

MINUTES
CITIZENS ADVISORY COUNCIL MEETING
April 19, 2016

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
Mark Caskey, Washington County
Terry Dayton, Greene County
Bill Fink, Bedford County
Walter Heine, Cumberland County
John Hines, Lebanon County
Jim Sandoe, Lancaster County
Thaddeus Stevens, Tioga County
Burt Waite, Crawford County
John Walliser, Allegheny County
Don Welsh, Chester County
Jim Welty, Cumberland County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Katherine Hetherington Cunfer, Acting Executive Director

CALL TO ORDER:

Chairman Fink called the meeting to order at 10:25 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, with a quorum. The meeting was also broadcast via WebEx for the public.

APPROVAL OF MARCH 15, 2016 MEETING MINUTES:

Chairman Fink asked for a motion to approve the March 15, 2016 Council meeting Minutes.

Don Welsh moved to approve the March 15, 2016 meeting Minutes.
Burt Waite seconded the motion, which was unanimously approved
by Council.

DEP REPORT

Secretary Quigley recently testified before the House Democratic Policy Committee regarding the economic opportunities related to clean energy. Astounding growth is taking place in the clean energy and energy efficiency sectors, but Pennsylvania is falling behind other states that have more progressive and accommodative policies in terms of energy and energy efficiency. Millions of jobs are at stake nationwide, and Pennsylvania needs to get in on that. Significant opportunities are available to create sustainable jobs.

The Department is beginning the process of adjusting how policies are applied with respect to inspection, compliance, and enforcement across the state, recognizing that Pennsylvania is not a monolithic state, that geography changes, and that changes the way DEP handles issues on the ground. The Department has actually restarted the process that the agency began in 2013, to take a look at all inspection, compliance, and enforcement policies, amend them, and/or update them

where necessary. DEP will be putting out a revised overarching inspection, compliance, and enforcement policy document. This is part of DEP's effort to be more transparent and to make sure that it is showing the work being done and creating a set of shared expectations. DEP needs folks to understand how it operates and a sense of shared expectations needs to be created.

The Governor's Awards for Environmental Excellence will be presented in cooperation with the Pennsylvania Environmental Council. Seventeen organizations and 13 projects will be honored on a wide gamut of successful projects related to environmental protection.

The Independent Regulatory Review Commission (IRRC) is considering DEP's final Chapter 78 and 78A regulations this week. Last week, the Pennsylvania Independent Petroleum Producers (PIPP) Association filed a petition against the regulations. Commonwealth Court concluded that the action was not ripe for a rulemaking; however, PIPP has filed an emergency appeal to the state Supreme Court. The Department is currently in the process of responding to that appeal.

With regard to the Chesapeake Bay, DEP decided to survey farms in the Chesapeake Bay watershed, all 33,000 of them, to figure out what good work is being done on the ground to close the data gap between current reliance on cost-sharing BMPs and what is happening in the real world. To date the Department has received about 5,000 responses, a pretty strong response rate. The survey concludes at the end of April. DEP will continue to urge farmers to participate in the survey. Secretary Dunn has also issued pleas for additional participation. It is in the farmers' best interests to participate in the survey. The more data collected, the better the good work the farmers are doing can be documented, Environmental Protection Agency (EPA) credit can be gained, and the Department can work better, plan better, and adjust its strategy going forward. This survey is incredibly important. The results will be married with some other very interesting real world data. The U.S. Geological Survey recently came out with water quality monitoring data suggesting that water quality flowing into the Bay from Pennsylvania is about 25% better than the model, so there is growing understanding of the gap between the world of models and the reality on the ground. The Chesapeake Bay model will be recalibrated next year, and a hard look needs to be taken at getting closer to real ubiquitous water quality monitoring. The Secretary has had deep conversations with the USGS to look at the possibility of providing additional water quality monitoring equipment on robots. Some interesting work has been done by Carnegie Mellon University related to putting measurement instrumentation on robotic boats. The goal is to try to get better real-time data.

With regard to technology, the Secretary was happy to report that the Department is moving forward with IT modernization on a number of fronts. The Department is launching an effort to put iPads in the hands of its inspectors, all inspectors in the agency, by the end of next year. The modernization will start in the mining deputation, with surface mining inspections, because that is a relatively easy place to start. DEP has partnered with PennDOT in its mobile application development. The Department is also working on e-bidding in the mining deputation. A pilot e-bidding process has been put together that will eventually be opened up to all DEP contracts. Everything will be done electronically and on the Web instead of duplicating big forms, stuffing envelopes, and making trips to the post office. The agency is also moving into e-permitting, again starting in mining. The Department will be doing a pilot project on e-payments in the Office of Water Programs. Payments are still received via paper check. E-payment will be

implemented across the agency over the next 2-3 years. eFACTS, the Agency's central database, which is 1990s era technology, will be replaced. Available funding will determine how quickly this can happen. The Governor did propose a \$1 million down payment, which was actually placed in the 2016-2017 budget. Depending upon where the money goes, the range of possibilities extends from a piecemeal approach to a whole replacement. The Department will monitor the fiscal situation and act accordingly. With regard to the electronic document management system, the Department is drowning in paper. Tens of thousands of feet of space is leased to house paper, and electronic document management solutions are being actively investigated. With regard to e-grants, the grant programs right now are managed by several bureaus across multiple systems. Consolidation will take place as the Agency partners with the Department of Community and Economic Development.

A lot of work is being done on the tech side. The Agency has a long way to go, but modernization is being implemented. Ultimately, DEP wants to make its data available to the public, the stakeholders, and the regulated community and make it available in an accessible, understandable form. The Department has a great team in place. CIO, Sean Crager, is doing a phenomenal job, along with Darrin Bodner, Executive Deputy Secretary of Administration.

Cynthia Carrow made a motion that the Committee move into Executive Session to discuss the letter proposed in last month's Executive Session. Burt Waite seconded the motion, which was unanimously approved.

CAC EXECUTIVE SESSION

CAC RECONVENES FROM EXECUTIVE SESSION

John Hines moved that the earlier motion to send a letter to the Secretary not move forward. Thaddeus Stevens seconded the motion, which was unanimously approved.

PUBLIC COMMENT

The first public commenter was Lois Bower Bjorenson from the Clean Air Council. Lois lives in Scenery Hill, Pennsylvania, about 40 minutes south of Pittsburgh. Lois came to talk about the pros and cons of the oil and gas industry. She is not against the industry, but does feel that regulations need to be put in place to protect the citizens. Lois' home is surrounded by 8-10 gas well pads and on each of those pads is 8-10 wells. There are 23 well pads within a 10-mile radius of Lois' home. Along with that there are massive holding ponds, two compressor stations, a train facility, a spill site facility, and two new transmission lines. Four new gas wells have gone up since November. A study was put out by Dr. Marsha Haley, an oncologist at Magee Women's Hospital, about low birth rates when women live close to gas wells. Lois' children have experienced bloody noses, bulls-eye rashes, odd things that the doctors can't say is definitely related to fracking, but is coincidental. She believes there needs to be middle ground where industry can do what it needs to do without causing harm to human life and workers in the industry.

Public comment was next offered by Eva Roben, Climate Change Outreach Coordinator with the Clean Air Council. The Clean Air Council is a member-supported nonprofit organization based in Philadelphia. Eva came to discuss the Department of Environmental Protection's methane reduction strategy, a priority issue for the Council.

Eva stated that methane is a powerful greenhouse gas, 84 times more potent than carbon dioxide over 20 years. Methane is responsible for a quarter of the climate changes already seen today. If methane pollution continues unchecked, methane emissions stand to increase 25% over the next decade. Methane is the primary component of natural gas and leaks from every stage in the natural gas process. As Secretary Quigley has noted, just a 1% leakage rate in Pennsylvania is the climate-warming equivalent of the carbon emissions of five coal-fired power plants. Wherever methane leaks, it is accompanied by leaks of volatile organic compounds which increase smog-forming compounds, carcinogens, and other air toxins. Any regulations that seek to reduce methane pollution will also decrease leaks of these pollutants that are hazardous to public health. DEP estimates that 4,790 tons of volatile organic compounds (VOCs) were emitted in 2013 from natural gas operations in Pennsylvania. Smog, which is formed by VOCs, has been linked to long-term damage to the lungs, increased hospital admissions, heart failure, and premature mortality. Air toxins pose risks associated with short-term acute exposures like headaches, eye irritation, and coughing. Pennsylvania is the nation's second largest producer of natural gas, second only to Texas. This past week the EPA released its annual greenhouse gas inventory, which showed that the oil and gas sector has now actually surpassed agriculture as the largest contributor to U.S. methane emissions. With these two pieces of information in mind, there is a profound need to cut methane emissions from the oil and gas industry. The Council is grateful that DEP has begun work to address Pennsylvania's methane pollution problem and has made it a high priority. The Clean Air Council is especially glad to see that DEP has proposed the new general permit which will allow DEP to make sure that air pollution from well pads and associated operations are controlled and monitored and will allow groups like the Clean Air Council to also review these emissions. The Council is glad that DEP has proposed updating General Permit 5 to include transmission, compression, and processing and updated Best Available Technology requirements. Most importantly, the Council is glad to see DEP developing a regulation for existing sources. Although the EPA is working on a new source rule, in 2018 existing sources will still account for 90% of oil and gas related methane pollution. It is critical that an existing source regulation be adopted as quickly as possible, and the Council is glad that DEP is working on this right now.

In its methane strategy, DEP proposes adopting new standards for leak detection and repair, pigging operations, and liquids unloading. If in the final version DEP adopts standards for pigging operations, liquids unloading, and requires monthly leak detection and repair (LDAR), Pennsylvania will truly be a national leader on methane regulations. Given Pennsylvania's status as second largest natural gas producer, it is critical that the state lead the nation by adopting the most stringent air pollution regulations for natural gas operations.

With the EPA working on finalizing a new source performance standard to reduce air pollution from the oil and gas sector and its announcement that it intends to develop an existing source rule, it is critical that Pennsylvania move forward as quickly as possible with its methane

reduction strategy. Pennsylvania can move much more quickly than the EPA to protect its residents from the hazards of methane pollution from natural gas operations.

Public comment continued with Deirdre Lally from the Clean Air Council. Dierdre came from northern Columbia County, Pennsylvania, to address the massive pipeline buildout that is planned for the state. Dierdre lives just a couple miles from a massive compressor station as part of the Transcontinental Pipeline and came to talk about her experiences as an impacted person. The work at the Transcontinental compressor station goes on all night, so she has lost her night sky. Her road, which is a state road, is essentially destroyed. Vehicles hydroplane on the road when it rains because of all the trucks that have come through to do work on the compressor station. Dierdre lives next to an Amish farm. The gas workers from out of state are regularly told to drive slowly because they are driving down a farm road. Several months ago a gas worker was driving recklessly and drove into her Amish neighbor's Clydesdale horse, killing it on site.

At a nearby compressor station, the Williams Transco Station, pipes are already being installed that some neighbors believe to be anywhere between 42 and 60 inches around. Dierdre believes this is part of the extension of the Williams Atlantic Sunrise Pipeline, which has yet to receive a FERC permit, but for some reason Williams is already installing the pipes at their compressor station and ruining her neighborhood in the process. When Dierdre has had conversations with Williams about stricter monitoring, Williams is argumentative. The company has been secretive about their air quality plans. Dierdre has spent hours talking to DEP in an attempt to get any information about contamination that might happen from this pipeline and the additional compressor station that they want to build in her county, and she feels that she has received next to no information.

Dierdre lives just a couple of miles away from the site of the Transcontinental Pipeline rupture on June 9 of 2015. About 9:30 at night up to six miles down the road folks could hear the roar of a jet engine and didn't know what it was. They could smell gas and feel the ground shake at least six miles away. It took Williams 45 minutes to respond to the rupture. The community lived in fear for 45 minutes not knowing what was going on, yet evacuating as fast as they could.

Dierdre asked that DEP discontinue issuing new permits for compressor stations and pipelines and to study, analyze, and repair the damage already done to Pennsylvania. She asked that DEP talk to the most impacted people about the permitting process. Residents that Dierdre knows who live right where the new compressor stations are going in, especially in Columbia County, are selling their houses and moving out of state because trying to communicate with any regulatory agency has been like talking to a brick wall. The residents are scared, and they do not want their kids to get sick. Essentially what she is seeing is the death of her community because of the gas industry.

PRESENTATION BY DAWN HISSNER, CHIEF, OPERATIONS MONITORING AND COMPLIANCE DIVISION OF THE BUREAU OF SAFE DRINKING WATER

Ms. Hissner was asked to present a brief summary of the Disinfection Requirements rule.

Program staff received regional input from the field offices in January of 2014. The proposed rulemaking was originally included in the Pre-Draft Proposed Revised Total Coliform Rule (RTCR) which was presented to the Small Water Systems Technical Assistance Center (TAC) on June 18, 2014 and then again on September 23, 2014. On April 21, 2015, the Environmental Quality Board (EQB) approved the proposed RTCR with modifications, which essentially split out the non-RTCR provisions for additional stakeholder input. Therefore, to meet the EQB directive, four additional meetings were scheduled with the advisory committee, May 18, May 26, June 16, and June 30 of 2015, to gather additional stakeholder input. Fourteen water systems and organizations delivered presentations at those meetings. Two additional stakeholder meetings were held with large water systems on June 29 and July 16, 2015. As a result of these six additional meetings, several revisions were made during the predraft rulemaking process. TAC provided a final set of recommendations on July 15, 2015, and many of those recommendations were incorporated into the proposed regulation.

The Department is amending the disinfectant residual requirements because there are some alarming trends in water-borne disease outbreaks associated with distribution system defects. The existing requirements are not protective of public health and are not enforced well because the existing standards do not represent a true or meaning residual. Dawn provided a bar graph representing the number of water-borne disease outbreaks associated with drinking water from 1971 to 2010 throughout the U.S. During that timeframe, 850 water-borne disease outbreaks were reported. Despite advances in water treatment, water-borne disease outbreaks continue to occur, including Legionella outbreaks. Legionella outbreaks accounted for 58% of all outbreaks between 2009 and 2010. Dawn also provided a pie chart showing the underlying deficiencies that are assigned to the water-borne disease outbreaks for the 2009-2010 period. A large proportion of illnesses, 78%, involved distribution system deficiencies. The distribution system is the remaining component to be adequately addressed in national efforts to eradicate water-borne disease. In Pennsylvania, the outbreaks follow a similar trend. Since 2010, all reported outbreaks, with one exception, have been attributed to Legionella. There have been a total of 18 Legionella outbreaks since 2010. The outbreaks have occurred at several types of facilities, some were regulated public water suppliers and others were customers of the regulated public water supplier. Personal care homes, apartment buildings, long-term care facilities, hotels, condominiums, correctional facilities, recreational parks, and hospitals. These outbreaks resulted in 117 cases of illnesses, 71 hospitalizations, and 8 deaths. So the statistics emphasize the importance of protecting, maintaining, and improving public water system distribution system infrastructure because deficiencies can lead to wide-spread illness.

The purpose of the proposed rulemaking is to amend the Department's safe drinking water regulations at Chapter 109 to incorporate minor clarifications needed to obtain primary enforcement authority. The agency would also like to protect public health from pathogens associated with treatment breakthrough and distribution system/premise plumbing deficiencies through a multi-barrier approach designed to guard against microbial contamination by ensuring the adequacy of treatment for inactivation of microbial pathogens and the integrity of distribution systems. The distribution system is a critical and often under-recognized component of every public water system. Thousands of miles of pipes, pumps, valves, finish water storage tanks, and other appurtenances link treated water from the plant to the consumer taps. Distribution systems represent the largest majority of physical infrastructure for public water systems and their repair

and replacement requires significant financial resources. In recent years, deteriorating infrastructure in many parts of the U.S. has resulted in frequent water main breaks and other situations that can pose intermittent or persistent health risks. Many of these deficiencies can be attributed to or create pathway contamination, treatment breakthrough, cross-connections and backflow, leaking pipes, valves, joints, and seals, waterline breaks, repairs, and even new construction and storage tanks. Vents allow entry of air-borne contaminants and sediment accumulation and open hatches can lead to other things falling in. If these issues are compounded with poor operation and maintenance practices, it can result in proliferation of pathogens to levels that could cause illness.

The distribution disinfectant residual is designated by the EPA as the Best Available Technology for complying with both the Total Coliform Rule and the newly-RTCR. It is considered an important element in the strategy aimed at maintaining the integrity of distribution systems by inactivating micro-organisms and controlling biofilm growth. The existing disinfectant residual requirements for distribution systems have not been substantially updated since 1992. They currently only require the maintenance of a detectable residual that is defined as .02 mg/L. The main revision is to strengthen this treatment technique requirement by increasing the minimum residual from the current standard .02 to 0.2 mg/L, measured as either free or total chlorine residual. This proposed revision will ensure adequately disinfected water is delivered to all customers and establish a comprehensive treatment technique that drives the need for better operations and best management practice, which will improve overall water quality, make Pennsylvania consistent with existing industry standards, and make Pennsylvania consistent with other states.

Numerous scientific studies dating back to 1948 and more recent data support the fact that residuals of 0.2 are effective in inactivating e-coli and other microbial pathogens. Due to analytical method limitations and interferences from organic and inorganic contaminants, if disinfectant residuals are below 0.2 mg/L, there may be little to no active disinfectant actually present. Residuals below 0.2 mg/L do not represent a true detectable residual. The existing limit of .02 is meaningless and is not enforceable because it does not represent a true detectable residual. Additionally, the existing disinfectant residual requirements for distribution systems have not kept pace with other states. At least 23 other states have more stringent requirements, including West Virginia, Delaware, and Ohio. Of these other states, 19 have residual requirements that are at or above 0.2, which supports the proposal in the rulemaking. The residual requirements of the 23 other states range from 0.2 to 0.5 as free chlorine or 0.2 to 1.5 in total chlorine.

Other provisions of the proposed rulemaking include at least weekly monitoring at RTCR sites as per a written sample siting plan. This sets the standard at no more than one sample for small systems and no more than 5% of the samples for medium and large systems out of compliance for two consecutive months. Additionally, the provision clarifies that the residual at the entry point for surface water systems is 0.20 mg/L. This level of precision is necessary to ensure the appropriate level of inactivations provided to water prior to it leaving the plant. Systems must calculate and report log inactivation. Log inactivation is a measure of the amount of viable micro-organisms that are rendered nonviable during disinfection. Current treatment processes

and treatment technique requirements mandate surface water systems to achieve and maintain 90% inactivation, which is considered one log.

These disinfectant residual requirements will apply to 1,982 community water systems and 822 non-community water systems that have installed disinfection, for a total of about 2,800 water systems. The log inactivation monitoring and reporting would apply to 392 water systems that operate 353 water plants. It is expected that the majority of water systems will be able to comply with this requirement with little to no capital costs. For many, operational changes such as managing water age, proper storage tank operation and maintenance, leak detection, and effective pipe replacement should be sufficient to comply with this proposed residual. For systems that do require capital improvements, we do have some estimated costs. For installation of electronic reporting devices to treatment plants that do not have the log inactivation calculations, the improvements could range from automatic flushers, additional chlorination stations, land purchases, and other capital improvements. The cost savings associated with systems that are being protected from potential water-borne disease outbreaks must be considered.

The EQB approved this proposed rulemaking at its November 17, 2015 meeting. The proposed rulemaking was published in the *PA Bulletin* on February 20, 2016, with a 60-day public comment period. Three public hearings were held: one in Harrisburg on March 28 (one speaker provided testimony); one on April 5 in Norristown (five speakers provided testimony); and on April 7 in Pittsburgh (no speakers). Additional meetings with the large water systems stakeholders were held on March 9, March 30, and April 15. IRRC's comment period ends on May 19. Once the final comments are received, the proposal will be revised and should be presented to the advisory committee later this summer.

**PRESENTATION BY LAWRENCE HOLLY, ENVIRONMENTAL PROGRAM
MANAGER, WASTE REDUCTION AND RECYCLING, BUREAU OF WASTE
MANAGEMENT**

Recycling is directly dependent upon the economy, which no one in Pennsylvania has any control over. It is dependent upon global economics, so the industry must adapt through technology and education. One of the other issues with the economy is waste generation. When the economy is in a cycle like it is now, people do not generate a lot of waste. If there is not a lot of spending going on, the amount of waste being disposed is going down and therefore recycling is doing down. Disposal capacity in Pennsylvania is another item that drives recycling. When there is a lot of disposal capacity in an area, recycling becomes cheaper. That is an issue the industry is dealing with. Low commodity prices is another issue. When oil goes down, plastic prices go down. Petroleum based products go down. Quality of material is an issue, especially when the economy is in challenge. Light-weighting of material is an issue. Today, a lot of water bottles, when they are empty, collapse. Ten years ago those bottles were really rigid. When less material goes into that bottle, recovery becomes less. PEP bottles, which are the water bottles, are typically a higher value plastic, but if they are lighter, less material is being recovered.

People believe that recycling should cost less than waste disposal. There is always a cost to collect recyclables by trucks and people to go door-to-door to collect. A materials recovery facility is typically a \$20-\$30 million facility that uses a lot of people and a lot of electricity

every day. As far as disposal costs, there is a cost to collect it, there are permitting costs for the landfill, operating costs for the landfill, long-term monitoring of the landfill, and nothing comes back out of the landfill. At a recycling facility, the material coming out of the back end of that facility is reintroduced into the economy as raw materials.

In the late 80s, it was a struggle to get people to separate materials into a couple of different bins. Now people want to put everything in the bins. When all of those materials are mixed together, it impacts the quality. Glass is not trash. Clear glass still goes between \$35-\$40 a ton when it is properly managed. Waste companies are saying that glass needs to be taken out of the waste stream. Mixed resins make recycling difficult. The public is being told to collect all plastics. There is blown molded plastics and food packaging plastics. The high-end plastics are the water bottles and the milk jugs and the laundry detergent bottles. Those bottles have significant value and are still able to maintain their value to some degree in this economic downturn. The industry must invest in technology to get those plastics separated into useful ones.

Container size is another issue. There are labor issues involved in mechanical processing, mechanical collection, to lift the 96 gallon bin versus the small 33 gallon bin that someone can pick up. This is a labor problem for the waste companies because of workmen's compensation issues.

These are all issues that impact the bottom line. Education is important. People want to recycle everything so those recycling bins become full of everything. On the back end, it is a cost for the waste companies. Every waste company that comes in to talk to me asks if the Department can do more education. We need more education. Collectively, we all need education. What goes into the bin impacts what can be recycled.

Market fluctuation has impacted Pennsylvania businesses. Several years ago industry was depending heavily on the Chinese market. China was taking low-quality material, so the processes were changed to generate low-quality material, then China changed their process for importing materials. Industry is now required to find domestic accounts or some other foreign accounts that have higher quality standards, so now processes have to be changed because domestic markets don't want low-end paper. They don't want low-end plastic.

A balanced portfolio is needed when it comes to domestic and foreign markets in order to maintain operations in economic upturns and downturns. With regard to metrics, recycling rates are not good. Materials have less and less weight. In a weight-based volume, 2-3 times as many plastic bottles are being collected, but those bottles weigh 50-60% less than they did at the inception of the program, so rates are bad. Recycling brings economic benefits to the Commonwealth: jobs, tax dollars, and products produced in Pennsylvania. Another version of the Recycling Economics Impact Study will be initiated for Pennsylvania. The last time this study was conducted, probably around 2008, there were 52,000 recycling waste-related jobs in the Commonwealth. It was a \$20 billion industry. That's what recycling means to this Commonwealth.

Industry has great expectations from our next generation with regard to recycling. Children today have not known the world without recycling, so when they go places they expect to be able

to recycle. Recycling will be expanding to the workplace and play. More and more issues will result from mixed plastic because new resins are being created every day with food protection, UV protection, and it's a challenge to the recycling industry as to what those products can be recycled into. Less and less paper will be seen. People are not going to manage a lot of paper. There has been a significant reduction in paper over the last 10 years, which will be reduced further and further as technology develops. More and more cardboard recycling will be seen because of more and more home shopping. Industry needs to be sensitive to that and figure out ways to get that recycled in our rural areas. Cardboard can be held for a long time. It is one of the most economy-proof materials in the industry. Cardboard always has a value. The cardboard produced in the United States has better value because of the long grains in it. Some imported cardboard tears easier, and it is not high quality. More and more people are going to try to divert organics from disposal, to figure out ways for energy recovery, and composting. Greater integration of the waste recycling industry will be seen because the waste industry recognizes that people are going to continue to generate waste, so balancing waste and recycling must be figured out. County governments will realize that with more recycling, disposal needs will be different. Municipal waste planning is not about just disposal capacity, it is about further reducing the amount of waste generated, recycling more, and what can be done to impact local economics.

**PRESENTATION BY JEFF BEDNAR, ENVIRONMENTAL GROUP MANAGER,
WASTE REDUCTION AND RECYCLING, BUREAU OF WASTE MANAGEMENT**

The Covered Device Recycling Act (CDRA) is not working. It was signed in 2010 and was designed to mandate that manufacturers of covered devices, which is electronic equipment, set up a program, register with the state, and recycle a certain amount of covered devices every year. Pennsylvania always had a pretty strong electronics recycling program. When the Act took place in 2010, it was really a conspiracy of a bunch different factors that led us to where we are right now. The landfill ban took effect in January of 2013. That meant that no longer could people throw out covered devices that were included in the Act and that shut off a stream that was available to the consumer at that time. That alone probably wasn't a big deal, but other things started happening as well. The law is intrinsically not working. Many manufacturers are required under the law to recycle an equivalent of two years prior sales. So whatever "x" manufacturer sold in 2014, it is obligated to recycle in 2016. That creates an immediate inequity because everything is being light weighted. Desk tops computers have become laptops, which have become tablets. E-readers are around now. Televisions with the big cathode ray tube (CRT) monitors have become flat screens. The obligations of the manufacturers have actually decreased. The real issue is that what is being brought back by the residents of the Commonwealth to be recycled is not two-year old equipment, it is 10, 15, 20, 30, or 40 year-old equipment. Giant consol televisions, big CRT televisions, CRT monitors. What the collection program receives is 75-80% CRT televisions. The inequity of what is being brought back in pounds versus the manufacturers' obligation really puts us in a place that we can't overcome with this law.

CRT televisions, the part in the back, is essentially leaded glass and it is there as a protection against any radiation from the cathode ray tube that is contained in the television. Recycling this wasn't a big problem 5, 10, or 20 years ago because it would just be used to manufacture new CRT televisions. With the advent of flat screen TVs, we have lost almost all of that market. One

company in India is still manufacturing CRT televisions, which are mostly being shipped and sold in Southeast Asia. This means that all the CRT glass being brought back to be recycled has to go somewhere else because India can only take so much to make new CRTs. The marketplace is not there to support the amount of recycling that is being done in the United States and overseas, too. Manufacturers in this program are looking to maximize their profits. One way of doing that is to spend less and less on recycling. They are looking to either minimize the amount that they are spending on recycling or to pass that cost on to someone else. In addition to the CRT markets and the problem with that, commodities as a whole have gone down. When the leaded glass is taken out of televisions, what is left is a lot of plastic. The plastics market and the value that comes out of those televisions have gone down. The precious metal market has gone down, so it is really putting the recyclers in a bind because they are not getting the amount of money that they were 5, 10, 15 years ago. There are other issues with the CRT. The manufacturers are doing all they can to avoid paying the full cost of collection, transportation, and recycling which they are required to do under the law. As a result, they are either shutting down programs or delaying picking up material or simply breaking contracts or signing month-long contracts and breaking them, so they do not have to go beyond their obligation in pounds. Stockpiling is going on. In Erie, there is probably in excess of 15 million CRT pounds that are being stockpiled there. A lot of those pounds should have been recycled. Additionally, manufacturers are literally paying pennies on the pound. Because there is so much material out there available, the manufacturers are really in the driver's seat with saying how much they want and what they want to pay. It is then up to the recyclers to accept that because they are literally stuck. It literally means that the recyclers have to pay to get rid of it. It is a game changer in that the manufacturers have a large amount of power in determining what they take and how much they pay for it. The law is flawed.

On a day-to-day basis, we spend an inordinate amount of time attempting to ensure that the costs of collection, transportation, and recycling, which is to be borne by the manufacturers, is not transferred on to citizens or the local governments of the Commonwealth. When the OAMs do not pay the full price of collection, transportation, and recycling, they pawn it off on the recyclers. The recyclers, the middle men between local governments and collection sites, in order to get paid what they need to get paid to make their costs back and a little bit of profit, want to transfer that cost onto the residents and local governments. That is why we then have local governments who may not be in a position to recycle those materials shutting down programs completely or looking at some other means to get around these bills. When collections are shut down, the residents no longer have any place to recycle and that is why televisions and computers are being thrown over banks or dropped off in vacant lots, etc. The Department is working to prevent that transfer of cost onto local governments and citizens.

As an agency, there are two things that the Department would really like to see with regard to fixing the CDRA or with a new law that might be developed. We'd like to see a return share. That means doing away with obligations that say manufacturers are responsible for recycling a certain amount of waste or a percent of sales. It simply becomes a matter of any material that a resident of the Commonwealth wants to recycle can be recycled. Everything that is brought in is recycled. We'd also like to see that there is an adequate cost to the manufacturer for the collection, transportation, and recycling. In other words, there is some baseline cost that manufacturers have to pay to ensure that the stuff is getting recycled in an environmentally

responsible manner and not being stockpiled in warehouses. So the Agency would like to see a return share where everything that comes in gets recycled and a minimum base price where we are guaranteed that the citizens and the local governments are not paying for the collection, transportation, and recycling of covered devices.

DEP ADVISORY COMMITTEE MEETINGS REPORTS

Conventional Oil and Gas Advisory Committee (COGAC) and Oil and Gas Technical Advisory Board (TAB)

The COGAC and TAB meetings were held on March 30th and 31st, respectively, focused on discussing the forms being developed from the regulatory update to Chapter's 78 and 78a. At the end of the 5-6 hour session it felt like we may have done something. The next COGAC meeting is going to be a joint meeting with COJAC and TAB. For the most part, I thought it was a sincere effort on the part of both the Department and COGAC to try to get these things straightened out and to use the form.

Radiation Protection Advisory Committee (RPAC)

Katie Hetherington Cunfer stated that RPAC met to discuss radiological events that have happened over the last year. The fee package was discussed. The Radiation Protection program needs the funding, and the Committee was in full support to try to make sure that the program has the inspectors, that it has the folks that the program needs to continue to function. The Committee is looking for practicing physicians in private practice and also dentists. The Committee has folks from within the hospital systems, but it does not have anybody that would reflect those constituents for their board.

Mining Reclamation Advisory Board (MRAB)

Katie Hetherington Cunfer indicated that MRAB will discuss at its next meeting the Department's feedback on the fee package proposal that was given from the industry folks on mining reclamation. The response from the folks in industry was drastically less than what the Department was proposing. The Department is looking to try to raise \$12 million in fees throughout the next couple of years. The members from the coal mining industry, are looking to raise fees by 50% and not add fees that currently do not have fees associated with them, so that would probably raise about \$400,000 in the estimation of the Department. There is a bit of a disparity between the numbers right now, but the Department is going to give their final presentation and position on the fee package at the next meeting. The Department's position is that they are going to take MRAB's comments under advisement, but the agency needs the money so it can continue to get matching grants from the federal government to keep the program going. The agency is not getting the money from the general fund so they need \$12 million to continue the matching Office of Surface Mining grants to be able to operate. The folks that were actually there from the legislature were very concerned that some of the fees were going up by several thousand times and that did not bode very well for their support.

DON WELSH

Elections will be in June. Cynthia Carrow and Burt Waite will take the lead on the Nominating Committee.

OLD BUSINESS

None.

NEW BUSINESS/OPEN DISCUSSION

Katie Hetherington Cunfer is looking into the Triennial Review of the Water Quality Standards Act 13 Funding, Commonwealth Financing Authority AFIG funding, so she is looking at maybe having a presentation geared toward what funding is out there, what opportunities are out there from the Commonwealth, and have everybody in one room at one time. She attended a really good session geared towards not only transportation but the AFIG program, the changes to the alternative fuel incentive grant, and also some of the technologies coming down. Cummings Westport gave a presentation about their new zero NOx engine. Katie's goal is to have a meeting involving discussion on those opportunities.

Katie is still looking to schedule a field trip this summer to the Bruner Island facility.

ADJOURNMENT:

With no further business, Chairman Fink requested a motion for Council to adjourn the meeting. Don Welsh moved for adjournment, which was seconded by Cynthia Carrow and all were in favor.

The March 15, 2016 meeting of the CAC was adjourned at 1:55 p.m.