

The Lone

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83rd Legislature: That's a Wrap

By Brian Sledge and Addie Crimmins

In January, the 83rd Texas Legislature began to tackle a formidable and daunting agenda. The House and Senate, the former complete with 41 freshmen and a considerable institutional knowledge deficit, set out to overcome a tough partisan divide and difficult budget decisions. Restoring the many funding cuts made last session, including public education, passing a budget and making the associated requisite decisions with a surplus, and financing the plan for the state's water infrastructure projects were just some of the objectives. By the time the final gavel dropped, the legislature had managed to successfully complete a comprehensive public education reform package, a plan to fund water projects around the state, \$1.3 billion in tax relief, and a \$197 billion budget.

Successful Legislation

Of the thousands of bills filed each session, only a few manage to make their way to the governor's desk. The 2013 legislative session had a multi-lens focus that made the passage of bills extremely difficult. Only a few key measures passed that significantly impact the solid waste industry in Texas:

HB 7, by Drew Darby, is an omnibus dedicated funds bill designed to reduce the rates and

balances of certain statutorily dedicated funds and accounts that have been used for overall state budget certification instead of for the purposes for which they were created. Specifically of interest to TxSWANA members, HB 7 reduces the amount of the municipal solid waste tipping fee that is required to be collected for TCEQ by one fourth, and reallocates that share of revenues collected that go to support the TCEQ's solid waste programs and the share of revenues collected that go through TCEQ to the Councils of Government (COGs) for local and regional solid waste projects. The bill essentially attempts to reduce the amounts set forth in the statute to approximate the actual appropriations that the legislature has made for such purposes in recent years and to reduce large fund balances that have accrued over time in this dedicated solid waste account.

The amount of the tipping fee required to be collected under the statute and submitted to TCEQ is reduced from \$1.25 to 94 cents per ton if measured by weight, and from 40 cents to 30 cents per cubic yard for compacted waste and from 25 cents to 19 cents

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Visit www.swana.org for a membership application.

Message from the President

by Michael Rice

Dearest TxSWANA!

Serving in a position of leadership in a volunteer organization is an honor and unique responsibility, and I am grateful to each TXSWANA board member that donates their time and resources to serve our members and our citizens. The TXSWANA Board is filled with outstanding examples of true professionals in whom our members may have confidence, and the TXSWANA board works together as a team to address matters affecting our industry and its impact upon the public's health, safety, and welfare. As TXSWANA President, I pledge to discharge the duties of the President in a professional manner, and I will work to advance technical



improvements which will benefit our members and our citizens. I pledge to do my best to participate in honest enterprise, to live and work according to the moral laws of mankind and the highest ethical standards of our profession, and to serve the public above all other considerations.

Today I am reminded of these things because one of our founding TXSWANA board members is resigning from the Board of Directors. William (Bill) R. Hindman has submitted his resignation to the board of directors, effective at the conclusion of the TXSWANA Board meeting scheduled for November 15th, 2013. Personally this is a sad day for me as President. Bill has embodied the model that I believe every board member should strive to become: Dedicated, Friendly, Knowledgeable, Truthful, Ethical, and Faithful. I hope I am able to fully develop each attribute that Bill has demonstrated so well during his tenure with the Board of Directors. His departure from the TXSWANA Board will create a void that will be difficult to completely fill. But as with everything in life, his service to the board had a beginning, and now his service as a board member comes to an end.

I extend to Bill my most sincere wishes for continued health and success in all of his professional and personal endeavors, and I express my heartfelt appreciation for all he has done for TXSWANA and for the solid waste industry in Texas.

Michael Rice

(Continued from page 1)

per cubic yard for uncompacted waste if measured by volume. The TCEQ is prohibited from charging the fee for source separated materials that are processed at a composting and mulch processing facility, including such a facility located at a permitted landfill site, unless it is used in the operation of the facility or disposed of in a landfill. The TCEQ is dedicated 66.7 percent of collected revenues under the new rates to support its solid waste permitting programs, enforcement programs, and site remediation programs. The other 33.3 percent of revenues collected by TCEQ are dedicated to the COGs.

- These legislative changes to the statute do not necessarily impact that amount of MSW tipping fees that may be assessed or retained by a city or other local government for waste received, but rather impact only the amount of those assessed fees that must be submitted to the TCEQ under the statute. TxSWANA members should review their own relevant local ordinances and tipping fee rate structures to determine what impacts, if any, these changes may have on their tipping rates.
- HB 788, by Wayne Smith, enables Texas to take back from EPA the greenhouse gas permitting program in Texas without conceding that greenhouse gases should be regulated under the state or federal clean air acts. Importantly, the bill exempts the permitting of greenhouse gases from the contested case process.
- SB 1, by Tommy Williams, is the Senate Appropriations bill. Specifically where the Solid Waste Disposal Account No. 5000 for the COGs is concerned, the following amounts were appropriated from the MSW tipping fee program:

FY ending August 31, 2014: \$5,493,162

FY ending August 31, 2015: \$5,493,162

SB 819, by Robert Duncan, expands a population bracket for small cities eligible to dispose of certain construction and demolition waste on land owned or controlled by the city if the city otherwise qualifies for the arid landfill ex-

- emption from 10,000 or less to 12,000 or less population.
- SB 1727, by Bob Deuell, changes the Texas Emissions Reduction Plan (TERP) to provide for additional emission reductions and flexibility for TCEQ in implementing the plan, including reallocations of funds from one TERP program to another.
- SB 1756, by Carlos Uresti, allows permit applicants to request expedited processing of air permits from TCEQ under the Texas Clean Air Act.

Unsuccessful Legislation

Multiple bills filed this session would have inevitably made the permitting process more onerous, increased restrictions on disposal at municipal solid waste landfills, and generally placed more cumbersome and unfunded mandates on the industry. Other bills that would have impacted TCEQ rulemaking and permitting procedures also perished. A few highlights that would have impacted the solid waste industry in Texas:

- Several electronic waste bills that set forth prohibitions on disposal of used electronic equipment in a municipal solid waste landfill, including: HB 648 by Joe Farias, HB 1694 by Jessica Farrar, and SB 762 by John Carona.
- HB 876, by Alma Allen, and HB 2292 by Mary Gonzalez, which would have added to the already burdensome notice requirements for solid waste permit applications.
- HB 2416 by Drew Springer, would have prohibited local bans on plastic bags.
- SB 467, by Glenn Hegar, would have required that before adopting an environmental rule, the TCEQ must conduct a regulatory analysis weighing the costs and environmental effects expected to result from the rule.
- SB 957, by Troy Fraser, would have changed the current TCEQ permitting process from a contested case hearing process to an EPA-

(Continued on page 5)

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style notice and comment process. Intensive negotiations spawned by various legislative and stakeholder pushback changed the bill to revert back to the current contested case hearing process with more restrictions on permit protestants and shorter permitting deadlines, but the bill still failed to pass. We anticipate work in the interim on this bill to find common ground.

SB 1156, by Chuy Hinojosa, would have required a TCEQ permit for scrap tires used in a land reclamation project.

Water and Transparency

Session opened with a unified commitment from leadership that a solution to funding the state's water infrastructure projects would be pursued. Fifteen years of work toward an answer to Texas' depleting water supply culminated into a trio of three bills which work in concert to provide this necessary funding:

- HB 4, by Allan Ritter, creates two revolving funds that will provide the loans for State Water Plan projects across the state, and also restructures the governance of the Texas Water Development Board.
- HB 1025, by Jim Pitts, authorizes the transfer of \$2 billion from the Economic Stabilization Fund (Rainy Day Fund) to the newly created TWDB funds.
- SJR 1, by Tommy Williams, submits a constitutional proposition to the voters to affirm creation of the TWDB funds to receive the \$2 billion without counting against the constitutional spending limit. The amendment

will go to voters in November for the final decision.

The legislature also undertook the sizeable task of improving government transparency on many fronts. High-profile measures initiated by the Comptroller, including HB 14 and SB 14, were the subject of intense negotiations with the political subdivisions that they impacted regarding additional compliance costs and rumored potential impacts to public bond ratings, but ultimately failed to become law due to a successful parliamentary procedure challenge. A few measures that did succeed in becoming law include these amendments to the Open Meetings Act:

- HB 2414, by Angie Chen Button, amends current legal requirements to open meetings of governmental bodies held by videoconference.
- SB 1368, by Wendy Davis, and SB 1296 by Kirk Watson, which both allow public officials to make certain communications outside of a proper public meeting via message boards that are visible to the public.

For complete text or further information on this or other legislation, please visit the Legislature's website: http://www.capitol.state.tx.us/. For additional information on these or other legislative matters affecting the solid waste industry, please contact Brian Sledge at (512) 322-5839 or bsledge@lglawfirm.com.

This article was prepared by Brian Sledge and Adriane "Addie" Crimmins of Lloyd Gosselink Rochelle & Townsend, P.C.'s Government Relations Practice Group. Both are registered lobbyists with the Texas Ethics Commission. If you have any questions concerning legislative issues or would like additional information concerning the firm's legislative tracking and monitoring services or legislative consulting services,

NOTICE

The TxSWANA Board of Directors is accepting Requests for Proposals to Host the 2015 TxSWANA Annual Conference and/or 2015 TxSWANA State Road-e-o events. Proposals should be sent to the TxSWANA President detailing proposed date(s), location, amenities, and level of commitment. Questions concerning proposals should be directed to the President at 806-378-9337. The TxSWANA board will review and evaluate proposals with the intent to identify and select venues for the Annual Conference and the TxSWANA State Road-e-o.



City Of Tampa

Solid Waste Supervisor

FLSA: Exempt

SALARY RANGE: (S10) \$41,787.20 - \$62,587.20 a year

JOB CODE: 380700

BENEFITS: Health, vision, dental, and life insurance; annual and sick leave; paid holidays; pension and tax-deferred compensation (457) plans; and more.

<u>JOB PURPOSE</u>: The selected candidate will perform duties involving supervising routine and specialized residential and commercial refuse collection tasks in a designated area.

KEY RESPONSIBILITIES:

- Coordinating the assignment of refuse collection vehicles and equipment for daily use.
- Implementing and overseeing the ongoing development and presentation of mandated divisional safety programs to meet City of Tampa requirements.
- Inspecting collection tasks being performed daily to ensure proper operation of equipment and adherence to work methods, standards and safety practices.
- Using independent judgment to provide supervision and leadership to department personnel under the span of control.
- Receiving and logging customer service concerns into a computer based data service system and taking appropriate action.
- Determining whether correct service charges for businesses and apartment houses are being assessed.
- Evaluating work unit procedures and making adjustments to ensure efficiency and effectiveness of operations.
- Preparing and presenting oral reports, written reports, annual performance evaluations, data analysis reports, written safety record reports.
- Participating in efficiency studies, helping establish efficient routes, implementing cost saving strategies, monitoring customer service delivery and directly supervising 21 team members.
- Interpreting collection rules and regulations.
- Supervising subordinate employees.
- Providing timely guidance and feedback to assist subordinate employees and strengthen specific knowledge/skill areas needed to accomplish tasks or resolve concerns.
- Responding to vehicle accident investigations, workers compensation and property damage claims.
- Completing accident and injury reports.

Performing related work as required.

DESIRED KNOWLEDGE, SKILLS AND ABILITIES:

- Considerable knowledge of industry safety standards pertaining solid waste collection operations.
- Knowledge of methods, materials, techniques, and equipment used in a variety of refuse removal activities.
- Knowledge of the city, its geography and street networks.
- Knowledge of the operation and care of vehicles and equipment utilized in solid waste activities.
- Knowledge of vehicle maintenance scheduling techniques and procedures.
- Knowledge of effective supervisory techniques.

- Knowledge of occupational hazards and safety precautions.
- Knowledge of construction, assembly, and maintenance requirements of diversified refuse collection vehicles and equipment.
- Knowledge of materials, supplies, tools, and equipment stored and/ or used in solid waste operations.
- Knowledge of clerical and financial record keeping as employed in warehousing operations.
- Ability to plan, assign, supervise, and review the work of subordinate employees.
- Ability to establish and maintain effective working relationships with employees, officials, and the general public.
- Ability to understand, interpret, and effectively carry out written and oral instructions.
- Ability to maintain records and prepare concise oral and written business reports including but not limited to: annual performance evaluations, data analysis reports, written safety record reports.
- Intermediate working knowledge of word processing computing concepts, components and operations.
- Intermediate working knowledge of spreadsheet computing concepts, components and operations.
- Intermediate decision making skills to manage workloads, conflicts, personnel issues.

Ability to utilize Global Positioning Systems (GPS) to manage resources accordingly.

QUALIFICATIONS: High-school or vocational-school graduation and three (3) years progressively responsible experience in a solid waste operation, including six (6) months supervisory experience; or an equivalent combination of training and experience.

LICENSES/CERTIFICATES:

- ●Possession of a valid Florida Commercial Driver's License, Class "B" with Air Brakes. (Submit photocopy of CDL with application.)
- •Ability to obtain NIMS levels 100, 200 and 700 and HAZWOPER and SWANA (Solid Waste Association of North America) certifications within 6 months of employment.

EXAMINATION: Evaluation of education and experience. Drug testing is processing. all pre-employment included in CLOSING DATE FOR APPLICATIONS: Position open until further notice. HELPFUL HINTS FOR COMPLETING YOUR APPLICATION: Please register as a MyTampaGov member before you begin the application process. This will enable you to view and re-use information from previously submitted applications to complete and submit any future applications. Please make certain your application is complete and the information you provide clearly demonstrates that you possess the minimum job qualifications as stated in the job announcement. Resumes can be submitted in support of an application, but not in lieu of an application. Resumes and copies of certifications or other required documents may be attached to your online application or e-mailed to careers@tampagov.net.

<u>APPLY AT:</u> City of Tampa, Employment Services City Hall, 2nd Floor, corner of Kennedy Blvd. & Florida Avenue

MAILING ADDRESS: 306 E. Jackson St., Tampa, FL 33602

HOURS: 8 AM - 5 PM, Mon. thru Fri.

TELEPHONE: 813/274-8911; "Job News" Line...274-8115

FAX: 813/274-8913

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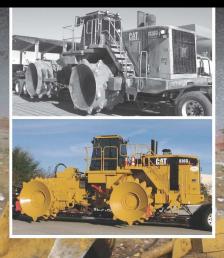


North Texas Municipal Water District Solid Waste System Manager

The North Texas Municipal Water District (NTMWD) is currently seeking applications for Solid Waste System Manager. NTMWD provides post-collection disposal services for Solid Waste Member Cities Allen, Frisco, McKinney, Plano, and Richardson, as well as surrounding communities generally within rapidly-growing Collin County and surrounding counties. This position reports to the Solid Waste System Officer and is responsible for all matters pertaining to solid waste operational excellence; including safety, compliance, operation, equipment maintenance, and administration of three transfer stations, one operating landfill, two closed landfills, and contract administration of a compost facility. Overall, NTMWD manages approximately 3,000 tons per day, including nearly 2,000 tons per day through our three transfer stations. For additional information regarding the position and instructions for applying, please visit our website www.ntmwd.com.







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TXSWANA Chapter and TXSWANA Member Cities Receive Awards at SWANA's 2013 Wastecon Conference & Show in Long Beach, CA



LEFT: The TXSWANA Chapter wins the award for the Largest Membership Increase for all SWANA chapters.

RIGHT: City of Denton's Alana Presley was presented with a Silver Excellence Award in the Public Education Category for their Trashion Fashion Runway Program.

BOTTOM: The City of El Paso received a Silver Excellence Award in the Collections Division Category.







2013 TXSWANA Jack C. Carmichael, P.E. Scholarship Winners



The TxSWANA Scholarship committee recommended, and the TxSWANA Board of Directors approved the following individuals for Scholarships. Congratulations to each !!!



Ms. Sonia Samir Student Member Arlington, TX



Ms. Miranda Reinhard

TxSWANA Sponsor-Jon Reinhard

Corpus Christi, TX



Mr. Anthoni Cognasi

TxSWANA Sponsor-Rick Cognasi

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Mr. Tyler Hardee
TxSWANA Sponsor-Donald Hardee
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Mr. Reza Broun

TxSWANA Sponsor-Melanie Sattler

Arlington, TX



Solid Waste Safety in 2014



by David P. Vartian

As the days go by I am getting a little worried. When I was young, many people told me that I resembled my Dad, but I had many of my Mothers attributes. An Aunt would pinch a check, an Uncle would reminisce about the old days when he and my parents were young, and even old family friends would make comments. I was not sure at that time if that was a good thing or not, and for sure I did not fully appreciate the significance of the events, or the commentary. However, like many young people, my opinions have changed over time. I once thought I had all the answers and my parents were way off track. Now that I have seasoned a bit, my views have changed. I now say, "well....maybe they had a good point", "maybe they did know something that I didn't", and time goes by and opinions change. As I think about the conversations I had with my Dad, a

few things come to mind. He often said things like, "when you are busy time goes by quickly" and "as you get older....time goes by ever so fast". Well to my chagrin, I think I am sounding like my Dad more and more every day. Oh well, I feel sorry for my two boys.

As I look at the calendar, I ponder and ask, "Where has this year gone?" It sure went fast. Yes, I have been busy as I know many of you have been as well. I truly enjoy my occupation and I believe I work in a very interesting field and with a great organization. Enjoying what you do helps make the days go quickly, especially when you see results. As I look to make a difference and a positive impact to my organization, I am moving my focus to 2014. WOW!! 2014! Where have the

years gone? (Continued on page 12)





Use S.M.A.R.T.

We're part of the Solution!

In 2014, what will you do to improve worker safety? As I look to the New Year, I am focusing on a few issues where I can help improve the safety of my employees.

The first thing I plan to do in 2014 is work to improve worker safety. How? I need to gain consensus and a focus. This is some of what I plan to do, and I encourage you to do the same.

Engage your drivers and team. A majority of accidents and injuries occur as a result of unsafe behavior. Be the champion of efficiency by encouraging smart practices.

Make safety personal for your team members. Bring safety home so they better appreciate the consequences of unsafe acts.

Become the manager that you know you are. Figure out how to motivate your team to change their unsafe behaviors.

Get visual! Yes, use photos and video to reach your team's emotions. Most staffers will respond better to visual stimulus than written communication.

Improving our safety in 2014.....what can we all do?

Review safety data. Look for the target areas that we can impact. Look to see what our most common injuries and accidents are and work to run interference to reduce them.

What can some of the data tell us? What time of day do our injuries and accidents occur? Figure out what correlation this may have.

Look to see what our costliest events are. Target these first. Engage your team to learn, to understand, and to appreciate. One significant action you can take is one that has recently worked for me. Become that "Undercover Boss" ... observe your routes and operations. Get out in the field more often and take a look for yourself and view how your team conducts their operation. Personally champion the use of proper PPE, use of seat belts, proper speed, and safe backing (using ANSI standards). Reiterate the use of turn signals and courteous driving. Remind everyone that you are concerned about distracted driving issues like debris in the vehicle or the use of cell phones. Let your staff see you doing a pre-trip inspection on the vehicle you use or personally audit individual pre-trip forms.

I hope these tips and editorial about solid waste safety helps make you and your team think about safety more, as well as understand that time goes by quickly. Encourage your team to make a difference every time they can. Remember yesterday is history, tomorrow is not guaranteed and today is a gift, that is why we call it the present. Stay safe and have a little fun!

David P. Vartian, Operations Supervisor City of University Park University Park, Texas 75205



The **Safety Management and Resource Team** is a network of Safety professionals organized to effectively share methods of injury and collision prevention. Contact Rusty Cockerham at (972) 205-3738 to obtain safety support, exchange safety strategies, or to arrange an onsite audit of your work practices.

2013 SWANA INTERNATIONAL ROAD-E-O WINNERS



TRANSFER TRAILER

1st Place—Raul Perez, San Antonio

LANDFILL MECHANIC

2nd Place-Mark Bartek, Denton

ARTICULATED RUBBER TIRE LOADER

2nd Place—Bert Woods, Denton

COMPACTOR

3rd Place-Juan Trivizo, El Paso

FRONT LOADER

1st Place—Stan Flores, Denton

ROLL OFF

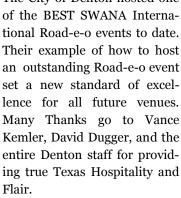
2nd Place—Willie Everline, College Station





BOTTOM LEFT: Top Gun Landfill — Jamie Hoffman from Florida

BOTTOM RIGHT: Top Gun Mechanic — Scott King from Utah









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TXSWANA CONFERENCE AUSTIN, TEXAS

APRIL 6-9, 2014





MEMBERSHIP

We Welcome the Following New Members (Through Nov. 11, 2013)

Birch Plastics Raymond Benavidez City of Austin Robert Lang

Mike Castillo **Maverick County Solid** Paul Larghe Waste Management Inc.

> Waste Authority Candilyn McLean **Brazos Valley COG**

Brad Davenport City of San Antonio Adam Mehevec Civil and Environmental

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at Arlington **Bart Ramiro**

Waste Management Logistics

Jeff Knebel City of Round Rock

Calendar of Events

