



Updates to PFAS Lawsuits in Johnson County

by Mattie Neira, Lloyd Gosselink

In February 2024, a group of property owners in Johnson County, Texas (“Plaintiffs”), filed suit in a the Baltimore County Circuit Court against Synagro Technologies, Inc. (“Synagro” or “Defendant”) for product liability, negligence, and private nuisance, alleging that the Defendant should have known the fertilizer that they produced, sold, and/or land applied was unreasonably dangerous and failed to provide adequate instructions or warnings. The Plaintiffs later added Renda Environmental, Inc. (“Renda”) (collectively with Synagro, the “Defendants”) as an additional party. After numerous arguments and hearings on jurisdiction (i.e. which court the proceeding should be held in), the case ended up in the U.S. District Court for the Northern District of Texas in February 2025, where it now continues to move forward.

The Plaintiffs claimed in their initial petition that livestock in the area were dying as a result of fertilizer applied to neighboring properties migrating onto their own. The petition included statements from various professionals, finding that testing of the impacted animals showed high levels of per- and polyfluoroalkyl substances (“PFAS”) – hundreds of times the limits set by some states (such as Michigan and Maine).

In March 2025, the Defendants filed a Motion to Dismiss and provided information from a competing scientific study (which was not published). The Defendants made the motion under the Texas Right to Farm Act, claiming that farmers that decide to use fertilizers, including biosolids, are strongly protected under the act. More notably, Defendants also made claims of derivative governmental

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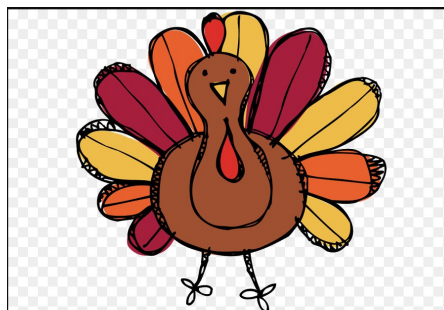
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Message from the President

by Brian Boerner

It is an honor to serve as TxSWANA's president for the 2025–2026 term, which began on September 1. Representing the public sector of Texas's solid waste industry is both a privilege and a responsibility, and I'm committed to making sure our chapter continues to provide leadership, training, and advocacy to advance safe, sustainable, and effective solid waste management across the state.



I want to begin by thanking the volunteer officers and directors who serve on the TxSWANA Board of Directors, as well as the board's representatives who provide critical assistance with its work. Their expertise, dedication, and hard work keep this organization moving forward. None of what we accomplish would be possible without the time and talent they give so generously.

As solid waste professionals, our work is essential. Every route, transfer station, landfill, and recycling facility plays an important part in protecting public health by preserving the environment, and supporting the quality of life in our communities. TxSWANA's role is to make sure you have the training, resources, and connections to do that work safer, smarter, and more sustainably.

This year has been important at the Capitol. I'm pleased to share that, with the guidance of TxSWANA's advocacy partner, our chapter was able to provide input that helped prevent several proposals from moving forward that could have negatively impacted our industry. This shows the value of TxSWANA's presence in Austin and the importance of continuing to engage in policy discussions that affect the work we do every day.

Looking ahead, mark your calendars for the 2026 TxSWANA Conference in El Paso next April. Each year, this event brings hundreds of us together to learn, connect, and celebrate the progress being made across Texas. El Paso will be a fantastic host city, and registration will open soon.

Another highlight is the TxSWANA Road-E-O, hosted next June by the North Texas Municipal Water District in Melissa, about 40 miles north of Dallas. The Road-E-O isn't just about technical skill, it's also about friendly competition, pride in individual achievement, and pride in the organizations that send competitors. It's a celebration of the men and women whose work keeps Texas communities clean and healthy.

If you have questions or would like to become more involved with TxSWANA, please feel free to reach out to me or any member of the Board of Directors and we'll be glad to help get you plugged in.

Clifton Gillespie

(Continued from page 1)

immunity, asserting that they received the biosolids from the City of Fort Worth, and therefore acted as an agent for the City when making biosolids available for beneficial reuse such as fertilizer.

In July 2025, the Cities of Fort Worth and Austin, along with the Trinity River Authority (collectively, “Amici”), as entities that either directly provided biosolids to the Defendants and/or produce similar biosolids to that at issue in the case, filed amicus briefs in support of the Defendants’ governmental immunity arguments. Amici cited to Title 30, Texas Administrative Code Section 312.11(a), stating that publicly owned treatment works “are required by the State of Texas to remove sewage sludge from their plants, whether through land application, incineration, landfilling, or surface disposal.” Amici further included statements that municipalities are required by law to manage sewage, and thus biosolids, but are passive receivers that have no say in the contents, urging the importance of governmental immunity in the treatment of biosolids. Amici also referenced the Environmental Protection Agency (“EPA”) Administrator Zeldin’s announcement to follow a “polluter pays” principle when it comes to PFAS, and urged the legislature to codify a passive receiver exception to statutes such as the inclusion of PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (also known as Super Fund). Such “exception” is currently

only provided in guidance. The court has yet to decide on these arguments.

Shortly after their initial petition was filed in 2024, the Plaintiffs also filed suit against the Environmental Protection Agency (“EPA”) in federal court in June 2024, alleging that EPA has a non-discretionary duty to regulate PFAS in biosolids, which it failed to fulfill. This argument was brought under the citizen suit provision of the Clean Water Act (“CWA”). Under this provision, the Plaintiffs argued that the CWA directs EPA to produce a biennial (every two years) report reviewing and discovering new toxins and to promulgate regulations on identified toxins within nine months.

After briefing on the claims, a federal judge dismissed the lawsuit against EPA in its entirety in late September 2025, finding that the alleged two-year deadline applies only to the review itself, not to identifying or regulating newly identified pollutants, and that the court does not have jurisdiction over the case. The Plaintiffs are undecided on whether they will appeal at this time.

Mattie Neira is an Associate with Lloyd Gosselink Rochelle & Townsend, P.C.



TxSWANA hosted its annual Truck, Mechanic and Heavy Equipment Road-E-O in Houston, TX in June. The Road-E-O highlights the extreme skills of the operators and mechanics throughout the state. This year's event saw participants from across the state participate in 11 different events representing the solid waste industry. The winners came from 7 different organizations. Also, this year about a third of the participants were new to the Road-E-O! The first and second place winners are eligible to compete in the International Road-E-O which this year will be in Florida. TxSWANA would like to thank Houston for a great event and again congratulate all of the participants!

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TXSWANA CONFERENCE

APRIL 26-29, 2026



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MEET THE DIRECTOR

Mike Friesen is the Director of Solid Waste for the North Texas Municipal Water District (NTMWD). Mike is responsible for strategy, planning, and management oversight of the District's Solid Waste System and Fleet Operations. This responsibility includes leading a staff of 118 team members and managing a \$50 million annual budget. The NTMWD regional Solid Waste System includes three transfer stations, one operating landfill, and two closed landfills. The NTMWD solid waste system serves approximately 900,000 residents in six counties. The transfer stations are permitted to process up to 4,125 tons per day and the landfill accepts more than 4,100 tons per day. These totals continue to increase annually in the North Texas rapidly growing geographic region. The District's Fleet Department consists of an on-road, heavy-duty truck shop plus a light-duty service center. The Fleet Department serves nearly 1,000 District vehicles and ancillary units.



Mike is a member of the Solid Waste Association of North America and serves on the North Central Texas Council of Governments Resource Conservation Council. Mike also serves as a member of the Facility Conformance Subcommittee.

Mike has a Bachelor of Science degree in Civil Engineering from Oklahoma State University. Mike currently possesses a Class A Operator License from the Texas Commission on Environmental Quality.

Mike joined the TXSWANA Board of Directors after he was elected during the past Board elections. His term began on Sept. 1, 2025, and runs through Aug. 30, 2027.

Welcome Mike !!!

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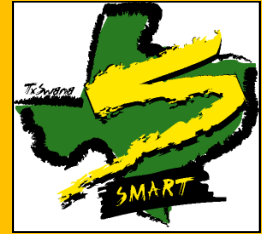
Community

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Common Fires Hazards in Solid Waste Management

by Janet Goode, City of Dallas



October is recognized nationally as **Fire Safety Awareness Month**, and this year our focus is on fire prevention within Solid Waste Management operations. Due to the wide variety of materials we handle daily, fire hazards are a constant concern in our facilities, vehicles, and collection routes. Understanding the risks and following safe practices is critical to protecting both our employees and the communities we serve.

Lithium-ion batteries and electronic devices – When compacted or crushed in collection trucks, these can spark, overheat, and ignite surrounding waste.

Propane tanks, chemicals, and flammable liquids – Even small amounts can trigger a fire or explosion when mixed with regular refuse.

Hot ashes and smoldering debris – Items that appear extinguished may still carry heat and can reignite hours later in containers or trucks.

Overfilled or improperly stored containers – Not only do they increase the overall “fire load,” but they can also obstruct emergency access.

Debris on engine compartments of cab-over trucks – With cab-over collection trucks, the engine is under the cab and the exhaust system is directly behind and beneath the rear of the cab. Trash, leaves, or other debris that fall or blow into this area can accumulate on hot components such as the engine block, exhaust manifold, or turbocharger. (This can be a particular hazard for ASL cab-over trucks collecting unbagged recyclables.) When these materials come into contact with high heat, they can ignite quickly and cause a fire.

Fire Prevention Best Practices

Identify and separate hazards: Always look for and remove batteries, propane cylinders, and chemicals from waste streams. These items must be managed through approved hazardous waste channels.

Educate and engage the public: Customers should be reminded to use designated recycling centers and hazardous waste programs for dangerous materials. Every conversation and outreach effort reduces risk.

Maintain vehicles and equipment: Regular inspections of compactors, hydraulic systems, and electrical wiring reduce the chances of mechanical malfunctions that could ignite waste loads.

Clean debris and leaves off the engine and transmission of collection vehicles. Do not let it accumulate as this contributes to an increased fire hazard.

Be emergency ready: All employees should know the locations of extinguishers, fire alarms, and emergency exits. In the event of smoke or fire, quick reporting and evacuation are critical.

Promote a no-smoking environment: Smoking near collection areas, transfer stations, or inside trucks significantly increases fire risk and must be avoided at all times.

Clean engine and exhaust areas regularly: With cab-over trucks, the engine, exhaust manifold, and turbocharger are more exposed directly behind and beneath the cab, creating very hot surfaces. Trash, leaves, and other debris can collect there and pose a serious fire hazard. Make it part of your daily routine to clear these areas so nothing is left to ignite.

Our Commitment

Fire safety is not a one-time initiative it requires constant attention. By following these practices, you help protect your fellow employees, preserve company property, and ensure the safety of the communities we serve. Your vigilance and quick action can make the difference in preventing an incident.

Thank you for making safety a priority this October and throughout the year.

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Janet Goode is the S.M.A.R.T Committee Vice Chairman, and she is with the City of Dallas, Texas.

This Solid Waste Safety Inspiration is brought to you by your Safety Management Resource Team (S.M.A.R.T). Remember, it’s SMART to be Safe! If you should have any solid waste safety questions feel free to reach out to Janet.goode@dallascityhall.com or dvar-tian@uptexas.org.



Use S.M.A.R.T.
We’re part of the Solution!

MEMBERSHIP UPDATE

We Welcome the Following New & Returning Members (through Nov. 22, 2025)

Muneer Ahmed	Multan, Punjab
Timothy Alexander	City of Deer Park
Jeffrey Bailey	Leadpoint Business Services
Siddhesh Borkar	Texas A&M Univ.
Isaiah Charles	St. Mary's Univ.
Hunter Chevaillier	Vanguard Truck Centers
Brandon Dayvault	National Equipment Dealers
Grace DeCarlo	The Woodlands Township
Debra Elliott	Chambers County
Chris Enriquez	City of Canyon
Rick Gillespie	Revive Environmental Technologies
Lindsay Graf	City of Plano
Gregory Greene	Waste Connections
Mustafa Haque	SMU
Heather Harrington	City of Plano
Larius Hassen	City of Houston
Erl Henry	Waste Industry Training
Tyler Hurd	City of Arlington

Isabella Lanham	1 Stop Landscape Supply
Jennifer Luk	Kinetrex Energy
Terry Maddux	City of Seadrift
Juan Martinez	Vanguard Truck Centers
Sarah McBee	Enbridge Gas Inc.
Christopher Medina	City of San Antonio
Shana Merlin	Rush Refuse Systems
Hunter Moser	RDO Equipment
Kit Payne	County Waste Service
Lauren Richards	City of Plano
Leonell Scarborough	Hydrex Environmental, Inc.
John Smith	City of Lufkin
David Snyder	Lexington, KY
Bryant Soltero Solano	Parkhill
Bradley Sullivan	Stantec
Michael Thibodeaux	City of Plano
Austin Weise	City of McAllen
Elsbeth Willis	SWANA
Linda Yi	City of Frisco

Calendar of Events

BOARD OF DIRECTORS

2026 MEETINGS

Jan. 9	University Park
Feb. 13	Austin
Mar.13	Denton
Apr. 29	El Paso
May 8	Austin
June 6	Melissa
July 10	San Antonio
Aug. 14	Dallas

2026 TXSWANA Annual Conference
April 26-29, 2026
El Paso, TX

2026 TXSWANA Road-e-o
June 5-6, 2026
Melissa, TX