

**Solid Waste Advisory Committee  
Meeting Minutes of October 19, 2023**

**The following members were present:**

John Frederick, Chair  
Michele Nestor, Vice Chair  
Gordon Burgoyne  
Brian Guzzone  
Jason Leck  
Frank Mazza  
Timothy O'Donnell  
Gregg Pearson  
Shannon Reiter  
Kyle Rosato  
Joanne Shafer  
Ed Vogel  
Robert Watts  
James Welty  
Gerald Zona

**The following members were absent:**

Eli Brill  
Joseph Reinhart

**The following alternates were present:**

David Buzzell                      on behalf of Eli Brill

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

Derek Bartram	DEP Bureau of Waste Management (BWM)
Kevin Beer	DEP BWM
Elizabeth Bertha	Vogel Holding, Inc.
Bob Bylone	PennRMC
Chad Clancy	DEP/Bureau of Waste Management (BWM)
Amy Mazzella di Bosco	Greater Lebanon Refuse Authority (GLRA)/Professional Recyclers of Pennsylvania (PROP)
Justin Dula	DEP Office of Environmental Justice (OEJ)
Jay Enoch	Republic Services
Andrea Fields	DEP OEJ
Megan Gahring	Lawrence-Mercer County Recycling/Solid Waste
Skip Garner	GLRA
High Garst	DEP Policy Office

Veronica Harris	PROP
Laura Henry	DEP BWM/Liaison to the Committee
Crystal Heshmat	DEP BWM
Lawrence Holley	DEP BWM
Jeff Ivicic	PA Senate Policy Office
Curtis LeSuer	DEP BWM
Jim Lambert	Monroe County Solid Waste Authority
Patti Lynn	Chester County Solid Waste Authority
Trent Machamer	PA Senate Policy Office
Tom Mellott	DEP BWM
Winnie Okello	DEP OEJ
Tiffany Piaskowski	DEP BWM/Acting Recording Secretary
Sarah Alessio Shea	Pennsylvania Resource Council (PRC)
Jessica Shilladay	DEP BWM
Joy Smallwood	Allegheny County Health Department
Nikolina Smith	DEP Bureau of Regulatory Counsel (BRC)
Jennifer Summers	PROP

**Call to Order; Introduction of Members and Guests; Approval of Minutes of March 30, 2023; Old Business**

John Frederick, Chair, called the meeting to order at 10:06 a.m. Laura Henry conducted roll call. John Frederick called for a motion to approve the minutes from the March 30, 2023, meeting. Tim O’Donnell motioned to approve, seconded by Ed Vogel. All approved, none opposed. Motion carried. No old business was discussed.

**Public Comment**

No public comments were presented or made for discussion.

**Discussion Item: Draft Technical Guidance Document (TGD), “Guidance Manual for Permitting of New Commercial Hazardous Waste Treatment and/or Disposal Facilities”**

Chad Clancy, Environmental Group Manager for the Hazardous Waste Management Division (HWMD) in the Bureau of Waste Management (BWM) discussed the draft Technical Guidance Document (TGD). The TGD will be applicable to anyone submitting a permit application to DEP for a new commercial hazardous waste treatment and/or disposal facility (TSDF). The guidance has actually been available for many years, but not an official DEP document; the HWMD is proposing revisions to the existing guidance and to formally publishing it.

Since 1988, 12 facilities have been permitted for commercial hazardous waste treatment. To date, no active commercial hazardous waste disposal facilities have been permitted in Pennsylvania. Steps in the permitting process include the pre-application process, Phase I Exclusionary Criteria Review, Phase II Exclusionary Review and Operations and Design Application and the final step is the Permit Decision.

David Buzzell stated that not having grandfathered protection for conditions that exist at the time the application is submitted provides a window of opportunity for a municipality or community that oppose the project to establish a park or do something that may affect the exclusionary criteria. He asked if there is a need for language that provides protection for anything that occurs after the pre-application meeting wouldn't be subject to the exclusionary criteria. Mr. Clancy stated the exclusionary criteria is reviewed at the time the application is submitted. Tom Mellott, Environmental Program Manager for the Hazardous Waste Management Division, added that the Phase 1 Exclusionary Criteria are specific to the site itself, independent of the facility that is proposed to be constructed.

Next steps include a draft review, routing TGD for executive approval, posting a draft publication in the *Pennsylvania Bulletin* with a 30-day public comment period, preparation of a comment response document and then publication of final guidance.

**Discussion Item: Draft TGD, “Guidelines for the Preparation of a Contingency Plan for the Transportation of Residual Waste”**

Crystal Heshmat, Environmental Engineering Specialist, and Kevin Beer, Environmental Group Manager, from BWM's Municipal and Residual Waste Division summarized the new TGD guidelines. Similar to the HWMD TGD, the guidelines have informally been in place and are being formally proposed for publication. The document provides clear instruction regarding the portions of required, existing environmental emergency response plans to place on each vehicle.

The purpose of the document is to describe the process by which transporters of residual waste comply with DEP's rules and regulations as they develop and implement a Transporter's Contingency Plan. Although the guidance focuses on residual waste transportation, transporters solely of municipal waste are encouraged to develop and implement a contingency plan as well. Guidelines apply only to the transportation of residual waste. Pollution Incident Prevention (PIP) plans are not acceptable as a Transporter's Contingency Plan.

Mr. Buzzell asked if the plans would be reviewed and approved by DEP? He also asked about the vision for these plans – a more formal, robust contingency plan and a one sheet piece of paper that is kept in the truck?

Ms. Heshmat indicated that since emergency plans already exist, the intent is for portions of them to be put into a one-page document and kept on the truck. Mr. Beer added that the requirements in the guidance document already exist in the regulations. DEP is simply taking a document that existed informally and formalizing it; this should not change transporter procedures.

Mr. Buzzell asked if contingency plans are currently reviewed. Mr. Beer responded that the regulations do not include a specific review.

Elizabeth Bertha asked if the plans are required to be prepared by a third party based on the verbiage of the Preparation of the Transporters Contingency Plan section of the document that states “an outside consultant employed for this purpose should be authorized to conduct a thorough study of waste handling and transportation practices.” She stated this may cause some

confusion. Ms. Heshmat replied that was not the intent, but the guidance would also apply to third party consultants that prepare contingency plans for transporters and went on to ask if changing the wording to “if an outside consultant is employed for this purpose” would provide clarification. Ms. Bertha agreed that it would.

Jason Leck asked how DEP plans to notify registered transporters once the document is finalized. Will it be through the *Pennsylvania Bulletin* or will guidance be issued to every licensed waste hauler in the state? Mr. Beer responded that this guidance already exists informally and there is nothing changing in the requirements of transporters. Mr. Leck stated that making sure a transporter has the proper disclosure on site is important. Mr. Beer replied that avenues for outreach would be explored.

Chair Frederick asked if one of the goals was to make the requirements clearer and more available when incidents occur; Ms. Heshmat confirmed that it was. He then asked how the TGD would apply to rail transportation and rail incidents. Mr. Beer responded that there are already notification requirements within the regulations if a spill occurs; DEP simply highlighting those elements of the regulations that apply to a transporter and making it clear that drivers should have the correct information in the vehicle. Mr. Beer confirmed this guidance would apply to trains that transport waste within the Commonwealth, but that DEP does not have the regulatory authority to require Plans for trains that travel through Pennsylvania.

Tim O’Donnell commented that it would be beneficial to properly train drivers on what to do in the event of an incident.

Mr. Buzzell asked about the timeline for the final document. Ms. Heshmat indicated a 30-day public comment period would be held and anticipated that the TGD would be finalized and published by the end of 2023.

**Discussion Item: Draft Revised TGD, “Residual Waste and Special Handling Waste Streams”**

Curtis LeSuer, Solid Waste Program Specialist from BWM’s Municipal and Residual Waste Division, spoke on the minor revisions made to the existing TGD. Revisions were made to eliminate redundancies in terminology. In addition, language regarding mail-in forms was removed since most forms are sent electronically, and the Form S section was also eliminated since it is no longer a valid form. The final document is anticipated to be published by the end of 2023 or beginning of 2024.

**Discussion Item: Interim Final Environmental Justice Policy**

Justin Dula, Director of the DEP Office of Environmental Justice (OEJ), discussed the revisions made to the policy. The policy includes sections on Environmental Justice (EJ) Areas which identifies where the policy applies; Proactive Community Engagement, which encourages DEP to do proactive outreach with communities before an environmental project or crisis; and an Enhanced Public Participation Process. The policy requires review for updates every 5 years and an update to EJ Area identification and mapping every 2 years.

PennEnviroScreen is the tool used to identify EJ areas. The model used to determine EJ Areas consists of a pollution burden indicator category and a population characteristics indicator category to determine a final score. Both indicator categories are regularly updated numbers that are turned into percentiles based on Pennsylvania-specific characteristics.

Vice Chair Michele Nestor stated she has explored the tools and they are highly informative and very user friendly.

Shannon Reiter asked Mr. Dula to expand on the types of grants that will be provided to EJ communities. He stated that while there is no funding for new grants, they are considering EJ to be a factor in the existing DEP grant programs. OEJ is working with the Grants Center to include EJ as a factor in as many grants as possible.

Larry Holley mentioned that the Waste Program has implemented EJ as a factor in all of its grants.

Mr. Buzzell asked if DEP will be providing responses to the comments submitted on the previous draft of the policy. Mr. Dula responded OEJ was working on the comment response document for that iteration of the policy when the change in administration occurred. He went on to ask that applicable comments are resubmitted for the interim final policy; a comment response document for the previous policy will not be prepared.

Vice Chair Nestor asked how the Policy and mapping tool account for industries that leave behind legacy impacts. Mr. Dula indicated the tool helps to target state and federal funding and is a resource that non-profits can use to apply for funding.

Jim Welty asked for clarification on the areas of concern and the half mile buffer; in the mapping tool, it appears that the buffer is added to the area of concern. Mr. Dula responded the half mile buffer is around the facility. A permit applicant can look at their site on the map and determine if it crosses the half mile buffer.

Mr. Welty asked if there will be any assurance that community liaisons have a direct tie to the areas of concern, stating that bringing in third parties could dilute the voices in those communities. Mr. Dula responded that the community liaison is not intended to be a formal role; rather, the goal is to find the people who are leaders in their community to serve as liaisons. Mr. Welty asked if DEP will be clarifying this in the Policy. Mr. Dula responded OEJ did its best to define the community liaison in the definitions section of the policy. If there are concerns, he encouraged submitting a formal comment so it can be officially addressed in the comment response document. He went on to state that OEJ would look for opportunities to clarify this intent in the Policy.

Mr. Welty asked if DEP would provide any clarifying language with respect to opt-in permits and what DEP will consider in triggering the Policy. Mr. Dula responded that DEP has the statutory and regulatory authority in most cases to do enhanced community engagement outside of EJ areas and that is what they are trying to capture through the opt-in process.

**New Business**

Laura Henry reminded members that she would be reaching out in the coming weeks to coordinate meeting dates for 2024.

Chair Frederick called for a motion to adjourn the meeting; a motion was made by Joanne Shafer. The meeting adjourned at 11:38 a.m.