

# **Highlights**

## **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

January 27, 2006

### **MEMBERS PRESENT**

Charles "Chuck" Rivette  
Dr. H. C. Clark  
William R. Hindman  
Mark Rose  
Bob Gregory  
Donald Hatcher  
David Yanke  
Karen Overgaard  
Maria "Elena" Quintanilla  
David Stephens  
The Honorable Linda Stenbeck-Keller  
The Honorable Lee Leffingwell  
Robert Dow  
The Honorable D. C. "Chris" King

### **MEMBERS ABSENT**

The Honorable Jack Cobb  
The Honorable Toni Lawrence  
Jan R. Artley

### **DIVISION SUPPORT TEAM**

Gary Trim, Waste Permits Division  
Carolyn Mees, Waste Permits Division

### **TCEQ STAFF**

Jackie Hardee, Director, Waste Permits Division  
Dr. Richard C. Carmichael, Manager, Municipal Solid Waste Permits Section  
Wayne Harry, Municipal Solid Waste Permits Section  
John Williams, Legal Division  
Mike Lindner, Small Business and Environmental Assistance Division

## **GUESTS**

Faith Wright, RM&R, Georgetown  
Eric Allmon  
ChiChi Folorinso, City of Garland  
Susan Medina, City of Garland  
Joyce Best, NE Action Group  
Lorrie McDonald  
Claire Arenson, Saitas and Arenson, Austin  
Donna Pirkle, Lloyd Gosselink and Associates, Austin  
Bob Kier, RSK Consulting  
Latrice Hertzler, Future Link Technologies Inc., Austin  
Lisa Anderson, ASWMA  
Robin Schneider, Texas Campaign for the Environment  
J. W. Massey, Aqua-Zyme Services, Inc., Van Vleck  
Tim Tritico, Aqua-Zyme Services, Inc., Van Vleck  
Joe Vieceli, Fort Worth  
Wade Wheatley, Texas Disposal Systems  
Mike Oden, HDR Engineering, Dallas  
Trek English, North East Action Group  
Rocky Stevens, DEC, Houston  
Brian Dubley, Cook-Joyce Inc.

## **Welcome and Introduction of Members - Bob Gregory**

Mr. Gregory, Advisory Council President, welcomed the Council members and guests and announced that the majority of the agenda would focus on the Chapter 330 Rules. He encouraged everyone to be as concise and generic as possible during their comments. Mr. Stephens moved to accept the draft highlights from the December 2, 2005 meeting. Ms. Stenbeck-Keller seconded the motion, and the highlights were unanimously approved.

## **Administrative Announcements - Gary Trim**

Mr. Trim announced the new Council appointment of Ms. Jan Artley, Midland, Texas. She was nominated by the League of Women Voters of Texas.

## **Required Training for Council Members - John Williams**

Mr. John Williams, from the Legal Division, reported that the Advisory Council meetings are subject to the Open Meetings Act. Each council member is required to take a 1- hour course on the Open Meeting Act and a 1- hour course on the Open Records Act. These courses are available from the Texas Attorney General's web site and can be viewed at one's convenience. The Council can appoint a Public Information Coordinator to take

the Open Records Act course for the entire Council. Mr. Gregory encouraged Council members to take both on-line courses; however, they appointed Gary Trim as the Public Information Coordinator for the Advisory Council. Mr. Trim agreed to represent the Council and take the course. Mr. Dow made a motion, and it was seconded by Mr. Stephens. New members have 90 days to complete the Open Meeting Act course. Existing members have a year to complete it. Certification will be retained on file.

### **Welcome - Jackie Hardee**

The Council members and guests were welcomed by Ms. Hardee.

### **Universal Waste Designation for Mercury-Containing Equipment and the Automotive Convenience Switch Collection Program**

Per Mr. Gregory's request at the last MSWRRAC meeting, Mike Lindner gave an update on the implementation of House Bill 2793 regarding automobile convenience switches.

- Layperson's definition of automobile convenience switch:
  - The kind of switch that makes the light in a car trunk turn on automatically when the trunk is opened
- Refresher on HB 2793 requirements
  - Implementation of an automobile convenience switch collection program
  - TCEQ regulation of these switches as universal waste
- Update on progress of automobile switch collection program
  - Basics of the legislation related to the program: automakers are required to send out buckets for the collection of mercury switches; TCEQ required to support the program; auto salvage yards given the option of participating voluntarily
  - Automakers have mailed buckets to 653 auto salvage facilities
  - On the horizon: TCEQ to identify more participants from the list provided by TxDOT of 5000 auto salvage; participating facilities required to report by Nov. 15, 2006 to qualify for regulatory incentives, the main one being adjustment to compliance history score.
- Update on progress of rule package to regulate mercury-containing equipment as universal waste
  - Proposal approved by the TCEQ Commissioners Wednesday, January 25, 2006
  - Will be published in February 10, 2006, Texas Register for 30-day comment period; Gary Trim will send MSWRRAC a link to the proposal when it is submitted to him.
  - The legislation requires that the TCEQ regulate automobile convenience switches as universal waste. TCEQ proposes to meet this requirement by adopting by reference a recently adopted EPA rule. The EPA rule regulates mercury containing equipment, including automobile convenience switches, as universal waste.

- Addressing Mr. Rivette's and Mr. Gregory's questions from the last MSWRRAC meeting:
  - The rule would not allow for any more hazardous waste to be disposed of in MSW landfills than is already allowed to be disposed of.
  - The rule should decrease the amount of hazardous waste disposed of in MSW landfills, as it facilitates the recycling or disposal of hazardous waste at hazardous waste facilities

### **Chapter 330 Rules - Dr. Carmichael and Wayne Harry**

The Chapter 330 Rules were discussed by the Council members, staff, and guests. Due to the complexity of these discussions and agency policy to maintain brief meeting notes, the discussions are available on cassette tapes, if requested.

TCEQ Commissioner Soward was in attendance during the discussions. In the afternoon session, he advised the Council members that he would ask the other two TCEQ Commissioners to postpone the approval of the Chapter 330 Rules until March 1, 2006.

### **Resolution**

A resolution was discussed by the Council members to encourage the TCEQ Commissioners to postpone the rules. Mr. Gregory made a motion to adopt the resolution, and the motion was seconded by Mr. Stephens. The vote was unanimous. The resolution will be forwarded to the TCEQ Commissioners.

### **Action Items**

Due to the postponement and tight time lines for approval of this document, the Council decided to schedule another meeting for Monday, February 27, 2006.

Dr. Clark moved for adjournment; the motion was seconded by Mr. Hindman. The vote was unanimous.