

**Solid Waste Advisory Committee / Recycling Fund Advisory Committee  
Meeting Minutes of September 26, 2013**

**The following members were present:**

Michele Nestor, Chair  
Robert (Bob) Watts, Vice-Chair  
Eli Brill  
James (Jim) Close  
Richard Fox for Senator Yudichak  
John Frederick  
Joyce Hatala  
Marjorie Hughes for CAC  
Tanya McCoy-Caretti  
Ellen O'Conner for Gregg Pearson  
Adam Pankake for Senator Yaw  
Mark Pedersen  
Joseph (Joe) Reinhart  
Lisa Schaefer for Ernest (Ernie) Larson  
Chase Schaszberger for Representative Matt Gabler  
Edward (Ed) Vogel  
Gerald (Jerry) Zona

**The following members were absent:**

Robert Casselberry  
Albert (Al) Wurth

**The following guests were present:**

Rocksroy Bailey	Apex Environmental, Inc.
Mary Anne Botte	PA Waste Industries Association
Scott Bowers	Dept. of General Services (DGS) Bureau of Procurement (BOP)
Robert (Bob) Bylone	Recycling Markets Center (RMC)
Judy Eschberger	Novak Strategic Advisors
Laura Henry	Dept. of Environmental Protection (DEP) Bureau of Waste Management (BWM)
Lawrence (Larry) Holley	DEP BWM
Tony Holtzman	K & L Gates
Dan Husted	DEP Office of Field Operations
Georgia Kagle	DEP BWM
Megan Milford	Pugliese Associates
Ali Tarquino Morris	DEP BWM
Edward Myslewicz	DGS BOP
Marsha Noble	DEP BWM
John Rarig	DGS BOP
Jessica Shirley	DEP Policy Office
Caleb Sykora-Bodie	DEP Policy Office
Mary Beth Stringent	DGS, Bureau of Supplies & Surplus Operations (BSSO)
Christopher Solloway	DEP BWM

**Call to Order; Introduction of Members and Guests; Approval of Minutes; Old Business**

The September 26, 2013, meeting of the Solid Waste and Recycling Fund Advisory Committees (SWAC/RFAC, respectively) was called to order at 10:05 a.m. by Michele Nestor, Chair. Ms. Nestor asked the committee members and guests to introduce themselves. Richard Fox attended for Senator Yudichak; Ellen O’Conner served as a proxy for Gregg Pearson; Adam Pankake attended for Senator Yaw; Lisa Schaefer served as a proxy for Ernie Larson; and Chase Schaszberger attended for Representative Gabler.

Joyce Hatala made a motion to approve the May 16, 2013, minutes, which was seconded by John Frederick. The motion carried. Michele asked the members to contact her with topics for future meeting agendas.

**RECYCLING FUND ADVISORY COMMITTEE**

**Update: PennDOT / DEP Memorandum of Understanding (MOU)**

Rocksroy Bailey, Environmental Scientist and Consultant from Apex Environmental, Inc., presented an update on the MOU between the Pennsylvania Department of Transportation (PennDOT) and DEP with a PowerPoint presentation. The four main objectives of the MOU are to:

- 1) Establish and implement a waste reduction program for materials used in PennDOT operations;
- 2) Continually review and revise existing procedures and specifications;
- 3) Evaluate materials that may be recycled in transportation and civil engineering applications; and
- 4) Employ procurement and contract bidding options encouraging the use of recycled materials.

The MOU, along with the Strategic Recycling Program (SRP), was developed in 1998 to evaluate recycling opportunities throughout the Commonwealth and implement those opportunities identified in PennDOT operations. The overall objectives of the SRP are to realize economic savings and environmental enhancement to PennDOT and the Commonwealth; continue development and improvement of pollution prevention, recycling, and energy efficiency efforts; and encourage sound environmental and sustainable management practices.

There are several factors critical to the program, including five key focus areas:

- 1) Research the use of recycled materials;
- 2) Develop specifications and user guidelines;
- 3) Successfully incorporate recycled materials into transportation-related projects;
- 4) Provide outreach on the results of projects; and
- 5) Provide technical assistance to contractors who will be using the materials.

Mr. Bailey provided updates on the projects that are currently underway and being funded by the MOU. These projects include:

- The crushing operation for reclaimed Portland Cement concrete on Interstate 79;
- The erosion control blanket project at the Gouglersville Interchange on State Route 222;
- The crumb rubber projects on State Routes 15 and 2005;
- The asphalt rubber gap graded project in Berks County along Interstate 78;

- The crumb rubber project at the Nicktown stockpile staging area; and
- The glass cullet projects in Lackawanna County.

Mr. Bailey also discussed PennDOT's recycling efforts through its Waste Audit Program, performed biannually to collect data on PennDOT's generation of solid waste and recyclables and the associated costs; measure the progress of solid waste management activities in PennDOT's district and central office; enable district offices to identify areas of improvement; and increase employee awareness of recycling methods.

Joyce Hatala inquired about the methods used to encourage the use of recycled materials by contractors and engineers. Mr. Bailey explained that PennDOT belongs to several different trade groups, such as the Transportation Research Board, to stay abreast of current trends and obstacles associated with the use of recycled materials in the construction industry. The use of products made from recycled materials must be cost competitive with and perform better or as well as new materials in order to appeal to contractors and increase their awareness or willingness to use those products.

#### **Update: DGS / DEP MOU**

John Rarig, Commonwealth Recycling Coordinator for the Department of General Services (DGS), gave an update on the MOU between DGS and DEP. He was assisted in his presentation by Scott Bowers and Mary Beth Stringent. The MOU provides DGS with Recycling Fund monies to help fund the Harrisburg Waste Paper Recycling Program, which collects office paper from Commonwealth offices in the Harrisburg area. Through the program, DGS recycled the following materials in FY 2012/13:

- 2,159,600 lbs. of office paper;
- 506,170 lbs. of mixed paper;
- 836,035 lbs. of corrugated material;
- 114,625 lbs. of newspaper; and
- 171,170 lbs. of turnpike tickets.

In addition to the above, books, bulk destroyed paper, paper from off-site shredding, and other types of paper were also recycled. The total amount of paper recycled in FY 2012/13 by the DGS Harrisburg Waste Paper Recycling Program was 6,001,349 lbs. The total amount of paper recycled decreased by approximately 4% and the revenue received from paper recycling decreased approximately 5% from FY 2011/12.

Other materials that are recycled by the DGS program include waste automotive oil and antifreeze, batteries, scrap metal, electronics waste, tire rubber, toner cartridges, bottles, cans, fluorescent lamps, CD/DVDs, and PCB-containing ballasts. The program realized over \$1.9 million in revenue for FY 2012/13. The operational cost of implementing the DGS Recycling Program is approximately \$475,000. Future plans for the program include the purchase of natural gas-powered vehicles, which should reduce the program's fuel expenditures.

Mr. Rarig also provided committee members with a training DVD developed by DGS to improve recycling in Commonwealth agencies, and he encouraged the members to provide him with feedback on the DVD.

### **Review of FY 2012-2013 Recycling Fund Expenditures**

Larry Holley, Chief of BWM's Division of Waste Minimization and Planning, reviewed the expenditures from the Recycling Fund for FY 2012/13. Handouts on the expenditures were distributed to the Committee. Mr. Holley reviewed the Comparative Financial Statement and expenditures for the following:

- 1) Reimbursement for Recycling Coordinators;
- 2) Reimbursement for Host Municipal Inspectors;
- 3) Reimbursement for host municipality review of permit applications;
- 4) Administration of recycling programs;
- 5) County Planning Grants;
- 6) Municipal Recycling Grants;
- 7) Municipal Recycling Performance Grants;
- 8) Public education/technical assistance; and
- 9) Transfer to the Used Tire Pile Remediation Account.

Mr. Holley also reviewed individual 901, 902 and 904 grants, including the multiple rounds of grants. For the 904 grants, there were 751 applications with 727 awards for the 2010 calendar year. Applications that did not receive an award were largely due to noncompliance issues. For the 2011 round of 904 grants, there were 760 applicants with 500 awards dispersed at the time of the SWAC meeting. Due to an increase in staffing, the Division is able to maintain a consistent timeline for its review of the 904 grants.

Michelle Nestor inquired as to what percentage of newly mandated municipalities received awards. Mr. Holley estimated that there are about 25 newly mandated municipalities that received 902 grant awards.

### **Public Education and Technical Assistance Expenditures**

Mr. Holley presented a breakdown of the Public Education and Technical Assistance expenditures from the Recycling Fund for FY 2014-2015. The total appropriation for Public Education and Technical Assistance is \$3,450,000, which includes the following expenses:

- 1) Recycling / CDRA Hotline;
- 2) Professional Recyclers of Pennsylvania (PROP) Continuing Education and Technical Training;
- 3) Commonwealth Recycling Implementation and Data Collection;
- 4) Funding for the Recycling Markets Center;
- 5) MOUs with the Dept. of Community and Economic Development, the Dept. of Education, the Dept. of General Services, and the Dept. of Transportation; and
- 6) Household Hazardous Waste (HHW), Act 190, Funding.

The committee expressed interest in inviting the Department of Education to present information about its MOU with DEP at a future meeting. Specifically, the committee is interested in receiving information on the challenges faced by school districts in implementing recycling programs, the responsibilities of school districts to implement recycling programs, and the training provided to the school districts.

**Action Item: FY 2014-2015 Recycling Fund Spending Plan**

Mr. Holley presented the proposed spending plan for the coming fiscal year and detailed the Comparative Financial Statement, including more specifics on 901, 902 and 904 grants and the Bureau's expectations for the upcoming year. Michele opened the floor for any questions on the spending plan. No questions were received.

Michelle entertained a motion to approve the proposed spending plan. Tanya McCoy-Caretti made the motion; Joyce Hatala seconded. All committee members were in favor, none opposed, and there were no abstentions. The motion carried and was granted.

**Update: TENORM Study**

Dan Husted, Environmental Engineering Consultant for the Office of Field Operations, presented an update on the DEP's Technologically Enhanced Naturally Occurring Radioactive Material (TENORM) Study. The study aims to evaluate potential worker radiation exposure, potential public radiation exposure, environmental contamination, and waste disposal, which will allow DEP and the oil and gas industry to make informed decisions regarding long-term management options; address TENORM generation, transportation, effluents discharged, and disposal more effectively at the point of generation; and provide for the successful management of TENORM-related issues as the Marcellus industry expands throughout the Mid-Atlantic states. So far, sampling for the study has been conducted at publicly owned treatment works, centralized waste treatment facilities, zero liquid discharge facilities, landfills, well pads, and underground natural gas storage sites. Samples of wastewaters, sludges, drill cuttings, and drilling muds are being analyzed for the presence of Alpha, Beta, and Gamma radiation. Samples of natural gas are being sampled for the presence of Radon. Future work on the TENORM Study includes:

- 1) Continued well pad sampling,
- 2) A third round of wastewater treatment plant sampling,
- 3) Continued landfill leachate collection,
- 4) Sampling at beneficial use sites, pipe disposal/refurbishing facilities, and
- 5) Sampling at gas-fired power plants, compressor stations, and processing facilities.

**Update: Origin of TENORM-containing Drill Cuttings and Treatment Sludges Disposed in 2013**

Ali Tarquino Morris, Chief of BWM's Program Development and Support Section, presented a follow-up to BWM's ongoing evaluation of the origin of TENORM-containing drill cuttings and treatment sludges disposed in Pennsylvania. The update reviewed the findings previously presented to the SWAC on May 16, 2013, and included disposal data collected and analyzed by the Department through June 30, 2013. BWM evaluated the origin, or generating location, of each load of TENORM-containing drill cuttings and treatment sludges from wastewater treatment plants that received wastewaters from oil and gas well development operations and well sites with on-site wastewater treatment operations that were disposed of in Pennsylvania landfills in 2012 and the first half of 2013. Both drill cuttings and treatment sludges are defined as TENORM by Pennsylvania's Residual Waste Management regulations. From these two waste streams, 995 loads were disposed of in Pennsylvania in 2012, and 374 were disposed of between January 1 and June 30, 2013, all of which were generated from oil and gas-related activities and tripped a radiation monitoring alarm at a landfill. These waste loads represent a subset of the total amount of oil and gas waste accepted for disposal in Pennsylvania, which is estimated to be approximately 1.3 million tons of waste annually.

Based on the disposal data reported to DEP, BWM generated maps showing the origin of the TENORM-containing loads of drill cuttings and treatment sludges, calculated the number of loads originating from each location and the average dose rate measured from each location. The data suggest that the disposal data from the first half of 2013 shows a similar trend to the 2012 disposal data that was previously evaluated, but that the total amount of TENORM-containing drill cuttings and treatment sludges disposed of in the first half of 2013 decreased by approximately 22.7% when compared to the total amount disposed of in the same period of 2012. The findings of BWM's evaluation of the disposal data are summarized as follows:

**Drill Cuttings:**

1. The data indicates that the majority of TENORM-containing drill cuttings that tripped a landfill alarm originated from the western part of Pennsylvania in areas of wet gas development, even though significantly more wells were drilled in the Northeast portion of Pennsylvania.
2. Almost all of the TENORM-containing loads of drill cuttings originated from portions of the Marcellus shale formation that are less than 150 feet thick and between 4,000 and 8,000 feet deep.
3. Generally, the dose rates measured from loads of drill cuttings is lower than the dose rates measured from loads of treatment sludges.

**Treatment sludges:**

1. There are no discernible patterns based on the originating location for the treatment sludges. This is most likely because the wastewater treatment operations are taking wastewater from multiple well pads or companies. Therefore, the location from which those waters originated is not known.
2. Generally, the dose rates measured from loads of treatment sludges are higher and more variable than the dose rates measured from loads of drill cuttings.

BWM will continue to monitor TENORM-containing waste that is disposed of in Pennsylvania landfills, evaluate disposal data for similar patterns, and provide updates on its findings to SWAC.

**Update: Status of Regulated Medical Waste Rulemaking**

Ali Tarquino Morris presented an update on the Regulated Medical Waste rulemaking. Final publication of the rulemaking is expected in the summer of 2015. Ms. Morris reviewed a handout on the proposed amendment to the Infectious and Chemotherapeutic Waste regulations. The major changes include: change in terminology from "infectious waste" to "regulated medical waste," and changes to the manifest requirements. Other significant changes were made to simplify the labeling requirements; to reduce costs and ensure consistency with other states and the federal government; allow generators, transporters, and processors to use standard business documentation to demonstrate compliance with the regulations instead of a prescribed, outdated paper manifest; provide an alternate transportation and disposal option by removing barriers to shipping waste through the mail (where authorized by the U.S. Postal Service); and encourage labor and fuel efficiency by allowing haulers to transport regulated medical waste with other wastes in the same vehicle.

The Department received comments from 5 commentators on the proposed rulemaking and will spend the next several months considering those comments, amending the regulation where necessary, and developing a comment/response document. BWM will continue to provide updates to the committee on the rulemaking.

**Public Comment; New Business**

No public comments were presented. The committee was encouraged to bring agenda item ideas to the Chair or to Ali Tarquino Morris for future meetings. Laura Henry proposed meeting dates for the calendar year 2014 and asked the committee to contact her if there were conflicts so that the schedule could be finalized.

The meeting adjourned at 2:30 p.m.