

August 3, 2023

On August 3, 2023, at 10:01 am, the Keystone Chapter of SWANA Board of Directors Meeting was called to order by **Ms. Wessels**. Meeting was virtual. Those in attendance were:

Officers	Board of Directors		Committee Chairs, Members, Visitors
Denise Wessels	Dan Brown	Elisabeth Osborne	Tom Lock
Scot Sample	Brandon Comer	Scott McGrath	Chanda Martino
Ashley Dobak	Chris Toevs	Chuck Raudenbush	Scott Schoffner
Mike Brubaker	Jill Hamill	Carolyn Witwer	
Michele Nestor	Scott McGrath		

Not present: Dan Fellon, Skip Garner

SECRETARY'S REPORT

Ms. Dobak presented the minutes from the June 1, 2023, Board of Directors Meeting.

A motion was made by **Mr. Raudenbush** to approve the minutes with the no edits recommended. **Ms. Osborne** seconded. Vote was called; the motion passed unanimously.

The June 1, 2023, Board of Directors Meeting minutes are attached and hereto made part of the minutes.

TREASURER'S REPORT

Mr. Brubaker presented the Treasurer's Report. A motion was made to approve the Treasurer's reports and transactions for July 1, 2023 through July 31, 2023 and July Business Manger invoice, as presented. Motion made by **Ms. Dobak** and seconded by **Mr. Sample**. Vote was called and motion passed unanimously.

The Treasurer's Report and Business Manager invoice are attached and hereto made part of the minutes.

There was a brief discussion regarding how scholarship checks are written. Possibly use electronic checks in the future or write checks to school in the student's name. Discussion regarding changing banks. **Ms. Martino** will come up with a list of top needs from a financial institution to help find a new bank.

COMMITTEE REPORTS

Advisory Board & Safety

Ms. Osborne reviewed her report.

Advisory Board and Safety Report is attached and hereto made part of the minutes.

Articles & Bylaws

No report.

Communications & Newsletter

August newsletter was distributed.

Legislative & Policy

Mr. Raudenbush reviewed his report.

Ms. Wessels discussed PFAs and potentially writing a letter to Senator Fetterman. She was approached by SWANA regarding sending another letter about relief from CERCLA liability. Board agreed a letter should be sent. **Ms. Wessels** asked **Mr. Raudenbush** to spearhead writing the letter.

Membership & Marketing

No report.

Personnel & Nominating

Ms. Dobak reviewed the draft ballot and asked for questions or comments. One edit was noted. A motion to approve the ballot as presented, with the noted edit, to be distributed in the first week in August. Motion was made by **Mr. Brubaker** and seconded by **Ms. Hamill**.

Fall Conference

Ms. Nestor gave an update on the Fall Conference planning. YPs will have a table at the conference. A banner has been designed and will be printed. **Mr. Lock** is organizing AV equipment for the session rooms.

Mini-Tech Seminars

Ms. Wessels reviewed her report. She is planning an LFG SWANA course in the spring of 2024.

Road-E-O

No report.

Scholarships

No report.

Young Professionals

The Young Professionals will have a table at the Fall Conference. A banner has been designed and will be printed for the conference.

Strategic Planning

No Report.

CHAPTER CALENDAR

August 2023

- Thursday, 8/3, 10 am - **Board Meeting Conference Call**

September 2023

- **9/6 & 9/7, Annual Joint Fall Conference, Hilton Harrisburg**
- **9/7, Chapter Annual Business Meeting and Election** immediately following Fall Conference
- Chapter Fiscal Year Ends

Our Chapter events are not being put on SWANA's calendar. **Ms. Osborne** will help reach out to SWANA to find out why.

OLD BUSINESS

No Old Business

NEW BUSINESS

Mr. Raudenbush shared that every 4.5 seconds a vape is thrown out and each vape contains a lithium battery. Possible landfill issues for the future.

Ms. Nestor brought up a press release and letter from the US attorneys, including PA's, sent to DC regarding plastics. They want no fracking plants, cracker plants, no clothing made of plastic. The letter will be distributed to the board.

NEXT MEETING

The next regularly scheduled meeting of the Keystone Chapter Board of Directors will be a virtual meeting on September 7, 2023, immediately following the fall conference. All members are welcome.

ADJOURN

With no further business to address, a motion was made by **Mr. Brubaker** to adjourn the meeting. **Ms. Nestor** seconded. A vote was called, and the motion passed unanimously at 10:54 am.

Respectfully Submitted,

Chanda Martino, Business Manager

Keystone SWANA Treasurer's Report
August 2023 BOD Meeting

Reviewed/Presented by Mike Brubaker, Treasurer
Prepared by Chanda Martino, Business Manager

July 31, 2023

1. Balance Sheet as of July 31, 2023.
2. Transaction Detail by Account July 1 through July 31, 2023
3. July Business Manager timesheet and invoice

A **MOTION** is requested to approve the Treasurer's Reports, all transactions July 1 through July 31, 2023, and July Business Manager invoice, as presented.

Balance Sheet

As of July 31, 2023

	<u>Jul 31, 23</u>
ASSETS	
Current Assets	
Checking/Savings	
1003 · FCCB	83,379.84
1005 · Edward Jones	53,085.65
Total Checking/Savings	<u>136,465.49</u>
Total Current Assets	<u>136,465.49</u>
TOTAL ASSETS	<u>136,465.49</u>
LIABILITIES & EQUITY	0.00

**PA Keystone Chapter of Solid Waste Association of N.America
Transaction Detail by Account
July 2023**

08/02/23

Accrual Basis

Date	Num	Name	Memo	Split	Amount
1003 · FCCB					
07/03/2023	EFT	SWANA	SWANA Training course Nov 2022	4141 · SWANA Training Event Expense	-2,989.36
07/03/2023	EFT	AffiniPay	merchant services fee - June 2023	7028 · Merchant Services Fees	-437.11
07/03/2023			Deposit	4151 · Half Day Mini-Tech Session	25.00
07/03/2023	160	Chanda Martino	June 2023 Business Manager	2000 · Accounts Payable	-2,230.08
07/05/2023			Deposit	-SPLIT-	1,720.00
07/06/2023			Deposit	-SPLIT-	6,020.00
07/06/2023			Deposit	-SPLIT-	1,170.00
07/07/2023			Deposit	-SPLIT-	440.00
07/10/2023	151	Lance Smith and Penn State University	2023 Scholarship recipient	6011 · Scholarship Award	-1,300.00
07/10/2023			Deposit	4151 · Half Day Mini-Tech Session	15.00
07/11/2023	154	Kadence Shuey and Indiana Univ of PA	2023 Scholarship recipient	6011 · Scholarship Award	-900.00
07/11/2023			Deposit	-SPLIT-	1,610.00
07/12/2023			Deposit	-SPLIT-	1,390.00
07/13/2023			Deposit	-SPLIT-	1,215.00
07/14/2023			Deposit	4134 · Fall Conf. Attendee	250.00
07/17/2023	152	Kyleigh Gradwell and Clarkson Univ	2023 Scholarship recipient	6011 · Scholarship Award	-1,200.00
07/18/2023			Deposit	4134 · Fall Conf. Attendee	220.00
07/19/2023			Deposit	-SPLIT-	1,170.00
07/20/2023			Deposit	4134 · Fall Conf. Attendee	250.00
07/20/2023			Refund from FCCB - check double ca...	6011 · Scholarship Award	1,350.00
07/20/2023	153	Adam Cooper and Penn State University	2023 Scholarship recipient	6011 · Scholarship Award	-1,200.00
07/21/2023			Deposit	-SPLIT-	1,200.00
07/26/2023			Deposit	-SPLIT-	325.00
07/27/2023			Deposit	-SPLIT-	4,895.00
07/28/2023	155	Nicholas Wigle - Penn State Univ	2023 Scholarship recipient	6011 · Scholarship Award	-700.00
07/28/2023			Deposit	-SPLIT-	500.00
07/31/2023			Deposit	-SPLIT-	6,255.00
07/31/2023			Deposit	4135 · Fall Conf. Speaker	75.00
Total 1003 · FCCB					19,138.45
TOTAL					19,138.45



Bill To

Pennsylvania Keystone Chapter of SWANA
1610 Russell Road, Lebanon, PA 17046

Date: 8/1/2023

Description	Amount
Hours for July 1 - 31, 2023	\$2,793.76
Mileage	\$39.17
Phone	\$60.00
Internet	\$30.00
Total	\$2,922.93

Expenses	Amount
Total	

Total **\$2,922.93**

Pennsylvania Keystone Chapter of SWANA

Business Manager

JULY 2023

Date	Mileage		General	Fall Conf	Rodeo	MiniTech	Total Hours
2-Jul	0	fall conference emails, exhibitors, sponsors registrations	0	2	0	0	2
3-Jul	0	email, fall conference exhibitors, swana invoice	0.75	3.5	0	0	4.25
4-Jul	0	email, fall conference exhibitor registrations	0	1.5	0	0	1.5
5-Jul	7.2	GLRA - mail, finances, fall conference registrations, whova setup	2.5	2	0	0	4.5
6-Jul	11.9	FCCB - deposit, process checks, finance entries, fall conference registrations, invoice, t	3.5	1.75	0	0	5.25
7-Jul	0	fall conference emails	0	0.25	0	0	0.25
8-Jul	0	fall conference registrations, emails	0	1.5	0	0	1.5
11-Jul	0	email, fall conference registrations	0.25	1.25	0	0	1.5
12-Jul	0	fall conference registrations	0	0.5	0	0	0.5
13-Jul	7.2	GLRA - mail, fall conf registrations, website updates, exhibitor map, minitech lunch set	1.5	4.5	0	0.5	6.5
14-Jul	0	scholarship email, fall conf email, minitech lunch, finances, process checks	1.75	1	0	0.5	3.25
17-Jul	0	minitech docs, fall conf email and registrations, newsletter docs and email	0.5	0.25	0	0.5	1.25
18-Jul	0	fall conf registrations	0	0.5	0	0	0.5
19-Jul	7.2	GLRA - mail, julyminitech lunch email, microsoft setup, finances, newsletter, FCCB call	3.5	2.5	0	0.5	6.5
20-Jul	0	newsletter edits, fall conf registrations, email	0.75	0.75	0	0	1.5
21-Jul	0	fall conf registrations, badge design, speaker entry whova	0	3.5	0	0	3.5
24-Jul	0	newsletter edits, fall conf registrations, finance entries, fall conf logos	2	3.5	0	0	5.5
25-Jul	0	agenda entry, whova setup, speakers research, meeting prep, newsletter	2.25	1.75	0	0	4
26-Jul	0	FCCB calls about check cashed twice, fall conf registrations	0.75	1	0	0	1.75
27-Jul	7.2	GLRA - mail, fall conf email, process checks, speaker registrations, whova setup	0.5	4.25	0	0	4.75
31-Jul	19.1	GLRA, FCCB - mail, storage, deposit, sponsors, process checks, finance entries, fall conf	2.75	3.25	0	0	6

59.8 Total Miles

Total Hours

23.25	41	0	2	66.25
\$ 980.45	\$ 1,728.97	\$ -	\$ 84.34	

TIME	\$ 2,793.76
MILEAGE	\$ 39.17
PHONE	\$ 60.00
INTERNET	\$ 30.00
TOTAL	\$ 2,922.93

1st QTD Hours 76.5 2.75 9.75 2 **91**

2nd QTD Hours 73.25 50 34.25 7.5 **165**

Advisory Board

1. New Code of Conduct, MA-16, for all events
 - a. General Counsel indicated we need in writing
 - b. Now part of event registration
2. Chapter Connect Networking Event Tuesday evening, 26 September at WasteCon
3. Topics of Chapter Connect at WasteCon on Wednesday, 27 September:
 - a. Diversity, Equity, and Inclusion
 - b. YP Engagement
 - c. Chapter Policy and Procedures and Best Practices
 - d. YP and Technical Division Engagement
 - e. 30 minute presentations followed by 3 rotating roundtables
4. DEI Steering Committee named – 15 members
5. DEI Vision Statement:
 - a. Diversity, Equity & Inclusion (DEI) are at the heart of SWANA. The Association recognizes that each individual brings a unique background with diverse experiences, thoughts, and abilities and commits to ensuring everyone feels included, treated equitably and valued. Leading and continuing to learn in this way will make our Association stronger, more innovative and relevant, allowing SWANA to better serve our members and industry as employers of choice. This is essential to our success.
6. New Executive Director/CEO Search
 - a. Richard Yep, interim, will stay on through September
 - i. He will be issuing Best Practices for Board of Directors and Advisory Board
 - b. Search committee named – 7 members
 - c. Important attributes = Good Communicator & Team Builder
 - d. Tentative Schedule
 - i. Short list interviewed by 3rd week of August
 - ii. Recommendation to Board end of August
 - iii. Hope to introduce at WasteCon
7. Budget passed for 2023/24 Fiscal Year
 - a. No dues change

- b. Implement 12.5% remittance to chapters for most types of memberships
 - c. WasteCon and SOAR pay for themselves, with some additional income
 - d. Staff moving to smaller space 10 blocks away from current offices
 - e. Hiring HR Consultant
 - f. Budgeted for updated online courses and update to recycling course
8. Jesse Maxwell has left SWANA
- a. Looking for Director of Public Policy
 - b. Safety will be distributed to other staff
9. Sara Bixby is leaving SWANA

Safety

Face-to-face Safety Ambassador meeting at WasteCon.



MID-ATLANTIC

MANAGING COMPOSTING PROGRAMS

Objective: Chapter Partnering Training

by Mid-Atlantic Chapter

Managing Composting Programs:

To provide students with an understanding of composting programs from planning through design and operation of modern compost facilities.

Course Content:

This 3-day course consists of presentations by SWANA certified instructors, classroom exercises, case studies, a tour and field exercise at a local composting facility. Please bring a calculator for class activities.

Upon Completion of this Course Participants Will:

- Understand the issues to be considered when planning, developing and operating a composting facility, including composting economics.
- Learn the importance of composting as a component of solid waste management, the basic principles of composting, composting methods and additional ways to manage organics.
- Know about organic material collection, regulatory management and basic operations and troubleshooting.
- Prepare for SWANA's Managing Composting Programs certification exam.

DATE & TIME: October 23-25, 2023 (8:30 a.m. – 5 :00 p.m.)

Please note that no Certification Exam will be offered at the conclusion of this course.

LOCATION: Prince George's County Western Branch Composting Facility
6601 SE Crain Highway, Upper Marlboro, MD 20772 (see map on next page)

MANAGING COMPOSTING PROGRAMS

Certification Requirements:

To become SWANA Certified you must successfully complete the certification course and pass the exam with a minimum score of 70%. The exam is not being offered at this time for the certification course; however, upon completion of the course attendees have the option of taking the test on-line (<https://swana.org/Certification/CertificationInformation/OnlineTesting.aspx>). There is an additional fee of \$250 for SWANA members and \$400 for non-members. A check for the course must accompany the completed registration form.

SWANA Continuing Education Credits (Managers, Associates & Inspectors) will apply for each Certification Discipline the participant holds.



Imagery ©2018 Google, Map data ©2018 Google 1000 ft

Link to the physical location: <https://goo.gl/maps/5EvhXXPXYys>



SWANA[®]
SOLID WASTE ASSOCIATION
of North America

MID-ATLANTIC CHAPTER

JOIN SWANA to SAVE on registration

Shape the landscape of your career, Get SWANA Certified!

SWANA Certification has become a benchmark in the solid waste industry. More than 3,000 solid waste professionals have chosen SWANA Certification, earning themselves:

- Competence in regulatory requirements.
- Access to the latest in industry innovation and technology.
- An edge over the competition when seeking a promotion or new employment.
- Recognition for their industry knowledge, capability and so much more.

With over 10,000 members spread across 45 chapters, SWANA is the leading professional association in the solid waste field. SWANA represents professionals in both the public and private sector through our work to “Educate, Innovate and Communicate.” SWANA’s mission is to advance the practice of environmentally and economically sound management of municipal solid waste.

Some benefits of joining SWANA include:

- Online Membership Directory access.
- Special Access to the eLibrary, the solid waste industry’s most comprehensive database of papers and presentations.
- Endless opportunities to network and share ideas with fellow solid waste professionals on the local and national level.
- Timely updates on regulations and changes that will affect your operations.
- Increased knowledge through numerous training courses and conferences.
- Receive the monthly e-newsletter, **IAMSWANA News** of the Solid Waste Association of North America and the bi-monthly online magazine **MSW Management**.

For more information on SWANA Membership benefits, call 1-800 GO-SWANA (1-800-467- 9262) or visit www.swana.org.

The Mid-Atlantic Chapter is comprised of members who live and /or work in Maryland, Delaware and the District of Columbia. Check out our website at www.swana-midatl.org.

Your Instructors

Jessica Moore is the Recycling Section Manager for Prince George’s County, Maryland. Prince George’s County is home of the largest compost facility on the East Coast. Jessica worked in Recycling, Solid Waste, and Composting for both University of Maryland and Duke University. She has earned a Bachelor’s degree in Natural Resource Management and has certifications through SWANA in Compost, Recycling, Collections, Landfill Operations, Zero Waste, and Integrated Solid Waste Management. She is currently on the Board of Directors for the Mid-Atlantic Chapter and Faculty for SWANA in Composting, ISWM, and MOLO.

Jonathan Meyers has been a member of SWANA since 2006 and is currently serving as the President of the SWANA Mid-Atlantic Chapter. He holds a BS degree in Biology from Towson University, and an MS degree in Environmental Engineering and Science from Johns Hopkins University. Jon has prepared engineering documents for compost facilities in MD, VA, NC, and SC, and is the lead instructor for the LaBella Compost Operations Training course, which is an IACET-approved program that is accepted for state operator certification in NC and SC. He is also a Certified Maryland Compost Operator. Jon loves compost.



MID-ATLANTIC CHAPTER

REGISTRATION*

Note: Check the applicable costs for SWANA member status.

Paying by credit card Check here: <input type="checkbox"/>	<u>SWANA Member*</u>	<u>Non-Member</u>
Composting Course	\$475 <input type="checkbox"/>	\$575 <input type="checkbox"/>
Total Paid	\$ _____	\$ _____

Note: Payment must accompany the registration form. For credit card payments, a link to a secure payment site will be sent to the registrant.

Registration fees for SWANA members are being subsidized by the Mid-Atlantic Chapter. Costs include all course materials and facility tour. Lunch is on your own. Please submit one registration form for each student; however, checks may include fees for more than one student.

*SWANA member(s) in good standing or an employee of an agency/company which has one or more SWANA member(s) in good standing in any SWANA Chapter.

NAME: _____

TITLE: _____

AGENCY/COMPANY: _____

ADDRESS: _____

ZIP CODE: _____

DAYTIME TELEPHONE NUMBER: _____

FAX NUMBER: _____

E-MAIL ADDRESS: _____

SWANA MEMBER: Yes No **WHICH CHAPTER:** _____

If not a member and requesting member rate(s), who in agency/company is a member in good standing?

_____ **WHICH CHAPTER:** _____

QUESTIONS ON COMPOSTING COURSE Contact Jessica Moore at (301) 883-3635 or email jemoore@co.pg.md.us

Make checks payable to **"SWANA Mid-Atlantic Chapter."** (NOT JUST TO "SWANA," and please do not mail the registration form and check to the Silver Spring, MD address.)



Mail registration form and check to:

Jason Munyan, P.E., BCEE
Treasurer - SWANA Mid-Atlantic Chapter
1128 S Bradford St
Dover, DE 19904

Email: treasurer.swana.ma@gmail.com

PLEASE REGISTER EARLY – SEATING IS LIMITED

Summary and Status of Bills in the 2023-2024 Session

Updated 7/8/2023

HOUSE Bill Number, Sponsor, and Description	Status
<p>House Bill 95 -Donna Bullock (D, Phila.) -Increase fines and penalties for littering and dumping -Reintroduced</p>	<p>Referred to JUDICIARY, March 7, 2023 Reported as amended, April 21, 2023 First consideration, April 21, 2023 Third consideration and final passage, May 24, 2023 (122-79) (Remarks see House Journal Page), May 24, 2023 In the Senate Referred to JUDICIARY, June 2, 2023</p>
<p>House Bill 131 -Ryan A. Bizzarro (D, Erie) -Require removal of all political signs by the candidates and their campaigns within 10 days of the election -Reintroduced</p>	<p>Referred to JUDICIARY, March 7, 2023</p>
<p>House Bill 223 -MaryLouise Isaacson (D, Phila.) -Increase Recycling Fee from \$2 per ton to \$5 per ton on waste -Reintroduced</p>	<p>Referred to LOCAL GOVERNMENT, March 8, 2023</p>
<p>House Bill 295 -Chris Rabb (D, Phila.) -Updating the Soil & Plant Amendment Acts to realign the product registration process and tonnage reporting with that of fertilizer after 2022 law change</p>	<p>Referred to AGRICULTURE AND RURAL AFFAIRS, March 10, 2023 Reported as committed, April 25, 2023 First consideration, April 25, 2023 Laid on the table, April 25, 2023 Removed from table, May 3, 2023 Second consideration, May 22, 2023 Re-committed to APPROPRIATIONS, May 22, 2023 Re-reported as committed, May 23, 2023 Third consideration and final passage, May 23, 2023 (201-0) In the Senate Referred to AGRICULTURE AND RURAL AFFAIRS, June 2, 2023</p>
<p>House Bill 427 -Kristine C. Howard (D, Chester) -Repairability Index for Electronic Devices requiring manufacturers to rate and display repairability and longevity -Reintroduced</p>	<p>Referred to CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, March 15, 2023</p>

Summary and Status of Bills in the 2023-2024 Session

HOUSE Bill Number, Sponsor, and Description	Status
<p>House Bill 470 -Tim Briggs (D, Montgomery) -Ban foam takeout food and beverage containers -Reintroduced</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, March 16, 2023</p>
<p>House Bill 594 -Melissa Shusterman (D, Chester) -Increasing the Maximum Fines for Littering -Reintroduced</p>	<p>Referred to TRANSPORTATION, March 21, 2023</p>
<p>House Bill 597 - Patty Kim (D, Dauphin, Cumberland) -Authorize counties that have recycling programs to collect a recycling and waste management fee of up to \$4 per ton county fee for restricted uses -Reintroduced</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, March 21, 2023</p>
<p>House Bill 639 -Milou Mackenzie (R, Northampton, Lehigh, Montgomery) -Litterbug Education added to elementary school science curriculum -Reintroduced</p>	<p>Referred to EDUCATION, March 21, 2023</p>
<p>House Bill 652 -Donna Bullock (D, Phila.) -Environmental Justice - Permit Applications- Builders of some facilities seeking permits would first have to prepare an environmental impact statement and DEP has the power to deny a permit application based on cumulative impacts on a community.</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, March 21, 2023 Reported as amended, June 6, 2023 First consideration, June 6, 2023 Re-committed to RULES, June 6, 2023</p>
<p>House Bill 791 -MaryLouise Isaacson (D, Phila.) -Combat catalytic converter theft by requiring additional steps before a transaction at the scrap yard. -Reintroduced</p>	<p>Referred to CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, April 3, 2023 Reported as amended from CONSUMER PROTECTION First consideration, June 21, 2023 Re-committed to RULES, June 21, 2023 Re-reported as committed from RULES, June 27, 2023 Second consideration, with amendments, June 27, 2023 Re-committed to APPROPRIATIONS, June 27, 2023 Re-reported as committed from APPROPRIATIONS, June 28, 2023 Third consideration and final passage, June 28, 2023 (119-84)</p>

Summary and Status of Bills in the 2023-2024 Session

HOUSE Bill Number, Sponsor, and Description	Status
<p>House Bill 817 -Jose Giral (D, Phila.) -Amends the Pharmacy Act giving the State Board of Pharmacy the duty to educate pharmacies about offering drug take back receptacles and recommend participation. -No funding mentioned</p>	<p>Referred to HEALTH, April 3, 2023 Reported as committed from HEALTH, June 14, 2023 First consideration, June 14, 2023 Re-committed to RULES, June 14, 2023 Re-reported as committed from RULES, June 26, 2023 Second consideration, June 26, 2023 Re-committed to APPROPRIATIONS, June 26, 2023 Re-reported as committed from APPROPRIATIONS, June 27, 2023 Third consideration and final passage, June 27, 2023 (102-101) (Remarks see House Journal Page), June 27, 2023 In the Senate Referred to CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 6, 2023</p>
<p>House Bill 818 -Jose Giral (D, Phila.) -The Pharmaceutical Collection Sites Educational Program is established within the Dept. of State to assist State Board of Pharmacy's efforts to educate pharmacies on their ability to receive and destroy mail-back packages and to install, manage and maintain collection receptacles for prescription drugs -Funding from the General Fund</p>	<p>Referred to HEALTH, April 3, 2023 Reported as amended, June 14, 2023 First consideration, June 14, 2023 Re-committed to RULES, June 14, 2023 Re-reported as committed, June 26, 2023 Second consideration, with amendments, June 26, 2023 Re-committed to APPROPRIATIONS, June 26, 2023 (Remarks see House Journal Page), June 26, 2023 Re-reported as committed, June 27, 2023 Third consideration and final passage, June 27, 2023 (102-101) In the Senate Referred to CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 6, 2023</p>
<p>House Bill 991 -Timothy R. Bonner (R, Mercer, Butler) -Landfill cannot be reopened or expanded if it is within 3 miles of the border of any municipality which has a population density of 1000 or more people per square mile. -Reintroduced</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, April 24, 2023</p>
<p>House Bill 992 -Timothy R. Bonner (R, Mercer, Butler) -Landfill may not be located within 2,500 feet, measured horizontally, from an occupied dwelling -Reintroduced</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, April 24, 2023</p>

Summary and Status of Bills in the 2023-2024 Session

HOUSE Bill Number, Sponsor, and Description	Status
<p>House Bill 1001 -Christopher M. Rabb (D, Phila.) -Establishing a Plastic Pollution Task Force within DEP -Reintroduced</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, May 5, 2023</p>
<p>House Bill 1044 -Joe Ciresi (D, Montgomery) -Making the Littering Acknowledgment printed on each vehicle registration card easier to understand and mention litter pick-up community service as a penalty for violations</p>	<p>Referred to TRANSPORTATION, April 28, 2023 Reported as amended from TRANSPORTATION, June 29, 2023 First consideration, June 29, 2023 Re-committed to RULES, June 29, 2023</p>
<p>House Bill 1051 -Steven R. Malagari (D, Montgomery) -Ban the release of balloons into the atmosphere -Reintroduced</p>	<p>Referred to GAME AND FISHERIES, April 28, 2023</p>
<p>House Bill 1102 -Joe Ciresi (D, Montgomery) -Add community service litter clean up as a penalty for littering offenses in codes where it does not exist.</p>	<p>Referred to JUDICIARY, May 5, 2023</p>
<p>House Bill 1103 - Joe Ciresi (D, Montgomery) -Amend the Cave Protection Act to include community service litter clean up as a penalty for littering.</p>	<p>Referred to JUDICIARY, May 5, 2023</p>
<p>House Bill 1153 -Greg Scott (D, Montgomery) -Disposal of Waste Tires, Trash and Debris Act allowing boroughs and cities of the second and third classes to enforce penalties for the illegal short dumping and the dumping of waste tires and debris with increased fines.</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, May 18, 2023</p>
<p>House Bill 1169 -Perry S. Warren (D, Bucks) -Require newly-constructed state buildings, as well as existing state buildings undergoing renovations to their water and pipe infrastructure, to install water bottle filling stations.</p>	<p>Referred to STATE GOVERNMENT, May 18, 2023</p>

Summary and Status of Bills in the 2023-2024 Session

HOUSE Bill Number, Sponsor, and Description	Status
<p>House Bill 1191 -Melissa Shusterman (D, Chester) -Bottle and Can Deposit with redemption rate of five cents and a handling fee of two cents per container for retailers and redemption centers with unclaimed refunds going to the Hazardous Sites Cleanup Fund</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, May 18, 2023</p>
<p>House Bill 1333 (Senate Bill 756 companion bill) -Jason Dawkins (D, Phila) Allowing Recycled Materials in Stuffed Toys to bring PA in line with global stuffed toy requirements, enabling manufacturers and retailers to make and sell stuffed toys with recycled materials in our state, as they do throughout the rest of the country.</p>	<p>Referred to LABOR AND INDUSTRY, June 7, 2023 Reported as committed from LABOR AND INDUSTRY, June 13, 2023 First consideration, June 13, 2023 Re-committed to RULES, June 13, 2023 Re-reported as committed from RULES, June 26, 2023 Second consideration, with amendments, June 26, 2023 Re-committed to APPROPRIATIONS, June 26, 2023 (Remarks see House Journal Page), June 26, 2023 Re-reported as committed from APPROPRIATIONS, June 27, 2023 Third consideration and final passage, June 27, 2023 (163-40) (Remarks see House Journal Page), June 27, 2023 In the Senate Referred to LABOR AND INDUSTRY, July 6, 2023</p>
<p>House Bill 1286 -Robert E. Merski (D, Erie) -Shared Tables-Fighting school hunger and diminishing waste- allow schools to redistribute unused food, by allowing students to put unwanted food in a specified location. It involves having a place that kids can discretely get food throughout the day at school or take food home at the end of the day and encourages donating any remaining food items to a charitable organization at the close of the school day.</p>	<p>Referred to EDUCATION, June 1, 2023</p>

Summary and Status of Bills in the 2023-2024 Session

SENATE Bill Number, Sponsor, and Description	Status
<p>Senate Bill 418 -Tracy Pennycuick (R, Montgomery, Berks) -Increase the limit on HHW matching funds that each county may receive from \$100,000 to \$250,000 -Reintroduced</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, Feb 21, 2023</p>
<p>Senate Bill 455 -Cris Dush (R, Cameron, Centre, Clinton, Elk, Jefferson, Mckean, Potter) - Placing Solar Panels on the Controlled Device Recycling Act List of Covered Devices -Reintroduced</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, March 14, 2023</p>
<p>Senate Bill 525 -Cris Dush (R, Cameron, Centre, Clinton, Elk, Jefferson, Mckean, Potter) -Relief from burdensome Right-To-Know Law requests by Vexatious Requestors -Reintroduced</p>	<p>Referred to STATE GOVERNMENT, May 3, 2023</p>
<p>Senate Bill 629 -Camera Bartolotta (R, Beaver, Greene, Washington) -Sales & Use Tax Correction - Waste Grease Removal is non-taxable waste removal rather than taxable maintenance</p>	<p>Referred to FINANCE, April 28, 2023 Reported as committed, May 9, 2023 First consideration, May 9, 2023 Second consideration, June 19, 2023 Re-referred to APPROPRIATIONS, June 19, 2023</p>
<p>Senate Bill 691 -Gene Yaw (R, Bradford, Lycoming, Sullivan, Tioga, Union) -Change the name of the DEP to the “Department of Environmental Services”.</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, May 5, 2023 Reported as committed, May 10, 2023 First consideration, May 10, 2023 Second consideration, June 5, 2023 Re-referred to APPROPRIATIONS, June 5, 2023 Re-reported as committed from APPROPRIATIONS, June 5, 2023 Amended on third consideration, June 6, 2023(28-22) Third consideration and final passage, June 7, 2023 (28-22) In the House Referred to ENVIRONMENTAL RESOURCES AND ENERGY, 6/7/23</p>

Summary and Status of Bills in the 2023-2024 Session

<p>Senate Bill 734 -Tracy Pennyquick (R, Montgomery, Berks) -Amend the Covered Device Recycling Act</p>	<p>Referred to ENVIRONMENTAL RESOURCES AND ENERGY, June 2, 2023</p>
<p>Senate Bill 744 -Mike Regan (R, Cumberland ,York) -Right to Repair-Require original equipment manufacturers of electronics and appliances that contain embedded software, such as cellphones, washers, dryers, refrigerators, televisions, and laptops, to make available to consumers and independent repair shops the information and parts needed to repair those devices.</p>	<p>Referred to CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 6, 2023</p>
<p>Senate Bill 756 (HB 1333 companion legislation) -Devlin J. Robinson (R, Allegheny) Allowing Recycled Materials in Stuffed Toys enabling manufacturers and retailers to make and sell stuffed toys with recycled materials in PA as they do throughout the rest of the country.</p>	<p>Referred to LABOR AND INDUSTRY, June 1, 2023 Reported as committed, June 7, 2023 First consideration, June 7, 2023 Second consideration, June 19, 2023 Re-referred to APPROPRIATIONS, June 19, 2023 Re-reported as committed from APPROPRIATIONS, June 26, 2023 Third consideration and final passage, June 28, 2023 (49-1) (Remarks see Senate Journal Page), June 28, 2023 In the House Referred to LABOR AND INDUSTRY, June 28, 2023</p>

Summary and Status of Bills in the 2023-2024 Session

[Tracking the future of US recycling policy in Congress | Waste Dive](#)

FEDERAL Bill	Status
<p>H.R.652 - Zero Food Waste Act -Rep. Brownley, Julia [D-CA] (Introduced 01/31/2023) -EPA grants over ten years for projects that divert or prevent food waste, or gather data about food waste practices.</p>	<p>01/31/2023 Referred to the House Committee on Energy and Commerce</p>
<p>S.179 - COMPOST Act -Sen. Booker, Cory A. [D-NJ] (Introduced 01/31/2023) -Requires USDA to establish a competitive program to award grants and loan guarantees for projects that expand access to food waste composting.</p>	<p>01/31/2023 Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry</p>
<p>S. 1189 Recycling Infrastructure and Accessibility Act -Sen. Capito, Shelley[R-WV] (Introduced 04/19/2023) -Recycling infrastructure pilot program to offer grants between \$500,000 and \$15 million each for projects that make recycling services more accessible to rural and disadvantaged communities that do not have access to MRFs. -Reintroduced</p>	<p>04/26/2023 Committee on Environment and Public Works. Ordered to be reported without amendment favorably</p>
<p>S.1194 Recycling and Composting Accountability Act -Companion House Bill introduced 06/15/2023 -Sen. Carper, Thomas [D-DE] (Introduced 04/19/2023) -Evaluate existing composting programs, collect nationwide recycling and composting data... -Reintroduced</p>	<p>04/26/2023 Committee on Environment and Public Works. Ordered to be reported without amendment favorably.</p>

BALLOT

2023 KEYSTONE SWANA ELECTION OF OFFICERS AND DIRECTORS

VOTING DEADLINE: SEPTEMBER 7, 2023

The SWANA Keystone Board of Directors recommends the following individuals for Keystone Chapter Board of Directors for a two-year term 2024-2025:

PRIVATE SECTOR DIRECTOR: Two Vacant Positions (Vote for Two)

Dan Fellon, Lancaster County Solid Waste Management Authority _____
Charles Raudenbush, Civil & Environmental Consultants _____
Alan Roman, Roman Consulting _____
Scott Schoffner, SCS Engineers _____
Brian Stewart, Noble Environmental _____

PUBLIC SECTOR DIRECTOR: Two Vacant Positions (Vote for Two)

Scott McGrath, City of Philadelphia, Streets Department _____
Chris Toevs, Chester County Solid Waste Authority _____

ADVISORY BOARD MEMBER: One Vacant Position (Vote for One)

Elizabeth Osborne, Chester County Solid Waste Authority _____

WRITE IN NOMINATION (Name) _____ (Position) _____
(Name) _____ (Position) _____

The undersigned member in good standing hereby appoints the Secretary as his/her proxy to represent said member at the membership annual meeting on September 7, 2023. It is understood that the Secretary will report the tally of ballots cast.

NAME: _____

SIGNATURE: _____

Please return your ballot to: Chanda Martino, Business Manager

Email: chanda@keystoneswana.org

Ballots must be received no later than Thursday, September 7, 2023 at the Annual Meeting.

**Mini-tech Committee Report
August 2023**

Scheduled Mini-techs/Training

- June 20: GPS Technology in the Landfill, Lanchester Landfill, Narvon, PA (11 attendees)
- July 18: Wind Defender and Landfill Construction, Rolling Hills Landfill, Boyertown, PA (11 attendees)

Planning Stages

- TBD: Anaergia – Anaerobic Digestion
- Fall 2023: Lab Tour – Pace Analytical

Other ideas

Radiation Monitoring

Anaerobic Digester: Brubaker Farm Tour (Lancaster County), Reinhold Farm Tour (Juniata County) or City of Philadelphia digester, or Milton Sewer Authority?

[SWANA 3-day LFG Course](#)

**Pennsylvania Keystone Chapter SWANA
FY 2022 – 2023 Calendar**

August 2023

- Thursday, 8/3, 10 am - **Board Meeting Conference Call**
- Distribute August Edition of *The Keystone*

September 2023

- **9/6 & 9/7, Annual Joint Fall Conference, Hilton Harrisburg**
- **9/7, Chapter Annual Business Meeting and Election** immediately following Fall Conference
- Chapter Fiscal Year Ends

FW: Important - Passive Receivers Outreach re: Senate PFAS Legislation during August Recess

From: lbk@dswa.com<mailto:lbk@dswa.com> <lbk@dswa.com<mailto:lbk@dswa.com>>
Sent: Monday, July 31, 2023 10:18 AM
To: Wessels, Denise <DWessels@scsengineers.com<mailto:DWessels@scsengineers.com>>
Subject: Fw: Important - Passive Receivers Outreach re: Senate PFAS Legislation during August Recess

Denise -

Before Jesse transitioned out, he shared your Chapter letter to your Senator. Thank you so much for helping with this important initiative. I wanted to forward the email message below from Sean McGinnis to see what your thoughts were on continued outreach to your Senator.

Thanks.

Lynsey K. Baer, P.E., BCEE
Chief of Engineering
Delaware Solid Waste Authority
1128 S. Bradford Street
Dover, DE 19904
(O) 302-739-5361
(C) 302-399-6964
lbk@dswa.com<mailto:lbk@dswa.com>
<~WRD3465.jpg>

Sean McGinnis

From: Sean McGinnis <Mcginnis@co2efficient.com<mailto:Mcginnis@co2efficient.com>>
Sent: Wednesday, July 26, 2023 4:20 PM
To: Sean McGinnis <Mcginnis@co2efficient.com<mailto:Mcginnis@co2efficient.com>>
Subject: Important - Passive Receivers Outreach re: Senate PFAS Legislation during August Recess

All,

As Senators return home for the August recess, I want to share some valuable insights and a new resource.

In light of the Senate Environment and Public Works (EPW) Committee's draft PFAS legislation and stakeholder comment period, we are being told that direct outreach to Senate in-state district offices will be critical for advocating on the issue of PFAS CERCLA liability relief for passive receivers.

Listed below are the Democratic EPW Committee Senators who need to hear from you and your members during August recess. In-state direct outreach during this period will be essential in furthering the stakeholder engagement process. Looking ahead to September, the Senate EPW Committee plans to hold a hearing to advance their PFAS legislation.

1. Sen. Tom Carper (DE)
2. Sen. Benjamin Cardin (MD)
3. Sen. John Fetterman (PA)
4. Sen. Mark Kelly (AZ)
5. Sen. Edward Markey (MA)
6. Sen. Jeff Merkley (OR)
7. Sen. Alex Padilla (CA)
8. Sen. Bernie Sanders (VT)
9. Sen. Debbie Stabenow (MI)
10. Sen. Sheldon Whitehouse (RI)

Additionally, to support your outreach efforts, please find attached a set of talking points titled "CERCLA Myths." These discussion points will help address and rebut misinformation circulating on the topic.

Thank you,
Sean
<~WRD3465.jpg>

Sean McGinnis

<<mailto:mcginnis@co2efficient.com>> 36K

CERCLA Myths Talking Points

Local governments and public and private entities responsible for safeguarding public health and the environment are seeking relief from liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for passive receivers of media containing per- and polyfluoroalkyl substances (PFAS). The purpose of this document is to dispel several myths raised by groups opposing the request by passive receivers that have made their way into the media:

Myth: EPA Can Protect Passive Receivers Without the Need for Legislative Action. It is true that EPA may settle and provide CERCLA contribution protection to individual parties; however, pursuing settlements on a case-by-case basis with thousands of passive receivers would be extraordinarily time-consuming and costly for essential public services, communities, and the federal government. Further, EPA enforcement discretion could be revoked by future administrations and does not preclude states from initiating their own enforcement actions.

Myth: Statutory Relief Would Disincentivize Passive Receivers from Monitoring and Managing PFAS Responsibly. Passive receivers pride themselves in providing essential public health and environmental protection services. They are committed to safe drinking water, safe and effective disposal, and environmental protection from wastewater and storm water. This is buttressed by extensive federal, state, and local environmental, health, and safety requirements involving environmental releases; accordingly, CERCLA relief would not absolve passive receivers from taking responsibility for managing wastes containing PFAS. Statutory relief shields essential public services and the communities they serve from CERCLA contribution claims for previously lawful actions going back decades and ensures full accountability remains with the corporations that produced the contaminants.

Myth: Passive Receivers Can Manage PFAS Like Any Other Hazardous Substance. PFAS is unlike other hazardous substances due to their ubiquity in the waste stream, emerging standards that are lower than the detection limits of current analytical methods, and the lack of treatment technologies capable of achieving total PFAS removal.

Myth: Statutory Relief is Unprecedented and Would Destabilize the Superfund Program. CERCLA has been amended numerous times to provide equitable relief to a diverse range of interests, including for “innocent” owners of property and generators and transporters of recyclable materials, without inhibiting EPA from achieving the core mission of the Superfund program. See 42 U.S.C. §§ 9601(14) and (22), 9604(a)(3), 9607(i)-(j) and (n)-(r), 9619, and 9627. Similarly, affording relief to passive receivers would not impede EPA efforts at identifying other potentially responsible parties and in facilitating the timely cleanup of contaminated sites.



Solid Waste Association of North America
The Pennsylvania Chapter of SWANA

May 25, 2023

Senator John Fetterman
142 Russell State Office Building
Washington, DC 20510

Dear Senator Fetterman:

We are writing to you as the Pennsylvania Chapter of the Solid Waste Association of North America (SWANA). Our chapter represents the solid waste industry, and more than 50 operating landfills in the state.

We are deeply concerned about Environmental Protection Agency's (EPA's) proposal to designate two polyfluoroalkyl substances (PFAS) compounds as "hazardous substances" under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA - the Superfund law). Absent relief from Congress, EPA regulation would replace CERCLA's "polluter pays" principle with a "community pays" model in which essential public services that passively receive PFAS in providing their respective health services, such as drinking water treatment plants, municipal wastewater treatment facilities, and solid waste landfills and composting facilities, and their customers and ratepayers could be held liable for significant costs associated with the cleanup of contaminated sites. The interdependence of these sectors also would be disrupted, leading to significant additional cost increases for communities. Furthermore, prudent and proactive solid waste landfills' overhead costs to address the expanded regulatory requirements and protect against potential liability, relative to PFAS, will also necessarily significantly increase disposal rates and would ultimately have to be passed along to the facilities' ratepayers.

Municipal and national associations representing communities and essential utilities have expressed their direct concern to EPA about the need for liability protection for landfills and other passive receivers. Although EPA has recognized that landfills and other passive receivers should not be liable under CERCLA, the agency has indicated that it has insufficient existing legal authority to shield these sectors from litigation by third-party litigants (e.g., manufacturers of products containing PFAS) seeking to reduce their own cleanup costs by naming essential public services as liable parties that contributed to site contamination.

If adopted, the result of the proposed rule is that Pennsylvania landfills may face costly liability under CERCLA even though they never produced, used, or marketed any products containing PFOA or PFOS. Any such costs would be passed on to Pennsylvania customers by way of increased rates for essential



**Solid Waste Association of North America
The Pennsylvania Chapter of SWANA**

disposal services. The same is true for the exorbitant cost of any attempt at treatment, the efficacy of which is questionable at the current level of technology.

We respectfully request that Congress step in and provide solid waste landfills and other passive receivers with a narrow exemption from liability if certain PFAS are designated as hazardous substances. We have attached a May 10, 2022 letter from SWANA to your committee (see Attachment 1) that further explains our concerns, including how your office can take action to avoid the unintended consequences on communities of CERCLA regulation.

Thank you for your time and consideration of this critical matter. We would be happy to provide further information or clarify any questions you may have.

Sincerely,
Pennsylvania Chapter of SWANA

A handwritten signature in blue ink that reads 'Denise Wessels'.

Denise Wessels, PE, BCEE
Chapter President

A handwritten signature in blue ink that reads 'Scot C. Sample'.

Scot C. Sample
Chapter Vice-President

May 10, 2022

Re: Relief for Municipal Solid Waste Landfills from CERCLA Liability for PFAS

Dear Chairman Carper, Ranking Member Capito, Chairman DeFazio, Ranking Member Graves, Chairman Pallone, and Ranking Member McMorris Rodgers:

The municipal solid waste (MSW) management sector strongly supports the goal of addressing per- and poly-fluoroalkyl substances (PFAS) contamination and holding accountable manufacturers and heavy users of these compounds. We are concerned, however, that regulation under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) instead would assign environmental cleanup liability to essential public services and their customers. We therefore request that Congress provide MSW landfills and other passive receivers with a narrow exemption from liability if certain PFAS are designated as hazardous substances under CERCLA. Doing so would keep CERCLA liability on the industries that created the pollution in the first place.

Context

- Landfills neither manufacture nor use PFAS; instead, they receive discarded materials containing PFAS that are ubiquitous in residential and commercial waste streams. MSW landfills and the communities they serve should not be held financially liable under CERCLA for PFAS contamination, as landfills are part of the long-term solution to managing these compounds.
- Landfills are essential public services that are subject to extensive federal, state, and local environmental, health, and safety requirements. Further, MSW landfills are important to managing and limiting PFAS in the environment, as recognized by the Environmental Protection Agency (EPA) in its December 2020 draft Interim Guidance on the Destruction and Disposal of [PFAS] and Materials Containing [PFAS].
- **Just as certain airports are required by law to use firefighting foam containing PFAS, permitting authorities often require landfills to accept waste streams containing PFAS.**
- Most landfills rely on wastewater treatment facilities for leachate management. Wastewater and drinking water facilities increasingly rely on landfills for biosolids management and disposal of PFAS-laden filters. Efforts to address PFAS at MSW landfills and drinking water and wastewater facilities must avoid disrupting this interdependence among essential public services to communities.
- Landfill leachate typically represents a minor proportion of the total quantity of PFAS received at wastewater treatment facilities from all sources. PFAS manufacturers or users, by comparison, contribute PFAS at levels that can be orders of magnitude higher than landfills.

Significant Economic Impacts

- Removing PFAS from landfill leachate requires advanced treatment techniques which are prohibitively expensive. Estimated capital costs to implement leachate pretreatment at a moderate-sized landfill to the extent necessary to significantly reduce PFAS range from \$2 million to \$7 million, **with nationwide costs totaling \$966 million to \$6.279 billion per year** for the solid waste sector. Trace concentrations of PFAS nevertheless would remain in leachate following pretreatment, exposing landfills to CERCLA liability.
- Absent relief from CERCLA liability, manufacturers and heavy users of PFAS compounds will bring claims for contribution against landfills and other passive receivers, generating significant litigation costs. EPA's exercise of enforcement discretion will not insulate landfills from this litigation.

- These costs will be passed along to communities, water and wastewater treatment facilities, and biosolids management, all of which rely on the services of MSW landfills.

Broad Unintended Consequences

- **CERCLA regulation will impel landfills to restrict inbound wastes and/or increase disposal costs for media with elevated levels of PFAS, including filters, biosolids, and impacted soils at Department of Defense facilities.** The mere prospect of regulation in this area is already disrupting the interdependence of the drinking water, wastewater, and solid waste sectors.
- Food waste compost may contain PFAS due to contact with PFAS-lined packaging materials. As a result, a CERCLA designation could result in communities diverting food waste from organics recycling programs, hindering federal, state, and local climate and waste reduction goals.
- Cost increases likely will have a significant disproportionate impact on low-income households that rely on the affordability of services that the solid waste sector provides.

Recommendation

Although our sector is simultaneously pursuing “no action assurance” from EPA, the agency historically has been very hesitant to provide this relief given its policy that assurances should be given only “in extremely unusual cases.” As such, and acknowledging that EPA may have limited authority to act on our request, we recommend providing the following narrow exemption from CERCLA liability that affords relief to landfills and other passive receivers of PFAS¹:

(a) IN GENERAL.—No publicly owned or operated community water system (as defined at 42 U.S.C. 300f), publicly owned treatment works (as defined at 33 U.S.C. 1292), or municipal solid waste landfill (as defined at 40 C.F.R. 258.2) shall be liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for the costs of responding to, or damages resulting from, a release to the environment of a perfluoroalkyl or polyfluoroalkyl substance designated as a hazardous substance under section 102(a) of such Act that resulted from the discharge of effluent, the disposal or management of biosolids, the disposal of filtration media resin, or the discharge of leachate where such actions are in compliance with Federal or State law and all applicable permits.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to any discharge described in such subsection that results from any gross negligence, willful misconduct, or noncompliance with any Federal or State law or permit governing the discharge of effluent, disposal or management of biosolids, disposal of filtration media resin, or waste disposal.

Thank you for your consideration of our request, and we look forward to continuing to partner with the federal government to ensure the safe and effective management of waste streams containing PFAS.

Sincerely,

National Waste & Recycling Association
Solid Waste Association of North America

cc: Senate EPW Committee Members
House T&I and E&C Committee Members

¹ The exemption would not extend to underlying soil and groundwater contamination from a MSW landfill or to facilities other than MSW landfills that accept waste streams with elevated concentrations of PFAS.