



**Pennsylvania Waste Industries Association**  
122 State Street, Harrisburg, Pennsylvania 17101

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December 13, 2017

**SUBMITTED VIA ECOMMENT SYSTEM**

Department of Environmental Protection  
Policy Office  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

**RE: Comments on the Draft Advisory Committee Guidelines**

Dear Policy Office:

The Pennsylvania Waste Industries Association (PWIA) submits these comments in response to the Department's request for feedback regarding the Draft Advisory Committee Guidelines ("Draft AC Guidelines") published in the October 14, 2017 Pennsylvania Bulletin and also available through the Department's eComment system. PWIA is a non-profit organization and is the Pennsylvania chapter of the National Waste & Recycling Association, and our mission is to promote efficient, environmentally safe management of recycling and solid waste and to advocate for sound public policy affecting the management of recycling and solid waste. PWIA members include both privately held and publicly traded companies, all of whom own and operate recycling and/or solid waste facilities, and provide solid waste collection and transport services throughout the Commonwealth. As a result, many of PWIA's members and representatives sit on various Department advisory committees and our comments are offered based on this collective experience.

**Comment #1: PWIA recommends that the Department modify the proposed handling of advisory meeting minutes.**

The Draft AC Guidelines propose that draft meeting minutes will be posted on the Department's web page specific to the relevant advisory committee at least 2 weeks prior to that advisory committee's next meeting. This proposal is identical to the procedures currently in place for most (if not all) advisory committees. Based on PWIA's experiences, we recommend that these procedures be modified.

Typically, draft meeting minutes are presented and approved through an advisory committee vote at the next advisory committee meeting. Often, but not always, the minutes are approved "as presented". Sometimes, corrections are offered, accepted and approved to the draft meeting

minutes; i.e. the draft meeting minutes are approved with modifications. As the current practices are applied, most if not all advisory committee webpages contain copies of the “draft” meeting minutes, but do not contain copies of the final, approved meeting minutes.

From a “best practices” standpoint, draft meeting minutes should always be reviewed and approved by the advisory committee prior to being made public. This ensures that the public is given accurate information.

PWIA notes that the content and scope of meeting minutes of advisory committee meetings prepared by Department staff greatly exceed the requirements applicable under the Sunshine Act and its implementing regulations, which are included as Appendices B and C of the Draft AC Guidelines. While the “upgraded” meeting minutes prepared by the Department are more useful and informative than those mandated under the Sunshine Act, this increases the importance that the information available to the public is accurate. PWIA notes that the section of the Sunshine Act and its implementing regulations pertaining to meeting minutes appears to apply only to the actual meeting minutes, and not draft documents (See Sunshine Act, Sec 706 and 1 Pa. Code §1.52).

PWIA recommends that draft meeting minutes either not be posted, or if they are posted, that each page contain an indelible “DRAFT” watermark and that the draft meeting minutes be permanently removed from the webpage immediately after approved meeting minutes are available. Furthermore, PWIA recommends that the final AC Guidelines mandate posting of approved meeting minutes.

**Comment #2: PWIA recommends that the Department clarify the status of consultants and other entities operating under contract to the Department and/or Commonwealth**

Section V.A. of the Draft AC Guidelines requires the Department to post the “agenda, draft DEP documents to be reviewed, and other available meeting materials on the advisory committee page of DEP’s website at least two weeks prior to the meeting to allow members time for review”. Section V.C. of the Draft AC Guidelines indicates that any materials presented at an advisory committee by “persons other than DEP staff” should be provided in hardcopy at the meeting and made available to the Department the day after then meeting for posting on the advisory committee’s page on the Department’s website. (emphasis added.)

The final AC Guidelines should clarify the status of presentations made by contractors to the Department—i.e. whether these materials must be posted and made available to advisory committee members prior to meeting (i.e. subject to Section V.A.) or at the meetings (i.e. subject to Section V.C.). PWIA suggests that these materials fall more clearly within the purpose of Section V.A as opposed to Section V.C., as the materials have been created at the behest and direction of the Department.

**Comment #3: PWIA recommends that the Department provide clarification regarding the applicability of Robert's Rules of Order**

Various sections of the Draft AC Guidelines alternatively imply that a) Robert's Rules of Order directly applies to how all advisory meetings are conducted (See Draft AC Guidelines Sec. VI.A and B); and b) that the advisory committee's by-laws should specify whether Robert's Rules of Order apply (see Section III, 6<sup>th</sup> Bullet). In addition, the Draft AC Guidelines also indicate that the advisory committee's by-laws govern how meetings are to be conducted (See Section III generally; Section V.B.; Section VI.A. and B.). These conflicting statements should be resolved.

Our experiences with how advisory meetings are conducted is that while Robert's Rules of Order are used as guidelines, they are not applied directly. PWIA also believes that mandating use of the Robert's Rules of Order would result in over-formal and less-effective meetings. For example, Robert's Rules of Order establishes that during discussion of motions, a very specific hierarchy must be used for the order in which speakers may debate the motion.

PWIA recommends that the Department clarify whether Robert's Rules of Order apply directly, and if so, provide each advisory committee member with a copy of them. It is PWIA's further recommendation that the Department indicate that each advisory committee's by-laws govern how meetings are conducted, and that Robert's Rules of Order do not apply directly.

PWIA is very supportive of the Department's efforts to provide guidelines for the operation of its advisory committees. We are mindful of the difficulty in providing guidelines that would apply to twenty-three (23) different advisory committees, established through a variety of legal mechanisms, including statute, Executive Order, and Departmental policy, some of which apply to very specific programs and others which involve multiple programs and Departmental Deputies. We hope that the Department finds these comments helpful in crafting final guidelines.

Very truly yours,

*/s/ Tim O'Donnell*

Tim O'Donnell  
President