

Solid Waste Advisory Committee/Recycling Fund Advisory Committee Meeting Minutes of September 12, 2019

The following members were present:

Michele Nestor, Chair
Robert Watts, Vice Chair
Gordon Burgoyne
Michael Forbeck
John Frederick
Joyce Hatala
Tanya McCoy-Caretti
Timothy O'Donnell
Gregg Pearson
Matthew Quesenberry
Joseph Reinhart
Shannon Reiter
Gary Roberts
Joanne Shafer
Randall York
Gerald Zona

The following alternates were present:

Elizabeth Bertha (on behalf of Edward Vogel)
Timothy Collins (on behalf of Senator John Yudichak) (RFAC)
Leda Lacomba (on behalf of Representative Matt Gabler) (RFAC)
Keith Salador (on behalf of James Welty)
Nick Troutman (on behalf of Senator Gene Yaw) (RFAC)

The following members were absent:

Eli Brill

The following guests and Department of Environmental Protection (DEP) staff members were present:

Linda Bailey	DEP Bureau of Waste Management (BWM)/Recording Secretary
Neil Bakshi	DEP Office of Program Integration
Wayne Bowen	Pennsylvania Recycling Markets Center (PennRMC)
David Buzzell	Pennsylvania Waste Industries Association (PWIA)
Bob Bylone	PennRMC
Chad Clancy	DEP BWM
William Cumings	DEP Bureau of Regulatory Counsel (BRC)
Hoa Dao	DEP BWM
Amy Mazzella DiBosco	Greater Lebanon Refuse Authority/Professional Recyclers of PA (PROP)
Robert DiGilarimo	DEP Office of Program Integration
Doug Ebersole	Mid-Atlantic Bioenergy Council (MABEC)

Laura Edinger	DEP Policy Office
Amanda Eyer	DEP Energy Programs Office
George Fetrow	DEP Southcentral Regional Office
Richard Fox	House of Representatives
Kristen Furlan	DEP BRC
April Hain	DEP BWM/Committee Travel Coordinator
Walt Harner	DEP BWM
Laura Henry	DEP BWM/Liaison to the Committees
Paul Kohl	Mid-Atlantic Bioenergy Energy Council (MABEC)
Jim Lambert	Monroe County Solid Waste Authority
Pat Leck	Pennsylvania Independent Waste Haulers' Association (PIWHA)
Ali Tarquino Morris	DEP BWM
Andrew Paris	Cohen & Grigsby
Patrick Serfass	MABEC
Justin Stockdale	Pennsylvania Resources Council (PRC)
Nikolina Smith	DEP BRC
Beth Ann Taylor	Taylor Environmental

SWAC/RFAC Call to Order; Introduction of Members and Guests; Approval of Minutes of June 6, 2019 (SWAC and RFAC); Old Business

Michele Nestor, Chair, called the September 12, 2019, joint Solid Waste Advisory Committee (SWAC) and Recycling Fund Advisory Committee (RFAC) meeting to order at 10:06 am.

Ms. Nestor called for a motion to approve the minutes of the June 6, 2019, joint Solid Waste and Recycling Fund Advisory Committees meeting. Joe Reinhart made a motion to approve the minutes with an amendment adding him to the list of attendees; seconded by Robert Watts. The motion carried unanimously.

Update: DEP Staffing and the ePermitting Initiative

Robert DiGilarimo, Director of DEP’s Office of Program Integration, provided information about DEP staffing and complement over time and an overview of DEP’s ePermitting initiative. Using charts and graphs, Mr. DiGilarimo indicated DEP’s staffing complement has steadily declined since FY 2005-06, but that the agency has recently received authorization to fill several new positions. He also indicated that DEP’s intent is to eventually transform all DEP permits to an electronic format using ePermitting to improve timeliness and efficiency. Mr. DiGilarimo provided information on what programs currently use ePermitting, and which programs are planned to be included in the coming months.

A member of the audience questioned what staffing number was used at the 2005 baseline in Mr. DiGilarimo’s presentation, and how many total positions DEP has currently. Mr. DiGilarimo didn’t have the information immediately available; however, in a follow-up email, he indicated the staffing level at year-end FY05 was 2,874 filled positions; and the level at year-end FY18 was 2,275 filled positions.

Walt Harner, Director of DEP’s Bureau of Waste Management, provided an update on staffing specific to the Waste Management Program. As of September 1, 2019, there were 51 positions authorized in Central Office. Thirty-eight of those positions were currently filled, 10 were vacant, 2 were contractors, and 1 annuitant was on staff. Of the 51 positions authorized, 10 were eligible to retire in the next 4

years or less, leaving 47% of the positions in the Bureau either vacant or eligible to retire. The Bureau is getting approvals to fill vacancies but is experiencing challenges in securing candidates for many of the positions. Additionally, the Regional offices are experiencing similar impacts with vacancies. Mr. Harner indicated that many of the vacancies are a result of the Hazardous Sites Cleanup Act (HSCA) funding issue.

Members asked questions about the distribution of vacant positions across programs, past complement levels, and how the program prioritizes work with less staff. Mr. Harner indicated the distribution of vacancies was not even and even with the significant decrease in staffing, the program continues to rank issues impacting the environment and public health as highest priority in keeping with DEP's mission.

Draft Final-Omitted Rulemaking: Incorporation by Reference of the Federal Hazardous Waste Generator Improvements Rule

Chad Clancy, Section Chief, Division of Hazardous Waste Management, Permitting & Technical Support, introduced himself as the replacement for retiree Glenn Mitzel. He went on to present draft regulatory language incorporating the federal Hazardous Waste Generator Improvements Rule into Pennsylvania's Hazardous Waste Regulations, indicating Division staff were assisted by staff in DEP's Bureau of Regulatory Counsel in development of the final-omitted regulatory language.

Mr. Clancy outlined the final-omitted changes to the hazardous waste regulations, including: 1) renumbering of sections; 2) changes in generator classification terminology; and 3) changes in organization and reference. The overall intent of all revisions was to ensure consistency with federal regulation.

Members asked questions about implementation and outreach for the final-omitted regulation, including the measures DEP has taken to inform the public of changes and possible confusion with changes in terminology for generator classifications.

Mr. Clancy indicated DEP updated FAQs on its website with generator classification definitions and other information to help address these concerns. In addition, the Hazardous Waste Regulation Compliance Guide pertaining to generator requirements was updated in May of 2019. Over 60 revisions specific to the Hazardous Waste Generator Improvements Rule were made in the update to the Compliance Guide. He went on to state changes in terminology are consistent with the federal rule. The former Conditionally Exempt Small Quantity Generator category was confusing to the regulated community because some businesses thought they were exempt from hazardous waste regulation, which was never the case. The name change to Very Small Quantity Generator should create less confusion and not result in similar assumptions by the regulated community.

Proposed Food Waste Recycling Grant Program

Larry Holley, Chief, Division of Waste Minimization and Planning, introduced a new Grant Program DEP is developing for food recovery. This program was developed at the request of Secretary McDonnell and SWAC members and is being pursued as a pilot program. Mark Vottero, Solid Waste Program Specialist, Division of Waste Minimization and Planning, provided an overview of the criteria for applicants and the general guidelines/requirements for the new grant program. Applications will be accepted through DCED's eGrants system. Awardees will enter into a standard 2-year grant agreement with a potential 3-month extension. Mr. Holley closed by stating this project is funded by the Recycling Fund and encouraged the Committees to support DEP's efforts.

Members of the audience and the committees provided information in support of and asked questions about the total budget and match funding for the program. Mr. Holley indicated approximately \$2 million will be set aside for the program and match funding will not be offered.

Members were supportive of moving forward with the program.

Organic Waste Management and Recycling

Patrick Serfass, Executive Director, Mid-Atlantic Bioenergy Energy Council (MABEC) provided information on organic waste management and recycling in Pennsylvania and other states, including overviews of technologies used to manage/recycle this material (i.e., composting and anaerobic digestion to produce biogas). He was assisted by Paul Kohl, Director of Planning and Research for the Philadelphia Water Department, and Doug Ebersole, MABEC. Mr. Serfass provided specific examples of projects in California and Wisconsin, discussed biogas markets, and also provided an overview of laws, regulations and policies that govern the management of organic waste in other states. Organics recycling laws have been adopted in 8 states.

Members asked questions and further discussed the use of composting and anaerobic digestion to manage organic waste, including pre-processing and authorization requirements; the impacts to landfills; and the inability of biogas to meet federal renewable fuel standards. Mr. Serfass indicated that MABEC is working with EPA to help remove the renewable fuel credit barriers, but that Pennsylvania's permitting process is in the top 3 overall barriers preventing siting of biogas facilities in the state. It was clarified that a general permit exists for anaerobic digestion, but only authorizes the activity on a farm and for ultimate beneficial use. Mr. Kohl indicated that the City of Philadelphia has had positive interaction with DEP's Southeast Regional Office and is hoping their pilot project will help alleviate some of the challenges to implementing these technologies on a broader scale.

RFAC: Review of FY 2018–2019 Recycling Fund Expenditures and FY 2020-2021 Public Education and Technical Assistance Expenditures

Larry Holley provided an overview of the expenditures of the Recycling Fund for the previous fiscal year; and planned expenditures for public education and technical assistance for the upcoming fiscal year.

Mr. Holley began by reviewing the Act 101, Section 901 Planning and Household Hazardous Waste (HHW) Education Grant awards. Typically, these grants fund planning revisions, feasibility studies, waste composition studies etc.; applications have also been received from counties looking to implement mandatory ordinances, establish convenience centers, and develop business plans. Sixteen projects were funded in FY 2018-2019, totaling \$481,528. Of these awards, 4 were planning grants and 12 were HHW Education grants.

Mr. Holley moved on to the Section 902 Recycling Program Development and Implementation Grants, indicating that when the Recycling Fee was renewed, DEP announced a large round of Section 902 grants, reflected in Round 57. During this round, 195 grants were awarded, totaling \$37.2 million. Round 58 is currently in-hand and under review; DEP received a total of 86 applications by the March 22, 2019, deadline, requesting about \$14.7 million in funding. DEP anticipates awarding \$13.2 million in Round 58. Round 59 grants will be announced in the next two months; DEP anticipates funding \$20-25 million in new Section 902 Grants.

Mr. Holley then discussed Section 904 Recycling Performance Grants. Overall, DEP has seen a downward trend in awards because of increased residue rates due to the change in the formula and a general decrease in the number of reimbursement requests. In calendar year 2016, 718 applications were received and approximately \$16.1 million was awarded. In calendar year 2017, 688 applications were received and approximately \$16.2 million was awarded.

Lastly, Mr. Holley reviewed the planned expenditures for public education and technical assistance for upcoming FY 2020-2021; the appropriation total will be approximately \$3.6 million. Members discussed specific and related items for which funding is provided, including the Recycling Markets Center, PROP, Convenience Centers/universal access to waste management and recycling, electronic waste/CDRA, and agricultural plastics. Members specifically requested the DEP Policy Office provide an update on the Act 101 Workgroup and White Paper recommendations.

RFAC: FY 2020-2021 Recycling Fund Spending Plan

Mr. Holley concluded by presenting the proposed Spending Plan for the Recycling Fund. There were no questions or discussion about the Spending Plan.

Ms. Nestor asked for a motion to approve the Spending Plan. Joyce Hatala made a motion to approve, seconded by Joanne Shafer. The motion carried by majority vote, with one vote against from Mr. Frederick.

Public Comment; New Business

During New Business, the Committee was reminded they have the option to submit written comments and suggestions to the Secretary of DEP.

No public comments were raised.

Ms. Nestor asked for a motion to adjourn the meeting. Joe Reinhart made a motion to adjourn, seconded by Gary Roberts; the motion carried unanimously, and the meeting adjourned at 1:11 p.m.