

Texas Commission on Environmental Quality
Highlights of TCEQ Municipal Solid Waste Management & Resource Recovery Advisory Council (MSWRRAC)
Meeting, Thursday, January 13, 2022

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
Mr. Tennell Atkins
Mr. Richard Abramowitz
Mr. Frank Pugsley
Mr. Trent Perez
Mr. Steve Shannon
Ms. Jennifer Lutz

Members Absent

Judge David Dillard

TCEQ Staff Present

Mr. Chance Goodin
Ms. Charly Fritz
Ms. Megan Henson
Mr. Garrett Heathman

Ms. Shannon Watson
Ms. Diane Barnes
Ms. Savannah Rains

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=3CuTCWn04dA

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

- Ms. Barnes took roll for the council members.
- Council members and TCEQ staff introduced themselves.

Waste Permits Division (WPD) Update—Ms. Charly Fritz, Deputy Director

- Coronavirus (COVID-19) Update

- No update on return to office plan. Staff continue to work remotely with the option to go into the office. There are still no in-person meetings being held with external parties.
- 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 to provide notice documents and responses to public comments in languages other than English, and to provide interpretation services during public meetings and hearings. Also required is a plain language application summary in alternative languages if certain criteria are met. The agency is working on gathering the documents that need to be translated into alternative languages, and figuring out how to obtain the plain language application summary.
 - Notice templates, forms and guidance documents will be updated to reflect the changes in Chapter 39. Updates will be provided at MSWRRAC quarterly meetings and through TCEQ GovDelivery messages.
- TCEQ Sunset Review
 - The Sunset Advisory Commission staff are completing facility site visits. The committee continues to have meetings with agency staff and receive comments from various stakeholders. The review process should be completed by May 2022. A public report will be generated.

**Hazardous and Class 1 Industrial Waste Management Fee Increase—
Mr. Garrett Heathman, Technical Specialist, Waste Permits Division**

- In November 2021, revisions were made to IHW generator and management fee schedules to increase revenue for the waste management account, Fund 549 specifically. Revised generator fee schedule was effective January 1, 2022 and revised management fee schedule is effective March 1, 2022.

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

- Staffing & Projects
 - 1 vacant project manager and 1 vacant engineer position. 23 major applications are currently in progress; 8 are registrations.
- Rulemaking Project Updates
 - Chapter 328- Recycling: The Agency has been working to prepare a formal stakeholder group and gathering data to brief the group.
 - Chapter 330- Landfill: Still in concept phase. Ideas include: allowing electronic submittal, expanding online capabilities of applications.
 - Chapter 332- Composting: Rule has been adopted, and will be effective on February 3, 2022.
- 2021 TV Recycler Annual Report– Reports are due January 31, 2022.

Regional Solid Waste Management Plans & Scrap Tire Annual Report Update- Megan Henson, Manager, Business & Program Services Section

- Regional Solid Waste Management Plans Update
 - 17 plans in house, 7 plans pending submittal. Continuing to work with the COGs to clarify any deficiencies. First batch of plans are expected to be presented at the commissioners agenda this spring.
- 2021 Scrap Tire Annual Activity Report Call-in Notice
 - Reports are due by March 1, 2022. A webinar about how to submit this report is scheduled for February 15, 2022.

MSW Operator Licensing Exam Update, Shannon Watson, Manager, TCEQ Occupational Licensing Section

- The job task analysis and exam project for FY 2022 is primarily to establish a knowledge base that is necessary for applicants to qualify for an MSW operator license. A survey will be sent to current MSW operator licensees and other industry stakeholders to help determine what should be on the exam and in the training curriculum. Ms. Watson indicated two volunteer and one part-time temporary contract positions are available for a subject matter expert to assist with this project.

Approval of October 14, 2021 Meeting Highlights

- Mr. Abramowitz made a motion to accept the meeting highlights. Mr. McHale seconded the motion, and the highlights were approved by the council.

Action Items

- Ms. Watson will send the survey and will request additional assistance from council members and industry stakeholders as the MSW operator licensing exam project progresses.

Public Comments

- Mr. Shannon led a discussion regarding next steps for implementation of the State's recently published Recycling Market Development Plan(RMDP). Mr. Yanke made a motion for Ms. Weinberger and Mr. Pasternak to work with Mr. Shannon and Mr. Abramowitz to craft a resolution to present to the TCEQ commissioners to express the council's support of the Agency taking a leadership role in examining and implementing the recommendations of the RMDP. Ms. Weinberger seconded the motion and the motion was approved by the council. The approved resolution is attached below.

Next Meeting

- April 14, 2022

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, 86th
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;

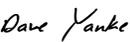
THEREFORE, be it resolved by the Council to express to the Commission its support of the Agency taking a leadership role in examining and implementing the recommendations of the RMDP that help move the State of Texas forward in increasing diversion in a cost effective manner. In addition, the Council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