

**Texas Commission on Environmental Quality**  
**Highlights of TCEQ Municipal Solid Waste Management & Resource Recovery Advisory Council (MSWRRAC)**  
**Meeting, Thursday October 14, 2021**

**Attendance**

**Members Present**

Ms. Risa Weinberger  
Mr. Scott Trebus  
Ms. Cheryl Mergo  
Mr. Charles (Chuck) Rivette  
Mr. Jeffrey Mayfield  
Mr. Richard McHale  
Mr. Scott Pasternak  
Mr. David Yanke  
Judge David Dillard  
Mr. Tom Yardley  
Mr. Tennell Atkins  
Mr. Richard Abramowitz  
Mr. Steve Shannon  
Mr. Frank Pugsley  
Ms. Jennifer Lutz

**Members Absent**

Mr. Trent Perez

**TCEQ Staff Present**

Mr. Chance Goodin  
Ms. Megan Henson  
Ms. Nikki Clark

Mr. Cody Seal  
Ms. Diane Barnes

**Archived Webcast of the Meeting**

The meeting was held online using MS Teams. Archived webcast of the meeting is available at [www.youtube.com/watch?v=23LGaQRvmEQ](http://www.youtube.com/watch?v=23LGaQRvmEQ)

**Welcome and Introduction of Members and Guests—Mr. David Yanke, Council President**

- Ms. Barnes took roll for the council members.
- Mr. Yanke asked for nominations for the vice president position. Mr. Rivette nominated Mr. Mayfield. Mr. Pasternak motioned, and Mr. Rivette seconded the motion. The council unanimously approved Mr. Mayfield as vice president.

## **Waste Permits Division (WPD) Update—Ms. Megan Henson, Manager, Business & Program Services Section**

- Alternative Language Rule Changes & Public Participation Plan
  - Chapter 39 rule changes were adopted August 25, 2021 with an effective date of May 1, 2022. The rules address requirements of providing notice documents in response to public comments in languages other than English and providing interpretation services during public meetings and request for hearings. Also required is a plain language summary in alternative languages if certain criteria are met. The agency is working on best practices for implementation.
  - Stakeholder meetings will be held as part of the implementation. Nov 4, 2021 is tentatively set for first meeting and will focus on the alternative language rule changes.
  - Notice templates, applications, and guidance documents will be changed to reflect the updates in Chapter 39.

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

- Staffing
  - 2 vacant project manager positions, 2 team leader positions mentioned last meeting are filled. 22 major applications currently in process; 8 are registrations
- 2020 Annual Report Highlights
  - 415 out of 545 reports were received through online reporting system (3% increase from previous year)
  - 198 active landfills with 57 years of remaining capacity statewide
  - 211 active processors
- Call-in for FY 2021 Annual Report – reports are due by November 10, 2021
- Rulemaking project – Commissioners approved Chapter 332 changes on July 14th and a virtual public hearing was held on August 23rd. Three comments were received. Rule adoption planned for December 15th agenda.
- Notice Process changes – Proof of Publication documentation for public notices for MSW applications is now sent to WPD instead of the Chief Clerk’s Office.
- TCEQ Sunset Review Update – Agency self-evaluation report was submitted to Sunset Advisory Commission (SAC), and the TCEQ program areas are in the process of being interviewed. There will be a couple of public meetings, and public comments regarding the agency performance need to be submitted by February 1, 2022. The SAC’s recommendations will be addressed during the 2023 legislative session.

## **Recycling Market Development Plan—Mr. Scott Pasternak, Burns and McDonnell & Betsy Dorn, Circular Matters**

- Recycling Market Development Plan Project (RMDP)
  - Implemented from the 86<sup>th</sup> legislative session (SB 649) to develop a plan to stimulate increased use of recycled material feedstock. This includes typical recyclables along with organic materials and “other” materials.
  - Excludes “ferrous or nonferrous metals recycled by a metal recycling entity as defined by Section 1956.0012” and certain methods to divert material from disposal such as combustion of materials for energy and land reclamation or alternative daily cover.
  - Continuous stakeholder engagement and the continuation of the Recycling Industry Committee.
  - The 2019 RMDP found that 12.9 million tons of materials were recycled; up from 9.17 million tons in 2015. Based on the tons of recycling reported, the 2019 MSW recycling rate was 27.5 percent.
- RMDP Strategy Development Approach
  - Recycling Market Development – any defined action to enhance the economic vitality of the recycling and reuse industries to achieve balance between supply and demand. Goal is to grow the demand for recyclable materials and recycled-content products.
  - Barriers and market trends were identified especially with infrastructure gaps and economic viability. The key barriers being contamination and low-cost alternatives to recycling (cheaper disposal).
  - Collection and transportation needs were identified including expansion of collection systems and cost-effective transportation options.
  - 43 market development tools were identified to potentially aid in the RMDP and organized into 5 categories: Information/facilitation/technical assistance, preferential procurement, financial assistance, financial incentives/disincentives, and policies. Various Texas governmental entities and national organizations provided input for the strategy recommendations in the RMDP.
  - Funding Texas market development efforts will be a key part in the success of the RMDP. Examples include expanding existing funding mechanisms and establishing industry funding mechanisms.
  - Priorities and input will be driving the beginning stages of the RMDP. No concrete starting plan has been developed.

### **Approval of July 8, 2021 Meeting Highlights**

- Ms. Mergo made a motion to accept the meeting highlights. Judge Dillard seconded the motion, and the highlights were approved by the council.

## **Approval of dates for 2022 Meetings**

- Council approved 2022 meeting dates: January 13th; April 14th; July 14th; and October 13th.

## **Action Items**

- Mr. Pasternak will email the RMDP presentation to council members, and Mr. David Greer, Manager, Public Education Section, will post the presentation on the TCEQ's Recyclable Materials Feedstock Study webpage.

## **Public Comments**

- Barbara Coombs suggested that there is a need to refine the Council of Government per capita disposal rate data on page 19 of the MSW annual summary report to be more representative of the amount of waste generated and disposed within a COG area rather than include waste accepted from outside a COG area. She also commented she could not find a particular "fracking waste landfill" in the MSW annual summary report.

Mr. Goodin thanked Ms. Coombs for the suggestion and reaffirmed that the report is for municipal solid waste, and what Barbara was describing about the "fracking waste landfill" falls under the Railroad Commission.

## **Next Meeting**

- January 13, 2022