wetlands D through J. Additionally, the Applicant shall meet any DEP requirements regarding the proposed stream and wetland impacts.
10. Section 185-19.B.(17)(b)[3] – The northern portion of the site is located within the Carbonate Geology Area of the Township, and the Applicant shall meet the requirements of this Section. We note the Plan identifies the approximate limits of carbonate geology and states the limits are to be confirmed by a site specific study and analysis.
12. Section 180-96.D – A noise study supplement dated February 15, 2023 has been provided on Sheet 12 stating consistency with the 2001 noise study.
13. Section 180-98.A.(2) – A traffic impact study shall be required for all uses which will generate 250 trips per day or more. (Ingress is one trip and egress is one trip). The Applicant states the landfill average daily volume (ADV), maximum daily volume (MDV) and days/hours of operation will not change with the Phase V Expansion, and the vehicle trips to and from the site related to the Phase V Expansion will be substantially similar to those generated by current operations.
14. Section 180-98.B – The Applicant shall submit the proposed Phase V Expansion Plans to PennDOT to determine whether the existing PennDOT Highway

Occupancy Permit (HOP) for the existing site driveway to Applebutter Road is sufficient for the proposed expansion.

16.
 - e. The ultimate use and ownership of the site after completion of disposal is proposed to be detailed in the future, required DEP Closure Plan.
 - f. The restoration ground cover is proposed to be detailed in the future, required DEP Closure Plan.

19. Sections 180-109.F.(3)(a) and 180-109.C.(2) – An earthen berm shall be placed no closer than 50 feet to all adjacent uses around the perimeter of a landfill or waste disposal facility and buffer yards and screening shall be provided. The Applicant requests that Township Council determine that the existing features serve as an acceptable substitute for the required berms, screening, and buffers. Supplemental plantings may be required as a condition of the Conditional Use approval.

20. Section 180-109.F.(3)(a) – No landfill or waste disposal facility activities shall be conducted less than 100 feet from a property boundary line. This required setback is not shown on the sections of the site proposed for a conservation easement.

21. Section 180-109.F.(3)(a) – No landfill or waste disposal facility activities shall be conducted within 100 feet of the bank of any stream. Two (2) existing streams are located within the Phase V Expansion limit of disposal. Please note easements are proposed for these streams on. The easement width should be clarified to reflect appropriate restrictions.

Martin and Martin’s response letter indicates that state and federal regulatory approval will be sought to remove these streams.

22. Section 180-109.G – The following comments regarding the proposed Natural Resource Mitigation Alternative shall be satisfactorily addressed:
 - a. The Applicant requests that Lower Saucon Township provide written approval for Bethlehem Landfill Company to exceed the net buildable site area permitted by Section 180-95.C.(2)(c) (“Permitted Net Buildable Site Area”), utilizing a greater area of natural resource protection land than would be otherwise permitted by the Resource Protection Standards contained in Section 180-95 (“Excess Resource Utilization”).
 - b. The Applicant has provided calculations on Sheet 7 demonstrating that the Permitted Net Buildable Site Area is 57.17 acres. The total area of development on the parcels to be consolidated with the existing Landfill lot is 180.50 acres. Therefore, the Excess Resource Utilization is 123.33 acres. This 123.33 acres of Excess Resource Utilization is based on the current layout shown on the Conditional Use Application Plan submission and is subject to further review during the land development review process, should the layout be revised.
 - c. The Applicant shall dedicate to the Township for preservation an amount of land equal to the Excess Resource Utilization. In the event that the Applicant demonstrates to the satisfaction of the Township Council, that it was unable

to obtain any or enough property for dedication pursuant to this Section, the Applicant may meet the requirements of this Section by submitting a fee-in-lieu of dedication in accordance with the calculations in the Lower Saucon Township Subdivision and Land Development Ordinance, Section 145-51.E. The Applicant shall demonstrate and make the required dedication and/or fee-in-lieu of dedication payment prior to final land development approved by the Township Council.

B. GENERAL COMMENTS

1. As referenced in Notes 1 and 2 on Sheet 2 of 12, the site contains an existing “Woodlands Protection Easement” and “Scenic and Conservation Easements” which prohibit landfill activities. The Applicant is requesting Lower Saucon Township to release/terminate these restrictions.
2. The following items pertaining to the development and operation of the site shall be identified during the land development plan review process:
 - a. The final grading by contours, in two-foot intervals, shall be specified on the Plans.
 - b. The methods of disposing of drainage and excess water accumulated during the course of operation shall be specified on the Plans.
 - c. All proposed landscaping, buffering, embankment height, methods of drainage and erosion control shall be specified on the Plans.
 - d. A copy of all Department of Environmental Protection and other applicable agencies’ permit information, including but not limited to applications, review comments, terms, and conditions of permits, shall be provided.
 - e. All proposals for groundwater monitoring, testing and environmental protection shall be specified.

If you have any questions concerning this review, please contact the undersigned.

Respectfully,

HANOVER ENGINEERING



Brien R. Koehler, PE
Township Engineer

brk:kjc

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cc: Mr. James Young, Zoning Officer (via email)
Ms. Molly Bender, Zoning Clerk (via email)
Ms. Rachelle Markovic, Receptionist (via email)
B. Lincoln Treadwell Jr., Esquire (via email)
Mr. David Panucci, Bethlehem Landfill Company (via email)
Mr. and Mrs. Dennis M. Hahn
Mr. Joseph M. McDowell, PE, Martin and Martin, Inc. (via email)
Maryanne Garber, Esquire, Land, Air, Water Legal Solutions, Inc. (via email)