

**Solid Waste Advisory Committee/Recycling Fund Advisory Committee  
Meeting Minutes of March 18, 2021**

**The following SWAC/RFAC members were present:**

Eli Brill  
Gordon Burgoyne  
Mike Forbeck  
John Frederick  
Brian Guzzone  
Jason Leck  
Tanya McCoy-Caretti  
Michelle Nestor  
Timothy O'Donnell  
Gregg Pearson  
Matt Quesenberry  
Shannon Reiter  
Joanne Shafer  
Ed Vogel  
James Welty  
Gerald Zona

**The following alternates were present:**

Griffin Caruso (on behalf of Representative Ryan Mackenzie) (RFAC)  
Emily Eyster (on behalf of Senator Carolyn Comitta) (RFAC)  
Nick Troutman (on behalf of Senator Gene Yaw) (RFAC)

**The following members were absent:**

Joseph Reinhart  
Robert Watts

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

Jonathan Adams	DEP Bureau of Waste Management (BWM)
Christian Alarie	DEP BWM
Kevin Beer	DEP BWM
Elizabeth Bertha	Vogel Disposal/alternate for Ed Vogel
Jackie Binder	DEP BWM/Recording Secretary
Jodi Brennan	Recycling Coordinator, Clearfield County Solid Waste Authority
Bob Bylone	Pennsylvania Recycling Markets Center (PennRMC)
Chad Clancy	DEP BWM
Kate Cole	DEP Policy Office
Donna Cooper	Recycling Coordinator, Jefferson County Solid Waste Authority
Lisa Covatta	Trash & Recycling, West Goshen Township
Michael Crist	Recycling Coordinator, Clinton County Solid Waste Authority
Hoa Dao	DEP BWM

Christopher Denny	Land Air Water Legal Solutions, LLC
Amy Mazzella DiBosco	Greater Lebanon Refuse Authority/Professional Recyclers of PA (PROP)
Laura Griffin	DEP Policy Office
Ron Grutza	PA State Association of Boroughs
Veronica Harris	Recycling Manager, Montgomery County Waste Authority
Laura Henry	DEP BWM/Liaison to the Committees
Lawrence Holley	DEP BWM
Don Isabella	SSI Schaefer Systems International, Inc.
Darek Jagiela	DEP Office of Communications
Glendon King	PA House Environmental Resources and Energy Committee
Josephine Martin	No affiliation
Tom Mellott	DEP BWM
Rick Miklos	DEP BWM
Ali Tarquino Morris	DEP BWM
Cynthia Oatis	Recycling Coordinator, Palmer Township
Krishnan Ramamurthy	DEP Office of Waste, Air, Radiation & Remediation (WARR)
Ann Saurman	Manager, Bureau of Recycling & Solid Waste, City of Allentown
Valerie Shaffer	DEP WARR
Jessica Shilladay	DEP Southcentral Regional Office (SCRO) Waste Program
Joy Smallwood	Recycling Coordinator, Allegheny County
Nikolina Smith	DEP Bureau of Regulatory Counsel (BRC)
Brett Stout	Recycling Coordinator, Bureau of Recycling & Solid Waste, City of Allentown
Jennifer Summers	PROP

**SWAC/RFAC Call to Order; Introduction of Members and Guests; Approval of Minutes of September 20, 2020 (SWAC and RFAC); Old Business**

Laura Henry, DEP Liaison to the Committees, explained the rules of engagement for this virtual meeting. Questions, comments, and discussion of Committee members would be handled directly after each agenda item. DEP was not contacted by any members of the public seeking to provide public comments during the meeting; any questions could be asked in the chat box.

Michelle Nestor, Chair, officially called the March 18, 2021, joint Solid Waste Advisory Committee (SWAC) and Recycling Fund Advisory Committee (RFAC) virtual meeting to order at 10:16 a.m.

Ms. Henry conducted a roll call to document attendance for the joint meeting.

Michelle Nestor called for a motion to approve the minutes of the September 10, 2020, joint SWAC/RFAC meeting. John Frederick inquired whether a question posed by Cathy Lodge during her public comments on the MAX Delisting draft proposed rulemaking at the meeting had been answered. Laura Griffin, DEP Regulatory Coordinator, responded that Ms. Lodge had been informed of her formal and official opportunities to comment on the rulemaking should it be adopted by the Environmental Quality Board. With that, Jason Leck made a motion to approve the minutes; seconded by Joanne Shafer. In a roll call vote, the motion carried unanimously.

Having no old business nor any public comments, Ms. Nestor explained the rules of engagement and the functionality of addressing questions from Panelists and SWAC/RFAC members and the utilization of the Q & A Chat Box.

### **Election of Officers**

Ms. Nestor expressed her thanks for having been a part of the Committees as Chair for the past 8 years. RFAC Members were then excused for a recess at 10:31 a.m. Ms. Nestor, with the assistance of the Nominations Committee and the Committee Liaison, conducted the election of officers to serve the current term through December 31, 2022. Shannon Reiter spoke on behalf of the Nominations Committee. The Committee put forward two nominees: John Frederick for Chair and Michele Nestor for Vice Chair. Ms. Reiter then gave an overview of the nominees' respective backgrounds and professional accomplishments.

Ms. Nestor asked if there were any additional nominations from the floor. Hearing none, Ms. Nestor called for a motion to accept the slate of candidates as presented by the Nominating Committee; moved by Jerry Zona and seconded by Matt Quesenberry.

In a roll call vote, the motion carried unanimously, electing John Frederick as Chair and Michele Nestor as Vice Chair.

Michele Nestor, new Vice Chair, turned over the meeting to the new Chair, John Frederick. Mr. Frederick's first order of business was to call the RFAC back to order at 10:37 a.m.

### **Overview of the Bureau of Waste Management**

Management staff from DEP's Bureau of Waste Management provided an overview of the Bureau and the work their respective units complete. Ali Tarquino Morris, Bureau Director, reviewed the Bureau and its organizational structure to familiarize everyone with the work that each work unit performs. The Divisions in the Bureau of Waste Management and their respective Environmental Program Managers are: Municipal and Residual Waste – Ali Tarquino-Morris (interim manager); Hazardous Waste – Tom Mellott; Waste Minimization and Planning – Larry Holley; and Reporting & Fee Collection – Rick Miklos. There are also two Sections under the supervision of the Director: Program Development & Technical Support – Laura Henry, Environmental Group Manager; and Fiscal & Administrative Support – April Hain, Administrative Officer. Each of the Division and Section managers (except for Fiscal & Administrative Support) discussed in depth their duties, responsibilities, and current and upcoming priorities.

Questions were raised and answered after each manager's portion of the presentation; highlights of these discussions are provided below.

#### General Bureau Questions

Chair John Frederick inquired whether the Bureau had any preliminary numbers for how many tons were recycled in 2018 and 2019; Ms. Morris deferred to Mr. Holley, who responded that a notable decrease in recycling was noted in 2018, and while numbers for 2019 haven't been finalized, DEP anticipates some recovery in those numbers.

Joanne Shafer asked about current staffing levels and how they compare to those levels when the Solid Waste Management Act and Act 101 were first passed; Ms. Morris indicated while she didn't have exact

numbers immediately available, there has been a notable decrease in staffing levels over the past 5 years.

Tanya McCoy-Caretti asked what the basic tone is at DEP regarding global issues, changing staff, and diminishing resources and where the Waste Program is heading. Ms. Morris stated that the Bureau is utilizing its current staffing, has retained some of its talent and has been able to fill some vacant positions. The emergency telework conditions DEP has been working under have not lessened or alleviated the Bureau's work stressors; however, the Bureau and Agency have maintained a continuity of operations and continue to do so despite the challenges they face.

#### Municipal & Residual Waste

Liz Bertha asked about the ability to search General Permit listings on the DEP website by waste material, stating that this was a previous option that she would like to see brought back to make the web page more user friendly. Ms. Morris stated that she would review and explore the option of an update to the website.

#### Waste Minimization & Planning

Tim O'Donnell questioned how much the Recycling Fund was impacted in 2020 by COVID-19. Mr. Holley stated that looking at the first 2 quarters of the current Fiscal Year, it appears that revenue was not significantly impacted.

Mr. Frederick commented that given the Recycling Act (Act 101) is 33 years old, some changes, revisions and updates would be appropriate and now would be a good time to move forward with them. Mr. Holley stated that although there are some things that may be improved upon, modified and/or modernized, currently Act 101 is working and has provided Pennsylvania with the foundation for one of the most successful recycling programs in the nation.

There was a lot of discussion surrounding the impacts of the loss of \$50M from the Recycling Fund and regarding the availability of funds for recycling grants. Discussion and questions focused on the more immediate impacts to grant rounds, funding levels for current and future grants, and overall funding levels into the future. Mr. Holley informed the Committees that there will be a reduction in grants in FY 2022, but the specific reduction amounts weren't yet known. The grant solicitations that were rescinded will be reviewed, and DEP anticipates those grants to be reoffered within the next 60-90 days at a level close to 2020 funding. When asked specifically for clarification on Section 902 grant awards for 2021, Mr. Holley responded that due to the financial impact of the \$50M transfer, the Division was reviewing the financials and planned to move ahead with sending out contracts for a new round within the next 60-90 days to replace the round that was rescinded. Mr. Holley also clarified for the Committees that DEP and the Governor's Budget Office were working to modify the accounting system to show what actual funds have been allocated and reflect the real balance of the Fund. Currently, the Treasury balance is not the actual Fund balance and does not take into consideration funds that have already been allocated. These allocated funds are not showing as such on the record; therefore, it appears as though those monies are available when they in fact have already been budgeted for spending. He further explained that funds are used on a 3-year projection; if contracted funds aren't accepted/used right away, they don't show as allocated, and cause the Treasury balance to show as falsely inflated.

Mr. Frederick commented, and Mr. Holley confirmed, that since the inception of the Recycling Program, there has been over \$230M of funding diverted to other environmental programs and for General Fund augmentation, with the \$50M from last year being the largest one-time diversion.

Ms. Shafer asked whether it would be appropriate to draft a letter from the SWAC to the Legislature concerning the impacts the \$50M reduction in the Recycling Fund may cause. Mr. Frederick deferred discussion and possible action on this item to be conducted during New Business.

Ann Saurman thanked Mr. Holley for explaining the difference between the Treasury balance and Fund balance of the Recycling Fund and questioned which balance the legislators see. He replied that they typically look at the Treasury balance, but have access to the Fund balance, and reiterated the accounting changes that were being worked on with the Budget Office so that legislators are more aware of the actual balance.

#### Hazardous Waste

Mr. Frederick questioned the status of the Mercury Thermostat Recovery Program. Tom Mellott stated that the several Collection Facilities that had previously been established are still in existence; however, this program hit a plateau for collection and DEP is in the process of looking into the next stage of development for this program.

Veronica Harris questioned as to how schools are made aware of the Household Hazardous Waste services DEP offers. Mr. Mellott stated that in regards to the School Chemical Cleanout Campaign (SC3), the Hazardous Waste program has been working through and advertises with the Intermediate Units (IUs) for the past 5 years; however, due to the COVID-19 pandemic this past year, DEP was not able to offer the program. Mr. Mellott stated that the Division is currently working to convert the SC3 program to an online platform to allow for the training and application processes to be conducted virtually so that schools can again take advantage of the program.

#### Reporting & Fee Collection

Ed Vogel questioned the turnaround time for One-Time Exemption approvals related to the Act 90 Program for out-of-state and other haulers that aren't aware of the requirements, commenting that wait times are inconvenient and suggesting that the authority to issue these exemptions be extended to the Regional Offices. Mr. Miklos replied that the One-Time Exemptions are issued out of DEP's Central Office for safety and consistency, and that DEP maintains detailed records on the vehicles, trailers, and drivers that have been issued the ability for a one-time ability to dump at the local facility. Afterward, if they again have a need to dump, they are aware that they will need to apply for an Act 90 sticker to be a licensed waste hauler in Pennsylvania. This process typically takes less than 15-20 minutes unless there are mitigating circumstances and/or paperwork isn't received in a timely manner. All Waste Transportation Safety Program (WTSP) staff are trained to issue One-Time Exemptions to ensure that they are completed in an efficient and timely manner.

Ms. Shafer asked under what circumstances might an Act 90 license be revoked and has DEP ever taken that action. Mr. Miklos responded that revocation of authorizations would most likely be due to outstanding Summary Citations/warrants. Mass revocations were performed back in 2006-2007 when the program and authorizations changed from interim to final. As part of the transition, all haulers had to submit compliance histories; those that did not had their licenses revoked. Since 2008, there have been less than 10 licenses that have been revoked. The WTSP actively works with the DEP Regional

Offices and the haulers; typically, the failure to submit a compliance history is due to an oversight. When notified, the haulers submit their compliance paperwork, thus maintaining their license.

### **New Business**

Ms. Shafer made a motion for the Committee to draft a letter to the Legislature registering its concern regarding the impact of the \$50M transfer from the Recycling Fund to the General Fund and reiterating the merits of having a dedicated fund for recycling and where those resources are allocated. Tanya McCoy-Caretti seconded the motion.

During discussions, Mr. Frederick clarified the motion further that correspondence be drafted and sent to the Legislature to provide input concerning the impact to local programs from the loss of funding by the transfer of the \$50M to the General Fund, with emphasis on the importance and effectiveness of the Special Fund, the concerns with those funds being transferred into the General Fund, and further clarification/explanation of the encumbrance and cash flow process. He also asked for assistance in drafting the letter; Ms. Caretti and Ms. Shafer volunteered to help.

When put to a roll call vote, the motion carried with 11 Yea votes, 1 Nay vote, and 1 abstention.

Mr. Frederick asked for a motion for adjournment. James Welty made a motion to adjourn, seconded by Eli Brill. The motion carried unanimously, and the meeting adjourned at 1:12 p.m.