APPROVED DEVELOPMENT CONDITIONS

SEA 80-L/V-061

January 8, 2007

If it is the intent of the Board of Supervisors to approve SEA 80-L/V-061 located at Tax Map Parcels 113-1 ((1)) 5 part, 7 and 8 and 113-3 ((1)) 1, 2 and 4 (10201, 10209, 10215, 10219 and 10229 Furnace Road) to amend a special exception previously approved for a landfill pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance in order to permit to permit an increase in the maximum height of the landfill from 290 feet above sea level to 412 feet above sea level and other site modifications and to permit a quasi-public park, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions and become effective as of issuance of a non-RUP implementing this SEA by authorizing the maximum height to reach 412 feet above sea level, and thus to exceed 290 feet above sea level or as otherwise specified in these development conditions. Previously-approved conditions are marked with an asterisk (*)

General Conditions

1. This Special Exception Amendment is granted for the location indicated in the application and is not transferable to other land.*

2. This Special Exception Amendment (SEA) is granted for the location and uses outlined in the application as amended by these conditions. A revised site plan incorporating these conditions shall be submitted to the Department of Public Works and Environmental Services (DPWES).*

3. A copy of this Special Exception SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during the hours of operation of the permitted use.*

4. Submission and approval of a site plan prepared in accordance with the provisions of Article 17, is required prior to the start of any landfilling activity in any new operational areas beyond that approved pursuant to SE 80-L/V-061, including elevations greater than 290 feet above sea level. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Amendment Plat ("SEA Plat") entitled *Overlook Ridge*, prepared by BC Consultants, Inc., which is dated February 2006, as revised through November 20, 2006, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

5. Prior to site plan approval, a geotechnical report of the landfill and the proposed expansion shall be submitted to the Geotechnical Review Board (GRB) for its

review and approval. Any and all recommendations of the GRB shall be implemented; if these recommendations cannot be implemented in substantial conformance with the SEA Plat, this Special Exception Amendment shall be null and void.

6. No construction of the recreational facilities, except for trails, as depicted on each phase of the SEA Plat shall take place until:

   - The GRB has determined in writing that any residual post-construction settlement will not affect the appearance or structural integrity of the proposed improvements; and
   - The Fire and Rescue Department and/or DPWES has determined that the nature and extent of corrosion-producing properties, the generation and escape of combustible gases and potential fire hazards of the constituent material, considering its state of decomposition, has been provided for adequately and will not create an unsafe or hazardous condition in or around any of said proposed improvements.

7. If any of the currently undisturbed areas of the landfill along the northern and eastern portion of the site (as depicted on Sheet 3 of the SEA Plat) are proposed to be disturbed for any reason (including installation of utility lines, detention ponds, access roads, etc.), then, prior to any such disturbance, a tight interval (30-foot intervals between shovel tests) Phase I archaeological survey shall be performed prior to site plan approval for those areas proposed to be disturbed, using a scope of work approved by the Cultural Resource Management and Protection Section of the Fairfax County Park Authority (FCPA). If any archaeological resources are found by the Phase I survey and are determined to be potentially significant and disturbance of these resources cannot be avoided, then a Phase II study shall be performed to assess the significance of the Phase I study area. If deemed necessary by FCPA, a Phase III data recovery shall be performed in accordance with a scope approved by the Cultural Resource Management and Protection Section, FCPA. Any Phase III scopes shall provide for public interpretation of the results. Draft and final archaeological reports produced as a result of the Phase I, II, and/or III studies shall be submitted for the review and approval of the Cultural Resource Management and Protection Section of FCPA.

8. Stormwater management and Best Management Practices (BMPs) for the site shall be provided as depicted on the SEA Plat and in conformance with the applicable Public Facilities Manual (PFM) standards, unless waived and/or modified by DPWES.

9. If deemed necessary by DPWES during site plan review, a Water Quality Impact Assessment (WQIA) shall be provided for encroachments into the Resource Protection Area (RPA) for the purpose of providing adequate outfall and/or redevelopment of the existing stormwater management facilities. Should any such encroachment be necessary, the limits of disturbance shall be no greater than that shown on the SEA Plat.

Conditions on the Operation of the Landfill

10. At the time of initial site plan submission, a copy of the Closure Plan (which addresses leachate control) approved by the Virginia Department of Environmental Quality (DEQ) shall be provided to the Department of Planning and Zoning (DPZ), the Division of Solid Waste Disposal and Resource Recovery (DSWDRR) of the Department of Public Works and Environmental Services (DPWES) and the Mount Vernon District Supervisor's office. A copy of the approved Closure Plan shall also be maintained on-site and made available. Amended versions of the Closure Plan shall be submitted to the above mentioned agencies and offices as revisions occur and with any subsequent site plan submissions.

11. The landfill shall be operated in conformance with all sections of Virginia Code (VAC) applicable to the proposed landfill operations. There shall be NO FUTURE EXPANSION of the landfill, beyond that outlined by the SEA Plat and permitted by these development conditions.

12. The height of the landfill prior to the installation of final cover of the landfill, vegetation, and "structures" as shown on the SEA Plat, shall not exceed the proposed final elevations as shown on the SEA Plat. All landfill disposal activities shall cease when the final elevation of 412 feet above sea level as shown on the SEA Plat is reached, or January 1, 2019, whichever occurs first. The height of the landfill shall not exceed the elevations depicted by the proposed topography on the SEA Plat, except for (i) any temporary berms which may be required by the Director for visual screening or noise attenuation and (ii) to provide adequate drainage from the center of the landfill.

13. The landfill shall receive only construction/demolition debris materials, as defined in Section 104 of the County Code and as deemed permissible by Federal, State and County regulations. Unacceptable landfill materials shall be prohibited on-site in accordance with the implementation of the Unauthorized Waste Control Plan as required by Virginia's Solid Waste Management Regulations and approved by the Virginia Department of Environmental Quality.*

14. Waste materials shall not be burned nor allowed to be burned at the site.*

15. A liner system shall be installed in all landfill cells in accordance with Virginia Solid Waste Management Regulations.

16. A tire wash system, including a wash rack/grate system to dislodge mud on truck tires, shall be provided as depicted on the SEA Plat in order to ensure that mud is not tracked from the landfill onto the surrounding roads. This installation shall occur within 120 days of SEA approval or prior to the issuance of the Non-Residential Use Permit (Non-RUP), whichever occurs first. The tire wash system shall be maintained in accordance with the manufacturer's recommendations. Adequate resources (including spare parts) shall be maintained on-site in order

to ensure that any needed repairs are made within a 24-hour period. The area between the site's main entrance and the location of the tire wash shall be paved as depicted on the SEA Plat in order to ensure that the tires remain clean after being washed. Should the tire wash be inoperable, alternative (and equivalent) methods of removing mud from the tires shall be employed. Should said alternative methods be unavailable, no landfill materials shall be accepted until the tire wash is back in operation.

17. In order to eliminate standing water from collecting in front of the site's entrance and to convey such water away from the site entrance, a drain (or other such improvement) as approved by DPWES shall be installed. This improvement shall be made prior to the issuance of the Non-RUP.

18. Prior to landfilling in any new operational areas beyond the elevation allowed pursuant to SE 80-L/V-061 (290 feet above sea level), sediment basins meeting State and County regulations shall be provided and maintained.

19. All dikes, basins and stockpiles shall be seeded and mulched as soon as they are constructed.*

20. Along the toes of slopes being worked, debris shall be controlled by the use of litter fences. Furthermore, a Litter Control program shall be prepared and implemented in accordance with Virginia's Solid Waste Management Regulations.*

21. A Groundwater Monitoring Program shall be prepared and implemented in accordance with Virginia's Solid Waste Management Regulations. A copy of all water test results, including groundwater, surface water and water quality, submitted to DEQ, shall also be submitted at the same time to the Fairfax County Health Department and DPWES. If, upon determination by DEQ and/or Fairfax County, any off-site private well is adversely affected by the landfill operation, the landfill owner will provide an adequate potable water supply to any affected property within five (5) days of being notified of such a determination.*

22. Dredge soils may be deposited at the landfill so long as the dredge soils entering the site meet the DEQ definition of acceptable waste for Construction and Demolition Debris landfills. Dredge soils from the Lake Barcroft Water District and from the Lorton Station Homeowners' Association which meet the DEQ definition cited above shall be accepted at the landfill at no cost. Dredge soils may be accepted after the cessation of landfill disposal activities and during the closure period in connection with landscaping improvements and installation of the final cap.

23. The control of decomposition gases from the landfill shall be monitored through the implementation of a Gas Management Plan in accordance with Virginia's Solid Waste Management Regulations. A coarse aggregate gas collection layer with collection pipe and gas vents above breathing zones shall be installed as part of the cap in areas that are proposed for recreational use, including parking

areas, exercise stations, the overlook, the amphitheater, the pavilion, and the kite flying area, as reviewed and approved by DPWES. All proposed recreational structures, such as the gazebo, picnic shelters and amphitheater, shall be open air, self-venting construction in order to prevent the buildup of landfill gases. Any closed structures (except restroom facilities), such as the leachate pump houses, shall be locked to prohibit public access.

24. Cardboard recycling collection containers shall be provided on-site within 120 days of SEA approval or prior to the issuance of the Non-RUP, whichever occurs first. All cardboard must be pre-sorted from other wastes prior to entering the site. In addition, other facilities may be provided on-site within 120 days of SEA approval or prior to the issuance of the Non-RUP, whichever occurs first, as approved by DPWES and DEQ to support the separation, processing and marketing of recyclable materials.

25. A yearly contribution of $60,000 shall be provided to the County for use by DPWES for public outreach and education associated with recycling activities applicable to construction and demolition debris. Contributions shall begin August 1, 2009, and shall continue annually until the cessation of landfill disposal activities.

26. An Emergency Contingency Plan shall be prepared and implemented in accordance with Virginia's Solid Waste Management Regulations. A list of the landfill's equipment operators and their telephone numbers shall be made available to the County's Emergency Operations Center and kept current by the landfill operator.*

27. Landfill materials may be accepted and clearing or grading of any kind may take place on the site only between the hours of 7:00 A.M. to 5:00 P.M. Monday through Friday and between 7:00 A.M. and 12:00 PM (noon) on Saturdays. However, within 120 days of SEA approval or prior to the issuance of the Non-RUP, whichever occurs first, the landfill gates shall be permitted to open to customers at 5:30 A.M. Monday through Friday and at 6 A.M. on Saturdays to allow customers to queue on-site while waiting for landfill activities to commence. However, in no case shall landfill operations begin until the commencement of the normal business hours listed above. With prior approval from the Director of the Department of Public Works and Environmental Services, or his designated agent, the applicant may operate until 5:00 P.M. on Saturday on an emergency basis. This approval shall not be granted more than ten times per calendar year. In the event of a significant community emergency, as determined in writing by the County Executive, the landfill may temporarily operate outside of normal business hours.*

28. In an effort to solve mutual problems, the operator will work with, and will, as necessary, meet on a regular basis with the Mount Vernon Council and/or the South County Federation and/or any other groups (such as neighboring homeowner associations) as designated by the Mount Vernon District Supervisor.*

29. Per Sect. 9-205 of the Zoning Ordinance, the site shall be made available to the Director of DPWES or his representative in preparation of the annual report to the

Board of Supervisors. As a result of the annual inspection, the Director of DPWES may recommend additional restrictions and limitations on the use to the Board.

Buffering, Landscaping and Screening Conditions

30. Irrespective of the notation on the SEA Plat that says "approximate limits of clearing and grading", the limits of clearing and grading as depicted on the SEA Plat shall be strictly adhered to. No new waste (debris) placement activity shall take place within 150 feet of the 100 year floodplain of Giles Run. There shall be no disturbance within the RPA except in those limited areas depicted on the SEA Plat.

31. Notwithstanding the limitations of other development conditions, the applicant shall be permitted to encroach into the limits of clearing and grading and/or the RPA in order to conduct environmental monitoring and/or remediation activities to ameliorate a potential environmental and/or public health hazard. Prior to the commencement of any such disturbance, the applicant shall obtain all necessary approvals for the actions taken, and immediately following any such activities, shall restore the disturbed area to the extent required, subject to the approval of DPWES.

32. All permanent berms shall be landscaped to the satisfaction of Urban Forest Management (UFM), Department of Public Works and Environmental Services (DPWES). The materials used and their separation shall be in conformance with the landscaping standards of Article 13 of the Zoning Ordinance.*

33. An undisturbed buffer of existing trees shall be maintained along the northern boundary of the site as depicted on the SEA Plat.

34. Along the southern property boundary, i.e., from the southernmost point of the property to a point approximately: (i) 600 feet along the southwestern boundary and (ii) 1,600 feet along the southeastern boundary, a landscaped buffer of at least 100 feet shall be maintained. In any area along this boundary where a minimum of 100 feet of natural vegetation does not exist, additional landscaping shall be planted and/or the existing berm extended to provide an eight (8) foot-high landscaped berm. Both the landscaping and the berm shall be designed to the satisfaction of UFM, DPWES. The materials used and their separation shall comply with the landscaping standards of Article 13 of the Zoning Ordinance.*

35. Sound levels emanating from the site shall not exceed those applicable levels specified in Chapter 108, Noise, of the County Code.*

Conditions for the Restoration of the Property

36. A landscape plan shall be prepared and submitted for the review and approval of DPWES prior to each phase of the development and with each submission of the site plan. The landscape plan shall provide for revegetation/reforestation of the landfill as depicted on the SEA Plat. Reforestation shall include suitable varieties

of trees which are to the satisfaction of UFM, DPWES. No new phase may be started prior to approval of its landscape plan.

37. Prior to approval of the first site plan for any expansion of the landfill, a vegetation management plan shall be developed and established in order to control non-native, invasive vegetation and promote the establishment of native meadow species. This plan shall be reviewed and approved by UFM, DPWES, in consultation with FCPA.

38. All landscaping installed by the applicant shall be maintained in good health by the applicant. Any such landscaping that should die shall be replaced by the operator/applicant within six months of its death.

39. At the time of site plan approval, a cash bond or a letter of credit payable to the County of Fairfax shall be posted to ensure that the approved landscaping and revegetation plans are completed in an amount determined by UFM, DPWES.

40. The approved revegetation/reforestation program shall be executed. Revegetation and reforestation of disturbed areas shall occur when the active landfilling operation is no more than two lifts above any previously revegetated/reforested area, or face of the slope. (A lift is defined as the compacted layer of waste and the top layer of cover material.) As the faces of any two lifts are completed, the faces shall be compacted, seeded, mulched and tacked within ten days of the lifts' completion or as soon thereafter as feasible given weather conditions.

41. During the first full planting season following completion of each phase, the surface of such phase shall be covered with soil and planted with ground cover on an interim basis, and then shall be replanted in accordance with the landscape plan, subject to review and approval by UFM. Final cover material shall be provided in accordance with DEQ design requirements as approved in the Closure Plan. Additional soil shall be placed on top of the final cover in those locations where planting of trees is proposed. The final location, depth and composition of the additional soil shall be subject to the review and approval by UFM and DEQ.

42. Final restoration of the landfill shall be completed within one year of the termination of operations on the property.*

43. The height of the berm along Furnace Road shall not exceed 11 feet and the height of the fence on top of said berm shall not exceed 8 feet. The installation of the proposed berm and fencing shall be subject to VDOT and/or DEQ approval.

Transportation Conditions

44. Truck traffic to and from the site from the east, north and south shall be required to use only that portion of Furnace Road between U.S. Route 1 and the site entrance. Truck traffic entering the site from the west via Route #123 shall use the section of Furnace Road between the site entrance and Route #123. Truck traffic entering the site from any direction shall avoid that section of Lorton Road between Furnace Road and I-95 (in the vicinity of Lorton School). The operator shall post this condition at the site entrance and inform all regular customers of these restrictions in writing at least twice a year. *

45. Right-of-way to 44 feet from the existing centerline along the site's Furnace Road frontage and any ancillary easements shall be reserved for dedication to the Board of Supervisors in fee simple at no cost as shown on the SEA Plat. This right-of-way shall be dedicated upon demand of Fairfax County and/or the Virginia Department of Transportation, but no later than January 1, 2019. Within 180 days following dedication, the proposed berm and fence within the reservation area shall be removed, as will the proposed raised concrete island at the site entrance, subject to approval by, and unless otherwise directed by, VDOT. Should this right-of-way dedication be required prior to completion of landfill activities, the berm and vegetated screening shall be permitted to remain until cessation of landfill activities subject to the execution of a license agreement between the applicant and Fairfax County.

46. If, prior to site plan submission, an alternative to a left turn lane from southbound Furnace Road has not been determined to be acceptable to the Virginia Department of Transportation (VDOT) and the Fairfax County Department of Transportation (FCDOT), a left turn lane into the site entrance shall be provided to a standard required by VDOT. Said turn lane (or alternative as determined acceptable by VDOT and FCDOT) shall be constructed and open to traffic prior to the issuance of the Non-Residential Use Permit (Non-RUP).

47. A right turn lane into the main entrance shall be provided as reviewed and approved by FCDOT and by VDOT. In order to provide adequate sight distance at the main entrance, grading improvements shall be provided as directed by VDOT. These improvements shall be made prior to the issuance of the Non-RUP.

48. There shall be no access to the property for any landfilling purpose through the adjoining properties to the north. Pedestrian access, as shown on the SEA Plat, shall be permitted.*

49. Effective dust and gravel control measures shall be installed and maintained by the operator of the landfill. At a minimum, these measures shall include the full-time availability of a water tank truck and sweeper vehicle on-site.*

50. Prior to site plan approval, it shall be demonstrated that no trucks will be able to

leave the site in a northbound direction. Any improvements needed to ensure the provision of an adequate turning radius at the site entrance for a right in and left out turn only for trucks shall be made prior to the issuance of the Non-RUP.

51. Subject to VDOT approval, maintenance of the existing ditch on the east side of the Furnace Road right-of-way shall be performed by the applicant prior to the issuance of the Non-RUP. Maintenance shall be limited to removing silted debris from the existing ditch sections for a portion from the site entrance to a point approximately 200 yards south to improve their ability to convey stormwater runoff from the surface of Furnace Road. This maintenance shall only be performed by the applicant once. The applicant shall diligently pursue permission from VDOT to perform this maintenance and shall commence such pursuit prior to the submission of any site plan. If unable to obtain such permission, the applicant shall demonstrate the failed attempts in writing to DPWES. Should VDOT not permit the applicant to perform this maintenance within 120 days of SEA approval, this development condition shall be null and void.

Park Conditions

52. The proposed park is for passive recreation use only. All park improvements shall be provided by the applicant as depicted on the SEA Plat with each applicable phase of development and shall be constructed to FCPA standards in consultation with FCPA staff.

53. Written notice shall be given to FCPA, DPWES, and the Department of Planning and Zoning (DPZ) when formal release of the landfill property owner from liability is granted by DEQ. The entire site shall be dedicated in fee simple to the FCPA within 30 days following the formal release of the landfill property owner from liability by DEQ. Prior to the site becoming a public park, a 2232 shall be submitted by FCPA for the review and approval of the Planning Commission.

54. Interim public access easements shall be provided over all trails and those on-site park facilities intended for public access as depicted on the SEA Plat, prior to transfer of the entire site in fee simple to FCPA. Prior to site plan approval, an agreement shall be executed between FCPA and the applicant regarding issues such as liability and maintenance for areas subject to public access prior to dedication of the property to FCPA.

55. Off-site trail connections to the north and west shall be provided by the applicant as depicted on the SEA Plat and the attached exhibit. The connection to the north is subject to the granting of necessary easements from the Lorton Valley Homeowners Association (HOA). In addition, an off-site trail shall be constructed to the Laurel Hill parkland, Greenway, and Sportsplex area, subject to the granting of rights of entry by Fairfax County. This proposed public access trail shall be an eight-foot wide asphalt trail (Type I) within a public-access trail easement of 12 feet. The exact location of the trail connection to portion of Laurel Hill Park shall be determined in cooperation with the FCPA Trails

Coordinator and FCPA. Prior to site plan submission, the applicant shall diligently pursue acquisition of these easements and permissions, and, if unable to obtain such permission, shall demonstrate the failed attempts in writing to DPWES. Should the necessary easements and permissions not be provided to permit the off-site trail connections within 90 days of site plan approval, the applicant shall be relieved of this commitment.

56. If the proposed restroom facilities are to be served by anything other than public sewer and water (such as an onsite sewage disposal system and/or a water well system), then installation of these facilities shall be coordinated with and approved by the Health Department.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been complied with.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless a site plan has been approved for landfilling in any new operational areas beyond the elevation allowed pursuant to SE 80-L/V-061 (290 feet above sea level). The Board of Supervisors may grant additional time to establish the uses or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception Amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.