

Minutes of TxSWANA Board Meeting

April 2, 2003
El Paso, Texas

I. Call to Order: 1:18 p.m.

II. Approval of Minutes:

January and February 2003 minutes discussed (submitted today). February minutes amended to include Tessman Road amicus brief discussion. Both sets of minutes approved.

(Motioned – Pistole; 2nd – Nix)

III. Financial Report

Vance Kemler discussed report as submitted today (as attached). Financial reports approved.

(Motioned – Nix; 2nd – Kennedy)

IV. Chapter Business

a) SMART Safety Award: (Michael Vaughns)

- Presentation of information to Board; Jimmy Huff Safety Award – Founder of SMART – recommended by SMART committee and discussed by Board. Don Ward appoints Ben Alexander (chair), Mike Kennedy & Brenda Haney to work with Michael Vaughns on refining the award criteria. Kennedy moves that Jimmy Huff Safety Award be made by TxSWANA at each Annual meeting, with Board appointees to assist SMART in selection. Motion passed unanimously.

(Motioned – Kennedy; 2nd – Pistole)

b) Chapter Banking Policy: (Vance Kemler)

- Provided a proposed policy for Board to consider. Vance asks for Board to review & bring comments to next meeting.

c) Vendor Sponsorships Program: (Lonnie Banks)

Lonnie distributes draft vendor sponsorship program/policy.

Purpose: To streamline opportunities for vendors to provide support to Chapter activities. Would like feedback from Board by next meeting.

d) Chapter Web Page: (Mary Nix)

- Presented draft policy to Board with summary of policy; asked for feedback by next month.

e) Induction Program - deferred to next meeting by Lonnie Banks.

f) 2004 TxSWANA Annual Conference (Carlos Ayala)

Suggested having a broader demonstration of equipment at landfill/transfer facilities? Board concurs. Vendor field trips? hunting, deep sea fishing coordinated by TxSWANA? Board nixes.

Considerations:

Vendors would like to see 2 full-days of technical programs to better offer exhibitors more face-time.

- Go from 1-1/2 day conference to 2 full or 2 – 3 days?
 - Change from multiple tracks to singular - in some cases.
 - Have free time for exhibits only.
 - Add tracks for HR issues, safety, and operator-specific stuff.
- Bingo idea was good for exhibit visiting -maybe scavenger hunt next time?

g) 2004 Rodeo (June 13 – 14): Vance Kemler

- Vance set up a booth at this conference to encourage participation in rodeo; spoke with vendors to encourage support. Radisson Hotel will host banquet hall nearby. Friday night hospitality for all participants is in plan.

h) IB Report (Vance Kemler)

- All of his report is on the Advocacy portion of the SWANA web page.

i) Legislative Report (Paul Gosselink)

1. SOP Guidance Document (Dan Cardenas is absent for this discussion.)

Tessman Road has valid permit until court's decision comes. North Texas 121 site and El Paso both getting SOPs that TCEQ staff has okayed --- with TASWA coming up next.

- WMI wants to file a letter (see attached 3/20/03 draft) recommending a rule-making to TCEQ. Second page shows minor amount of text deletion that would simplify the apparent new need for TCEQ to be more demanding in SOPs. Board is generally supportive of this.

Paul/Bill/Vance are to speak with Wade Wheatley tomorrow; plan to bring TxSWANA support. Kerry Russell notes that "rulemaking option" is a one-bite-at-the-apple idea --- may need more wording changes to encourage permit SOPs to be "performance-based" plans, rather than prescriptive. Motion to support Legislative Committee in promoting flexible wording to proposed rule making on 330.114 in their upcoming meeting with TCEQ. Motion carries.

(Motioned – Kemler; 2nd – Pistole)

2. TECO – COG issue on conformance reviews

Paul thinks the reason for this recommended conformance review is murky... need to know more; seems to be all about land use. Local zoning will trump all conformance findings. Is the conformance issue related to the tipping fee cut issue @ legislature? Unknown. Long discussion on this..... decided that each Board member should determine what their COG's position is, as follows and to bring back info for Board to take position by April meeting:

Texoma – Pete Pistole	NCTICOG – Brenda Haney
Alamo – Dan Cardenas	CAPCOG – Don Ward
West Texas – Emma Acosta	

3. LF Gas Lawsuit Lawsuit (Dan Cardenas absent for this discussion.)

Closed LF with gas leakage over time found to be possible cause of leukemia in San Antonio girl. Award of \$19M to family. Testimony said benzene leaked from LF with methane, & leukemia shows benzene is source of disease. Paul proposes to spend 10-20 hours to research issues related to determining if this is a state-wide issue to manage and determine if private waste companies would fund this. Motion for Paul to pursue getting more information and report back to Board; no funding authorized at this time. Motion carries.

(Motioned – Pistole; 2nd – Hindman)

V. Committee Reports

Membership (Don Ward)

- Report submitted; membership stayed level.

Newsletter (Mike Kennedy)

Next printing is due out April 2003.

Scholarship (Bill Hindman)

He has been receiving scholarship applications; all due by June 15.

VII. Proposed Agenda for Next Meeting
(no items specified)

VIII. Other Business

- Anna Blyton should send Adam the newsletter by email for posting on website.
- 2005 Annual Conference to be in Dallas; Board agreement.

IX. Next meeting – May 14 in San Antonio (Solid Waste Offices) @ 10:00 a.m.

X. Adjourn (4:07 p.m.)

Draft Only

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Vance Kemler, Vice President
Charles R. Ross, Treasurer
Mary Nix, Secretary
Lonnie R. Banks, Past President

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Bill R. Hindman

Minutes of TxSWANA Board Meeting
May 14, 2003
San Antonio, Texas

I. Call to Order: 10:15 am (by Kemler; Ward arrived by 10:20 and presided thereafter) All Board members in attendance.

II. Approval of Minutes (Nix)

Minutes emailed by Nix preceding this meeting; handed out copies at meeting also. Motion to approve as submitted - approved.

(Motion – Pistole; Ayala 2nd)

III. Financial Report (Kemler)

Two reports – 3/31/03 report for March and draft for 4/30/03 submitted. Kemler discusses details of reports. April is draft because bank statement not available at time of report preparation. No deposits from Annual Conference in El Paso made yet. Motion to approve both reports as submitted - approved.

(Motion – Nix, Banks 2nd)

IV. Chapter Business (Ward)

a) LFG Committee Formation (Don Ward)

- Emcon (Sean ___) wants to promote LFG technical training, information services, etc., through TxSWANA based on Sean's participation in SWANA's LFG committee.

(Motioned – Ayala w/Kemler 2nd to table issue “after input from selected board members” to be determined by Ward. Ward selects Hindman, Smith, Kemler, Nix to gather info from Emcon. Motion carries.)

b) Upcoming Meeting Dates (Ward)

- June 13 (Fri) - Pistole's location in Whitesboro at 4:00 p.m. in conjunction with Roadeo.
- July 16 (Wed) - Dallas to host at Love Field at 10 a.m.
- Sept 10 (Wed), Lloyd Gosselink to host at Austin airport – 10:00 am.
- Oct ___ at the SWANA Conference in St Louis – specific date and time TBD
- Nov 12 (Wed), Denton to host at Dallas Love Field – 10:00 am.
- Jan 14 (Wed), City of Leander to host in Austin airport – 10:00 am.
- Mar 31 (Wed), Brownsville to host at TxSWANA Annual Conference; time TBD
- June 4 (Fri), City of Wichita Falls to host along with Roadeo; time TBD

(Board discussed this as a May meeting to coincide w/Roadeo – but actual date will be June 4)

c) Board Member Resignation (Ward)

- Mike Kennedy offers resignation effective end of today, follows retirement from City of Amarillo.
- Dan Cardenas announces resignation effective June 2003, to be followed-with letter.

d) Nomination of Board Members (Ward)

Nomination Committee to offer recommendations in subsequent meeting.

(Motion – Pistole w/ Banks 2nd nominates Mike Rice to Board; Rice serves as Director of Public Works, City of Amarillo – Passed)

e) TCEQ – MSW Advisory Council – Position Nominations (Ward)

- Discussion of 10 positions coming open in August 2003. Board agrees that Ward should send letter of endorsement for the following:

Motions (all passed):

Pistole w/ Ross 2nd to endorse Hindman for Professional Engineer from a Private Practice.

Pistole w/Nix 2nd to endorse David Stephens from NTMWD as representative of SW authority.

Kemler w/ Hindman 2nd to endorse Chuck Rivette (WMT) as a solid waste professional from a private waste company.

Also – Emma will verify if Tomas Cantu would like a TxSWANA endorsement; Hindman will see if Karen Overgaard would like same. If so, Board agrees to send endorsement letters.

f) Committee Formation (Ward)

- Don Ward announced and reviewed the committee appointments for the new year, with edits as noted in attachment. Ward to send revised committee roster by email.

(Lunch Break)

g) TxSWANA Annual Safety Award (Nix)

- Deferred until next month.

h) Chapter Banking Policy (Kemler)

- No comments received. Next month to approve.

i) Vendor Sponsorship Programs (Banks)

Deferred until next month.

j) Induction Program for New Members (Banks)

Deferred until next month.

k) 2004 Annual Conference (Ayala)

- Dates: March 29, 30, 31, & (April 1st ½ day)
- Dallas conference in 2005 okay to make earlier in the year.

(Motion – Nix w/ Hindman 2nd to accept conference dates as proposed. Approved.)

l) 2003 Rodeo (Kemler)

- SMART committee visited rodeo site and found planning to be on target. Planning for 120 contestants. Ross asks if vendors could sponsor contestants with donations to TxSWANA, who would then sponsor specific members' participation. Discussion followed; Board has divided opinions. Lonnie advises using the NCTCOG "Conference Scholarship" criteria in future.

(Motion – Ross w/Alexander 2nd that TxSWANA support Houston's rodeo participation up to \$1,000 through private sponsorship. Passes.)

m) IB Report (Kemler)

- Ohio contributed about \$35,000 for E-business program, and accepted SWANA's request to lower interest rate paid with a 4-year term instead of a 3-year term. Will discuss if TxSWANA should also accept lower rate at the next meeting.

n) Legislature (Gosselink)

Tessman Road – The appeal petition of courts ruling is pending. Appears to be some interest from Supreme Court. City of San Antonio filed an Amicus Brief on the Site Operating Plan supporting a more restrictive plan. Two requests for rule making (5-29-030 going to TCEQ; guidance document to stakeholders for comment by 5-30-03. Paul seeks Board support to both rule-making and SOP. .

(Motion – Hindman w/ Smith 2nd – Budget of \$2,000 to prepare responses for SOP issues on behalf of TxSWANA - passes.)

Permit by Rule for Air Permits – refer to Gosselink’s email of April 18 for Permit-by-Rule for MSW facilities. Recommends that we stay involved and force agency to understand our business and communicate air-to-waste.

(Motion – Kemler w/ Hindman 2nd for Budget of \$1,000 for following this issue – passes.)

COG Conformance Reviews Issue

Haney /Hindman summarized NCTCOG discussion – mixed but reluctant to go along w/ TCEQ. Gosselink indicated that HGAC is actively going along with it.

Ward spoke to CAPCOG about it – gung-ho to regulate per TCEQ guidance

Pete spoke to Texoma COG; no official comments, but they don’t want it.

Emma – last time spoke to COG didn’t want it, no recent info.

Defer discussion until July meeting for further information.

Other Legislative:

HB2036 Exclusivity of hauling – TML supporting, ask your lobbyist to support.

HB2 Went from 60-pages to 400-pages, could be appended in pieces on other bills.

V. Committee Reports (Ward)

a) Membership (Ward)

Nothing from National; three new members from El Paso conference.

b) Newsletter (Kennedy)

Michael Rice to supervise this in future.

c) Scholarship (Hindman)

- No applications to date.

VI. Other Business (Ward)

- Work Plan for SMART Committee

- Conference Financials Update (Gloria Duran) - She has made \$31,620.83 in deposits; \$3,000.00 (sold) with \$675.00 in outstanding collections - for a total of \$29,105 expected as net. Final report to be submitted at next meeting.

- TPWA Annual conference – San Antonio – June 4 to 7 (Hindman)

VII. Proposed Agenda for Next Meeting (Ward)

(No items specified)

VIII. Next meeting

See schedule as approved herein.

IX. Adjourn (2:19 p.m.)

(Motion – Hindman w/ Pistole 2nd to adjourn - passes.)

OFFICERS

Don Ward, President
Vance Kemler, Vice President
Charles R. Ross, Treasurer
Mary Nix, Secretary
Lonnie R. Banks, Past President

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Paul Gosselink
Brenda Haney
Mike Kennedy
Pete Pistole
Ron Smith
Bill R. Hindman

Minutes of TxSWANA Board Meeting
June 13, 2003
Texoma Area Solid Waste Authority, Whitesboro, Texas

Attended: Ward, Alexander, Kemler, Nix, Gosselink, Ayala, Rice, Pistole

I. Call to Order: 5:13 pm (by Don Ward)

II. Approval of Minutes (Nix)

Minutes emailed by Nix prior to this meeting; handed out copies at meeting also. Motion to approve as submitted - approved.

(Motion – Vance; Ayala 2nd)

III. Financial Report

Tabled due to absence of Treasurer (Ross).

IV. Chapter Business

a) LFG Committee Formation (Don Ward)

- Don appoints: Paul Gosselink, Ron Smith and Pete Pistole to learn more about Emcon's (Shanghn & Richard) interest regarding SWANA LFG program – and whether a Board presentation is needed.

b) TxSWANA Annual Safety Award - Tabled (absent – Vaughns)

c) Chapter Banking Policy - Board will adopt sponsorship program as previously presented.

d) Vendor Sponsorships Program - Tabled (absent - Banks)

e) Induction Program for New Members - Tabled (absent - Banks)

f) 2004 TxSWANA Annual Conference - (Ayala)

Dates unchanged from prior meeting. Seed money to be forwarded to Brownsville. Conference hotel is to be Four Points Sheraton.

g) 2003 Rodeo in Denton - (Kemler)

- To date, 90 contestants are registered – down 30% from last year. Landfill location has been changed to drier spot. Truck program will have two courses. Heil sponsoring lunch meal.

h) IB Report - (Kemler) No update information.

i) Legislature Report

1) 78th Legislature – post legislature summary update from Sledge is handed out by PGG.

2) HB 2554 – Wording change at last minute, changed meaning from “industrial non-haz lf” to any “commercial lf that takes industrial non-haz waste”. Immediately affected sites:

BVSMA TASWA Panama Rd.

NTMWD-121 City of Dumas

TSP Landfill (in Chambers County, near Baytown)

Wording now requiring definition: “new”, “commercial,” “industrial”

Potentially can eliminate permitting or opening of any new landfill that takes MSW with non-haz, if commercial waste is in the waste stream.

Ways to deal with the legislation:

- Landfill operator permits their site without industrial waste and then, after receiving permit, amend permit to accept industrial non-hazardous waste.
- Determine TCEQ's interpretation of the legislation – to go with the intended rule or go with letter of law.
- Request the Governor veto the bill – or review/edit in Special Session.

Gosselink to take these steps:

In 1–2 days, determine status bill in governor's office – decide if to request veto.

Gather input from other industry members (NSWMA).

See what TCEQ's intent is.

In next week, find a way to correct a “clerical error” of legislative writing...”late amended.”

Gosselink will get back by email or phone conference as to the results of these above.

3) Regulatory Update

- a) Site Operating Plan - Lowerre didn't like draft Technical Guidance; everybody else did. TCEQ to call stakeholders meeting in 30-days. Advisory Council, Gosselink, Ray Schull, Kerry Russell, John Riley to attend.
- b) Land Use Only-Working Session - No progress on this.
- c) COG Land Use Conformance Review - CAPCOG & HGAC both want conformance review requirements at regional level. NCTCOG, Panhandle don't. Nix to talk to NCTCOG; call Paul later about whatever TARC will help bring all COGs together on this issue.
- d) Air Permitting issues -- TCEQ Air Permits Section is agreeable to consider rules for non landfill MSW facilities sooner than seven years from now, and to get as many permit-by-rule opportunities open to MSW participants as possible. Gosselink proposes \$2000 budget – all work done within allowed funds.

(Motion – Nix; Alexander 2nd – to increase budget for regulatory matters by \$2,000 for stockholders meetings and any followup - Passes.)

V. Committee Reports

- a) Membership Committee – (Ward) No report.
- b) Newsletter Committee – (Rice) Anna has been paid; next newsletter in July.
- c) Scholarship Committee – (Hindman) No report.

VI. Other Business - none

VII. Proposed Agenda for Next Meeting -- (no new info)

VIII. Next meeting

July 16, 2003 in Dallas at Love Field Conference Center. (Carlos will be absent.)

IX. Adjourn (7:15 p.m.)

OFFICERS

Don Ward, President
Vance Kemler, Vice President
Charles R. Ross, Treasurer
Mary Nix, Secretary
Lonnie R. Banks, Past President

DIRECTORS

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Paul Gosselink
Brenda Haney
Michael Rice
Pete Pistole
Ron Smith
Bill R. Hindman

Minutes of TxSWANA Board Meeting

July 16, 2003

Dallas Love Field, Dallas, Texas

Attended: Kemler, Nix, Gosselink, Rice, Hindman, R.Smith, Ross (late), Pistole (late), Banks (later)
Proxy: Ward to Kemler

Guests: Kerry Russell (RMI Law Firm); Tiffany Bentz and Juene Franklin (Shaw Emcon); Michael Vaughns, Adam Jochelson, and Vanessa Hooker (City of Dallas); Dan Wittliff (Wittliff Consulting); Rebecca Huber (City of Waco)

I. Call to Order: 10:10 a.m. (by V. Kemler)

II. Approval of Minutes (Nix)

Minutes emailed by Nix prior to this meeting; handed out copies at meeting also. Motion to approve as submitted and with modification (change of Mike Kennedy to Mike Rice in footer) - approved.
(*Motion – Haney, Rice 2nd*)

III. Financial Report

Tabled. Treasurer reports that he has not received complete records from Kemler.

IV. Chapter Business

a) LFG Committee Formation (Kemler)

Juene Franklin (Shaw/Emcon) made a presentation (handout provided) to determine Board's interest in establishing an LFG subcommittee; disseminate technical and regulatory information.

b) Air Permits for Landfills (Kemler)

Dan Wittliff made a presentation of Title V air permit requirements that affect TxSWANA members. (Handout provided.) There are 44 LF landfill sites that Dan has identified in Texas that should have, but didn't, submit Title V permits. 22 of the sites are publicly owned. Dan suggests:

- fully update Dan's database
- notify members who may be delinquent and advise of required action
- seek amnesty through TCEQ for delinquent members

Kemler will follow-up with Wittliff / Russell on taking the suggested steps. Plan to step through process carefully and with thought. More in Sept. meeting.

c) TxSWANA Annual Safety Award - (Vaughns)

Based on previous comments, Vaughns looked at the rating system as it is affected by "large vs. small city" sizes. His handout for today showed that the rating system is not adversely affected by this factor. Vaughns conferred with Ben Alexander (Board rep.) who is completing his review of the draft and will report back to Board regarding adoption of the award.

c, d) TxSWANA Annual Conferences

2004 - No report or update at this time. 2005 - Nix sought Board input as to dates that might conflict with a late-January through end-of-March conference date (i.e.; - meetings of Env. Trade Fair, TPWA, TML, etc.). Will await info from Board, and set tentative date by September meeting.

e) 2003 Rodeo in Denton - (Kemler)

Kemler is completing final report. Not as much sponsorship this year. Scores ready next meeting. Vance is coordinating with first place winners to send in registrations for national Road-e-o for all as one submission.

f) IB Report - (Kemler)

Holly Smithson is leaving SWANA to work for EPA in DC.
Vance will provide more info to SWANA’s MA-31 Standards of Conduct issue next time.

g) Legislature Report

- 1) TERP - Gosselink noted that TxSWANA newsletter shows the summary of the TERP outcome..
- 2) HB 2554 – There was much discussion on this at last meeting. The authors of the bill made an after-the-fact Letter-of-Intent to clarify their meaning; prevent misunderstanding. There is a rule-making underway on this (Wayne Lee).
- 3) SB 585 - Vance suggested looking at this bill about recycling facilities; may affect some sites.
- 4) Regulatory Update
 - a) Site Operating Plan - Stakeholders meeting set for July 23. Stakeholders (about 35) include Hindman, Gosselink, and Nix from this Board. Final comments are due by July 25 – so Leg Committee may need to convene quickly after stakeholders meeting to finalize any comments.
 - b) Land Use Only - Still no progress on the working session. The COG conformance reviews may make this matter moot.
 - c) COG Land Use Conformance Review - CAPCO regional plan received TCEQ approval and has conformance review criteria in place. Nix reported that NCTCOG is seeking legal counsel as to TCEQ’s ability to require conformance reviews of COGs, and if NCTCOG can resist.
 - d) Recycling criteria - (Hindman) Final rule deals with how a facility counts its “10%” of recycling. An owner can register a transfer station (if 10% of the material is recycled) versus permitting the facility. City of Houston wanted the change to allow an entity to count curbside collection quantities as part of 10% - final rule included this.
 - e) City of Levelland – The Apt. Assoc. in Levelland contends that the City is charging more than cost-of-service – and objects. TML asks if TxSWANA wants to support their review of case. Gosselink will follow this ... no other support at this time.
 - f) MSW Advisory Council on MSW Air Permits Initiative. - TCEQ (Beryl Thatcher) reported that Air Group is trying for greater permit-by-rule and “standard permit” options for MSW facilities. For now, 2-stop shopping is required for MSW facilities and will continue to be for some time.

V. Committee Reports

- a) Membership Committee – (Ward) No report.
- b) Newsletter Committee – (Rice) Newsletter DID came out in July. Next will be October.
- c) Scholarship Committee – (Hindman) The three award choices have been made: see handout (*Motion - Pistole, Haney 2nd to approve award of scholarships; PASSES*)

VI. Other Business - Board meeting date for September – Move from Sept 10 to Sept 9 at 1:00 pm at location to be set by Gosselink.
City of Bryan is interested in hosting Road-e-o - Reyes is contact person.

VII. Next meeting: September 9, 2003 in Austin – location to be determined.

VIII Adjourn (1:45 p.m.)

<u>OFFICERS</u>	<u>DIRECTORS</u>
Don Ward, President	Emma Acosta
Vance Kemler. Vice President	Ben Alexander
Charles R. Ross, Treasurer	Carlos C. Ayala
Mary Nix, Secretary	Daniel Cardenas
Lonnie R. Banks, Past President	Paul Gosselink
	Brenda Haney
	Michael Rice
	Pete Pistole
	Ron Smith
	Bill R. Hindman

Minutes of TxSWANA Board Meeting
September 9, 2003
Offices of Lloyd Gosselink, Austin, Texas

Attended: Ward, Ross, Nix, Ayala, Banks, Gosselink, Haney, Hindman, Pistole, Rice

Absent: Alexander, Acosta, Cardenas, Kemler, R. Smith

Guests: Kerry Russell (RMR law firm); Rebecca Huber (City of Waco); Risa Fisher (Fisher Enterprises); Mike Carlton (HDR); and Ches Blevins, Mike Nasi, Laura Lavelle, Angela Farris, and Donna Pirkle (all of Lloyd Gosselink)

I. Call to Order: 1:10 p.m. (by D. Ward)

II. Approval of Minutes (Nix)

Minutes emailed by Nix prior to this meeting; additional copies at meeting also. Discussed whether Cardenas' name should be removed from listing of Board; however, the Board has not yet received his formal resignation, so he remains a Board member. Motion to approve as submitted - approved.
(Motion – Haney, Hindman 2nd)

III. Financial Report

Tabled. Treasurer reports that he had only received complete financial records from Kemler just prior to meeting. Board discussed need to bring fiscal records up to date. Ross expects to provide a financial report for the next meeting. He also requests that the previous year's record be audited; Ward will direct Audit Committee to do the audit. Banks recommended that the president establish a better procedure for transitioning the records from one ~~w~~year to the next – to avoid this type of delay in financial reporting; Ward agreed.

IV. Chapter Business

a) TxSWANA Annual Safety Award - (Nix / Alexander)

No developments since last meeting. Alexander (absent today) was to advise Board of his concurrence with SMART Committee's award criteria and recommend to Board that SMART proceed. Ward will check with Alexander separately.

b) 2004 TxSWANA Annual Conference -Brownsville-

-- Ayala reports that Lonnie Banks (Garland) and Terry Swinney (Houston) met with Ayala in Brownsville and reviewed the conference plans. Swinney will oversee the golf tournament arrangements, which are well underway with Rancho Viejo. Ayala discussed his concerns about securing ample hotel rooms – up to 80 in the Sheraton Four Points and 30 in adjacent Hawthorne Suites. With 140 rooms typically needed, he's 30 rooms short. Board encouraged him to secure the rooms in Sheraton or Hawthorne; seek 3rd hotel as last resort.

Ayala was in process of developing speakers list, presentation topics, schedule, and budget – none submitted at this time. Nix requests that he submit budget and schedule as soon as possible – but before next meeting. He requested seed money be sent to him to start making commitments. Motion to have Treasurer provide a \$6,000 check as seed money - approved.

(Motion by Pistole, second by Nix)

c) 2005 TxSWANA Annual Conference - Dallas. Nix had no update report at this time.

d) Discussion of Legislative Representation Services - Tabled.

- e) **Discussion / Nomination of Board Director.** -- Tabled, awaiting proper resignation notice from Cardenas. Board generally favored the idea of a Board member to provide representation from San Antonio. Ayala proposed he secure the resignation and provide to Board promptly.
- f) **Discussion of Budget Committee / Workshop (Ward)**
Ward proposed using next Board meeting as a budget workshop from 9:00 to noon, and to conduct the rest of the Board's business in the afternoon hours. Board concurs.
- g) **2003 Rodeo in Denton - (Kemler)**
Tabled due to Kemler's absence.
- h) **IB Report - (Kemler)**
Tabled due to Kemler's absence.
- i) **Legislative Report - (Gosselink) (includes item (j) Air Permit Report)**
- 1) SOP issue - Draft rule change is to be okayed for publication at 9/24/03 meeting. Gosselink recommends we send letter supporting changes made since stakeholders meeting ... Ward agrees to sign such letter when Gosselink drafts it.
K. Russell noted Public Interest Council against the changes; MSW staff favors them.
 - 2) Air Permit issues – Per Wittliff concern raised previously about landfills with out proper Title V permits, Gosselink's review shows that only the following are in need of attention, and that none are in need of Board action:

NTMWD	Corsicana	BVSWMA	Cleburne	Dumas
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 - 3) More Air Issues - Laura Lavelle noted that TCEQ is increasing its enforcement against sites that aren't keeping up with their annual compliance (or exception) reports, despite the fact that TCEQ hasn't even issued air permits to some of the sites that they are enforcing against. Garland and Irving. are experiencing this. (Irving does have a permit but enforcement action was issued regarding completion of annual compliance certification). TCEQ agrees that TCEQ's records are in disarray, but insists they can still issue NOV's for not making "exceptions" reports. Gosselink suggests meeting with Dale Bebe-Farrow (TCEQ Air Program) to offer TxSWANA assistance in rectifying this problem. Motion to have Ward and Gosselink meet with her and report back. Haney recommends developing a TCEQ flow chart (like was done for groundwater SSCs) to aid site owners in following the regulations.
(Motion by Nix, second by Haney) - approved.
 - 4) Even more air issues --- K. Russell noted~~s~~ that the Permit-by-Rule (PBR) work that TxSWANA had worked out with TCEQ Air staff over the past couple of years is now faltering. He noted that Despite Beryl Thatcher's recent report to MSW Advisory Council about creating a PBR for most of the large and small landfill activities, other air staff is opposed to this and think all landfills should be permitted individually as industrial sites ... though that term has no definition in "air permitting" group. Laura Lavelle reported that TCEQ's air staff actions regarding which facilities will be covered by PBRs is consistent with prior position of the Board and she recommended the Board continue to work with TCEQ to support that position. This topic should be discussed with Ms. Bebe-Farrow at a soon-to-be scheduled meeting.

V. Committee Reports

- a) Membership Committee – (Ward) No report. Hindman noted that Nancy Nevil had relayed that our Chapter needed to send an annual report to National in order to be getting both the membership reports and our portion of the dues. Ward is to correct this.
- b) Newsletter Committee – (Rice) Rice would like membership update info when Ward gets it, in order to report it in newsletter. Input for next newsletter is due to him by first of October – due to publish later in October.
- c) Scholarship Committee – (Hindman) Scholarship checks have been sent to the recipients.

VI. Other Business -

Gosselink - Be sure to use the SWANA website to make your interest known on the pending political issues – such as landfill gas tax credits.

Ross - reminds Board members of the courtesy of returning phone calls and emails in a timely fashion.

VII. Next meeting: November 12, 2003 at Dallas Love Field Conference Center– Denton is hosting. Start time is 9:00 a.m.

VIII Adjourn (4:00 p.m.)

OFFICERS

Don Ward, President
Vance Kemler, Vice President
Charles R. Ross, Treasurer
Mary Nix, Secretary
Lonnie R. Banks, Past President

DIRECTORS

Emma Acosta
Ben Alexander
Carlos C. Ayala
Daniel Cardenas
Paul Gosselink
Brenda Haney
Michael Rice
Pete Pistole
Ron Smith
Bill R. Hindman

Draft Only

Minutes of TxSWANA Board Meeting
November 12, 2003
Dallas Love Field Conference Center, Dallas, Texas

Attended: Ward, Kemler, Ross, Nix, Acosta, Ayala, Alexander, Banks, Gosselink, Haney, Hindman, Pistole, Rice, Smith

Absent: Nobody !

Guests: Dan Wittliff, Kerry Russell, Art Rodriguez, Rebecca Huber, Risa Fisher, Benjamin Scott, Jim Smith, John LaBrie, Nancy Nevil, and (briefly) Kevin Yard and Brian Sledge

I. Call to Order: 9:08 a.m. (by D. Ward) Ward noted that he would take agenda items out of order to facilitate needs of board members who would be late arriving or early to leave.

II. Approval of Minutes (Nix)

Minutes emailed by Nix prior to this meeting; additional copies at meeting also. Motion to approve with minor spelling edit - approved.

(Motion – Haney, Kemler 2nd)

III. Officer Transition (Ward)

Ward provided Board with draft document about officer transition procedures; requested Board review these and provide comments by next meeting.

IV. Chapter Business

a) TxSWANA Annual Safety Award - (Nix / Alexander)

Alexander advises Board of his concurrence with SMART Committee's award criteria and recommends to Board that SMART proceed, including separate mailout of SMART Award announcement. Motion to approve funds for mailing and direct SMART Committee to proceed - approved.

(Motion - Nix, Hindman 2nd)

b) TxSWANA Director - open position

Ward received Dan Cardenas' resignation letter. The City of San Antonio has offered no other candidate to serve on the Board at this time. Ward opens floor to nominee considerations, which are offered and then nominations closed following discussion. Motion to fill open Director's position with Rebecca Huber of City of Waco - approved.

(Note: Ms. Huber was not present at the time of nomination, discussion and vote, but joined the Board meeting subsequent to this item – and was welcomed by the Board as its newest member.)

(Motion - Gosselink, Hindman 2nd).

Further Board discussion focuses on TxSWANA participation by major Texas cities at Board level and in other capacities.

V. Financial Report

Treasurer Ross provided all Board members with a folder of documents to summarize the Chapter financials for the FY to date, subsequent to receiving records from preceding treasurer. In addition to a series of monthly financial summaries for December 2002 through October 2003 (including reports prepared by previous treasurer), Ross provided a "cash position" statement which identified a checking account balance of \$49,024.73, a savings account balance of \$7,035.85, and balance of

outstanding invoices (\$91,991.29) and promissory agreement (\$39,006.42) - which gave a net cash position of \$3,075.72 to the Chapter. Ross cautioned the Board that this net cash position appears unusually low, and sought Board input on maintaining a suitable balance. Ross also presented a list of 16 concerns regarding the financial records, and the Board discussed each item in depth.

Board input to Financial Report:

Audit Chair (Rice) notes that the Financial recaps appear unconnected to the bank statements. Ward pledges to review each of the reports with Audit Chair and Treasurer before considering a motion to accept the reports.

Kemler notes that \$20,000 loan to National should be shown in each monthly report.

Ross notes that outstanding revenue from Chapter dues is not shown – because of delays on resolving reporting requirements to National. Nevil (SWANA national president) implores Board to send in two required reports (Chapter activities – as reported in monthly minutes, and Financial Reports) prior to the February SWANA Board meeting, which should result in some \$15,000 in dues. Ward agrees to oversee this action.

The after-event financial reports for the annual TxSWANA Road-e-o and the Annual Conference have been delayed for too long – something that tends to skew the monthly Financial Report. Ward directs Kemler and Acosta to provide current reports no later than the January Board meeting, and to email out their reports in advance of the meeting.

Board members request that detailed information, such as provided by the Treasurer for this meeting, be submitted to the Board in advance of the meeting so as to allow for ample preview and preparation for fruitful discussion.

VI. Budget Workshop

Ward proceeds with opening discussion for current year budget. Treasurer has not submitted a draft budget, so previous year treasurer (Vance) identifies budget items on whiteboard (as follows) to initiate discussion.

DRAFT	TxSWANA	BUDGET	FY03-04
	Revenues	Expenses	Net
Budget Items			
Membership Dues	\$14,500		\$14,500
Annual Conference	\$15,000		\$15,000
Annual Road-e-o	\$4,000		\$4,000
D & O Insurance		\$1,700	(\$1,700)
Newsletter	\$7,000	\$4,000	\$3,000
Regional Meetings	\$200		\$200
Scholarship		\$3,000	(\$3,000)
Misc. Supplies		\$1,000	(\$1,000)
Legislative / Regulatory			\$0
- Projects		\$10,000	(\$10,000)
- Lobbying		\$20,000	(\$20,000)
Other			\$0
Totals:	\$40,700	\$39,700	\$1,000
As drafted at 11-12-03	TxSWANA Board	meeting; not yet	formally accepted.

Board notes that expenses for Legislative/Regulatory must be kept to \$30,000 or less if the Chapter budget is to be balanced – despite past year expense of \$40,000 for lobbying efforts alone. LaBrie encourages Board to use newsletter and letter-writing communications to inform membership of the Board accomplishments, to reduce fees to annual conference to show membership Board’s awareness of economic times. Several note that lobbying efforts should still be funded – even in years when the legislature doesn’t meet but formulates bills.

Board agrees to review draft budget and vote on acceptance at next Board meeting.

VII. Chapter Business - as continued from earlier item IV

c) 2004 TxSWANA Annual Conference - Brownsville

Ayala handed out sets of conference notes, outlining a schedule, lecture topics with specific speakers, and planned events. He had received the seed money from treasurer. He noted that Terry Swinney is managing the golf tournament, and expressed some reservation about the location she selected. He nevertheless seeks Board approval to send out public announcements of this information next week.

Board recognized the extensive work that Ayala has done to date, and recommends that, rather than send out registration brochure, he mail out a tickler postcard – identifying the dates and location of the conference, as well as topics to be addressed – using last year’s conference example. Board still seeks conference budget from Ayala - again, using previous years’ conferences as examples. Board recommends that the Conference Committee meet directly with Ayala in December to iron out the specifics of the scheduling, finances, logistics, commitments, and assistance required by the Board. Smith and Acosta are to send ahead example budgets and schedules to Ayala. Ward commits to overseeing this effort.

d) 2005 TxSWANA Annual Conference - Dallas. Nix will provide update report at January Board meeting, with recommendations for date of event and possible sites.

Nevil notes that the National SWANA Conference (WASTECON) is scheduled to be in Austin in 2005. She offers to chair (or assist the Board’s selection for chair) in organizing the national conference. She also notes that, when the state and national conferences were both in Texas in the past, the Board put its energy into the national conference and omitted the state conference. Board will consider these observations.

e) Legislative Report - (Gosselink)

- 1) Standard Air Permit - Wittliff asked to address Board, noting that he detects serious concerns about the TCEQ effort to regulate landfills as “industrial sites” and TxSWANA ought to weighing on this issue, as may be done at the Nov 20 Stakeholders meeting. Gosselink and Ward met with TCEQ’s Steib, McGinley and Wade to discuss this – made good progress. They agree about attending the Nov 20 meeting, but see it as a natural development of TxSWANA past input, not cause for alarm. On Title V discussions, TCEQ allowed that:
 - Minor source - subject to one-time penalty only of \$1,000 – may cut to \$500.
 - Major source - subject to one-time penalty only of \$2,500 – may cut to \$1,250.
 - These fines could be increased if poor compliance history; reduced if good compliance history.
 - TCEQ will issue these fines through “1660 orders” or “no findings” orders.
 - LFs have until April 18 to get their filings in order.

Ward will send out letter to cities (TxSWANA members and not) who require this notification. Donna Pirkle to assist with listing.

Gosselink recommends that the TxSWANA Air Group (TAG) – formerly discussed as the Landfill Gas Subcommittee – be initiated to attend Nov 20 meeting. Board agrees that Matt Stutts of Weaver Boos Gordon, as one of the TAG applicants, could represent TxSWANA.

- 2) SOP issue - Draft rule okayed at the TCEQ 9/24/03 meeting, in the form that TxSWANA edited.
- 3) Lobbying Issues - Gosselink recommends we have representation for the Interim Charge Legislative Session, using HB 7 for streamlining MSW rules as an example reason.

Sledge discussed the importance of his lobbying efforts in past year, tracked >100 MSW-related bills, missed one that had potential impact but resolved it as soon as it was found out.

Board has extensive discussion about use of legal services; about conflict between two legal firms who assist the Board and/or its members that interfere with Board business; about need for Board to consider taking more action directly rather than delegating to a legal service; about Board's effectiveness and focus as a representative of the MSW industry in Texas.

f) IB Report - (Kemler)

Kemler presented handout material from SWANA's report.

V. Committee Reports

- a) Membership Committee – (Kemler) National membership is still over 7000. Texas is at 369.
- b) Newsletter Committee – (Rice) Current newsletter mailed out this week. Next one scheduled for early January – articles are due to him by mid-December.
- c) Scholarship Committee – (Hindman) No developments at this time.

VI. Other Business -

TPWA wants to purchase our membership list. Board generally favors, Ward/Vance will check with National first.

The SWANA Landfill Gas Conference scheduled their golf tournament for March 22 in San Antonio. Pistole to coordinate for TxSWANA..

Ward requests the Nix send "Action Items" listing that result from this meeting to all Board members in next 2 weeks – to facilitate the actions.

Banks recommends scheduling a February meeting - at 10:00 am, February 25, 2004, in Dallas. (Dallas offers to host.)

VII. Next meeting: January 14, 2004 in Austin (Ward will host). Don Ward will send out information prior to meeting as to location and time.

Agenda items: Requirements for MSW licensing (Ron Smith to coordinate). Huber recommends TxSWANA promoting the MOLO courses as acceptable to TCEQ.

VIII Adjourn (3:10 p.m.) (Motion – Ross, Hindman 2nd) Approved.

OFFICERS

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Vance Kemler, Vice President
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