

Solid Waste Advisory Committee Meeting Minutes of June 26, 2024

The following members were present:

John Frederick, Chair
Michele Nestor, Vice Chair
Gordon Burgoyne
Jay Enoch
Brian Guzzone
Frank Mazza
Joe Reinhart
Shannon Reiter
Kyle Rosato
Joanne Shafer
Bob Watts
James Welty
Gerald Zona

The following members were absent:

Eli Brill
Jason Leck
Gregg Pearson
Ed Vogel

The following alternates were present:

Liz Bertha	Vogel Holding, Inc./on behalf of Ed Vogel
David Buzzell	Land, Air, Water Legal Solutions/on behalf of Eli Brill

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

Morgan Barto	PA Senate Republican Policy Development & Research Office
Jeffrey Bednar	DEP Bureau of Waste Management (BWM)
Megan Bisco	DEP Bureau of Regulatory Counsel (BRC) Intern
Wayne Bowen, Jr.	Pennsylvania Recycling Markets Center (PennRMC)
Bob Bylone	PennRMC
Lou Crocco	Keystone Strategic Advocacy/KSA Group
Evelyn Dyer	DEP BWM
Chancie Fielder	DEP BWM
Richard Fox	PA Senate Environmental Resources & Energy Committee
Evan Franzese	PA House Environmental Resources & Energy Committee
Ronald Furlan	Derry Township Municipal Authority
Megan Gahrng	Lawrence-Mercer County Recycling/Solid Waste

High Garst	DEP Policy Office
Nikolina Gaudin	DEP BRC
Veronica Harris	Montgomery County Solid Waste Authority/Professional Recyclers of Pennsylvania (PROP)
Janet Heindel	DEP BWM
Laura Henry	DEP BWM/Liaison to the Committee
David Hess	PA Environment News, LLC
Lawrence Holley	DEP BWM
Jordan Hoover	DEP BWM
Ian Irvin	DEP Citizens Advisory Council
Lauren King	no affiliation
Geoff Lincoln	Penn State Extension – Master Watershed Steward Program
Josephine Martin	Management for Sustainability, LLC
Amy Mazzella di Bosco	Greater Lebanon Refuse Authority/PROP
Andrew McMenamin	PA House Environmental Resources & Energy Committee
Tom Mellott	DEP BWM
Katie Molloy	Pennsylvania Municipal Authorities Association (PMAA)
Marc Moran	DEP BWM
Matt Mosholder	Keystone Strategic Advocacy/KSA Group
John Nantz	DEP BWM
Tiffany Piaskowski	DEP BWM/Acting Recording Secretary
Jessica Shilladay	DEP BWM
Ouli Sow	DEP BRC Intern
Lucas Swanger	DEP BWM
Teesha Truesdale	DEP BWM
Mark Vottero	DEP BWM
Mindy Waltemyer	York County Solid Waste Authority/PROP

Call to Order; Introduction of Members and Guests; Approval of Minutes of October 19, 2023 Meeting; Old Business

Chair John Frederick called the meeting to order at 10:05 a.m. Laura Henry conducted roll call. Chair Frederick called for a motion to approve the minutes from the October 19, 2023 meeting. Joanne Shafer motioned to approve, seconded by Frank Mazza. All approved, none opposed, motion carried.

Public Comments

Ms. Henry reviewed new procedures put in place by the DEP Policy Office for providing public comment at meetings. No public comments were presented or made for discussion.

Discussion Item: Food Processing Residuals (FPR) Management Update

High Garst, Acting Director, DEP Policy Office, provided a FPR update. Larry Holley opened by providing a general background, explaining the broad categories of FPR. Farms use FPR for soil improvement but the number of farms in the Commonwealth is unknown that engage in this

practice. The FPR Manual has been in place since the early 1990s and was last revised in 2001. The Manual outlines best management practices (BMPs) that must be followed in order to use FPRs; a permit is not needed if BMPs are followed. Many of the items contained in the FPR manual are still applicable and it allows those who use FPRs to create and implement BMPs that are not already included in it. The biggest challenge related to FPRs is odor. DEP is working closely with the Pennsylvania Department of Agriculture (PDA) and County Conservation Districts to ensure there is collaboration on this issue. DEP is not interested in permitting every farm that utilizes FPRs but is focused on providing adequate and sufficient environmental protection and reducing the odors and complaints associated with the management of these materials.

Mr. Garst went on to describe how DEP is collaborating with PDA and others. Due to the number of odor complaints received in the last year and a half, At the request of the Secretaries of PDA and DEP, a workgroup was formed in October 2023 to explore how FPRs are currently managed in the Commonwealth and look at what other states are doing to provide recommendations for a best path forward. The workgroup consisted of representatives from PDA, DEP, the State Conservation Commission, County Conservation Districts, and FPR generators, among others. The workgroup met on October 25, 2023 and identified four focus areas: 1. Understanding the risk of odor application and storage of FPR 2. Protecting ground and service water from contamination 3. Providing compliance clarity for on-farm application and storage and 4. Maintaining soil health. The workgroup met 6 times and included open discussion. There were three subgroups that included technical experts and were focused on technical updates to the manual, management and implementation and legal analysis of recommendations made by the workgroup. The workgroup met for the last time on May 2, 2024 and at that time a draft report was reviewed that is now in its final stages to be circulated publicly and to the Secretaries of PDA and DEP. The workgroup identified the major issues surrounding FPR to be odor, transporting of FPR, and the role that the DEP has in FPR. The recommendations made by the workgroup focus on addressing the three major issues that were identified and will be posted publicly with the final report.

Chair Frederick asked if the discussions included other management issues. Mr. Garst responded that the workgroup wanted to make sure that whatever changes were made, that they did not all fall on the farmer, and it was important to recognize all parties involved, i.e., the generators and transporters of the waste and the responsibilities of everyone involved.

Lou Crocco asked how normal agricultural practices where odor occurs are differentiated from FPR practices. Mr. Garst explained that farming can be an odorous practice but putting BMPs in place can reduce odor and the issues surrounding it. Mr. Crocco asked how the manual addresses when FPR is sometimes mixed with animal manure. High commented that the workgroup was determining how the comingled product is currently regulated and managed and determining whether changes need to be implemented.

Discussion Item: Municipal Waste Planning Updates

Mark Vottero and Janet Heindel from the Waste Minimization and Planning Division in the Bureau of Waste Management provided a background and updates. The Technical Guidance Document (TGD) regarding municipal waste planning was last updated in January 2010. Ms. Heindel explained that central office is collaborating with the regional offices in reviewing Municipal Waste (MW) plans and providing administrative support. The goal is to provide consistency between regional offices, so the state is compliant with the requirements of Act 101. The TGD will be updated to include links to regulations and inclusion of population data. Waste reduction and waste diversion will be stressed in the TGD. The TGD will include a change in metrics with an increased emphasis on the environmental benefits of recycling using the Environmental Protection Agency (EPA) WARM Model.

Chair Frederick commented on the challenges of data management and asked if major data disparities will be addressed. Ms. Heindel responded that Division staff member John Nantz works with DEP's Re-TRAC database and contacts any counties with reporting anomalies for an explanation. Mr. Vottero commented that there will be a focus on the reasons for anomalies found in some data, but recycling rates are a difficult measure to show the success of a recycling program. Mr. Holley stated a recycling rate is a bad metric and that metrics should focus on the environmental and economic opportunities associated with recycling.

Chair Frederick asked if the coordination would help those programs and counties that are struggling. Ms. Heindel responded that yes and it will take effort on the county's part as well. The importance of the 901 grant and feasibility studies will be recommended for those facilities that are closing or closing drop off sites. Funds can be provided to help counties determine solutions to problems they are facing. Mr. Vottero commented that the 901 Planning Grant is capped at \$75,000 per year per county and DEP is looking at increasing the award amount to help make some of the programs better.

Vice Chair Michele Nestor commented that a recycling rate is a vital tool in planning if it's calculated properly and used for the right purpose but is worthless as a random goal, and applauded DEP for looking at other goals. She expressed concern that the WARM model and the metrics typically used for recycling are not consistent and would like to see a few guidelines in the TGD on how the consultant, the county and DEP interact. Mr. Holley stated DEP would be happy to include suggested procedures as guidance for timeframes.

Liz Bertha asked what the DEP's role is in plan implementation oversight. Mr. Holley stated that the county is primarily responsible for the enforcement of their plan. If a county has chosen not to implement its plan, that should be challenged from those who are concerned about the implementation of the plan. Mr. Holley went on to state that DEP would be happy to speak with her about the specifics of her question.

Geoff Lincoln with the Penn State Extension's Master Watershed Steward Program stated that illegal dumping and waste ending up in the waterways is the Extension's biggest concern. He is hoping SWAC will, in the future, look at planning toward having waste disposal service for

every citizen of the Commonwealth. He believes this is the solution to many of the problems relating to pollution in waterways.

Joanne Shafer commented that consistency between regional offices is key. Mr. Vottero stated there will be training for regional office staff as well as counties and consultants to ensure there is consistency between all parties.

Discussion Item: Lithium-Ion Battery Management Update

Marc Moran, Solid Waste Program Specialist with the Waste Minimization and Planning Division in the Bureau of Waste Management provided an update to the management of lithium-type batteries, which include lithium-metal and lithium-ion. EPA has clarified that most primary and secondary lithium batteries are likely to be hazardous due to characteristics of ignitability and reactivity. Pennsylvania does not have any state-specific statute or regulation regarding the management of consumer lithium batteries outside the general category of a household or universal waste. The main problem with lithium-type batteries is when they are improperly disposed, they present a fire hazard. DEP staff attended the PennRMC Recycling Summit and heard from multiple groups of stakeholders on the current state of battery recycling and issues surrounding end of life lithium batteries. DEP submitted a Department of Energy (DOE) funding request to expand educational outreach but was not awarded funding. The DOE will likely open a second round of funding.

Existing educational efforts include the Act 101 Section 901 Household Hazardous Waste (HHW) Education Grant; this is an 80% DEP award / 20% applicant match grant program that is limited to \$75,000 per county. The grant scope will be targeted to lithium batteries and the message will relate to proper handling, safety, and fire prevention. The Lancaster County Solid Waste Management Authority (LCSWMA) was the first recipient of the 901 HHW Education grant and received the full \$75,000 award.

DEP continues to monitor this issue and related state legislation, including HB 2241.

Chair Frederick stated it seems to be more difficult to get access to Call2Recycle and some other industry-sponsored battery recycling programs and asked if this dynamic is changing. Vice Chair Nestor said that her clients have expressed to her that, because there is no legislation, Call2Recycle was more affordable. Since Pennsylvania is not part of a battery stewardship program, we don't receive advantages and it's not easily accessible.

Jay Enoch stated Republic Services has had 3 battery-related truck fires in the last 90 days. He stated education in schools is important and making it convenient for schools to be drop locations as well may increase participation in battery recycling programs.

Joanne Shafer suggested to leave a blank area when developing fact sheets and web pages so companies can drop their logos in these spaces. She also stated that the \$75,000 in HHW Education grants are awarded for 2 years; some counties are already using the grant funding for their HHW collections. This should be taken into consideration when revising what the limits may be. The limit for HHW collection programs is \$100,000 per county per year.

Mr. Holley said they regularly see the bill to increase the funding for HHW above \$100,000. Without a new funding source, the Recycling Fund and the Hazardous Sites Cleanup Fund cannot support the increase. If it was changed independent of finding a new funding source, it would result in many counties being denied access to any funding at all.

Dave Buzzell responded to Mr. Enoch's suggestion to have schools as drop-off locations for battery recycling stating there must be proper training and proper staff since they can cause fires. He also stated that HB 2241 includes a significant obligation to establish collection centers based on county population density and size and also includes a significant obligation on education. Once a battery stewardship program is in place, Call2Recycle will be much more amenable.

Bob Bylone commented that the RMC has an upcoming battery summit on July 11th in the Pittsburgh area, and he can provide additional details to the committee. He also stated that he can provide details from a statewide rechargeable battery recycling survey to use for reference when an application is submitted for the second round of DOE funding.

Discussion Item: Hazardous Waste Capacity Update

Tom Mellott, Environmental Program Manager for the Hazardous Waste Management Division within the Bureau of Waste Management, provided an update on Hazardous Waste Capacity. Nationally, the amount of hazardous waste generated has remained static since 2009 and is roughly 35 million tons. Pennsylvania ranks 16th in hazardous waste generation with approximately 213,000 tons per year. Pennsylvania has the fourth highest number of large quantity hazardous waste generators behind California, Texas and New York. The 2021 data shows a reduction in hazardous waste generation. There are 46 permitted hazardous waste generators in Pennsylvania. Pennsylvania ranks second in the recycling of hazardous waste behind Alabama.

Pennsylvania is an incorporation by reference state, which means that when EPA proposes and adopts new regulations, those regulations immediately become effective in Pennsylvania. However, Pennsylvania must continue to seek program authorization from EPA in order to implement the hazardous waste program. This process ensures national consistency and minimum standards. The last program authorization was in 2009. This will be Pennsylvania's fourth authorization revision. The updated authorization package includes an updated Memorandum of Agreement (MOA), a complete program description of the hazardous waste program, a supplement to the program description, and an Attorney General statement acknowledging the state has the authority to implement the program among additional information. A draft authorization package was submitted to EPA in December 2023; DEP is awaiting comment from EPA.

Discussion Item: Household Hazardous Waste Management Update

Jordan Hoover, Solid Waste Program Specialist in the Waste Minimization and Planning Division within the Bureau of Waste Management, provided a general overview on Household Hazardous Waste (HHW) Management. Participants in the program include households and small businesses. Act 190, the Small Business and Household Pollution Prevention Act,

authorizes the DEP to reimburse up to 50% of eligible costs to the sponsor of an approved event. The funding limit is \$100,000 per county per fiscal year. There were 115 on-going / curbside programs and 120 one-day events in fiscal year 2023. Between \$1.5 and \$1.6 million is anticipated to be paid out in HHW grants for fiscal year 2023.

One of the success stories from the program includes the LCSWMA, a permanent, on-going collection site that accepts HHW and electronic waste from county residents and does not charge fees for acceptable items. The LCSWMA collects approximately 2 million pounds of HHW and E-Waste per fiscal year. Some of the program challenges include costs associated with collection operations, a limited number of collection contractors and difficulties with collections in rural areas. Improvements to the program include expansion of curbside collection programs, new permanent, on-going collection sites and multi-municipal one-day collection events.

Vice Chair Nestor noted curbside programs are attractive because they are user fee-based which saves the municipality money. She stated that when these collection programs first started, the participation rate was low and less than 10% of homes in a municipality were using the service. She asked if participation is being tracked. Mr. Holley stated that participation is not being tracked and the reason for low participation was partly due to lack of education. Jordan commented that significant time has gone into updating the webpages, particularly the ones that list the on-going one-day and curbside collection programs.

Ms. Shafer asked why CHEMSWEEP was not mentioned. She stated it can be used to offset additional expenses. PDA will cover portions of HHW that may be collected. Mr. Moran stated that PDA contracts with MXI and any pesticides collected at events will automatically be billed to PDA.

New Business

Chair Frederick mentioned the next meeting will be October 9, 2024 and will be a joint meeting with the Recycling Fund Advisory Committee.

Chair Frederick called for a motion to adjourn the meeting; moved by Michele Nestor and seconded by Jay Enoch. All approved, none opposed. Motion carried. The meeting adjourned at 12:36 p.m.