

**Texas Commission on Environmental Quality**  
**Highlights of TCEQ Municipal Solid Waste Management**  
**and Resource Recovery Advisory Council (MSWRRAC)**  
**Meeting, Thursday, April 14, 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. Steve Shannon

**Members Absent**

Judge David Dillard  
Ms. Jennifer Lutz

**TCEQ Staff Present**

Ms. Charly Fritz  
Ms. Megan Henson  
Mr. Garrett Heathman  
Mr. Frank Zeng  
Ms. Kristen Hernandez

Mr. Cody Seal  
Ms. Diane Barnes  
Ms. Savannah Rains  
Ms. Anna Lleras

**Archived Webcast of the Meeting**

The meeting was held online using MS Teams Webinar. The [archived webcast of the April 14, 2022, meeting](#)<sup>1</sup> is available on YouTube.

**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.

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<sup>1</sup> <https://www.youtube.com/watch?v=xFWBSciT2tw&t=64s>

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

- Alternative Language Rule Changes & Public Participation Plan
  - Chapter 39 rule changes become effective May 1st for applications declared administratively complete on or after May 1st. Applicants will see plain language summary and translation requirements. The Agency will see changes to response to comments, public meetings, and SOAH hearings.
- TCEQ Sunset Review
  - The Sunset Advisory Commission staff are continuing to answer questions from the committee. The Agency will receive a copy of the draft report before it is made public in May. Public hearings will follow in summer 2022.
- Pending MSWRRAC Resolution
  - Tentatively scheduled for the May 18th agenda. It is currently going through document creation, then agency review.

## **Municipal Solid Waste (MSW) Permits Section Update—Ms. Charly Fritz, Deputy Director**

- Staffing & Projects
  - Three vacancies listed, two are being filled this month with the third posted. 29 major applications are currently in progress; Nine are registrations.
  - Trade Fair is May 10-11. MSW is presenting on Tuesday. Topics are scrap tire management, medical waste, recycling market development plan, land use over closed landfills, and liner construction.
- Form and guidance updates
  - New guidance published to the TCEQ website about qualifying for arid exemption for small landfills.
  - Created a new fillable Special Waste Request form. The Agency is requesting the new form be used going forward.
  - Email address is now a required field in the Part I application form (TCEQ-0650) to help with communication for electronic NODs. Additional updates will be made to the Title VI plain language summary.
  - The NOI form was updated to reflect the NOI rule changes.
- Rulemaking Project Updates
  - Chapter 328–Recycling: The Agency is working to prepare a formal stakeholder group to receive feedback on the recycling rules.
  - Chapter 330–Landfill:
    - Proposed administrative changes include:
      - Removing paper requirements in Chapters 305, 326, 330, and 332.
      - Requesting clean copy of the technically complete application.
      - Requiring notice documents and draft permits be posted on websites.

- Removing the exemption for webpage posting for arid exempt landfills.
- Proposed technical and operational changes include:
  - Fixing conflicting rule language on used oil filters.
  - Revising rule language to require applicants to specify volumes.
  - Revise rule language to specify that attendants be on-site during the unloading of waste.
  - Revise signage requirement to display acceptance hours rather than operating hours.
  - Removing methodology of litter pickup, instead focus on the requirement for litter pickup.
  - Clarify that approved plan means special waste management plan.
  - Correct units for effluent limitations.
  - Reference maximum contaminant level (MCL) table, so that when the EPA updates MCLs, a rule change is not needed.
  - Correcting description of final cover system.
- Council Duties and Responsibilities
  - Review Health and Safety Code Chapter 363 for the council's statutory requirements.

### **Regional Solid Waste Management Plans - Megan Henson, Manager, Business & Program Services Section**

- Regional Solid Waste Management Plans Update
  - 22 out of 24 plans are in-house. Continuing to work with the Regional Councils of Governments to clarify any deficiencies. Six plans are expected to be presented to the commissioners mid-summer for approval. The goal is to have all plans go to the commissioners before December 2022.

### **Exiting Post Closure Care - Frank Zeng, Project Manager, MSW Permits Section**

- Mr. Zeng discussed the requirements of the post closure care (PCC) period and requested input on criteria used to determine if a landfill can exit PCC after the PCC period is completed.

### **Approval of January 13, 2022 Meeting Highlights**

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

## **Action Items**

- Council members with comments regarding the Chapter 330 rulemaking project or exiting post closure care will send an email to Ms. Fritz, Mr. Goodin, Ms. Barnes, and Mr. Yanke in the weeks following this meeting. Add Subchapter T requirements to the July agenda.
- Mr. Yankee asked whether condensate can be recirculated into the landfill. Ms. Hernandez referenced Subchapter U which discusses leachate and condensate being used but not contaminated water. The process for leachate and condensate recirculation shall be part of the site operating plan.

## **Public Comments**

- No public comments.

## **Next Meeting**

- July 14, 2022