

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Municipal Solid Waste Management and
Resource Recovery Advisory Council (Council)
TCEQ Complex, Building E, Room 201S, Austin, Texas
July 21, 2006

MEMBERS PRESENT

Charles "Chuck Rivette
William R. Hindman
Bob Gregory
Donald Hatcher
Karen Overgaard
David Stephens
David Yanke
The Honorable James S. Wyatt
Jan Artley
The Honorable Jack Cobb
The Honorable Toni Lawrence
The Honorable Lee Leffingwell
Robert Dow
Dr. H. C. Clark

MEMBERS ABSENT

The Honorable D. C. "Chris" King
The Honorable Linda Stenbeck-Keller
Maria "Elena" Quintanilla
Mark Rose

DIVISION SUPPORT TEAM

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

TCEQ STAFF

Jackie Hardee, Director, Waste Permits Division
Richard C. Carmichael, Manager, Municipal Solid Waste Section
Wayne Lee, Municipal Solid Waste Section
Mary Jennings, Enforcement Division
Ronnie Kramer, Enforcement Division
Jennifer Ahrens, Intergovernmental Relations
Alex Hinz, Municipal Solid Waste Section
Wayne Harry, Municipal Solid Waste Section

GUESTS

Faith Wright, Russell & Rodriquez, Georgetown
Cassandra Harrington, Russell & Rodriquez, Georgetown

Grant Norman, BECK, San Antonio
Jack Sinclair, TXI, Dallas
Angela Moorman, Birch, Becker & Moorman, LLP, Austin
Latrice Hertzler, Future Link Technologies, Austin
Wade Wheatley, TDS
Donna Pirkle, Lloyd Gosselink, Austin
Lisa Anderson, NSWMA
Joe Vieceli, IESI
Thomas Carrone, ENVORTUS, Inc., Irving

Welcome and Introduction of Members - Bob Gregory

Gregory, Advisory Council President, welcomed the Council members and guests. He asked the members and audience to introduce themselves and tell who they represent. Cobb moved to approve the April 28, 2006 Highlights, seconded by Artley. Vote was unanimous.

Administrative Announcements - Gary W. Trim

Trim encouraged council members to finish the Open Meetings Training, if they haven't already done so. When finished with the training, he asked council members to print the certificate and fax or mail it to him. Trim also announced that a copy of the landfill air permitting workshop was in their packets.

Welcome - Jackie Hardee

Hardee asked the council members to submit ideas on topics for future meetings. Clark noted that he was concerned about the landfill diversion policy to the compost area. He would like to review the issues, the successes and failures, and how to improve the situation. Hardee said this would be discussed at the next council meeting. Gregory noted that now is the time to look at changes in legislation for more success in diversion composting.

MSW Section Manager's Report - Richard Carmichael

Carmichael reported that MSW still has 3 vacancies for licensed engineers, and they are having difficulty filling the positions because of the competition with other state agencies and private industry. There is a lot of competition for engineers because fewer engineers are graduating from college and the demand is high. Hardee stated that the pay scale at TCEQ lags behind TxDot and the Criminal Justice Department. Gregory commented that \$32 million dollars is collected in solid waste fees annually, and he said we should be able to pay higher salaries for engineers. He thinks it's a shame to have this much money flowing through the agency and not be able to compensate our employees. Hardee said we'll never be able to match industry salaries for engineers.

Carmichael reported that courtesy letters have been sent out to transfer stations and arid exempt landfills. They are also working on a guidance document for transfer stations.

Gregory inquired about bio reactors, and Carmichael said that until the next rule making, they

cannot issue permits for bio reactors. MSW staff need to finish the Chapter 330 rule package before starting a new rule package. At this point, the agency does not have a specific time line for the bio reactor rule package. Carmichael said bio reactor designs can be improved, but the problem is the re-circulation of liquid waste.

Compliance Histories - Mary Jennings

Jennings said that in 2002, the 16-page compliance history rule was adopted which added a performance-based standard to be used to assign classifications. In 2004, the agency undertook an extensive review of the enforcement program. Compliance histories got the most comments. Copies of the Mathematical Depiction of the Compliance History Site Rating Formula and the portion of Chapter 60 pertaining to the Classification Formula were distributed to council members and attendees following the meeting.

Clark inquired as to how they are trying to take care of personnel errors? Jennings answered that Field Operations is training TCEQ investigators. Gregory asked how the Council could help? Jennings replied that everyone needs to work together to ensure that we have correct data. She reported that every year there are fewer appeals.

Burning Waste Rule Changes - Ronnie Kramer

Rules for outdoor burning were revised effective July 19, 2006. The major differences in the rules are:

1. Rules in unincorporated Montgomery County are now enforced by police and local authorities
2. Change of rules in most attainment areas were a result from the Lufkin area wanting to burn their yard waste.
3. A neighborhood out of the city limits can have a designated burn site and have supervision of the burn.

Delinquent Fees - Carmichael

Guidance in collecting delinquent fees, is as follows:

1. Check on delinquent fees when application comes in and before it goes out the door.
2. If agency is owed \$200 or more, don't process the application.

Also as of March 27, 2006 there is a \$150 fee for processing an MSW permit application. If this processing fee is not paid, the permit application is not processed..

Chapter 305 Rules

Carmichael said he thought that they would have proposed rules for the Council members to review but the time line has been put on hold. They will meet with the Commissioners next week to discuss the direction for the Chapter 305 Rules

Clark inquired about the time line for the Chapter 305 rules as to whether there would be time for the council members to review the changes, and Carmichael assured him there would be significant time for review.

Gregory asked about the tentative proposal of the Chapter 305 rule package at the May 26, 2006 Stakeholder Meeting. Carmichael responded that the meeting did not turn out as planned. There was not a consensus on the rules, and what should and should not require notice.

Alex Hinz handed out the Annual Report. Handouts on interpretation of picking up litter on the roadway were also provided.

Wayne Harry was asked about transfer station's site operating plans. He said the main issue was receipt of special waste at a transfer station. They are working on issues on segregation areas and retention ponds.

Public Comments

There were no public comments.

Action Items/Resolutions

Gregory said he would bring to the next meeting a resolution concerning finding money to pay candidates for engineer positions.

Trim said to please copy him when sending Gregory topics for upcoming meetings.

The next Council Meeting was set for October 20, Bldg. F, 2nd Floor, Room 2210.

The meeting was adjourned.