

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Municipal Solid Waste Management and
Resource Recovery Advisory Council
TCEQ Complex, Building E, Room 201S, Austin, Texas
January 11, 2008

MEMBERS PRESENT

Mr. William R. Hindman
Ms. Shirley Blanton
Mr. Tom Brown
Mr. Hector Chavez
Dr. H.C. Clark
Mr. Robert Dow
Mr. Donald Hatcher
The Honorable Toni Lawrence
Ms. Elena Quintanilla
Mr. Frank Reilly
Mr. Charles "Chuck" Rivette
Mr. David Stephens
The Honorable James S. Wyatt
Mr. David Yanke

MEMBERS ABSENT

Mr. Drue Bynum
Ms. Karen Overgaard

DIVISION SUPPORT TEAM

Mr. Steve Hutchinson, Waste Permits Division
Ms. Sheila Nichols, Waste Permits Division

TCEQ STAFF

Ms. Jackie Hardee, Division Director
Dr. Richard Carmichael, MSW Section Leader
Mr. Dan Eden, Deputy Director, Permitting, Remediation, and Registration

GUESTS

Scott McCoy, KSS Consulting
Scott Graves, Geosyntec Consultants
Latrice Hertzler, FLT, Houston
Lee Ing, Austin
Edward Zilton, Jr., City of Houston, SWM
Wade Wheatley, TDS

Welcome and Introduction of Members – Mr. Bill Hindman

Newly appointed President Bill Hindman welcomed members that included four new members to the meeting. Members in attendance introduced themselves and gave a short statement regarding their business background and interests. President Hindman noted that his position is appointed, but a vice-chair would need to be elected. Ms. Toni Lawrence nominated Mr. Chuck Rivette for the position and Mr. David Yanke seconded the motion. The motion carried.

Ms. Toni Lawrence motioned to approve the typed highlights from the October 5th meeting and she was seconded by Mr. David Yanke. The motion to approve was unanimous.

Welcome – Ms. Jackie Hardee - Waste Permits Division Director

Ms. Hardee welcomed everyone to the meeting and went on to say that the MSW program is still very busy with rulemaking; the most current being recycling rules. Ms. Hardee also announced that there was yet another recycling fire at a facility in San Antonio making the rules even more important. Ms. Hardee announced that Deputy Director, Dan Eden, was in attendance so that he could witness the Council in action. Ms. Hardee welcomed the new members.

Administrative Announcements – Mr. Steve Hutchinson

Mr. Hutchinson welcomed all the new members and reminded visitors to sign in. He went on to remind everyone about the Trade Fair coming up on April 29 through May 1st and mentioned that there are some free tickets available and anyone interested in attending should contact him. Mr. Hutchinson announced that we are planning a Request for Nominations for the final two positions. One is a county position and the other is for Mr. Leffingwell's position, which has expired.

MSW Section Manager's Report – Dr. Richard Carmichael

Dr. Carmichael welcomed everyone and, for the new members, gave a short synopsis of the MSW program status. He also explained the various types of landfills and the waste they process. Dr. Carmichael distributed a report to the Council members titled Municipal Solid Waste in Texas: A Year in Review – 2006 Data Summary and Analysis. Dr. Carmichael explained the contents of the report stating that the data speaks to the number of landfills in the state, their breakdown into 24 Council of Government (COG) areas, and how many years of life are remaining for the landfills.

Dr. Carmichael reported that there are four vacancies open in the MSW Section – one is a repost for a

geologist.

There was a lengthy discussion between members and staff regarding landfill diversion. Dr. Carmichael reported that there are many recycling efforts in the state, but it is not reported even with the compost rebate program. Some members said that it takes a commitment and more paperwork. Others were against reporting the information because it could be considered 'regulating'. There is no regulatory oversight over the recyclers. A live version of this conversation can be obtained by requesting a CD recording of the meeting.

Draft Computer Recycling Rules: Proposed Chapter 328 – Mr. Mike Lindner – Small Business and Environmental Assistance

Mr. Lindner began his talk by welcoming the new members and went on to report that legislators had passed House Bill 2714 in the last legislative session and that authorized TCEQ to write a rule regarding computer recycling. Mr. Lindner said there would be a public hearing for oral or written comments on January 14th and that written comments would be received until February 4th. He said that the rule would go to the Commissioners for adoption on April 2nd.

Mr. Lindner explained that the basic idea of HB 2714 is that computer manufacturers are required to recycle their own brands' CPU's, monitors, and laptops. He stated that the proposed rule also included mice and keyboards. He said that companies are required to recycle computers from homes and home businesses only – not computers from anyplace else. Mr. Lindner stated that, in addition, the legislature required TCEQ to adopt standards for computer recyclers and that the proposed rule would adopt the standards of the Institute for Scrap Recycling Industries (ISRI) and that adoption is included in the new rule. In the discussion that followed, it was determined that computer manufacturers will be required to recycle any computer they produced, free at the time of recycling, regardless of when it was purchased. TCEQ will have a list of computer manufacturers that have complied with the law to the degree enabling them to continue to sell computers. Retailers will not be allowed to sell computers manufactured by companies not on this list. Mr. Lindner said that the law will be implemented on September 1st, 2008 and that the details and web links for the actual collection and recycling procedures remain to be seen.

HB 2541 Composting and Mulching Rules Update – Mr. Wayne Harry – MSW Permits

Mr. Harry announced that, basically with no changes except formatting planned, the rules are ready for a March proposal date. The rules were written to apply to certain counties and only three counties fall within the aquifer definition and with population as it is, only Bexar County falls under the rules. He stated that a public meeting was held recently in Bexar County because the legislation set standards for pile height, fire lanes, buffer zones, and pile size. He went on to say that a concept page is located on the TCEQ website at:

< http://www.tceq.state.tx.us/assets/public/permitting/waste/msw/concept_sept_2007>

Mr. Harry stated that statewide there is an exemption from record keeping and notification requirements for municipalities, state and federal agencies, persons that are affiliated with landfills and smelters so they do not submit what or how much they are recycling. With the new legislation, for Bexar County only, anyone in that county will have to submit a notification form to TCEQ. Mr. Harry stated that good, positive input had been received from the regulated community in Bexar County. A lengthy discussion ensued regarding the possible stipulation of 40' fire lanes and the possibility of putting composters out of business, among other concerns.

Household Hazardous Waste Rules Update – Mr. Joe Thomas – Small Business and Environmental Assistance

Mr. Thomas announced that the proposed revisions to update the Household Hazardous Waste section of Chapter 335 were being submitted for proposal on January 30th and he anticipates publication by February 15th.

He went on to say that all the revisions are in draft form on the TCEQ website at: http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/proposals/07005335_pex.pdf

Chapter 305 and Chapter 330 Rules Update – Mr. Jeff Davis - MSW Permits Section

Mr. Davis welcomed the new members and, along with Dr. Carmichael, outlined the proposed changes to Chapters 305 and 330. Mr. Davis announced that on November 7, 2007, at agenda, approval was given to propose the rulemaking and on November 30, 2007 the proposed rules were published in the Texas Register. He said that on January 8, 2008 a public hearing was held and six comments were heard; the public comment period closes on January 15th. Mr. Davis stated that he has heard both support and opposition for the proposed rules and on May 7, 2008, the Commission would consider adoption of the rules. Discussion followed regarding contouring and what would constitute a major amendment at a landfill. There were no public comments or questions.

Proposed action items: Update on training/trainers from the Licensing Group at TCEQ

Ms. Jackie Hardee announced that web casting the Advisory Council meetings had been requested for future MSWRRAC meetings. She stated that the idea is under serious consideration and could possibly begin at the next meeting. Comments were positive regarding the benefits of web casting the meetings especially since interested public could view the proceedings from any computer via the TCEQ website.

President Hindman reminded members about the Environmental Trade Fair to be held April 29th thru May 1st.

Mr. Hindman also reminded members and staff of the next meeting to be held on THURSDAY, April 10th.

The meeting was adjourned by President Hindman.

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