

**Solid Waste Advisory Committee
Meeting Minutes of April 2, 2015**

The following members were present:

Michele Nestor, Chair
John Frederick
Joyce Hatala
Gregg Pearson
Mark Pedersen
Ed Vogel
Robert Watts, Vice Chair
Jerry Zona
Shannon Reiter
John Vataavuk
Eli Brill
John Over

The following members were absent:

Joseph Reinhart
Tanya McCoy-Carretti
James Close

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

James Erb	American Petroleum Institute
Mary Webber	Pennsylvania (PA) Waste Industries Association
Jim Lambert	Monroe County Waste Authority
Teresa McCurdy	TD Connections, Inc.
Brigid Landy	K&L Gates, LLP.
Bob Bylone	PA Recycling Markets Center (RMC)
Jack Himes	RMC
Nichole Vito	General public
Thomas Russo	Widener Law School
Matt Wilson	Widener Law School
Benjy Lombard	Widener Law School
Jeff McNelly	ARIPPA
Dave Allard	DEP Bureau of Radiation Protection (BRP)
Keith Ashley	DEP BWM
Ali Tarquino Morris	DEP BWM
Chris Solloway	DEP BWM
Tom Mellott	DEP BWM
Scott Walters	DEP BWM
Larry Holley	DEP BWM
Jeff Bednar	DEP BWM
JoAnne Yurcaba	DEP BWM
Abbey Cadden	DEP Policy Office
John Moffitt	Covanta/Electronic Recycler's Association of PA

Call to Order; Introduction of Members and Guests; Approval of Minutes of January 15, 2015; Old Business

The April 2, 2015, meeting of the Solid Waste Advisory Committee (SWAC) was called to order at 10:05 a.m. by Michele Nestor, Chair. Ms. Nestor asked for introductions of committee members and guests.

Ms. Nestor called for a motion to approve the January 15, 2015, meeting minutes. Mr. Brill made a motion to approve the January 15, 2015, meeting minutes, which was seconded by Mr. Zona. The motion carried unanimously.

One item of old business was raised by Michele Nestor, who requested that an ad hoc committee be formed to study the feasibility of creating a grant program for Recycling Convenience Centers. A motion was made by Mr. Watts, and seconded by Mr. Frederick. The motion carried unanimously.

Re-TRAC Recycling Database

JoAnne Yurcaba of BWM's Division of Waste Minimization and Planning provided an overview of the Re-TRAC Connect Program. This specialized database, created by Emerge Knowledge in Manitoba, Canada, is used to track the amount and types of materials recycled in PA. The database contains information that DEP uses to meet requirements stipulated in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988. Municipalities throughout PA provide data to their county recycling coordinators who enter the data into the Re-TRAC database. The Re-TRAC Connect Program provides the following benefits to counties, municipalities and the Department:

- Maintains a historical record of the materials collected and recycled in PA,
- Minimizes the time needed to assemble and analyze data,
- Increases the accuracy of the data,
- Allows for the production of multiple customized and automated reports, and
- Enables the coordination and comparison of recycling results between states.

In response to a question asked by Ms. Nestor, Ms. Yurcaba stated that county recycling coordinators are primarily responsible for vetting the information contained in the database, but the municipalities review the information before it is entered. Ms. Yurcaba also reviews the database for inconsistencies. Ms. Nestor mentioned that it would be beneficial to allow municipal waste haulers to upload data directly into Re-TRAC.

Ms. Hatala inquired as to whether or not municipalities have access to Re-TRAC data. Ms. Yurcaba responded that most municipalities do not currently have access to Re-TRAC; however, those municipalities can contact their county recycling coordinator to obtain the information.

Mr. Brill asked if PA adjusts the modeling used to calculate greenhouse gas emission reductions from various waste management practices based on the environmental equivalencies that exist in the state or EPA region. Ms. Yurcaba and Mr. Holley responded that the Re-TRAC Program makes some adjustments for PA, but equivalencies generally follow those utilized by EPA.

Update: Covered Device Recycling Act (CDRA)

Larry Holley, Chief of BWM's Division of Waste Minimization and Planning, provided an update on the implementation of the CDRA. Mr. Holley reported the following annual sales data for manufacturers registered in Pennsylvania:

- In 2010, sales of covered devices totaled approximately \$88 million.
- In 2011, sales of covered devices totaled approximately \$73 million.
- In 2012, manufacturers reported approximately \$69 million in sales of covered devices.
- In 2013, sales of covered devices totaled approximately \$61 million.

The percentage of the obligated share from each manufacturer has increased from 35% of total sales in 2010 to 100% in 2015.

At the end of 2014, there were 75 registered manufacturers of covered devices conducting business in PA. Each manufacturer paid the annual \$5,000 registration fee, totaling \$375,000. Additionally, nine manufacturers did not register or pay the registration fee. Mr. Holley stated that a challenge in regulating manufacturers is that most of the manufacturers are headquartered in other countries, and none of the manufacturers have offices in PA. Of the 75 collection plans submitted by manufacturers in 2014, five were disapproved. Eight manufacturers did not meet their recycling goals in 2014.

Some of the challenges encountered in regulating various entities involved with electronic waste recycling include the cost of collection, transport and recycling of covered devices; Original Equipment Operators (OEM's) operating in areas where covered devices are not collected; and storage, management, and disposal problems for electronics recyclers, counties and municipalities. These challenges can lead to interruption of collection service part-way through the year; early termination of OEM contracts; lack of disposal options for televisions; illegal dumping of electronic waste; and limited access to recycling centers that take electronic waste materials.

Recyclers also can experience operating costs that outweigh the revenue from the collection and transport of electronic waste; damaged or vandalized Cathode Ray Tubes (CRTs) that have had the recyclable components removed; a poor market for recycling CRTs; and certification programs that may not be adequately evaluating downstream vendors of recycled televisions.

CDRA and Electronic Scrap – Overview and National Perspective

Bob Bylone, Executive Director of the Pennsylvania Recycling Markets Center (RMC), provided an overview and national perspective on the electronic scrap (E-Scrap) industry and implementation of the CDRA in PA. Mr. Bylone's presentation included background information on various RMC projects and issues, as well as how the RMC's work correlates with DEP's efforts to recycle electronic waste materials. In order to process electronic waste in PA, electronics recyclers must obtain a permit to process electronic waste (WMGR081) from DEP and must also be certified by one of several recognized certification bodies. Mr. Bylone described the highlights of WMGR081 and the major differences between WMGR081 and the CDRA. There are 34 certified electronic recyclers in PA.

Mr. Bylone then discussed the options for managing CRTs, and the US EPA's CRT Rule that potentially excludes three types of CRTs from being considered a hazardous waste based upon a number of conditions and permissible final uses. Mr. Bylone also described the 14 CRT glass processors located world-wide and their processing techniques.

Ms. Nestor asked if there has been any comparison of electronics recycling laws in the 25 states that have them. Mr. Holley stated that he participates regularly on conference calls with other state electronics recycling representatives, and a national model that would make compliance easier to manage has been discussed. Mr. Bylone indicated that comparisons have been made between PA's CDRA and the laws of other states, but there does not appear to be any one law that would benefit all of the other states.

Mr. Bylone stated that there is a need for "Best Management Practices" relating to the collection, transportation and disposition of electronic waste. Mr. Bylone reported that most states are experiencing the same type of problems as PA. He stated that 65% of the U.S. population is subject to electronics recycling laws.

In response to an inquiry from a member of the general public regarding whether there are any current initiatives to amend the CDRA, Mr. Holley stated that the legislature would have to address any potential amendments to the CDRA.

Update: Review of TENORM (Technologically Enhanced Naturally Occurring Radioactive Material) Study

David Allard, Director of BRP, provided an overview of the TENORM Study commissioned by DEP in 2013. The study collected data relating to TENORM generated by oil and gas operations in PA and included assessments for potential radiation exposures to workers and the general public, TENORM disposal, and other possible environmental impacts. The study encompassed radiological surveys of various media at well sites in the Marcellus and Utica Shales, wastewater treatment plants, landfills, gas distribution and end use sites, and oil and gas-derived brine-treated roads.

Mr. Allard described the need to re-evaluate the current waste disposal protocol based upon the fact that the wastewater treatment sludges, when disposed in landfills, are not in a state of radioactive equilibrium, contrary to the assumption established in the 2002 TENORM disposal protocol.

Mr. Allard stated that based upon the TENORM study, there is little potential for radiation exposure to the public and workers from well sites and from facilities that treat or receive TENORM waste for disposal. There are potential environmental impacts from facilities that accept TENORM waste for treatment or disposal if the waste is spilled.

Ms. Hatala asked how she could explain to lay people that there is no risk to them from nearby well sites or landfills that have accepted TENORM waste for disposal. Mr. Allard and Mr. Brill described the amount of radiation exposure from naturally occurring sources as well as sources from daily living, which is approximately 300 mrem/year. Current landfill design criteria are intended to prevent landfills from allowing more than 25 mrem/year of exposure to the general public.

Public Comment; New Business

There were no public comments or new business. The meeting adjourned at 1:17 p.m., moved by John Vatauk, and seconded by Edward Vogel.