



TCEQ Advanced Review of Compliance History – What Is It, What Is New, and Why Does It Matter?

by Mattie Neira, Lloyd, Gosselink, Rochelle & Townsend PC

I. Introduction

Historically, the Texas Commission on Environmental Quality (“TCEQ”) has reviewed and posted compliance history for all regulated entities (CNS) and facilities (RNs) once a year. This year, the regulations covering compliance history have been updated (discussed in further detail below), including how often compliance histories is reviewed. After TCEQ’s review, but before final publication, a regulated entity may opt in to review, or have an authorized representative such as an attorney review, and, if necessary, provide comments on the proposed compliance history. While TCEQ does a thorough job reviewing compliance history, they have a massive number of entities and facilities to review, and scoring may occasionally be incorrect.

II. What is Compliance History

Compliance History is TCEQ’s rating of how well a regulated entity has complied with TCEQ’s environmental requirements over set a period of time (generally, the past five years). A score is assessed to both the entity itself, and to each of its facilities. Compliance history is important as TCEQ relies on

this score when making permitting decisions, deciding whether to pursue enforcement and how large a penalty to seek, determining whether a site qualifies for announced (rather than unannounced) investigations, and deciding whether a regulated entity can participate in certain innovative or streamlined regulatory programs, among other things.

Under Title 30 Texas Administrative Code Chapter 60, TCEQ determines the final compliance history score by considering numerous positive and negative criteria, including the number and severity of violations documented in final enforcement orders, court judgments, and criminal convictions during the applicable compliance period, as well as any environmental audits, early compliance, and voluntary pollution-reduction efforts undertaken by the entity. Each score is assigned to one of three performance categories: “High” (a score between 0.0 and 0.10), “Satisfactory” (a score between 0.10 and 55.0), and “Unsatisfactory” (a score above 55.0). These scores have historically been recalculated annually on September 1st.

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TXSWANA

Officers & Board of Directors

(effective September 1, 2026)

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Shaquawanna Carter
City of Midland
P.O. Box 1152
Midland, TX 75702
(432) 685-7226
slcarter@midlandtexas.gov

Vice President:

Scott Pasternak
Burns and McDonnell
8911 N Capital of Texas Hwy
Suite 3100
Austin, TX 78759-8496
(512)-589-3411
spasternak@burnsmcd.com

Treasurer:

Nicholas N. Ybarra, P.E.
City of El Paso
7968 San Paulo Drive
El Paso, TX 79907
(915) 212-6025
ybarraNN@elpasotexas.gov

Secretary:

Mike S. Friesen, EIT
North Texas Municipal Water District
501 E. Brown Street
Wylie, TX 75098
(469) 626-4339
mfriesen@ntmwd.com

Past President:

Clifton Gillespie
City of Dallas
3112 Canton St, Suite 200
Dallas, TX 75226
(214) 671-5345
clifton.gillespie@dallascityhall.com

Director & SWANA Regional**Director:**

Brenda A. Haney, P.E.
City of Denton
1527 S Mayhill Rd
Denton, TX 76208
(940) 349-8056
Brenda.haney@cityofdenton.com

Advisory Committee Delegate**& Director:**

David Vartian
City of University Park
3800 University Blvd
Dallas, TX 75205
(214) 987-5454
dvartian@uptexas.org

Director:

Samantha Best
Brazos Valley Solid Waste
Management Agency
2960 SH 30
Anderson, TX 77830
(979) 764-3878
sbest@bvswwma.com

Director:

Rey Flores
City of Corpus Christi
P.O. Box 9277
Corpus Christi, TX 78469
(361) 826-1975
reyf@cctexas.com

Director:

Richard McHale
City of Austin
P.O. Box 1088
Austin, TX 78767
(512) 974-4301
richard.mchale@austintexas.gov

Director:

Jeffrey S. Reed
Lloyd, Gosselink,
Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, TX 78701
(512) 322-5835
jreed@lglawfirm.com

Director:

Michael G. Rice, P.E.
City of Abilene
555 Walnut Street
Abilene, TX 79601
(325) 676-6386
michael.rice@abilenetx.gov

Director:

Todd E. Stiggins, P.E.
Parkhill
4222 85th Street
Lubbock, TX 79423
(806) 473-3683
tstiggins@parkhill.com

Director:

Josephine Valencia
City of San Antonio
PO Box 839966
San Antonio, TX 78283
(210) 207-6406
Josephine.valencia@sanantonio.gov

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Message from the Past President

by Clifton Gillespie

As my term as TxSWANA President comes to a close, I want to take a moment to reflect on the past year and, most importantly, thank each of you for the opportunity to serve.

It has been a privilege to represent TxSWANA and work alongside professionals who are deeply committed to advancing solid waste and resource management throughout Texas. Over the past year, our chapter has continued to bring our industry together through education, professional development, networking, and the exchange of ideas and best practices.

I am especially grateful to our board members and representatives, volunteers, sponsors, partners, and everyone who contributed their time and expertise during the past year. TxSWANA succeeds because members are willing to step forward, share what they know, learn from one another, and invest in the future of our profession.



As I pass the gavel to our incoming President, Shaquawanna Carter, I am excited about what lies ahead for the chapter. Shaquawanna brings her own perspective, experience, and commitment to our profession, and I know TxSWANA will benefit from her leadership. I encourage our membership to give her the same support, engagement, and enthusiasm that you have shown me during my term.

I also want to leave you with one challenge: make the most of your SWANA membership. Membership has value only when we use it. Attend a training. Participate in a committee. Pursue a certification. Connect with someone facing the same operational challenge you are. Share an idea that worked in your organization. And when you find value in SWANA, encourage a colleague to get involved as well. Our professional community becomes stronger every time we bring another person into it.

One of the best opportunities to do that is RCon. RCon 2026 was held September 29 – October 2 in St. Louis, Missouri, bringing together solid waste and resource management professionals from across North America. I encourage our Texas members to attend RCon when able, in order to take advantage of the educational and networking opportunities, and I challenge you to invite colleagues who may not yet be actively engaged with SWANA to join you.

Although my year as President is ending, my involvement with TxSWANA certainly is not. I look forward to continuing to support the chapter, our incoming leadership, and the professionals who make this organization such a valuable part of our industry.

Clifton Gillespie

(Continued from page 1)

III. How does a regulated entity review their draft Compliance History

Before TCEQ finalizes and posts compliance history scores to its website, regulated entities have an opportunity to review and, if necessary, provide comments on the draft scores through the Advanced Review of Compliance History (“ARCH”) program. To participate, a regulated entity must register for ARCH between August 1st and August 31st of each year. Once registered, entities can log in beginning September 15th and have a 30-day window beginning September 15th to review their calculations and assigned points and submit comments, corrections, or requests for reclassification before TCEQ finalizes and publicly posts the ratings. It is important to note that a registered entity does not have the opportunity to comment if it does not register by the registration deadline; it must wait until the next review period.

Registration and additional information are available on TCEQ's Compliance History webpage at www.tceq.texas.gov/compliance/enforcement/compliance-history/arch.html, or by contacting TCEQ's compliance history staff at (512) 239-2724 or comphist@tceq.texas.gov.

While many owners / operators complete this review themselves, others opt to have an attorney who is familiar with the regulations and scoring parameters assist with the review and submit comments.

IV. Updates to Compliance History Review

On January 14, 2026, TCEQ adopted significant revisions to Chapter 60, its compliance history rules, which took effect on February 5, 2026. As such, this is the first round of ARCH incorporating these changes. The key changes include, but are not limited to: Twice-yearly ratings. TCEQ will now complete a review of compliance history on both March 1st and September 1st each year, rather than only once annually. ARCH registration will accordingly open twice a year.

Registration for the March review will occur in February.

Broader violation scoring. Previously, only major violations of the same nature and environmental media counted toward repeat violator status. Now TCEQ will count minor, moderate, and major violations of the same nature and media toward repeat violator status.

New complexity-based point system. Previously, TCEQ assigned only three complexity point categories based on the size and nature of an operation. Those categories have now been increased to five categories. This is tied to the previous update to repeat violator changes, as complexity points are utilized to scale that threshold with the size and scope of operations. This is because a large facility with many permits across multiple environmental media naturally has more potential to violate than a small, single-permit site, so a flat threshold would unfairly penalize larger operations. This change thus provides a more fine-tuned scale so sites aren't over- or under-classified.

These changes are noteworthy as more violations now count, and count individually, toward repeat violator status. Therefore, entities that previously stayed comfortably below a threshold may find themselves closer to or even over the line under the new formula, even without any change in their actual compliance conduct. Coupled with twice-yearly recalculations, companies have less time between ratings to address root causes before the next classification is run. Regularly registering for and using ARCH may be an increasingly important tool for catching and correcting classification errors before they affect permitting, inspection frequency, or penalty calculations.

This article is for general informational purposes only and does not constitute legal advice.

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

2026 TxSWANA Scholarship WINNERS !!!



Stephanie Friesen
Sponsor Mike Friesen



Gabby Vargas
Sponsor Franqui Vargas



James Vartian
Sponsor David Vartian



Caleb Friesen
Sponsor Mike Friesen



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2026 TxSWANA Road-e-o

WINNERS !!!

Rear Loader

- 1st Scotty Brown, Plano
- 2nd Alonzo Zermeno Jr, Austin
- 3rd Briana Miller, Irving

Automated Side Loader

- 1st Denzel Locue, Austin
- 2nd Gabriel Pauda, Plano
- 3rd Jesus Jarquin, El Paso

Front Loader

- 1st Manual Lujan, Lubbock
- 2nd Alfonso Piedra, Denton
- 3rd Alfredo Marco, El Paso

Transfer Trailer

- 1st Aaron Kavanaugh, NTMWD
- 2nd Antoniu Pintea, NTMWD
- 3rd Gerardo Saucedo, San Antonio

Roll-Off

- 1st Tommy Wilks, NTMWD
- 2nd Abel Garcia, El Paso
- 3rd Cassie Bulger, Austin

Truck Mechanic

- 1st Blake Baxter, NTMWD
- 2nd Eddie Martinez, Austin
- 3rd Rene Regalado, Austin

Dozer

- 1st Diego Castro, NTMWD
- 2nd Dylan McElroy, McKinney C&D
- 3rd Colten Erwin, NTMWD

Compactor

- 1st Nate Acuff, NTMWD
- 2nd Donald Fabian, Irving
- 3rd Manuel Perez, El Paso

Articulated Dump Truck

- 1st Michael Salazar, NTMWD
- 2nd Felipe Tellez, Denton
- 3rd - NA

Rubber Tire Loader

- 1st Fred Williamson, NTMWD
- 2nd William Tonlinson, NTMWD
- 3rd Brandon Norman, NTMWD

Landfill Mechanic

- 1st Robert Quinonez, NTMWD
- 2nd Donnie Cates, NTMWD
- 3rd Jayk Smith, San Antonio

Team Award - Landfill

- 1st NTMWD

Team Award - Truck

- 1st NTMWD

Top Gun - Truck

- 1st Tommy Wilks

Top Gun - Mechanic

- 1st Robert Quinonez

Top Gun - Operator

- 1st Diego Castro



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YP Update!



TxSWANA Young Professionals Update

The Texas SWANA Young Professionals group continues to grow, and I want to thank everyone who has participated and helped build the YP community across Texas. As we head into the remainder of the year, I encourage our YPs to stay involved, attend events, meet new people, and take advantage of the opportunities SWANA provides to build relationships throughout our industry.

RCon 2026 – St. Louis, MO

Our last major SWANA event was RCon® 2026, and I was excited to see everyone there! RCon was a great opportunity for Young Professionals to expand their network beyond Texas, meet others from across the industry, and take part in education, technical sessions, tours, and networking.

Stay plugged in as new opportunities will become available.

As always, if you have questions about TxSWANA Young Professionals, want to become more involved, or have an idea for a future YP event, please reach out to me directly.

Devon Zygarlenski

Chair, TxSWANA Young Professionals (YP's)

Cell: (737) 247-9674

Work: (945) 324-8271

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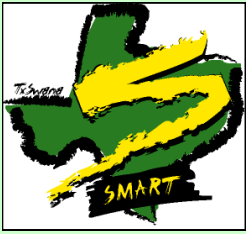
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Dave Yanke, CEO/President
dyanke@newgenstrategies.net
(512) 649-1254

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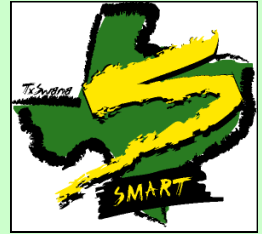
Allison Trulock, Managing Director
atrulock@newgenstrategies.net
(407) 247-2370





Seven Steps in Recognizing Workplace Violence

by David Vartian, City of University Park



As solid waste professionals, we are not sheltered from the possible. The possible success, the possible inquiry, the possible injury.....the possible.... We consistently plan our work strategies for many possibilities, and we strive to foster cultures where continuity of operations is a given during times of turbulence. We implement succession planning policies and procedures so that our operations will grow and foster. And we strive to learn new techniques to promote efficiencies that include practices that champion a decrease in both injuries and accidents. However, what we don't do as well is focus on an area that has seen a growth in concern.

According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (2021), 521 of the 4,349 fatal work-related injuries were classified as workplace homicide. That is 12%, which is frightfully astounding. This is workplace violence in its most extreme form, and workplace violence is the **FOURTH** leading cause of fatal work injuries. With a recent increase in workplace assaults, many work settings have observed the environmental conditions associated with workplace violence, identified them, and implemented control strategies to work to prevent these incidents from recurring.

The Occupational Safety & Health Administration (OSHA) has released a series of guidelines and recommendations involving workplace violence to the public. However, OSHA has yet to initiate official rule-making or create a true set of standards for these situations. Over 25 states have adopted their own OSHA approved standards and enforcement policies.

Workplace violence has been defined as "incidents where people are assaulted, abused or threatened in circumstances relating to work. The level of violence is typically classified as a behavior with the potential to cause harm. When workplace violence situation occurs, it can cause a challenge to worker safety, health and well-being.

Workplace violence can be separated into three broad categories:

- The lowest form is "non-physical violence" in which the assaults are primarily verbal.
- The second form is "physical violence," is used in reference to fights in which no additional weapons are used.
- The third and most dangerous form is "aggravated physical violence" in which violent acts are committed with the use of an item or weapon, such as a gun, knife or even work-related objects.

Regardless of the intensity, any form of violence should be seen as harmful to both the company and its workers. Verbal abuse can cause tension, increase stress or lead to more dangerous situations with staff. On the business side workplace violence will decrease value, staff morale and even public image. These are the possible risks along with the necessary financial compensation which comes when injuries occur within the organization. If negligence can be proven as a factor leading to a violent act, the company can come under legal attack and face large fines, compensation payments and higher insurance costs.

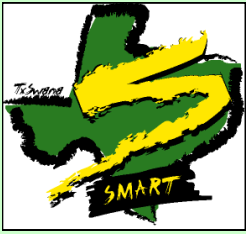
The optimum way to decrease workplace violence is to prevent it from happening. It is important to know why these violent outbreaks typically occur. While it should seem as a last result to many, violence is seen as a 'functional' behavior in psychological terms, meaning it is a way someone can get what they want, or the act provides them with some tangible benefit. What they want to accomplish can range from influ-

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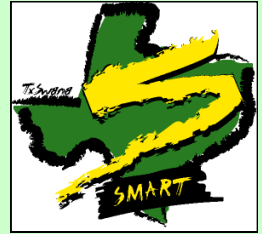
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Seven Steps in Recognizing Workplace Violence

by David Vartian, City of University Park



(Continued from page 17)

encing others to calling attention towards themselves.

The best course of action in reducing workplace violence occurrences is to build a culture of safety within the office and promote physical and mental well being. These acts can lead to a less stressful environment and potentially prevent workplace violence. Beyond prevention the next best step is to be able to "recognize" or observe a situation that can potentially escalate into a violent issue. Typically there will be an increasing set of clues that precede an act of violence; unfortunately, these clues are often ignored thus escalating the chance of an outburst.

The following 7 behaviors can be seen as potential 'Warning Signs' that may lead to eventual workplace violence. Recognizing these occurrences and properly addressing them will drastically increase workplace safety:

- 1) If a worker has a chemical dependence with any alcohol or drug which can cause an increase in paranoia or aggressive behavior
- 2) Requiring repeated instruction, repetition of errors and other concentration problems can be signs of a troubled employee
- 3) Depression can lead to outbursts so it is important to watch for signs of depression including a slowed work pace, blank facial expressions, inappropriate guilt/shame, etc.
- 4) If the worker has a history of violence
- 5) Negative reactions to poor performance reviews, especially if the individual cares a great deal of the work they are doing
- 6) Romantic obsessions which may lead to inappropriate behavior such as multiple phone calls, stalking and unwanted visits
- 7) Any form of verbal threat or other activity that is

seen as 'out of character' for a co-worker

If any of the above signs are noted from fellow employees it is critical that you speak with your employer and disclose any potential risks to the company. Once the employer is made aware of the situation it is best to develop a plan to relax the situation or calm the troubled employee down. The first job of any worker is to always be aware and be ready.

Recognizing workplace violence behavioral tendencies is critical in reducing the number of workplace violence instances. It all begins when a new employee enters the company. Are they taught to observe and encouraged to report unusual occurrences? Are plans in place to assess the situation? These are questions an employer must ask. Wherever they may find deficiencies, it is of immediate importance to find a solution to the problem.

Safety in the workplace is everyone's concern. The health and welfare of our teams are essential for us to realize the success that we strive for. The growth and development of a sound safety culture is in the best interest of everyone and understanding the concerns and issues involving Workplace Violence is one area that can make a positive impact.

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This safety tidbit is brought to you by your **TxSWANA Safety Management And Resource Team (S.M.A.R.T)**. If you should have a solid waste safety question, please feel free to reach out.

As always, please make it a Safe Day!



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MEMBERSHIP UPDATE

We Welcome the Following New Members (through Sept. 20, 2026)

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John Adams	Navusoft
Geno Albini	Lloyd Gosselink Rochelle & Townsend, P.C.
Lacy Ballard	Waste Connections
Gary Bartels	Waste Connections
Austin Bruner	Big Truck Rental
Andres Carrasco	City of El Paso
Ramon Diaz	City of San Antonio
Dinesh Dulal	Student—Clemson Univ.
Blake Ellis	City of Denton
Austin Fatjo	Waste Transfer Partners
Nicholas Galus	City of San Antonio
Sujata Gautam	City of McKinney
Jordan Giese	Blue Bell Creameries
Eric Guyer	Dickson Equipment Co., Inc.
Lundyn Harrelson	Raftelis
Syed Hassan	Mansfield, TX
Espoir Kamanzi	Bond4Waste
Chloe Keahey	Communities Unlimited, Inc.
Reagan King	Waste Connections
Kyra Kleiman	Student—Univ. of Notre Dame
Logan Lamp	Stantec
Bill Lindbloom	Polymer Products Inc.
Dreyton Lott	Beaumont, TX
Alexis Lucas	Student
Mahla Majidi	U.T. Arlington

Lawrence Maldonado	City of Albuquerque
Richard Mayenknecht	Aluminz
Tyler Montgomery	Rose Disposal Inc.
Jaime Moreno	City of Austin
Ekene Nebedum	Seagoville, TX
Jonathan Oh	Student
Andrew Papenfuss	Pine Creek RNG
Jacob Quintero	Vanguard Truck Centers
Jason Rubin	Waste Connections
Ryan Sanchez	Caterpillar
Ken Satterfield	E-Z Pack Refuse Hauling Solutions
Alex Sendegeya	NewGen Strategies and Solutions
Salem Shehadeh	Univ. of Cincinnati
Michelle Stacey	Waste Pro USA, Inc.
Anna Stechschulte	Geosyntec
Annabeth Stover	NewGen Strategies and Solutions
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William Thrasher	Communities Unlimited, Inc.
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Paul Tuckner	Atmos Technologies
Larine Urbina	Circular Action Alliance
Franqui Vargas	City of Denton
Naomi Vasquez	City of Midland
Martha Villegas-Soto	Waste Connections
John Washington	City of Denton

Calendar of Events

BOARD OF DIRECTORS **2026 MEETINGS**

Oct. 9	Virtual
Nov. 14	Austin

2027 TxSWANA Annual Conference
April 2027
Denton, TX

2027 TxSWANA Road-e-o
Information Coming Soon