

**Solid Waste Advisory Committee  
Meeting Minutes of September 20, 2018**

**The following members were present:**

Michele Nestor, Chair  
Robert Watts, Vice Chair  
Eli Brill  
Gordon Burgoyne  
John Frederick  
Timothy O'Donnell  
Gregg Pearson  
Shannon Reiter  
Gary Roberts  
Keith Salador (alternate for James Sandoe)  
John Vatauk  
Edward Vogel  
Randall York  
Gerald Zona

**The following members were absent:**

James Close  
Joyce Hatala  
Tanya McCoy-Caretti  
Joseph Reinhart  
James Sandoe

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

Neil Bakshi	DEP Policy Office
Kevin Beer	DEP Bureau of Waste Management (BWM)
David Buzzell	Land Air Water Legal Solutions/Pennsylvania Waste Industries Association (PWIA)
Timothy Collins	Senator John Yudichak's Office
Troy Conrad	DEP Bureau of Environmental Cleanup & Brownfields (BECB)
Jason Dunham	DEP BWM
Tony Eith	Civil & Environmental Consultants
George Fetrow	DEP Southcentral Regional Office Waste Management Program
Adriana Frontino	DEP Policy Office
Walt Harner	DEP BWM
George Hartenstein	DEP Office of Waste, Air, Radiation & Remediation (WARR)
Laura Henry	DEP BWM/Committee Liaison
Larry Holley	DEP BWM
Alaina Krayeski	DEP BWM/Recording Secretary

Mike Maddigan	DEP BECB
Ali Tarquino Morris	DEP BWM
Jeff Obrecht	RK&K (consultant to PennDOT)
Matt Petrie	Tunnel Hill Partners
Chris Solloway	DEP BWM
Sharon Trostle	DEP WARR

**SWAC Call to Order; Approval of Minutes of June 7, 2018 (SWAC); Old Business**

Michele Nestor, Chair, called the September 20, 2018, Solid Waste Advisory Committee (SWAC) meeting to order at 12:03 p.m.

Ms. Nestor called for a motion to approve the minutes of the June 7, 2018, meeting. Tim O'Donnell made a motion to approve the minutes, seconded by Gordon Burgoyne; the motion carried unanimously.

Ms. Nestor indicated that DEP was proposing to schedule another Act 101 Workgroup meeting to conclude ongoing discussions about changes to Act 101. It was tentatively agreed to schedule the Workgroup meeting for October 29, 2018.

Ms. Henry indicated the meeting will include discussions on outstanding comments received and potential consensus items pertaining to priority changes to Act 101. Based on these and previous discussions, DEP plans to compile final recommendations for the Workgroup's review for the December SWAC-RFAC meeting.

**Action Item: Draft Proposed Management of Fill Policy (MoFP)**

Ali Tarquino Morris, Chief, Division of Municipal and Residual Waste, presented proposed changes to the MoFP.

Mr. York questioned if re-characterization was a necessity for sites that have already been remediated under Act 2; Deputy Secretary Hartenstein indicated that meeting the Act 2 standards does not necessarily mean clean fill standards are met, and due diligence is still needed.

Mr. Brill inquired about grandfathering provisions. Ms. Morris indicated that fill moved/placed under previous policy is not subject to the provisions of the new policy unless it is disturbed and/or moved again.

Mr. Buzzell asked for clarification on how the policy addresses Federal PCB/Toxic Substances Control Act (TSCA) requirements.

Deputy Secretary Hartenstein explained that meeting Pennsylvania's Act 2 standards does not guarantee meeting Federal TSCA standards. EPA's interpretation of this policy in relation to their regulation is that any time material with greater than 2 ppm PCBs is moved, it may be

subject to TSCA. DEP indicates in the policy that if PCBs are encountered, the responsible party should consult with EPA to ensure compliance with Federal regulations.

Deputy Secretary Hartenstein indicated that no formal motion or vote was needed to indicate concurrence; the Committee clarified for the record that they concurred with publication of the draft policy for public comment.

No public comments nor new business were introduced.

Robert Watts entered a motion to adjourn the SWAC meeting, seconded by John Vatauvuk. The motion carried unanimously, and the meeting adjourned at 12:40 p.m.