

FINAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Municipal Solid Waste Management and
Resource Recovery Advisory Council (Council)
TCEQ Complex, Building E, Room 201S, Austin, Texas
October 20, 2006

MEMBERS PRESENT

Mr. Charles "Chuck" Rivette
Mr. William R. Hindman
Mr. Bob Gregory
Mr. Donald Hatcher
Ms. Karen Overgaard
Mr. David Yanke
The Honorable James S. Wyatt
Ms. Jan Artley
The Honorable Toni Lawrence
Mr. Robert Dow
Dr. H. C. Clark
The Honorable D. C. "Chris" King
The Honorable Linda Stenbeck-Keller
Ms. Maria "Elena" Quintanilla
Mr. Mark Rose

MEMBERS ABSENT

The Honorable Lee Leffingwell
Mr. David Stephens
The Honorable Jack Cobb

DIVISION SUPPORT TEAM

Mr. Gary W. Trim, Waste Permits Division
Mr. Steve Hutchinson, Waste Permits Division

TCEQ STAFF

Ms. Jackie Hardee, Director, Waste Permits Division
Dr. Richard C. Carmichael, Manager, Municipal Solid Waste Section
Mr. Wayne Harry, Municipal Solid Waste Section
Mr. Jeff Davis, Municipal Solid Waste Section
Mr. Jon Edwards, Air Permits Division
Mr. Steve Minick, Intergovernmental Relations
Mr. Mike Lindner, Small Business and Environmental Assistance Division
Mr. Alex Hinz, Municipal Solid Waste Section
Ms. Jennifer Ahrens, Intergovernmental Relations

GUESTS

Mr. Wade Wheatley, TDS, Austin
Mr. Rocky Stevens, DEC, Houston
Ms. Latrice Hertzler, Future Link Technologies, Austin
Mr. Joe Vieceli, IESI, Fort Worth
Ms. Angela Moorman, Birch, Becker & Moorman, LLP, Austin
Mr. Dan Wittliff, Dan Wittliff Consulting, Austin
Ms. Leigh Ing, Allied Waste, Austin
Ms. Claire Arenson
Ms. Joni Brown, City of Victoria, Victoria
Mr. Keith Helmers, CAPCOG, Austin
Ms. Emily Schwartz, TCE, Austin
Ms. Krystal Beckley, Lloyd Gosselink, Austin
Ms. Linn Keller, SWAC, Bayview

Welcome and Introduction of Members – Mr. Bob Gregory

Mr. Gregory, Advisory Council President, welcomed the Council members and guests. He also welcomed the newly-appointed Commissioner Martin A. Hubert. Council members and the audience introduced themselves. Mr. Gregory asked the Council to approve the July 21, 2006 meeting highlights, which were approved in the afternoon. (Mr. Cobb motioned to approve, seconded by Ms. Artley). Vote was unanimous.

Administrative Announcements – Mr. Gary W. Trim

Mr. Trim requested members provide meeting availability information (if they haven't already) so staff can determine Advisory Council meeting dates for 2007. Mr. Trim stated he would be retiring from the agency on November 30, 2006. He introduced his replacement Mr. Steve Hutchinson. Mr. Hutchinson has previously worked in the agency's Small Business, air quality and waste planning grant programs. Mr. Gregory commended Mr. Trim's services and professionalism over the many years and expressed his appreciation on the behalf of the Council.

Welcome – Ms. Jackie Hardee

Ms. Hardee introduced the new Commissioner Martin A. Hubert, who was appointed by Governor Rick Perry in September 2006. Mr. Hubert served as the deputy commissioner of agriculture for the State of Texas. Mr. Hubert expressed his appreciation for the Advisory Council's service.

MSW Section Manager's Report – Dr. Richard Carmichael

Dr. Carmichael mentioned MSW was almost fully staffed, has filled the engineering vacancies, and hopes to fill an Environmental Permit Specialist (EPS) 6 position soon.

Dr. Carmichael said 312 mods were in-house. Transfer station Site Operating Plans (SOPs) were beginning to be "called-in". A template now resides on the agency's website for transfer stations which captures the applicable rules. (The website address for the template is:

http://www.tceq.state.tx.us/permitting/waste_permits/msw_permits/msw_sop.html).

Dr. Carmichael mentioned he continually meets with team leaders and staff on interpretations of Chapter 330 rules to ensure consistent interpretations of the rules. Applications that require public notice received after September 27, 2006 (that are processed under the 2006 rules) must be posted on agency's website (except for Arid-Exempt landfills). Older applications (received under the 2004 rules) are not required to be on the agency's website.

Further discussion ensued about the interpretation of the rules and the use of guidance documents. The Council encouraged agency management to allow for comment periods when developing guidance documents.

Air Permit Regulations for MSW Landfill Permits – Mr. Jon Edwards

Mr. Edwards conducted a PowerPoint presentation on Air Permit regulations for MSW landfills and Transfer Stations. Topics of discussion included Permits By Rule (PBRs), Standard Permits (SPs), and General Operating Permits (GOPs).

Copies of the PowerPoint presentation, agency sample letters and a Fact Sheet entitled "Air Authorizations of Municipal Solid Waste Landfills (MSWLF) and Transfer Stations" were distributed.

Additional copies of the handouts and additional information may be obtained by contacting Mr. Edwards (jedwards@tceq.state.tx.us), (512) 239-5863, of the Air Permits Division.

Legislative Issues – Mr. Steve Minick

Mr. Minick provided an overview of topics to be addressed at the upcoming Legislative Session. Mr. Minick reported air quality and water issues will be more significant in this year's session. Air issues include the Texas Emissions Reduction Program (TERP). There is interest in the cost-effectiveness of applications (diesel-related issues). Mr. Minick also discussed groundwater management, availability issues, and water rates.

Mr. Minick mentioned electronic recycling may be a focus in the future and briefly discussed the following topics: liability of purchasers for contaminated property, the permitting process, electronic reporting, compliance history and enforcement, financial issues, and fee collection.

Mr. Minick added there were no broad or sweeping issues this session in waste management, but there may be some discussions on waste siting issues during the Session.

A brief discussion also ensued about mining activities that produce groundwater.

Waste Diversion from Landfills – Mr. Mike Lindner and Mr. Alex Hinz

Mr. Lindner encouraged nominations to be submitted for the Environmental Excellence Awards. (The deadline for nominations was November 10, 2006).

Mr. Lindner said his department (Small Business and Local Government Assistance (SBLGA))

provides technical assistance for recycling and mentioned recycling information is available on the agency's website. (Recycling information is available on the agency's website at: http://www.tceq.state.tx.us/assistance/nav/recy_waste_reduce.html).

Mr. Lindner discussed a recycling survey and results, and provided a handout entitled "TCEQ Recycling Programs: Measuring Success". He also distributed a TCEQ publication entitled "Resource Renew Exchange", July 2006, Publication Number PD-002/06-02.

Mr. Hinz discussed brush/yard waste diversion and current programs in the Houston-Galveston area, including Christmas tree recycling.

Dr. Carmichael mentioned the MSW's rebate program and referred to a handout entitled "MSW Composting Program." A discussion ensued about the rebate program and statistical information provided in the handout. Further discussion then followed about the MSW Grants Program and potential competition issues with public/private entities.

State Recycling Initiatives – Mr. Mike Lindner and Mr. Alex Hinz

Mr. Lindner introduced Ms. Joni Brown of the City of Victoria, who represented of the Recycling Alliance of Texas. Ms. Brown commended the staff, programs, and publications of the TCEQ. She also provided suggestions to increase source reduction in Texas. Suggestions included: allow voluntary certification of recycling professionals, update statewide recycling data, information sharing and collaboration, and to maintain current programs/create new recycling programs.

Chapter 305 Rules – Dr. Richard Carmichael and Mr. Jeff Davis

Dr. Carmichael discussed the concept memo for a Limited Scope Major Amendments for Municipal Solid Waste Permits and provided copies of the memo.

Dr. Carmichael mentioned that if we stay on schedule staff should have a draft rule that will go to the Executive Director before the next Advisory Council meeting. The Council and TCEQ staff discussed amendments and modifications, lateral expansions, and buffer zones.

The Council recommended management provide a list of major and limited scope amendments in spreadsheet form.

Action Items

The next Council Meeting was set for January 12, 2007. The meeting was adjourned.

Please note due to the complexity of the topics discussed, audio-taped recordings of the meeting are available on cassette. To request copies of cassettes or additional information, please contact Mr. Steve Hutchinson, Waste Permits Division, at shutchin@tceq.state.tx.us, 512/239-6716. Thank you.