

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

Attendance

Members Present

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

Members Absent

Mr. Tennell Atkins
Ms. Jennifer Lutz
Judge Hoppy Haden
Ms. Cheryl Mergo

TCEQ Staff Present

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

Mr. Santos Olivarez
Mr. Chance Robinson
Ms. Jarita Sepulvado
Mr. David Greer

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—July 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

- 88th Legislative Session
 - Several bills were passed that will impact MSW: HB 3060, HB 1598, SB 1290, SB 471, and HB 3461. HB 3060 language will be implemented through rule making by copying statute language into rules. This includes adding definitions and minimal changes in MSW and Industrial and Hazardous Waste rules. HB 1598 puts primacy of MSW landfill permitting with TCEQ. TCEQ is evaluating how to implement the bill and whether rulemaking is required. SB 1290 is a study bill about the effects of the operation and disposal of solar panels, windmill turbines, and energy storage equipment. TCEQ will conduct stakeholder meetings and gather input. WPD is participating, not leading implementation of SB 1290. SB 471 regards complaints to TCEQ, and outlines OCE response to repeat (nuisance) complaints when no violations are found during the investigation. OCE is leading this implementation. HB 3461 combines Account 549 and Account 5000 into Account 549. All revenue is going into, and appropriations are now coming out of Account 549.
 - Sunset bills, specific to permits, requires the agency to post applications and notices online. The agency will rollout the new requirements for all permitting programs at the same time. Timeframe for rollout is to be determined. Announcements will be made. Allows the agency to recalculate the compliance history after a major event (i.e. large fire, explosion, death) at a facility. Enforcement diversion program for small business and local government that defers to a compliance assistance program under certain circumstances. All facilities with an active permit will need to be on a renewal cycle or report to the agency. This will require certain recycling and scrap tire facilities to annually report their operating status.
- Grants
 - The agency submitted a notice of intent to apply for the Climate Pollution Reduction Grant which is run by the Office of Air. The Solid Waste Infrastructure for Recycling Grant will be run through WPD. The grant focuses on planning on how to encourage waste diversion activities. TCEQ plans to work with COGs to get applications and supplement COG grants.

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

- Staffing & Projects
 - Six MSW vacancies; two geoscientists, three environmental permit specialists, and one engineering specialist position.
 - 23 permit and six registration applications are currently under review.
 - 149 groundwater reports were reviewed in Q3.

- The annual report will be published in late October or early November.
- Working on improvements to the Part I Form.
- Public notices are being updated for readability along with other minor changes.
- Trade Fair Highlights
 - MSW presented on composting and recycling, building over a closed landfill, deficiencies in applications, and closure and post closure care. The presentations were well received.

Business & Program Services Section Update – Mr. Santos Olivarez, Manager, Business and Program Services Section

- A request for nominations for MSWRRAC members was published in the Texas Register on June 16, 2023. The request was for eight positions – six for expiring positions and two for existing vacancies. Ten applications for four of the available positions were received to date. The goal is to get nominations to the commissioners by the October agenda meeting. The notice now indicates members may assign a proxy to attend meetings. There are some requirements that come with providing a proxy.
- All 24 regional plans are up for adoption at the July 19, 2023, commissioner’s agenda for approval and adoption into rule. The regional plans are for 20 years and valid until 2042.
- The [2022 Scrap Tire Annual Report Summary](#) is available on the public website as of June 29, 2023. 54.1 million tires were reported as being managed – an increase of about 7% from 2021. This could indicate more accuracy in reporting. Tire derived fuel, crumb rubber, and landfills continue to be the top three end uses or destination. Landfilling of tires decreased by 25% from 2021 to 2022. Processing and recycling activities nearly doubled from 2021 to 2022.

HB 3060 Bill Implementation – Jarita Sepulvado, Rule Liaison, Waste Permits Division

HB 3060 was signed on May 27, 2023, and became effective immediately. The bill requires TCEQ to conduct rulemaking. The bill encourages the conversion of plastic materials from post-use polymers and recoverable feedstocks to valuable raw materials, or intermediate or final products by excluding recycling methods, depolymerization and solvolysis, from the definition of solid waste and solid waste management requirements. Advanced recycling technologies is a new definition under this bill, addressing new methods of recycling, including depolymerization and solvolysis. The bill requires third party mass balance attribution certification systems to implement the new requirements. The bill requires TCEQ to adopt rules to establish guidelines for what may be considered a recycled product based on the percent of recyclable materials in the manufacturing process.

Waste Permits Division requests feedback on mass balance attribution certification systems for the calculation of recycled products and the minimum amount of recycled materials specified in rule.

Approval of April 13, 2023, Meeting Highlights

Jeffrey Mayfield made a motion to accept the meeting highlights. Chuck Rivette seconded the motion, and the highlights were approved by the council.

Action Items

Fund 549 update.

Public Comments

No public comments.

Next Meeting

October 12, 2023