



EPA Eyes Implementing its Long-Delayed Landfill EG Rule in May: What it Means for the Solid Waste Sector

by Sam Ballard and Matt Stutz

Recent movement has occurred regarding EPA's Landfill Emission Guidelines (EG) Rule, which the agency has repeatedly delayed implementing since it first announced the final rule in 2016. But that delay may now soon be over as EPA aims to implement the EG rule in May of this year.

Generally, the EG Rule is aimed at regulating air emissions from existing municipal solid waste (MSW) landfills. More specifically, the EG Rule applies to any MSW landfills that have accepted waste since November 8, 1987 and have not commenced construction on a landfill expansion after July 17, 2014. According to EPA's assessment of the EG rule, nearly 2,000 MSW sites could be impacted across the country.

EPA originally required states to submit their own plans in accordance with the EG Rule for review and approval by May 30, 2017, but the agency pushed that deadline out to August 29, 2019. On February 29, 2020, EPA found that 42 states, including Texas, had failed to submit a state plan. This finding did not establish sanctions for the states that failed to submit state plans or set deadlines for imposing sanctions.

EPA only received plans from six states by the deadline: Arizona, California, Delaware, New Mexico, West Virginia, and Oregon.

In May 2019, a California federal court ordered EPA to promulgate a federal plan by November 6, 2019 for the states that failed to submit their own plans by the deadline. However, EPA issued a rule in August 2019 pushing its federal plan deadline out to August 30, 2021 and requested that the California federal court allow it to do so. A number of groups, including eight states (California, Pennsylvania, Illinois, Maryland, New Mexico, Oregon, Rhode Island, and Vermont) and the Environmental Defense Fund (EDF), opposed EPA's delay in the courtroom, arguing that EPA's delay would effectively circumvent the prior federal order. The California federal court sided with the opponents in November 2019 and denied EPA's request to delay the deadline any further, ruling that the agency was attempting to "sidestep" its prior order.

EPA subsequently appealed the California federal court's ruling in the U.S. Court of Appeals for the D.C. Circuit, arguing that it had the discretion to delay the dead-

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Message from the President

by Morris Williams Jr.

Hello TxSWANA Members!

I will begin with some unfortunate news. We sent out surveys for the possibility of TxSWANA members being able to travel to a conference this year. The surveys told us that it was not a good idea to hold a conference this year as most municipal budgets were still not allowing for travel. The good news is we will have an entire year to have a great conference in Lubbock in 2022!



Your TxSWANA Board has remained busy behind the scenes and we are looking for members to join the board of directors as we have an election coming in July. We are looking for hardworking professionals that will have the support of their employer to allow them to make a two-year commitment to being on the board. It is a very knowledgeable group of professionals who share their expertise and experience with the intent of staying on the cutting edge of the solid waste industry. Here are a few expectations if you are interested:

- All directors shall be members affiliated with the Chapter in good standing.
- Board meetings are held monthly and directors shall be in attendance at the majority of board meetings.
- TxSWANA holds an annual educational conference and directors are expected to be in attendance and assist with the event.

We are a working board and we welcome members who have the time and commitment to join us. As we navigate through 2021, please remain diligent in keeping you and your families safe so we can all get back to seeing each other face to face.

Thanks for all you do!

Respectfully,
Morris Williams Jr.



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(Continued from page 1) line for implementation of the federal plan. However, a coalition of nine states (including the eight states previously identified and New Jersey) and the EDF filed a brief in August 2020 in the D.C. Circuit Court, arguing that EPA deployed a series of tactics to delay implementing the standards, without ever providing a valid reason for doing so. The opponents requested that the court both vacate the delay and require EPA to immediately implement the federal plan, asserting that any further delays would have adverse environmental and public health effects.

That appeal is now over, as EPA recently indicated that it intends to issue a federal plan by May 2021 for any state that does not have an approved state plan. On March 4, 2021, EPA requested that the D.C. Circuit Court vacate the agency's prior rule, which extended the deadline for implementation of the federal EG rule. EPA made the request to vacate pursuant to President Biden's January 20, 2021 Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, which prompts EPA to move forward with pending environmental projects, including issuance of the 2016 EG Rule. The D.C. Circuit Court granted EPA's request to vacate on April 5, 2021, effectively ending the EG delay saga. EPA is now eyeing to issue the federal plan in May 2021.

During the EG delay saga, TCEQ announced plans of its own in the spring of 2020 to issue a future rulemaking to revise 30 Texas Administrative Code, Chapter 113, Subchapter D to incorporate a new state plan in compliance with the Federal Clean Air Act and 2016 EG Rule. The future rulemaking would revise Subchapter D to remove outdated references to prior Emission Guidelines and add references to the provisions of the 2016 Emission Guidelines under 40 C.F.R. Part 60. TCEQ also announced plans for a separate, concurrent rulemaking to replace the existing standard air permit for

MSW landfills with a non-rule standard permit that would be issued to reflect the changes in the federal regulations. TCEQ may issue these rulemakings following the resolution of EPA's D.C. Circuit Court appeal.

So whether it is a State EG Plan or a Federal Plan, this new rule will affect most landfills and, as such, it is essential that MSW landfill owner/operators consult with their engineering and compliance teams about the potential impacts of the EG Rule. However, it is also advisable for MSW landfill owner/operators to be proactive and plan ahead before the EG Rule is implemented.

But wait, there is more. On March 26, 2020, EPA issued a final rule update for the residual risk and technology review (RTR) to the National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart AAAA for MSW Landfills. The rule update was promulgated pursuant to section 112(d) of the Clean Air Act and will become fully effective on September 28, 2021. Similar to the EG rules, these updated NESHAP AAAA rules have additional and new requirements for all MSW landfills that are a major source for Hazardous Air Pollutants (HAPs) and/or have 50 Mg/yr or more of non-methane organic compounds (NMOCs). Some of the new requirements will affect surface emissions monitoring, gas system monitoring, and exceedance corrective actions. As this rule is also fast approaching, developing an implementation strategy is recommended.

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CALLING FOR **TXSWANA BOARD MEMBER NOMINATIONS !**

TxSwana will hold elections this August for new Municipal Board Members. This is a two-year term and nominees must work for a municipality, must obtain a letter of support from their City Management, and must be an active TXSWANA member in good standing. The letter of support must state the TXSWANA Board Member nominee will have the time and resources needed to travel to at least six (6) in-person board meetings out of eleven (11) that are scheduled each year. The other five board meetings may be attended via phone or zoom. Board meetings typically rotate around various Texas cities that historically included Dallas, Austin, Houston, San Antonio, El Paso, Lubbock and Midland.

Please send your letter of interest, resume, and letter of support to Ellen Smyth, Nominating Committee Chair, at smythea@elpasotexas.gov. Nominations must be received on or before Thursday, May 13, 2021.



SWANA Announces Winners of The International Solid Waste Design Competition

SWANA is excited to announce the winners of the International Solid Waste Design Competition (SWDC). The University of Vermont was selected as the first-place winner as well as given the Best Presentation Award. [Second place went to the University of Texas Arlington](#) and third place was given to Wayne State University. Lizzie Torres from the University of British Columbia received the Emerging Leader/Rising Star award.

The SWDC is a student team competition hosted by SWANA's Young Professionals Group (YP) to solve "real world" problems faced by solid waste professionals. The competition aims at providing design experience to students interested in pursuing an education and/or career in solid waste management, real world experience solving complex solid waste management issues in a fun, supportive environment, an opportunity to display their talents, and a networking event for students to connect with potential employers and others in the industry. This year's project challenged teams to find solutions for closing the Bakoteh Dumpsite and supporting changes to modern solid waste management in Kanifing, The Gambia. The dumpsite is one of the largest disposal facilities in The Gambia and the only one in the Kanifing Municipality.

"Our team of judges were so impressed with how this group of student design teams engaged to best understand this solid waste challenge plaguing The Gambia," Competition judge and Project Manager at SCS Engineers, Chris Jimieson, says. "The students came up with a diverse range of designs that we truly believe will be part of the eventual solution to closing the Bakoteh Dumpsite and constructing The Gambia's first engineered, sanitary landfill."

The judging panel also included John Welch, Director of the Dane County Department of Waste & Renewables; Kaba Bah, Principal Manager at the Midwest GOOH Group in Madison, WI; and Lamin Sanyang, Director of Services at Kanifing Municipal Council in The Gambia.

Seven universities participated in the competition: Arizona State University, Wayne State University, University of Southern California, University of Vermont, [University of Texas at Arlington](#), University of British Columbia, and National University of Engineering in Peru.

The Awards Ceremony featured two guest speakers including David Biderman, CEO and Executive Director of SWANA, and Mayor Talib Ahmed Bensouda, Lord Mayor of the Kanifing Municipality, The Gambia. Mayor Bensouda explained how the Bakoteh Dumpsite has become a significant problem for the growing community and solutions they are using to fix it.

"The SWANA student design competition offers an excellent opportunity for the Council to gather innovative ideas towards achieving our long-term goals of closing the Bakoteh Dumpsite and opening a sanitary landfill to serve our residents," Mayor Bensouda commented. "The posters and reports presented by several student groups are impressive, creative, and insightful. My team and I will study the ideas presented by each group and integrate feasible ideas into our plans."

SWANA would like to thank all of the student participants, the judges, SWANA's YP Planning Committee, and all of those that attended. A special thank you goes to Lanny and Kay Hickman, stewards of the Hickman Endowment Fund and the exclusive sponsors of the awards this year.

City of Laredo Finds a New Route to Landfill Capacity

By Michael Carlton and Jeff Reed

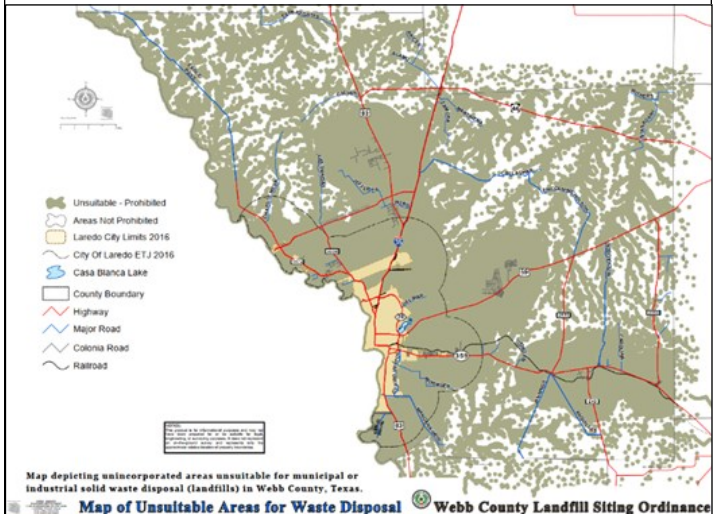
The City of Laredo has found a new path to securing long-term solid waste management capacity – one that is often used by the private sector, but rarely used by the public sector. In 2020, the City Council approved a contract for the purchase of a permitted “Type I” municipal solid waste landfill from a private owner. The City secured a 500-acre landfill site, with approximately 80 million cubic yards of available disposal capacity from Regional Land Management Services.

This purchase allowed for the City to secure long-term capacity without having to undergo a controversial site selection process or a multi-year permitting process with the potential for a painful contested case hearing (a trial-like hearing held before the State Office of Administrative Hearings in many landfill permitting cases). The two-year negotiation process was 8 to 13 years shorter than the amount of time it would take if the City had to start from scratch.

Being open-minded made this possible, as the City’s leadership was willing to consider a unique approach that would assist in securing future City infrastructure. Understanding that the City needed to secure new capacity, the City explored three options for meeting its long-term needs. The City could (i) expand their current landfill, (ii) site and permit a new facility, or (iii) entertain an offer to purchase an existing landfill from the owners of one of the area’s private landfills. At the time, the Ponderosa Landfill was one of the two permitted landfills within the County. Recognizing the need for an evaluation, the City hired Arredondo, Zepeda & Brunz LLC to conduct the evaluation. The evaluation process included an assessment of expansion options, the

potential of selecting a new landfill site, and the procurement of the Ponderosa Site.

The existing Laredo City Landfill is located approximately 2.5 miles east of downtown



Laredo and is a 200-acre site. The property was originally intersected by a major power line and a natural gas pipeline. Ten years ago, the pipeline was abandoned, and the City amended its permit to combine four areas into two areas where the power line can remain on site. Combining the two hills into one large landfill would provide an additional 6.6 to 8.7 million cubic yards of capacity. This would be sufficient for a mid-term, but not for a long-term, solution.

Webb County is not only the location of the City’s landfill and the Ponderosa Landfill, but also of the proposed Pescadito Landfill in northeastern Webb County. The Pescadito permit has been a controversial project. In response to this application, the County established a local landfill site ordinance. This ordinance places restrictions on where future landfills can be located, thereby making it more (Continued on page 10)

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(Continued from page 8) difficult to site and permit a new facility. The map shown here illustrates the areas (shaded areas) where landfills may not be permitted in the County. While this would not entirely preclude a new site in Webb County for the City, it would present significant challenges. Based on previous experience and the challenges presented by the siting ordinance, it was estimated that a new facility would take between 10 and 15 years to site, permit, and construct, with costs between \$18-\$22 million.

The Ponderosa Landfill was permitted in 2009. It is a "Type I" MSW facility that includes a compost facility as part of the permit. The facility was permitted with the intent of accepting approximately 1,000 this can't be right tons of MSW per year. However, because the City of Laredo has a franchise agreement in place which states that any waste collected within the City's boundaries must be delivered to the City's landfill, the Ponderosa Landfill's acceptance rate was approximately 45,000 to 50,000 tons per year. Over the course of the past years, there were informal discussions between City staff and Ponderosa officials regarding the potential sale of the facility to the City. The City ultimately requested a formal price proposal.

A formal proposal was submitted to the City, and the City hired the law firm Lloyd, Gosselink, Rochelle & Townsend, P.C. to assist in the contract negotiations that were initiated between the associated parties. Aside from the price of the facility, the following key elements were negotiated.

- The assets other than the land and landfill that were to be transferred, including the scale house, scale and other equipment;

- Assurance of compliance with all permit conditions including "Corps of Engineer" requirements;

- Demonstrations that facility infrastructure was functional, including the scales, water well and leachate collection system;

- Assistance in securing permit changes;

- Agreement on a transition plan that defined the condition of the site at the time of sale, notifications to existing customers and records transfer.

- Perhaps most importantly, liability provisions protecting both parties in the event of future legal actions;

In September 2020, the parties came to an agreement. One of the key benefits of procuring the site was the fact that only a permit modification was required to transfer the permit. The modification was submitted to TCEQ in October of 2020 and later approved with no parties submitting comments.

Following the successful approval of the permit modification, Council was ready to approve two separate sales agreements. While one agreement covered the purchase of the property and significant assets, the other agreement covered the purchase permit and operations. In December 2020, the City Council approved the two contracts for a total of \$24 million. While this price was slightly above the estimated cost of a new facility, City Council believed there was considerable value in not having to undergo a controversial new site selection and permitting process in order to secure the City's solid waste needs quickly. The City is now in the process of developing a plan that will establish how it will transition from the existing facility to the new site. The site offers the City the following benefits:

- Over 100 years of disposal capacity;

- A source of soil for operations at the City's existing landfill;

- A compost facility that can manage a range of feedstocks, including biosolids; and,

- A site that can provide an alternative if a disaster occurs.

For more information on this article you may reach Michael Carlton at mcarterton@azb-engrs.com or (214) 797-6450, or Jeff Reed at jreed@lglawfirm.com.

How to be a Future Leader

Catelyn Scholwinski, YP Representative

EASY NEW YEAR'S RESOLUTIONS

Who doesn't need a win this year? Well, below are four simple things you can do to maximize what it means to be a YP while enhancing your career. Whether you just joined, or you have been in the industry for many years, take advantage of all that SWANA has to offer you as someone 35 or younger.



Make a match!

Sign up for MentorMatch (next session opens in September) to connect more purposefully with someone in the industry. Maybe you took on new responsibilities and want to learn from a someone in a similar role elsewhere. Reach out and ask them to mentor you.

Are you that experienced person? Sign up to be a mentor anytime at <https://swana.org/community/mentormatch>.

Be a part of the conversation

YPs are eager to share and learn from each other, so participate in the online SWANA YP community forum to ensure you benefit from this dedicated space. Use the YP network to help you answer questions, learn best practices, and make connections. Post a question at <https://community.swana.org/home>.

Attend conferences and events

I know, I know – you are thinking, “It’s a pandemic, there are no events to attend.” Yes, and no. Traditional events have been largely sidelined, but there are virtual professional development opportunities happening all the time, for both networking and education. Check out SWANA events at <https://swana.org/events>.

Not sure where to find free webinars? Email me.

Demonstrate leadership

Get involved with a SWANA committee, technical division, or local chapter. Regularly interfacing with colleagues outside your organization or company brings benefits ten-fold. It also looks great on a résumé! Find your opportunity at <https://swana.org/community>.

Safety Tips for the Solid Waste Professional



by David P. Vartian

TxSWANA Safety Ambassador/SMART Chair



Refuse containers, dumpsters, brush and large amounts of debris don't move, get emptied or dispose themselves. Sanitation workers strive every day to make their community a little cleaner, and a little better. But it's not just a dirty job, it may be a dangerous one. In 2020, according to the Solid Waste Association of North America (SWANA) at least 52 sanitation workers died from on-the-job injuries, and almost 70 percent of the fatalities occurred during collection operations. SWANA's Executive Director David Biderman continually suggests "there are too many avoidable fatal incidents in and involving the solid waste industry".

We know that solid waste professionals can help reduce those numbers. The goal is for each team member to go home in as good or in better condition than when they came to work, even though they are a bit more fatigued and satisfied about a job well done, but without injury.

The vehicles required to empty dumpsters, used in servicing residential containers and pick up brush and bulky items, must be maneuvered through narrow alleys and busy streets filled with traffic. These large vehicles navigate landfills and transfer stations daily.

Trashcans themselves could be heavy and may potentially contain materials that are hazardous to a sanitation worker's wellbeing. This is why sanitation workers need to pay careful attention to following prescribed safety precautions when collecting the city's trash. By being just a little more careful, solid waste professionals will improve their efficiency and will greatly reduce their risk of any on the job accident.

Wearing proper PPE is important

- There is no telling what you might be handling. It is possible that the materials coming

out of the trash will be dangerous or harmful to your health. So, pay close attention and wear the right gear at all times to be safe.

- Goggles or a face shield will protect your eyes from any noxious fumes or chemicals that might splash during handling.
- Facemasks will help you to deal with bad odors and dust, and keep your breathing safe from potentially harmful particulate matter.
- Use the correct tough gloves in case there are any sharps or hazardous objects present.
- Brightly colored vests will help alert people to your presence and signal that they should use extra caution while driving close to your work area.

Be careful operating heavy equipment and machines

- The trucks, machines and equipment we use are often unforgiving heavy equipment, and we should treat them as such. Stopping distances vary and visual acuity may be compromised.
- Always properly inspect the truck. Perform regular routine maintenance and report all defects to your supervisor.
- Make sure the back up alarm, alerting people to the truck going in reverse, is working as well and insure hydraulic components are

(Continued on page 13)



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(Continued from page 12) operating properly before heading out on the route.

- Be aware of where your coworkers are at all times. Stay in communication so they do not accidentally get in the truck's path.
- Never operate heavy equipment if you are drowsy or if taking medications that affect your ability to react.
- Never use your cell phone while actively driving or operating equipment. Follow your policies or pull to a safe location where it is safe to use your device.
- Never ride on the back step of a truck when backing, traveling more than 10 mph or 1/5 of one mile.
- Don't rush, maintain situational awareness and operate within safe speed limits relative to conditions, situations and speed limits.
- Proper lifting techniques help prevent injuries. Always lift with your legs and never

your back. If you think an item will be too heavy, ask for help, use a dolly or both.

- Get enough rest, proper nutrition, and stay in good physical condition. Help your immune system help you by keeping it strong.
- Be proactive – actively think about being safe while you are at work. If you see something that you feel may be unsafe, report it to your Supervisor.

These are tips for the solid waste professional to follow during the work day. Anytime there is a question regarding safety in your workplace, reach out to your safety professionals, supervisors and managers for clarity.

This article is brought to you by your Safety Management And Resource Team (S.M.A.R.T.). If you are a solid waste safety professional, S.M.A.R.T. needs you. Feel free to reach out to Ryan Rawson at ryan.rawson@austintexas.gov, Derek Mebane at derek.mebane@Houstontx.gov, or David Vartian at dvartian@uptexas.org if you have a solid waste safety question.

JOB OPPORTUNITIES

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City Of Garland

EXECUTIVE CONSULTANT - SOLID WASTE PRACTICE NewGen Strategies and Solutions, LLC

These positions and others are added and removed as positions become available and/or are filled. For more information on possible job openings, please visit the TXSWANA web site under NEWS, LINKS, & JOBS. Please visit TXSWANA at: <http://www.txswana.org>



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2021 TXSWANA

Jack C. Carmichael, P.E. Scholarships

Do you have a family member who is eligible to receive a TxSWANA scholarship? In the past, TxSWANA has awarded up to \$10,000 per year in total scholarship awards. Give your family member a chance to reduce their tuition cost and TxSWANA a chance to invest in the next generation of solid waste leaders by encouraging them to apply. As a SWANA member in good standing, you will act as the applicant's sponsor for the application. The solid waste profession encompasses many areas of expertise such as engineering, geology, marketing, finance, etc. Any eligible student interested in working in the solid waste and recycling industry should apply. There are three scholarship categories considered by the Board, which are detailed below.

Award Categories

JACK C. CARMICHAEL, PE CATEGORY I: Graduating high school seniors or graduate equivalent certified candidates who have been accepted for enrollment in a junior college, a four-year college, or a university (any program).

JACK C. CARMICHAEL, PE CATEGORY II: Currently enrolled full-time college or university students who are entering their junior or senior undergraduate year and pursuing a degree in environmental science, engineering, or other suitable major related to the field of solid waste management.

To be eligible for Category I or II, candidates must be the children or grandchildren of a SWANA Member in good standing as of May 1st of the current calendar year or be a SWANA Student Members in good standing.

The Robert P. Stearns/SCS Engineers Scholarship Award: Full-time students who are entering or are currently in graduate school and are pursuing a degree in environmental science, engineering or other suitable major related to the field of solid waste management.

Eligible candidates must be children or grandchildren of a SWANA Member in good standing as of May 1st or be a SWANA Student Members in good standing.

To be eligible for a scholarship, applicant must meet the requirements shown on the application and submit a completed application.

E-mail the completed application form found at: <https://swana.org/community/awards-scholarships/scholarships-internships> to Scholarship@txswana.org no later than May 1, 2021.

Participation in the Grant H. Flint International Scholarship Program and The Robert P. Stearns/SCS Engineers Scholarship Award begins at the Chapter level. TxSWANA's Scholarship Committee is responsible for reviewing and selecting state winners, and forwarding the applicant with the highest point total for each scholarship category to SWANA's International Scholarship Committee for consideration.

MEMBERSHIP UPDATE

We Welcome the Following New Members (through April 24, 2021)

Aiswarya Mohanakrishnan	Univ. of Texas Arlington	Boddie Lindsey	New Hope Energy
Osama Mazen Atieh	Katy, TX	Danielle McClelland	City of Dallas
Rudy Bernal	City of McAllen	Montana Meeker	San Antonio, TX
Bobby Bowers	Bowers Resource Partners	Sarah Meidal	Carrollton, TX
Jose Luis Caso	Caso Law Firm, PLLC	Marco A. Ortiz	City of McAllen
Elizabeth Cook	Alamo Area COG	Young Seo Park	City of Austin
Joe M. Davilla	City of McAllen	John R. Porter	City of Laredo
Jamie Deere	City of Snyder	Pedro Alfonso Ramirez	City of Grand Prairie
Ricky Dugger	City of Killeen	Amsa Akter Rony	Univ. of Texas Arlington
Maryam Eshkevari	Richmond, TX	Amani Saleh	City of Dallas
Marcos Estrada	City of Dallas	Amy Schillerstrom	City of Austin
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Abby Holovach	Fort Worth, TX	Marin Utzman	Texas State University
Worthing Jackman	Waste Connections	OPctavio Victal	Green Impact LLC
Yvonda Lewis	Steward Trash Valet Services	Kyle A. Walker	Tricon Works LLC
		Ryan Whiteside	Independent Waste, LLC

Calendar of Events

BOARD OF DIRECTORS

2021 MEETINGS

May 14th	Virtual
June 11th	Virtual
July 9th	Virtual
August 13	Virtual
September 10th	Virtual
October 8th	Virtual

WASTECON 2021

November 1-2, 2021

Orlando, FL

TXSWANA Road-e-o

April 2022

Lubbock, TX

TXSWANA Annual Conference

April 2022

Lubbock, TX