



Published Quarterly for Members of the Texas Lone Star Chapter of SWANA

New and Amended Municipal Solid Waste Facilities – from Application to Permit Issuance

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

Whether an application for a new landfill or transfer station, an expansion application, or any other new permit application or major amendment to a permit made under 30 Tex. Admin. Code Chapter 330, the process of receiving a permit from the Texas Commission on Environmental Quality (“TCEQ”) can be daunting – particularly when there is opposition to a project, as is common for municipal solid waste (“MSW”) facilities. This article provides a short, step by step overview of the process an applicant may experience when their application is contested. Please note, however, that ***this article is provided as general guidance and should not be construed as legal advice nor representation. Please consult an attorney for further guidance when completing an application for submittal to TCEQ.***

1. Administrative review

After the submittal of an application, TCEQ completes a short initial review to ensure that all required aspects of the application have been included with the submittal. Once TCEQ makes this finding, the application is deemed “administratively complete” and the applicant must publish a “Notice of Receipt of Application and Intent to Obtain Permit,” also called a “NORI.” At this stage, a TCEQ docket number is assigned, and public comments are accepted on the application.

2. Technical Review

After the application is deemed administratively complete, TCEQ begins its detailed review of the specific information provided in the application in order to make

a determination that the application is protective of human health and the environment and should be granted. It is essentially unheard of for an MSW application to be granted with no revisions or discussions with TCEQ. As such, once TCEQ’s review is completed, TCEQ provides the applicant with “Notices of Deficiencies” or “NODs.” It is common to have dozens of NODs and should not discourage an applicant from proceeding. An applicant has thirty (30) days to respond to the NODs and may seek an extension if necessary.

Once TCEQ receives the applicant’s responses to the NODs, it is common for TCEQ to mark some NODs as unresolved or issue additional NODs; two or three rounds of NODs can be reasonably anticipated in most circumstances, and some NODs may require discussions with TCEQ to understand and/or work out.

Once all NODs have been resolved, TCEQ will deem the application “technically complete” and the applicant must publish a “Notice of Application and Preliminary Decision,” also called a “NAPD.” If TCEQ does not hold a public meeting, the comment period extends for thirty (30) days past the publication of the NAPD.

3. Public Meeting

If a member of the legislature requests a public meeting, or there is a “significant degree of public interest” (generally, as a rule of thumb, ten or more requests for a public meeting), TCEQ will hold a public meeting in the vicinity of the facility subject to the application. The applicant is required to publish notice of this meeting. At this meeting, both the applicant and TCEQ will make a short presentation on the facility and

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(effective September 1, 2025)

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Message from the President

by Clifton Gillespie

As winter settles in across Texas, this is a good time to stay connected with colleagues and reflect on the value of our professional community. While this season is typically quieter from an event standpoint, the strength of SWANA and TxSWANA continues to come from the relationships, shared knowledge, and ongoing solid waste industry dialogue that active membership provides.

One of the greatest benefits of SWANA membership is access to meaningful networking, high quality training, and informed industry dialogue. Your corresponding membership in our Texas Chapter extends those benefits at the state and local level, where policies, regulations, and operational realities are most directly felt. TxSWANA helps ensure these conversations happen among peers who understand Texas specific challenges and are committed to advancing our industry together.



I encourage members to stay engaged not only through our signature events like the annual conference and Road-E-O, but also by participating in our monthly TxSWANA Board meetings. These meetings are open to members and provide an excellent opportunity to hear updates, share ideas, and connect with colleagues from across the state. Meetings are held in a different Texas city each month and can be attended either in person or online. Meeting locations are published online at TxSWANA.org, and a link to participate virtually is available in the member area of the site. If you plan to attend in person, email us at MeetingRSVP@txswana.org to let us know you are coming.

Looking ahead, please be sure to mark your calendars for the TxSWANA Annual Conference, which will be held in El Paso from April 26-29. This is our premier event of the year and an invaluable opportunity for training, networking, and collaboration with your Texas colleagues. Watch your email for conference registration opening soon.

You will also want to save the date for this year's TxSWANA Road-E-O, taking place June 5 and 6, hosted by the North Texas Municipal Water District at the 121 Regional Disposal Facility in Melissa. The Road-E-O is an opportunity to recognize the skills of our truck drivers and heavy equipment operators through competitive challenges that promote safety, highlight operator expertise, and build pride and morale within participating organizations. I encourage you to begin thinking now about who from your organization you would like to attend and represent your team. There is no limit on participation, and we also welcome attendees to serve as judges. Bringing a larger team allows for broader participation and makes the event even more meaningful for everyone involved.

As always, 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. We will be glad to help get you plugged in.

Clifton Gillespie

(Continued from page 1) then take and respond to questions. After the question-and-answer period ends, at the same meeting, members of the public will be allowed to present oral public comments. Neither the applicant nor TCEQ replies to these comments live; rather, the Executive Director (“ED”) will file a formal Response to Comments (“RTC”) that addresses all written and oral comments. If the public meeting is held after the application is deemed technically complete, the end of the public meeting will be the end of the comment period.

4. Response to Comments and Contested Case Hearing Request Period

After the close of the comment period, the TCEQ ED has sixty (60) days to publish her formal RTC. However, applicants are finding that this process more often than not takes much more time than the prescribed sixty (60) days and can take as much as six months to a year if a particularly high volume of comments or particularly technical and complex comments are received.

After the RTC is filed, there is a thirty (30) day period where commenters may request a contested case hearing, if they haven’t already. Those requests must be based on comments filed during the comment period. If no hearing requests are received, the application can be set for approval on the ED’s uncontested docket. However, if *any* hearing requests are received, the application must be placed on the TCEQ Commissioners’ agenda.

5. Commissioners’ Agenda

Before the Commissioners’ meeting, the parties will have opportunities to provide briefings for the Commission’s consideration. At the Commissioners’ Agenda, the Commissioners will determine whether any parties that requested a contested case hearing are “affected parties.” If the Commissioners find that any requester meets the definition of an affected party, a contested case hearing must be held and the Commissioners will also determine which issues to refer to the State Office of Administrative Hearings (“SOAH”). SOAH is limited to the issues that the Commissioners refer.

Alternatively, if the Commissioners cannot determine or agree on whether any requester meets the definition of an affected party, the Commissioners may refer the parties to SOAH for a determination by an administrative law judge (“ALJ”).

Should an applicant wish to skip this process, they may request a “direct referral.” The benefit of such a request is primarily (if not entirely) the saving of time. Applicants are finding the setting of the application on the Commissioners’ agenda to take upwards to four months; with a direct referral, an applicant may begin the docketing process described in step 6 below immediately. The “downside” of such a request is the potential broadening of the scope of the SOAH hearing. When directly referred, no specific issues are referred and SOAH is therefore not limited on what it may consider, so long as the subject is

one that TCEQ has jurisdiction over.

6. State Office of Administrative Hearings

Once the Commissioners issue an interim order memorializing the decision(s) made in step 5 above, the applicant must work with the TCEQ Chief Clerks’ office to set a date for a preliminary hearing at SOAH. Once set, the applicant is required to publish notice of this hearing.

At the preliminary hearing, SOAH takes jurisdiction over the application and a 180-day clock starts for all steps included as part of the hearing to be completed (unless extended by agreement of the parties and the ALJ). Those steps include, but are not limited to: (1) discovery; (2) initial and expert disclosures; (3) pre-filed testimony; (4) the hearing on the merits; (5) closing arguments; and (6) the ALJ’s proposal for decision (“PFD”). ALJs generally require sixty (60) of the 180 days to prepare their PFD, leaving only 120 days from the preliminary hearing to responses to closing arguments. Also at the preliminary hearing, the parties will agree to a procedural schedule setting forth the deadlines for each of these actions, or the ALJ will provide a deadline for the parties to confer and submit a proposed schedule.

Once the ALJ files his or her PFD, the parties have 15 days to file exceptions, and another 15 days to file responses to any exceptions. The ALJ then has an unpre-scribed amount of time to re-affirm his or her previous PFD or file a revised version. Applicants often find that ALJs take this step within one (1) month.

7. Commissioners’ Agenda

The final step in the process is for the Commissioners to consider the PFD at an open meeting. At this meeting the Commissioners can: (1) follow the PFD and adopt the proposed order; (2) follow the PFD with minor revisions to the proposed order; (3) send any specific issues back for further findings by the ALJ; or (4) deny the PFD and issue a revised order with an explanation for the deviation.

8. Potential for Additional steps

If the permit is granted by the Commissioners in step 7 above, the applicant may begin operating under the new permit immediately. However, there are opportunities for parties to appeal the approval of the permit. While an appeal may take years to complete, the applicant may continue operating under the new permit unless the district court issues an injunction.

If the permit is not granted, the applicant is eligible to appeal the decision.

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



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2026 TXSWANA Conference

REGISTRATION NOW OPEN

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EL PASO, TEXAS



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<https://web.cvent.com/event/d6127e89-1350-4e96-806f-a90f8acebe63/summary>

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TxSWANA Annual Conference will be held **April 26th-29th in El Paso, Texas**

This is your invitation to be considered for a technical presentation by submitting a brief abstract with your resume. Take advantage of this opportunity to showcase you and your organizations expertise and accomplishments. Contribute your experience to the industry's collective body of knowledge by sharing your knowledge, data, lessons learned, words of wisdom, and innovative ideas, as well as raising questions and conversation about the challenges we share in the industry.

Please consider submitting your topic that address one or more of the following:

- Regulatory and legislative issues
- Safety and daily challenges or best practices
- Landfill operations, reuse, and remediation
- Equipment, personnel, and supply chain concerns
- Recycling, composting, circular economies, and other waste diversion
- Solid Waste Management facilities programming, planning, engineering or construction
- Front line supervision—tricks of the trade
- Customer service delivery
- Rerouting, handling truck breakdowns or absentee employees

Resume and Abstract Guidelines

1. Conference presentations must be approved by TCEQ to meet requirements for licensing training. Presentations must be a minimum length of 45 minutes, with 15 minutes of Q&A. You may use the entire 60 minutes, but there will not be a Q&A session following.
2. Speakers must have at least one full year of solid waste experience, but if needed to meet the minimum experience, a second speaker may tag team a presentation as long as that person has minimum experience level.
3. Submissions without all of the following information may be returned to resubmit.
 - Name of presenter(s), organization(s), picture of presenter(s), and job title(s)
 - Contact information for all speakers
 - Presentation of Project Title
 - Presentation description—limited to 75 words maximum.
 - Brief biography that highlights your expertise on the topic of your presentation. Limit your experience description to the presentation topic not to exceed 75 word.

Please include the items noted on the pdf submission form by Friday, February 13, 2026.

The submission form is found at <https://txswanaorg.starchapter.com/meetinginfo.php?id=159@ts=1764187209>

Please email any questions and all submittals to technicalpapers@txswana.org.

SAVE THE DATE!

June 5-6, 2026

TxSWANA is happy to announce that the 2026 TxSWANA Road-E-O will be held this year in Melissa, TX at the 121 Regional Disposal Facility operated by the North Texas Municipal Water District. The dates are June 5th and 6th.

Participants will navigate challenging obstacle courses, perform equipment inspections, and demonstrate mechanical troubleshooting skills that reflect industry best practices. These challenges are designed to mirror real-world scenarios, reinforcing the high standards we uphold in safety, efficiency, and performance.

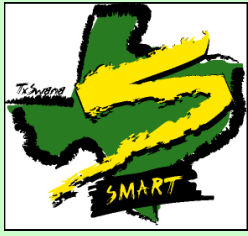
While we are here to crown the "best-of-the-best," the primary goal of the Road-E-O is to encourage professionalism, build camaraderie among peers, and—most importantly—reinforce our commitment to safety.

Guests will be staying at the Sheraton McKinney Hotel and the TUPPS Brewery has been reserved for Friday night to give you a chance to meet your fellow competitors before the main event.

In addition to the belt buckles given out for first, second, and third place, this year we will also have 2 team trophies. They will be for the city/site with the highest combined individual placements in the truck driver and heavy equipment operator events. Also this year, safety and best practices classes will be held at the hotel after the event.

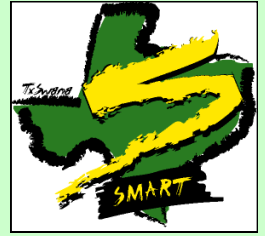
We encourage all eligible operators, drivers, and mechanics to participate and invite everyone to come out and support their colleagues. Even if you are not competing, we are always looking for judges to help make the events run as efficiently as possible.

We look forward to a safe, exciting, and fun-filled competition! More information can also be found on TxSWANA's website.



Cold Weather Safety for Sanitation Workers

by David Vartian, City of University Park



Our work in Sanitation and Solid Waste Management continues regardless of weather conditions. During cold weather, sanitation employees face increased risks due to prolonged outdoor exposure, early-morning shifts, vehicle operation, manual handling of waste containers, and slippery surfaces. Understanding these hazards and following safe work practices is essential to preventing injuries and maintaining safe operations.

Cold Weather Hazards in Sanitation Operations

Sanitation workers are particularly vulnerable to cold-related risks because of repetitive stop-and-go tasks and frequent exposure when exiting vehicles. Key hazards include:

- Hypothermia caused by prolonged exposure to low temperatures, wind chill, and wet clothing.
- Frostbite affecting fingers, hands, ears, nose, and face—especially when handling metal containers or equipment.
- Cold Stress leading to reduced grip strength, slower reaction times, and impaired judgment.
- Slips, Trips, and Falls on icy streets, alleys, sidewalks, and around collection points.
- Vehicle-Related Risks such as reduced braking ability, poor visibility, and icy loading areas.

Warning Signs and Symptoms

All sanitation staff should be able to recognize early signs of cold-related illness in themselves and coworkers:

- Uncontrollable shivering or numbness in hands and feet
- Slurred speech, confusion, or unusual fa-

tigue

- Loss of coordination when lifting or operating equipment
- Pale or hardened skin on exposed areas

Workers experiencing symptoms must report them immediately. Early intervention can prevent serious injury or long-term harm.

Required Protective Clothing and Equipment

Proper clothing is critical for sanitation employees working in cold environments:

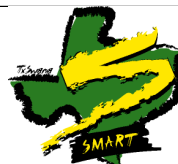
- Layered clothing: moisture-wicking base layers, insulated middle layers, and wind- and water-resistant outerwear.
- Insulated, cut-resistant gloves that maintain grip when handling carts and containers.
- Slip-resistant, insulated footwear designed for icy and wet conditions.
- High-visibility, cold-weather PPE to ensure workers remain visible during dark morning hours.
- Hats, face coverings, and neck protection to minimize exposed skin.

Wet clothing should be changed promptly to reduce heat loss.

Safe Work Practices for Cold Conditions

- Take scheduled warm-up breaks inside heated vehicles or designated facilities.
- Rotate tasks when possible

(Continued on page 11)



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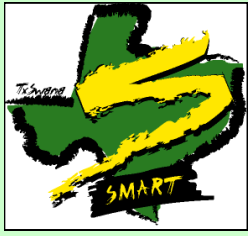


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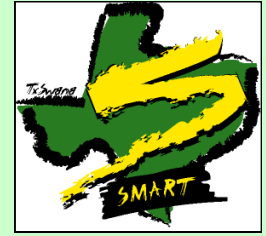
Building

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Cold Weather Safety for Sanitation Workers



(Continued)

(Continued from page 9) to limit prolonged exposure to extreme cold.

- Use proper lifting techniques, as cold muscles are more prone to strains and sprains.
- Maintain three points of contact when mounting or dismounting vehicles.
- Avoid rushing—icy conditions require slower, deliberate movements.

Vehicle and Route Safety

- Conduct thorough pre-trip inspections, paying special attention to brakes, lights, steps, grab handles, and hydraulic systems.
- Clear snow and ice from steps, handholds, and loading areas before beginning work.
- Use extra caution when backing in alleys or narrow streets with limited traction.
- Report unsafe route conditions to supervision immediately.

Hydration, Nutrition, and Fitness for Duty

- Drink warm fluids regularly, even if not thirsty.
- Eat balanced, high-energy meals to help maintain body heat.

Avoid alcohol or substances that impair circulation or judgment before or during shifts.

Training, Communication, and Accountability

Supervisors must ensure sanitation workers receive cold weather safety training, including:

- Recognition and response to cold-related illnesses
- Proper use of cold-weather PPE

Emergency procedures and reporting requirements

Workers are expected to look out for one another and report hazards or symptoms without delay. Cold weather safety is a shared responsibility.

Conclusion

Sanitation workers perform essential services in all weather conditions. By wearing proper PPE, following safe work practices, maintaining equipment, and communicating hazards, cold weather risks can be significantly reduced. Protecting sanitation workers during cold conditions protects the entire operation. This safety informational is brought to you by your Safety Management and Resource Team (S.M.A.R.T). For more information regarding the committee or solid waste safety feel free to reach out to Janet Gilbert at Janet.gilbert@dallascityhall.com, Kolby Burkhardt @Kolby.burkhardt@tmlirp.org or David Vartian @dvartian@uptexas.org.

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This safety tidbit is brought to you by your Safety Management Resource Team (S.M.A.R.T). If you should have any 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 Feb. 20, 2026)

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 Simon Bradley US Equipment Sales
 Jim Buckingham Viking Equipment Finance
 Chelea Butler City of Dallas
 Charlotte Doran City of Waco
 Mario Estrada AMREP Inc.
 Dakota Grimes City of Weatherford
 David Guerra City of Dallas
 Hunter Hightower City of Irving

Sanghyeon Kim Inha University
 Chi Lee Haidian, Beijing
 Jose Munoz City of Houston
 Navaneetha Murugadoss WSP Canada Inc.
 John Porter City of Farmers Branch
 Curtis Smith Mayekawa Industrial Refrigeration
 Ashley Tasher Sharps Medical Waste Services
 Christine Whitney City of Austin

Calendar of Events

BOARD OF DIRECTORS

2026 MEETINGS

Mar. 13 Denton
 Apr. 29 El Paso
 May 8 Austin
 June 6 Melissa
 July 10 San Antonio
 Aug. 14 Dallas
 Sept. 11 Midland
 Oct. 9 San Antonio

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

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

RCon 2026
 Sept. 29-Oct. 2, 2026
 St. Louis, MO