

Solid Waste and Recycling Fund Advisory Committees Meeting Minutes of September 16, 2022

The following SWAC and RFAC members were present:

John Frederick, Chair
Eli Brill
Gordon Burgoyne
Mike Forbeck
Brian Guzzone
Jason Leck
Timothy O'Donnell
Joe Reinhart
Shannon Reiter
Joanne Shafer
Bob Watts
James Welty
Gerald Zona

The following alternates were present:

Elizabeth Bertha	Vogel Holding, Inc./on behalf of Ed Vogel
Bob Bylone, Jr.	Pennsylvania Recycling Markets Center (PennRMC)/on behalf of Michele Nestor
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 SWAC and RFAC members were absent:

Senator Carolyn Comitta (RFAC)
Representative Ryan Mackenzie (RFAC)
Tanya McCoy-Caretti
Michele Nestor, Vice Chair
Gregg Pearson
Matthew Quesenberry
Ed Vogel
Senator Gene Yaw (RFAC)

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

Derek Bartram	DEP Bureau of Waste Management (BWM)
Jackie Binder	DEP BWM/Recording Secretary
Jodi Brennan	Clearfield County Solid Waste Authority
Abbey Cadden	DEP Policy Office
Lisa Covatta	West Goshen Township
Jessica Fultz	DEP Southcentral Regional Office (SCRO) Waste Management Program
Megan Gahring	Lawrence-Mercer County Recycling/Solid Waste Authority

Ronald Grutza	Pennsylvania State Association of Boroughs (PSAB)
Veronica Harris	Montgomery County Solid Waste Authority
Laura Henry	DEP BWM/Liaison to the Committees
David Hess	PA Environment News, LLC
Lawrence Holley	DEP BWM
Jeffrey Ivicic	PA Senate Policy Development & Research Office
Samantha Jackson	City of Allentown
Darek Jagiela	DEP Office of Communications
Jim Lambert	Monroe County Solid Waste Authority
Patti Lynn	Chester County Solid Waste Authority
Amy Mazzella DiBosco	Greater Lebanon Refuse Authority/Professional Recyclers of PA (PROP)
Ali Tarquino Morris	DEP BWM
Krishnan Ramamurthy	DEP Office of Waste, Air, Radiation & Remediation (WARR)
Charles Raudenbush	Hough Associates
Kyle Rosato	University of Pennsylvania (UPenn)
Keith Salador	DEP Citizens' Advisory Council (CAC)
Ann Saurman	City of Allentown
Valerie Shaffer	DEP WARR
Sarah Shea	Pennsylvania Resources Council (PRC)
Jessica Shilladay	DEP SCRO Waste Management Program
Nikolina Smith	DEP Bureau of Regulatory Counsel (BRC)
Jennifer Summers	PROP
Lucas Swanger	DEP BWM
Michelle Zirilli	Pennsylvania Governor's Budget Office

SWAC Call to Order; Introduction of Members and Guests; Approval of Minutes of June 14, 2021; Old Business

John Frederick, Chair, called the September 16, 2022, Solid Waste Advisory Committee hybrid meeting to order at 10:05 a.m. Roll call attendance was taken by Laura Henry. Nine people signed in and were noted to be in attendance in-person. Having no old business, Mr. Frederick requested a motion to approve the June 14, 2022, SWAC meeting minutes. Eli Brill proposed minor changes to his comments regarding anaerobic digestion and diversion of materials from landfills. Joanne Shafer moved to approve the minutes including Mr. Brill's amendments, seconded by Bob Watts; the motion carried unanimously.

SWAC Discussion Item: Bureau of Waste Management (BWM) Non-regulatory Update

Laura Henry provided a brief overview of the Bureau's initiative to inventory its Technical Guidance Documents (TGDs), Publications, and other documents. She then introduced Derek Bartram, Solid Waste Program Specialist with the Bureau's Program Development & Technical Support Section; Mr. Bartram serves as the Bureau's Technical Guidance and Web Coordinator.

Mr. Bartram summarized the approach he took to catalog the Bureau's TGDs. Working with each Division in the Bureau, approximately 32 TGDs were identified as needing to be updated. Each Division is responsible for review of their respective TGDs, while Program Development is coordinating the review of TGDs with statewide applicability.

Mr. Bartram worked with representatives from each of the six Regional Offices to review the TGDs having statewide applicability in Spring 2022. He also consulted with the Bureau of Environmental Cleanup and Brownfields to ensure that updates to TGDs referencing the former Bureau of Land Recycling and Waste Management would not create conflicts between the separated Bureaus' use of the TGDs.

As a result, BWM provided 10 TGDs to the Policy Office for inclusion in DEP's Nonregulatory Agenda. These TGDs are expected to be reviewed, updated, and routed for publication within the next six months. Mr. Bartram discussed 5 of these TGDs with Committee; DEP anticipates publishing minor revisions to each in the 4th quarter of 2022:

1. Document #250-3120-320: Execution of Release Forms (Published 10/25/1990)
2. Document #250-4000-001: Citing Inspection Violations (Published 09/17/2005)
3. Document #250-4000-003: Violations Requiring an Extended Period of Time to Correct (Published 09/17/2005)
4. Document #250-4110-001: Notice of Violation (Published 09/17/2005)
5. Document #250-4180-302: Calculation of Civil Penalties (Published 12/2/1989)

Multiple committee members raised concerns regarding the draft comments and suggestions provided on the TGDs. A primary concern was the proposed removal of references to DEP leaving copies of the inspection report with the facility following an inspection. This language could be found in multiple TGDs, particularly 250-4000-001, Citing Inspection Violations. Committee members felt that it was critical for the facility to have a report copy post inspection. Another concern was issuing Notices of Violation (NOVs) as soon as possible so facilities could expedite the corrections to violations issued by the Department. Committee members also expressed confusion with language regarding NOVs being issued within 14 days of a facility inspection and requested clarification on the timeframe facilities in violation would have to become compliant.

DEP indicated it would look at both clarifying the wording and ensuring it is consistent in the TGDs. Staff went on to explain that the inspection report is typically sent prior to an NOV, although sometimes this occurs at the same time. Additionally, there is usually a debrief meeting at the end of every inspection, so the facility is notified of observed violations, if any, and the report and any other follow-up is provided in a timely manner.

DEP acknowledged a committee member's remarks about the April 2004 Standards for Guidelines for Identifying, Tracking, and Resolving Violations document created by Secretary McGinty, on which many of the discussed TGDs were based. DEP confirmed that the TGDs and language therein would continue to be consistent with that the document. DEP clarified that comments provided by Regional Office staff were left in the drafts provided to the Committee for discussion purposes; however, much of the content recommended for removal regarding leaving inspection reports at facilities, etc. would not be removed from the TGDs.

SWAC Public Comment & New Business

Mr. Frederick asked for public comments and new business; hearing none, he then called for a motion to adjourn the SWAC portion of the meeting. Eli Brill moved for adjournment; the motion carried.

RFAC Call to Order; Introduction of Members; RFAC Old Business

Mr. Frederick called the RFAC Meeting to order at 10:52 a.m.; no old business was presented. He then introduced Larry Holley, Division of Waste Minimization and Planning, DEP to discuss the Recycling Fund.

RFAC Discussion Item: Review of FY 2021-2022 Recycling Fund Expenditures

Mr. Holley provided an overview of the expenditures of the Recycling Fund for the current Fiscal Year. Specific grant award and financial information was provided in handouts.

Section 901 grants were split between Household Hazardous Waste Education and Planning Grants receiving \$251,000 and \$434,000, respectively. The last round for Section 902 grants was completed by the September 24, 2021 deadline with a total of \$30.5 million (M) awarded to 157 eligible applicants. DEP spent under budget for Section 903 grants, with award amounts differing as a result of varying County Coordinator demands. The pandemic allowed DEP to refine its Section 904 grant applicant selections with funding totaling \$18.6M. The number of mandated communities increased to approximately 501 individual municipalities, with the 25-26 newly added mandated communities mostly having been fully compliant in their initial operations.

RFAC Action Item: FY 2023-2024 Recycling Fund Spending Plan

Mr. Holley went on to present the proposed Spending Plan for FY 2023-2024 and solicited recommendations from the Committee.

Recycling Fund Financial Statement FY 2023-2024

Mr. Holley reviewed proposed revenues first. Recycling Fund revenue was estimated at \$43M and was higher based on an increase in revenues over the past couple of years. DEP's Fiscal Office provided the Treasury Investment Income figure of \$85,000. Miscellaneous Revenues consisted of refunds from unwanted grant equipment or items that were sold or sent to salvage yards. Transfer from the Hazardous Sites Cleanup Fund met the Act 190 established amount of \$1M. Except for administrative costs, there weren't any lapses in recycling funds and all allocations were received by respective grant programs.

Mr. Holley then reviewed proposed expenditures. Recycling Coordinator funds increased to \$2M to match rising salaries and costs. The Host Municipality Inspector Program decreased to \$275,000. Goals had been established in FY 21 to outsource HMI new training program development and these funds will remain as-is until project completion. Reimbursement for Host Municipality Review of Permit Applications remained at \$10,000. This fund is typically underutilized since most municipalities have a permit reviewing engineer. Administrative costs were used for computers, personnel, etc., and is at the statutorily allowed amount of \$1.37M. County Planning Grants decreased to \$1M and is expected to cover the entire year. Expenditures for the Municipal Recycling Grants were \$20M; this will continue to be the budgeted amount moving forward for 902 grants. Looking forward, FY24 is expected to have more applicants and may exceed the \$20M. Section 904 grant funding was proposed at \$15M but will be supplemented by funds reallocation if needed.

Public Education and Technical Assistance Expenditures FY 2023-2024

Recycling/CDRA Hotline funding was proposed as \$75,000; the Hotline is still integral in developing and improving ways to aid the community with recycling matters. Commonwealth Recycling

Implementation funding was proposed at \$240,000; these funds are used for projects done in cooperation with both other Commonwealth agencies and the Governor's Green Gov Council. An example of a current cooperative project is the installation of recycling kiosks throughout the Capitol Complex. The Recycling Market Development Center expenditures were proposed at \$900,000; DEP is in its last two years of a multiyear contract with the Center and new contract negotiations will occur soon. Since excess revenues were not available to fund convenience centers, funds under Section 902 will need to be utilized, as the original grant program no longer exists. PROP (School Recycling Education and Technical Assistance) grant funding was proposed at \$260,000; this program is in the 3rd year of its 5-year lifespan. Local Government Technical Assistance funding faced delays during the pandemic. DEP staff recently finished reviewing proposals from two new applicants as instructed by procurement and expects to have a new vendor selected by late November 2022. Department of Agriculture MOU funding was proposed at \$200,000. One of the focuses of this program is to provide additional avenues to the agricultural industry for improved agricultural plastics management. Department of General Services funding was proposed at \$600,000, with portions of those funds being used to develop both a Material Recovery Facility and anaerobic digestion/composting facilities within the Capitol Complex. The Department of Transportation (PennDOT) expenditures continued to be funded at \$450,000. Part of these funds were used in the recent PennDOT Ridley Park "Plasphalt" project study, which concluded that microplastics were not released into the environment when recycled plastic was used as a roadway asphalt binder.

In response to a question from a Committee member, DEP explained that federal funding availability for solid waste infrastructure for recycling under the Infrastructure Investment and Jobs Act (IIJA) is being made available, but not included in the presented Spending Plan. DEP has been brainstorming possible uses for these funds. The national funding level is set at just under \$3 M over the 3-year life of the IIJA; this equates to several hundred thousand dollars per year being available to both local governments and industry over the life of the Act.

Joanne Shafer entered a motion to accept the Recycling Fund Spending Plan as presented; Shannon Reiter seconded the motion. The motion carried unanimously.

Public Comment and New Business

Ms. Henry reminded members that their appointments to SWAC and RFAC will expire December 31, 2022 and requested that those interested in being reappointed send their resumés, letters of interest and/or biographies to her by October 16th. This will allow for preparation of the appointment package and approval/signature of the DEP Secretary before the year's end. Ms. Henry also reminded the Chair and Committee that the Nominations Subcommittee will again need to be formed to nominate candidates for the offices of Chair and Vice Chair; elections for both of these offices will be conducted during the first SWAC meeting in 2023. Lastly, Ms. Henry indicated members should expect correspondence regarding 2023 meeting dates in the near future.

Mr. Frederick asked for a motion to adjourn; moved by Jason Leck. The motion carried and the RFAC meeting adjourned at 11:34 am.