

HIGHLIGHTS

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Municipal Solid Waste Management and
Resource Recovery Advisory Council (Council)
TCEQ Complex, Building F, Room 2210, Austin, Texas**

August 12, 2005

MEMBERS PRESENT

The Honorable Jack Cobb
Robert Dow
Charles "Chuck" Rivette
Dr. H. C. Clark
William R. Hindman, P.E.
The Honorable R. A. "Dick" Nugent
Mark Rose
Bob Gregory
Lisa Perrine
Donald Hatcher
David Yanke
Karen Overgaard
The Honorable D. C. "Chris" King

MEMBERS ABSENT

Maria "Elena" Quintanilla
David Stephens
Annise Parker

DIVISION SUPPORT TEAM

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

TCEQ STAFF

Wade M. Wheatley, P.E., Director, Waste Permits Division
Richard C. Carmichael, Ph.D., Manager, Municipal Solid Waste Permits Section
Wayne Harry, P.E., Municipal Solid Waste Permits Section
Dan Eden, Deputy Director, OPRR
Jennifer Ahrens, IGR
Pat Davis, R&R
Jody Miller, R&R
Will Wyman, Small Business
Steve Shepherd, Legal

GUESTS

Rocky Stevens; Dannenbaum; Houston
Bob Ferbend; Weaver Foos; Fort Worth
Robert C. Vickery; Republic Waste; Avalon
Angela Moorman; Russell, Moorman & Rodriquez, LLP; Georgetown
Dan Wittliff; DWC, PLLC
Kenneth Welch; Biggs & Mathews; Mansfield
Donna Pirkle; Lloyd Gosselink; Austin
Keith Helmers; Capcog; Austin
Bob Kier; Robert S. Kier Consulting; Austin
Stephen Halasz; Klein Felder; Austin
Gary Newton; TDS
Jennifer Ahrens
Latrice Hertzler; Future Link Technologies; Austin
Orlynn Evans; Hutto Citizen
Eleanor Whitmore; Texas Campaign for the Environment; Dallas
Trek English; NE Action Group; Austin
Claire Arenson; Saitas and Arenson; Austin
Hector Mendieta; Austin
David Pena; LES; Dallas

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

Mr. Gregory, Advisory Council President, welcomed the Council members and guests. Prior to the meeting, Mr. Hindman and Mr. Jeff Davis made changes to the June 17 Meeting Highlights. Mr. Hindman made a motion to approve the Meeting Highlights; it was seconded by Mr. Rose; and there was a unanimous vote for approval.

- **Administrative Announcements - Gary Trim**

Mr. Trim welcomed the members and guests.

- **Welcome - Wade Wheatley**

Mr. Wheatley announced that the Commissioners had made six appointments to the advisory Council. There would be a repost of two positions: 1) a representative from the general public and 2) an elected official from a municipality of 25,000 population or less.

Mr. Wheatley talked about Senate Bill 286. He announced that, effective September 1, Council members would receive reimbursement for travel expenses.

- **MSW Section Manager's Report - Dr. Carmichael**

Dr. Carmichael discussed vacancies in MSW; a Team Leader III position was posted and two junior staff vacancies. An IHW vacant position has been shifted to MSW.

- **Modification rules and SOP Update - (detailed discussion is available on the audio tapes. Copies are available to the public upon request).**

Modification rules were discussed by Mr. Wheatley and Dr. Carmichael.

Several members of the general public (Ms. Moorman, Ms. Whitmore, Mr., Vickery, and Ms. English) had concerns about public participation.

The SOP was discussed by Dr. Carmichael, with questions and responses from Council members and the public.

- **Presentation to Council Members - Dan Eden**

Mr. Eden thanked the Council for working with the staff on the 330 Rules Re-Write Package. He presented service plaques to Council members whose terms were expiring and to those whose terms were expiring but were re-appointed. Those who received plaques included: Mr. Hatcher, Ms. Perrine, Mr. Cobb, Ms. Parker, Mr. Stephens, Mr. Nugent, and Mr. Escobar.

- **Chapter 330 Rules Re-write - Wayne Harry and Dr. Carmichael**

There was discussion by Mr. Harry of major changes made in the 330 Rules. A handout was provided on the Chapter 330 rules revisions. Mr. Gregory opened a discussion on the handout, and there were questions and comments by Council members. Ms. Moorman made a comment on stormwater, and Mr. Kier made comments on aquifers.

Mr. Harry encouraged the Council and general public to ask questions or make comments. General public guests who made comments or asked questions included Mr. Vickery, Ms. Moorman, Ms. English, Mr. Kier and Mr. Mendieta, a retired TCEQ staff member.

There was discussion by Mr. Wheatley and Mr. Shepard about possible changes to the rules that would be presented for consideration at the TCEQ Commission agenda meeting. Mr. Shepard discussed applicability, which would be the biggest change in the rules. Ms. Whitmore and Ms. English discussed buffer zones. Groundwater monitoring, well-spacing, quality assurance quality control, liners, composting facilities at landfills, site development plans, aquifers, the need to address mineral resources, and assessment monitoring were other topics of discussion.

The comment period on the new rules is from September 9 thru October 10, 2005. There will be a Public Hearing on September 29. Mr. Gregory said the comments will be discussed at the meeting in December. At that time the Council has several options:

- do nothing
- recommend a proposal
- show concern
- do not recommend a proposal
- recommend adoption with specific changes

Mr. Gregory asked the Council what they wanted to do at the December meeting concerning the new rules. Mr. Dow suggested that they just wait till December to decide. Mr. Wheatley responded that the Commissioners were ready to move forward. Mr. Gregory said there are some changes to be made and feels uncomfortable to say to move forward because the staff isn't at the point where they are finished. He feels that the Commissioners should get input from the Council.

Mr. Wheatley stated that the Commissioners can make changes at the dias. Mr. Hindman said that the Council could give the Commissioners comments and concerns during the comment period before approval.

- **Action Items/Resolutions**

Mr. Rivette made a motion to approve the attached resolution to be submitted to the Commissioners regarding the Chapter 330 rules. Clark seconded the motion. There was a unanimous vote for acceptance.

Representing the Council, Mr. Gregory presented a plaque to Mr. Mendiotta to thank him for all his service and guidance throughout the many years. Mr. Mendiotta responded that he appreciated the support of all the Council members throughout all the years.

The next meeting will be held December 2, 2005 but is subject to change.

The meeting was adjourned.