

**Texas Commission on Environmental Quality**  
**Highlights of TCEQ Municipal Solid Waste Management & Resource Recovery Advisory Council (MSWRRAC)**  
**Meeting, Tuesday, October 18, 2022**

**Attendance**

**Members Present**

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

**Members Absent**

Mr. Tennell Atkins  
Ms. Jennifer Lutz

**TCEQ Staff Present**

Ms. Jarita Sepulvado  
Ms. Megan Henson  
Ms. Anju Chalise  
Ms. Savannah Rains

Ms. Madison Howard  
Ms. Nikki Clark  
Mr. Chance Robinson

**Archived Webcast of the Meeting**

The meeting was held online using MS Teams Webinar. The archived webcast of the meeting is available at [MSW Management and Resource Recovery Advisory Council—October 18, 2022 - YouTube](#)

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

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

## **Waste Permits Division (WPD) Update—Ms. Jarita Sepulvado, Rule Liaison**

- TCEQ Sunset Review Update
  - The Sunset Advisory Committee decision meeting was delayed until November 10, 2022. The Sunset Committee will adopt their final recommendations to legislature based on the committee's recommendation report and public comments.
- EV Battery Reuse and Recycling Advisory Group Update
  - The advisory group had meetings in August 2022 and September 2022. The group shared presentations on current EV battery recycling in the United States, policies and products from stakeholders in California, and proposed laws for recycling in the E.U. In the last meeting, the group began discussing possible legislative recommendations to encourage recycling of large format electric vehicle batteries. The final meeting is scheduled for December 2022.
- 88<sup>th</sup> Legislative Session
  - Bill prefilings begin on Monday, November 14, 2022. The session officially starts on Tuesday, January 10.

## **Municipal Solid Waste (MSW) Permits Section Update— Ms. Megan Henson, Section Manager**

- Staffing & Projects
  - Three MSW vacancies; one environmental permit specialist and two geoscientist positions.
  - 25 permit applications and eight registration applications are currently under review.
- Form and Guidance Updates
  - The MSW section is working on a regulatory guidance document for exiting post-closure care.
  - The Public Involvement Plan form was published. The form is part of Title VI compliance for permit and registration applications and new activities under existing permits and registrations.
- Annual Report
  - FY 2021 Annual Summary was published. There was a 3.96 percent increase in the disposal rate per capita. Texas has 55 years remaining landfill capacity statewide.
  - Working on FY 2022 Annual Summary; reports are due November 10.

## **Regional Solid Waste Management Plans – Ms. Anju Chalise, Staff, Business & Program Services Section**

- Regional Solid Waste Management Plans Update

All 24 draft plans were received. Twelve draft plans have been through final review and the other twelve are going through final review. The regional solid waste management plans must be adopted by rule per Texas Health and Safety Code Section 363.062(f). The plans will be added to Title 30 Texas Administrative Code (30 TAC) Section 330.647. Rule proposal is expected at the commissioner's agenda meeting in February 2023. The rulemaking process will include a public comment period and a public meeting is anticipated to happen sometime in March 2023. Final adoption and approval of the plans is expected in July 2023.

- MSWRRAC Nomination Request Update

Applications are still being accepted for four available vacancies. All vacant positions are for elected official. The process was changed to allow year-round nomination submissions. Vacancies are open until filled by a qualified candidate. The application form, list of vacancies, and additional information are available on the TCEQ MSWRRAC webpage.

The advisory council suggested changing applicant criteria to allow for shorter terms and/or non-elected city officials with solid waste experience to fill the vacant roles. The advisory council also suggested allowing elected officials to designate a representative to attend meeting on their behalf.

## **MSWRRAC Resolution: Next Steps – Mr. David Yanke, Council President**

The advisory council prepared the resolution and Mr. Yanke presented the resolution in the August commissioners meeting. The commissioners agreed with the resolution and support it. There has been no movement on the resolution to-date.

## **Municipal Solid Waste Recycling Stakeholder Advisory Group Update – Ms. Nikki Clark, Team Lead**

The recycling advisory stakeholder group was created to provide feedback and suggestions on 30 TAC Chapter 328 "Waste Minimization and Recycling." The group has representation from industry, legislature, trade associations and other governmental entities. The first meeting was in July 2022. The MSW section is reviewing comments from the meeting. The next meeting is expected to be held in early 2023.

The advisory council discussed perfluoroalkyl and polyfluoroalkyl substances (PFAS) and its potential effect on landfills and composting if it is declared a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

## **Approval of July 14, 2022, Meeting Highlights**

Judge Dillard made a motion to accept the meeting highlights. Mr. Trebus seconded the motion, and the highlights were approved by the council.

## **Approval of Proposed 2023 Meeting Dates**

2023 meeting dates for January 12, 2023, April 13, 2023, July 13, 2023, and October 12, 2023 were approved and to be maintained in hybrid format.

## **Action Items**

- Exiting Post-Closure will be discussed at the January 12, 2023 meeting.
- Propose actions for filling MSWRRAC positions requiring elected officials.

## **Public Comments**

- Ms. Barbara Coombs commented on the increase in the waste disposal rate per capita in Texas. She also discussed the accuracy of the population data within the COGs.

## **Next Meeting**

January 12, 2023