

Texas Commission on Environmental Quality
Highlights of TCEQ Municipal Solid Waste Management & Resource Recovery Advisory Council (MSWRRAC)
Meeting, Thursday, April 13, 2023

Attendance

Members Present

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

Members Absent

Mr. Tennell Atkins
Mr. Scott Trebus
Ms. Jennifer Lutz
Judge Hoppy Haden

TCEQ Staff Present

Ms. Charly Fritz
Ms. Megan Henson
Ms. Anna Lleras
Ms. Savannah Rains
Ms. Madison Howard

Mr. Santos Olivarez
Mr. Chance Robinson
Mr. Gene Muller
Ms. Allison Jenkins

Archived Webcast of the Meeting

The meeting was attended online using MS Teams Webinar and in person. The archived webcast of the meeting is available at [MSW Management and Resource Recovery Advisory Council—April 13, 2023 - YouTube](#).

Welcome and Introduction of Members and Guests—Mr. David Yanke, Council 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, Waste Permits Division

- Trade Fair
 - MSWRRAC members may attend Trade Fair at no cost.
- 88th Legislative Session
 - There are two TCEQ Sunset Bills: SB 1397 and HB 1505. Both have been heard in their committees. SB 1397 has been voted out of committee and will likely go through both chambers.
 - Five bills will directly impact MSW Permits: HB 26, SB 173, SB 519, SB 1719, and SB 1742. HB 26 and SB 173 are related to the permitting of medical waste facilities, and HB 26 has been voted out of committee. SB 519 relates to the permitting of landfill facilities located in the flood plain. SB 1719 relates to the permitting process of the TCEQ. SB 1742 relates to safety on roadways for accessing solid waste facilities.
 - Seven bills will tangentially affect MSW concerning contract, franchise fees, and disposal services in counties. Waste Permits is aware of these bills, but we do not have many comments on them.
 - Five scrap tire bills. Three have gone through hearing. These bills are related to illegal dumping, county authority, and remedies and registration requirements.
 - Most recycling bills do not have a direct impact on MSW. These bills involve plastic recycling, bottle fees, and other types of recycling programs. HB 3060 is an exception and is the advanced recycling bill. Some bills with an agency wide impact may have some impact on MSW, e.g., notice and contested case hearing procedures. There were also some oil and gas bills.

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

- Staffing & Projects
 - Three MSW vacancies; two geoscientists and one work lead position.
 - Seven registration and 29 permit applications are currently under review.
- Permitting Processes
 - Current notice of deficiency (NOD) language states that MSW will return the application if a technically sufficient response is not provided. For clarification, MSW will not return an application without first meeting with the applicant. The current NOD language is intended to keep the review and application process moving forward.
- Exiting Post-Closure Care (PCC) Guidance
 - The draft regulatory guidance document is currently being revised.
 - We plan to hold a stakeholder meeting before the document is published in the summer of 2023.

- Public Participation
 - A webinar is being held on April 26, 2023, to go over the plain language summary form which went into effect May 2022 and the public involvement plan form which went into effect November 2022.
- Trade Fair
 - Trade Fair is on May 16th and May 17th. MSW will be at the booth and will present on scrap tire management, recycling and composting regulations, technical considerations for land use over a closed landfill, common application deficiencies, and closure and post-closure care and exiting PCC.

TCEQ Sunset Review Update – Mr. Gene Muller, TCEQ Sunset Team

Since the January 12th advisory council meeting, HB 1505 and SB 1397 were filed. HB 1505 was assigned to the Environmental Regulation Committee; there was a public hearing, and it is left pending in committee. SB 1397 also had a public hearing and has moved out of committee.

The Sunset Staff Report has statutory recommendations and management actions. The bills focus on statutory changes.

SB 1397 charges TCEQ with conducting community outreach and public education on the permitting process. The bill expanded requirements for the agency to post administratively complete applications and all changes to the application to capture the technically complete application. TCEQ has discretion to not post parts of the application for reasons such as the file being too large.

The final Sunset Staff Report is expected in July 2023.

Regional Solid Waste Management Plans Update – Mr. Santos Olivarez, Manger, Business and Program Services Section

The rulemaking to adopt the regional solid waste management plans was proposed to the commission in February. A public comment hearing was held on March 23, 2023, and the public comment period closed March 27, 2023. A response to comments is being prepared. The complete adoption package will be filed by the end of June to be scheduled for the July 19, 2023, Commissioners' Agenda. This timeline would put the plans into effect on August 10, 2023. All 24 regional solid waste management plans are available for viewing online.

PFAS Regulations – Ms. Allison Jenkins, Team Lead, Toxicology, Risk Assessment, and Research Division

Per- and polyfluoroalkyl substances (PFAS) do not occur naturally in the environment and are very stable. PFAS remain in the environment for a long time because they are stable, and they bioaccumulate. PFAS are found in many different products and industries, and PFAS in the environment are from the manufacturing of these products. When found in humans, PFAS are associated with a number of effects on human health.

Texas has 33 remediation sites with PFAS contamination, including manufacturers, fire training facilities, and Department of Defense sites. TCEQ established toxicity factors for 16 PFAS in June 2011 which were used to derive protective concentration levels (PCLs) in the remediation program. There is a continued effort to update PFAS toxicity factors. Between 2013 and 2015, 17,748 samples of drinking water systems were taken. Seven samples detected PFAS, and all detections were below the EPA health advisory level. Between 2022 and March 2023, 742 samples were taken in Texas, with 255 detections.

EPA has proposed regulations for six PFAS in drinking water. The proposed regulations would require monitoring of PFAS, notice to the public if detected, and remediation if the detected PFAS exceed the proposed standards. The final maximum containment levels, if adopted, would become the PCLs for groundwater in the TCEQ remediation program. These regulations are up for public comments until the end of May.

Landfill Methane Gas Mining – Mr. David Yanke, Council President

There has been an increased interest in recovering methane gas from landfills for beneficial use. Roughly one quarter of the landfills in Texas use gas recovery systems on site. Some of the technology needed for landfill gas recovery is becoming less cost prohibitive which will allow more landfills to use this type of technology. Proximity to natural gas pipelines is a factor in whether a landfill has a gas recovery system. The credits associated with recovering landfill gas for beneficial use may be a financial incentive for landfills to take part in landfill gas mining.

Approval of January 12, 2023, Meeting Highlights

Judge David Dillard made a motion to accept the meeting highlights. Jeffrey Mayfield seconded the motion, and the highlights were approved by the council.

Action Items

Update on Climate Pollution Reduction Grant and Solid Waste Infrastructure for Recycling Grant (SWIFR)

Public Comments

No public comments

Next Meeting

July 13, 2023