

## **Solid Waste Advisory Committee\*** **Meeting Minutes of June 3, 2020**

*\*In accordance with Governor Tom Wolf's Emergency Disaster Declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Solid Waste Advisory Committee (SWAC) meeting was held virtually as a webinar/conference call via Skype for Business. This meeting was open to the public; however, registration was not required. Therefore, not all attendees could be identified by name depending how they connected to the conference. According to Skype, there were 47 total participants.*

### **The following members were present:**

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

### **The following alternates were present:**

Elizabeth Bertha  
Ashley White

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

Stacey Albin	Pennsylvania Resources Council (PRC)
Jim Austin	Empire Recycled Fiber, LLC
Linda Bailey	DEP Bureau of Waste Management (BWM)/Recording Secretary
Bob Bylone	Pennsylvania Recycling Markets Center (PennRMC)
Kate Cole	DEP Policy Office
Ashley DiGregorio	PRC
Jason Dunham	DEP BWM
Laura Edinger	DEP Policy Office
Laura Henry	DEP BWM/Liaison to the Committees
Larry Holley	DEP BWM
Tom Mellott	DEP BWM
Bill Moore	Empire Recycled Fiber, LLC
Ali Tarquino Morris	DEP BWM
Krishnan Ramamurthy	DEP Office of Waste, Air, Radiation and Remediation (WARR)
Valerie Shaffer	DEP WARR
Jessica Shilladay	DEP Southcentral Regional Office (SCRO) Waste Program

Justin Stockdale  
Nikolina Smith

PRC  
DEP Bureau of Regulatory Counsel (BRC)

### **Call to Order; Roll Call of Members and Guests; Approval of Minutes of September 12, 2019 (SWAC and RFAC); Old Business**

Michele Nestor, Chair, called the June 3, 2020, Solid Waste Advisory Committee (SWAC) meeting to order at 10:11 am. Eli Brill announced that he took a position with Land, Air, Water Legal Solutions.

Ms. Nestor asked if there were any comments or revisions to the September 12, 2019, meeting minutes; hearing none, Ms. Nestor called for a motion to approve the minutes of the September 12, 2019, joint Solid Waste and Recycling Fund Advisory Committees meeting. Timothy O'Donnell made a motion to approve the minutes; seconded by John Frederick. In a roll call vote, the motion carried unanimously.

Laura Henry, DEP Liaison to the Committee, outlined some housekeeping items for the meeting.

Ms. Nestor explained the rules of engagement for this first-time virtual meeting. Questions, comments and discussion of Committee members would be handled directly after each agenda item, while comments from the public on all agenda items would be addressed during the allotted public comment period. Questions and comments for both members and the public would be addressed in the order they were received.

During Old Business, John Frederick requested that the Act 101 Workgroup recommendations remain on the Committee's radar and requested an update from the DEP Policy Office on the status of the recommendations. Ms. Nestor concurred.

### **Presentation and Discussion Item: 2019 Pennsylvania Littering and Illegal Dumping Research**

Shannon Reiter, President, Keep Pennsylvania Beautiful, provided an overview of the results of littering and illegal dumping research conducted in 2019. There were four components to the research: 1) Visible Litter Study; 2) Public Attitude Survey; 3) Municipal Litter and Illegal Dumping Cost Study; and 4) Litter Summit, held in November 2019.

There were two studies conducted as part of the research. The first, titled "Pennsylvania Litter Research Study" was developed and conducted in cooperation with DEP and PennDOT, and included the visible litter study and public attitude survey. The second, titled "The Cost of Litter & Illegal Dumping in Pennsylvania – a study of Nine Cities across the Commonwealth" was funded by a private consulting firm Burns & McDonnell. The end goal is to change littering behavior by shifting the focus away from only litter clean ups and more toward education and prevention; these studies provided key information to develop strategies to meet that goal. Having all the data is important because it will be used to drive public policy for consumer education and will support how we make decisions and make resources available.

During the visible litter survey, 502 million pieces of litter were collected from 4 different roadway types. Using set analysis criteria, it was determined that more littering is done on highways than local roads, and motorists and pedestrians were the major sources of litter. The most littered material was plastics, primarily beverage containers, representing over 30% of all litter on PA roadways. The most

littered item overall was cigarette butts, at 186.2 million counted on PA roadways. These results aligned with the public attitude survey, and overall, residents agreed that littering impacts property values.

The Municipal Litter and Illegal Dump Cost Study was conducted independently from the state study. Nine cities participated, including Allentown, Altoona, Erie, Harrisburg, Lancaster, Philadelphia, Pittsburgh, Reading and Scranton. Key findings showed these nine cities spent more than \$68.5 million annually on prevention, education, cleanup and enforcement to address litter and illegal dumping. More than 80% of these costs go toward cleanup.

On the heels of both studies, KPB, in cooperation with DEP and PennDOT, hosted a Litter Summit on November 14, 2019, in Harrisburg. Over 120 state and local government, community and business leaders discussed the impacts of litter and illegal dumping in Pennsylvania and shared their views on what should be done to end it.

Using all this information, DEP, PennDOT and KPB are forming workgroups to develop Pennsylvania's first statewide action plan to prevent littering. Using the study's recommendations, the workgroups will determine strategies and actions that best address Pennsylvania's littering problem. Workgroups will focus on litter education and outreach; infrastructure; litter regulations and enforcement; and local community assistance and funding mechanisms.

Jerry Zona asked whether there was any consideration to do a cost study for smaller municipalities. Ms. Reiter indicated that was a possibility and that KPB had tools to assist, but it would require a substantial financial commitment from a municipality wishing to participate.

Ms. Nestor asked Ms. Reiter to elaborate on what was meant by "infrastructure" in terms of the Litter Action Plan Workgroups. Ms. Reiter indicated she anticipated discussions to revolve around providing more convenient access to waste management and recycling tools; specifically, development of the convenience center/rural transfer facility model, and smaller pieces such as providing more receptacles for trash/recyclables/cigarette butts. Ms. Nestor followed up by asking if there was any consideration to do a cost study on what needed infrastructure might cost; Ms. Reiter said she anticipated costs would be discussed.

### **Presentation & Discussion Item: RMC Expanding Pennsylvania Markets, Mixed Paper Growth**

Bob Bylone, President/CEO, Pennsylvania Recycling Markets Center, introduced their partnership and project with Empire Recycled Fiber, LLC. Jim Austin, President/CEO Empire Recycled Fiber, LLC presented background information and the project concept.

This project was created to capitalize on the recent collapse of recycling in the Asian markets. With the limitations to reduce the import of plastic fiber to China, paper/fiber companies have had to look at alternatives for Recycled Fiber Content (RFC). As a result, Old Corrugated Containers (OCC) pricing was driven up, and the commercial collection of OCC has become nonexistent. In addition, supply has been drastically impacted by COVID-19.

Mr. Austin described the project in detail. The facility will be located in Fairless Hills, PA, on a former US Steel property. The location is geographically favorable and close to six states and adjacent to the Fairless Energy power plant Fairless Landfill. ERF is currently working through the permitting process; they are on schedule to break ground in the 4<sup>th</sup> Quarter of 2020 and be totally operational by the 1<sup>st</sup>

Quarter of 2022. Once up and running, the plant will capitalize on existing OCC/mixed paper markets in Pennsylvania and the surrounding area as sources for the production of RFC pulp that is exportable to China. The pulp material also has potential to be used as alternative daily cover (ADC) at Fairless Landfill; the facility also plans to dispose of its trash at the landfill. ERF also hopes to use steam generated at Fairless Energy as a fuel source for the mill.

Mr. Frederick asked about the facility's willingness and ability to take material from the more rural areas of Pennsylvania, as they need outlets for their material especially in light of COVID-19. Mr. Austin stated the facility will need a lot of feedstock and sources for feedstock; ERF intends to pull in and use local and regional suppliers and does not plan to turn sources away. He encouraged all potential sources to reach out.

Mr. Bylone added that he has been in conversations with operators in western Pennsylvania and eastern Ohio. He felt this project is a nice fit for the rural transfer facility model.

Joanne Shafer indicated her position on the PennRMC Board and expressed her thanks to Mr. Austin and the PennRMC staff for their work on the project. Mr. Austin expressed his thanks and stated it is the perfect public/private partnership.

Ms. Nestor acknowledged Bill Moore from ERF (listed on the agenda), indicating he has been a valuable technical resource and originally pulled in PennRMC to this project.

### **Action Item: Draft Proposed Rulemaking; Municipal Waste Permit-By-Rule for Rural Transfer Facilities**

Jason Dunham, Environmental Engineering Specialist with DEP's Division of Municipal and Residual Waste, provided an overview of draft proposed regulatory language for a new municipal waste (MW) permit-by-rule (PBR), outlining operating requirements for rural transfer facilities (RTF). A copy of the draft regulatory language was provided to participants.

Mr. Dunham clarified that RTFs were previously referred to as convenience centers in multiple discussions with the Committee and that the PBR was being proposed to authorize the operation of these facilities. The intent of the rulemaking is in keeping with the convenience center model; it will allow for an economical means of waste disposal for those areas not serviced by waste haulers. This convenient and economical model will hopefully also help to reduce illegal dumping and burning of waste. As long as an RTF meets the regulatory requirements for operation, it is considered to have a permit.

Mr. Dunham outlined the proposed regulatory requirements. These included siting for the RTFs; types and amounts of waste allowed to be accepted; the requirement to accept recyclables and in what amounts; waste storage and other management requirements; frequencies at which materials must be transferred offsite; and recordkeeping requirements. These requirements allow for limiting the scope of the permitting process.

Mr. Brill asked whether a member of private industry will be able to run an RTF or is operation limited to public entities as previously discussed; Mr. Dunham indicated that RTFs could be privately operated.

Mr. Brill went on to comment that many of the protections proposed in the draft municipal waste general permit (GP) were not included in the regulatory language; in particular, the isolation distance, fencing/access, fugitive emissions and stormwater best management practice requirements. Is this because RTFs have size and other limitations? Mr. Dunham indicated that the regulatory language prohibiting stormwater discharges and violations of the Clean Streams Law meant to address some of these protections, but that DEP would discuss the others and take them into consideration going forward.

Mr. Brill also asked about the existing general PBR language requiring a facility operating under the section to secure other DEP permits as necessary; what other permits would RTFs need to secure? Mr. Dunham indicated to his knowledge, none. Michael Forbeck commented that an erosion and sedimentation permit may be required.

Mr. Forbeck then commented on clarifying volume limits for storage of materials. Is the limit 80 cubic yards total, or is the intent to allow 80 cubic yards of residential waste with the potential for an additional 40 cubic yards of construction/demolition (C/D) and yard waste? He suggested DEP work to clarify these requirements in the language as well as being clear that DEP has the authority to require an operator to secure a GP or other authorization if inappropriate activity occurs at an RTF.

Ms. Nestor inquired whether commercial waste haulers will be able to use RTFs; Larry Holley indicated that no, they should not be bringing their waste to these facilities.

Ms. Nestor then commented that the way the language is written, it appears that RTFs cannot be sited in Act 101 mandated municipalities; what if these municipalities want help managing C/D or yard waste? Mr. Holley indicated that the intent of the regulation is to address rural areas without waste management and recycling infrastructure.

Joe Reinhart commended DEP for developing the regulation, but questioned whether some of the language was necessary. He pointed to Section 271.103(a), which includes a reference to Chapter 285 of the regulations that already includes some protections the PBR language attempts to address. Inclusion of these specifics in the PBR language may be too restrictive. He also advised that DEP be careful about imposing requirements on source separated recyclables, since they are by definition not a waste. Mr. Dunham responded that DEP would take a closer look at the requirements of Chapter 285 and take them into consideration.

In response to the comment on source separated recyclables, Mr. Holley indicated that DEP looked at the economics of existing recycling facilities and who is operating them in development of the regulation. The overall intent of the PBR is to allow for preservation of the quality of materials being collected and to maintain their recyclability to the maximum extent. This is especially true in the case of fiber. Mr. Reinhart responded that perhaps DEP should create specific requirements for the management of fiber. He also shared that overall, the requirements of the PBR should be practical versus being broadly restrictive, including proposed recordkeeping requirements. He suggested DEP reconsider the length of time facilities are required to maintain records on-site.

Ed Vogel inquired whether the waste accepted be loose or compact? DEP responded it envisioned loose waste, and it was not the intent to allow for installation of compactors at RTFs.

Mr. Vogel asked for clarification on the waste storage limits; was the intent to allow for a maximum storage volume of 160 cubic yards at any given time, or over a 10-day period? Mr. Holley responded the intent was for no more than 160 cubic yards of material to be stored within a 10-day period. Mr. Vogel was concerned that the proposed limit was not enough.

Mr. Vogel then inquired whether radiation monitoring would be required at an RTF. Since there won't be scales at the site, he wondered if handheld detectors would be required. Mr. Holley indicated no radiation monitoring would be required, since the waste collected would be transferred to a facility with monitoring already in place.

Mr. Vogel asked whether vehicles coming into the site will have to comply with Act 90. RTFs should not be allowed to be sited within a certain distance of a permitted commercial facility so as not to create competition for waste haulers. Mr. Holley clarified that these facilities will be in rural areas and will not create competition; these facilities are meant to serve niche communities and will be small.

Ms. Nestor asked whether there is a requirement to move containers off-site when they are full. She was concerned that storage of 160 cubic yards over 10 days is a long time. Mr. Holley indicated there currently is not a requirement to move containers when they are full, but DEP could consider including such a requirement.

Mr. Vogel asked if penalties would be assessed if the storage limit was exceeded; Mr. Holley indicated it was not DEP's intent to assess monetary penalties, but the facility would need comply with the regulatory requirements or they would be shut down.

Attendee Justin Stockdale commented via Skype that "It seems the challenge here is the conflation of operating capacity vs. storage capacity. There should be two separate limitations." This comment was not responded to during the meeting.

Mr. Frederick also submitted a comment via Skype, asking that it become part of the record: "Section 271.103(iii) says certain things cannot be included. Could there be a process for exceptions?" This comment was not directly addressed during the meeting.

Ms. Nestor called for a motion to concur with moving the draft proposed regulatory language forward to the Environmental Quality Board with DEP consideration of the comments raised during the meeting. Tanya McCoy-Caretti made the motion, seconded by Ed Vogel. In a roll call vote, the motion carried unanimously.

### **Public Comment; New Business**

No public comments were raised.

During new business, Ms. Henry stated that DEP has been instructed to hold all meetings virtually until further notice. She went on to say there is another platform available to hold these meetings called WebEx; this platform has additional features that could be useful at the September meeting. Since the meeting is the annual meeting of RFAC and typically involves a lot of discussion and questions, DEP most likely will utilize WebEx to more seamlessly facilitate the next virtual meeting.

## **Adjourn**

Ms. Nestor asked for a motion to adjourn the meeting. Shannon Reiter made the motion; seconded by Ed Vogel. The motion carried unanimously, and the meeting adjourned at 12:29 p.m.