

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 17, 2009

LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Re: TCEQ DOCKET NUMBER 2009-1096-RES

Dear Ms. Castañuela:

Enclosed you will find the original and seven copies of the Executive Director's Request for Continuation of the Pollution Prevention Advisory Committee, Municipal Solid Waste Management and Resource Recovery Advisory Council, and the Small Business Compliance Assistance Advisory Panel.

Attached to the Executive Director's Request you will find the original and seven copies of the backup filing for this.

If you have any questions about this matter, please call me at 239-6501.

Sincerely,

A handwritten signature in cursive script that reads "Benjamin Rhem".

Benjamin Rhem  
Staff Attorney  
Environmental Law Division  
TCEQ Office of Legal Services

Attachment

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**A RESOLUTION** Relating to the continuation of Texas Commission on Environmental Quality advisory committees. Docket No. 2009-1096 RES

**WHEREAS**, Section 5.107 of the Texas Water Code provides the Texas Commission on Environmental Quality and the Executive Director with the authority to create and consult with advisory committees; and

**WHEREAS**, Section 361.0215 of the Texas Health and Safety Code provides for the creation of the Pollution Prevention Advisory Committee; and

**WHEREAS**, Section 363.041 of the Texas Health and Safety Code provides for the creation of the Municipal Solid Waste Management and Resource Recovery Advisory Council; and

**WHEREAS**, Section 5.135(c) of the Texas Water Code provides for the creation of the Small Business Compliance Assistance Advisory Panel; and

**WHEREAS**, Section 2110.008 of the Texas Government Code states that an advisory committee is automatically abolished on the fourth anniversary of the date of its creation unless the agency amends the rule to provide for a different abolishment date; and

**WHEREAS**, Commission rule at 30 Texas Administrative Code (TAC) § 5.3 states that an advisory committee created by the commission shall be created by commission resolution and shall be automatically abolished in accordance with Chapter 2110 of the Texas Government Code; and

**WHEREAS**, the Commission resolution of October 14, 2005 continued the following advisory committees for four years: Pollution Prevention Advisory Committee, Municipal Solid Waste Management and Resource Recovery Advisory Council, and the Small Business Compliance Assistance Advisory Panel, and

**WHEREAS**, the Commission finds that it is in the interest of administrative efficiency for advisory committees to have corresponding expiration dates.

**NOW, THEREFORE, BE IT RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** that the Commission, pursuant to 30 TAC § 5.3, hereby re-creates and continues the following advisory committees until four years from the date of this resolution:

- a. Pollution Prevention Advisory Committee;
- b. Municipal Solid Waste Management and Resource Recovery Advisory Council;
- c. Small Business Compliance Assistance Advisory Panel;

**BE IT FURTHER RESOLVED**, that the Commission affirms all standing appointments of members to the advisory committees continued and re-created by this resolution. Nothing in this resolution modifies and existing membership terms or offices.

Issue date:

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Bryan W. Shaw, Ph.D., Chairman

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Les Trobman, General Counsel                      **Date:** September 17, 2009

**From:** Benjamin Rhem, Staff Attorney  
Environmental Law Division

**Subject:** Docket No. 2009-1096-RES —Consideration of Resolution for Continuance of the Pollution Prevention Advisory Committee, Municipal Solid Waste Management and Resource Recovery Advisory Council, and the Small Business Compliance Assistance Advisory Panel.

**Caption:** Consideration of a resolution that re-creates and continues, for another four years, the existence of certain Commission advisory committees. The resolution would continue the existence of the **Pollution Prevention Advisory Committee, Municipal Solid Waste Management and Resource Recovery Advisory Council, and the Small Business Compliance Assistance Advisory Panel.**

### Background

The **Pollution Prevention Advisory Committee (PPAC)** was created by the 71<sup>st</sup> Legislature to advise the commission on the appropriate organization of state agencies and the financial and technical resources required to aid the state in its efforts to promote waste reduction and minimization; the development of public awareness programs to educate citizens about hazardous waste and the appropriate disposal of hazardous waste and hazardous materials that are used and collected by households; the provision of technical assistance to local governments for the development of waste management strategies designed to assist small quantity generators of hazardous waste; other possible programs to more effectively implement the state's hierarchy of preferred waste management technologies as set forth in Texas Health and Safety Code, §361.023(a); and the development of state purchasing guidelines for "environmentally preferable" products, under the authority provided in Texas Health and Safety Code § 361.423.

The PPAC is composed of nine voting members who offer a balanced representation of environmental and public interest groups and the regulated community. They serve a four year term with approval from the commission.

The PPAC operates under the requirements of 30 TAC Chapter 5, Advisory Committees and Groups.

Members of the **Municipal Solid Waste Management and Resource Recovery Advisory Council** represent various interests, which include city and county solid waste agencies, public solid waste districts or authorities, commercial solid waste landfills, planning regions, environmental perspectives, city and county governments, financial advisors, registered waste

tire processors, professional engineers, solid waste professionals, composting/recycling companies, and general public representatives.

Upon request from the TCEQ Commissioners, the Advisory Council reviews and evaluates the effect of state policies and programs on municipal solid waste management; makes recommendations on matters relating to municipal solid waste management; recommends legislation to encourage the efficient management of municipal solid waste; recommends policies for the use, allocation, or distribution of the planning fund; and recommends special studies and projects to further the effectiveness of municipal solid waste management and recovery for the state of Texas under the authority provided in Texas Health and Safety Code § 363.046.

The 1990 Federal Clean Air Act Amendments and the Texas Water Code statutes require each state to provide small business assistance including a state **Small Business Compliance Advisory Panel** (CAP), an ombudsman, and a technical assistance program.

The CAP is a seven-member panel. Two members are appointed by the governor to represent the public; two members each are appointed by the lieutenant governor and speaker of the Texas House of Representatives to represent small businesses; and one member is appointed by the TCEQ's chairman.

Under Texas Water Code § 5.135, CAP members' roles include advising the TCEQ's Small Business Assistance Program on improving its effectiveness; submitting periodic progress reports and recommendations to the U.S. Environmental Protection Agency's small business ombudsman; assessing compliance and enforcement trends encountered by specific small business sectors and recommending improvements to the TCEQ; and ensuring that information and regulations affecting small businesses are written in plain language.

#### Action Requested

The Executive Director requests that the Commission re-create and continue the above mentioned Advisory Councils for an additional four years in accordance with the statutory mandate of 30 TAC § 5.3.

#### Attachment

Cc: Chief Clerk, 7 copies  
Benjamin Rhem

Office of General Counsel  
Executive Director's Office