**Solid Waste Advisory Committee**
**Meeting Minutes of June 7, 2018**

**The following SWAC members were present:**

Michele Nestor, Chair
Gordon Burgoyne
Tanya McCoy-Caretti
John Frederick
Joyce Hatala
Tim O'Donnell
Gregg Pearson
Joe Reinhart
Gary Roberts
James Sandoe
John Vatavuk
Ed Vogel
Jerry Zona

**The following SWAC members were absent:**

Bob Watts, Vice-Chair
Eli Brill
Jim Close
Shannon Reiter
Randall York

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

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| David Buzzell | Land Air Water Legal Solutions |
| Bob Bylone | PA Recycling Markets Center (PARMC) |
| Tom Cunningham | Compliance Plus Services, Inc. |
| Amy Mazzella diBosco | Greater Lebanon Refuse Authority |
| Kristin Foldes | Clean Earth |
| Karen Hartley | Clean Earth |
| Brian Hilliard | Beneficial Use Association |
| Ryan Kiscaden | Thermostat Recycling Corporation (TRC) |
| Leda (Lipton) Lacomba | Office of Representative Matt Gabler |
| Jim Lambert | Monroe County Solid Waste Authority |
| Teresa Irvin McCurdy | TD Connections |
| Danielle Myers | TRC |
| Tom Santanna | Pennsylvania Waste Industries Association (PWIA) |
| Lisa Schaefer | County Commissioners Association of Pennsylvania (CCAP) |
| Lauren Strausser | Lycoming County Resource Management Service |
| Justin Stockdale | PA Resources Council (PRC) |
| Nick Troutman | Office of Senator Gene Yaw |
| Hoa Dao | DEP Bureau of Waste Management (BWM) |
| Laura Henry | DEP BWM |

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| Larry Holley | DEP BWM |
| Alaina Krayeski | DEP BWM |
| Thomas Mellott | DEP BWM |
| Ali Tarquino Morris | DEP BWM |
| Chris Noble | DEP BWM |
| Neil Bakshi | DEP Policy Office |
| George Fetrow | DEP Waste Management Program, SCRO |

**Call to Order; Old Business**

The June 7, 2018, meeting of the Solid Waste Advisory Committee (SWAC) was called to order at 10:07 a.m. by Michele Nestor, Chair. Ms. Nestor asked for introductions of committee members and guests.

Ms. Nestor called for a motion to approve the December 6, 2017, meeting minutes. Tim O'Donnell made a motion to approve the minutes, seconded by Gordon Burgoyne. The motion carried unanimously.

**Revisions to DEP's Management of Fill Policy**

Ali Tarquino Morris, Chief, Municipal and Residual Waste, presented an overview of the current Management of Fill Policy (MoFP) and the revisions being considered. DEP proposed changes to the MoFP on December 20, 2014; the changes predominately focused on modifying numeric standards and testing procedures. The proposed numeric standards were based on 2011 revisions to Act 2 standards. DEP received extensive public comment on the proposed changes, but the policy was never finalized.

Ms. Morris explained that since 2014, the Act 2 standards were revised once again, this time on August 27, 2016, which made the 2014 proposed changes to the MoFP outdated. Due to the number and substance of the public comments submitted on the proposed changes in 2014, DEP now plans to publish a revised draft MoFP for public comment later this year.

The current effective version of the MoFP is dated August 7, 2010. The updated policy defines the universe of fill materials that must be managed as wastes under the Solid Waste Management Act (SWMA) vs. fill materials that may be used in an unrestricted manner. It contemplates three categories of materials: clean fill, regulated fill and fill that is not suitable for any type of reuse. The scope of the MoFP focuses on the offsite movement of these materials.

Ms. Morris went on to explain the definitions of clean fill and regulated fill, noting examples of materials that could potentially qualify for both. She also spoke about how the policy relates to moving fill from one site to another and the steps involved in doing so:

1. Perform environmental due diligence
    a. Visual property inspection
    b. Review of historical data regarding ownership/use of property, Sanborn maps, environmental questionnaires

c. Can include analytical testing, environmental assessments, or audits

2. Evaluate findings of environmental due diligence
    a. If no evidence of a spill or release of regulated substances, the material may be managed as clean fill.
    b. If evidence of a spill or release of regulated substances, the material must be tested to determine if it is clean fill.

3. Evaluate results of analytical testing, if required
    a. If analytical results meet the numeric standards for clean fill, the material may be managed as clean fill.
    b. If analytical results exceed the numeric standards for clean fill but meet the numeric standards for regulated fill, the material may be used as regulated fill when coverage under WMGR096 is applied for and obtained.
    c. If analytical results exceed the numeric standards for regulated fill, the material must be managed as a waste.

Ms. Morris also spoke regarding the following changes that are under consideration:

1. Incorporating Act 2 standards by reference;
2. Including a mechanism for determining that exceedances for the numeric limits may be due to background concentration;
3. Developing a quick reference table as a companion to the policy that provides constituent limits from Act 2;
4. Revising Appendix A to provide sampling instructions for waste piles vs. in-situ material;
5. Clarifying how the policy applies to fill that has already been placed;
6. Incorporating language from Form FP-001 and FAQs currently on DEP's website into the policy; and
7. Adding and clarifying definitions and terms.

After addressing a few questions, Ms. Morris indicated she anticipates returning to the Committee with proposed language for the MoFP at the September meeting.

**Mercury Thermostat Recycling Update**

Ryan Kiscaden, Executive Director, and Danielle Myers, Operations & Compliance Manager of the Thermostat Recycling Corporation (TRC), provided an overview of TRC's 2017 Annual Report. TRC is a nationally run industry stewardship program for end-of-life mercury thermostats. It is a non-profit that was founded 20 years ago by Honeywell, White-Rodgers and General Electric. Currently, TRC has 31 members. Its mission is to promote and facilitate the proper management of end-of-use mercury-containing thermostats through reverse distribution.

Mr. Kiscaden explained that TRC has collected over 2.4 million thermostats from the 48 contiguous states, resulting in more than 11 tons of mercury being diverted from the ecosystem since the production of mercury thermostats ceased 10 years ago. Mr. Kiscaden also spoke about the applicable legislation and regulations regarding mercury thermostats, such as the

Federal Resource Conservation and Recovery Act (RCRA) and Mercury Export Ban Act (MEBA), as well as the 14 states that have regulations governing use and disposal of mercury thermostats.

Mr. Kiscaden explained that TRC's focus for 2018 includes engaging the utility industry, household hazardous waste (HHW) facilities, and waste-to-energy (WTE) facilities. Specific opportunities for engagement include community action programs, developing technical reference manuals, promotions such as carbon credit offsets for returned mercury thermostats, and public relations efforts promoting WTE plants' collection of universal wastes. TRC is also focusing on improving its business process, including automating communication updates and analyzing data trends through business intelligence.

Mr. Kiscaden then presented a summary of TRC's 2017 Annual Report. Overall, state collections have decreased over the past few years due to the success of TRC's collection program. In Pennsylvania, Bucks and Montgomery Counties collected the most thermostats in 2018, with both counties collecting just over 1,000 thermostats each. R. E. Michel Company and Johnstone Supply were the top performing wholesale partners in Pennsylvania, collecting 3,268 and 1,792 thermostats, respectively. As can be expected, the average number of thermostats TRC collects has decreased since the introduction of the program as fewer are being manufactured, utilized, and disposed. Mr. Kiscaden also presented information on TRC's 2017 program expenses, among other things.

Finally, Mr. Kiscaden presented TRC's future goals for its program. TRC plans to focus future collection efforts in areas of the nation that fall into the "Goldilocks Zone." This zone is in cold and very cold regions of the United States, where boiler systems are frequently used, there is a propensity for residential retrofit and replacement of these systems, there is a disposal ban in place, and top performing wholesale partners R. E. Michel and Johnstone Supply have a presence. All of these factors increase the potential to collect more mercury thermostats. TRC also aims to transition to a voluntary program and increase homeowner/ "do-it-yourselfer" participation by continuing to target HHW collections and developing mail back options.

**Public Comment; New Business**

No public comments or new business was presented. Jerry Zona moved to adjourn the SWAC meeting, seconded by Gary Roberts. The motion carried, and the meeting adjourned at 11:39 a.m.