

**Solid Waste Advisory Committee  
Meeting Minutes of January 15, 2015**

**The following members were present:**

Michele Nestor, Chair  
Eli Brill  
James (Jim) Close  
John Frederick  
Joyce Hatala  
Tanya McCoy-Caretti  
Kelly Megonnel (for Gregg Pearson)  
Mark Pedersen  
Sean McGovern (for Joseph Reinhart)  
Ed Vogel  
Robert Watts, Vice Chair  
Jerry Zona  
Shannon Reiter  
John Vatavuk

**The following member was absent:**

John Over, Jr.

**The following guests and DEP staff members were present:**

James Erb	American Petroleum Institute
Mary Webber	PA Waste Industries Association
Jim Lambert	Monroe County Waste Authority
Lisa Schafer	County Commissioners Association of PA
Judy Eschberger	JAE Government Relations
Mike Sherman	Range Resources
Teresa McCurdy	TD Connections, Inc.
Tad Macfarlan	K&L Gates, LLP
Michele Tate	Citizens Advisory Council
Gary Brown	RT Environment, Inc.

Keith Ashley	DEP BWM
Ali Tarquino Morris	DEP BWM
Chris Solloway	DEP BWM
Steve Socash	DEP BWM
Jason Dunham	DEP BWM
Tom Mellott	DEP BWM
Scott Walters	DEP BWM
Mike Texter	DEP BWM
Troy Conrad	DEP BECB
Mike Maddigan	DEP ECB
John Oren	DEP SCRO
Vu Cuong	DEP BWM
Mike Texter	DEP BWM
Glen Mitzel	DEP BWM
Jeff Olsen	DEP BWM

**Call to Order; Introduction of Members and Guests; Approval of Minutes of September 18, 2014; Old Business**

The January 15, 2015, meeting of the Solid Waste Advisory Committee (SWAC) was called to order at 10:09 a.m. by Michele Nestor, Chair. Ms. Nestor asked for introductions of committee members and guests. Sean McGovern attended on behalf of Joseph Reinhart, and Kelly Megonnel attended on behalf of Gregg Pearson.

With the consensus of those in attendance, the minutes from the previous meeting were approved.

**Election of Officers**

The election of officers for 2015 - 2016 was held. Mark Pedersen, Chair of the nominating committee, indicated that all members were sent a message asking for nominees for the Chair and Vice Chair positions. Mr. Pedersen stated that one nomination was received, but that person declined the nomination. There were no nominations from the floor. Mr. Pedersen requested a motion to close nominations and re-elect Ms. Nestor and Mr. Watts as Chair and Vice Chair, respectively. Mr. Pedersen's motion was seconded by Mr. Vogel. Nominations were closed, and Ms. Nestor and Mr. Watts were re-elected unanimously by a show of hands. Ms. Nestor and Mr. Watts will serve for a period of two years.

**Management of Fill Policy**

Steve Socash, Chief of Municipal and Residual Waste, presented an update on the Management of Fill Policy regarding proposed numerical updates. The Fill Policy is currently in a comment period, and numerous comments have been received.

Mr. Socash explained the comparison of maximum contaminant levels included in the Fill Policy versus contaminant levels utilized in the Act 2 (Land Recycling Program). A significant number of pollutant levels need to be changed based on changes to the Act 2 numbers which the clean fill numbers are based upon.

Mr. Socash stated that the Fill Policy only comes into play if there has been a spill or release on the soil being moved. Otherwise, there is no chemical analysis required to be performed on soil that has not experienced a spill or release. Mr. Socash stated that the language describing the leaching analysis in the current policy was removed because there is nothing described in the policy related to how to evaluate that information.

Mr. Brill felt that PCB standards in the Fill Policy are too high. Mr. Brill stated that the current and proposed PCB levels of soils meeting clean fill standards would be considered PCB - containing waste under the residual waste regulations.

Mr. Brown stated that some revisions made to the Fill Policy are very problematic for the construction industry and will add millions of dollars in expenses for the industry. Mr. Brown went on to say that the Independent Regulatory Review Commission can't set pollutant levels through guidance in the Fill Policy. Mr. Brown requested that the committee continue the discussion on the revised Fill Policy. Ms. Nestor asked Mr. Brown for a copy of his comments, which he provided.

### **Federal Coal Ash Regulations**

Mr. Socash described the Federal Coal Ash Rulemaking that may be final by the end of February 2015. The Department did provide comments on the coal ash rulemaking. Mr. Socash described how DEP manages coal ash. DEP classifies coal ash as a residual waste unless it is beneficially used. Most coal ash is disposed of in captive monofills, but some ash is disposed of in municipal waste landfills.

The federal rulemaking adds about 160 pages of new regulations, and among them is a definition of beneficial use. The new definition contains a requirement that describes the differentiation between what's considered the beneficial use of coal ash and coal ash that must be managed as a waste. DEP's criteria for landfills and impoundments accepting coal ash are very similar to federal criteria and in some cases are more stringent than the federal criteria.

### **Settlement Accommodation Plan (SAP)**

Mr. Oren, Technical Services Division of DEP's South-Central Regional Office, described the reasoning behind the development of the SAP. The SAP is now a standard operating procedure available on the Department's web site. The SAP allows municipal waste landfills, through a minor permit modification, to utilize "air space" (capacity) in a more efficient manner by accounting for the settlement of waste that occurs over time.

Landfills containing typical municipal solid waste that are higher in elevation may settle 20% or more. The SAP is closely monitored by DEP and requires landfill owners to provide information to verify compliance with an approved SAP. In addition to saving green space that might otherwise be turned into a landfill or landfill expansion, SAPs can also add one to three years of capacity. Mr. Watts indicated the use of SAPs provide many benefits and does extend the life of landfills.

Mr. Frederick asked if significant amounts of methane emanate from landfills that have approved SAPs. Mr. Oren indicated that there is no significant difference in the amount of methane that is released in landfills with and without approved SAPs due to the negative pressure in capped landfills.

Mr. Frederick also asked what happens if a landfill exceeds its permitted elevation because the landfill waste isn't settling as expected. Mr. Oren stated that after the fourth year DEP evaluates the landfill's SAP and decides if any revisions are needed or waste would need to be re-graded or removed. Settlement monitoring and annual SAP reports are part of an SAP plan to make sure grades are settling as predicted.

### **Water Recycling and Waste Management at Oil and Gas Sites**

Mr. Texter, Chief, Division of Reporting and Fee Collection, provided an overview of water recycling and waste generation at oil and gas extraction sites in Pennsylvania. The overview included the following topics:

- Waste generation
- PA shale wastewater management
- Wastewater management options
- Regulatory requirements for wastewater – management options
- Processing wastewater for beneficial use
- Underground injection
- Disposal of treated solids

Mr. Texter also described the oil and gas electronic waste reporting system for oil and gas operators in Pennsylvania. During the first six months of 2014, approximately 90% of all drilling fluid, hydraulic fracturing wastewater, and produced fluid used by the oil and gas industry were either directly reused or recycled. The remaining 10% was either sent to landfills (0.09%) or injection wells (9.75%) for disposal, or discharged (0.09%).

In 2012, the total amount of solid waste generated by the oil and gas industry and disposed of in PA landfills was 1.3 million tons. Mr. Texter reiterated that the disposal of drill cuttings requires completion of a Form U, and that Form U's are required when a disposal facility wants to accept a new waste stream that isn't included in their permit.

## **PA Illegal Dumping Report**

Shannon Reiter, President of Keep Pennsylvania Beautiful, presented the findings from an Illegal Dumping Survey completed in 2014. The report is divided into the following six major categories:

- Extent and impact of illegal dumping
- Effects on municipal waste management practices
- Effectiveness of regulatory and enforcement powers
- Demographic profile and waste/recycling statistics
- Public awareness and stakeholder participation
- Conclusions and recommendations

Ms. Reiter stated that illegal dumping is not an isolated problem as illegal dump sites were identified in all 67 counties. Ms. Reiter also mentioned that a grant program is being established to allow municipalities to apply to receive funding for the purchase of cameras and associated technical assistance, including educational tools, to monitor, limit, and stop the use of illegal dump sites. The announcement of the grant is anticipated sometime in February.

## **The U. S. Environmental Protection Agency's (EPA) Definition of Solid Waste Rule**

Mr. Mellott, Chief, Division of Hazardous Waste Management, provided an overview of the U. S. EPA's Final Definition of Solid Waste (DSW). The rule was originally signed on December 10, 2014, and was published on January 13, 2015. EPA estimates that this rule will impact about 5,000 facilities, notably mining companies, metal producers, fabricators, chemical makers, and other manufacturers and recyclers.

## **Public Comment; New Business**

Michele Tate, Executive Director of DEP's Citizens Advisory Council, presented an overview of a survey that studied how the various DEP advisory committees are functioning and what can be done to improve the interplay between the advisory committees and the Department.

The meeting adjourned at 12:55 p.m., moved by John Frederick, and seconded by Eli Brill.