

**Solid Waste Advisory Committee
Meeting Minutes of June 17, 2021**

The following SWAC members were present:

John Frederick, Chair
Michele Nestor, Vice Chair
Eli Brill
Gordon Burgoyne
Michael Forbeck
Brian Guzzone
Jason Leck
Gregg Pearson
Joseph Reinhart
Shannon Reiter
Joanne Shafer
Robert Watts
James Welty
Gerald Zona

The following members were absent:

Tanya McCoy-Caretti
Timothy O'Donnell
Matthew Quesenberry
Ed Vogel

The following alternates were present:

Elizabeth Bertha	Vogel Disposal/alternate for Ed Vogel
Ashley White	County Commissioners' Association of PA (CCAP)/alternate for Matthew Quesenberry

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

Dave Allard	DEP Bureau of Radiation Protection (BRP)
Jackie Binder	DEP Bureau of Waste Management (BWM)/Recording Secretary
Bob Bylone	Pennsylvania Recycling Markets Center (PennRMC)
Kate Cole	DEP Policy Office
Susan Despot	DEP Bureau of Regulatory Counsel (BRC)
Michael Crist	Clinton County Solid Waste Authority
Megan Gahring	Lawrence-Mercer County Recycling/Solid Waste Authority
Veronica Harris	Montgomery County Waste Authority
Laura Henry	DEP BWM/Liaison to the Committee

Lawrence Holley	DEP BWM
Darek Jagiela	DEP Office of Communications
Tom Mellott	DEP BWM
Rick Miklos	DEP BWM
Christopher Minott	DEP Bureau of Regulatory Counsel (BRC)
Ali Tarquino Morris	DEP BWM
Krishnan Ramamurthy	DEP Office of Waste, Air, Radiation & Remediation (WARR)
Ann Saurman	Bureau of Recycling & Solid Waste, City of Allentown
Ben Seiber	DEP BRP
Valerie Shaffer	DEP WARR
Nikolina Smith	DEP BRC
Brett Stout	Bureau of Recycling & Solid Waste, City of Allentown
Jennifer Summers	Professional Recycler of Pennsylvania (PROP)

SWAC Call to Order; Introduction of Members; Approval of Minutes of March 18, 2021 (SWAC and RFAC); Old Business

John Fredrick, Chair, called the June 17, 2021, Solid Waste Advisory Committee virtual meeting to order at 10:05 a.m.

Laura Henry, DEP Liaison to the Committees, explained the rules of engagement and the functionality of addressing questions from SWAC members and the utilization of the Q & A Chat Box.

Mr. Fredrick called for a motion to approve the minutes of the March 18, 2021 joint SWAC/RFAC meeting. Jason Leck made a motion to approve the minutes; seconded by Michelle Nestor. With a verbal Yay/Nay vote, the motion carried unanimously.

No old business was discussed.

Public Comment

No public comments were offered.

Draft Final “Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities” (TGD)

Mr. Allard discussed the history and background surrounding the original TGD and the catalyst/need to develop the current revision.

The draft final version of the TGD was shared with the Committee members prior to the meeting; several technical questions were raised.

Eli Brill asked if any changes were made to the TGD based on public comment and whether DEP would be providing a response? Mr. Allard indicated that responses were being finalized and would be published in a comment/response document with the final TGD.

Mr. Brill also asked whether a DOT special waste permit would be needed for rejected loads when loads are below the DOT exemption levels? Mr. Allard responded that if a load is rejected for a reason other than exceedance of the DOT limit of 270 pCi/g, no DOT permit is needed.

Joe Reinhart asked about the nature of the changes being made to the TGD in response to public comments and whether a summary of those changes would be published. Mr. Allard replied that the comments were thoroughly considered and addressed. Kate Cole, DEP Policy Office, indicated that the version provided to the Committee for the meeting was the current final version and would be published along with any public comments; however, a “red line” version would be provided to the Committee members after the meeting.

Mr. Reinhart also questioned the 25 mrem/hr. dose limit; specifically, whether it was a screening level for cleanup materials at well pad sites. He also asked whether this limit was discussed with the Cleanup Standards Scientific Advisory Board (CSSAB), indicating this would be beneficial for clarification on sampling/analysis requirements and acceptable, safe levels for cleanup and proper disposal. Mr. Allard responded that the dose limits and screening levels were outlined in Appendix H of the TGD; however, these levels had not yet been discussed with CSSAB.

Liz Bertha questioned if Mr. Allard was aware that as more and more landfills are converting landfill gas into compressed natural gas (CNG), and in the process of compression are seeing a concentration of Radium 226 in the fuel produced. This CNG is used for vehicles and they are setting off the radiation detectors at landfill and transfer station gates; is there a way that the required setpoint for the 10 mrem/hr. detection limit for the gate monitors could be changed? Mr. Allard responded that he is aware of this and what is setting the monitors off isn't actually Radium, but Radon decay products that are artifacts of fuel production. The levels being seen do not pose a danger to the drivers or the public; however, this issue would be good to include in follow-up to the DEP TENORM Study. Ultimately, DEP does not intend to change the trigger limits on gate detectors at this time. Mr. Allard stated that he will follow up on this issue and would like to connect them with the Radiation Protection field staff to measure and document the levels being seen.

Mr. Frederick concluded the discussion by reiterating the need for the Committee to review a “red line” version of the TGD prior to voting on/approving it. Ms. Cole stated that the intent for purposes of the meeting was for DEP to present the draft final version of the TGD and have open discussion with the Committee rather than the Committee offering a formal approval of the document. She reiterated that DEP would provide a “red line” draft for the Committee to review and that if members had additional feedback it would be considered prior to publication of the final TGD.

Jim Welty questioned whether the comment/response document would also be provided with the “red line” guidance for review. Ms. Cole answered that the comment/response document is not reviewed by advisory committees prior to publication, but that any changes made to the document between proposed and final in response to comments would be reflected in the “red line” version provided by DEP. She also stated that DEP would be meeting with the Oil and Gas Technical Advisory Board in September to gather additional feedback and plans to publish the final TGD after that.

Committee Priorities Discussion

Mr. Frederick opened up discussion on Committee priorities, proposing they be placed into three categories: Legislative/Policy, DEP-Related, and Regional/National. He gave examples of Act 101 and CDRA (Covered Device Recycling Act) as Legislative priorities; staffing and funding as DEP-related items, and emerging technologies and issues for Regional/National items. Ms. Shafer brought up the letter about continuing withdrawals from the Recycling Fund that was discussed at the March meeting; Mr. Frederick indicated it had been drafted and submitted to Ms. Shafer and Tanya McCoy-Caretti for their review and additional input.

Ms. Nestor stated that the Committees already had exhaustive discussions about Act 101 as the Act 101 Workgroup, and that until DEP provided feedback on those discussions, it would not be an effective use of the Committee’s time. Chair Frederick inquired whether any update could be provided and specifically, whether DEP agreed with the Workgroup’s recommendations; Ms. Henry responded that DEP was still not ready to discuss, though Act 101 continues to be a priority. In addition, the current legislative climate is prohibitive of pushing major legislative issues and/or changes.

Legislative

Shannon Reiter suggested the Rural Transfer Facility rulemaking, asking for updates as they’re available. She also asked if the state has considered or investigated utilizing any of the American Rescue Plan funding to replenish the recycling funds or address any other issues like litter? She stated that at a local level they are encouraging Keep Pennsylvania Beautiful (KPB) affiliates to talk with their county commissioners and local authorities or municipal officials.

Ms. Nestor reiterated electronic waste and CDRA were continuing priorities, acknowledging the current prohibitive political/legislative climate.

Ms. Bertha commented on an article published in the PA Environmental Digest regarding the Keystone Landfill expansion that indicated Governor Wolf’s administration is currently working with legislators to propose an amendment to Act 101 that would require the concurrence of municipalities prior to the approval of future major waste facility expansion and felt that this is something that the Committee would want to weigh in on and discuss. Ms. Nestor concurred.

DEP-Related

Ms. Nestor suggested that DEP revisit the interpretations, definitions, and real-life/current climate for waste haulers and the Act 90 Waste Transportation Safety Program (WTSP). In particular, she felt that there is a need to revise and modernize municipal and residual waste regulations, specifically for one-time exemptions (OTEs) to make the requirements clearer. Ms. Bertha and Mr. Frederick concurred.

Rick Miklos responded that the WTSP has made several changes in the last 6 to 8 months regarding OTEs and the hotline is staffed Monday through Friday from 7 a.m. to 4:30 p.m. (5 p.m. when feasible). He stated that there is currently a House bill that is looking at changing the Gross Vehicle Weight (GVW) at which Act 90 is triggered. This GVW was established in 2002; initial conversations propose to lower this GVW from 17,000 to 4,000 pounds. The bill has been at a standstill for several years; however, the extreme lowering of the GVW proposed would increase the number of vehicles requiring authorization under Act 90 by 10 times.

Mr. Frederick and Ms. Shafer expressed their appreciation for DEP's efforts during the pandemic and especially with recycling grants. Because of these efforts, waste and recycling operations were able to remain open.

Bob Watts proposed that the regulations at § 271.202(f), which require landfill operators to have less than 5 years' capacity at their landfill before they can submit a permit application for expansion, be considered for evaluation and modification. He cited this timeframe as overly burdensome, considering length of time that it currently takes for some landfill permits to be issued.

Mike Forbeck advocated for global revisions to streamline and modernize the municipal and residual waste regulations, or at the very least some pointed revisions to clarify existing gray areas. This included the Rural Transfer Facility Permit-By-Rule, among other things.

Regional/National

Mr. Frederick recommended that DEP seek to re-establish their memberships in several national organizations to facilitate partnerships on cooperative ventures and marketing, such as those with the Northeast Recycling Council. These memberships/sponsorships were discontinued by a previous administration and he felt they should be reestablished.

New Business

No new business was discussed.

With no other items to discuss, Mr. Frederick asked for a motion for adjournment; so moved by Ms. Shafer and seconded by Mr. Watts. The motion carried unanimously, and the meeting adjourned at 11:49 a.m.