

# TXSWANA Board Meeting

January 24, 2008

Holiday Inn, Laredo, TX

**Attending** – Mary Nix (by phone), Brenda Haney (by phone), Michael Rice, Vance Kemler, James Ballowe, Lonnie Banks (by phone), Paul Gosselink, Bill Hindman (by phone), Holly Holder (by phone), Jeff Kaplan, Richard McHale, Oscar Medina, Bengy Williams (by phone), Pete Caler (by phone), David Ivory (by phone), Ellen Smyth (by phone)

**Absent** – Ron Smith, Harry Hayes

**Guests** – Paul Bass, Christina Lara, Steve Guiz, Sonya Munoz, Sylvia Garza

**Call to Order:** Vance Kemler called the meeting to order at 10:03 am.

**APPROVAL OF MINUTES:** There was a discussion on the minutes. Motion by Brenda Haney, 2<sup>nd</sup> by Holly Holder to accept the minutes as amended, motion passed.

**FINANCIAL REPORT:** Brenda reported on the January finances . Brenda noted that there is \$0.10 discrepancy between her records and the bank at this time. Motion by Paul, 2<sup>nd</sup> by Vance to accept the report as presented, motion passed. Brenda reviewed the FY 07-08 budget, year to date through January 31, 2008.

**NEWSLETTER/WEBSITE:** Michael reported the January newsletter is ready for final review, printing and mailing. The copy was sent to the board by email for comments. Mary's request was added to page 3. Special thanks to Paul and his staff for their support with articles, and also thanks for the SMART committee and their 2 articles. No job openings this newsletter. CAT is only ad this time.

**REGIONAL MEETINGS:** Mary reported that the DFW regional group met to set up a years worth of meetings. There may be a meeting early March. Ellen added there has not been much activity on the regional meetings due to WasteCon in Reno, board meetings in Laredo, and the holidays.

## CHAPTER BUSINESS

**LEGISLATIVE:** Vance initiated a discussion on the Texas Electronics Takeback program. Legislation has passed and the rule making is of concern. Mary discussed the program including a draft letter sent to Dallas council members on HB 2714. Letter is fairly balanced and lines up with most of the cities positions. Proposal includes desk tops, lap tops, monitors, keyboard & mouse in the take back program, but does not include printers or televisions (units with a tuner). The TCEQ requires companies must submit a plan (which must be available to the public), but it does not require agency review and approval of the plan. This program is for the home market, but businesses may participate, and cities are not either one of these. Jeff addressed the problem with online sales and how this would work with the program. Discussion followed and included municipal e-waste programs.

Vance discussed the repeal of the existing HHW rules and promulgation of new proposed HHW rule consisting of a 112 pages document. It appears that these have been moved to the IHW rules in Chapter 335. There will be a meeting in Austin next week with TCEQ and HHW managers to discuss this issue. Send comments to Paul and legislative sub-committee for review next time.

Mary discussed opportunities to meet with Chairman Garcia. A meeting was held on Dec. 7<sup>th</sup> with Mary, Bill H., Paul, and Vance. Discussed the 330 and 305 rules. Also discussed the health issues topic, limited scope amendment, and the upcoming TxSWANA annual meeting.

Ellen provided an update on the solid waste license issues, and informed that the availability for training appears to be more open. Training will be rule based on the new rules, not just an overview of math and calculations. We are now waiting to see if anyone comes forward to provide this training, and Amarillo College is providing training. Trainers must be web based in order to upload info to the TCEQ database.

Paul talked briefly about the 305 and 330 rules. He has only read comments from BFI, IESI, & TxSWANA. This does not appear on anyone's radar yet.

The compliance history rules are being reopened, and a date has not been set yet. Not sure there is enough interest to weigh in on this topic.

Paul asked about the 328 rules on composting and comments from Risa. Nothing received.

Paul plans to file the comments on the health effects rule making on Feb. 18<sup>th</sup>.

### **OTHER BUSINESS**

Ellen talked about the MSW training classes. Basically, there is an outline for any trainer to use to provide training for any of the classes based upon the 330 rules.

There was a discussion on the meeting with Commissioner Garcia and the positive results thereof.

SMART has received applications for the Jimmy Huff award and the committee has reviewed those. There was a discussion on how to get this info to the members for participation in the future. SMART committee is looking for support, and McNeilus has stepped up to provide support in the amount of \$1,650 annually. This would pay for their annual Jimmy Huff award and their SMART expenses. The letter of support was discussed in order to gather comments for acceptance or not. The board supported this proposal as long as McNeilus was aware that they may not be the sole sponsor for SMART. In exchange for financial support from McNeilus, TxSWANA would offer to print an ad in up to 4 of the next 4 newsletter printings.

There was a brief discussion on the upcoming SWANA training in Corpus on recycling. There was no direct contact from National on the training to the board. Mary plans to ask the National Program coordinator to find out why they didn't tell the board about what the plans were in Texas.

**2008 ANNUAL CONFERENCE:** Oscar introduced his team. Conference is moving very fast. Golf tournament at the country club is still in negotiations. Contract put together, but working on cost. 4 golf hole sponsors to date, and lunch is sponsored. Registration mail out is ready, but there is a flaw of no attached detailed list of topics. 3 Tech tours are ready to go: Environmental Science Center (animals & walkway) & World Trades Bridge, Landfill & Materials recovery system with Planetarium, & The 40 Block shopping tour. Exhibitors and outside exhibits list is up to 16 registrations. Mary requested that we make sponsor contact assignments to the board before the conclusion of this meeting. Approximately \$20,000 committed to date. Luncheons (served @ table) & Breakfasts (buffet) are planned. The International Bank of Commerce will sponsor the Tuesday evening event, and this event is valued at around \$7,500. Technical sessions responses were limited, and discussion followed. Paul suggested a panel on landfill issues to discuss legal issues. Jeff suggested a round table discussion on recycling, litter, ordinances, clean city initiatives, etc. with participants from the different cities and the agency. Oscar discussed the fee for CEU hours approved by the TCEQ, Ellen volunteered to do this, and Sheila Overton from Dallas is available to assist based on her previous experience.

Adjourn for lunch at 12:18, reconvened at 1:01 pm.

Mary discussed the topic of the upcoming nominating committee for elections for officers and corporate members. Next fiscal year begins September 1, 2008. Mary suggested a time line of: receipt of nominations from Nominating committee by Feb. 29<sup>th</sup>, prepare draft slate to board by April meeting with approval in May. Mail ballots to membership in early June. Count ballots at end of July. Induct in August. Request for nominations was added to the January newsletter at Mary's request.

**ACTION ITEM UPDATE:** Reviewed, discussed and updated.

**2008 ROAD-E-O:** No report.

**I.B. UPDATE:** I.B. finance committee reported a clean audit, and the audit report recommended 2 signatures for checks greater than \$50,000. Financials turned out better than anticipated. During the annual I.B. meeting, they approved a refund of \$20 per member to the chapters for members that sign up using the chapter application form. Mary will check with Adam on the possibility of implementing these requirements. SWANA membership is more than 8,000 strong. Chapter conference call is scheduled for Jan. 31<sup>st</sup>.

**FINANCIAL REPORT:** Brenda reported on financial activities beginning with the month of November. There was a motion to accept the November financial reports as presented by Mary Nix with a 2<sup>nd</sup> from Paul Gosselink, motion passed. Brenda reported on the financial activities for the month of December. There was a motion to accept the December financial reports as presented by Mary Nix with a 2<sup>nd</sup> from Paul Gosselink, motion passed. The board then discussed the proposed FY07-08 Annual Budget and the FY06-07 Annual Budget. Mary made a motion to approve the proposed FY07-08 Annual Budget as amended, 2<sup>nd</sup> by Bill Hindman, motion passed. There was a discussion on the on-going audit. Should receive final report in February or March. Brenda discussed the topic of the TxSWANA 501c3 status and the application of a 501h election status that was filed back in 2004 and does not rescind unless requested by TxSWANA or the IRS.

The board reviewed the sponsor list and took volunteers to make contact with each to participate in the Laredo Annual Meeting. Christina presented the shirts for the conference for the board to review.

**NEXT MEETING:** Next meeting will be on February 21<sup>st</sup>, 2008 in Dallas at 10:00 am at the CP&Y offices.

The TxSWANA meeting was adjourned at 2:33 pm.

**TXSWANA Board Meeting**  
**February 21, 2008**  
**Offices of Chiang, Patel, & Yerby, Dallas, TX**

**Attending** – Mary Nix, Ron Smith, Brenda Haney, Michael Rice, Vance Kemler, James Ballowe, Pete Caler, Paul Gosselink, Holly Holder, Richard McHale, Bill Hindman, Oscar Medina, Jeff Kaplan (by phone), David Ivory (by phone), Lonnie Banks, Harry Hayes, Bengy Williams

**Absent** – Ellen Smyth

**Guests** – Mike Carlton, Risa Fisher

**Call to Order:** Mary Nix called the meeting to order at 10:06 am.

**APPROVAL OF MINUTES:** There was a discussion on the minutes. Motion by Brenda Haney, 2<sup>nd</sup> by Holly Holder to accept the minutes as amended to remove Harry Hayes from the Absent list and the correction of the word “rescension”, motion passed.

**FINANCIAL REPORT:** Brenda reported on the January finances. The checking account ending balance is \$43,718.26, and Brenda noted that there is \$0.10 error between her records and the bank at this time. The savings account ending balance is \$5,199.41. Motion by Paul Gosselink, 2<sup>nd</sup> by Vance Kemler to accept the report as presented, motion passed. Brenda reviewed the status of the FY 07-08 budget, year to date through January 31, 2008.

**CHAPTER BUSINESS**

**2008 ANNUAL CONFERENCE:** Oscar commented that he is still looking for fleet managers for the roundtable. James Ballowe commented that he has made contacts for speakers and will forward this to Oscar. Oscar asked about the policy of speakers and registration/fees. A discussion followed and the board agreed that there is no charge for events the day of the presentation. Oscar has been notified the TCEQ recycling contact will be unable to attend. Mary suggested a PIO group to fill this spot. There were volunteers to supply city PIOs for this. Richard Carmichael confirmed for Tuesday at 3:30 pm. He will talk about current MSW issues. Oscar asked about Commissioner Dr. Shaw’s availability and Paul responded that Shaw’s aide responded to Brian yesterday asking for details and that he may be available. The SMART committee will present the Jimmy Huff safety award. Senator Zaffarini has been contacted in writing and Oscar is waiting on her response. Discussion on the schedule followed. James Ballowe volunteered to be in charge of the fleet management roundtable. Paul discussed the landfill gas topic and suggested that Kevin Yard be combined with Dan Witliff in one track. Discussion continued on the conference schedule. Bill volunteered to contact Alan Watts to discuss the marketing of composting. Oscar reviewed the budget for the conference. Bill discussed the conference budget and requested expenses be reviewed due to a possible error in the math. Oscar is working on the CEU credits.

**2008 ROAD-E-O:** Harry reported he has 60% of the judges confirmed and hopes to have 90% confirmed soon. The track has been identified as the Kelley facility for the truck events. Still working with the local landfill as a landfill road-e-o site. Harry will begin solicitation of sponsorships soon. Houston is working on acquiring the Double Tree downtown as the host hotel. The banquet location has been narrowed to 3 possibilities. Harry will get with Brenda on setting up a Regions Bank account in Houston for the road-e-o. Date for the road-e-o is June 20-21, 2008. Harry reported that things are in pretty good shape at this date. Mary asked for an updated list of local road-e-o committee members be forwarded to the board and to Pete Caler, Road-e-o chair.

**CALENDAR:** Mary reviewed the calendar to discuss possible modifications. The board decided to delete the April 17<sup>th</sup> meeting, and Mary may call for an executive conference call instead. The May 15<sup>th</sup> meeting is in Austin on Paul's birthday at his office. The June meeting was moved to Friday, June 20<sup>th</sup> (to begin around noon) to coincide with the Road-e-o in Houston. July 17<sup>th</sup> meeting will be in Dallas around 10:30 am with Risa Fisher sponsoring this meeting and Dallas will provide transportation. The August meeting will be hosted by the City of Garland in Garland around 10:30 am on August 14<sup>th</sup>. The September meeting will be in Corpus on Friday, September 19<sup>th</sup>. The October meeting will be in Tampa, FL on Wednesday, October 22<sup>nd</sup> during the WasteCon conference.

**NEWSLETTER/WEBSITE:** Michael reported the January newsletter was mailed before the end of January. Next issue will be in April and will include an article on the Laredo conference, the president's message, a SMART article, a Road-e-o spread, and a CAT ad. Please send any job opportunities that you want published to Michael. There may be a legislative article if there is a timely issue. Deadline for submittal is April 10<sup>th</sup>.

Mary reported that Adam is working on the board member portal for the web site. Only things posted at this time are the financial reports. Mary plans to have Adam add to the board portal the financials for the last 2 years, the board minutes, and the annual reports. Mary plans on sending out the portal password with the calendar, and she will ask if there are any additional requests for items to be placed on the board member portal. Ken Anthony has volunteered to train the next web master for TXSWANA.

The board meeting was adjourned for lunch at 11:47, and was reconvened at 12:40 pm.

**LEGISLATIVE/REGULATORY:** Paul talked about the health effects rule. There is the possibility that the TCEQ commissioners may address this issue during the sunset review. Paul has submitted a petition for clarification of what the rule means. This would be the first time the commissioners have addressed this un-defined issue. The commissioner's executive assistants are unanimously on board with the idea of our rule making, as well as the commissioners as far as we can tell. The ALJ's are not on board on this issue.

Paul also discussed the Williamson County and TJFA (Texas Justice For All) case and a major permit amendment issue. This case is partially about Williamson County's ability to use Waste Management as their operator, and improper contracting procedures. Bob Gregory has a desire to be the operator for the Williamson County landfill. The neighbors were successful when the ALJ reduced the current 24/7 permitted hours of operation, based upon "might" and "anticipated" future development of land. The commission has not acted upon this. Discussion followed. There was a note worthy "no position" from the COG on the land use for this landfill.

The terms owner, operator, and site operator are three separately defined terms in the regulations. This issue was addressed by the ALJ.

The HHW rules are up for comment. The biggest issue for the City of Austin on the rules would be the inability for Austin to accept CESQG waste at their HHW facility at the same time that waste is accepted from the general public. Required training for operators is an issue for smaller communities. There will be changes on how waste is coded on the manifests, and there are some notification requirement changes. There are requirements for mobile collection operations. Comments are open to March 17<sup>th</sup>. Discussion followed.

Risa discussed the composting alliance and their submittal of a letter to requesting Mary's consideration of endorsement of their comments on the recycling rules. Mary will share this letter with the board for further consideration by email.

**REGIONAL MEETINGS:** The DFW Metroplex region has set up meetings every 2<sup>nd</sup> or 3<sup>rd</sup> month for the next year. Michael requested to be added to the mailing list for the DFW Metroplex region meetings.

**I.B. REPORT:** Vance reported on IB finances. Net income this year is slightly less than last year. A Lawrence Lecturer has been selected for the next WasteCon, and this person holds a PhD and is a fairly good speaker. There was a chapter officer conference call that discussed the \$20 first time member to the chapters, and the SWANA goal of 10,000 members by 2010. Van plans to send a pdf on the D&O insurance and what it does to the board electronically.

**OTHER BUSINESS:** Mary talked with National about the upcoming SWANA training in Texas and asked about coordination with the local chapter.

There was a discussion on CEUs and the TCEQ approval of SWANA training. No answer at this time.

**ACTION ITEM UPDATE:** Reviewed, discussed and updated.

The board discussed the location for the 2009 and the 2010 conferences. Mary offered Dallas as an acceptable backup site for the 2009 conference, and El Paso will be contacted about hosting the 2010 conference.

The board reviewed the 2008 conference sponsors list and made contact assignments.

**NEXT MEETING:** Next meeting will be on April 2<sup>nd</sup>, 2008 in Laredo at 2:00 pm.

The TxSWANA meeting was adjourned at 2:12 pm.

# **TXSWANA Board Meeting**

## **April 2, 2008**

### **Holiday Inn, Room A, Laredo, TX**

**Attending** – Mary Nix, Ron Smith, Michael Rice, Vance Kemler (by phone), James Ballowe, Pete Caler, Paul Gosselink, Holly Holder, Richard McHale, Bill Hindman, Oscar Medina, Jeff Kaplan (by phone), David Ivory, Lonnie Banks, Harry Hayes, Ellen Smyth, Bengy Williams

**Absent** – Brenda Haney

**Guests** – David McCary (San Antonio), Debra Blackshear (Houston), Rodney Shultz (New Braunfels), Derek Mebane (Houston), Hector Chavez (Eagle Pass), Mike Castillo (Eagle Pass), Kevin Yard

**Call to Order:** Mary Nix called the meeting to order at 1:30 pm.

David McKerry addressed the board expressing a desire for the City of San Antonio to be a part of the board of Directors again.

**APPROVAL OF MINUTES:** There was a discussion on the minutes. Motion by Bill Hindman, 2<sup>nd</sup> by Harry Hayes to accept the minutes as amended to show Pete Caler as attending once, correct the spelling of Chiang, and to change the date to 2010 for El Paso to host the annual conference, motion passed.

**FINANCIAL REPORT:** Mary reviewed the financial report that was submitted electronically by Brenda. The ending balance on the checking account was \$37,773.30, the ending balance on the savings account was \$5,199.41, and there remains a \$10,000 reserve (SWANA Investment). Motion by Harry Hayes, 2<sup>nd</sup> by James Ballowe to accept the report as presented, motion passed. Harry Hayes addressed the road-e-o account for the June event. Harry made a motion that the board approve signature authority for Harry Hayes and Derek Mebane for the Regions Bank Road-e-o account, and that the board authorize Road-e-o seed money in the amount of \$5,000. 2<sup>nd</sup> by Pete Caler, motion passed.

**REPORT:** Hector Chavez made a presentation to the board on scrap tires. Hector has talked with the TCEQ about this issue and there is not a consensus on the issue. In 1997 the mandatory used tire fee was eliminated. At this time the collection of scrap tires was around 1 per person in the area. Hector discussed the history of the scrap tires in his area, the middle Rio Grande. Hector is attempting to reinstitute the scrap tire mandatory fee. HB 2714 addresses the proper disposal of used computers. Hector would like a scrap tire bill, similar to HB 2714 justification, and he is requesting TxSWANA support his efforts. Hector is supporting “product stewardship”. A lengthy discussion followed. Mary offered to send the packet (provided by Hector to Oscar) to the board as pdf attachments. The board tentatively offered support for legislation that positively addresses the scrap tire issue. Hector will be making a presentation to the MSW advisory committee on April 10<sup>th</sup>.

#### **CHAPTER BUSINESS**

**2008 ANNUAL CONFERENCE:** Oscar presented a wrap up of the 2008 annual conference in Laredo. Registrations appear to be greater than budgeted. 46 golf registrations of 40 budgeted. Oscar hopes to have around \$35K profit from the conference. Mary added that the conference was very successful. Ellen discussed the use of a scanner gun for CEU’s for future events, and presented a sample certificate.

**2008 ROAD-E-O:** Derek Mebane presented information on the 2008 TxSWANA Road-e-o in Houston. The location is the Houston Farm & Ranch Club located off I-10 at Hwy 6 & Patterson. Houston is working on providing the road-e-o, breakfast, & banquet at one site. They are in negotiations with 4 hotels to serve as the host hotel, and the hotels are within 2 miles of the proposed site. Harry asked if

the entrance fee for the event will remain the same, or does it need to be adjusted. No sponsorships have been secured at this time. A brief discussion on the event insurance followed.

**Future Annual Conferences:** Mary discussed the Dallas site as the 2009 conference site. Sheila Overton and Ron Smith are already planning this event, and they already have \$20k in sponsorships for the 2009 conference, and \$5k from Exhibitors. Mary's staff will meet with Oscar's staff at a later date to compare notes.

Ellen discussed the 2010 annual conference and shared that there is a Texas Conference of Mayors conference that the city of El Paso is attempting to obtain for 2010. Jeff Kaplan offered Corpus Christi as the 2010 location. This allows El Paso to commit to hosting the TxSWANA Annual Conference in 2011. Mary also discussed an expressed interest in Ft. Worth hosting the annual meeting, but she would like to see more commitment in current activities from them. Board agreed to set Corpus Christi as the 2010 location and El Paso as the 2011 location for the TxSWANA Annual Conference.

Mary requested the board show up with proposed road-e-o locations for 2009 and future. Vance added that Denton is interested in hosting a 2009 International Road-e-o if the board concurs. There was a suggestion to have San Antonio host the 2009 road-e-o.

**LEGISLATIVE/REGULATORY:** Paul talked about the sub-chapter J groundwater monitor well spacing comments. Discussion followed.

Paul discussed the health effects rule making. This has been filed, and Paul has received feedback that the agency is concerned about the image of the agency not concerned about health effects. This could be a press event on April 16<sup>th</sup>. Paul talked to the Aides and talked about Sunset Farms and that no one is allowed to talk and that you can basically give your view of what this means without accepting comments. It appears that this may be another presumption that the effort to meet the regulations also meets the protection of health effects. Bill Hindman made a motion with a 2<sup>nd</sup> by Ellen Smyth that the Board withdraw the 02/19/08 request to the TCEQ for a rule-making on the health effects clarification with respect to 30 TAC 330. Motion passed.

Mary discussed the issue of compost/mulch and the 328 rules. Risa Fisher had submitted comments that were reviewed by the board. Mary has requested proposed comments from Risa instead of general/basic comments.

Mary briefly discussed the report from Paul on the legislative issues. Paul briefly discussed the landfill gas and the current issues.

**NEWSLETTER/WEBSITE:** Michael reported that the next newsletter will come out the end of April and will include information on the Laredo Conference, the Houston Road-e-o, a safety article, the president's message and two paid ads.

**REGIONAL MEETINGS:** No report.

**I.B. REPORT:** Vance reported on new financials. There is a SWANA newsletter to the chapter officers. The mid year meeting will be in Silver Springs. SWANA is looking for a site for the SWANA road-e-o.

**ELECTIONS:** Mary presented a slate for the board to review. Discussion followed.

**OTHER BUSINESS:** MSW advisory meets next week. RW Beck will make a presentation on the NCTCOG recycling data. Hector will discuss scrap tires, and those meetings will now be webcast in the future.

**ACTION ITEM UPDATE:** Reviewed, discussed and updated.

**NEXT MEETING:** Next meeting will be on May 15<sup>th</sup>, 2008 in Austin.

The TxSWANA meeting was adjourned at 4:32 pm.

Draft Only

# **TXSWANA Electronic Mail Meeting**

## **May 2, 2008**

**Attending** – Mary Nix, Ron Smith, Brenda Haney, James Ballowe, Pete Caler, Holly Holder, Richard McHale, Bill Hindman, Lonnie Banks, Harry Hayes, Ellen Smyth, Bengy Williams

**Absent** –Michael Rice, Vance Kemler, Paul Gosselink, Pete Caler, Oscar Medina, Jeff Kaplan, David Ivory

**Call to Order:** Mary Nix called a special TxSWANA Board meeting to order on May 2<sup>nd</sup> using electronic mail correspondence at 2:00 pm.

The meeting was called to address a motion by the TxSWANA Treasurer, Brenda Haney, to change the name of the chapter's Regions Bank sub-account from "**2006 TxSWANA Conference**" to "**TxSWANA**". Harry Hayes seconded the motion. Mary Nix, President of TxSWANA, accepted the motion and the second and called for a vote by the TxSWANA Board of Directors. All members present voted in favor of the motion and the motion passed.

Mary Nix concluded the electronic mail TxSWANA Board Meeting at 6:35 pm.

Draft Only

# **TXSWANA Board Meeting**

## **May 15, 2008**

### **Lloyd Gosselink Law Offices, Austin, TX**

**Attending** – Mary Nix, Brenda Haney, Michael Rice, Vance Kemler, James Ballowe, Pete Caler, Paul Gosselink, Holly Holder, Richard McHale, Bill Hindman, Oscar Medina, David Ivory (by phone), Lonnie Banks (by phone), Ellen Smyth (by phone), Bengy Williams (by phone)

**Absent** – Ron Smith, Harry Hayes

**Guests** – Ellen Jensen (City of Austin)

**Call to Order:** Mary Nix called the meeting to order at 10:10 am.

**APPROVAL OF MINUTES:** There was a review of the minutes for the April 2<sup>nd</sup> meeting. Motion by Bill Hindman, 2<sup>nd</sup> by Brenda Haney to accept the minutes as amended to show Pete Caler as attending once, correct the spelling of David McCary and NCTCOG, motion passed. The board reviewed the E-meeting. Motion by Vance Kemler, 2<sup>nd</sup> by Holly Holder to accept the minutes as amended to show Pete Caler as attending once, motion passed.

**FINANCIAL REPORT:** Brenda reviewed the financial reports for March and April. Motion by Holly and 2<sup>nd</sup> by Pete to accept as presented, motion passed.

#### **CHAPTER BUSINESS**

**2008 ANNUAL CONFERENCE:** Oscar presented a wrap up of the 2008 annual conference in Laredo. Oscar believes that he is about 1 or 2 weeks away from completing the conference wrap up. Hope to present a check to the board in Houston with a net of around \$40,000. Ellen sent out 180 certificates for the conference with around 40 needing TCEQ training credit for a MSW license. Gloria Duran (915-621-6702) is working on putting data into the TCEQ database.

**2009 CONFERENCE:** Sheila Overton and Mary Nix are on the committee with Ron Smith as the ad-hoc member. Mary asked Oscar to volunteer to assist on the committee. Sheila would like to send out a request for topics/papers for the conference technical sessions through the newsletter, web site, or by phone. Bill offered to help with the committee. The 2010 conference location is currently Corpus Christi, but there has been a change with the resignation of Jeff Kaplan from his position in Corpus Christi and his position as a board member with TxSWANA. By the June meeting the board should probably review and finalize the location for the 2010 conference.

**2008 ROAD-E-O:** Harry Hayes provided information to Mary on the road-e-o in June. Mary reported on the road-e-o budget and will provide this to the board for their review. There is a concern with the bank account and there is an effort to make corrections. The road-e-o site is confirmed and the hotel rate has been reduced to \$79. Bengy added that everything is going very well. Pete has reviewed the budget and believes that everything looks good. Ellen Jensen asked what the board would like for SMART to do concerning the road-e-o. Mary suggested that Ellen contact Pete for direction. Mary discussed future sites for the road-e-o. Oscar offered Laredo plus Abilene has shown interest in the past to host the road-e-o. Ellen Smyth offered El Paso, but there was a concern about how this site would effect attendance. Bengy offered Beaumont as a possible site.

**Slate of Officers:** Mary discussed the issue of a San Antonio representative and what direction should be taken. The consensus was to add the San Antonio representative separate as a board appointment for a one year term, not as a part of the slate of officers. Mary presented the slate of officers. Motion by Pete Caler, 2<sup>nd</sup> by Holly Holder to accept the slate of officers as presented by the nominating committee:

Ron Smith-President, Brenda Haney-Vice President, Michael Rice-Treasurer, Ellen Smyth-Secretary, Mary Nix-Past President, Vance Kemler-I.B. Representative, Paul Gosselink, Holly Holder, and Bill Hindman, motion passed. The slate is now ready for presentation to the membership for a vote. The board concurred that the slate will be sent to the membership by electronic mail and/or mailed ballot.

**NEWSLETTER/WEBSITE:** Michael reported that the newsletter went out on April 30<sup>th</sup>. The July newsletter will include the Road-e-o wrap up. Mary mentioned that there is interest by Vista Fibers to put their information out there by possibly writing an article for the newsletter, and they may also have an ad. Brenda suggested that it may be time again to promote SMART in the newsletter in July. Mary discussed the TxSWANA website. Adam has been updating the web site for several years, but his current job is creating delay issues in web updates. Mary shared there is an interest in working on the web site by Megan Miller from Waco, but her technical background doesn't appear to be strong enough to handle this without help. Mary asked the board to solicit possible interested parties to assist with the TxSWANA web site. Mary will continue to use Adam until a transition takes place. Adam is looking at completing the members only web portal soon.

**CHAPTER BUSINESS:** Holly reported that he will be on the agenda to speak to the South Plains Association of Governments (SPAG) tomorrow at their quarterly meeting in Lubbock. Bill Hindman reported that Risa Fisher spoke at the DFW metro-plex meeting about composting operations. Michael asked that a flier of the DFW meeting be sent to him for the annual report.

**REGIONAL MEETINGS:** There are no additional regional meetings planned at this point. Mary suggested that Bengy and Harry work on a possible regional meeting after the road-e-o in the Beaumont/Houston area. David Ivory asked if there should be a regional meeting that would include Brownsville and Corpus, and the board was not opposed to the idea as long as all of the cities were notified and were agreeable.

**I.B. REPORT:** Vance reported the next IB meeting will be the day after the TxSWANA road-e-o. Issues/topics for the next meeting include: the upcoming budget, SWANA is building on their body of knowledge, expanding the training position from part time to full time, there is a salary survey expansion to include all management levels in solid waste in the next couple of years, SWANA is taking a strong position on environmental impact issues, establishing a web site on how the waste industry will be able to assist with environmental issues, 2009 budget summary is under development, a 4 ½% membership growth goal next year, membership marketing will include a \$2 rate increase, \$20 will go to chapters for their new members, and working on getting as many e-courses accredited as possible.

**OTHER BUSINESS:** Mary informed the board that Jeff Kaplan has submitted a formal resignation by email. He has left the state of Texas for another position. Jeff's resignation was effective May 13, 2008. Bill Hindman recently had a meeting with Lawrence Mikolajczyk, with Corpus Christi, expressing an interest in replacing Jeff as a TxSWANA director and completing his current term. Lawrence has the full support of the City of Corpus Christi in filling the vacancy created by the resignation by Jeff Kaplan. Vance Kemler moved and 2<sup>nd</sup> by Oscar that Lawrence Mikolajczyk fill the open board position created by the resignation of Jeff Kaplan, motion passed. Bill volunteered to contact Lawrence and verify that Corpus is still willing to host the board meeting on September 14<sup>th</sup>, and/or if Corpus is still interested in hosting the 2010 TxSWANA Annual Conference. Mary will send Lawrence a listing of the committees that Jeff is currently serving on and if ask if he has any objections to fulfilling these appointments.

Mary addressed interest by David McCary in serving on the board as a representative for the City of San Antonio. David has been very active in the past in the different locations where he has worked. Bill made a motion that David McCary be appointed as a new director whose term would expire at the end of

August 2009, contingent upon acquiring an “active” TxSWANA membership, 2<sup>nd</sup> by Richard McHale, motion passed.

Holly discussed scholarship information for SWANA and TxSWANA and an application that he has received. Holly has contacted the applicant who has submitted an application to SWANA, and Holly provided information to the applicant about the differences between the SWANA and the TxSWANA applications for scholarships. Bill briefly discussed the national application process. Vance made a motion that TxSWANA provide an endorsement for Adrian Norway for the SWANA National Scholarship application process, 2<sup>nd</sup> by Bill Hindman, motion passed.

Ellen Jensen addressed the board about a desire by the SMART committee to receive more notoriety in an effort to provide support to the TxSWANA members concerning safety issues. SMART would like to attempt to recognize employees for doing things that go up and above their normal job responsibilities. SMART does not want to compete with the scholarship fund, but they would like to find a sponsor that would provide financial support for their proposed program. Ellen recognized the leadership in the SMART committee for the past 3 years. Currently, Ellen Jensen is the chair, David Vartian is the Vice-Chair and Becky Morales is the secretary for SMART. SMART is working to improve the Jimmy Huff Award application process, and they have determined that cities do not keep injury records in equivalent forms and this creates problems when comparing statistics between cities. Bill Hindman added that the SMART logo with a contact number in the newsletter would be a good idea. Mary added that the regional meetings may also be a venue that SMART would be able to use to make SMART more visible across the state. Mary also suggested that other groups that should know about SMART are the public works (TPWA) and city managers groups, and both of these would be a great resource for SMART notoriety. Discussion followed that the safety articles in the newsletter need to better publicize SMART and their attributes.

There was a break for lunch at 11:51 am, and the board reconvened at 12:40 pm.

Ellen informed Oscar that she never received sign in sheets for the landfill tour and the planetarium tour in order to issue training credits. No credits have been given for these activities. Oscar will look into this and let Ellen know. Oscar will be working on the conference manual and asked if it is in electronic format.

**LEGISLATIVE/REGULATORY:** Paul talked about the 305 rules and what happened. There was only one part that caught everyone’s attention, and that was Gregory’s suggestion that 305.43 should be opened up enough to clarify definitions for owner, operator, and applicant. Commissioner Soward added language in section 305.43.c and 305.62(i) to address this concern. Section 305.62(i) addresses industrial and hazardous waste facilities. The provision for “post-closure order” was stricken from the 305.43.c language.

Paul addressed the 328 rules, the compost and mulch rules, which address HB 2541. San Antonio addressed the issue and added that these rules set a precedent. The regulations were specifically written for Bexar County, and were a direct response to current regulation. Bill led a discussion concerning the MSW advisory committee and the possibility of TCEQ created guidelines for composting operations for the other counties in Texas. The next MSWAC meeting is scheduled for July 17<sup>th</sup>. There was a discussion on which county or counties that the new rules would apply to.

Paul talked about the scrap tire legislation. Paul talked to a scrap tire client and discussed this topic. Paul has a rough draft of the bullet points that a private tire recycler wants to see in this legislation. Paul will email this information to the board. The question discussed was, “What effort should TxSWANA provide on this topic such as sponsoring legislation, supporting legislation, or opposing legislation?” Discussion followed.

The board recognized Paul's birthday and celebrated in song.

**ACTION ITEM UPDATE:** Reviewed, discussed and updated.

**NEXT MEETING:** The next TxSWANA meeting will be on June 20<sup>th</sup>, in Houston at noon. The July meeting has been delayed one day to July 18<sup>th</sup> to accommodate the MSWAC meeting on July 17<sup>th</sup>. All other meetings through October were reviewed and were not modified.

The TxSWANA meeting was adjourned at 1:44 pm.

Draft Only

# TXSWANA Board Meeting

June 20, 2008

Buck Buchanan Service Center, Houston, TX

**Attending** – Mary Nix (by phone), Ron Smith, Brenda Haney (by phone), Michael Rice, Vance Kemler (by phone), James Ballowe, Pete Caler, Paul Gosselink, Richard McHale, Bill Hindman (by phone), Oscar Medina, Lonnie Banks, Ellen Smyth (by phone), Bengy Williams, Harry Hayes, Lawrence Mikolajczyk (by phone), David McCary

**Absent** – David Ivory, Holly Holder

**Guests** – Kevin Yard, Alec Benavidez (Laredo),

**Call to Order:** Ron Smith called the meeting to order at 1:07 pm.

**APPROVAL OF MINUTES:** There was a review of the minutes for the May 15<sup>th</sup> meeting. Motion by Bengy Williams, 2<sup>nd</sup> by James Ballowe to accept the minutes, motion passed.

## CHAPTER BUSINESS

**2008 ANNUAL CONFERENCE:** Oscar discussed the annual conference. Oscar is still finalizing the numbers, but currently Laredo believes there will be a net profit of \$54,000. Laredo sent a \$6,900 check to TxSWANA in Dallas and Ron has Vanessa looking for it. Oscar is still checking numbers, but he hopes to finalize everything before the next board meeting.

**2009 ANNUAL CONFERENCE:** Mary hasn't done anything since last month. Dallas is preparing to send out requests for technical papers/abstracts, and they are beginning the search for a good location and a good date. Ellen added that El Paso is committed to a bowling tournament for 2010. There is still a question on Corpus for 2010. Houston volunteered to sponsor the conference in 2010 if Corpus is not able to. Since Corpus has a new board member, they may need to wait before they commit. Lawrence called in at a later time and confirmed that Corpus Christi is committed to 2010. El Paso committed to host the Annual Conference in 2011. Houston is considering hosting the Annual Conference in 2012.

**2008 ROAD-E-O:** Harry Hayes has a budget for the road-e-o. They project a \$5,000 net profit for the event. They have had a good response from sponsors. Everything is all set up. Pete was able to secure a needed front loader at the last minute. All of the judges are in, there are 72 contestants are paid, and 40 still need to pay. Discussion followed on future road-e-o event locations. Bengy offered Beaumont as a host site for the 2009 event, and San Antonio is strongly considering hosting the 2010 event. Dallas has an interest in hosting a road-e-o in 2011. There was previous discussion about Abilene and Laredo as possible road-e-o sites. Mary suggested that Abilene and Laredo should be asked to provide a recommendation on why Abilene and Laredo would be great locations.

**SLATE OF OFFICERS:** Michael reported that the ballots will be sent by email and snail mail on Monday, June 23<sup>rd</sup>. Michael suggested that the verification and posting of the results of the election may be completed by board conference call no sooner than 60 days after the ballots are sent.

**LEGISLATIVE/REGULATORY:** Paul reported that there is not much to report. The alternate daily cover issue is still under discussion. TXSWANA has not been interested in weighing in on this issue at this time. The TCEQ staff is interested in passing this. Paul reminded everyone that Mark Vickery is the new executive director for the TCEQ. That is good for TXSWANA because he is level headed. He will probably run a softer ship, but he should have the same basic policies. He has asked to sit down with Paul and see if there is anything that he needs to know about. Paul believes that he is already aware of all of the big issues at this time, but Paul believes that Mark is already aware of our issues. Kevin

Yard raised the question about the TCEQ staff and should TXSWANA weigh in on this. A brief discussion followed. Paul requested that any constructive issues for the meeting with Vickery should be sent to Paul by the end of next week.

The issue on the compost fire is still smoldering. David McCary believes that the issue is reimbursement for Bexar County for the compost fire. There is another interesting lawsuit on the ASARCO smelter re-opening which El Paso has opposed. TCEQ has approved the reopening, and El Paso is taking steps to appeal that decision. The outcome on this may be the resignation of one or maybe two TCEQ commissioners. This may have a negative ramification for everyone who conducts business/meetings with the agency, due to a reluctance to hold policy based discussions because of possible individualized contested case backdrop issues.

Next, Paul addressed the used tire issue and asked for board direction on where we should head on this topic. Mary added that Dallas is supportive on the used tire issue but they are not prepared to lead the charge. Mary suggested polling the active members by addressing the issue in the President's message in the next newsletter.

Paul discussed the carbon legislation issue in the US Congress. Paul suggested that there is a possibility that the ability to collect and sell landfill gas potentially has huge financial impacts for our members and legislation should allow the ability for cap and trade of carbon credits by landfills. Vance weighed in by informing the board that national is tracking the issue. Discussion followed.

**FINANCIAL REPORT:** Brenda reported the ending balances for May on the TXSWANA accounts. Ron asked if anything came out of the tax report request from National. Brenda informed the board that SWANA's insurance policy requires these reports be submitted. Motion by Michael Rice and 2<sup>nd</sup> by Paul Gosselink to accept the financial report as presented, motion passed.

**NEWSLETTER/WEBSITE:** Michael reported the next newsletter will be sent in July. The newsletter will include the President's message, a paid ad by Toter and CAT, a SMART safety article, and the Road-e-o wrap up. Ellen reported that she has an article to add to the newsletter on El Paso and their recent award at TPWA for their curbside recycling program. Bill reported that the scholarship committee had 8 applicants and Holly hopes to present recommendations at the July 18<sup>th</sup> meeting. Michael requested that information be sent by July 10<sup>th</sup>.

**REGIONAL MEETINGS:** Ellen had nothing to report. Harry discussed the action item on the Houston-Galveston area meeting and whether there was a format to follow. Ellen responded that there is not a set format. Brenda added that their meetings qualify for one credit hour by the TCEQ. Harry asked for a regional meeting format to follow, and the contact information used to acquire TCEQ credit for regional meetings. Mary volunteered to send Harry some information from the past in order to help him decide what will work for the Houston area.

**IB. REPORT:** Vance reported that the next IB meeting is Monday and Tuesday of next week. Vance reviewed the agenda items for this meeting.

**OTHER BUSINESS:** Mary talked about Regions Bank and suggested that the Board look at a better place for our accounts. Michael requested permission to work with Brenda to find bank options which works in Amarillo. Brenda discussed the process and the requirement for articles of incorporation for some banks. Oscar added that the articles of incorporation issue should be finalized, settled, or resolved. Brenda informed the board that an update to the state had been completed within the last 12 months. Bill announced that the MSWAC meeting is July 17<sup>th</sup>. Mary announced that the August meeting location has not been finalized at this time. David informed the board that the City of San Antonio is greatly appreciative to be an active part of the board and TXSWANA. Oscar is still looking for the

electronic copy of the Annual Conference Manual. Oscar still has plaques from the conference that have not been provided to the sponsors. Ron notified the board that the web portal site is up and running, although it is rough. Bill requested that everyone's email address be reviewed and updated. Ellen announced that Emma Acosta-Enriquez was elected to the position of city councilor in El Paso.

**ACTION ITEM UPDATE:** Briefly reviewed, discussed and updated.

**NEXT MEETING:** The next TXSWANA meeting will be at 10:30 am on July 18<sup>th</sup> in Garland.

The TxSWANA meeting was adjourned at 2:41 pm.

Draft Only

# **TXSWANA Board Meeting**

## **July 18, 2008**

### **Fire Administration Building, Garland, TX**

**Attending** – Mary Nix, Brenda Haney, Michael Rice, Vance Kemler, Oscar Medina, Richard McHale, Holly Holder, Bill Hindman, Lonnie Banks, Harry Hayes (by phone), Bengy Williams (by phone), Lawrence Mikolajczyk (by phone), David McCary (by phone), Ellen Smyth (by phone), James Ballowe (by phone), David Ivory (by phone)

**Absent** – Ron Smith, Pete Caler, Paul Gosselink

**Guests** – Risa Fisher, Mike Carlton, Crystal Beckley (by phone)

**Call to Order:** Mary Nix called the meeting to order at 10:35 am.

**APPROVAL OF MINUTES:** There was a review of the minutes for the June 20<sup>th</sup> meeting. Oscar requested that the minutes be revised to show that a check in the amount of \$50,000 had been given to Ron Smith for conference revenues. Motion by Oscar Medina, 2<sup>nd</sup> by Brenda Haney to accept the minutes as amended, motion passed.

**FINANCIAL REPORT:** Brenda reported the ending balances for June on the TXSWANA accounts. Motion by Bill Hindman and 2<sup>nd</sup> by Holly Holder to accept the financial report as presented, motion passed.

#### **CHAPTER BUSINESS**

**2008 ANNUAL CONFERENCE:** Oscar discussed the annual conference, and noted that they are wrapping up the last few items. Oscar reported the financial status of the conference and noted that the final revenue from the conference is \$53,008.82. Everyone thanked Oscar and Laredo for a wonderful conference.

**2008 ROAD-E-O:** Harry Hayes reported that the road-e-o was a success. Including the seed money Houston is showing a net profit of \$11,678. There is one issue on the use of the scraper from the Farm & Ranch show and damage to the machine. Harry reported that everyone worked together very well. The participants that placed 1<sup>st</sup> & 2<sup>nd</sup> will be eligible to attend the National road-e-o. The truck road-e-o will be in Lexington and the landfill road-e-o will be in Louisville, Kentucky. Bengie noted that the 2009 road-e-o in Beaumont is tentatively scheduled for June 20<sup>th</sup> in Beaumont. Both courses will be at the same location and he is working on the securing hotel accommodations.

**SLATE OF OFFICERS:** Michael reported that the ballots were sent by email and snail mail to all active members and their current information on the SWANA database on Tuesday, June 24<sup>th</sup>. The ballots are returning slowly. Ballots must be received prior to August 18<sup>th</sup> in order to be considered. The general membership meeting, and the next board meeting, will be held on August 28<sup>th</sup>, and the election results should be verified and accepted at that meeting. Members may vote by ballot or in person at the general meeting.

**SCHOLARSHIP COMMITTEE:** Holly recognized the scholarship committee, which consisted of Brenda, Richard, Bill and Lonnie. The committee received a total of 7 applications, 5 from high school students and 2 from college students. Holly recommended that the top 6 applicants receive a \$1,000 scholarship. Vance moved to accept the recommendation to award of six \$1,000 scholarships, 2<sup>nd</sup> by Lonnie Banks, motion passed. Lonnie suggested that a bio and a picture of each recipient be placed in the next newsletter. Holly has a bio on each recipient, and he agreed to request from a photo from each scholarship recipient, in JPEG format.

**LEGISLATIVE/REGULATORY:** Risa reported that the current Bexar county situation is still only that county, but it is open to public and private entities. Bill reported that at the MSWAC meeting the previous day this issue was discussed and the legislation didn't keep some exemptions. Risa believes that the TCEQ will encourage the entire state to follow the Bexar County example.

Richard added that the TCEQ has finalized their rules, and CESQG waste is not covered under the household hazardous waste. The city of Austin is considering filing for a rule making on this issue. This rule will not allow businesses to dispose of their waste in the same manner as households, even though there is no difference in the waste itself.

Vance shared that he has seen an increase in sham recyclers claiming to recycle all the waste, bypassing existing requirements for franchise agreements. A discussion followed, and included how to handle haulers that do not follow the rules. Dallas includes roofing material haulers to register as solid waste haulers.

Bill announced 2 new members on the MSWAC, Barbara Graff from Ector County in Odessa and John Monico the Mayor of Mesquite. During the MSWAC meeting Richard reported that the TCEQ is at 100% staff level. The 330 and 305 rule changes are approved and in effect. The Bexar rule is scheduled for adoption date of Sept. 10<sup>th</sup>, with an effective date of Sept 10, 2009. There is a bio-tech conference coming up in Austin showcasing the Dallas landfill on Sept. 23<sup>rd</sup> sponsored by EPA. There was a sham recycling discussion at the MSWAC meeting. The HHW rules were discussed, and there will be stakeholder meetings on this issue, even though this rule has already been approved. Commissioner Shaw attended the meeting and made good remarks. Commissioner Shaw has a new aide, Kevin Patterson. The TCEQ will continue to take comments until August 8<sup>th</sup> for a proposed rule change on the use of Petroleum Contaminated Soil used for daily cover. Discussion followed. Based upon the discussion, Mary directed the board to look at weighing in on this issue due to the dangers of this rule making its potential environmental impact.

**NEWSLETTER/WEBSITE:** Michael reported the next newsletter should be completed this weekend, is planned to go to print on Monday, and should be mailed by July 25<sup>th</sup>. The newsletter will include the President's message, a paid ad by Toter and CAT and maybe Heil, a SMART safety article, a Road-e-o wrap up with pictures, an article on a recent El Paso award, and an article on bio-technology and the EPA.

**REGIONAL MEETINGS:** Ellen reported 2 regional meetings were held in July, the Dallas metroplex meeting on cutting edge waste technology led by Mike Carlton, and a meeting in El Paso on paper or plastic which addressed the use of bags at retail centers. Ellen is encouraging all regions to hold at least 1 more meeting this summer. Oscar reported that they are looking at a meeting at the end of August on tire legislation. Holly met with the South Plains Association of Governments in May and their solid waste advisory committee is receptive to holding a TXSWSANA regional meeting.

**IB. REPORT:** Vance reported there have been a lot of policy updates, including MA4 - dues & procedures, and MA21 – the roles and responsibilities for the WasteCon Host. Insurance requirements were also discussed at the IB.

**OTHER BUSINESS:** The August meeting is on the 28<sup>th</sup> in Dallas. The September meeting is in Corpus Christi on the 19<sup>th</sup> at 10:30 am. Mary announced that the WasteCon meeting is on October 22<sup>nd</sup> in Tampa.

City of Killeen has signed a deal to negotiate for a waste gasification project.

**ACTION ITEM UPDATE:** Reviewed.

**NEXT MEETING:** The next TXSWANA meeting will be at 10:00 am on August 28<sup>th</sup> in Dallas in the Aviation conference room.

The TxSWANA meeting was adjourned at 12:25 pm.

Draft Only

# TXSWANA Board Meeting

August 28, 2008

Aviation Conference Room A, Dallas Love Field, Dallas, TX

**Attending** – Mary Nix, Ron Smith, Brenda Haney, Michael Rice, Vance Kemler, James Ballowe, Lonnie Banks, Paul Gosselink, Bill Hindman, Holly Holder (by phone), David McCary, Richard McHale, Oscar Medina (by phone), Ellen Smyth, Bengy Williams (by phone)

**Absent** – Pete Caler, Harry Hayes, David Ivory, Lawrence Mikolajczyk

**Guests** – Frank Pugsley, Alan Noell, Risa Fisher, Dan Wittliff, Mike Carlton

**Call to Order:** Mary Nix called the meeting to order at 10:17 am.

**APPROVAL OF MINUTES:** There was a review of the minutes for the July 18<sup>th</sup> meeting. Bill noted that the legislative discussion addressed a slip up and that the correct wording should be that there was a discussion on the legislation. Bill also noted that Barbara Graff is from Odessa, not El Paso. Michael noted that the review of the June minutes made, not the May minutes. Motion by Brenda Haney to accept the minutes as amended, 2<sup>nd</sup> by Michael Rice, motion passed.

**FINANCIAL REPORT:** Brenda reported the ending balances for July and the ending balances for August as of August 26<sup>th</sup> on the TXSWANA accounts. Motion by Bill Hindman and 2<sup>nd</sup> by David McCary to accept both financial reports as presented, motion passed.

## CHAPTER BUSINESS

**LEGISLATIVE/REGULATORY:** Paul announced the compost rules are now adopted as proposed.

The TCEQ has a project to review its rules relating to the target for non-wind renewable energy resources that is set out in the Public Utility Regulatory Act. Some areas which relate to landfills include gas projects, solar panels, tax credits, cap & trade regulations. Paul believes that TXSWANA would probably support all of these areas. Discussion followed. An ad-hoc committee, called the electric cat committee was formed to work on this issue with a goal to file comments.

There was a proposed rule making to request expanded advanced public notice for permittee name changes and/or a transfer of the permit. The commissioners rejected the proposal.

The CESQG rule was adopted on July 9<sup>th</sup>. There are guidance meetings set for August 14<sup>th</sup> and one going on right now.

The contaminated soil is covered on the ADC matter. This is now being looked at as a risk based analysis. The staff is in favor of this and there is no date set for the agenda on this issue. This is tentatively scheduled for the Nov. 19<sup>th</sup> agenda. The legislative committee has determined that TXSWANA should not comment on this issue.

The document filing procedure is now being modified from 11 copies to 7 copies. Paul suggested that the board support this with a letter from the president. The public comment period closes on September 22<sup>nd</sup>.

There is a proposed revision to the compliance history rules. This may require further investigation.

Paul briefly discussed the waste tire issue and the efforts of TML. Vance commented on TML's position on this issue. TXSWANA wants to be sure that TML understands that we support the legislation, but TXSWANA will not be seeking to provide legislation.

Paul reported that there has not been much movement on the Ex-Parte issue, centered on the ASARCO lawsuit. The participants are not talking much about this.

Ashley Watick will be resigning as the Executive Assistant for Soward in order to become Mark Vickery's Executive Assistant in Houston.

The Eastland court of appeals, on Aug 21, issued an opinion in response to the neighbors in West Texas that complained about the nuisance created by wind farms. The court ruled that this was not a nuisance.

Vance discussed that TCEQ is launching a new program on the computer manufacturer recycling.

Vance discussed efforts by the city of Denton to expand their permitting requirement for waste haulers.

**2008 ANNUAL CONFERENCE:** Oscar reported on the final financial report. Laredo sent a compact disc with all of the photos to the exhibitors with reminders of the conference and a thank you.

**2009 ANNUAL CONFERENCE:** Mary discussed the 2009 conference and distributed a budget for the event. Sheila Overton is diligently working on this project. Mary asked for volunteers for the committees for the conference. We need to open a new bank account for the conference. Laredo has already laid the groundwork for 2009 conference sponsors.

**2008 ROAD-E-O:** Harry Hayes was unavailable. Brenda Haney received a temp check in the amount of \$11,868.12 from the road-e-o. Brenda has written checks for Dallas, Denton & College Station participants for the International Road-e-o. A discussion followed on the requirement for a required chapter president signature before participating in the international road-e-o.

**SCHOLARSHIP COMMITTEE:** Bill Hindman reported that the money has been sent to all 6 scholarship recipients. Holly Holder has pictures of 4 and needs 2 more for the newsletter. Holly has received a few thank you notes from some of the recipients.

**NEWSLETTER/WEBSITE:** Michael Rice made a brief report that the July newsletter went out, and the next issue will go out in October and will include scholarship winners with pictures, and a bio on Lawrence with his picture. Discussion followed concerning the upcoming EPA meeting in Austin on Bio-Reactors. Lonnie Banks made a motion to offer between \$500 and \$1,000 for a break sponsorship at the EPA Bio-technology conference, Second by Vance Kemler. Motion passed.

There was a break for lunch at 12:08 pm, and the board reconvened at 12:42 pm. Lunch was provided by Risa Fisher.

**REGIONAL MEETINGS:** Ellen had no updates. She hasn't heard from anyone in the last 30 days. Mary mentioned that the EPA might be interested in providing their conference around the state.

**I.B. REPORT:** Vance updated the board. SWANA has been working on updating several policies, are region conference call and finance conference call will be coming up soon, and Vance plans on reporting on these activities at the next meeting.

**OTHER BUSINESS:** Mary reminded Brenda and Mike that the annual reports to SWANA are due before December 31, 2008.

Mary revisited the previous regulatory/legislative issue, and Mike Carlton has agreed to head up the Electric Cat Committee.

Paul discussed the city of Waxahachie had a dispute with IESI and their industries, over the authority and the extent of the ordinances that addressed recycled materials. IESI bid on the collection of recyclables in the city and the contract definition of recyclables was rather vague. IESI interpreted the contract to include all recyclables within the city limits, regardless of what existing businesses were currently doing with these materials. The issue was resolved with a re-bidding process and a redrafting process. A discussion on flow control followed.

Ron reported that CAT has put out a diesel power over electric drive motor. Dallas is attempting to acquire a D7 with this package for testing.

The TXSWANA board meeting in October will be held at WasteCon in room 37.

Ellen discussed a new prohibition of waste transfer from the city of El Paso to a landfill in New Mexico, and this is the result of a permit renewal for the landfill permit in New Mexico.

Bill Hindman mentioned that he has heard that North Texas has reposted their landfill supervisor position at a much higher salary, and Bill believes that the top range for the job is around \$100,000.

Mary has heard from Jeff Kaplan and he is now at a municipality in New Mexico, and he is involved with FEMA work. Mary was not sure what city Jeff was currently working in. Mary also distributed a solid waste benchmarking study to the board.

Michael discussed the current chapter bank accounts with the board. Michael Rice made a motion that the TXSWANA move their bank account from Regions Bank to Wells Fargo Bank, with a Second by Brenda Haney. Motion passed. Brenda added that when the accounts are set up, it would be beneficial for the account to be generic vs. location specific accounts for the annual conferences and the road-e-o.

Vance will be conducting a test of CAT wheels vs Caron wheels, using 826G and 826H compactors. Vance has the latest emission engine and the claims of non performance were based upon the wheels. Therefore, Vance has bought the CAT wheels and the Caron wheels and they will be conducting controlled tests. CAT will be installing monitoring equipment to verify results. Vance believes that the tests should be complete in the next couple of months.

Ron discussed modification recently performed in Dallas by his staff on compactor wheels and the success they have had with their in house design. Dallas has also built a wheel guard for an 836 compactor, which has almost completely eliminated wire wrap. Dallas will gladly share their design with others.

Brenda will be requesting for Recycling contract contacts in the near future.

**ACTION ITEM UPDATE:** Reviewed.

**NEXT MEETING:** The next TXSWANA meeting will be at 10:00 am on Friday, September 18<sup>th</sup> at the Corpus Christi airport.

The TXSWANA meeting was adjourned at 1:18 pm.

# **TXSWANA Board Meeting**

## **September 19, 2008**

### **Airport Conference Room, Corpus Christi, TX**

**Attending** – Ron Smith, Michael Rice, James Ballowe, Pete Caler (by phone), Paul Gosselink (by phone), Bill Hindman (by phone), Holly Holder (by phone), David McCary (by phone), Oscar Medina, Lawrence Mikolajczyk

**Absent** – Mary Nix, Brenda Haney, Vance Kemler, Lonnie Banks, Richard McHale, Ellen Smyth, Bengy Williams, Harry Hayes, David Ivory

**Guests** – Mike Carleton, Cara Meyers

**Call to Order:** Ron Smith called the meeting to order at 10:49 am.

**APPROVAL OF MINUTES:** There was a review of the minutes for the August 28<sup>th</sup> meeting. Motion by Bill Hindman to accept the minutes as presented, 2<sup>nd</sup> by Oscar Medina, motion passed.

**FINANCIAL REPORT:** Ron notified the board that he had discussed the financial report with Brenda and she reported that there has not been any financial activity since the August board meeting. Therefore, no action was required.

#### **CHAPTER BUSINESS**

**2008 ANNUAL CONFERENCE:** Oscar announced that he closed their checking account yesterday. Oscar supplied a check in the amount of \$9,637.59. Profit for the conference was \$59,637.59. There were two outstanding checks to Tom Roseberry that were never cashed and stop payments were placed on both of these checks, and he will need to contact the board directly if he still desires reimbursement. Oscar is still updating the manual, and he is looking for page 14. Oscar asked everyone to please provide this page if they are able to locate. Oscar's review of the conference book is complete through page 16 at this time.

**2009 ANNUAL CONFERENCE:** Ron updated the board on the upcoming 2009 conference. Bill Hindman has agreed to be the speaker committee chair. Rebecca Huber will be the liaison for the city of Dallas. Sheila Overton has requested \$3,000 seed money for the 2009 conference account. The budget for the 2009 annual conference was reviewed and approved in August. The 2009 Annual Conference date has been initially been set for March 29<sup>th</sup>–April 1<sup>st</sup>. Ron asked if there were any date conflicts and there were no conflicts. Sheila is working on acquiring hotels for the conference. Discussion followed. Sheila is currently working on a wide variety of conference issues such as theme, registration packet, teasers, web site notice, sponsors, etc.

**LEGISLATIVE/REGULATORY:** Paul reported there was not a lot to talk about. The electric cat committee has been charged to file comments with the PUC, and Paul has been working with Mike Carleton and Ron Smith on this. Paul sent comments written for Garland and Denton to the board by email last night. The proposed basic theme is that the PUC should support gas to energy projects at landfills because they provide the best bang for the buck. The landfill industry is close to being self sustaining and this will help to kick off several projects, and these projects will help the PUC meet their goal of 500 megawatts of non-renewable energy by 2015. To make this really happen, there needs to be changes in the TCEQ's approach. Mike reported that the committee comments have been received, and Ron has the comments. Paul is the only one to respond at this point. These are comments for probable upcoming rule making efforts, so deadlines for submittal are arbitrary. Paul is still approaching this issue as an advocate, and this is an opportunity for TXSWANA to take a proactive lead to encourage this issue to move in a positive direction for our industry. Discussion followed.

Paul informed the board that the ADC rules are set for adoption on Nov. 19<sup>th</sup>.

The Helotus bill was adopted on Sept. 10<sup>th</sup>, so these rules are currently in effect.

Paul will be sending a case issued by the Eastland court of appeals, which addressed the nuisance complaint from neighbors about wind farms. This case centered upon the Horse Hollow wind farm.

Paul mentioned that we are currently 3 months away from the next legislative session.

Bill will have a meeting with Richard Carmichael on the day before the EPA Bio-reactor conference. Denton's landfill is an ELR with proposed 40% moisture content.

The next MSWAC meeting is set for Oct. 9<sup>th</sup>. One MSWAC carry over issue is storm water control around various facilities such composting and mulching.

**NEWSLETTER/WEBSITE:** Michael Rice reported the next newsletter will be published in October and will include scholarship winners with pictures, a bio on Lawrence with his picture, an article from Paul, 2009 conference date, and presidents message. Michael requested anyone with a job opening to please send that information to him for insertion into the newsletter. Friday, October 10<sup>th</sup> is the deadline for articles to Michael.

**REGIONAL MEETINGS:** Dallas is planning a regional meeting for Oct 9<sup>th</sup>. Matt Stutz will be the speaker, and it will be hosted at the COG. The topic will be Carbon Credits.

**I.B. REPORT:** No report.

**OTHER BUSINESS:** Ron informed the board of the Dallas personnel's response in Houston due to Hurricane Ike. David McCary reported on San Antonio's efforts concerning Hurricane recovery.

**ACTION ITEM UPDATE:** Reviewed and updated.

**NEXT MEETING:** The next TXSWANA meeting will be at 2:00 EST on Wednesday, October 22<sup>nd</sup> in Room 37 at the Tampa Bay Convention Center during WasteCon 2009.

The TXSWANA meeting was adjourned at 11:43 am.

***Action Items*** from May 15, 2008 Board Meeting  
Updates as of 05/15/2008

| <u>Resp. Party</u> | <u>Status, as of 05/15/08</u> | <u>Description of Action Item</u>   |
|--------------------|-------------------------------|---|
| M. Rice            | On-Going                      | Update Board Member Attendance Chart  |
| A. Jochelson       | On-Going                      | Check on the availability of a Members Only portal for the TxSWANA web site. Adam has informed the board that he has the ability to provide a portal for the board members. Board agreed to have one generic access code. |
| M. Nix             | On-Going                      | Check with Adam on the possibility of having applications on the TxSWANA web site for new members to sign up using the chapter code in order to generate an additional \$20 per application to the chapter.               |
| Board              | New                           | Provide Mary Nix with potential candidates for managing and updating the TxSWANA web site.  |

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# ***Action Items* from June 20, 2008 Board Meeting**

**Updates as of 06/20/2008**

| <b><u>Resp. Party</u></b> | <b><u>Status, as of 06/20/08</u></b> | <b><u>Description of Action Item</u></b>  |
|---------------------------|--------------------------------------|---|
| M. Rice                   | On-Going                             | Update Board Member Attendance Chart  |
| A. Jochelson              | Complete                             | Check on the availability of a Members Only portal for the TxSWANA web site. Adam has informed the board that he has the ability to provide a portal for the board members. Board agreed to have one generic access code. |
| M. Nix                    | On-Going                             | Check with Adam on the possibility of having applications on the TxSWANA web site for new members to sign up using the chapter code in order to generate an additional \$20 per application to the chapter.               |
| Board                     | On-Going                             | Provide Mary Nix with potential candidates for managing and updating the TxSWANA web site.  |

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***Action Items* from July 18, 2008 Board Meeting**  
Updates as of 07/18/2008

| <u>Resp. Party</u> | <u>Status, as of 07/18/08</u> | <u>Description of Action Item</u>   |
|--------------------|-------------------------------|---|
|                    |                               | M. Rice      On-Going      Update Board Member Attendance Chart   |
| M. Nix             | On-Going                      | Check with Adam on the possibility of having applications on the TxSWANA web site for new members to sign up using the chapter code in order to generate an additional \$20 per application to the chapter. |
| Board              | On-Going                      | Provide Mary Nix with potential candidates for managing and updating the TxSWANA web site.  |
| Board              | New                           | Board should review the Petroleum Contaminated Soil used as daily cover rule in order to weigh in on this environmental issue with the TCEQ.  |

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# ***Action Items*** from August 28, 2008 Board Meeting

Updates as of 08/28/2008

| <b><u>Resp. Party</u></b> | <b><u>Status, as of 08/28/08</u></b> | <b><u>Description of Action Item</u></b>  |
|---------------------------|--------------------------------------|---|
| M. Rice                   | On-Going                             | Update Board Member Attendance Chart  |
| M. Nix                    | On-Going                             | Check with Adam on the possibility of having applications on the TxSWANA web site for new members to sign up using the chapter code in order to generate an additional \$20 per application to the chapter. |
| Board                     | On-Going                             | Provide TXSWANA President with potential candidates for managing and updating the TXSWANA web site.   |
| Board                     | New                                  | Board should review the Petroleum Contaminated Soil used as daily cover rule in order to weigh in on this environmental issue with the TCEQ.  |
| M. Nix                    | New                                  | Send an email to the new members of the Ad Hoc Electric Cat Committee with direction to create comments addressing non-wind renewable energy resources.   |
| M. Nix                    | New                                  | Send a letter to the TCEQ in support of the change in document filing procedure requirement from 11 copies to 7 copies.   |
| H. Hayes                  | New                                  | Provide a final report to the board on the Final Houston Road-e-o financials.   |
| O. Medina                 | New                                  | Submit final check to the Treasurer for the 2008 Annual TXSWANA Conference held in Laredo.  |

# ***Action Items* from September 19, 2008 Board Meeting**

**Updates as of 09/19/2008**

| <b><u>Resp. Party</u></b> | <b><u>Status, as of 09/19/08</u></b> | <b><u>Description of Action Item</u></b>  |
|---------------------------|--------------------------------------|---|
| E.Smyth                   | On-Going                             | Update Board Member Attendance Chart  |
| R.Smith                   | On-Going                             | Check with Adam on the possibility of having applications on the TxSWANA web site for new members to sign up using the chapter code in order to generate an additional \$20 per application to the chapter. |
| Board                     | On-Going                             | Provide TXSWANA President with potential candidates for managing and updating the TXSWANA web site.   |
| Board                     | On-Going                             | Board should review the Petroleum Contaminated Soil used as daily cover rule in order to weigh in on this environmental issue with the TCEQ.  |
| M. Nix                    | On-Going                             | Send an email to the new members of the Ad Hoc Electric Cat Committee with direction to create comments addressing non-wind renewable energy resources.   |
| M. Nix                    | Complete                             | Send a letter to the TCEQ in support of the change in document filing procedure requirement from 11 copies to 7 copies.   |
| H. Hayes                  | On-Going                             | Provide a final report to the board on the Final Houston Road-e-o financials.   |
| O. Medina                 | Complete                             | Submit final check to the Treasurer for the 2008 Annual TXSWANA Conference held in Laredo.  |

# ***Action Items*** from January 24, 2008 Board Meeting

Updates as of 01/24/2008

| <b><u>Resp. Party</u></b> | <b><u>Status, as of 02/21/08</u></b> | <b><u>Description of Action Item</u></b>  |
|---------------------------|--------------------------------------|---|
| M. Rice                   | On-Going                             | Update Board Member Attendance Chart  |
| A. Jochelson              | On-Going                             | Check on the availability of a Members Only portal for the TxSWANA web site. Adam has informed the board that he has the ability to provide a portal for the board members. Board agreed to have one generic access code. |
| R. Fisher                 | On-Going                             | Review the Chapter 328 Rules concept paper and provide comments to the Board at the next Board Meeting.   |
| Board                     | New                                  | Complete assigned vendor contacts, and provide Oscar feedback on the technical program.   |
| M. Nix                    | New                                  | Check with Adam on the possibility of having applications on the TxSWANA web site for new members to sign up using the chapter code in order to generate an additional \$20 per application to the chapter.               |

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# ***Action Items* from February 21, 2008 Board Meeting**

**Updates as of 02/21/2008**

| <b><u>Resp. Party</u></b> | <b><u>Status, as of 02/21/08</u></b> | <b><u>Description of Action Item</u></b>  |
|---------------------------|--------------------------------------|---|
| M. Rice                   | On-Going                             | Update Board Member Attendance Chart  |
| A. Jochelson              | On-Going                             | Check on the availability of a Members Only portal for the TxSWANA web site. Adam has informed the board that he has the ability to provide a portal for the board members. Board agreed to have one generic access code. |
| R. Fisher                 | On-Going                             | Review the Chapter 328 Rules concept paper and provide comments to the Board at the next Board Meeting.   |
| Board                     | On-Going                             | Complete assigned vendor contacts, and provide Oscar feedback on speakers for the technical programs.   |
| M. Nix                    | On-Going                             | Check with Adam on the possibility of having applications on the TxSWANA web site for new members to sign up using the chapter code in order to generate an additional \$20 per application to the chapter.               |

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# ***Action Items* from April 2, 2008 Board Meeting**

Updates as of 04/02/2008

| <b><u>Resp. Party</u></b> | <b><u>Status, as of 04/02/08</u></b> | <b><u>Description of Action Item</u></b>  |
|---------------------------|--------------------------------------|---|
| M. Rice                   | On-Going                             | Update Board Member Attendance Chart  |
| A. Jochelson              | On-Going                             | Check on the availability of a Members Only portal for the TxSWANA web site. Adam has informed the board that he has the ability to provide a portal for the board members. Board agreed to have one generic access code. |
| R. Fisher                 | On-Going                             | Review the Chapter 328 Rules concept paper and provide comments to the Board at the next Board Meeting.   |
| Board                     | Complete                             | Complete assigned vendor contacts, and provide Oscar feedback on speakers for the technical programs.   |
| M. Nix                    | On-Going                             | Check with Adam on the possibility of having applications on the TxSWANA web site for new members to sign up using the chapter code in order to generate an additional \$20 per application to the chapter.               |

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