

APPLICANT'S PROPOSED DEVELOPMENT CONDITIONS
SEA 80-L/V-061-2

October 16, 2013
December 10, 2013

Previously-approved conditions, some updated, imposed by the Board of Supervisors in SEA 80-L/V-061 on January 8, 2007 are marked with an asterisk (*).

1. This Special Exception Amendment (**SEA-2**) is granted for the location indicated in the application and is not transferable to other land.*
2. This Special Exception Amendment 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 SEA 80-L/V-061 (**SEA-1**). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Amendment Plat entitled *Lorton Green Energy Park and Debris Landfill*, prepared by BC Consultants, Inc., which is dated March 22, 2013, as revised through December 10, 2013 (**SEA-2 Plat**), 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-2 Plat, this Special Exception Amendment shall be null and void.*
6. No construction of the Phase 5 and Phase 6 recreational facilities on top of the landfill, as depicted on the SEA-2 Plat, shall take place until the Applicant has been released from its post-closure monitoring and maintenance requirements by the Virginia Department of Environmental Quality (**DEQ**) (the **DEQ Release**).
7. If any of the currently undisturbed areas of the landfill along the northern and eastern portion of the site as depicted on the SEA-2 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 such

areas proposed to be disturbed and not previously the subject of a Phase I archaeological survey, using a scope of work approved by the Cultural Resource Management and Protection Section of the Fairfax County Park Authority (the **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-2 Plat and in conformance with the applicable Public Facilities Manual (**PFM**) standards, unless waived and/or modified by DPWES.*

Conditions on the Operation of the Landfill

9. Prior to site plan submission, the Applicant shall initiate its Major Permit Amendment with DEQ (**Major Permit Amendment**) by submitting DEQ Form SW-11-1, signed by the Department of Planning and Zoning (**DPZ**), and the Division of Solid Waste Management (**DPWES**). A letter from DEQ confirming such initiation shall be provided to DPZ and DPWES, and the Mount Vernon District Supervisor's office. A copy of the approved Major Permit Amendment shall be maintained on-site and made available upon demand. A letter confirming subsequent amendments to said Major Permit Amendment shall be submitted to the above agencies and office as revisions occur and with any subsequent site plan submissions.
10. 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-2 Plat and permitted by these development conditions.*
11. The height of the landfill prior to the installation of final cover (cap) of the landfill, vegetation, and "structures" as shown on the SEA-2 Plat, shall not exceed the proposed final elevations depicted by the proposed topography shown on the SEA-2 Plat, except for (i) any temporary berms which may be needed for visual screening or noise attenuation and (ii) to provide adequate drainage from the center of the landfill. All landfill disposal activities shall cease when the final debris elevation of 412 feet above sea level as shown on the SEA-2 Plat is reached, or December 31, 2040, whichever occurs first.

12. 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 DEQ.*
13. Waste materials shall not be burned nor allowed to be burned at the site.*
14. A liner system shall be installed in all landfill cells as required in accordance with Virginia Solid Waste Management Regulations.*
15. A tire wash system, including a wash rack/grate system to dislodge mud on truck tires, shall be provided as depicted on the SEA-2 Plat in order to ensure that mud is not tracked from the landfill onto the surrounding roads. 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 to the extent reasonably feasible. Given necessary adjustments to operation areas over the life of the landfill, the tire wash will need to be moved. To ensure that truck tires remain clean after washing, a minimum of 400 feet of pavement shall be installed immediately after the tire wash and be followed by gravel between said pavement area and the exit at Furnace Road. In addition, "cattle guards" shall be employed to knock off mud and water in three locations: (i) before the tire wash; (ii) immediately after the tire wash; and (iii) at the landfill exit. Should the tire wash be inoperable, alternative, equally effective methods of removing mud from the tires shall be employed. Should said alternative methods be unavailable for more than three (3) consecutive operation days, no landfill materials shall be accepted until the tire wash is back in operation. Said new tire wash system shall be installed and in operation within 120 days of SEA-2 approval or prior to the issuance of the Non-Residential Use Permit (Non-RUP), whichever occurs first.*
16. In order to eliminate standing water from collecting in front of the site's main entrance and to convey such water away from the site entrance, a drain (or other such improvement) as approved by DPWES has been installed previously and such improvement shall remain.*
17. Prior to landfilling in the respective new operational areas beyond those allowed pursuant to SEA-1, sediment basins meeting State and County regulations shall be provided in the Phase shown, respectively, on the SEA-2 Plat and maintained.*
18. All dikes and basins shall be seeded and mulched as soon as they are constructed.*
19. Litter shall be controlled by the use of litter fences at the top of the landfill on each side of the active debris dumping areas along the working face. Furthermore, a Litter Control

- program shall be prepared and implemented in accordance with Virginia's Solid Waste Management Regulations.*
20. 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 DPWES. If, upon determination by DEQ and/or Fairfax County, the off-site private well on Fairfax County Tax Map Parcel 113-3((1))3 is adversely affected by the landfill operation, the landfill owner will provide an adequate potable water supply to such property within five (5) days after having been notified in writing of such a determination.*
 21. 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 post-closure period in connection with landscaping improvements and installation of the final cap.*
 22. 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 Phase 5 recreational uses on top of the landfill, including parking areas, as reviewed and approved by DPWES. All proposed structures on top of the landfill shall be open air, self-venting construction in order to prevent the buildup of landfill gases. Any closed structures, such as the leachate pump houses, shall be locked to prohibit public access.*
 23. Recycling of construction and demolition debris (and related materials) may continue to be carried out on the landfill as an accessory use. Recycling shall include the sorting, separation, storing and processing (such as chipping, crushing, augmenting) of debris and recyclable material (including, without limitation, the sorting of cardboard, metal, wood and inert material).*
 24. 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.*
 25. 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 5:30 P.M. Monday through Friday and

between 7:00 A.M. and 3:00 PM on Saturdays. 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. Notwithstanding the above, 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.*

26. In an effort to solve mutual problems, the operator will work with, and will, as necessary, meet on a regular basis with local community organizations (such as the neighboring homeowners association) as designated by the Mount Vernon District Supervisor.*
27. 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.*
28. Sound levels emanating from the site shall not exceed those applicable levels specified in Chapter 108, Noise, of the County Code.*

Buffering, Landscaping and Screening Conditions

29. Irrespective of the notation on the SEA-2 Plat that says "approximate limits of clearing and grading," the limits of clearing and grading as depicted on the SEA-2 Plat shall be strictly adhered to. No new waste (debris) placement activity shall take place within fifty 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-2 Plat and/or as permitted under Chesapeake Bay Ordinance.*
30. 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.*

31. A fifty-foot wide, continuous buffer of existing trees shall be maintained along the northern boundary of the site and shall be supplemented with additional plantings as depicted on Sheet 21 of the SEA-2 Plat, subject to UFMD, approval.
32. 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. The landscaping shall be designed to the satisfaction of UFMD, DPWES.

Conditions for the Landscaping of the Property

33. A landscape plan shall be prepared and submitted for the review and approval of DPWES as part of the submission of the site plan. The landscape plan shall provide for re-vegetation of the landfill and shall include suitable varieties of trees and shrubs as approved by UFMD, DPWES, consistent with that shown on the SEA-2 Plat.*
34. Prior to approval of the site plan, an invasive species management plan shall be developed by the Applicant's Arborist in consultation with UFMD in order to control non-native, invasive vegetation and promote the establishment of native species. Given the unusual nature of an on-going landfill operation and the size of the property, this management plan shall be limited in scope and shall include reasonable, cost effective requirements, as reviewed and approved by UFMD, DPWES.
35. All landscaping installed by the Applicant shall be maintained in good health by the Applicant. Any such landscaping that should die within the initial two full growing seasons shall be replaced by the operator/Applicant within the first growing season after its death.
36. At the time of site plan approval cash, bond or a letter of credit, as determined by the Applicant, payable to the County of Fairfax shall be posted to ensure that the approved landscaping and re-vegetation plans are completed, in an amount determined by UFM DPWES.
37. Landscape planting shall be installed according to the landscape plan for each phase as generally depicted on the SEA-2 Plat. Landscaping in one phase may begin before the completion of any prior phase to facilitate ongoing landfill operations. An interim vegetative cover shall be provided in disturbed areas where active landfill operations are complete and an interim landfill cap has been installed for any given area regardless of phase. Final landscaping according to the approved landscape plan shall be provided at the beginning of and during the first full planting season following the installation of the final landfill cap, subject to review and approval by UFMD. Final cover material shall be

provided in accordance with DEQ design requirements as approved in the Major Permit Amendment. Additional soil shall be placed on top of the final cover in those locations where the planting of trees is to occur, subject to the review and approval by UFMD and DEQ.

38. Final landscaping of the landfill shall be completed within one year after the termination of landfilling operations and completion of the full landfill cap on the property.*

Transportation Conditions

39. Semi's and larger trucks (including dump trucks) shall be prohibited from making left turns into and right turns out of the landfill. Such truck traffic shall enter the site only from the south and make right turns only into, and left turns only out of, the landfill. Applicant shall retain its existing approved design at its main entrance to accomplish this restriction. Signage shall be posted accordingly and these requirements enforced. The operator shall post this condition at the site entrance and shall inform all regular customers of these restrictions in writing at least twice a year.*
40. 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-2 Plat. This right-of-way shall be dedicated upon demand by Fairfax County and/or the Virginia Department of Transportation. Should this right-of-way dedication be required prior to completion of landfill activities, the raised concrete island at the main landfill entrance/exit shall be allowed to remain.
41. There shall be no access to the property for any landfilling purpose through the adjoining properties to the north. Pedestrian access shall not be permitted, except as contemplated by Condition 52.
42. 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.*
43. As depicted on Plat Sheets 6 through 13, a northbound right-turn in only lane shall be constructed by the Applicant, as approved by FCDOT and VDOT, at a new southern entrance-only for truck traffic traveling north on Furnace Road and beginning at the end of Phase 1 of operations after the berm is completed in that area. No left turns into nor exits from the landfill shall be permitted at this location.

Renewable Energy Program

44. To further the County's "Green Energy Triangle" initiative, the Applicant shall establish a Green Energy Park (**GEP**) demonstration project on portions of the landfill as generally shown on the SEA-2 Plat. Said GEP shall consist of renewable energy generation facilities including wind, geothermal infrastructure and methane gas collection systems and potentially solar panels, as interim uses during both the landfill operations and post-closure periods, as described below:

A. The Applicant shall erect three wind turbines by the end of Phase 1 (the **Initial Turbines**). Each of the three wind turbines to be installed on-site by the Applicant during Phase 1 shall be capable of producing at least one-quarter megawatt peak of electricity on that interim, southern portion of the platform as depicted on Sheet 6 of the SEA-2 Plat. The first turbine shall be installed no later than 18 months after all necessary Federal, Virginia, and Fairfax County approvals for implementation of SEA-2 to include, but not limited to, (i) FAA and/or other Federal, State and County approvals of the Initial Turbines; (ii) all requisite DEQ approvals, including the Major Permit Amendment; (iii) all requisite County approvals such as GRB, site plan, land development and structure permits, non-DEQ bonding, and Non-RUP, have been obtained (all collectively, **Necessary Approvals**). Necessary Approvals shall be pursued diligently by the Applicant. The second and third turbines shall be installed within 36 months after having received all such Necessary Approvals. Fifty percent of any revenue, in excess of 2.5 cents per Kilowatt hour, the Applicant receives from the sale of the electricity produced by these Initial Turbines shall be donated to the County. The Applicant shall share 50% of the net profit from any renewable energy sales related to the "Full" GEP (as defined in paragraph 45(F) below) wind and/or solar infrastructure on the landfill site within 30 days after receipt of such revenue subject to annual true-up. Net profit will be defined as the revenue from the sale of electricity, tax credits and environmental offset credits less operating, maintenance and capital investment and debt service related costs as defined by General Accepted Accounting Principles (**GAAP**).

Applicant shall construct a foundation for the Initial Turbines, the design for which shall be reviewed and approved by DEQ. The Initial Turbines shall be operated for their useful life or until the initiation of Phase 5 landfilling activities requires, in the sole judgment of Applicant, their removal.

B. The Applicant also shall install a methane gas recovery system within the landfill and shall deliver to the County, at a mutually agreed upon nearby location (such as Landfill Energy Systems, Inc.), methane gas sufficient to generate the equivalent of an average of two million kilowatt hours annually of electricity, with the intent that it will be used by the County to generate electricity sufficient

for the normal operating needs of County-owned facility(ies) and/or for use by County-owned facilities as a fuel for operations, such as the Noman Cole Water Pollution control plant. The Applicant shall pay the incremental cost, if any, of processing the methane gas so that it is suitable for combustion by industry-standard co-generation infrastructure. Subject to Applicant having received the easements, at no cost to Applicant, necessary to accomplish such delivery of the methane gas to the County, delivery shall begin within 18 months after having received all Necessary Approvals and continue until the cessation of landfilling activities or December 31, 2040, whichever occurs first. Should the Applicant fail to provide sufficient methane gas to generate the 2 million kilowatt hours in any given year, it must pay the County \$0.125 for each equivalent kilowatt of electricity that cannot be generated due to the unsupplied methane gas, up to a maximum payment of \$250,000 in any given year. After 2040, the Applicant will provide to the County 50% of the methane gas that is recovered from the methane recovery system and will continue to do so each year until DEQ Release.

- C. Within 24 months after having received all Necessary Approvals for implementation of SEA-2, the Applicant shall, subject to approval of PCA 2000-MV-034 as requested on the I-6 zoned parcel on the west side of Furnace Road (the **PCA Property**), install and operate at least a one-half megawatt peak solar infrastructure on the PCA Property for distribution and sale on the electrical grid or elsewhere. All costs associated with the purchase, installation and operation of the solar infrastructure will be the responsibility of the Applicant. The infrastructure will be operated for its useful life. Fifty percent of any revenue, in excess of 2.5 cents per kilowatt hour, the Applicant receives from the sale of electricity produced by such solar infra-structure will be contributed to the County.
- D. Within 24 months after having received all Necessary Approvals for implementation of SEA-2 and approval of Proffered Condition Amendment Application PCA 2000-MV-034 on the PCA Property, as proposed, the Applicant shall install a geothermal recovery infra-structure at the landfill with capacity to support 1 million square feet of building structure(s) and shall provide an access point for hook-up to such systems by the County on the boundary of the PCA Property. The Applicant shall maintain the geothermal recovery infra-structure and related access point until DEQ Release.
- E. As depicted on the SEA-2 Plat, in Phase 4 the Applicant shall create an approximately ten acre platform within the southern portion of the operations area to facilitate the provision of solar panels by the Applicant and/or others.
- F. By the end of Phase 5, the Applicant shall have established an approximately 40-acre platform to facilitate future creation of a larger GEP which may include

the potential for up to 12 wind turbines (or wind infrastructure sufficient to produce at least 3 megawatt peak electric power capacity), solar panels (or solar conversion infrastructure sufficient to produce at least 7.5 megawatt peak electric power capacity) and/or more advanced technologies (the "**Full GEP**") to be provided by public and/or private entities with the Applicant's agreement.

45. Wind turbines on the subject property shall not exceed 180 feet in height (to include the rotor blades) and shall be in general accordance with the maximum dimensions shown on Plat Sheet 14.

Other Public Contributions by the Applicant

46. Subject to receipt of all Necessary Approvals, the Applicant shall contribute \$15,000,000.00 to the Fairfax County Board of Supervisors (**Board**) in installments of \$750,000.00 each per year beginning no later than January 31, 2019 and ending no later than January 31, 2038. Said funds shall be payable to Fairfax County and earmarked toward local community needs in the Lorton/South County area, as determined by the Board. These funds shall be in addition to the separate recreation contribution below and the other Green Energy Program expenditures and contributions to the County committed herein by this Applicant.
47. In addition to the above contribution, subject to receipt of all Necessary Approvals, the Applicant shall contribute \$3,200,000.00 to the Fairfax County Park Authority no later than January 31, 2019 for use for recreational facilities in the Lorton/South County area only.
48. As shown on Plat Sheets 6 through 14 and subject to DEQ approval, an "Observation Point" shall be installed by the Applicant during Phase 1 in the general location of the Initial Turbines and be open for visitors within 120 days after all the Initial Turbines begin operation. The Observation Point and an ancillary shuttle service shall be available for controlled access only and remain in operation until the DEQ Release in accordance with the following:
 - A. Access to the Observation Point shall be controlled solely by the Applicant via shuttle service at no cost to visitors. Applicant may require that each visitor execute a liability waiver and release. Visitors shall park at the solar farm located on the contiguous PCA Property and travel on-site, escorted by the landowner, up to the Observation Point.
 - B. The Applicant shall provide for two established times (and duration) for tours each week and also allow a limited number of additional tours to be scheduled with ample notice. Each regular and additional tour shall require a minimum and maximum number (e.g., no fewer than five (5) and no more than twenty (20)

visitors, as determined by the Applicant) of visitors to occur. The frequency of regularly scheduled tours may be reduced by Applicant in Applicant's sole discretion to reflect actual demand and/or current weather conditions. Applicant may implement a pre-registration system.

- C. In addition to the above tours, the Applicant shall collaborate with the County upon request to host pre-scheduled community Special Events at the Observation Point. For each Special Event considered, the Applicant shall work with the County to determine whether proposed scope, timing and number of participants may be accommodated in a safe manner that does not interfere with landfill and other operations, including the Green Energy Park. Scheduling shall be proposed through and by the Fairfax County Park Authority or a Board Member's Office, not through the Applicant, and shall be limited as to number of Special Events (not to exceed three (3) in any calendar year) and number of participants in each as determined by agreement with the Applicant. Special Events shall be restricted to the Observation Point area and occur only from April 15 to November 15, outside of landfill operating hours (unless otherwise agreed to by the Applicant). The County shall be responsible for security and other logistics, subject to approval the Applicant. The events shall be consistent with the nature of a working landfill and the GEP, and shall not involve erection of tents or other structures, or involve food or alcohol. Each Participant shall be required to execute a release of liability in favor of the Applicant and shall be transported to and from the site only in shuttle-type vehicles approved by the Applicant and arranged through the FCPA; the Applicant shall not be responsible to provide such transportation. The Applicant, in its sole discretion, may decline or cancel proposed Special Events due to safety, inclement weather and/or other conditions or concerns related to landfill and other operations. The Applicant shall attempt to accommodate such Special Events until DEQ Release.
- D. Outdoor style wooden bench seating shall be provided for up to 20 visitors, with a lectern at the head of the benches to provide for speakers.
- E. Tourist style telescopes (on posts) shall be provided at the east and west flanks of the "Point" area. Actual location of each telescope could vary from edge of the seating area to ridges of the elevation.
- F. Information signs describing the "Green Energy Triangle," history of the area and local attractions shall be provided.
- G. The Observation Point shall be open for tours beginning during Phase 1 (as provided above) until the beginning of Phase 5, generally as depicted on the Plat. At the beginning of Phase 5, when the Initial Turbines are removed (to permit filling and capping within the southern platform area), the Observation Point and

its related features shall be relocated northward, with the understanding that its location likely will need to be further moved as Phase 5 landfill operations and capping proceed toward closure. Thus, during Phase 5 there shall be gaps and transition periods (not to exceed 18 months cumulatively) during which no Observation Point shall be available due to filling, settling and capping activities.

49. The Applicant shall provide, within 12 months of having received all Necessary Approvals, \$200,000.00 to the Board as a contribution toward an educational feature available to the public which describes the renewable energy operations on the Applicant's properties as well as those renewable energy activities occurring on neighboring County land, and provides information on renewable energy.
50. The Applicant shall provide to the County operational data (operating cost, productivity, weather and revenue information) and equipment specifications and maintenance data related to its renewable energy park on an annual basis over the GEP's operating life. Said data shall be available electronically for access and use by the general public and academic bodies, and for research.
51. The Applicant's consultant shall prepare a baseline study, consistent with US Fish & Wildlife Service Tier 2 standards, that examines migratory bird patterns, including endangered species, and submit said study to the Department of Planning and Zoning prior to installation of the first Initial Turbine. If the local Audubon Society requests to conduct a study to gather and analyze empirical field data from the wind turbines, the Applicant shall cooperate by allowing members on site to gather such data provided (i) there shall be no interference in landfill or other operations, (ii) each study participant shall follow designated safety procedures and shall execute a liability waivers/release in favor of the Applicant, and (iii) no liability of any kind related to such activities is assumed by the Applicant. If requested, the Applicant shall collaborate with a wildlife protection organization for the conduct of annual or longer periodic reviews of the turbine operation to determine what, if any, impact they may have had on birdlife and local wildlife provided (i) there shall be no interference in landfill or other operations, (ii) each study participant shall follow designated safety procedures and shall execute a liability waiver/release, (iii) no liability of any kind related to such activities is assumed by the Applicant, and (iv) all such data gathered shall be made available to the County and the public as part of the information-sharing requirement.

Recreation Uses

52. As generally depicted on Plat Sheet 21, in Phase 1 a private park shall be provided by the Applicant at the sole option of the Lorton Valley Homeowners' Association (LVHOA) and made available for use solely by Association residents; if provided, said private park and land area shall be conveyed in fee simple to LVHOA. In the event LVHOA chooses not to accept said private park, then the park shall not be constructed and this land shall

- not be conveyed, and shall remain in undisturbed open space. Within the conveyance area, a fifty foot-wide treed buffer shall be provided along the entire northern property boundary and consist of a combination of existing, mature trees and supplemental plantings which shall be installed by the Applicant; this buffer area shall be subjected to a conservation easement prior to conveyance of the park area to LVHOA. Grading shall be permitted within this buffer area, as determined by the Urban Forestry Management Division, as necessary for installation of the adjacent natural surface trail and/or other improvements identified immediately below. Adjacent to this buffer area, a natural trail and any off-site trail connection, exercise stations along the trail, a multi-purpose open space area, a dog park, and/or picnic tables shall be provided by the Applicant at the sole option of and if agreed to by the LVHOA at any time prior to installation of the third Initial Turbine.
53. As generally depicted on Plat Sheets 10 and 14, a private outdoor baseball hitting range/cages may be provided during Phase 5, after DEQ Release.
 54. As generally depicted on Plat Sheet 45, private active recreation uses consisting of a private baseball hitting range, a private golf driving range and/or a model airplane field, or similar private club or benefit association uses, may be provided during Phase 6 of development either: (a) subsequent to cessation of the potential 12 wind turbines and/or solar panels on the 40-acre platform or a portion thereof, or (b) upon DEQ Release.
 55. The Applicant shall assist with site preparation for a two to three acre area designated in Apple Orchard Park for community garden use. Site preparation shall be limited solely to clearing and grading no more than 3 acres of land to be used for such garden. The Applicant shall not be responsible for any additional support (except as specifically provided below), including any road improvements or impervious surface improvements, construction of any structure or any other site improvements. In collaboration with the entity managing said community garden, the Applicant shall provide for use at the community garden throughout the landfill's operating life, from its recycling operation, reasonable amounts of recovered soils, crushed stone, mulch and other recovered materials to support garden activities. The Applicant shall make a onetime contribution of \$50,000 to the entity managing the garden operation for the materials and fees related to creation of the garden if and when all County approvals have been secured by such entity to construct and operate the garden. As may be requested by such entity, the Applicant shall provide soil testing on a one time basis for quality, composition, and drainage provided such testing occurs in conjunction with any testing the Applicant carries out as part of its landfill Site Plan approval process. This development condition shall be null and void and the Applicant shall not be bound to provide such support if the garden is relocated outside of Apple Orchard Park or is not established prior to January 1, 2019.

56. The "limits of operations" on the Plat shall be defined as those areas that comprise, or support, the landfilling operations and/or the GEP amenities, including but not limited to the working face of the landfill; the vegetative berm and its environs; areas that are being filled and or capped and landscaped; storm water and erosion and sediment control facilities; storm water conveyance systems (i.e. including slope down-chutes and storm sewer systems); leachate management systems; gas collection and distribution systems; environmental monitoring wells/systems; landfill maintenance facilities; landfill access roads, scale houses, and wash racks; landfill staging areas and similar type areas and facilities.