

HIGHLIGHTS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

February 27, 2006

MEMBERS PRESENT

Charles "Chuck" Rivette
Dr. H. C. Clark
William R. Hindman
Mark Rose
Bob Gregory
Donald Hatcher
Karen Overgaard
David Stephens
The Honorable Linda Stenbeck-Keller
Jan Artley
David Yanke

MEMBERS ABSENT

The Honorable Jack Cobb
The Honorable Toni Lawrence
Maria "Elena" Quintanilla
The Honorable Lee Leffingwell
Robert Dow
The Honorable D. C. "Chris" King

DIVISION SUPPORT TEAM

Carolyn Mees, Waste Permits Division

TCEQ STAFF

Jackie Hardee, Director, Waste Permits Division
Richard C. Carmichael, Manager, Municipal Solid Waste Permits Section
Wayne Harry, Municipal Solid Waste Permits Section
Steve Shepherd, Legal Division
Mike Lindner, Small Business and Environmental Assistance Division
Will Wyman, Small Business and Environmental Assistance Division

GUESTS

J. W. Massey, Aqua-Zyme Services, Inc., Van Vleck
Elton L. Childs, A-Affordable Vacuum Services, Houston
Wade Wheatley, TDS
C. Broucher, J&R Services
Richard Leib, LES, Dallas
Mike Oden, HDR Engineering, Dallas
Tim Tritico, Aqua-Zyme Services, Inc., Van Vleck
Gary Beavers, Cold Springs Processing, Ft. Worth
Bob Kier, RSK Consulting
Hector Mendieta
Trek English, NE Action Group
Jeff Saitas
Grant Norman, Beck Landfill
Robin Schneider, Texas Committee for the Environment
Latrice Hertzler, Future Link Technologies Inc., Austin
Lisa Anderson, ASWMA
Lorrie McDonald

Welcome and Introduction of Members - Bob Gregory

Mr. Gregory, Advisory Council President, welcomed the Council members and guests and introductions were made. He introduced the new Council member, Ms. Jan Artley from Midland. She has a Chemistry Degree and is an Administrator in Education and participates in the League of Women Voters.

Administrative Announcements - Bob Gregory (for Gary Trim)

Announcement of the Trade Fair in May was made with the possibility of free admission for council members. Mr. Gregory gave a travel funds update. Approximately \$2200 has been used to date, and approximately \$600 is remaining in the budget. Additional travel funds will be available next fiscal year. The \$30 stipend payment will continue. There are 5 applicants for the vacant council position "an elected official from a municipality with a population between 25,000 and 100,000." That position expires Aug. 31, 2007. The Commissioners will make the appointment on March 8, 2006.

Welcome – Jackie Hardee

She stated that they have made some good changes to the Chapter 330 Rule package and it will go to the Commission agenda on Wednesday, March 1 at 9:30 am.

MSW Section Manager's Report - Dr. Richard Carmichael

No comments added.

Chapter 330 Rules Revisions - MSW Advisory Council Members

After the stakeholder meeting on February 10, 2006, 181 pages of comments were received. A 40 page memo was made available, dated February 24, 2006, from Mr. Dan Eden to the Commissioners concerning the Chapter 330 Rule Project. Mr. Gregory provided a copy of a memo to the Council addressing his thoughts on what was published on February 24th and gave a summary of who made comments along with his specific suggestions.

Mr. Stephens moved to approve the draft minutes from the January 27, 2006 meeting, and Ms. Keller seconded the motion. The minutes were approved.

Public Comments

Mr. Gregory asked for comments from last Friday's document. Ms. Schneider wants the TCEQ to not rely on FEMA maps so much for surface water drainage. She thinks the language should bring all the landfills into compliance with the new rules. Ms. English thinks grandfathering is not good and that's what's allowing polluting to occur now. There is too much pollution from run-off. She thinks it's a priority to review drainage criteria.

Dr. Kier inquired if the current set of revisions was the correct set, and Ms. Hardee said there had been some slight changes made to the set being used in the meeting.

Ms. Overgaard expressed concern about bioreactors and recirculation. She said there is a need for new ways to reduce waste through research, extensive monitoring, and very strict rules.

Ms. Broucher expressed concern about grease trap waste. Mr. Leib, from LES, supports what staff has done over the last couple of years.

Ms. Schneider thinks the public should have full access to a public hearing and contested case hearings for registration. Communities should be involved in the full process. Dr. Clark said there is a need for the agency's enforcement staff to attend the Advisory Council meetings.

Mr. Beavers, Cold Springs Processing, wrote a letter about registration in lieu of permitting, and thinks everyone should be able to make a stand and cross examine the evidence. He's in favor of the way the staff proposes the rules now.

In the Subtitle D Complex, Mr. Gregory had a problem with Section 330.177. He urged the Council not to use equivalent liners. It allows anyone with a plastic liner to say they have an equivalent liner. EPA has very definite rules on a liner. He feels there's nothing in the rules that tell you what is an equivalent liner. Mr. Clark was concerned that it would allow someone to make a decision without input from the public.

Ms. English asked how do you put two feet of compacted clay on top of an old cell.

Mr. Gregory said a Type 1 A&E facility can have multiple Type 1 facilities at the same location. Mr. Shepherd from Legal said they are trying to implement State legislation and implement the rule to let Type IV waste go into a separate unit. Mr. Clark said the Legislature asked for 40 tons total and the Federal Rules say 20 tons and the TCEQ is trying to do what legislation wants. Mr. Gregory says there is a need for language to deal with multiple units allowed on the landfill, and that it would be a violation if in the same unit you included an additional 20 tons a day. Mr. Gregory stated that a Type IV landfill can't take what a Type IV A&E landfill can. It was stated that we need a set of rules that conform with the law, and we need enforcement of these rules. If not in compliance with the rules, they will have six months to come into compliance. Some permits are limited to 20 tons a day, this would allow them to have a Type IV.

Ms. Schneider supports term limits. If not term limits, they feel five year permits review processing is good. It's better than nothing at all. Ms. English said if something is wrong with a permit, the public needs to be able to reopen the permit. The public shouldn't be shut out.

Regarding enforcement issues, the questions was asked how are we going to enforce these rules if we can't write the rules. When a community opposes a permit, enforcement goes nowhere. As each issue is addressed, the issue of enforcement should be considered. If it is not enforceable, it's not a good rule. That makes for bad relations with the public.

Dr. Kier said that during the morning session, it was mentioned that there were errors in Mr. Eden's memo. The February 24 memo was replaced today as the February 27 memo. He felt that registration of grease & grit traps and validity of the FEMA maps were both not conclusive.

Mr. Hindman stated that recirculating leachate doesn't make a bioreactor. Regarding the approval of the Rule Package, he thinks the Council needs to slow down, step back, and do it right. It's too important a matter, and too much time has been spent on this to rush into approval of the rule package. Mr. Stephens agrees and thinks they're not ready to go ahead. He asked that everyone look at Mr. Gregory's Resolution. The three page Resolution was distributed to the Council Members and displayed on the TV screens. After a few minor changes, Mr. Stephens made a motion to adopt Mr. Gregory's resolution to delay Council approval of the rule package, and the motion was seconded by Mr. Rose. All Council Members voted to adopt the resolution except Mr. Rivette. This resolution will be presented to the Commissioners.

The next Council Meeting was set for April 28, 2006.

The meeting was adjourned.