

**Solid Waste Advisory Committee
Meeting Minutes of June 5, 2014**

The following members were present:

Michele Nestor, Chair
Robert Casselberry
John Frederick
Joyce Hatala
Gregg Pearson
Mark Pedersen
Joseph (Joe) Reinhart
Gerald (Jerry) Zona

The following members were absent:

Eli Brill
James (Jim) Close
Ernest (Ernie) Larson
Tanya McCoy-Caretti
Michele Tate
Edward (Ed) Vogel
Robert (Bob) Watts, Vice-Chair
Albert (Al) Wurth

The following guests were present:

John Clarke	Pennsylvania Department of Transportation (PennDOT)
Stacy Daugherty	Department of Environmental Protection (DEP) Bureau of Waste Management (BWM)
Susan Despot	DEP Office of Chief Counsel
Jim Erb	Associated Petroleum Industries of PA (API)
Laura Henry	DEP Policy Office
Jack Himes	Pennsylvania Recycling Markets Center
Kurt Klappowski	DEP Bureau of Oil & Gas Planning and Program Management
David La Fiura	Ultra-Poly Corporation
Tad Macfarlan	K & L Gates LLP
Jeff McNelly	ARIPPA
Megan Milford	Pugliese Associates
Ali Tarquino Morris	DEP BWM
Marsha Noble	DEP BWM
Winne O’Kello	PennDOT
Charlie Scheidler	DEP BWM
Mike Sherman	Range Resources
Steve Socash	DEP BWM
Christopher Solloway	DEP BWM
Ryan Steadley	State Review of Oil & Natural Gas Environmental Regulations (STRONGER)
Scott Walters	DEP BWM
Kenneth Warren	Warren Glass
Mary Webber	Pennsylvania Waste Industries Association (PWIA)

Call to Order; Introduction of Members and Guests; Approval of Minutes of March 6, 2014; Old Business

The June 5, 2014, meeting of the Solid Waste Advisory Committee (SWAC) could not be called to order at the scheduled start time of 10:00 a.m. due to lack of a quorum. At 10:10 a.m., Michele Nestor, Chair, asked for introductions of committee members and guests. She also introduced Keith Ashley, DEP's new SWAC staff member, who will be attending and assisting with the preparations of future SWAC meetings.

With the consensus of those in attendance, the meeting proceeded with the agenda topics as scheduled.

Recycling Geomembrane Pad Liners from Oil and Gas Well Sites

David La Fiura, Vice President of Ultra-Poly Corporation (Ultra-Poly), delivered a presentation describing the history of the company and the improvements it has made to the process of recycling geomembrane pad liners.

Ultra-Poly produces recycled plastic resin by grinding, extruding, and pelletizing plastic scrap and supplies the recycled resin to manufacturers making a wide variety of goods. Ultra-Poly sells millions of pounds of high density polyethylene (HDPE) resin annually and has been a large-volume purchaser of post-use industrial geomembrane. By 2010, the company started developing a process for recovering this waste stream.

In 2011, the Pennsylvania Recycling Markets Center (RMC) assisted Ultra-Poly in locating Wellspring Environmental, which assisted Ultra-Poly in removing geomembrane material from landfills and impoundments. The RMC also assisted in navigating applicable state regulations.

By utilizing its expertise in plastics reclamation, Ultra-Poly was eventually able to develop a process to convert waste geomembrane into a commercially viable product. In 2012, the company established a facility dedicated to reprocessing geomembrane in Berwick, Pennsylvania.

Currently, Ultra-Poly is optimizing its waste conversion process to reduce residual ash content and working to improve the quality of their product. The company's goals include gaining control of the supply chain, expanding and ultimately saving 100% of geomembrane from landfill disposal.

In response to questions, Mr. La Fiura explained that Ultra-Poly will conduct direct pickups of geomembranes from sites, provided that each load is at least 40,000 lbs. Large impoundments are able to generate these amounts more easily than landfills since landfills must modify their permits to allow temporary staging of the material. Mr. La Fiura also explained that Ultra-Poly has not encountered any radiation issues with the geomembranes from oil and gas operations and that it does not accept material that trips a landfill's radiation monitor.

In closing, Mr. La Fiura stated that the Commonwealth and DEP are setting the national standard for recycling opportunities of geomembranes.

Management of Fill Policy

Stephen Socash, Environmental Program Manager of BWM's Division of Municipal and Residual Waste, presented an overview of DEP's Management of Fill policy.

Mr. Socash described the background and implementation of the policy and summarized potential changes to the policy that will address some identified challenges.

The Management of Fill policy was developed in 2004 to identify materials that qualify as clean fill by defining the term "uncontaminated materials," and to facilitate the movement of soil, brick, block, concrete and stone within the commonwealth.

According to the policy, for a material to be classified as clean fill, it must be determined that the material was not affected by a spill or release of a regulated substance or shown to contain concentrations of regulated substances that exceed the clean fill limits provided in the policy. If the material contains concentrations of regulated substances that exceed the policy's limits, the material can be managed as regulated fill provided that it meets the limits identified in DEP's general permit authorizing the use of regulated fill.

DEP plans to modify the Management of Fill policy to reference the limits established by the Land Recycling and Environmental Remediation Standards Act (Act 2), rather than include clean limits in the policy. This change will also ensure that if the Act 2 limits are revised, the clean fill limits will automatically coincide.

DEP is currently working on publishing the modification to the Management of Fill policy in the *Pennsylvania Bulletin* for public comment.

Overview of USEPA's Underground Injection Control Program and Pennsylvania's Role in Implementation

Kurt Klappowski, Director of DEP's Bureau of Oil & Gas Planning and Program Management, presented an overview of the Underground Injection Control (UIC) Program and DEP's role in implementation.

Authorization for the UIC Program originates from the 1974 Safe Drinking Water Act (SDWA). The SDWA requires the federal Environmental Protection Agency (EPA) to promulgate regulations to protect drinking water sources from contamination by the injection of fluids underground. It defines underground injection and what constitutes endangerment to drinking water sources. The Program aims to protect underground sources of drinking water from contamination and regulate the placement of subsurface fluids.

The UIC Program is administered in Pennsylvania by EPA and is codified under 40 CFR Part 124 and Parts 144 through 147. The EPA began direct implementation of the UIC Program in Pennsylvania in 1985. The state-specific requirements for Pennsylvania are codified in 40 CFR Part §§ 147.1950-1955 and address aquifer exemptions, injection pressure limits, casing and cementing criteria.

There are five classes of UIC wells, and a sixth proposed well class, in the Program:

- Class I: Deep Hazardous Waste Injection Wells
- Class II: Associated with Oil and Natural Gas (IIR – enhanced recovery, and IID – brine disposal)
- Class III: Associated with Mineral Recovery

- Class IV: Shallow Hazardous or Radioactive Waste Injection Wells (prohibited since 1985)
- Class V: Other Injection Wells
- Class VI: Carbon Sequestration (proposed)

The current inventories in Pennsylvania for these wells are:

- Class I: 0
- Class IIR: 2,000+
- Class IID: 11 (10 active, 1 in appeal period)
- Class IV: 0
- Class V: 14,000+
- Class VI: 0

Update on the Regulated Medical and Chemotherapeutic Waste Rulemaking

Ali Tarquino Morris, Environmental Group Manager of BWM's Program Development and Support Section, presented an update to the status of the Regulated Medical and Chemotherapeutic Waste Rulemaking.

DEP has reviewed all comments that were received and made final revisions to the rulemaking where necessary. Based on public comments, the following revisions were made to the rulemaking:

- Special provisions were added for wastes generated by facilities engaged in vaccine manufacturing and the research and development of vaccines and other biologics.
- Flexibility was added to the segregation requirements for chemotherapeutic waste that is incinerated on-site.
- The ability for a vehicle or roll-off to serve as the outermost container for labeling purposes was added, provided that certain conditions are satisfied.
- The acceptance of electronic and stamped signatures on shipping documents was included.

The final-form rulemaking will be presented to the Environmental Quality Board (EQB) on July 15, 2014, and to the Independent Regulatory Review Commission in September 2014. The rulemaking is anticipated to be published in the *Pennsylvania Bulletin* as a final rulemaking in October 2014.

Although the SWAC did not have a quorum, of the eight members in attendance, all supported DEP's recommendation to present the final-form rulemaking to the EQB for consideration, adoption and publication as final.

Public Comment; New Business

No public comments or new business was presented.

The meeting adjourned at 2:15 p.m., moved by Joyce Hatala, and seconded by Mark Pedersen.