

**Recycling Fund Advisory Committee
Meeting Minutes of November 5, 2018**

The following members were present:

Michele Nestor, Chair
Robert Watts, Vice Chair
Timothy Collins (on behalf of Senator John Yudichak)
John Frederick
Leda Lacomba (on behalf of Representative Matt Gabler)
Timothy O'Donnell
Gregg Pearson
Shannon Reiter
Gary Roberts
Lisa Schaefer (for John Vatauvuk)
Nick Troutman (on behalf of Senator Gene Yaw)
Ed Vogel

The following members were absent:

Eli Brill
Gordon Burgoyne
James Close
Joyce Hatala
Tanya McCoy-Caretti
Joe Reinhart
James Sandoe
John Vatauvuk
Randall York
Gerald Zona

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

Barbara Baker	Professional Recyclers of Pennsylvania (PROP)/Lancaster County Solid Waste Management Authority (LCSWMA)
David Buzzell	Land Air Water Legal Solutions
Bob Bylone	Pennsylvania Recycling Markets Center (PennRMC)
Abbey Cadden	DEP Policy Office
Richard Fox	House of Representatives Environmental Resources and Energy Committee
Walt Harner	DEP Bureau of Waste Management (BWM)
Laura Henry	DEP BWM/Committee Liaison
Larry Holley	DEP BWM
Ryan Ingham	Hough Associates
Mary Keenan	Webber Associates/Pennsylvania Waste Industries Association (PWIA)
Alaina Krayeski	DEP BWM/Recording Secretary
Jim Lambert	Monroe County Solid Waste Authority
Jason Leck	Pennsylvania Independent Waste Haulers Association (PIWHA)
Katrina Pope	IRC Council of Governments

Beth Ann Taylor PROP
Dave Vollero York County Solid Waste Authority

Call to Order; Introduction of Members and Guests; Old Business

Michele Nestor, Chair, called the November 5, 2018, RFAC Special Meeting to order at 10:09 a.m. Ms. Nestor asked for introductions of committee members and guests.

Laura Henry gave a general overview of how the “Summary of Stakeholder Priorities for Changes to Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act” spreadsheet was developed for review. Ms. Nestor indicated that the leaf waste bill passed in October would be an informational item on the December meeting agenda. Leda Lacomba opened discussion about Legislative alternates having voting proxy on items that come before the RFAC; more discussion about general amendments to the Solid Waste Advisory Committee (SWAC) bylaws and specifically to allow for alternate voting proxy will also be included on the agenda for the December SWAC meeting.

Act 101 Workgroup: Outstanding Stakeholder Priorities Discussion

Michele Nestor and Larry Holley, Chief, Division of Waste Minimization and Planning, led discussion on the “Summary of Stakeholder Priorities for Changes to Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act” spreadsheet.

Chapter 3, Section 301(3). Stakeholders would like to see more specificity in the Act as to DEP’s obligations regarding technical assistance to municipalities, with maintenance of current minimum requirements. Those in attendance agreed that training opportunities should be created by DEP to educate local governments and officials on how to comply with Act 101 to ensure consistent interpretation and implementation across the Commonwealth.

Chapter 3, Section 301(14)(i). DEP has agreed to development of standardized educational materials and conducting specific training for municipalities. Mr. Holley pointed out that DEP went from having approximately \$4 million/year budgeted for education and outreach programs to having no budget for recycling education. Ms. Reiter stated that DEP should also consider consumer education in addition to traditional public education in development of new programs. Those in attendance favored DEP development of standardized educational materials to be utilized statewide for consumer and public education.

Chapter 3, Sections 303 and 304. PWIA suggested these sections be amended to allow counties and local governments to impose fees on residents to support their recycling programs as opposed to the current fees industry must pay under Act 101 and Growing Greener. Residents are currently paying for curbside recycling and generally are willing to continue to pay for the service. Ms. Schaefer indicated that local government could not agree with this proposed change due to the difficulty in implementing direct fees on residents. Those in attendance acknowledged the need for additional funding mechanisms beyond the Recycling Fund.

Chapter 9, Section 903. The RFAC/Act 101 Workgroup agreed to specific changes to the duties of County Recycling Coordinators at its June 7, 2018, meeting.

Chapter 9, Section 905(a). The Department proposes to remove; this provision is an unfunded mandate that was never defined, and the information it intended to provide is obtained during final grant reporting. Removal was favored by those in attendance.

Chapter 11, Section 1110. DEP proposes removal of this provision, which provides reimbursement to municipalities that secure a 3rd party to evaluate permit applications for a new landfill or resource recovery facility. Very few new facilities are being proposed; when they are, municipalities now know how to manage the permitting process, and in many cases municipalities have an engineer on staff to conduct necessary reviews. Discussion amongst those in attendance indicated neutrality on this matter.

Chapter 15, Sections 1501(a) and (b). DEP proposes to remove population density requirements from the mandate for recycling programs for both large and small population to expand the availability to convenient recycling to more areas of the Commonwealth. Those in attendance discussed whether it is feasible to eliminate the population density element of this provision, as the additional municipalities that would be included most likely will have difficulty implementing a program due to the costs associated with recycling. A suggestion was made that all waste haulers also be required to offer recycling. Those in attendance favored expansion of the mandate and access to recycling but indicated more discussion of specific mechanisms to do so was needed.

Chapter 15, Section 1501(c)(1)(i). The Department proposes adding other/mixed paper to the list of mandated recyclable materials and requiring collection of all listed materials. These amendments would capture one of the highest-volume materials in the municipal waste stream for recycling and help increase recycling in the Commonwealth to the maximum extent. Those in attendance discussed whether collection of materials that do not have a market can be mandated and suggested adding this as an option instead. Additional discussion included suggestion to build in provisions that provide flexibility for market shifts. Mr. Holley urged those in attendance to think about how to change the way materials are collected and managed to maximize recycling. Ms. Nestor suggested and others in attendance agreed that it could be better to look at this issue using EPA's sustainable materials management terminology/initiative, including use of diversion goals rather than recycling goals.

Chapter 15, Section 1501(c)(2)-(3). DEP proposes to increase collection frequency for recyclables based on population. Studies have shown that when collection frequency is increased from once a month to once every two weeks, it creates a huge influx of materials; however, the amount of materials collected only marginally increased when the collection frequency went from once every two weeks to once a week. John Frederick indicated leaf waste collection requirements should also be clarified and included in this provision. Those in attendance favored increased collection frequency and bringing leaf waste collection in line with current Department practices.

Chapter 15, Section 1501(d). The Department would like to expand this section to include additional acceptable forms of public notification to meet modern technology. Those in attendance agreed that the language should be updated to include additional, modern forms and technology.

Chapter 15, Section 1501(h). DEP proposes to remove this provision, which allows for proposal of alternative recycling programs. It has not been utilized since 1988 and has been deemed unnecessary. Those in attendance agreed.

Chapter 15, Section 1502(b)(1). Local government proposes to require that drop-off centers collect all mandated source separated recyclable materials. Ms. Nestor expressed concern over how this would

impact curbside collection; she would like to see requirements to collect and manage certain materials at drop-off centers rather than curbside to maximize recyclability. Mr. Holley reiterated that the group think about how the materials can be effectively collected and managed to maximize recycling. Further discussion amongst those in attendance supported expansion of the collection mandate; however, more favored diversion and exploring a broader spectrum of uses for these materials in addition to recycling.

Chapter 15, Section 1503(a). DEP proposes to amend this section to require Commonwealth agencies to properly recycle all mandated source separated recyclable materials. This would modernize recycling requirements for Commonwealth agencies, causing them to lead by example and increase recycling to the maximum extent possible. Those in attendance favored this change.

Chapter 15, Section 1504. DEP would like to add a provision requiring Commonwealth agencies to default to purchasing products with recycled content. Those in attendance favored this addition.

Chapter 15, Section 1509. Local government proposes amending this section to include specific provisions to be implemented by the Department of Education to more effectively educate educational institutions on implementing recycling programs. Discussion among those in attendance indicated recycling needs to be made a priority at educational facilities and, in general, favored this change.

Chapter 17, Section 1701(c). DEP proposes deletion of this section, which states it is unlawful to sell or offer for sale beverages connected with plastic carriers that aren't biodegradable. This is a little-known provision of Act 101, and there are no specific standards established for biodegradability of plastic beverage carriers. Those in attendance disagreed with removing this provision, especially with the current focus on ocean plastics and other single-use plastics.

The following items were also discussed, though not associated with specific chapters and sections of Act 101:

Permitting of Material Recovery Facilities (MRFs): DEP proposes to include provisions giving the Department authority to more closely monitor MRF operations, including facility reporting requirements and obtaining a permit to operate (currently proposing operation under a permit-by-rule (PBR)). This will allow for standardization and better oversight of these operations and collection of more accurate data on what is being recycled and marketed in the Commonwealth. Those in attendance were leery of permitting these facilities but seemed to agree that some standards for operation would be helpful overall. More discussion on this item is needed.

Disposal Ban on Aluminum and Steel/Bi-Metal Cans: DEP proposes banning disposal of aluminum and steel/bi-metal cans in a landfill or resource recovery facility to modernize requirements for these easily separated, recycled and marketed materials. This ban would effectively mandate recycling and push local municipalities to provide curbside collection or drop-off locations for these materials. Those in attendance were generally not in favor of a disposal ban but agreed that methods to incentivize or increase recovery of aluminum and steel/bi-metal cans would be useful. More discussion on this item is needed.

Ban Open Burning of Waste: DEP proposes to clarify the interpretation of existing requirements regarding open burning. Currently an interpretation under the air quality regulations allows municipalities to allow open burning through adoption of a model ordinance; however, open burning is a pervasive environmental problem, especially with the increase of plastics in the waste stream. Leda

Lacomba indicated this is a hot button issue for the agricultural industry; Mr. Holley explained that DEP is not proposing to impact current agricultural practices, which are subject to the residual waste regulations. However, no one, including agricultural operations, should be burning municipal waste. Those in attendance favored limiting burning of municipal waste, but more discussion is needed on burning yard waste.

Periodic Review/Update of Act 101: Industry proposes including a provision for periodic review and potential update/amendment of Act 101 within the Act, which would allow for an ongoing evaluation of its effectiveness. Those in attendance favored this change.

Universal Access to Waste Management and Recycling: Those in attendance agreed that all areas of the Commonwealth should have access to universal, reasonably affordable, convenient waste management and recycling services. This includes authorization and utilization of convenience centers to support mandatory curbside collection and expand access.

Public Notice: As discussed earlier in the meeting, those in attendance favored modernization and expansion of the acceptable formats for public notice by municipalities and DEP to increase the efficiency of communication with the public about recycling and waste management.

Public Comment; New Business

Those in attendance provided comment on items that were not included in the Summary of Stakeholder Priorities spreadsheet. Two items were discussed most extensively, including:

- 1) Use and allocation of recycling grant dollars: There was a general call to look at how grant money (especially under Section 904) is allocated from the Recycling Fund and to consider better uses for it; several of those in attendance agreed that public sector programs should not be authorized to utilize grant monies received from DEP to expand their service operations and go into direct competition with existing private sector services.
- 2) Solid waste planning on a state and county level: Those in attendance would like to see updated standards for planning, including development of a statewide Solid Waste Management Plan. Integrated municipal waste planning is an essential part of Act 101 and must be maintained. DEP has minimal staff to oversee and manage planning activities, and stakeholders have very different perspectives on the future of waste planning.

Other items mentioned included development of provisions for food waste and consideration of changes to sampling, reporting, and fee payment requirements.

No new business was introduced.

Ms. Nestor called for a motion to adjourn; Shannon Reiter entered a motion, seconded by Tim O'Donnell. The motion carried unanimously, and the meeting adjourned at 1:04 p.m.