


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Consideration of Resolution

AGENDA REQUESTED: August 10, 2022

DATE OF REQUEST: July 22, 2022

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Gwen Ricco, Agenda Coordinator, (512) 239-2678

CAPTION: Docket No. 2022-0176-RES. The resolution was filed with the Texas Commission on Environmental Quality (agency) on February 7, 2022, by the Municipal Solid Waste Management and Resource Recovery Advisory Council (advisory council). The advisory council expresses its support of the agency taking a leadership role in examining and implementing the recommendations of the *Recycling Market Development Plan* that help move the State of Texas forward in increasing diversion in a cost-effective manner. In addition, the advisory council recommends appropriate agency funding for such activities. (Charly Fritz, Guy Henry; Non-Rule Project No. 2022-013-RES-NR)



Director

Gwen Ricco

Agenda Coordinator




Division Deputy Director

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** July 22, 2022

Thru: Laurie Gharis, Chief Clerk
Toby Baker, Executive Director

From:  Brent Wade, Director
Office of Waste

Docket No.: 2022-0176-RES

Subject: Municipal Solid Waste Management and Resource Recovery Advisory Council's Resolution Regarding Agency Leadership in Examination and Implementation of the Texas Recycling Market Development Plan and Request for Funding Non-Rule Project No. 2022-013-RES-NR

Requested Action:

The Municipal Solid Waste Management and Resource Recovery Advisory Council (MSWRRAC) passed a resolution expressing its support of the Texas Commission on Environmental Quality (agency) taking a leadership role in examining and implementing the recommendations of the *Recycling Market Development Plan* (RMDP; 2021) that help move the State of Texas forward in increasing diversion in a cost-effective manner. In addition, MSWRRAC recommends appropriate agency funding for such activities.

MSWRRAC voted on the resolution on January 28, 2022, with 13 yeas, zero nays, and two not voting and submitted to the agency on February 7, 2022.

Background Information:

MSWRRAC's 18 members represent various municipal solid waste (MSW) related segments of the state, including the disposal, recycling, and scrap tire industries, municipalities, and the public. MSWRRAC reviews and evaluates the impact of state policies and programs on MSW management and recommends legislation, policy, or special projects and studies.

The agency recently published the RMDP in response to SB 649, 86th Legislature (2019), which provides a detailed analysis of the current state of recycling in Texas and presents strategies and recommendations to stimulate increased use of Texas-generated recycled material feedstocks.

Executive Director Recommendation:

The executive director recommends expressing support for recycling in the State of Texas and support for the agency's current activities of recycling education and outreach.

Agency contacts:

Charly Fritz, Deputy Director, Waste Permits Division, (512) 239-2331
Guy Henry, Senior Attorney, Environmental Law Division, (512) 239-6259
Gwen Ricco, Agenda Coordinator, (512) 239-2678

Attachments:

Resolution by the Municipal Solid Waste Management and Resource Recovery Advisory Council

cc: Chief Clerk, 7 copies

A RESOLUTION by the Municipal
Solid Waste Management and
Resource Recovery Advisory Council

Regarding Agency Leadership in Examination and Implementation of the Texas Recycling
Market Development Plan (RMDP) and Request for Funding Commiserate with the
Requirements of the Examination Process

WHEREAS, Section 5.107 of the Texas Water Code provides the Texas
Commission on Environmental Quality (TCEQ, Agency, or Commission) with the
authority to create and consult with advisory committees; and

WHEREAS, Section 363.014 of the Texas Health and Safety Code provides for the
creation of the Municipal Solid Waste Management and Resource Recovery Advisory
Council (Council); and

WHEREAS, the Commission advisory committees are subject to the Commission's rules
regarding such committees pursuant to 30 Texas Administrative Code Chapter 5. The
Council's sole duty is to advise the Commission. The Council has no executive or
administrative powers with respect to the operation of the Commission, and all such powers
and duties rest solely with the Commission; and

WHEREAS, the Council reviews and evaluates the impact of state policies and programs
on municipal solid waste (MSW) management and recommends legislation, policy, or
special projects and studies; and

WHEREAS, the Council has received, for our consideration, pending testimony from
the State of Texas Alliance for Recycling (STAR) that they intend to submit to the
Sunset Advisory Committee seated to examine the TCEQ, and

WHEREAS, the intent of State of Texas Alliance for Recycling's testimony is to bring to
the attention of the Sunset Advisory Committee (SAC) the need for action by the
Commission in regard to the growth of the recycling industry in Texas and to bring to
its attention the authorities possessed by the Commission in regard to promotion of
recycling, particularly TAC Section 361.423 RECYCLING MARKET DEVELOPMENT
IMPLEMENTATION PROGRAM, Section 361.014 USE OF SOLID WASTE FEE
REVENUE and Section 361.022 PUBLIC POLICY CONCERNING MUNICIPAL SOLID
WASTE AND SLUDGE, and

WHEREAS, recycling has been declared to be an essential service by the State and
that recycling, by State Code, is intended to be promoted as a preferred solid waste
management practice to its maximum level of sustainability, and

WHEREAS, the Agency has recently published the RMDP, in response to SB 649, 86^h
Legislature, which calls for action by the Agency and other State entities to consider
and act upon its recommendations for industry growth, and

WHEREAS, the RMDP identifies that:

- The recycling industry in Texas annually recovers more than 13 million tons of Municipal Solid Waste, representing a 27.5% recycling rate, and is worth \$7.8 billion to the State's economy annually,
- The recycling industry in Texas annually employs more than 31,000 Texans full time, and pays more than \$220 million in State and local taxes and fees, and
- Approximately half of the MSW that is currently deposited in landfills in Texas, more than 16 million tons annually, could be recycled - all demonstrating that *the recycling industry is a significant and important industry worthy of Agency leadership* and that such leadership by the Agency will benefit the promotion of recycling and achievement of our current State recycling goals (40%), and

WHEREAS, the RMDP is a detailed document that covers a vast array of industry dynamics that deserve a methodical examination by the Agency and other stakeholders to understand its recommendations and facilitate their implementation for the benefit of Texas;

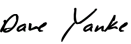
THEREFORE, be it resolved by the Council to express to the Commission its support of the Agency taking a leadership role in examining and implementing the recommendations of the RMDP that help move the State of Texas forward in increasing diversion in a cost effective manner. In addition, the Council recommends appropriate Agency funding for such activities.

Voting Record

At the January 13, 2022, quarterly MSWRRAC meeting, the council approved a motion to express to the Commission its support of the Agency taking a leadership role in examining and implementing the recommendations of the RMDP that help move the State of Texas forward in increasing diversion in a cost- effective manner. In addition, the Council recommends appropriate Agency funding for such activities. The resolution was created on January 26, 2022, and was voted on by the council via email.

Motion to adopt as presented was made by Ms. Cheryl Mergo
Motion seconded by Mr. Richard Abramowitz
The vote was 13 Yea, 0 Nay, 2 Not Voting

Dave Yanke; President

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Date Signed 2/7/2022

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



A RESOLUTION by the Municipal Solid Waste Management and Resource Recovery Advisory Council Regarding Agency Leadership in Examination and Implementation of the Texas Recycling Market Development Plan and Request for Funding;

TCEQ Docket No. 2022-0176-RES

Project No. 2022-013-RES-NR

WHEREAS, Section 5.107 of the Texas Water Code provides the Texas Commission on Environmental Quality (TCEQ, agency, or Commission) with the authority to create and consult with advisory committees; 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 (Council); and

WHEREAS, the Commission advisory committees are subject to the Commission's rules regarding such committees pursuant to 30 Texas Administrative Code Chapter 5. The Council's sole duty is to advise the Commission. The Council has no executive or administrative powers with respect to the operation of the Commission, and all such powers and duties rest solely with the Commission; and

WHEREAS, the Council reviews and evaluates the impact of state policies and programs on municipal solid waste management and recommends legislation, policy, or special projects and studies; and

WHEREAS, TCEQ published the *Recycling Market Development Plan* (RMDP; 2021), in response to SB 649, 86th Legislature (2019), which provides a detailed analysis of the current state of recycling in Texas and presents strategies and recommendations to stimulate increased use of Texas-generated recycled materials feedstocks; and

WHEREAS, the Council filed a resolution on February 7, 2022, with the executive director's office, expressing its support of the agency taking a leadership role in examining and implementing the recommendations of the RMDP that help move the State of Texas forward in increasing diversion in a cost-effective manner. In addition, the council recommends appropriate agency funding for such activities;

NOW THEREFORE, BE IT RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, on August 10, 2022, the Commission hereby expresses

support for recycling in the State of Texas and support for the agency's current activities of recycling education and outreach.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Jon Niermann, Chairman

Date Signed

Draft