

What Does The 81st Legislature Have in Store for Texans?

By Brian Sledge and Mindy Martinez

While the dust has barely settled from the last time they assembled in Austin, the 81st Texas Legislature gavelled-in on January 13th for its 140-day regular session. It is always an exciting time for people inside and outside the Texas Capitol, and this session will be no different. With 1,000 bills (and counting) already filed in the House and Senate, you can bet on another busy and high-volume session.

As you may recall, the last session ended much like it began, with a group of House members attempting to replace Speaker of the House Tom Craddick. This session, Speaker Craddick gave up his speaker reelection bid on Sunday, January 4, 2009, after a group of Republican and Democratic representatives disenfranchised with his leadership successfully secured the number of votes necessary to replace him. And with that, Joe Straus (R-San Antonio) was elected as the new Speaker of the House on opening day by acclamation. Speaker Straus was first

elected to the Texas House of Representatives in a special election in February 2005 to represent House District 121, which includes the communities of Alamo Heights, Olmos Park, Terrell Hills, Windcrest, and northeast San Antonio.

So, with a flip-flop of recent historic roles, opening day in the House was somewhat of a love-fest, while tempers and turmoil abounded in the Senate. The source of the Senate controversy was an attempt by some Senate republicans to change the Senate's historic "two-thirds rule," which requires a two-thirds majority to agree to consider a bill on the Senate floor, to a "three-fifths" rule on all or certain types of legislation. Such a change could mean that Senate Democrats are unable to block divisive legislation from being debated or voted upon. There are various proposals on the table that are being considered by the senators behind closed doors as of the date of this writing.

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Message from the President

By Ron Smith

As we enter 2009, the State of Texas faces the same challenges our country will overcome as one united team. I cannot emphasize the tremendous accomplishments already attained as Houston moves forward from one of the most destructive of Mother Nature's storms. I saw personally how teams of workers from around our state faced devastation far in excess of anything ever witnessed before, and yet they pulled together and moved thousands of tons of material in a way that continues to be talked about today. Our industry will be faced with challenges brought on by tough economic times and we as industry leaders will have to find extraordinary methods to continue to do our jobs to the same high expectations the public has of our departments. I have no doubts that a year from now we will look back and congratulate everyone on a great job under trying circumstances. Please call upon your TxSWANA members throughout our great state for ideas on how we have

"I saw personally how teams of workers from around our state faced devastation far in excess of anything ever witnessed before"

hurdled the challenges you may be facing, you'll find we are all very willing to share our ideas freely with all that ask. Let me welcome you all to attend our state conference in Dallas, Texas



March 30-April 1, 2009. We have a very exciting and informative agenda that should appeal to everyone in the solid waste field. Our host hotel is located directly across from Dallas Love Field which should help everyone faced with travel budgets that may be more limited than past years. Everyone be extremely safe in your daily activities and I look forward to seeing you all in the spring.

What can Texans expect from the Legislature this year? For starters, there were a few losing efforts during the 80th legislative session that are expected to be revisited by lawmakers this year, such as the eminent domain reform bill, efforts to impose market power restrictions and other changes to the deregulated electric market, and the statewide smoking ban.

The first of this session's eminent domain bills, House Bill 4, has been filed by Rob Orr (R-Burleson). The use of eminent domain =authority by governmental entities has been a controversial issue for the last few sessions. While there are not many Texans who would be pleased with the State coming in and taking their land for a public purpose, the need for new roads, water infrastructure, and other essential governmental services that require land acquisition is a growing problem for the state of Texas, as the population expands and its infrastructure needs to expand accordingly. To add to the controversy, it is one that weighs the needs of the many against the few who lose their property. This will be a divisive issue that will come down more to rural vs. urban than Republican vs. Democrat. In 2007, House Bill 2006 was filed by Beverly Woolley (R- Houston) to try to address eminent domain issues, but was vetoed by the Governor after Senate amendments were added that would have substantially increased the costs to the public associated with a condemnation proceeding. Legislation similar to the version of HB 2006 as it left the House last session and prior to Senate

amendments is expected to be filed in the Senate this session as the starting point for its discussion.

Going hand in hand with eminent domain are the transportation problems facing our ever growing state population. The 81st Legislature is sure to take up transportation issues as Texas Department of Transportation is up for sunset review. The agency will be under legislative review and could see many changes after well-publicized problems that have plagued the agency in the recent past.

House Bill 5 is a statewide smoking ban bill that would ban smoking in indoor workplaces, including bars and restaurants. The proposed statewide law would not take precedence over stricter city ordinances. The bill was filed by Myra Crownover (R – Denton), who also filed the same proposal in 2007. Last session, a diluted version of the bill passed the House and went to the Senate, but never made it to the Senate floor.

Although the 80th Legislature passed Senate Bill 3 (the major omnibus water bill), this session is expected to again have numerous water issues on the plate, including groundwater rights and regulation, reservoir development, surface water rights, and development issues related to certificates of convenience and necessity (CCNs).

None of the legislative efforts can be accomplished without means. Balancing a budget against the needs of a growing state will be a major challenge for lawmakers, as they will need to craft a formula that prioritizes spending and limits expenditures -- a difficult task for a growing state with the recent downturn in the economy. In 2007, a state budget of \$152.5 billion was approved, which included property tax relief, state employees' raises, increases for teacher salaries, spending for state parks, and also made room for 128,000 children to be added to the Children's Health Insurance Program.

As always, legislation will no doubt be filed that will impact the solid waste industry in Texas. Last



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session TxSWANA and its legislative team identified and tracked over 60 bills with direct implications to municipal solid waste service providers. Over a dozen of those measures passed and became law. From setbacks and other sitting issues to the regulatory authority of the TCEQ, counties, and municipalities to continue to provide solid waste services, lawmakers are sure to file plenty of waste management and air quality bills that would have direct impacts on the TxSWANA membership if they make it through the Capitol and the Governor's desk. Stay tuned to see what bills will surface that could potentially affect the industry.

With the change in House leadership, and new committee appointments, there is no telling what will pop up as a major issue this session. Cities and consumers are expecting the recent changes to make the House much more receptive to efforts to promote competition in the electric industry and bring price relief to millions of Texans and Texas businesses who have suffered paying oppressive electric bills each month since electric deregulation passed the Legislature a decade ago in 1999. After ten years, none of the lower electric rates promised in 1999 have ever materialized. Efforts over the last several legislative sessions to address the issue have been squashed by the electric industry, who have enjoyed record profits over the same time period. Many Capitol players are hopeful that the new House leadership will tackle this issue and stop favoring one Texas industry at the expense of all others and residential customers.

Stay tuned as the session gets under way.

Legislative Dates of Interest

Friday, March 13, 2009 60th day	Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared emergency by the Governor
Monday, June 1, 2009 140th day	Sine Die - Last day of 81st Regular Session; corrections only in House and Senate
Sunday, June 21, 2009 20th day following final adjournment	Last day Governor can sign or veto bills passed during the regular legislative session
Monday, August 31, 2009 91st day following final adjournment	Date that bills without specific effective dates (that could not be effective immediately) become law

This article was prepared by Brian Sledge and Mindy Martinez of Lloyd Gosselink Rochelle & Townsend, P.C.'s Government Relations Practice Group, in Austin, Texas. 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, please contact Brian at (512) 322-5839 or bsledge@lglawfirm.com, or Mindy at (512) 322-5824 or mmartinez@lglawfirm.com.

Dallas



On behalf of the Solid Waste Association of North America
- Texas Lone Star Chapter-

We have the great pleasure to invite you to the
2009 TxSWANA Annual Conference
To be held in the City of Dallas, Texas.

The conference will be held at the *Wyndham Dallas Love Field*, less than a quarter of a mile from Dallas Love Field Airport, on *March 29-April 1, 2009*. Those attending will have an opportunity to come together to discover new technologies, exchange ideas, share philosophies, and further promote solid waste management and reduction efforts.

NOTICE: T. Boone Pickens is the Keynote
Speaker for Tuesday's Opening Luncheon



Interested individuals are requested to visit
our website at www.txswana.org for
additional conference information.

Sponsorship affords you the unique opportunity to attach your name to a memorable event, location, or item. It's a way to make sure that everyone at the conference leaves remembering you. Sponsorship opportunities are still available. Don't miss your opportunity to show all of Texas and the surrounding region what you have to offer. Electronic conference documents are available at www.txswana.org.



Spring is In the Air, and that's Not the Only Thing

By Garland "Tony" Gross



When asked by SMART to write a Safety article for the January newsletter, I chose to write about things to come, and based on where you live in this great state Spring may already be here. Obviously, Spring comes and means one thing if you live in Brownsville and means something entirely different if you live near Amarillo.

Whether your Spring comes in February or April it brings certain common denominators for those of us in the municipal solid waste business. Mother Nature can (and does) unleash a vast array of hazards. Our customers, often unknowingly, will dispose of hazardous items in an effort to make their homes safer, to the detriment of waste collectors. Also, Spring is a season of change, in our homes, vehicles, and municipalities.

Years ago there was a margarine commercial whose catch phrase was "it's not nice to fool with Mother Nature." There is a reason for this; she holds all of the cards. In Texas, nature can unleash floods, tornadoes, hurricanes, or droughts that contribute to wildland fires. A simple fix for our folks in situations like these are to develop driving techniques that address particular weather phenomenon (fog, ice, snow, dust storms etc.) and brief them early and often.

Spring also ushers in the growing season, which in turn unleashes just about every allergy known to man. My allergist has told me, if it grows or sprouts I'm allergic to it. Many of our people will tend to solve their allergies with over the counter medication without paying attention to the warnings on the back of the packages.

Caution your employees to alert their supervisors if they are taking these medications.

While a cool Spring or a late freeze can delay or diminish pollen production, and rain does have the positive impact of washing some of the pollen out of the air, it can also stimulate the growth of mold, making allergies worse for those sensitive to mold spores.

The change of seasons and warmer temperatures re-introduces ticks, wasps, and other stinging insects to the neighborhood. While most of us develop a red, itchy, and swollen area at the site

of a sting, individuals with an allergy to insect venom need to be vigilant in carrying the proper medications in case of an emergency.

Spring clean-up efforts by our customers has a myriad of issues that range from tossing last year's chemical supplies for fresher ones, to the stuffing of heavy lawn and leaf products into cans, thus increasing the weight our collectors will have to lift.

One of my assistant directors told me of a collection crew that was picking up refuse from one resident who was throwing out last years pool supplies, which was followed by the collection of someone's old break fluid three doors down. When the load was compacted, there was a lot of smoke and multiple crew members had a very hard time breathing.



To help reduce the placement of hazardous materials in cans or overloading with lawn material, nothing beats a good media campaign. Get with your city public information officers (with their concurrence) and your local media to get your message out to the citizens about how to properly dispose of their Hazardous Household Waste (San Antonio has mobile collection events), and how to compost their lawn clippings.

Since this is the time of year that we "Spring forward," a time that we traditionally check our fire alarms and their batteries. Take this time to also check your fire extinguishers for serviceability. This time of year has the challenges of morning glare occurring at a different time than our driver's are use to; brief them ahead of time to this challenge.

In closing, Spring is the time of year people are Springing forward. If we Spring forward with timely safety programs our departments are sure to blossom.

The **Safety Management and Resource Team** is a network of Safety professionals organized to effectively share methods of injury and collision prevention. Contact Ellen Jensen at 512-974-1998 to obtain safety support, exchange safety strategies, or to arrange an onsite audit of your work practices.



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We Welcome the Following New Members (Through January 26, 2009)

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Richard Coward—City of Abilene

Danny Rogers—City of Abilene

Tyrone Auzenne—City of Houston

James Bennett—City of Houston

DeMarcus Glass—City of Houston

Melisa Hatherly—City of Austin

Maurice Renfro—City of Houston

Jeffrey William—City of Houston

Brad Hastings—Landfill Service Corporation

Sam Wiley—MRW Technologies, Inc.

Paul Hesson—Waste Management, Inc.

Peter Spano—City of Plano

Danielle Forget—SCC Americas

Renee Voyt—Montauk Energy LLC

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Scholarships

The Texas Chapter of SWANA will once again in 2009 offer up to \$6,000 in scholarships for college students. This excellent Scholarship Program has awarded over \$42,000 in Scholarships since its inception. To be eligible for the scholarship you must be the son, daughter, stepson, stepdaughter, grandson or granddaughter of a TXSWANA member in good standing at the time of recommendation, the selection, and the award,

-and-

A. A graduating high school senior, or graduate equivalent certified candidate, who has been accepted for enrollment in a junior college, four-year college or university,

-or-

B. A currently enrolled full-time college or university student.

If you are interested in applying, an Application Form is available on line at the TXSWANA web site at www.txswana.org under the "Education" link on the home page. **You may also request a form by mail from:**

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In addition, you may call Holly at: (806) 473-2200, or contact him by email at: hholder@team-psc.com.

The deadline for submission of the application is June 12, 2009.

Winners will be announced in August 2009.



The Lone



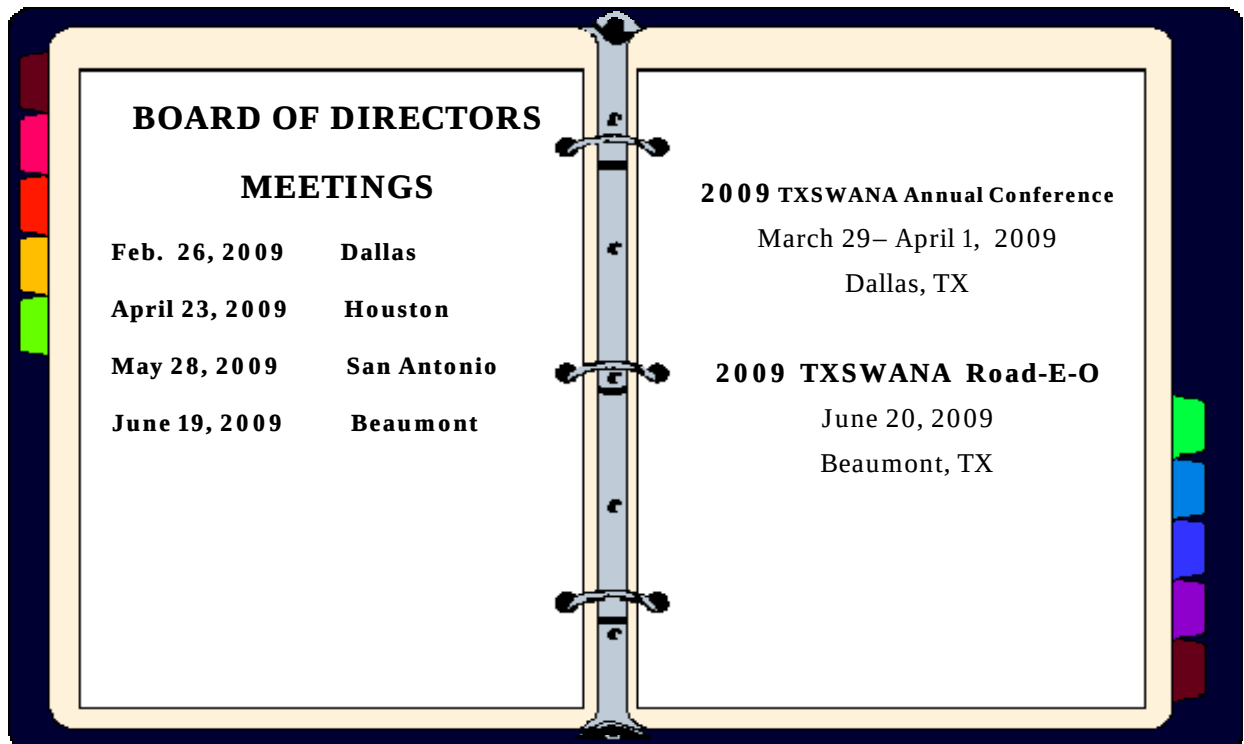
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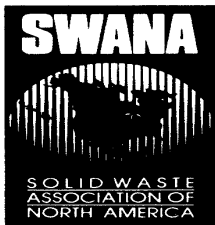
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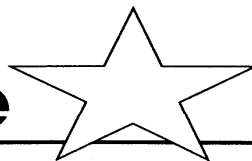
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Calendar of Events





The Lone



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Carbon, Carbon Everywhere...

By Paul Gosselink and Jeff Reed

With a new administration in Washington D.C., the probability of a mandatory cap-and-trade program for green house gases (GHGs) is greater than ever. The Obama administration has made its intention clear to see legislation passed that will regulate GHGs. The pressure on the Administration to push through legislation has come from many sources, including interest groups, the courts, several states, and a recently released finding by the EPA that GHGs constitute an imminent endangerment to public health and welfare which could lead to an EPA effort to effectuate control of GHG's by administrative rulemaking.

In preparation for whatever form that legislation might take the EPA has proposed a rule requiring that the vast majority of GHG emitters begin recording those emissions in 2010. The underlying purpose of this rule is to collect the background data that will help guide the scope of that legislation. President Obama is said to much prefer cap and trade legislation approved by Congress to an EPA driven solution. He is likely to encourage the EPA114 to proceed but to do so slowly and flexibly. This will give Congress time to act but also send a message that, if it does not act, the Administration has other tools to try to get to the same result.

In the absence of federal legislation, many states have entered into regional compacts such as the Regional Greenhouse Gas Initiative (RGGI) and Western Climate Initiative (WCI), to create cap-and-trade programs that cover their participating states. Although Texas has not entered into such a compact, even the Texas legislature has held hearings on GHG issues for the state, and a bill

has been proposed in the legislature that calls for Texas to form its own cap-and-trade program that would enable it to join RGGI (HB 634).

When and what form federal legislation ultimately takes will greatly impact the value of projects that reduce GHG emissions to the atmosphere, both today and in the future. Currently GHG reductions in the United States can be sold in several voluntary markets, both in the United States and in Europe, much like any commodity. Buyers purchase these reductions, usually called "CO2e credits" or "offsets", for one of several reasons. Some buyers purchase these CO2e offsets exclusively for socially and environmentally conscious reasons while others purchase them for marketing purposes, so that a company can promote itself as environmentally friendly.

More and more, however, companies are purchasing these offsets to prepare for an expected "compliance market"; a GHG cap-and-trade program mandated by either the federal government or coalitions of state governments. It is estimated that over one billion dollars in CO2e credits were sold in voluntary markets in the United States in 2008 and that, depending upon future legislation, carbon markets could become the largest commodity markets in the world.

In its simplest form, carbon trading means that GHGs that would otherwise be released into the atmosphere from a facility are captured and destroyed, usually in a flare. This destruction entitles the facility to carbon offsets, based on the amount of GHGs that are de-

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Message from the President

By Ron Smith

Good afternoon all,

For everyone that visited Dallas for our annual conference I want to thank you and I hope that you enjoyed not only a great city but a truly fantastic conference. We experienced one of the best attendance records to date. Technical sessions were full, breakfast and luncheon speakers were very informative, and T. Boone Pickens spoke to a crowd which resulted in standing room only.

Don't forget that our equipment rodeo is coming up in just a few weeks (June 19-20 2009) and will be hosted by the great city of Beaumont. If you haven't attended one of these competitions I encourage you to do so. It will amaze you how good these operators really are.

The Texas Commission on Environmental Quality (TCEQ) will be hosting an Environmental Trade Fair in Austin, Texas on May 12-14. I encourage all of you that can travel to consider going for at least a day to network and attend the technical sessions.

The legislative session is in full swing and the legislative committee is tracking over twenty separate bills that in some way may affect the solid waste industry. Please pay very close attention to our newsletter and website as those of particular interest are defined.

If you haven't visited our website lately, I encourage you to do so as we have been through a complete overhaul and I think you will find it very user friendly.



Ron Smith

(Continued from page 1)

stroyed. Because methane is considered to be approximately 20 times more potent a GHG than carbon dioxide, methane capture projects (most commonly landfill gas projects, but potentially reaching any facility that releases a significant amount of methane) continue to be among the most common and financially viable projects. If the proper procedures are followed, these credits can presently be sold in a voluntary market in the form of present day offsets or offset futures. Some buyers speculate that they can also be held for sale in a future cap and trade program.

In addition to income from the sale of CO₂e credits, income may be realized from either the sale of the captured methane as an energy source either in the form of electricity produced by generators fueled by the methane or in its gaseous form as a fuel for boilers or even vehicles if sufficiently processed. Which party gets this income is dependent on the terms of the business deal established. Nothing is more important than making the ownership of the gas and of the environmental attributes (CO₂e credits, RECs and Compliance Premiums, discussed below) absolutely clear in the contract.

Additionally, where the captured methane is converted to electricity, additional income may be realized in the form of Renewable Energy Credits (RECs) and related Compliance Premiums, and in some cases, tax credits. RECs and compliance premiums are saleable credits that are based on the amount of power produced from the methane. Tax credits may also be available based on the amount of energy produced. Although such tax credits do not have an inherent value to entities without tax liabilities, understanding their value is still very important, since they represent bargaining power on the part of an untaxed facility that is negotiating a contract to capture methane with a private developer that is taxed. Early concerns about whether the sale of RECs would interfere with the sale of CO₂e credits have largely been resolved, and under the correct conditions, both CO₂e credits from the direct destruction of methane, and RECs from the generation of electricity from that methane, can both be sold for the same project.

To be sold, CO₂e credits must be placed in one of several markets. The market selected can affect the price of the credits, and the more stringent the process that is used to ensure that the reductions take place, the more valuable the credit and the greater the likelihood that the credits will be accepted in a future cap-and-trade program. Each market utilizes its own set of protocols that describe the process that the facility must

follow to verify that the GHGs are properly destroyed in the amounts claimed by the facility. The protocols vary greatly in the details, but commonly require three elements: the GHG destruction must be “real,” “additional,” and “measurable.” “Real” means what it sounds like; the project must result in an actual reduction in GHG emissions. “Additional” means that the project must be beyond “business as usual.” Among other things, if a project is required by law, then it will fail this test. Finally, “measurable” means that the reductions can be verified by a third party following the protocols of the market that is selling the credits.

The uncertainty of the future value of CO₂e credits due to the uncertainty of cap-and-trade legislation (and of what facilities it will cover) has led some facilities to conclude that they should act now to ensure that they get what value they can while they can. Others have decided to wait and see what form the legislation takes and what effect that might have. The more reasoned approach is to analyze the project just like any business decision. By far, the biggest uncertainty for any CO₂e project is the risk that future legislation mandates GHG emission controls for the facility, taking away the value of those credits for lack of “additionality.”

For those facilities that are more likely to be required to reduce their emissions such as landfills, the argument for implementing a methane capture project sooner rather than later is especially compelling. Although such a requirement would take away any CO₂e credits since the capture would no longer be voluntary, the project would still be required. By constructing the project ahead of the requirement, the facility can at least obtain the value of the credits that it receives before the project becomes mandatory, thereby offsetting the cost of a project that it would ultimately have to build.

For those facilities that are less likely to be required to reduce their GHG emissions, the argument is less compelling but still worth serious consideration. Under a mandatory cap-and-trade program, these are the facilities that will have something to sell, and by acting sooner rather than later, they can be positioned to take full advantage of the increase in the value of credits that would likely flow from the switch from a voluntary to a mandatory market.

Paul Gosselink heads Lloyd Gosselink's Air & Waste Practice Group, and is currently representing several Texas cities in negotiating the sale of carbon credits and landfill gas. Jeffrey Reed is an Associate with the Firm and was a licensed Professional Engineer before attending law school. For more information on CO₂e credits, you may contact Paul at (512) 322-5806 or pgosselink@lglawfirm.com, or Jeff at (512) 322-5835 or jreed@lglawfirm.com.



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2009 TxSWANA Annual Conference



*An overheard conversation recently taken place
in an office like yours:*

Boss: So, Dudley, where you been for the last 4 days? There's a ton of work to be done around here.

Dudley WasteRight, Solid Waste Manager: Boss, I've been in Dallas – along with 284 other delegates who made it to the “emerald city” for the 2009 TxSWANA Annual Conference. Thanks for approving my travel – you won't believe all the great stuff I learned.

Boss: Well, it better be good. We don't have budget money for lollygags anymore. And you've got a lot of projects that can't wait for you to

Dudley: You'll be glad I did tour, Boss. When I saw what Dallas is doing with crushed concrete and landfill gas – I knew we could save 25% on our aggregate budget next year by crushing and re-using the old pavement that we just landfill now. And many cities are now earning revenue from landfill gas sales – I learned how we could amend our agreement to cash in on that too.

Boss: Revenue, huh ... and decreased expenses I smell an opportunity here ... Tell me more, Dudley.

Dudley: Each year, the TxSWANA Conference offers a unique opportunity to combine networking with “catching up on what's new” with re-certifications with “seeing new things and trying out new toys.” This year, they spotlighted the waste industry's red-hot “Green” movement (that's a little joke, Boss) ... and you know how the Mayor is always trying to get us to fly the “green flag”.

....Well, the conference was held at the Wyndham Dallas Love Field. They're a “Recycle on the Go” green hotel, recycling from guest rooms and throughout the business meeting areas. In fact, the conference planners eliminated most of the paperwork associated with the conference - like mailouts, announcements, and confirmations, which were all done electronically. That saved TxSWANA a bundle of the other kind of “green” on conference costs – in addition to making it easier on the delegates.

Boss: Yeah ... the Mayor would like that. Maybe we should try that hotel thing here ... Might even thank me himself, y'know ? What else happened there?

Dudley: Lots of stuff ! I learned about new technologies, exchanged ideas and shared philosophies on how to further promote solid waste management and reduction efforts.

Like, how other cities are dealing with the market downturn on recycling products, and how to recognize “sham recyclers”, and what bills the state legislature is considering. And guess what? Even the famous T. Boone Pickens was there – and he had a challenge to our industry to decrease truck emissions with CNG-powered refuse haulers ... turns out, two major cities in Texas are doing it now. Sounds like something we ought to consider, too. You know, one of my tasks is to spec out next year's trucks – and I got a lot of new info to help with that. Not to mention the new info on Safety Training, Renewable Energy Credits, E-Waste management that was available. All of this stuff will help us in our

Boss: So, sounds like the conference was beneficial, after all, Dudley. Guess I was smart to send you. Though, all that waste talk ... it does

Dudley: Not at all – quite the opposite, really. There was a tequila-tasting night, a golf tournament, a grand mystery-dinner theatre evening, and an awards luncheon. I even earned enough credits to renew my state-issued Solid Waste License! I made so many contacts throughout the industry that I'll always have someone in consulting, contracting, supplies, or government that I can reach about virtually any topic

Boss: Good work, Dudley. Next time, take everyone in our workplace with you ... this doesn't sound like something we should ever miss.

Dudley: Well, the gorgeous City of Corpus Christi is hosting next year – and they're picking a date soon. Everything we need to know is on the frequently-updated TxSWANA website: www.txswana.org. And thanks for the pre-approval on the travel, Boss.

2009 TxSWANA Annual Conference





SUMMERTIME IS HERE: WATCH THOSE FIRES!!!!

By

Leonard W. Neath Jr.



Well, summertime is here again. We all know we have more fires in equipment in the summer due to BBQ coals and pool chemicals being thrown out in trash containers. This is true for a lot of Texas cities as the summer activities start. Citizens are getting their pools ready for the summer and throw out their chemical buckets in the trash container not realizing the danger of putting both chemical buckets in the trash at the same time. Some people think that their chemical buckets are empty, but most of the time they are not. When the trash truck starts packing and crushing, the left over chemicals in the buckets can get mixed together. Then a chain reaction of two chemicals mixing together starts a fire in the body of the Refuse Truck.

We'll have fires from citizens and businesses not properly bagging their trash. The trash can go through parts of the blade and end up on the transmission next to the turbo. This can set a truck on fire as the trash builds up on the transmission. The City of Abilene lost a truck in an alley because trash on the transmission caught a truck on fire very quickly. By the time the driver saw the flames, it was already too late for the driver to use a fire extinguisher. The truck burned quickly.

In some of these fire cases we look for a place to empty a truck, either in the street or empty lot so we do not burn a truck to the ground or destroy anyone's property. Sometimes there is not time to find a place to dump the load. The safety of the driver is most important.

Fires in grinders also happen this time of year. Sometimes customers will come into the yard with a hot load and may not even know it at the time. When transferring it into the chipper, the load may not be smoldering. As it passes through the chipper mill, the grinding and mixing of the brush and adds air and speeds up the burning process. The load can catch on fire very quickly in the mill when the dust, other mulch, and oil leaks mix together.



This happened to a cleanup crew in South Texas. A hot load came in and the workers were not paying attention. Trucks were dropping off loads on the ground and the operator loading the grinder didn't see anything until it started to mix. The rest of the machine caught on fire and the machine burned to the ground. There was not a fire suppression system on the grinder.

Each community needs to continually educate the public about household chemicals and how to dispose of them properly so they will not end up in trash trucks causing fires. Communication to citizens about properly bagging trash is also important to keep trash from accumulating on truck transmissions. Communities will look better, drivers will be safer, and litter will be better controlled throughout cities and towns in Texas.

The **Safety Management and Resource Team** is a network of Safety professionals organized to effectively share methods of injury and collision prevention. Contact Ellen Jensen at 512-974-1998 to obtain safety support, exchange safety strategies, or to arrange an onsite audit of your work practices.



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Theresa Finch—Coastal Bend COG	Mathew Ittoop—City of Dallas	David E. Poe—Golder Associates
Fred Flesch—LFG Optimization LLC	Seth Jones—City of Brownwood	Ramon Rodriquez Jr.—City of Denton
Jacob Flowers—Energy Developments, Inc.	Dennis Knoop—LFG Optimization LLC	Rex Rothrock—Energy Developments, Inc.
John Garza—City of Austin	Melissa Lauderdale—Integrays Energy Service	Jose Ruiz—North American Development Bank
Justin Gregory—Texas Developments, Inc.	Darryl Lesak—City of Victoria	Timothy Swanson—NextEra Energy Developments, Inc.
Steve Hartman—City of Denton	Gregory Lewis, PE—Associated Consulting Engineers	Angie Trumps—Mr. Garbage LLC
Justin Haveika—City of Waco	Susan Medina—City of Garland	David Lynn Winthrop—City of Lufkin
Amy Hesseltine—LNV Engineering	Roel Mendiola—City of Lubbock	





ROAD-E-O June 19-20, 2009

Total Registration Fees : (Make Checks Payable to TxSWANA)

\$135 Contestant Fee and \$30 Per Guest

Questions concerning registration?

Contact Anissa Williams at (409) 880-3795 or Awilliams@ci.beaumont.tx.us



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All participants and guests are required to make their own hotel reservations. A block of rooms is reserved at the **Holiday Inn Hotel & Suites Beaumont Plaza**. Please mention Texas Solid Waste Association of North America Road-E-O when making your hotel reservations. **\$87.00 double/king** Holiday Inn Hotel & Suites Beaumont Plaza 3950 I-10 South @ Walden Rd. Beaumont, TX 77705 (409) 842-5995 or (409) 291-4975



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2009 TXSWANA

Jack C. Carmichael, P.E.

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-and-

A. A graduating high school senior, or graduate equivalent certified candidate, who has been accepted for enrollment in a junior college, four-year college or university,

-or-

B. A currently enrolled full-time college or university student.

If you are interested in applying, an Application Form is available on line at the TXSWANA web site at www.txswana.org under the "Education" link on the home page. **You may also request a form by mail from:**

**Robert H. (Holly) Holder, P.E.
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4222 85th Street
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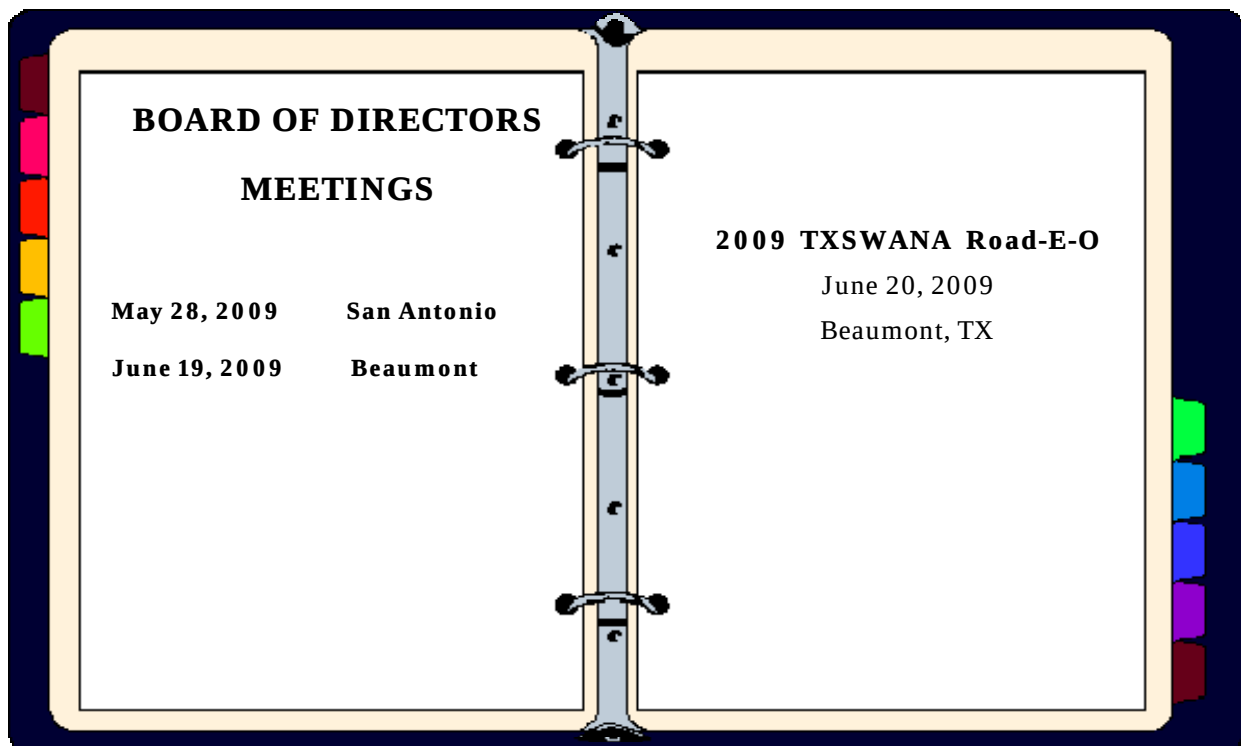
In addition, you may call Holly at: (806) 473-2200, or contact him by email at: hholder@team-psc.com.

The deadline for submission of the application is June 12, 2009.

Winners will be announced in August 2009.



Calendar of Events





2009 Legislative Session Wrap-Up

by

Brian Sledge

The 81st Regular Session of the Texas Legislature adjourned sine die on Monday, June 1st. As those who follow the Legislature will attest, it was at least as bizarre as the past several have been, although seemingly less contentious.

Typically, the number of bills filed each session increases. This year was no exception. Legislators filed 7,419 bills compared to last regular session's 6,190. Out of the 7,419 bills filed, legislators managed to pass and send 1,459 to the desk of Governor Perry, who vetoed 38 of those measures.

As you may recall, prior to the start of the regular session, Speaker Craddick gave up his re-election bid resulting in new leadership. Joe Straus was elected as the new Speaker of the House on opening day, with hopes of a less divisive session in a House comprised of 76 Republicans and 74 Democrats. Straus appointed 18 Republicans and 16 Democrats as committee chairs, most of whom had not chaired their committees previously or had never chaired any committee at all. After a slow start and months of uncommon bipartisan harmony in the House, the session ended with a disruptive 5-day "chubbing" of bills by the House Democrats, in order to stall the transaction of House business long enough to avoid the Voter ID bill, which was looming far down the list

on the House calendar. As a result, hundreds of bills fell victim and died. This new form of filibuster created mass chaos and a mad attempt to save major legislation in both chambers by attaching dying bills in the House to others still alive in the Senate. With a few dozen exceptions, most of those attempts failed.

The legislature did manage to pass the \$182 billion state budget for 2010-2011 without drawing money from the state's Rainy Day Fund. Other big ticket items that managed to survive the meltdown in the House include the Texas Windstorm Insurance Reform bill, an overhaul of the Top 10% automatic admissions rule with respect to the University of Texas at Austin, and an increase from \$300,000 to \$1 million in the small business tax exemption. And, although none of the big eminent domain reform bills attained final passage, a constitution amendment to ban the use of eminent domain for economic development projects if approved by the voters did survive the journey through both chambers of the Capitol.

Among the failed legislation: the state-wide indoor smoking ban, local option transportation tax, efforts to impose market power restrictions and bring other reforms to the deregulated electric market, the infamous Voter ID bill, and numerous bills on solid

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a membership application.**

Message from the President

By Ron Smith

Good afternoon all,

Ahhhhhh, there is just nothing quite as challenging as being in the solid waste business in the Texas summer. Our equipment becomes more susceptible to break downs, the dust and heat at the landfill becomes a challenge operationally, and personal hydration of our workers is the key topic at morning meetings. Everyone be careful out there, when you've drank what you think is enough you may want to drink a bit more. Try to hydrate the evening before and wear the appropriate clothing to protect you from the sun and heat. Be aware of the early symptoms of heat exhaustion and heat stroke and look after your team mates. Equipment radiators will need attention at least daily, and at the landfills make sure radiators are blown out multiple times throughout the shift. Just like the human body, heat will hurt or kill our equipment just as quickly.



Congratulations to all of our Equipment Rodeo winners! Great job as always. A Big Texas "thank you" goes out to the City of Beaumont for being such a gracious host. It takes a great deal of behind the scenes effort to put this event on and make it the success it is each and every year.

Please review the legislative notes in our newsletter. Our board and legislative committee made every effort to abate any bills that appeared to be toxic to our business.

Good news may be around the corner for solid waste licensing. We have had several conversations with the TCEQ about alternate methods for obtaining the training required for our MSW A-C licensing with good progress being made. You can look forward to both computer based training and testing becoming available as well as multiple providers for the training throughout the state.

Ron Smith

(Continued from page 1)

waste, air quality, and related issues.

Many of the major issues of the session were still unresolved when the final gavel fell, including a bill necessary to prevent the sunset, or closing, of certain state agencies, and legislation to allow general obligation bonds and create a revolving fund for transportation projects.

Governor Perry called a special session in order to address those issues, which began on July 1 and ended the following day. Both issues were addressed satisfactorily, although a third issue urged by the Governor which related to the extension of certain comprehensive development agreements (CDAs) to build roads, failed to pass either chamber.

Legislative leaders considered dozens of bills that would have impacted the Texas solid waste industry. TxSWANA's legislative team tracked and worked on around 110 bills during the regular session of the legislature to attempt to protect members' interests. The new laws outlined below are but a sampling of the measures with impacts to the solid waste industry. This article attempts to highlight some of the more notable bills affecting the industry that emerged from the session and made it past the Governor's desk, as well as some of those that did not. **Although these synopses provide a brief summary on each piece of legislation for the convenience of the reader, the full text of the measure should be consulted (see www.capitol.state.tx.us) to determine the full extent of its impacts or applicability.**

Noteworthy Bills That Became Law

WASTE

HB 3638 (Hughes/Davis, Wendy) Relating to the use of safety belts by the operator of or a passenger in a motor vehicle used exclusively to transport solid waste.

Remarks: The bill as passed amends Chapter 545 of the Transportation Code to create a defense to prosecution for a safety belt violation for the opera-

tor of or a passenger in a motor vehicle used exclusively to transport solid waste who are performing duties requiring frequent entry into and exit from the vehicle.

HB 3765 (Paxton/Averitt) Relating to the use of hazardous and solid waste remediation fee funds for lead-acid battery recycling activities.

Remarks: The bill as passed amends §361.133(c), Health and Safety Code, to allow money held in the hazardous and solid waste remediation fee account to be used for expenses related to lead-acid battery recycling programs. No more than 10% of the appropriated amount of annual fees collected from the sale of lead-acid batteries may be used for such recycling programs. Acceptable program expenses include those for remediation and for incentives for development of new technology to increase the effectiveness of the recycling process or reduce the negative environmental impacts of the recycling process.

SB 1093 (Carona/Pickett) Relating to the operation of a commercial motor vehicle and vehicles used exclusively to transport waste.

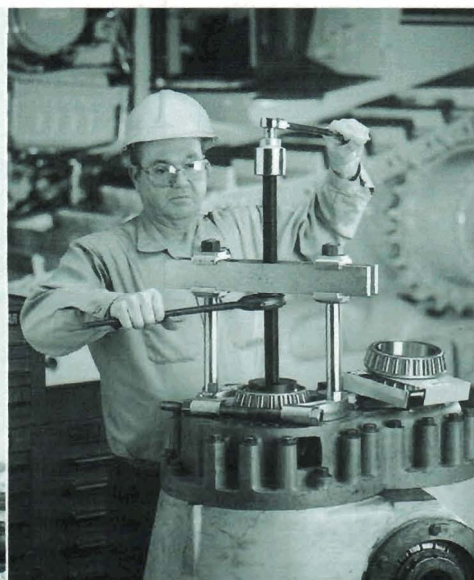
Remarks: The bill as passed addresses the operation of commercial motor vehicles and vehicles used exclusively to transport waste. The bill amends Chapter 522 of the Transportation Code to redefine "commercial motor vehicle" to include the gross combination weight or gross vehicle weight of a vehicle, rather than just the weight ratings of the vehicle, in determining whether it exceeds the weight threshold to qualify as a "commercial motor vehicle." The bill also amends §545.301 of the Transportation Code to exempt an operator of a vehicle used exclusively to transport solid, semisolid, or liquid waste operated at the time in connection with the removal or transportation of solid, semisolid, or liquid waste from a location adjacent to the highway from the prohibition against stopping, parking, or leaving an attended or unattended vehicle on the main traveled part of a highway outside a business or resident district.

AIR

SB 16, the major omnibus air quality bill by Senator Kip Averitt (R-Waco), fell victim to

(Continued on page 6)

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(Continued from page 4)

the House local calendar filibuster. However, a few of the major provisions were included in **HB 1796**, as set forth below.

HB 1796 (Chisum/Watson) Relating to development of carbon dioxide capture and sequestration in this state.

Remarks: The bill amends and adds numerous provisions in the Health and Safety Code relating to air quality issues. **HB 1796** adds a subchapter on off-shore geologic storage of CO₂ that allows the TCEQ to adopt rules for the location, construction, maintenance, monitoring, and operation of a carbon dioxide repository that must comply with EPA standards if EPA issues standards. Once the location for the repository is established, CO₂ may be stored at the location and the State will acquire title to the CO₂ stored in the repository.

The bill also amends § 382.003(1-a) to expand the definition of "advanced clean energy project." It also prohibits TCEQ from considering any technology or level of emission reduction to be achievable for purposes of a best available control technology solely because emissions reduction was achieved by a facility receiving an incentive as an advanced clean energy project or new technology project, and further adds the new technology implementation program to the list of programs eligible for grants or other funding from the TCEQ or Comptroller. Chapter 386 is amended to include the advancement of new technologies that reduce oxides of nitrogen and other emissions to the list of appropriate TCEQ objectives.

HB 1796 adds Chapter 391, entitled "New Technology Implementation for Facilities and Stationary Sources" which provides that the TCEQ must provide grants or other financial incentives for eligible projects, such as advanced clean energy products and renewable energy storage, sets forth the requirements for grant recipients, and provides the finding and expiration of grants awarded. The bill also amends makes conforming changes in other provisions of the Health and Safety Code to take into account the program created in Chapter 391.

The bill also amends § 382.0622(a) to ex-

pand Clean Air Act fees to include fees collected as required under § 185 of the federal Clean Air Act. In addition, the bill amends provisions in Chapter 382 related to counties that participate in low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs ("LIRAP"). It also amends certain provisions of Texas Emissions Reduction Plan ("TERP") in Chapter 386, Health and Safety Code, to add a definition for "stationary engine" and to provide that the equipment associated with projects involving non-road equipment used for natural gas recovery purposes must meet the cost-effectiveness requirements in § 386.105. The bill extends the expiration date of TERP to 2019 and makes conforming changes to other provisions in the Tax Code and Transportation Code to reflect the 2019 expiration date. Section 386.252 is amended to change the allocation of money used for TERP programs related to new technology implementation and new technology research and development. Section 387.003 of the Health and Safety Code is amended to allow the TCEQ to establish a New Technology Research and Development Program and provide grants in support of emissions-reducing technologies.

Finally, **HB 1796** adds Subchapter J to Chapter 382 to establish the Federal Greenhouse Gas Reporting Rule, which grants joint authority to the TCEQ, the Railroad Commission of Texas, the Department of Agriculture, and the Public Utility Commission of Texas to develop greenhouse gas reporting requirements.

SB 184 (Watson/Chisum) Relating to "no regrets" greenhouse gas emissions reduction strategies.

Remarks: The bill as passed amends Chapter 2305 of the Government Code to require the Comptroller to develop and present a report to the Legislature by December 31, 2010, a list of strategies to reduce greenhouse gas emissions that will result in net savings for consumers and businesses that can be achieved without financial cost to businesses and consumers, or that will help businesses maintain global competitiveness. In preparing the list, the Comptroller must consider strategies implemented in other states or nations. "Greenhouse gas" under the statute includes carbon dioxide, methane, ni-

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Sum...Sum...Summertime!

Think Safety in the Heat no matter what time of year it is.

By David P. Vartian



Summertime is upon us; school is out, children are having fun, the tea is chilling and the inviting aroma of barbeque can be detected as we enjoy our neighborhoods.

We all work hard and enjoy playing hard. As Solid Waste professionals, especially ones in the State of Texas, we all know what summertime brings us. The Heat of Texas; the constant 100 degree temperature, day after day after day, week after week after week. What does this mean for those of us working out in this hot environment? Well for Solid Waste Professionals, Collections and Disposal Staff alike it means that we all have to spend a great deal of our day working in a hot, sunny environment, and doing such creates some special hazards to our safety and health.

As professionals in our field, we all look for standards to follow in our daily activities; for some of us, it may be: the TCEQ, EPA, various CFR's or other standard practice guides are some of the resources we look to. When we look for guidance with our Safety related concerns, we will look to our OSHA standards for guidance. However, when we talk about Sun Safety and Heat Related Injury Prevention, we find that there is no specific OSHA requirement for this concern. In as much, as we will all find out at one time or another, especially if we aspire to any particular designation such as the "OSHAS 18001 Certification", we find that the employees are protected under the "General Duty Clause" of the Occupational Safety and Health Act because heat and sun safety and the illnesses derived thereto are a serious hazard.

When we talk about Sun Safety and Heat Related Injury Prevention, we are all concerned about our biggest asset – our team members. In dealing with this, we face many challenges as we endeavor to enable our staffers to succeed in their efforts. When the heat and sun of summer comes upon us, there are a number of factors that we as both employers and employees must recognize. Some include recognizing safety and health hazards when working in high heat, factors that increase the risk of heat related illness, signs and symptoms of illness, and first aid and preventive measures that decrease the risk of heat-related illness.

In order for the human body to maintain a constant internal temperature the body must rid itself of excess heat. This is accomplished by varying the rate of blood that commutes to the outer layers of the skin and releasing of fluid onto the skin by the sweat glands. The evaporation of sweat cools the skin, releasing large amounts of heat from the body. As area temperatures approach the normal skin temperature, cooling of the body becomes more difficult. If air temperature is as warm or warmer than the skin, blood brought to the body surface cannot lose its heat, and sweating becomes the primary means of maintaining a constant body temperature. Sweating by itself does not cool the body unless moisture is removed from the skin by evaporation.

It is said that Humans are, to a large extent, capable of adjusting to the heat. This adjustment to heat, under normal circumstances, usually takes about 5 to 7 days, during which time the body will undergo a series of changes that will make continued exposure to heat more endurable.

Moreover, heat related illnesses may more likely occur among staff who either have not been given time to adjust to the heat or have been away from such environments for a period of time. It is at this time when the safety hazards emerge from the environmental conditions. There is some evidence that the frequency of accidents in general appears to be higher in hot environments than in more moderate temperatures. High heat generally promotes accidents and facilitates injuries because of sweaty palms, dizziness, and blurred vision in part due to fogged safety glasses or goggles or to some type of heat induced mental confusion. Employees can also suffer from tiredness, and irritability may occur when tolerances are reduced due to becoming overheated and at times, overtly uncomfortable. The overall effect of this can result in poor judgment and unsafe practices. The heat can also impact equipment and machines potentially triggering mechanical failures that may lead to environmental emergencies, accidents and injuries. The excessive and un-acclimated exposure to a hot environment can bring about a number of heat related health problems and ailments.

Heat Stroke

Heat stroke is the most serious heat-related disorder. It occurs when the body becomes unable to control its temperature: the body's temperature rises rapidly, the sweating mechanism fails, and the body is unable to cool down. When heat stroke occurs, the body temperature can rise to 106 degrees Fahrenheit or higher within 10 to 15 minutes. Heat stroke can cause death or permanent disability if emergency treatment is not given.

Symptoms of heat stroke include:

- Hot, dry skin (no sweating)
- Hallucinations
- Chills
- Throbbing headache
- High body temperature
- Confusion/dizziness
- Slurred speech

Take the following steps to treat a worker with heat stroke:

- Call 911 and notify their supervisor.
- Move the sick worker to a cool shaded area.
- Cool the worker using methods such as:
 - - Soaking their clothes with water.
 - - Spraying, sponging, or showering them with water.
 - - Fanning their body.

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Heat Exhaustion

Heat exhaustion is the body's response to an excessive loss of the water and salt, usually through excessive sweating. Workers most prone to heat exhaustion are those that are elderly, have high blood pressure, and those working in a hot environment.

Symptoms of heat exhaustion include:

- Heavy sweating
- Extreme weakness or fatigue
- Dizziness, confusion
- Nausea
- Clammy, moist skin
- Pale or flushed complexion
- Muscle cramps
- Slightly elevated body temperature
- Fast and shallow breathing

Treat a worker suffering from heat exhaustion with the following:

- Have them rest in a cool, shaded or air-conditioned area.
- Have them drink plenty of water or other cool, nonalcoholic beverages.
- Have them take a cool shower, bath, or sponge bath.

Heat Syncope

Heat syncope is a fainting (syncope) episode or dizziness that usually occurs with prolonged standing or sudden rising from a sitting or lying position. Factors that may contribute to heat syncope include dehydration and lack of acclimatization.

Symptoms of heat syncope include:

- Light-headedness
- Dizziness
- Fainting

Workers with heat syncope should:

- Sit or lie down in a cool place when they begin to feel symptoms.
- Slowly drink water, clear juice, or a sports beverage.

Heat Cramps

Heat cramps usually affect workers who sweat a lot during strenuous activity. This sweating depletes the body's salt and moisture levels. Low salt levels in muscles causes painful cramps. Heat cramps may also be a symptom of heat exhaustion.

Symptoms

Muscle pain or spasms usually in the abdomen, arms, or legs.

The **Safety Management and Resource Team** is a network of Safety professionals organized to effectively share methods of injury and collision prevention. Contact Ellen Jensen at 512-974-1998 to obtain safety support, exchange safety strategies, or to arrange an onsite audit of your work practices.

Workers with heat cramps should:

- Stop all activity, and sit in a cool place.
- Drink clear juice or a sports beverage.
- Do not return to strenuous work for a few hours after the cramps subside because further exertion may lead to heat exhaustion or heat stroke.
- Seek medical attention if any of the following apply:
 - - The worker has heart problems.
 - - The worker is on a low-sodium diet.
 - - The cramps do not subside within one hour.

Heat Rash

Heat rash is a skin irritation caused by excessive sweating during hot, humid weather. It often makes one uncomfortable, can be painful, may escalate in severity and be a major distraction as one tries to go about their day.

Symptoms of heat rash include:

- Heat rash looks like a red cluster of pimples or small blisters.
- It is more likely to occur on the neck and upper chest, in the groin, under the breasts, and in elbow creases.

Workers experiencing heat rash should:

- Try to work in a cooler, less humid environment when possible.
- Keep the affected area dry.
- Dusting powder may be used to increase comfort.

Maintain hygiene by showering and changing more frequently.

The key to preventing heat stress and promoting sun safety is educating the employer and employees on the hazards of working in heat and the benefits of implementing proper controls and work practices. The employer should establish a program designed to acclimatize workers who must be exposed to hot environments and provide necessary work-rest cycles and water to minimize heat stress. Employees must also participate by preparing themselves for the activities for which they will engage, both mentally and physically before they go to work. They can moderate alcohol intake, monitor weather patterns, help by initiating the hydration process, exercise and establish a diet that fuels the body well so that their body can support all the activities for which they want to engage. Solutions to dealing with this challenge are only created when we all participate in the process. Learning creates a thirst for knowledge that can be insatiable, cooperation and attitude are enablers that engineer consensus and empowers productivity and satisfaction.



On behalf of your SMART Committee, I would like to wish everyone a safe and enjoyable summer! As I always say, "Stay Safe and Have some Fun!!"

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MEMBERSHIP

We Welcome the Following New Members (Through July 1, 2009)

Vic Ayers—City of Houston

Reema Parvez—Element Markets, LLC

Mario Vela—City of McAllen

Inderpal Sidhu—City of Dallas

Kevin Baker—Red River Service Corp.

Teresa Cantrell—Red River Service Corp.

Jorge Guerra—Red River Service Corp.

Greg Knight—Red River Service Corp.

Leon Thetford—Red River Service Corp.

Richard Davis—City of Killeen

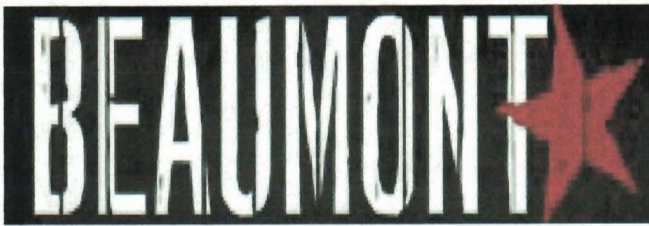
Darrell Mills—City of Laredo

Elizabeth Kelly—Lower Valley Water District

Sumit Agarwal—Institute of Information Technology

**Heil of
Texas**





ROAD-E-O Round-up and Results

Beaumont hosted the 2009 TxSWANA Road-E-O on June 20, 2009. 1st and 2nd place finishers are eligible to compete for the top driving and mechanical honors at the 2009 SWANA International Road-E-O in Largo, Florida September 18-19 2009. *Hope to see you there!*

CONGRATULATIONS TO THE FOLLOWING PARTICIPANTS:

REAR LOADER

- 1st—Joseph Quintella, Beaumont
- 2nd—Larry Smith, Houston
- 3rd—Gay Roosevelt, Plano

AUTOMATED SIDE LOADER

- 1st—Brad Robertson, Plano
- 2nd—Hiram Nimmons, Houston
- 3rd—Carlton Paldo, College Station

FRONT LOADER

- 1st—Ivan Fernandez, Garland
- 2nd—Lester Harding, Waco
- 3rd—Richard Perkins, Waco

ROLL-OFF

- 1st—Isah Bell, Houston
- 2nd—Michael Wilkerson, Beaumont
- 3rd—David Dirden, Houston

TRACTOR TRAILOR

- 1st—Daniel Pollomo, Houston
- 2nd—Rodolfo Valdez, San Antonio
- 3rd—Joe Acosta, Garland

TRUCK MECHANIC

- 1st—Van Tran, Houston
- 2nd—Jason Vallair, Houston
- 3rd—Jon Matocha, New Braunfels

LANDFILL HEAVY EQUIPMENT MECHANIC

- 1st—Joseph Lee, Waco
- 2nd—Leland Gill, Beaumont

COMPACTOR

- 1st—Ryan Stoker, College Station
- 2nd—Daryl Pratt, Beaumont
- 3rd—Elmer Vanhoorebeke, Jr, College Station

ARTICULATED DUMP TRUCK

- 1st—Jason Busa, College Station
- 2nd—David Stefka, Waco
- 3rd—Joseph Rosemond, Beaumont

DOZER

- 1ST—Larry Tinney, College Station
- 2nd—Aden Riveria, Laredo
- 3rd—Richard Speragur, Irving

TxSWANA would like to thank all of our sponsors. We could not have conducted such a terrific *ROAD-E-O* without your assistance! Additionally, this event would not have been possible without all of the people who volunteered to setup the courses and judge the event. Thank you all!!!

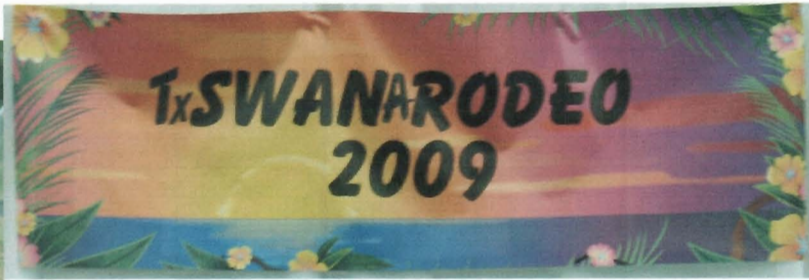


SMART TRUCK COMPANY



SCS ENGINEERS

The Lone Star



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trous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The comptroller is required to appoint one or more advisory committees to assist in the analysis, and may contract with TCEQ other agencies for assistance.

SB 1757 (Watson/Howard, Donna) Relating to a study by the TCEQ of methods for disposing of unused pharmaceuticals so that they do not enter a wastewater system

Remarks: The bill as passed requires the TCEQ to conduct a study and make recommendations regarding the methods to be used by consumers, health care providers, and others for disposing of unused pharmaceuticals so that they do not enter a wastewater system. In conducting the study, the TCEQ may consult numerous entities including solid waste management service providers and local governments. The report is due to the Legislature December 1, 2010.

Bills Passed by the 81st Legislature, But Vetoed by the Governor

HB 821 (Leibowitz/Watson) Relating to sale, recovery, and recycling of certain television equipment.

Remarks: The bill amends Chapter 361, Health and Safety Code, by adding Subchapter Z to establish the Television Equipment Recycling Program. It prohibits any person from offering certain television equipment for sale unless the equipment has been labeled with the television manufacturer's brand. The bill requires television manufacturers to register with the TCEQ, pay annual registration fees, and report the total weight of covered television equipment sold. HB 821 requires manufacturers, individually or as a group, to submit a recovery plan to collect, transport, and recycle television equipment. Manufacturers must collect, transport, and recycle their market share allocation of covered television equipment. Retailers may only sell and order products from a manufacturer included on a list published on the TCEQ's website and must provide written information to consumers on the legal disposition and recycling of television equipment.

The bill also requires recyclers of television equipment to register with the TCEQ, to annually renew their registration, and to recycle all covered television equipment accepted for recycling in accordance with federal, state, and local law. TCEQ's responsibilities under the legislation include publishing those manufacturers who are eligible and in compliance with the Television Equipment Recycling Program, providing information on the program to each county and municipality in this state, conduct audits and inspections to ensure compliance with the program, and to adopt standards for the recycling of covered television equipment. The bill also amends §7.052 of the Water Code to limit the amount of a penalty assessed against a manufacturer for a second violation to \$10,000.

An earlier version of the bill would have prohibited on an owner or operator of an MSW landfill for intentionally or knowingly accepting covered television equipment for disposal. The bill was vetoed by the Governor.

Bills Not Passed by the 81st Legislature

As in all recent legislative sessions, numerous bills were introduced in the 81st Legislature that would have negatively impacted the solid waste industry. Most of TxSWANA's legislative team's time and effort was devoted to killing those bills or, in the alternative, amending those bills to lessen their impacts. Noteworthy among those bills related to the solid waste industry that were filed, but defeated, in the legislative process are the following:

HB 234 (Rodriguez) Relating to notice and hearing requirements for an application to transfer a municipal solid waste permit.

Bill History: 03-18-09 H Committee action pending House Environmental Regulation.

HB 433 (Lucio III) Relating to the procedures for acting on applications for certain permits under the Solid

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Waste Disposal Act.

Bill History: 05-12-09 H Withdrawn from the Local Calendar.

HB 826 (Gattis) Relating to the relationship between the amount of an administrative penalty imposed by the Texas Commission on Environmental Quality and the economic benefit of the violation to the alleged violator.

Bill History: 03-04-09 H Committee action pending House Environmental Regulation.

HB 2122 (Olivio) Relating to the review of solid waste facility permits.

Bill History: 4-01-09 H Committee action pending House Environmental Regulation.

HB 2265 (Allen) Relating to permit application requirements for solid waste facilities.

Bill History: 03-18-09 H Committee action pending House Environmental Regulation.

HB 2704 (Olivo) Relating to the term of a municipal solid waste permit issued by the Texas Commission on Environmental Quality.

Bill History: 04-01-09 H Committee action pending House Environmental Regulation.

HB 2848 (Farabee) Relating to county authority to regulate solid waste collection, handling, storage and disposal in areas of the county not in a municipality.

Bill History: 03-17-09 H Introduced and referred to

committee on House Environmental Regulation.

HB 3311 (Maldonado) Relating to the issuance of a permit for a municipal solid waste landfill located near certain municipalities.

Bill History: 04-22-09 H Committee action pending House Environmental Regulation.

HB 3693 (Laubenberg) Relating to an exemption from the applicability of the Comprehensive Municipal Solid Waste Management, Resource Recover, and Conservation Act for certain solid waste used for resource recovery or processing.

Bill History: 04-21-09 H Committee action pending House Natural Resources.

HB 4084 (Farrar) Relating to a prohibition on the disposal of certain used equipment at a municipal solid waste facility.

Bill History: 04-29-09 H Meeting set for 10:00 a.m. or final adj./re...House Environmental Regulation.

HB 4350/ SB 2235 (Chisum/Seliger) Relating to the definition of "operator" in relation to the regulation of a solid waste facility.

Companions: **SB 2235** (Seliger) Identical. 5-13-09 H Referred to House Committee on House Environmental Regulation.

Bill History: **HB 4350:** 04-08-09 H Committee action pending House Environmental Regulation.

Bill History: **SB 2235:** 05-13-09 H Referred to House Committee on Environmental Regulation.

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 L. Sledge of the Austin-based law firm of Lloyd Gosselink Rochelle & Townsend, P.C. Brian heads the firm's Government Relations Practice Group, which has been recognized by Capitol Insider's Texas Lobby Power Rankings as one of the top law firm lobby practices in Texas. He is a registered lobbyist with the Texas Ethics Commission. The legislative summaries above are intended only as short overviews for the convenience of the reader and should not be relied upon as legal advice or accurate depictions of the actual legislative measures. If you have any questions concerning legislative issues or would like additional information concerning this or any other related matter, please contact Brian at (512) 322-5839 or bsledge@lglawfirm.com.

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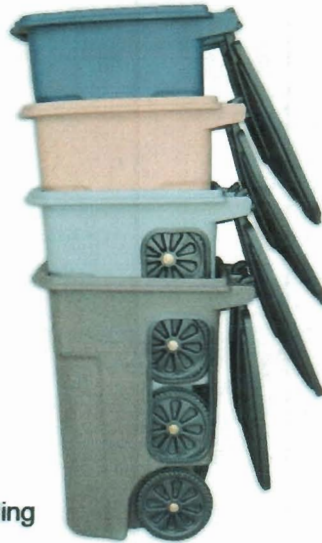
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Calendar of Events

BOARD OF DIRECTORS MEETINGS

July 17, 2009	Corpus Christi
Aug. 21, 2009	Austin

2009 International Road-e-o
Sept. 18-19, 2009
Largo & Clearwater, FL

2010 TXSWANA Conference
April 25-28, 2010
Corpus Christi, TX

2010 TXSWANA Road-e-o
2010
San Antonio, TX



The Three Branches of Carbon Regulation

by

Paul Gosselink

In the April 2009 edition of *The Lone Star Current* we reported that the probability of a mandatory cap-and-trade program for green house gases ("GHGs") was higher than ever. Since then, a number of events have decreased the likelihood that this program will come to fruition this legislative session. However, many factors still suggest the eventual passage of a comprehensive cap-and-trade climate change bill. Specifically, pressure for legislative action is mounting as both the executive and judicial branches take independent steps toward carbon regulation. Because the tools available to the non-legislative branches of government are widely considered to be inadequate to appropriately regulate GHGs, many believe that recent actions on these fronts will stimulate cooperation between environmentalists and the soon-to-be regulated industries on reaching a legislative solution to climate change.

Legislative Steps

So far, both the Obama administration and Congressional Democrats have expressed a preference for a cap-and-trade approach to GHG reduction. In general terms, a cap-and-trade approach to pollution reduction involves placing limitations or "caps" on the permissible emission levels of target pollutants and either allocating or selling "allowances," (a share of allowable emissions) to industries. These industries are then free to either 1) reduce their emissions to the level of their allowances, 2) further reduce their emissions beyond that level and sell their excess allowances to other industry members, 3) purchase additional allowances from others who have surpassed their own emissions reduction goals, or 4) purchase credits from

industries that are not capped, but who voluntarily reduce their emission of GHGs.

The Waxman-Markey bill, outlining such a plan, passed the U.S. House of Representative on June 26. Cap and trade was thought to be stalled in the Senate as the Senate and the Obama Administration have concentrated on health care reforms rather than climate change, until September 30, when a cap and trade bill was introduced by Senators Kerry and Boxer. This bill is considered unlikely to pass in this legislative session. As the legislature temporarily flounders on climate change, the executive and judicial branches are moving forward with carbon reduction strategies of their own.

EPA Takes First Steps

Perhaps the most tangible step taken towards carbon regulation in the past few months was the EPA's final adoption of a mandatory GHG reporting rule. This rule will require roughly 10,000 covered facilities to report their annual GHG emissions beginning in January 2010, with the first report due on March 31, 2011. As our earlier article explained, the data collected in these annual reports will serve as an indispensable resource in defining the scope of future GHG regulations. The facilities slated for regulation under this rule consist of 29 distinct categories of covered sources identified by the EPA, including power plants and landfills, as well as oil refiners, manure managers, and producers of cement, steel,

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Message from the President

By Ron Smith

Fellow TxSWANA Members,

As Fall begins to settle across our great state, we continue to face economic and operational challenges that many of us have never faced. Our cities strive to maintain peak service levels and balance flat or decreased annual budgets. Thankfully, our industry is extremely necessary for all of our cities and counties and we may be somewhat insulated in comparison to others. I continue to be impressed by the thoughtfulness, innovativeness, and creativity of our leaders and managers in getting their jobs done, by maintaining equipment, and working in these tight financial times without forsaking our most important resource, "Our Personnel". I've always been taught that if you take care of your people they will take care of your daily missions and that holds so much truer in these times. Great job to all of you!



Your Board has had very good dialog with the TCEQ on our Municipal Solid Waste Licensing. We are pursuing changes that will once again make our licensing encompassing of one another as you move up from C-level to A. Once you attain an A license, (if we are successful) it will cover any solid waste facility. Our timing on this issue seems to be very good as many of the new appointments, in key positions, were in attendance at our board meeting in Austin. They were very receptive to our discussion and appeared very willing to work with TxSWANA on making a change to benefit our personnel and our ability to better manage our facilities.

Keep the annual conference in April 2010, in Corpus Christi, on your radar. It is shaping up to be a great show in a great location. Continue doing great things, and if you need anything or have concerns, please let your Board of Directors know. We work for you.

Ron Smith

(Continued from page 1)

and aluminum. Several of these categories include "upstream" sources such as importers of petroleum products and mobile sources such as heavy-duty truck manufacturers. Depending upon which category a covered facility falls in, the reporting requirements apply to either the entire category or to facilities within the category that emit more than 25,000 tons annually. Together, these sources are thought to be responsible for approximately 85 percent of U.S. GHG emissions.

EPA Continues to March Forward

In 2007, the Supreme Court held in *Massachusetts v. EPA*, 549 U.S. 497 (S.Ct. 2007), that the EPA was obligated under the CAA to regulate emissions of GHGs unless it found that these emissions did not contribute to climate change. On April 17, 2009 the Obama EPA proposed an endangerment finding which would recognize the threat that the six GHGs pose to the health and welfare of present and future generations. Final action on that finding is still pending.

On August 31, 2009, the EPA submitted a proposed rule to the Office of Management and Budget for Prevention of Significant Deterioration ("PSD") review under the Clean Air Act ("CAA"). On September 30, EPA followed this up by proposing the "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule" (the "Tailoring Rule"). Under this rule, the EPA proposes to require facilities that will emit more than 25,000 tons of GHGs annually to obtain permits that would demonstrate they are using the best practices and technologies to minimize GHG emissions. This represents a departure from the text of the CAA, which is triggered when a facility emits 250 tons per year of a regulated pollutant. However, EPA has recognized that in the case of GHGs, regulation of sources with annual emissions of 250 tons could reach venues as small as individual restaurants, vastly expanding the scope of the CAA.

The Tailoring Rule also proposes new thresholds for GHG emissions that require CAA permits under the New Source Review and Title V operating permits programs for new or existing industrial facilities. EPA will be taking comments on the proposed Tailoring Rule for 60 days after the rule is published in the Federal Register.

Responding to an administrative order by the Obama Administration, the EPA and Department of Transportation have also submitted a proposal to OMB implementing stricter fuel economy standards and tailpipe emissions standards on August 25. This proposal aims to bring corporate average fuel economy ("CAFE") standards up to the level required by California Law. If implemented, by 2016 the standards would require manufacturers of cars and light-trucks to achieve a fleet-wide average of 39.9 and 30 mpg respectively. These standards would also establish the first nationwide regulation for GHGs by limiting the tailpipe carbon dioxide emissions of all new automobiles to 250 grams per mile.

Concerns for EPA's Path

The thought of EPA regulation of carbon issues has left many dissatisfied. Environmentalists are concerned that the EPA cannot go far enough to regulate stationary sources with PSD

review, because this section of the CAA is primarily for new sources of pollutants. They also worry that BACT standards for technologies such as clean coal will be ineffective for at least a decade, because the relevant control technologies have yet to be developed. On the other hand, many carbon intensive industries are apprehensive about the potential scope of regulation under the CAA, anticipating that EPA's proposed Tailoring Rule will be challenged. This creates uncertainty for businesses that must project expenses in order to plan for the future.

The Courts Step In

Aside from the urging of the Obama administration and the looming threat of EPA regulation, Congress is now under additional pressure to address climate change after an unexpected decision by the Second Circuit to allow injured parties to bring nuisance claims against major utilities for their contribution to climate change under federal common law. In *Connecticut v. American Electric Power*, — F.3d —, 2009 WL 2996729 (C.A.2(N.Y.), eight states, the City of New York, and three land trusts brought suit against six electric power corporations for present and future injuries caused by climate change. The plaintiffs argued that the defendants, who own and operate coal-fueled power plants across twenty states, contributed significantly to climate change.

The district court dismissed the plaintiff's suit on political question grounds, ruling that among other things, solutions to global warming are global in nature, and that the judicial branch lacked the discretion to make the policy determinations necessary to solve them. The Circuit Court rejected this decision. It held that despite the global nature of global warming, parties can still be held responsible for their contribution to global warming by the courts when there is an injury involved. In this case, the court found that injuries such as California's loss of drinking water due to the shrinkage of their snowcaps qualified.

American Electric Power has now been remanded back to the district court level to determine if the plaintiffs are entitled to the injunctive relief they seek. Specifically, they are requesting that the emissions of the six utilities be capped with a three percent reduction annually. The decision by the Second Circuit, unless overturned by the Supreme Court, could open up virtually every industrial emitter of GHGs to nuisance claims under federal common law. From the perspective of both environmentalists and the industrials, this amounts to a case-by-case, cap-and-trade plus attorney's fees, regulatory process.

Conclusion

Ultimately, judicially or administratively created cap-and-trade systems may prove to be unworkable. However, the hope of cap-and-trade proponents is that the movement by the non-legislative branches towards GHG regulation will pressure Congress to move forward on comprehensive climate change legislation.



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PEDESTRIANS

By
Megan Miller



It's Pedestrian season! (Not to be confused with deer season, though Pedestrian season does involve some hunting skills.)

Actually, every season is pedestrian season, but Fall in particular is when we are reminded to watch out for foot traffic to and from schools. Numerous studies have shown that children are shorter than other segments of the population, which means that they are harder to see. They also have an alarming tendency to be unpredictable, especially in groups. Students are more likely to jaywalk, and more likely to be using an MP3 player or other diversions that take their attention away from YOUR 3-TON TRUCK proceeding toward them for an untimely rendezvous. So, until they become better at watching out for themselves, you'll have to do it for them.

It never hurts to stay up to date on what's happening in the neighborhoods you service – are there registrations or other events coming up at the school? In-service days where students will be let out early? These can clue you to be extra alert.

Fall means Halloween, which can be scary for drivers since there are excited kids running around in costumes that often don't allow them to see well. (I

remember in particular one little boy who was dressed in a cardboard box as a "robot", and kept walking into walls. His older sister had to guide him to and from our front door.) Even when Halloween falls on a weekend, as it does this year, it still may be celebrated in the schools the Friday before. Watch out for ghoulies and ghosties.

Unfortunately, it's not just students that you need to be aware of - the cooler weather means that more people of all types are out and about. In Texas we tend to lay low in the summer, then get very active with events in the Fall. Fall festivals, football games, etc. bring people out and put them at risk if they're walking. When daylight savings time ends it starts to get dark early. Visibility is poorer, something to keep in mind when twilight finds you finishing up a route.

Every season has its challenges, and every season requires us to be vigilant for pedestrians, but this season seems to highlight that responsibility more than usual.

Use your hunting skills to find them before they find you. Professional drivers know that everyone's safety depends on them.

Be careful out there!

The **Safety Management and Resource Team** is a network of Safety professionals organized to effectively share methods of injury and collision prevention. Contact Ellen Jensen at 512-974-1998 to obtain safety support, exchange safety strategies, or to arrange an onsite audit of your work practices.



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MEMBERSHIP

We Welcome the Following New Members (Through October 15, 2009)

Jimmy Miller— City of Austin	Stefan Stamoulis—HydroGeologic Environmental Testing
Heather Gaston—City of Bryan	Robert Carroll—Renovar Energy Corporation
Mark Melancon—City of Irving	Daniele Baradeli— Rhino Environmental Services, Inc.
Donny Hooper— City of Pampa	Scott Trebus— Republic Services, Inc.
Jessica King— City of Austin	Suzanne Michaels— Suzanne Michaels Communications
	Tammie Williamson— City of Austin



City of Garland Earns Recognition

The City of Garland Environmental Waste Services Department is the First Place Award Winner of the Green3 Whole Circle Award, sponsored by the North Texas Corporate Recycling Association (NTCRA).

The Green3 Awards recognize efforts of North Texas businesses, governments, colleges and individuals for outstanding contributions to the recycling industry that result in meaningful waste reduction. "The Green3 Award winners are reinventing the way we do business in America, and are proving that there is a better way—businesses can be MORE efficient, save money and still conserve natural resources," announced Shirlene Sitton, President of the NTRCA.

Environmental Waste Services' award is based on implementation of an Environmental Management System (EMS) that is helping all departmental employees examine internal processes and areas that merit improvement, as well as implement strategies to reduce, reuse and recycle. Environmental Waste is the first department in the City of Garland to adopt an EMS program.

The department has achieved significant milestones following EMS implementation, including fuel reduction by 35,000 gallons this fiscal year and increased residential recycling by 12%, representing over 1,150 cubic yards of landfill space saved. The brush diversion initiative has resulted in 44% of all brush being sent to the City's Wood Recycling Facility, representing over 11,500 tons of brush recycled and over 46,000 cubic yards of landfill space saved.

EWS also implemented an office recycling program at its administrative offices, with more than one ton of material being diverted from the landfill in 6 months. Electricity usage has been reduced by an average of 20% at all facilities, representing a savings of 26,328 kilowatt hours.

"Our EMS journey is not complete," explained Lonnie Banks, Environmental Waste Services Managing Director. "We will build on these successes and stay committed to our EMS policy, which is to provide service on unbelievable levels for the community, strive for organizational improvement and employee development, understand our environmental impact, reduce waste and pollution and meet and exceed all legal requirements."



Divya Garrepalli, Glenna Brown and Susana Medina, members of the Environmental Waste Services Staff, receive the Green3 Award from Shirlene Sitton (second from left), President of NTCRA.

Don't Miss Out!

Nearly \$500 Million In Federal Grants Available For Energy Efficiency Initiatives

by

By Paul Gosselink and Jeffrey Reed

The mind-boggling amount of nearly \$500 million in federal grant money has been made available to Texas cities and counties through several different grant programs that are designed to reduce greenhouse gas ("GHG") emissions, promote energy efficiency, and create jobs across the state. In addition to receiving federal funding, projects that reduce GHGs may have the added benefit of being eligible for carbon credits that can be sold on the voluntary carbon market. There are numerous opportunities available to public and private entities, and the time is ripe to apply for these funds!

Funding Sources

You might ask, where is all this money coming from? The primary funding source for these grants is the American Recovery and Reinvestment Act of 2009 ("ARRA"), commonly called the Stimulus Bill. The primary mechanism to deliver the grant money is the Department of Energy's ("DOE") Energy Efficiency and Conservation Block Grant ("EECBG") Program. The DOE has four programs under the EECBG umbrella, three of which are discussed in this article:

The "Formula City and County Program," through which \$163 million was allocated to Texas for use by larger cities (35,000 population or greater) and larger counties (200,000 population or greater). These will be referred to here as "Formula Cities and Counties."

The "State Program," through which almost \$46 million was allocated to Texas to pass through to the smaller cities and counties.

The Competitive Grant Program, to which the DOE has allocated approximately \$453 million. No specific allocations have been made to state under this program; instead, competition will occur on a nationwide scale. This competitive grant program has not yet been opened, but it will award grants under: (1) the "Retrofit Ramp-up Program"; and (2) the "General Innovation Fund for Ineligible Entities."

State funds are also available, although in lower amounts, through the Texas Loan Star Program administered through the State Energy Program ("SEP"). Approximately \$218 million is available to provide low interest loans that will be awarded on a competitive basis.

The Time to Act is Now!

The application deadline for the Formula Cities and Counties was August 10, 2009. However, the DOE's "State Program" was opened for applications on September 28, 2009, by the Texas State Energy Conservation Office ("SECO"). The State Comptroller, Susan Combs, has sent letters to all these cities and counties highlighting the availability of these funds. First, the funds will be distributed on the basis of population, meaning that this group of cities and counties will not be competing with each other. Second, a city or county simply has to indicate its preliminary acceptance within 45 days. As with the Formula Cities, each of the cities applying under the "State Program" must then propose a project or projects that will reduce GHG or promote energy efficiency. These grants range in amount from \$20,000 to \$150,000.

DOE's Competitive Grant Program

As mentioned above, the DOE has two competitive grant programs available to Texas cities and counties.

Retrofit Ramp-Up Program. Formula Cities are eligible for the DOE Competitive Grant Retrofit Ramp-up Program. This program will provide up to \$390 million nationwide toward projects that demonstrate a sustainable business model for providing cost-effective energy upgrades for residential, commercial and/or public buildings in a specific community.

(Continued from page 11)

General Innovation Fund for Ineligible Entities. This fund totals \$64 million and is reserved for non-Formula cities and counties. These funds are intended to expand local energy efficiency efforts and reduce energy use in the commercial, residential, transportation, manufacturing or industrial sectors. The DOE anticipates awarding between 15 and 60 grants under this fund in amounts between \$1 million and \$5 million.

State Energy Program

The SEP is also administered by the Texas SECO. Eligible entities include all units of state and local government, public schools, public colleges and universities, public hospitals, and municipal utilities. The Texas SEP contains several programs, including the Building Efficiency and Retrofit Program, the Transportation Program, and the Distributed Renewable Energy Technology Program.

Building Efficiency and Retrofit Program. At \$158.2 million this is the largest of the loan programs. The purpose of this program is to increase the energy efficiency of public sector buildings and other facilities by establishing a revolving loan mechanism to provide loans to eligible entities for the purpose of performing energy efficiency and retrofit activities on these buildings and facilities. SECO plans to issue a Request For Applications and will score applications based on the following selection criteria: (1) ready-to-go projects are given priority; (2) projects with quicker payback periods are given more points; (3) projected energy savings; (4) projected greenhouse gas emissions reduction; (5) number of jobs created/retained; (6) other funds leveraged; and (7) geographic diversity. The Request for Application (RFA) has not yet been issued for this program at press time.

Transportation Efficiency Program. This program is intended to reduce GHG emissions and decrease dependence on foreign oil. Public entities will be able to submit proposals through two programs: (1) the Traffic Signal Project, which includes signal retiming, placing LEDs in old units, purchasing new signals, replacing existing traffic

signal control hardware and accommodating enhanced signal operations, and monitoring new signal timings to ensure correct synchronization; and (2) the Alternative Fuels Project, whose purpose is to pay for incremental costs related to the purchase of alternative fuel vehicles and/or equipment necessary for the development of alternative fuel refueling stations for public entities. The RFA for the \$6 million Traffic Signal Project has been issued and is open until October 19, 2009. The RFA for the \$11 million Alternative Fuels Project has also been issued and is open until October 30, 2009.

Distributed Renewable Energy Technology Program. This program provides grants to increase the amount of installed renewable energy in Texas and advance the market for renewable technologies. Such technologies include biomass, geothermal, solar, hydro, and wind. A specific minimum size has not been determined, but no residential or commercial buildings will be eligible for funding. The RFA for this \$30 million program has been issued and is open until October 30, 2009.

The significant amount of federal funding allocated to the various EECBG Program and the SEP revolving loan program has created many opportunities for Texas cities and counties and other public entities to benefit from these programs. If you are interested in applying for funding or a loan under one of these programs, be sure to file a timely request and strictly follow the guidelines established by the DOE and SECO. When evaluating potential projects, also remember to consider the potential availability of carbon credits that may provide a revenue source in addition to the other goals of the various programs discussed.

Paul is the head of the Firm's Air & Waste Practice Group and counsels clients on many issues related to climate change and carbon credits. Jeff is an Associate in the Air & Waste Practice Group. If you have any questions about these programs or what projects might be eligible, you may contact Paul Gosselink at pgosselink@lglawfirm.com or 512-322-5882 and Jeffrey Reed at jreed@lglawfirm.com or 512-322-5885.

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**BOARD OF DIRECTORS
MEETINGS**

Nov. 20, 2009	San Antonio
Dec. 18, 2009	Conference Call (if needed)

**2010 TXSWANA
Annual Conference**
April 25th-28th, 2010
Corpus Christi, TX

2010 TXSWANA Road-E-O
June 26, 2010
San Antonio, TX