



Recap of the Regular Session of the 86th Texas Legislature

by Ty Embrey and Troupe Brewer

The Regular Session of the Texas Legislature ended on May 27th when the Legislature adjourned Sine Die. The Regular Session was a successful legislative session for the solid waste industry on several levels. With the passage of House Bill 61, TxSWANA was successful in working with the Legislature to get the “Slow Down to Turnaround” initiative passed into Texas law. Additional criminal penalties now exist in Texas for vehicle drivers that do not proceed with caution and at reduced speeds when traveling near solid waste vehicles. In addition, TxSWANA was successful in working with legislators and other municipal solid waste stakeholders and groups to provide opposition to multiple bills that could have negatively impacted the municipal solid waste industry in Texas. The Texas Legislature also added additional funding in the budget for the TCEQ to provide for the hiring of additional TCEQ staff to conduct inspections and enforcement activities for MSW facilities in Texas.

The Legislature kicked off on January 8th with the election of a new Speaker of the Texas House, Dennis Bonnen. Speaker Bonnen is a Republican from Angleton who has served as a state representative for 22 years. Speaker Bonnen held a joint press conference on January 9th with Governor Abbott and Lieutenant Governor

Patrick during which Governor Abbott declared that the three leaders “are here today to send a very strong, profound and unequivocal message — that the governor, lieutenant governor and speaker are working in collaboration together on a very bold agenda that will be transformative for the state of Texas.”

In the days before the start of the Regular Session, State Comptroller Glen Hegar announced a biennial revenue estimate of nearly \$120 billion, and stated that Texas’ “Rainy Day Fund” was at an all-time high of nearly \$15 billion. With those financial resources at their disposal, the legislators addressed several significant issues facing Texas. A total of 7541 bills and joint resolutions were filed during the Regular Session, 58 bills were vetoed by Governor Abbott, and 1383 bills and joint resolutions became effective as Texas law. The Legislature passed legislation that addressed significant legislation with state-wide implications, such as legislation that makes reforms to the public school finance and property tax systems, to help Texas deal with disaster relief and be prepared for the next natural disaster and to fund the state government for the next 2 years through the adoption of a biennial state budget.

Summary of Legislation that

(Continued on page 4)

Table of Contents

Message from the President	3
MEET THE DIRECTOR—Brian Boerner	5
2019 TXSWANA Annual Road-e-o Wrap Up	9-12
Flash Flood Safety	13, 15

TXSWANA

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(effective Sept. 1, 2019)

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Visit www.swana.org
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application.

Message from the President

by Richard McHale

Message from the President,

Now that we can rest a bit with the legislative session coming to an end, I would like to thank each of you and your teams for helping us with the TxSWANA sponsored Slow Down to Get Around legislation that recently passed in Texas. We were able to introduce and get it passed into law on our first attempt. I would also like to thank the legislators that took the time to learn about the hazards our industry faces and the resolve to protect our most valued resource, our employees. This law goes into effect on September 1, 2019. In this article, we will summarize the waste related legislation that was considered and its final disposition as we all determine what impacts it will have on our operations in the near future.



I would also like to thank the City of McAllen and the tremendous job they did hosting the 2019 TxSWANA State Road-e-o. They did a great job from planning the event to the actual competition and awards ceremony. It is these types of events that allow us to showcase our best of the best in operating trucks and equipment. I would like to congratulate all of the competitors and the winners that will now move on to the International Road-e-o in Arizona this October to represent Texas. I look forward to seeing you in Phoenix as well for WasteCon, from October 21-24th. As always, there will be some great sessions and lots of information you can bring back to your organizations.

Lastly, I would like to welcome our newest board members. Brian Boehner from the City of Denton, Elias Torres from the City of Snyder, and Tiana Svendsen were recently voted onto the board and we look forward to working with them in the upcoming year. Welcome to TxSWANA!

Sincerely,

Richard McHale

(Continued from page 1)

Passed that Impacts Municipal Solid Waste Industry

HB 61 (Rep. White / Sen. Nichols) – This bill is the “Slow Down To Get Around” legislation. The bill contains language that establishes, when approaching a stationary vehicle used exclusively to transport municipal solid waste, as defined by Section 361.003, Health and Safety Code, or recyclable material, as defined by Section 361.421, Health and Safety Code, while being operated in connection with the removal or transportation of municipal solid waste or recyclable material from a location adjacent to the highway, an operator, unless otherwise directed by a police officer, shall vacate the lane closest to the vehicle when driving on a highway with two or more lanes traveling in the direction of the vehicle; or slow to a speed not to exceed: 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or more; or five miles per hour when the posted speed limit is less than 25 miles per hour. A violation of the Slow Down To Get Around provisions of the Transportation Code would result in a misdemeanor and the severity of the misdemeanor and its punishment would be determined by the extent of damage that occurred either property damage or bodily injury.

HB 1331 (Rep. Ed Thompson / Sen. Miles) – This bill authorizes the TCEQ to charge an applicant for a permit for a municipal solid waste facility an application fee of \$2,000.

HB 1435 (Rep. Ed Thompson / Sen. Birdwell) – This bill establishes a requirement in the Health and Safety Code for the TCEQ to inspect the facility or site before a permit for a proposed municipal solid waste management facility is issued, amended, extended, or renewed. TCEQ to adopt rules prescribing information to be included in permit applications to confirm inspections have occurred.

HB 1953 (Rep. Ed Thompson / Sen. Hancock) – This bill amends Chapter 361 of the Health and Safety Code to add new definitions and provisions related to recycling post-use polymers and recoverable feedstocks. The bill would prohibits the TCEQ from treating post-use polymers or recoverable feedstocks as solid waste if the substances are converted (by using pyrolysis or gasification) into other valuable products and requires the TCEQ to promote the development and use of pyrolysis and gasification processes, facilities, and related technology. The bills would also re-

quires the TCEQ to study the use and proliferation of these processes, and submit the study to the legislature within two years of the effective date of the bill.

SB 649 (Sen. Zaffirini / Rep. Ed Thompson) – This bill would amend Chapter 361 of the Health and Safety Code to require the TCEQ to produce a plan to “stimulate the use of recyclable materials as feedstock in manufacturing”. The plan must identify and/or estimate: (1) quantity and type of recyclable materials that are/not being recycled; (2) current economic benefits of recycling; (3) location and processing capacity of existing manufacturers that use recyclable materials as feedstock; (4) barriers to increasing the use of recyclable materials as feedstock for manufacturers; and (5) type of manufacturing facilities necessary to consume the existing and potential volumes of recyclable materials. The plan must recommend institutional/financial/administrative processes that could be applied to increase the use of recyclable materials and to stimulate the use of those materials by manufacturers and the plan must be updated every five years.

The bill also requires the TCEQ to develop an educational program outlining all the ways that recycling provides economic benefits to the state; that spotlights collectors and processors of recyclable materials and manufactures that are using recyclable materials as feedstock; and that details the detrimental effects of contamination in the recyclables materials stream and the need to reduce those effects.

Conclusion

It does not appear likely that Governor Abbott will call the Texas Legislature into a special session in the near future. The state legislators will start working on preparing the list of issues and subject matters the legislators would like to study and hold public hearings on during the legislative interim time period. The legislators will use the information they gain during their interim committee work to prepare legislation for the next Regular Session of the Texas Legislature, which will begin in January 2021.

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 Ty Embrey at (512) 322-5829 or tembrey@lglawfirm.com.

MEET THE DIRECTOR



The TXSWANA membership elected **Brian Boerner** to the Board of Directors during this past election process. Mr. Boerner is the Director of Solid Waste for the City of Denton. Brian is a Certified Public Manager and a Certified Hazardous Materials Manager. He is responsible for managing capital programs, capital planning, departmental safety and training, and solid waste site operations for the Denton Landfill.

Immediately prior to joining the City of Denton, Brian spent 3 years with the City of Dallas managing the McCommas Bluff Landfill and serving as a Safety Officer for the Sanitation Department, 5 years with Chesapeake Energy as a Regulatory Affairs Advisor, and 21 years with the City of Fort Worth as the Environmental Management Director where he led the City's environmental compliance and its solid waste activities. He has over 15 years of solid waste specific experience and was responsible for leading Fort Worth's successful migration to a volumetric pay-as-you-throw system while maintaining an exceptional customer service experience.

Brian will begin his term as a Director on September 1, 2019.

Welcome Brian!

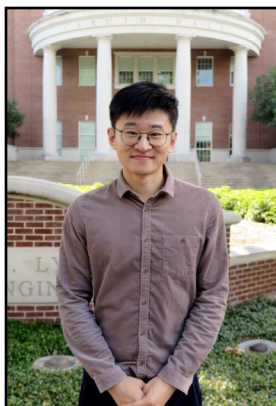
2019 TXSWANA

Jack C. Carmichael, P.E.

Scholarships

During a recent TxSWANA Board of Directors meeting, the TxSWANA Scholarship committee recommended, and the TxSWANA Board of Directors approved the following individuals for Scholarships.

Congratulations to each !!!



[Ms. Natalie Floyd](#)

**Sponsor-Steve Floyd
Baytown, TX**

[Mr. Morteza Boroun](#)

**TxSWANA Student Member
Arlington, TX**

[Mr. Kai Cheng](#)

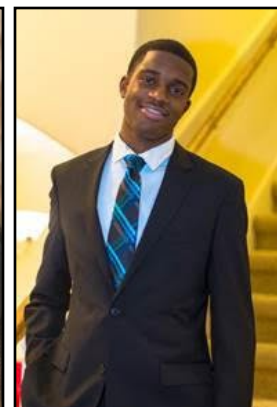
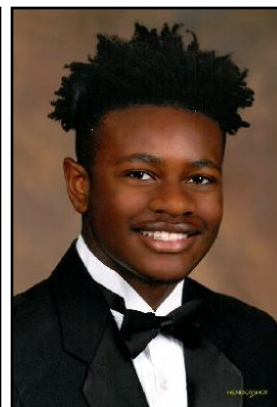
**TxSWANA Student Member
Dallas, TX**

[Ms. Elise Torres](#)

**Sponsor-Eli Torres
Snyder, TX**

[Ms. Mackenzie Gibson](#)

**Sponsor-Bill Hindman
Kansas City, MO**



[Ms. Jurnee Williams](#)

**Sponsor-Morris Williams
Midland, TX**

[Mr. DeMorri Williams](#)

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Midland, TX**

[Ms. Gariel White](#)

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Houston, TX**

[Mr. Benjamin White](#)

**Sponsor-Wealthia White
Houston, TX**

[Ms. Isbella Pasternak](#)

**Sponsor-Scott Pasternak
Austin, TX**

5 Steps for YPs to Make the Most of Mentorship

YP Update



1. **Identify a super star** in the area in which you want to grow. This could be a leader in your technical division – collection and transfer, landfill management, waste to energy, etc. – *or* - someone who is known for a skill you want to sharpen such as time management, spreadsheet wizardry, or giving motivational presentations. Names of prominent solid waste gurus will pop up frequently as you will find their names listed as board members, volunteer leaders, white paper authors, conference speakers, and from the accolades of your colleagues. Not sure where to start? Use the filters on SWANA's MentorMatch page: <https://community.swana.org/mentoring>

2. **Meet the Mentor and decide if you are right for each other.** Give them a call, connect on Skype, or meet for coffee. Come prepared with knowledge of their background and with thoughtful questions written out. It is the responsibility of the mentee to initiate and maintain the relationship. Only *you* know what *you* want and need and this is a great opportunity to 'manage up.'



3. **Be flexible.** High profile leaders spend a lot of time putting out fires. Figurative fires and too often literal fires - at recycling centers and mulch facilities, dangit. Be willing to reschedule last minute. In addition to earning karma points for kindness your mentor will make it up to you by giving their full attention once the dust- and smoke have settled.

4. **Be open-minded.** The more willing you are to receive feedback, *especially* the critical kind, the more you will grow. A good Mentor will *not* agree with everything you say, think, or do – they are like a good pair of elastic pants worn at Thanksgiving dinner – they will stretch with you when you need their help most.



5. **Give back.** Everyone has something to teach others. Mentors do not have to be older than mentees! What??? Did I just blow your mind? Because it's true. *You* have great value and others would benefit from *your* knowledge. Be bold. List yourself as both a Mentor and a Mentee on SWANA's Mentor Match page and prepare to be flattered, honored, and all-round awestruck when someone asks for your help.

Still not sure where to start? After you have read over the SWANA Mentor Match page: <https://community.swana.org/mentoring> then give me a shout. I am always happy to help YPs (and Ps) who are looking to connect with those who will maximize their impact

Tiana Lightfoot Svendsen | TxSWANA YP Chair | YP@TxSWANA.org | 972-205-3562



SWANA Announces Winners of 2019 Safety Awards

Safety Award Winners Recognized at WASTECON® 2019 in Phoenix, Arizona

Silver Spring, MD – The [Solid Waste Association of North America](#) (SWANA) is excited to announce the 2019 SWANA Safety Award recipients chosen by the SWANA Safety Committee. These awards recognize those who have demonstrated a profound commitment to improving employee safety through communication, best practices, training, and policies. Two organizations are honored this year with the Biggest Safety Improvement Award and the Best Safety Innovation Award.

2019 Safety Award Winners -- The [Best Safety Innovation Award](#) goes to the **City of San Antonio**, Solid Waste Management Department for fully implementing a Safety Management System (SMS) that challenged convention, created synergies, and engaged employees at all levels and functions. These efforts reduced accidents by 47 percent and injuries by 50 percent, with a lost work day rate reduction of 28 percent.

“The men and women of the **City of San Antonio’s Solid Waste Management Department** serve more than 358,000 households weekly and are routinely faced with high risk conditions,” says Walter Barrett, Solid Waste Manager at the City of San Antonio, Solid Waste Management Department. “Through the implementation of a Safety Management System, the department strives to mitigate and eliminate these risks and provide a safer work environment that ensures our employees go home to their families in the same condition as when they arrived at work. Their commitment to safety guided us on the journey to obtaining an ISO 45001 Safety Certification and making San Antonio the first municipality in the world to achieve this accomplishment. Our thanks to SWANA for its role in this challenge and to our entire team whose dedication and innovation propels the continual improvement in achieving a sustained reduction in accidents and injuries.”

The [Biggest Safety Improvement Award](#) goes to Lakeshore Recycling Systems (LRS) for continued success in increasing transparency and two-way communication among employees and management, reducing incidents by over 50 percent from the previous year. LRS is headquartered in Morton Grove, Illinois and serves the Chicagoland area with more than 720 full time employees.

“Lakeshore is proud to be recognized by SWANA for our continued dedication to the Live Safety philosophy,” says John Sliwicki, Vice President of Risk Management at Lakeshore Recycling Systems and SWANA Illinois Chapter Safety Ambassador. “This belief is at the heart of our core values and guides our decision making at every level. Our efforts and commitment have finally started to be demonstrated in the overall reduction of incidents and claim spend. These metrics provide further support that our culture is blossoming, and we are headed in the right direction.”

SWANA is also recognizing another organization for their innovation and improvement by awarding an Honorable Mention to City of Casper Regional Landfill in Casper, Wyoming for its merit in both categories.

The winners of the SWANA Safety Awards will be recognized at [WASTECON®](#) in Phoenix, Arizona.

SWANA would like to thank [Autocar](#), [New Way](#), [Otto](#) and [PRECO](#) for sponsoring this year’s SWANA Safety Awards.

For more information on SWANA’s safety programs, visit swana.org/safety.

2019 TXSWANA ROAD-E-O WINNERS

SIDE LOADER

- 1st Place – Roy Guerra, McAllen
2nd Place – Rene Fragoso, El Paso
3rd Place – Noel Dimas, San Antonio

FRONT LOADERS

- 1st Place – Gabriel Pauda, Denton *****
2nd Place – Jesse Luna, New Braunfels

REAR LOADER

- 1st Place – James Perez, San Antonio
2nd Place – Jose Rivera, Irving
3rd Place – Pete Quinones, San Antonio

ROLL OFF

- 1st Place – Jesse Villarreal, San Antonio
2nd Place – Juan Barrera, San Antonio
3rd Place – Dario Thomas, Austin

***** = TOP GUN WINNERS**

DOZER

- 1st Place– Jesus Garcia, McAllen
2nd Place– Richard Sprague, Irving
3rd Place– Manuel Perez, El Paso

RUBBER TIRE LOADER

- 1st Place – David Pinon, El Paso *****
2nd Place – Armando Mendez, McAllen
3rd Place – George Godinez, Lubbock

TRACTOR TRAILERS

- 1st Place – Jose Contreras, El Paso
2nd Place – Raul Perez, San Antonio
3rd Place – Yule Darby, Houston

TRUCK MECHANIC

- 1st Place– Kirk Rea, San Antonio
2nd Place– Felix Rodriguez, Houston
3rd Place– Emert Preston, Denton

***** = TOP GUN WINNERS**



The Lone Star



JAMES PEREZ
First Place - Rear Loader



JESUS GARCIA
First Place - Dozer



JESSE VILLERREAL
First Place - Roll Off



KIRK REA
First Place - Truck Mechanic



ROY GUERRA
First Place - Sideloader



JOSE CONTRERAS
First Place - Tractor Trailer

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FLASH FLOOD SAFETY

by Bill Huck, City of Austin



We can't deny it: Texas goes big in every way, and when it comes to floods, it wins by a landslide. Heavy rains and flooding severely affect our employees' ability to serve our customers. When heavy rain or flooding occurs, providing services becomes far more difficult in all aspects. Brush and bulk are washed away and block traffic, making it difficult for our operators to maneuver through already crowded streets. When they finally arrive at their designated neighborhoods, carts filled with trash, recycling, and compost float away, requiring our operators to track them down, service, and return them to their respective addresses. Low tree limbs and wires also become an issue during heavy rains because the weight of the water causes the limbs to hang lower, making it even more difficult to pass beneath them. Once the rain or flooding has subsided after a stand-down, our ve-

hicles continue and finish their routes. If they are unable to complete the route that day, operations must pool resources to complete the routes from the previous day in addition to their normal pickup. Sometimes, because of the delay, operations will have to extend their work-weeks to include Saturday pickups to make up for the time the storms or flooding delayed the routes.

To help our operators continue to provide such excellent service during floods, please follow these flash flood safety tips (adapted from the Texas Department of Public Safety):

- Remember to trim low-hanging branches. Maintain an overhead

(Continued on page 15)



Use S.M.A.R.T.
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Solution!



COST EFFECTIVE GREEN WASTE MANAGEMENT THAT WORKS



**YOUR
COMMUNITY
WINS AND THE
ENVIRONMENT
WINS.**

**RESULTS
YOU CAN BE
PROUD OF**



follow us & stay informed

Introduce our diversion program to your facility or have your collection company bring green waste materials to a Living Earth facility.
Contact Lora Hinchcliff: 214.673.3341



Heil of Texas



(Continued from page 13)

clearance of 14 feet so that, even in wet weather, our service trucks can pass beneath the trees.

- Never attempt to drive through flooded roadways. Even in relatively shallow water, tires can act as flotation devices, lifting up big vehicles and sending them downstream. It takes only two feet of water to float a 3,000-pound car.

- Beware that water covering roadways may hide washed-out bridges or gouged-out roadbeds. If you attempt to drive across, you may not be driving on a road.

- In rainy weather, be alert and stay tuned to local radio or TV.

- If you are in a low-lying area when flooding is occurring, get to higher ground quickly. Be sure to avoid canyons and washes that can channel swift water.

- Do not attempt to cross flooded roads or streams on foot. It can take as little as six inches of water to knock an adult off his or her feet. Water may be flowing more

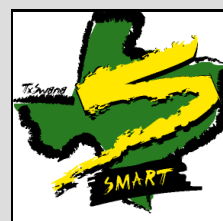
rapidly than it appears.

- Never allow children to play near ditches or storm drains.

- During stormy weather, do not camp or park vehicles along streams or washes.

- Be especially cautious at night when it is harder to see flood dangers.

This article is brought to you by your Safety Management Resource Team (SMART). If you would like any solid waste safety related information please see our page on the TxSWANA website or contact either Derek Mebane at derek.mebane@houstontx.gov or David Vartian at dvar-tian@uptexas.org



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Environmental Services Deputy Director

- **Various Locations within the City of El Paso, TX**
- **Unclassified - \$88,883.92 - \$153,769.19 Annually**
- **Category: Administration / Code Enforcement / Environmental Services / Sanitation / Miscellaneous**

Candidate must have a Bachelor's degree in civil or environmental engineering, environmental science, business or public administration, plus six (6) years experience in management or administration of solid waste operations or environmental code enforcement, including four (4) years of supervisory or managerial experience.

Licenses and Certificates: Valid Texas Municipal Solid Waste Class A MSW Operator License from the Texas Commission on Environmental Quality within one (1) year of appointment. Valid Texas Class "C" Driver's license or equivalent from another state.

General Purpose: Under direction, plan, organize and assist in directing the City's environmental management program and solid waste management functions and/or the financial, accounting and customer service functions.

Typical Duties: Plan, organize and oversee the daily operations of the environmental program and solid waste collection services, transfer stations and landfills. Involves: Oversee personnel in code compliance enforcement and collection, recycling, delivery and disposal. Ensure appropriate regulatory certification of transfer and landfills are maintained. Review all manifests and documentation pertaining to contaminated soil, spoiled foods and demolition. Oversee and review packaging and shipment of toxic waste. Identify potential environmental issues and develop strategies to respond effectively. Environmental enforcement and recycling including spill remediation and brownfields activities oversight in accordance with federal and state law and local ordinances. Implement policies and procedures to ensure timely customer oriented service. Analyze and correct equipment and facility maintenance procedures and methods. Resolve operating problems and respond to complaints/inquiries from citizens, consultants, contractors, utilities and regulatory agencies. Prepare correspondence regarding department operations, policies and procedures. Develop and review bid specifications for equipment.

Plan, organize, implement, direct and review department financial administration. Involves: Oversee record keeping and preparation of accounting reports and financial statements within City's approved accounting systems. Conduct cost-benefit, statistical or other analyses, and recommend funding program improvements and staffing changes. Prepare consolidated annual budget, and monitor organization's performance. Analyze departmental personnel, equipment, supplies and maintenance costs to justify variations from estimates as prescribed by City financial policies and procedures. Represent the department in a professional manner as requested by the Director in dealings with various department heads, managers and supervisors.

Coordinate and administrate daily operations. Involves: Assist department director planning and management. Gather, compile, research and analyze data needed to develop periodic regulatory reports to federal and state agencies. Participate in development of public works short- and long-range plans by determining department objectives, priorities and resources needed for collaborative attainment of goals. Recommend operational adjustments to preserve and enhance efficiency and effectiveness. Review accident and injury reports to determine safety issues and corrective actions.

Supervise assigned personnel. Involves: Supervise directly and through subordinate supervisors. Schedule, assign and check work. Appraise employee performance and review evaluations by subordinate supervisors. Provide for training and development. Enforce personnel rules and regulations and work behavior standards firmly and impartially. Counsel, motivate and maintain harmony. Interview applicants and recommend hire, terminate, transfer, discipline, and assign merit pay or other employee status changes.

This is an unclassified contract position. Note: Applicants are encouraged to apply immediately. This position will close when a preset number of qualified applications have been received.

JOB OPPORTUNITIES

DIRECTOR OF PUBLIC WORKS
City of Rowlett, TX

**ENVIRONMENTAL SERVICES
ADMINISTRATOR**
City of Arlington, TX

**ENVIRONMENTAL SERVICES
DEPUTY DIRECTOR**
City of El Paso, TX

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>

MEMBERSHIP UPDATE

We Welcome the Following New Members (through Aug. 9, 2019)

Jose V. Baldovinos	Post Isabel, TX
Mikel Brown	City of San Antonio
Kolby Burkhardt	City of New Braunfels
Kevin Caldwell	Bomag Americas, Inc.
Tyler Farmer	Agility Fuel Solutions
John Geiger	The Woodlands Township
JC Giron	HTX Solutions
Jonathan E. Graham	Houston, TX
Laura Hennemann	Strategic Materials
Oscar Hinojosa	Mission, TX
Leslie C. Jackson	Utilities & Energy Services
Zoe Killian	The Woodlands Township
Daniel Kurtz	Waste Connections
David Lehfeldt	City of Corpus Christi
Michael Lewis	City of Austin
Ismael Martinez	City of Cotulla
Matthew Mauz	J.R. Miller & Associates

Gena McKinley	Austin Resource Recovery
Lazaro R. Molano	One~Oak~Sus, LLC
Mike Morrisey	City of McKinney
Jesse Ojeda	City of Galveston
John Otwell	RDO Integrated Controls
Mike Pryor	Santek Waste Services
Naima Rahman	SCS Engineers
Victoria Rieger	Austin, TX
Bigyan Rimal	Irving, TX
Selvin Rivera	City of West University Place
Christopher Shorter	City of Austin
Robbie Thomas	City of Cotulla
Uriel Villalpando	City of Garland
James Yost	J.R. Miller & Associates
Curtis R. Young	Fort Worth, TX

Calendar of Events

BOARD OF DIRECTORS

MEETINGS

Aug. 16	Corpus Christi
Sept. 20	Midland
Oct.	Phoenix, AZ
Nov. 15	Austin

2019 WasteCon

Oct. 21-24, 2019
Phoenix, Arizona

2019 SWANA International Road-e-o

Oct. 25, 2019
Phoenix, Arizona

Joint OK & TX Conference

March 3-5, 2020
Norman, OK

2020 TXSWANA Road-e-o

June 19-20, 2020
Austin, TX

2020 SWANA International Road-e-o

El Paso, TX