

# **Municipal Solid Waste Management & Resource Recovery Advisory Council (MSWRRAC) Meeting**

## **Texas Commission on Environmental Quality (TCEQ)**

12100 Park 35 Circle, Building E, Room 201S, Austin, Texas

Thursday, October 8, 2020

### **Attendance**

#### **Members Present**

Mr. Scott Trebus  
Ms. Risa Weinberger  
Mr. Holly Holder  
Mr. Kevin Martinolich  
Ms. Cheryl Mergo  
Mr. Chuck Rivette  
Mr. Jeffrey Mayfield  
Mr. Richard McHale  
Mr. Scott Pasternak  
Mr. Maurice Pitts, Jr.

#### **Members Absent**

Mr. Trent Perez  
Mr. David Yanke  
Ms. Heather Douglas  
Mr. Jim Wolverton  
Mr. David Dillard

#### **TCEQ Staff**

Ms. Charly Fritz  
Mr. Chance Goodin  
Mr. Gene Muller  
Mr. David Greer

Ms. Diane Barnes  
Ms. Bria Patterson  
Ms. Kristen Hernandez

### **Welcome and Introduction of Members and Guests – Mr. Holly Holder, Council President**

- Ms. Diane Barnes took role for the council members.
- Mr. Holder asked everyone in attendance to introduce themselves.

### **Waste Permits Division (WPD) Update – Ms. Charly Fritz, Director**

- Ms. Charly Fritz replaced Mr. Earl Lott as director
- Coronavirus (COVID-19)
  - Since March 23, 2020, TCEQ has operated primarily via telework.
  - Public access to agency offices still limited. Appointments required to view Central File or program area records.
- Fiscal Year (FY) 2020 Recap
  - EPA Lean Management System training deployed in November 2019
  - Average review times improving for permit and registration applications.

- Average review times for Notifications have met goal of 90 days.
- Work from home average review times comparable to in-office review times for FY 18 and FY 19.
- Legislative Session begins in January 2021
  - Pre-filing of bills begin in November 2020
  - Council's appropriation resolution proposed in the last meeting was taken forward to commissioners with a recommendation of no action due to budget uncertainty. The commission supported the executive director's decision.
    - Agency-wide 5% budget cut implemented per the Governor's office and Legislative Budget Board directive and possible future budget changes were factors in decision.
    - Mr. Holder recommended that the council revisit the issue in the future when the state budget is less uncertain.
    - Ms. Mergo, on behalf of the Council of Governments (COGs) regions, thanked the council and TCEQ for considering the resolution.

## **Municipal Solid Waste (MSW) Permits Section Update – Mr. Chance Goodin, Manager**

- Staffing
  - No new employees
  - One vacant position
- 30 major application projects currently in the program.
- Legislative Bill Implementation
  - Rules for House Bill (HB) 1331, HB 1435, and HB 1953 were adopted.
  - Senate Bill 1336 – Title 30 Texas Administrative Code, Chapter 328, Subchapter K (Governmental Entity Recycling and Purchasing of Recycled Materials) rules became effective on July 2, 2020. Rule revision to clarify exemptions related to purchasing of recycled materials will be presented at a public hearing on November 17, 2020.
  - Council members asked about compliance history issues and ways to resolve. TCEQ has begun public comment period for penalty policy proposal and compliance history rulemaking which ends October 30, 2020.
- Annual Report FY 2019
  - 73 percent (391/535) replied through the on-line reporting system.
  - Landfill capacity of 55 years remain for Type I landfills.
  - All COGs have more than ten years of remaining capacity.
- Annual Report FY 2020 – Reports are due by November 10, 2020
- EPA Office of Inspector General Report

- EPA's July 2020 report indicated that there were several landfills without Title V air permits. The state currently has 11 landfills which need to submit design capacity reports. We sent a letter in September with a due date of October 1, 2020 and have received 7 design capacity reports. We will work with Air Permits Division to obtain remaining landfill design capacity reports.

## **Recycling Market Development Plan – Mr. Scott Pasternak, Burns and McDonnell**

- Burns & McDonnell has the contract for the project.
- Purpose to assess recycling industry, economic impact, and develop a recyclable material market plan to stimulate the use of recyclable material feedstocks in Texas.
- Voluntary online survey was available June 1 – August 31, 2020 for MSW and industrial recyclers and end users.
- Encountered challenges gathering responses due to COVID-19.
- Preliminary information:
  - Data gathered from 476 facilities (151 direct survey responses, 325 sources of supplemental data)
  - Contamination and low quality of materials was the number one answer as a barrier to recycling expansion.
- Upcoming stakeholder forums October 27, 28, and 29, 2020.
- Final report due Spring 2021.

## **Regional Solid Waste Management Plans and Scrap Tires Program Update – Mr. Gene Muller, Manager, Business & Program Support Section**

- Current Regional Solid Waste Management Plans expire in 2022; they are 20-year plans.
- Volume 1 form - Regional Solid Waste Management Plan was shared on September 30th with COGs and published on the TCEQ Regional Solid Waste Grants Program web page on October 2nd.
- Volume 1 and Volume 2 plans are due by January 2022
- Developing a Texas workshop in coordination with the US Tire Manufacturers Association to address unauthorized scrap tire sites. The first meeting is scheduled for October 22, 2020 to identify issues.

## **Approval of July 9, 2020 Meeting Highlights**

- Ms. Risa Weinberger made a motion to accept the meeting highlights. Mr. Maurice Pitts, Jr. seconded the motion, and the highlights were approved by the council.

## **Proposed Dates for 2021 Meetings**

- January 14, 2021
- April 8, 2021
- July 8, 2021
- October 14, 2021
- Proposed 2021 meeting dates were approved

## **Action Items**

- Produce statistics from MSW Checklist improvements

## **Public Comments**

- No public comments.

## **Next Meeting**

- January 14, 2021

## **Archived Webcast**

Archived webcast of this meeting is available at [www.youtube.com/watch?v=VhMb8z\\_ii7o](http://www.youtube.com/watch?v=VhMb8z_ii7o)