

Texas Commission on Environmental Quality
Highlights of TCEQ Municipal Solid Waste Management & Resource Recovery Advisory Council (MSWRRAC)
Meeting, Thursday, January 12, 2023

Attendance

Members Present

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

Members Absent

Mr. Tennell Atkins
Mr. David Yanke

TCEQ Staff Present

Ms. Charly Fritz
Ms. Megan Henson
Ms. Anna Lleras
Ms. Savannah Rains
Ms. Alicia Foley

Ms. Madison Howard
Mr. Frank Zeng
Ms. Anju Chalise
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—January 12, 2023 - YouTube](#)

Welcome and Introduction of Members and Guests—Mr. Jeff Mayfield, Council Vice President

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

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

- TCEQ Sunset Review Update
 - The Sunset Advisory Committee hearing was held in November 2022 where recommendations were presented to the committee. In total, there were six issues; number six recommended the continuation of TCEQ. There were no recommendations related specifically to MSW. Some agency-wide recommendations will have an impact on the MSW program.
 - Permitting Recommendations:
 - Require the agency to post applications online which would shift the responsibility from the applicant to the agency.
 - Require MSW facilities that do not submit an annual report to report their operating status on an annual basis.
 - Allow electronic publications for notice in addition to newspaper publishing.
 - Shift public meeting formats to virtual meetings.
 - Recommendation on how to more efficiently respond to public comments that are not within MSW jurisdiction.
 - Compliance and Enforcement Recommendations:
 - Consequences for repeat violators.
 - For repeat complaints about a facility that do not result in violations, gives the agency the flexibility to not respond to each repeated complaint.
 - Increase violation penalty to \$40,000.
 - The bill has to be passed for recommendations to apply. The language may change between now and the end of the legislative session.
- 88th Legislative Session
 - Session officially started on January 10, 2023. Repeat bills from previous years were filed relating to MSW. A new medical waste bill was filed.
- Distribution of MSW Tipping Fees
 - The tipping fee revenue for the last three fiscal years is showing a general increasing trend. Account 549 receives 66.67% of the revenue from tipping fees while Account 5000 receives 33.33%.

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

- Staffing & Projects
 - Three new staff starting in January; two environmental permit specialists and one geoscientist.

- Three MSW vacancies; two geoscientists and one work lead position.
- 25 permit applications and six registration applications are currently under review.
- Recycling Stakeholder Group
 - A meeting is planned for spring 2023.
 - All recommendations from the stakeholder group were reviewed, and draft guidance will be shared with the stakeholder group to distribute to recyclers and composters.
- Annual Report
 - TV Recyclers annual reports are due January 31. Scrap tire annual reports for transporters, facilities, and storage sites are due March 1.
 - A webinar is scheduled for February 9. The webinar is building off previous webinars discussing successes and challenges of scrap tire management in Texas.
- Regional Solid Waste Management Plans
 - All 24 plans have gone through internal review and are moving on to the rule making phase. The plans are lined up for proposal on February 8, 2023, at the Commissioners' Agenda. There will be a formal public comment period from February 24 through March 27, with a public meeting on March 23 at 10 am. Final approval and adoption is expected in July 2023.
- MSWRRAC Expiration Date
 - Rulemaking came out of Sunset recommending the advisory committees have public involvement and public involvement with rule making. The agency was authorizing advisory committees through orders at Commissioners' agenda, not rulemaking. A statute change is not required. The rulemaking formalized the Sunset recommendation by formally authorized the duration of advisory committees until 2032.

MSWRRAC Member Options – Ms. Anju Chalise, Staff, Business & Program Services Section

The agency is still accepting applications for three elected official vacancies; an elected official from a county of any population size, an elected official from a municipality with a population between 25,000 and 100,000, and an elected official from a municipality with a population size between 150,000 and 750,000. One application is currently being processed for an elected official from a county with a population less than 150,000.

Elected officials may have proxies attend meetings on their behalf; only the elected official can assign the proxy, the proxy may not vote on behalf of the elected official, the chosen proxy is at the discretion of the elected official, and the proxy should have experience or familiarity with municipal solid waste management issues, planning, activities, and best management practices. The council should be notified if there will be a proxy at an upcoming meeting.

Exiting Post Closure Care – Mr. Frank Zeng, Project Manager, MSW Permits Section

The Post Closure Care (PCC) regulatory guidance document is meant to establish the criteria to measure the effectiveness of completed PCC activities. The draft guidance document includes factors to evaluate whether the facility is ready to exit the PCC period include landfill gas generation and migration, groundwater contamination, leachate generation and quality, final cover stability, surface drainage control, and permit conditions specific to the site. If the conditions to exit PCC for any of the factors are not met, the PCC period will be extended. Facilities should begin communications with the MSW section if they know they will not be allowed to exit the PCC period.

Household Hazardous Waste Updates – Ms. Alicia Foley, Pollution Prevention & Recycling Specialist, External Relations Division

The 2021 Annual Household Hazardous Waste (HHW) Report documented over 10,000 tons of household hazardous waste collected for the reporting year - greater than any other reporting year. Collections dropped in 2020 but recovered in 2021. HHW annual reports for 2022 are due April 1. The Public Education Section will publish the report in August 2023.

Several guidance documents, blogs, and other publications have been updated in collaboration with Take Care of Texas team which are free to view for the public or stakeholders. These publications cover many topics, including wishcycling, plastic film recycling, and how to dispose of household hazardous waste.

Solid Waste Infrastructure for Recycling – Mr. Scott Pasternak

There are multiple funding sources for both private and public sectors to use for recycling, solid waste, and energy projects.

- The Inflation Reduction Act would give funding in the form of tax credits to the private sector or a direct pay provision to the public sector for projects looking at alternative energy opportunities.
- The Solid Waste Infrastructure for Recycling Grant Program funding available for the next five years. The program will provide a total of 275 million dollars for projects which advance the goals of the EPA.
- The Recycling Education and Outreach Grant Program will provide about 30 million dollars for projects which educated the public on community recycling programs and reducing contamination.

Additional information about funding is addressed in the [North Central Texas Organic Waste to Fuel Feasibility Study](#).

STAR's Proposed Recycling Legislation – Mr. Steve Shannon

STAR has previously petitioned to embrace the recycling recommendations made by the Recycling Market Development Plan. The plan identified a 25% contamination rate in incoming recycling loads as the number one problem for the recycling

industry. The best solution for the contamination problem is public education. The plan also recommended the creation of a recycling market development board. As of 2019, the recycling rate in Texas is 27.5% (13 million tons per year), and the recycling industry employs 31,000 Texans and produces a 7.8-billion-dollar positive impact to the state's economy. About half of what is landfilled could be recycled, showing room for growth in the recycling industry.

Approval of October 18, 2022, Meeting Highlights

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

Action Items

- Discuss air rules presented during Agenda on January 11, 2023, in a future meeting.
- Provide a list of facilities in the post closure care period.

Public Comments

- Jeremy Starrett with City of Frisco and STAR commented that it would be useful to see a deeper dive into the recycling market development. Better utilization of the data will help meet reduction goals by better deriving possible future recommendations.
- Troy Leiswich asked if one factor is causing an extension in PCC period, are all factors extended or just the one that does not meet the criteria for ending PCC? Given recent increases in landfills, transfer stations, and truck fires, can there be a household hazardous waste public awareness campaign to help the public understand the impacts experienced by MSW collections, transportation, and disposal specific to discarding of rechargeable batteries, i.e., lithium-ion?
- Heather Douglas asked how the general population can assist in recycling efforts.

Next Meeting

- April 13, 2023