

**Texas Commission on Environmental Quality**  
**Highlights of TCEQ Municipal Solid Waste Management &**  
**Resource Recovery Advisory Council (MSWRRAC)**  
**Meeting, Thursday, April 10, 2025**

**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  
Ms. Robin Alaniz  
Mr. Jeffrey Mayfield  
Mr. Brocke Lively  
Judge David Dillard

**Members Absent**

Mr. Richard Abramowitz  
Mr. Scott Trebus

**TCEQ Staff Present**

Ms. Charly Fritz  
Ms. Megan Henson  
Ms. Anna Lleras

Ms. Savannah Rains  
Ms. Madison Howard  
Mr. Santos Olivarez

**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—April 10, 2025 - 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**

- As part of the response to the Sunset Review, the agency has been constructing a webpage for the public to view all existing facilities on a map. The map can be filtered by program. The map is not live yet, but will be available soon. The agency will continue to roll out new ways to make information available to the public on the existing map.
- Legislative Session:
  - About 10,300 bills have been filed so far which is more than last session by about 500 bills.
  - About 30 bills have been analyzed and directly impacted Waste Permits Division processes. Five of these bills have had hearings.
  - The division has analyzed several composting bills, three to five bills on county regulation of metal recycling facilities, seven recycling bills, four bills that directly impact MSW permits applications and processes, two renewable energy recycling bills, three scrap tire bills, four service contract bills, and several IHW bills.

## **89<sup>th</sup> Texas Legislative Session Discussion — Ms. Risa Weinberger, Advisory Council Member**

- Ms. Weinberger expressed support for SB 736, requiring a minimum amount of compost material in landscaping projects by TxDOT. Historically, TxDOT was the largest market for compost in Texas. More recently, TxDOT stopped using compost in their projects. SB 736 would restore TxDOT as the largest market for compost in Texas.
- Ms. Weinberger expressed concern for HB 1674 which sets limits for per- and polyfluoroalkyl substances (PFAS) in certain agricultural products, including compost containing sewage sludge. Ms. Weinberger states that the PFAS levels set in the bill have preceded adequate research concerning PFAS levels and their effects. Testing for PFAS at the levels specified by the bill would be expensive for composters and would increase the amount of compost being disposed. 20 composting facilities in Texas accept feedstocks that would be subject to the regulations specified in HB 1674.
- Ms. Weinberger expressed concern for SB 2078 which would prevent food waste generated by a county with a food waste ordinance from being composted in another county without that ordinance. Composting facilities throughout Texas accept feedstocks from other counties regularly, depending on market conditions. SB 2078 could interrupt those markets and prevent composting facilities from functioning at their highest capacities. Mr. Brocke Lively expresses his concern for this bill. Composting in west and northwest Texas requires counties to work together to combine enough material to make composting economically feasible, and SB 2078 may impact these regions' ability to compost.

- Ms. Weinberger expressed concern for SB 2240, requiring a public meeting for any composting facility if a member of the legislature requests one. Ms. Weinberger explains that applicants should start an open communication with their neighbors and any affected parties throughout the application process and that applicants should try to meet the needs of these affected parties. She expresses concern over the use of TCEQ resources to hold and attend public meetings for the number of composting facilities that may be affected. Ms. Cheryl Mergo adds that public meetings are important avenues for members of the public who have concerns or questions about facilities in their community.

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

- Staffing & Projects
  - One MSW vacancy – environmental permit specialist.
  - 23 permit applications and four registration applications are currently under review.
- FY 2024 annual reports were due November 10, 2024. Facilities who have not submitted annual reports are being called weekly until the report is submitted.
- The draft regulatory guidance for exiting post-closure care was sent to council members for input.
- Trade Fair 2025 will be June 3-4, 2025, in San Antonio. MSW Permits will present on June 4.
  - Registration is open on the TCEQ Trade Fair Webpage.
  - North Central Texas COG will present on The Full Story to Becoming a Regional Recycling Resource.
  - The San Antonio Regional Office will present on Understanding Waste Management Options in an Emergency.
  - MSW Staff will present on Landfill Gas to Energy: Turning Waste into a Resource and Waste Management and Recycling through Transfer Stations.
- Relating to application procedures, 30 TAC 330.57 was updated, and the rules are now in effect. Permits and registrations must be submitted in paper copies in 3-ring binders, with dividers and tabs being a new requirement. Only two copies of the application will now be required. An electronic copy of the application is also required. The electronic copy of the application is posted by TCEQ on the public webpage. The applicant is required to send a administratively complete copy and a technically complete copy as part of the review process.
- There is a new Texas Administrative Code website. The agency is working on updating links on the public webpage, RGs, and forms to the new website.

## **Business & Program Services Section Update – Mr. Santos Olivarez, Manager & Ms. Melissa Harrison, Team Leader, Business and Program Services Section**

- Council Position Application Update
  - We have received applications for six positions. Two of these positions are for the vacancies that will open after this meeting. The other four positions will be filled by September 1.
  - Four positions were open for elected officials, but no applications were received for any of those positions.
- The agency is beginning the preliminary steps to forming a stakeholder group for scrap tires.
- Compost Refund Program
  - The refund program is authorized through Texas Health and Safety Code, Chapter 361. The rule requirements for the program are listed under 30 TAC 330.677.
  - The program allows participating facilities to receive a refund up to 15% of waste fees collected or 20% if the operator voluntarily bans yard waste disposal. The refund is applied as a credit against waste fees collection.
  - 15 facilities are enrolled in the compost refund program.
  - The agency is looking for feedback on compost processing and markets and information on processing costs including equipment.

## **Chapter 39 Rulemaking – Ms. Jarita Sepulvado, Rule Liaison, Waste Permits Division**

SB 1397 of the 88<sup>th</sup> Texas Legislature passed which continued the agency and recommended public participation requirements. The Sunset Advisory Committee's report made additional recommendations to TCEQ. Both led to the need for the Chapter 39 and 55 rulemaking project.

The rulemaking will clarify and codify public participation rules which were previously practiced throughout the agency; definitions will be added to Chapter 39; the text of public notices will change, including adding where to find the applications online. The rulemaking also adds a requirement to extend the public comment period for any application to two business days after the public meeting if a public meeting is held.

The rulemaking proposal is going through the Executive office the week of April 14.

## **Nominate MSWRRAC President – Mr. David Yanke, Advisory Council President**

Jeff Mayfield was recommended by the advisory council to serve as the next council president. The commission will select the advisory council president with the recommendation in mind.

## **Approval of January 9, 2025, Meeting Highlights**

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

## **Action Items**

- No action items.

## **Public Comments**

- Steve Shannon talks about the new TRIED-IT conference. The conference aims to promote recycling in rural and underserved areas in Texas.

## **Next Meeting**

- July 10, 2025