

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Municipal Solid Waste Management and  
Resource Recovery Advisory Council (Council)  
TCEQ Complex, Building E, Room 201S, Austin, Texas  
Thursday, January 20 and Friday, January 21, 2005**

**Meeting Highlights  
January 20, 2005**

**MEMBERS PRESENT**

Bob Gregory  
William R. Hindman, P. E.  
H. C. Clark, Ph.D.  
The Honorable Commissioner Jack Cobb  
Robert L. Dow  
Donald R. Hatcher, P. E.  
Elena Quintanilla  
The Honorable Mayor R. A. "Dick" Nugent  
Karen C. Overgaard  
Lisa Perrine  
Charles Rivette, P. E.  
Mark Rose  
The Honorable Paul J. Escobar  
The Honorable D. C. "Chris" King  
The Honorable Annise D. Parker  
David S. Yanke

**MEMBERS ABSENT**

The Honorable Hugh L. Landrum  
David Stephens

**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 Lee, P.E., Municipal Solid Waste Permits Section  
Wayne Harry, P.E., Municipal Solid Waste Permits Section  
Mike Lindner, Pollution Prevention & Ind. Asst.  
Steve Shepherd, Environmental Law - Legal Division  
Beecher Cameron, Air Permits Division  
Hector Mendieta, Policy & Standards

## **GUESTS**

Jeff Taebel, Houston-Galveston Area Council  
Angela Moorman, Russell, Moorman & Rodriguez; Georgetown  
John Clegg, TEAM, Austin  
Rusty Fusilier, SCS, Austin  
Charles Attebery, TEAM, San Antonio  
Donna Pirkle, Lloyd Gosselink, Attys., Austin  
Ariel Juarez, TBPG, Austin  
Robert G. Vickery, Republic Waste; Avalon  
Mike Oden, HDR Engineering; Dallas  
Pierce Chandler; PLC, Rockwall  
Ed Rhodes, Republic Waste; Abilene  
Bob Kier, Robert S. Kier Consulting; Austin  
Peter DiLillo, City of Killeen  
Jim Kean, Squire Sanders/Stericycle; Houston  
Jeff Kaplan, City of Corpus Christi  
David Lehfeldt, City of Wichita Falls  
Zachary Haston, Haston Associates; Mansfield  
Latrice Hertzler, Future Link Technologies; Austin  
Bryan Moore, Vinson & Elkins LLP; Austin  
Lisa Anderson, NSWMA  
Trek English, North East Austin Action Group  
Windy Stovall, WCTCOG  
J. D. Head  
Paul Gossling  
James King

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

Mr. Gregory, Advisory Council President, asked the council members, TCEQ staff, and guests to introduce themselves. A motion was made by Ms. Perrine to approve the December 16, 2004 meeting highlights. Ms. Overgaard noted the need for a correction to the minutes, and there was no objection to this change. The approval of the minutes was seconded by Mr. Rose and was approved by unanimous vote.

- **Administrative Announcements - Gary Trim**

Mr. Trim welcomed the Council and guests. He passed around a council update and asked all members to check their e-mail and fax numbers and make corrections if needed.

- **Welcome - Wade Wheatley, Division Director**

Mr. Wheatley announced that points of discussion will include the Site Operating Plan (SOP) call-in-schedule and provisions that are being made to the guidance document from comments that have been received. A second draft of the guidance document will be sent out mid February followed by a two-week comment period. A final draft will be ready by April 1. Mr. Wheatley stated that it would be distributed via the agency website. Mr.

Wheatley stated that SOPs that are pending will be processed under the old rules and called in later. SOPs submitted after 12/2/04 are subject to the new rules. Permits for non-landfills will need to upgrade prior to issuance.

On the previous day at the Stakeholders meeting, it was indicated to Mr. Wheatley that they would like a second draft of the 330 rules with an additional stakeholders meeting in March in order to provide additional comments. It will push back the schedule, but the commissioners may find that to be suitable. Mr. Wheatley indicated that he was available to meet privately with anyone, and they could call Judy Martins to make an appointment. If he meets privately with someone, that person should also submit official written comments.

Mr. Gregory asked about the outcome of the internal audit of the Waste Permits Division, and Mr. Wheatley indicated that the final product of the audit was received on December 27, 2005 and had been sent to Mr. Vickery and Mr. Shankle.

Mr. Gregory asked Mr. Wheatley if he could give some insight into private comments that he has received during his private meetings concerning the 330 rules. Mr. Wheatley stated that comments have included: the ability to properly treat mobile medical waste, new groundwater requirements (transition from filtered to totals), QA/QC data, redundant lab standards, and buffer zones. Buffer zones are currently 50 ft, and there are complaints that 50 ft is not enough. Also, there have been comments on the standard air permit for class I industrial non-hazardous waste, and there are concerns about redundancy with NELAC. Since the new rules, there is a concern on the cost of development.

- **MSW Section Manager's Report - Richard Carmichael**

Dr. Carmichael announced that copies of the preliminary draft of the January 18-19 stakeholder meetings minutes, along with copies of the 330 briefing points, were available. A copy of the draft minutes and the 330 briefing points are attached. Dr. Carmichael said the Stakeholder Meetings minutes will be posted in two weeks on the TCEQ website.

- **Unutilized MSW Permits Rule - Status Report - Wade Wheatley, Richard Carmichael, and Wayne Lee**

**In-depth details on this discussion is available in the audio-tapes of the meeting, which is available upon request.**

Mr. Wheatley announced that the comment period on the new rules ended on January 18. Five comment letters were received. Private meetings have included land use, which ties in with buffer zones. Land use is being moved into Part I & II of the permit. Other comments include the cost of meeting the new groundwater rules. By February 4, the revisions will be complete, and adoption is scheduled for April 13.

Ms. Parker made a motion to submit "Council Recommendation(s) To The TCEQ

Commissioners”; the motion was seconded by Mr. King, and was passed 16 to 0.  
RECOMMENDATION ATTACHED.

- **Chapter 330 Rules Re-Write - Status Report - Wayne Harry and Richard Carmichael**

**In-depth details on this discussion is available in the audio-tapes of the meeting, which is available upon request..**

Mr. Cameron, of the TCEQ Air Permits Division, stated that they had initiated a project for a standard permit designed as a one stop for landfill permits. You can pick and choose registrations without additional paperwork. Mr. King asked if trench burning was included, and Mr. Cameron said it would need a separate registration, as would composting . Mr. Gregory asked about Class 1 and Class 2, and Mr. Cameron said they were working to resolve industrial and non-hazardous waste.

- **Chapter 330 Rules Re-Write - Discussion and Comments - Advisory Council Members**

**In-depth details on this discussion is available in the audio-tapes of the meeting, which is available upon request.**

It was decided to continue the meeting at 8:00 am Friday morning, January 21, 2005.

**Meeting Highlights**  
**January 21, 2005**

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Robert L. Dow  
Donald R. Hatcher, P. E.  
Elena Quintanilla  
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**GUESTS**

Donna Pirkle, Lloyd Gosselink, Attys, Austin  
Bob Kier, Robert S. Kier Consultants, Austin  
Pierce Chandler, PLC

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

Mr. Gregory, Advisory Council President welcomed the guests and introduced the council

members.

- **Chapter 330 Rules Re-Write - Advisory Council Members**

**Continuation of Discussion from previous day.**

**In-depth details on this discussion is available in the audio-tapes of the meeting, which is available upon request.**

Mr. Gregory commended the MSW staff for allowing the time to meet with individuals and groups to get their input and comments on the rules. No recommendations were formally made during this meeting.

He announced that Mr. Trim would let everyone know the new date for the March meeting.

The meeting was adjourned.