

**Solid Waste Advisory Committee
Meeting Minutes of March 6, 2014**

The following members were present:

Michele Nestor, Chair
Robert (Bob) Watts, Vice-Chair
Eli Brill
Robert Casselberry
James (Jim) Close
John Frederick
Joyce Hatala
Gregg Pearson
Joseph (Joe) Reinhart
Edward (Ed) Vogel
Gerald (Jerry) Zona

The following members were absent:

Ernest (Ernie) Larson
Tanya McCoy-Caretti
Mark Pedersen
Michele Tate for Citizens Advisory Council (CAC)
Albert (Al) Wurth

The following guests were present:

Joe Barcelona	Ultra-Poly Corporation
Robert (Bob) Bylone	Recycling Markets Center (RMC)
Jim Erb	Associated Petroleum Industries of PA
Rick Hall	Anadarko
Laura Henry	Dept. of Environmental Protection (DEP) Policy Office
Jennifer Hoffman	Chesapeake Energy
David LaFiura	Ultra-Poly Corporation
Tim Long	Indiana County Solid Waste Authority
Tad Macfarlan	K & L Gates LLP
Jeff McNelly	ARIPPA
Megan Milford	Pugliese Associates
Ellen Montis	Lycoming County Resource Management Services
Ali Tarquino Morris	DEP Bureau of Waste Management (BWM)
Diane Myers	Elk County Solid Waste Authority
Marsha Noble	DEP BWM
Steve Socash	DEP BWM
Christopher Solloway	DEP BWM
Dave Stubber	Elk County Solid Waste Authority
Christopher Tersine	DEP BWM
Bekki Titchner	Elk County Solid Waste Authority
Kurt Klappkowski	DEP Bureau of Oil & Gas Planning and Program Management

Call to Order; Introduction of Members and Guests; Approval of Minutes of September 26, 2013; Old Business
The March 6, 2014, meeting of the Solid Waste Advisory Committee (SWAC) was called to order at 10:05 a.m. by Michele Nestor, Chair. Ms. Nestor began the meeting with introductions of committee members and guests.

Jerry Zona made a motion to approve the September 26, 2013, minutes, which was seconded by Ed Vogel. The motion carried.

Overview of Chapter 78 Revisions and Impact on Wastes Generated from Oil & Gas Development Operations
Kurt Klappowski, Director of DEP's Bureau of Oil & Gas Planning and Program Management, presented an overview of the proposed revisions to Chapter 78.

The revisions stem from regulatory changes recommended by the Marcellus Shale Advisory Commission in 2011 and the need for more oversight, standards and controls for the oil and gas industry due to development of new practices to extract natural gas from shale formations. They include a significant amount of input from environmental organizations, industry groups and local government representatives, and incorporate the State Review of Natural Gas and Environmental Regulation's (STRONGER) analysis of the oil and gas program.

Significant revisions to Chapter 78 include:

- 1) Changes to the permitting requirements that will focus on more adequately addressing the preservation of public resources;
- 2) The addition of an abandoned well review to identify orphaned and abandoned wells in Pennsylvania prior to hydraulic fracturing;
- 3) Changes in waste management practices at well sites; and
- 4) Additional regulations for impoundments, temporary pipelines, rock pits, and conventional brine spreading.

The proposed revisions to Chapter 78, Subchapter C, specifically address issues pertaining to waste management practices on oil and gas well sites such as:

- 1) Implementing site containment systems and practices;
- 2) Implementing processes and standards for approval of large volume modular "tanks";
- 3) Eliminating the use of produced water pits for storage or production water;
- 4) Requiring DEP approval for the use of buried tanks;
- 5) Adding security regulations to prevent site access and vandalism;
- 6) Requiring secondary containment around produced water tanks at unconventional well sites; and
- 7) Determining the types of on-site waste processing that will require DEP approval.

Additionally, the Chapter 78, Subchapter C, revisions will require testing standards for drill cuttings to be achieved prior to on-site disposal. Similarly, residual waste can be disposed on conventional well sites in pits or via land application, as long as required testing standards are achieved. For unconventional wells, residual waste will not be allowed to be disposed on-site in pits or through land application. The revisions also include the addition of reporting and remediation requirements for spills and releases.

The public comment period for the Chapter 78 revisions opened Saturday, December 14, 2013, and ended Friday, March 14, 2014. The Oil and Gas Program worked with the CAC to put together a “Citizen’s Guide to DEP Regulations,” which provides instructions on how to submit effective public comments.

SWAC inquired about implementation times for the proposed revisions to allow the oil and gas industry to phase in the new provisions. Mr. Klapkowski explained that many of the provisions of the revised regulations are already in place and are being practiced by the oil and gas industry, but a definitive timeframe for implementation has not been established. Mr. Klapkowski also stated that DEP will consider suggestions on an implementation timeframe through the public comments received.

A question was raised regarding whether the recycling of geo-membrane pad liners generated by oil and gas well sites is an option that DEP is considering. Mr. Klapkowski explained that this topic spans multiple program areas and must be discussed jointly by BWM and the Oil and Gas Program.

Beneficial Uses for Marcellus Shale Waste Materials

Stephen Socash, Chief of BWM’s Division of Municipal and Residual Waste, delivered a presentation on the beneficial uses of Marcellus Shale Waste Materials. The following General Permits (GPs) were discussed:

- 1) WMGR097R017 – This GP authorizes the use of stabilized drill cuttings and sediments, which have been pre-screened for volatile organics, total petroleum hydrocarbons, TCLP heavy metals and TENORM, to stabilize Brownfield sites. At the request of DEP, clients who are permitted to operate under this GP will monitor surface water runoff from, and install lysimeters beneath, the stabilized material to monitor for any environmental impacts on sites where the drill cuttings are beneficially used.
- 2) WMGR097021 – This GP authorizes the use of drill cuttings and crushed aggregate to form black base material, or “Cold Mix,” to provide a thin overlay to protect deteriorating surfaces on low-volume, low-speed roads and to prevent surface water infiltration in weathered pavements. Though currently expired, DEP expects to receive a renewal application for this GP.
- 3) WMGR097025 – This GP relates to a pending application currently under review by DEP that, if approved, will authorize the use of drill cuttings, which are screened for TENORM and sampled for bulk density, moisture, organic content, and leachability, to stabilize soil on well pads and access roads. Some additional soil additives include cement, lime/fly ash, and lime pozzolan. If approved, permittees will beneficially use drill cuttings to construct well pads and access roads. The specific uses of drill cuttings will be compared to neighboring “control pads” that were constructed using normal soil-cement aggregation techniques.
- 4) WMGR123 – This GP approves the processing and beneficial use of processed liquid wastes generated at oil and gas well sites and associated infrastructure using closed loop processes to allow the return of treated liquid waste to oil and gas well sites for reuse. The 39 facilities permitted to operate in Pennsylvania under this GP collectively conserved roughly 200 million gallons of fresh water by recycling used water in 2013.

Update: Status of Regulated Medical and Chemotherapeutic Waste (RCW) Rulemaking

Ali Tarquino Morris, Chief of BWM's Program Development and Support Section, gave a PowerPoint presentation and held an open-floor discussion on the status of the proposed regulated medical and chemotherapeutic waste rulemaking.

The proposed revisions were published in the *Pennsylvania Bulletin* on August 24, 2013, and the comment period closed on September 23, 2013. In general, the comments addressed the following issues:

- Exclusions to, and clarification of, the definitions for "infectious waste" and "used sharps," which include exempting wastes or mixtures of wastes from facilities engaged in the production or research and development of vaccines or other biologics (biologics facilities) and classified under the North American Industrial Classification System (NAICS) as Code 325414 – Biological Product (except Diagnostic) Manufacturing or Code 541711 – Research and Development in Biotechnology, where no agent in the waste is classified as Biosafety Levels 2-4 as determined by the protocols established in the most recent edition of the Centers for Disease Control's *Biosafety in Microbial and Biomedical Laboratories* (BMBL) existing at the time the waste is generated;
- Operating requirements for transfer facilities authorized to accept RCW;
- Operating and monitoring requirements pertaining to tissue autoclaving, autoclave validation, and the potential use of alternative disinfection techniques for RCW processing facilities;
- RCW segregation requirements at biologics facilities ;
- Storage requirements pertaining to storage temperature, ventilation of storage areas, commingling, and onsite transport of RCW;
- Container labeling and transportation requirements;
- Duration of storage for RCW processors;
- Placarding, labeling, and cleaning requirements for offsite transportation of RCW;
- RCW transporter licensing; and
- RCW manifesting requirements.

Robert Watts raised a question regarding the proposed exclusion of "preserved tissues" from the definition of pathological waste, citing that if preserved tissues are not defined by a particular size constraint, recognizable human anatomical parts could potentially cause issues at a landfill. Ms. Tarquino Morris stated that she doesn't believe PA regulation defines "preserved tissues," but these tissues must be rendered unrecognizable prior to disposal.

SWAC expressed concern over the comment that proposed to exclude certain plasticware from the definition of "used sharps." Ms. Tarquino Morris explained that the proposed exclusion of plasticware would only apply to plastics generated by a biologics facility that does not come into contact with blood or infectious agents classified as Biosafety Levels 2-4.

BWM plans to present a draft final rulemaking to the SWAC at its next meeting on June 5, 2014.

Overview of Recycling Programs in Lawrence, Mercer, Elk, Indiana, and Blair Counties

- **Privatization, Phased Shift to Curbside, User Fees and Consolidation of Resources in Lawrence and Mercer Counties**

Jerry Zona, of the Lawrence-Mercer Recycling/Solid Waste Department, presented the history and improvement of the Lawrence and Mercer counties' recycling programs. Both Lawrence and Mercer counties are predominately rural and have struggling economies and financially distressed communities: two in Mercer and one in Lawrence. The establishment of the Lawrence-Mercer Recycling/Solid Waste (L-MRSW) Department occurred in 2010 through an Intergovernmental Cooperation Agreement initiated by the county commissioners.

Some of the challenges faced by both counties since the creation of the L-MRSW Department include:

- Consistent budget cuts;
- Limited staff to run the recycling program for both counties;
- A lack of both internal and external sources of funding;
- The potential for future boards to change priorities;
- Differing county focuses in regard to the level of involvement with mandated municipalities (aiding in grant requirements, advertising, etc.);
- The need for regulatory updates;
- The absence of landfills or material recovery facilities (MRFs); and
- Public understanding of the industry.

Through quality relationships with the county commissioners and municipal officials, partnerships with like-minded organizations, modeling local programs with single stream recycling, and public education, Lawrence and Mercer counties have been able to effectively address the challenges that threaten county recycling and waste management.

- **Restructuring Service Offerings, Engaging Local Stakeholders, Creative Marketing and Long-Range Planning in Elk County**

Bekki Titchner, Elk County Solid Waste Authority, described how Elk County has worked towards creating a sustainable recycling program. Originally, Elk County housed numerous recycling drop-off sites, resulting in high processing costs that increased with the economic downturn of 2008. When the Authority realized that their current recycling collection method was not financially sustainable, it enlisted the help of a planning grant program to aid in substantially cutting costs without having to sacrifice important services. In doing so, the Elk County Solid Waste Authority implemented the following changes to its program:

- 1) Eliminated drop-off sites that were the most cost-prohibitive;
- 2) Eliminated plastic drop-off at any remaining drop-off locations that lacked municipal staffing;
- 3) Reached an agreement with the township that hosts Greentree landfill whereby the township agreed to pay for its recyclable drop-off site; and
- 4) Established a community-based recycling center.

The Elk County Solid Waste Authority also depended largely on the local community including the small staff that dedicated extra hours to improving the recycling center, the crew of volunteers that aided in processing recyclable material, and the residents that donated to the recycling center. Over the last few years, the community donated \$15,576. A local foundation called the Stackpole-Hall Foundation provided grants totaling nearly \$100,000 to the authority to pay for a heating system and a horizontal baler for the recycling center. Additionally, the receipt of a 902 grant from DEP in 2012 helped to purchase a new vertical baler, fork lift, storage boxes, and containers for people to use to bring in their recyclable materials.

Overall, the authority has seen consistent annual growth in residential and business recycling, increased recycling center staff, developed a stronger connection with the local community, and educated the public on the recycling process. The authority's remaining challenge is the lack of usable space at the recycling center.

The authority has many goals for the future including:

- Providing additional outreach to the public and businesses;
- Continuing exploration into new markets that would be viable for their area;
- Finding a facility better suited for housing a recycling operation; and
- Creating a workforce comprised of enough paid staff to operate the center effectively.

- **Evaluating the Supply Chain, Pros and Cons of Collection Systems, Partnerships and Opportunities in Indiana County**

Tim Long, Executive Director of the Indiana County Solid Waste Authority, gave a presentation on Indiana County's recycling program and the improvements made since its inception. The Indiana County Solid Waste Authority was created in 1988 and began operating a MRF shortly thereafter, in 1990. The authority has since begun to process recyclable materials from Cambria County and opened a composting facility. Currently, the authority operates the following:

- Rotating satellite drop-off collections in 9 municipalities (with 42 collections scheduled for 2014);
- A full-time drop-off collection program for recyclable materials such as yard waste, lead acid batteries, electronics, etc.; and
- A curbside recycling program for Indiana Borough and White Township.

The recycling program's revenues, which are generated by the sale of processed materials, municipal user fees, landfill host benefit fees, and DEP grants, currently equal the recycling program's operating expenses. Some of the recycling program's expenses include costs associated with hiring and maintaining personnel, vehicle and equipment fuel/maintenance/repair, utilities, equipment replacement funding, material processing costs and associated supplies. In 2013, the Indiana County Recycling Center shipped 5,653 tons of material, which generated over \$500,000 in revenue.

The experienced staff, dedicated board of directors, support from the Indiana County Commissioners, acceptance of the programs in the community, full-service facility, positive relationships with brokers and buyers, and overall financial stability have proven to be the strengths and allowed the Indiana County recycling program to grow. However, the increasing cost of providing services, variable market

conditions, reduced availability of grant funding, decreased availability of key recoverable materials, new competition, and growing momentum of single-stream collection are all areas of vulnerability that could negatively impact the success of the program.

In order to sustain the recycling program, the authority has identified a number of efforts, such as expanding on-site collection, seeking new markets, targeting new partnerships, and re-tooling the public education program.

- **Overview of Circumstances and Consequences in Blair County**

John Frederick, of the Intermunicipal Relations Committee with the Council of Governments (IRC COG), described how Blair County's recycling program rebounded after the IRC COG assumed control of the county compost facility and equipment when the loss of county fees forced offices to close, staff to be dismissed, and termination of the county's haul-all drop-off recycling program.

In addition to updating the county's solid waste plan, the IRC COG worked to restore county drop-off recycling programs by developing municipal partnerships between townships and private sector partners. This method proved to be successful and, with the help of townships and various recycling/disposal partners, drop-off recycling was established in Greenfield, Williamsburg, Frankstown, Martinsburg, Huston, and North Woodbury Townships. The IRC COG assisted by providing signage and educational flyers. Some of the municipalities require a paid subscription in order to access and use recycling drop-off sites. By generating income from the paid subscriptions along with a DEP 902 grant, the municipalities were able to offset costs associated with the drop-off sites.

Through the support of participating municipalities, haulers who see advantages to the programs, marketplace incentives, and persistence from the IRC and county solid waste advisory committee, the Blair County drop-off recycling programs are demonstrating success. However, some municipalities have not implemented waste management and recycling programs, some portions of rural Pennsylvania lack necessary infrastructure or recycling incentives, and many counties are still in desperate need of funding.

The IRC hopes to eventually provide Blair County with close to 100% access to recycling programs by establishing curbside recycling in greater Altoona, requiring haulers to recycle in non-mandated suburban municipalities, and creating drop-offs throughout all rural communities. Additionally, the IRC hopes to ban the burning of recyclables, develop recycling reporting requirements, and require universal waste collection and recycling of bottles, cans and old corrugated cardboard.

Mr. Frederick also distributed a citizen's guide that discusses Blair County's expanding recycling program and recently updated Solid Waste Management Plan.

Public Comment; New Business

No public comments were presented. SWAC members were encouraged to bring agenda item ideas to the Chair or to Ali Tarquino Morris for future meetings.

The meeting adjourned at 2:55 p.m. The motion to adjourn was made by Eli Brill and seconded by Robert Watts.