



Unprecedented Times at the Texas Legislature - Recap of the Regular Session of the 87th Texas Legislature and Current Special Session

by Ty Embry

The Regular Session of the Texas Legislature ended on May 31st when the Legislature adjourned Sine Die. The Regular Session of the 87th Texas Legislature was one of the most unusual Regular Sessions the citizens of Texas have ever seen. The Legislature operated the entire session under the conditions created by the Covid-19 pandemic and many normal legislative activities were impacted by the pandemic in some way. The state experienced a major winter storm event, Winter Storm Uri, in February that caused a substantial number of deaths and significantly impacted the electric grid in Texas. The Legislature invested a large amount of time and effort during the Regular Session to try and address the issues that Winter Storm Uri brought to light.

The Regular Session did kick off on January 12th with the election of a new Speaker of the Texas House, Dade Phelan. Speaker Phelan is a Republican from Beaumont who has served as a state representative for over 8 years. A total of 7148 bills and joint resolutions were filed during the Regular Session, 21 bills were vetoed by Governor Abbott, and 1083 bills and joint resolutions became effective as Texas law.

The Texas Legislative had to make it over many significant hurdles to get to the end of the Regular Session on May 31. Governor Abbott and others believe additional work is needed on several issues, including election reform issues, so the Governor called the Texas Legislature into a Special Session that began on July 8th. Each Special Session called by the Texas Governor can last up to 30 days under the Texas Constitution. Legislators will also be called into another Special Session before the end of 2021

to address redistricting issues after the legislators receive the census and population information from the federal government.

This article summarizes the legislation passed by the Texas Legislature during the Regular Session this spring that could impact the solid waste industry in some way as well as the bills that did not pass during the Regular Session.

The following is a list of bills that could have an impact on the solid waste industry that were passed by the Texas Legislature:

HB 1322 (Zaffirini) – *Relating to a summary of a rule proposed by a state agency.* HB 1322 requires state agencies to publish a brief explanation of a proposed rule on the agency's website or another accessible website. The explanation must include a plain-language summary.

HB 1118 (Capriglione) – *Relating to state agency and local government compliance with cybersecurity training requirements.* HB 1118 establishes stricter cybersecurity requirements for state and local entities. First, to receive a grant under Chapter 772 of the Government Code, a local government must submit written verification of their compliance with cybersecurity training requirements. If a grantee fails to comply with cybersecurity requirements, this bill requires them to repay their grant and prevents them from applying for a new Chapter 772 grant for two years. The bill also adds a requirement that local governments train appointed and elected officials in cybersecurity.

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(effective Sept. 1, 2020)

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Visit www.swana.org
for a membership
application.

Message from the President

by Morris Williams Jr.

Hello TxSWANA Members!

I hope that everyone is staying safe and keeping your families safe. The past 16 months have been challenging for all of us, to say the least. As I wrap up the final month of my term as your TxSWANA President, I want to say how proud I am to have worked with such professional board members. I thank them for their support and assistance with whatever I needed during my presidency. As a board, we have adjusted as best we could to continue to serve our membership without being able to interact in-person and hold face-to-face meetings. I encourage everyone to take the lessons learned and apply them going forward to stay healthy as we transition to face-to-face interaction.



I am humbled and honored to have served as your president. I am looking forward to passing the torch to our incoming president, Jeff Mayfield!

Please continue to stay safe.

Thanks for all you do!

Respectfully,
Morris Williams Jr.



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(Continued from page 1) The following is a list of bills that could have impacted the solid waste industry in Texas that failed to pass during the Regular Session:

HB 753 (Cain, Gates) – *Relating to municipal solid waste management services contracts; limiting the amount of a fee.* This bill would have added Section 363.120 to the Health & Safety Code, which would have limited the fee a municipality can charge for a solid waste franchise to 2% of the gross receipts of the franchisee in the municipality. The restriction would have only applied to contracts entered into on or after September 1, 2021. The bill would have also added a provision to the Health & Safety Code Section 364.034(f). Currently, (f) prohibits a municipality from granting an exclusive franchise for collection and removal of domestic septage, grease trap waste, grit trap waste, lint trap waste, and sand trap waste. The bill would have also prohibited a municipality from entering into an exclusive franchise for commercial, industrial, or multifamily residential waste.

HB 631 (Darby) – *Relating to local government and other political subdivision regulation of certain solid waste facilities.* Currently, Health & Safety Code Section 361.095 exempts hazardous waste facilities from requirements to obtain permits from local governments and other political subdivisions. This bill would have added a more limited exemption for municipal solid waste ("MSW") facilities. The MSW exemption would have prevented the TCEQ from requiring a local permit as a prerequisite to a permit being issued by the TCEQ, but did not exempt the MSW facility from the requirement for the local permit. The bill would have also prohibited local governments and other political subdivisions from adopting rules or ordinances that conflict with or are inconsistent with the MSW rules and permits. Under the bill, an ordinance that is more restrictive than a TCEQ rule would likely be considered inconsistent with TCEQ rules. The bill would not restrict a city or county from enacting a siting ordinance.

SB 1482 (Zaffirini) – *Relating to the issuance of a permit for a municipal solid waste landfill facility located in a special flood hazard area.* This bill would have added Health and Safety Code Section 361.1232, which would have limited municipal solid waste landfills in special flood hazard areas. This bill defined the terms "facility" and "special flood hazard area", and prohibited the TCEQ from issuing a permit for a new MSW landfill facility, or a lateral expansion of an existing facility, that is contingent on the removal of a part of the facility from a special flood hazard area. This bill prohibited the TCEQ from issuing a permit for a new MSW landfill facility, or a lateral expansion of an existing facility, if part of the facility is

or will be located in a special flood hazard area, unless the applicant has obtained from FEMA a letter of map change demonstrating that the entire facility has been removed from the special flood hazard area. This bill required the TCEQ to coordinate with all applicable regional and local governments to verify that all required map changes to the Flood Insurance Rate Map have been acquired from FEMA and all necessary permits have been issued for the facility by the governmental entities or agencies with jurisdiction over the facility.

SB 1802 (Zaffirini) – *Relating to road specifications and safety standards for access to a solid waste facility.* This bill would have required the TCEQ to develop road specifications and standards for access to a solid waste facility. A condition of the permit would have required that the permit holder comply with the specifications and standards. The specifications and standards would have had to address railroad crossings, spill containment, flood protection, vehicle weight limits, sight distances, and traffic control devices. The bill would have required the landfill to reimburse the local governmental entity for improvements made to and maintenance of the access routes. The landfill would have to provide access to the facility through a public road or an easement for which the landfill holds a "fee simple title" or all owners of the easement have agreed in writing for the use of the easement for the access road.

Conclusion

There are several other legislative efforts that will be later in 2021 that will impact the 2023 Regular Session. Ten legislators and two members of the public serve on the Sunset Advisory Commission (SAC) and the SAC will perform reviews of the TCEQ, PUC, TWDB, and ERCOT among multiple other state agencies to ultimately provide recommendations to the entire Texas Legislature. In addition, 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 2023.

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 SWANA YP Director ~ Sonia Samir, PhD, PE

Sonia Samir, one of our TXSWANA young professionals, has recently been elected as the SWANA Young Professional (YP) Director, representing YPs on the SWANA Board of Directors for a two-year term beginning July 1, 2021.

Sonia is working as a Solid Waste Engineer in Parkhill's Frisco office. She is originally from Bangladesh and came to USA in 2010,



shortly after graduating from Bangladesh University of Engineering and Technology (BUET) with a degree in Civil Engineering. Sonia received her Master's and PhD from the University of Texas at Arlington (UTA). Her featured research experience at UTA includes landfill design, bioreactor landfill operation, resistivity imaging, Evapotranspiration (ET) or Water Balance

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SWANA-TEXAS LONE STAR CHAPTER NOTICE OF ELECTION OF DIRECTORS AND OFFICERS

In accordance with Article VII of the Bylaws of the Texas Lone Star Chapter of the Solid Waste Association of North America, an election of Directors and Officers will take place during the **Chapter's Annual Business Meeting on August 13, 2021 in Dallas, Texas**. Members in good standing may vote in person at the Annual Business Meeting, or by absentee ballot. **In accordance with the Bylaws, Article 7.5, "A valid ballot will include a member's identification number."** Members who are unable to locate their SWANA member number may obtain their member number by emailing a request for same to the TXSWANA Secretary at Secretary@txswana.org. All ballots must be received not later than Aug. 3, 2021, which is 10 days before the date of the Annual Business Meeting. Ballots may be submitted electronically to Secretary@txswana.org or ballots may be sent by US mail to the address listed at the bottom of this ballot.

The Nominating Committee has recommended the following Slate of Officers for 2021-2022, beginning September 1, 2021 and ending August 31, 2022. The Nominating Committee has recommended the following Directors for 2021-2023, beginning September 1, 2021 and ending August 31, 2023. Questions concerning this election, including write in votes, should be directed to Brian Boerner at (940) 349-8001.

SWANA-TEXAS LONE STAR CHAPTER NOMINATIONS FOR OFFICERS, FISCAL YEAR 2021-2022 AND FOR DIRECTORS, FISCAL YEAR 2021-2023

President & Director: Jeffrey D. Mayfield, P.E. North Texas Municipal Water District.	Vice President: Jeffrey S. Reed Lloyd Gosselink Rochelle & Townsend, P.C.	Treasurer & Director: Brian Boerner City of Denton	Secretary & Director: Tiana Svendsen U.S. Plastics Pact	Past Pres. & Director: Morris Williams, Jr. City of Midland
Director: Brenda A. Haney, P.E. City of Lubbock	Director: David Lehfelddt City of Corpus Christi	Director: David McCary City of San Antonio	Director: Richard McHale City of Austin	Director: David Newman City of San Antonio
Director: John Porter City of Laredo	Director: Michael G. Rice, P.E. City of Abilene	Director: Robert Smouse City of Fort Worth	Director: Ellen A. Smyth, P.E. City of El Paso	Director: Elias Torres City of Snyder

Director:
Martin Trevino
City of McAllen

SWANA – TEXAS LONE STAR CHAPTER ABSENTEE BALLOT FOR 2021-2023 ELECTION OF OFFICERS & DIRECTORS

**BOX) VOTE FOR RECOMMENDED SLATE OF OFFICERS
AND DIRECTORS**



(CHECK

MEMBER NAME:

MEMBER NUMBER:

CITY/COMPANY:

IF MAILED, SEND COMPLETED BALLOT TO:

**TXSWANA Secretary
c/o Brian Boerner
City of Denton
1527 S. Mayhill Road
Denton, Texas 76208**

July 9, 2021

(Continued from page 6) (WB) final cover systems, landfill gas to energy, methane emissions modelling and landfill mining.

She started her professional career in the solid waste industry in 2014. She was featured as the “young professional of the month” in MSW Management Magazine in June 2015.

Sonia has been active in ensuring university students are connected to SWANA/TxSWANA, so they choose the solid waste industry and understand the immense value SWANA/TxSWANA membership brings. She helped organizing various YP events for TXSWANA conferences and webinars as part of TxSWANA’s YP leadership team since 2017. These events gave YPs increased depth of information to help develop their leadership practices. Sonia is also a past recipient of a TXSWANA student scholarship and mentored the UTA student team who won 1st place in SWANA design competition award at WASTECON 2016.

Sonia joined the SWANA YP leadership as the SWANA Region 3 YP representative in 2018. She has been serving on the SWANA YP steering committee since 2020. As part of SWANA leadership, Sonia organized several virtual networking events and successful YP webinars on timely topics e.g., Impact of COVID-19 on the MSW Industry and PFAS regulations.

Sonia is committed to developing industry professionals even younger than herself and continues to do so in numerous capacities at local, national, and even global scale. Sonia was also one of the main organizers for ISWA-SWIS Winter School (2016-2020), which is a two-week long workshop with the International Solid Waste Association (ISWA) where students and young professionals from around globe come to learn about solid waste management practices in the United States.



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(407) 247-2370

Top 10 Summer Reading Recommendations

Catelyn Scholwinski, YP Representative

Have you ever read a book that inspired you to act after you finished reading it? How about one that improved your daily life? Check out this short list of stellar reads recommended by your colleagues in the solid waste industry. Many of the books listed here are available in print as well as on audiobook, which makes it even easier to cross a few off the list.

“Curating Your Life: Ending the Struggle for Work-Life Balance” by Gail Golden, 2020

“Talking to Strangers: What We Should Know about the People We Don’t Know” by Malcolm Gladwell, 2019

“Everybody Matters: The Extraordinary Power of Caring for Your People Like Family” by Bob Chapman and Raj Sisodia, 2015

“Crucial Conversations: Tools for Talking When Stakes Are High” by Kerry Patterson, Ron McMillan and Al Switzler

“The Heart Aroused: Poetry and the Preservation of Soul in Corporate America” by David Whyte, 1996

“The Gifts of Imperfection: Let Go of Who You Think You're Supposed to Be and Embrace Who You Are” by Brené Brown 2010

“Anxious People: A Novel” by Fredrik Backman, 2020

“How to Win Friends & Influence People” by Dale Carnegie, several editions. Also check out these other suggested reads by the same author:

“Public Speaking for Success: The Complete Program, Revised and Updated” by Dale Carnegie, 2006

“The 5 Essential People Skills: How to Assert Yourself, Listen to Others, and Resolve Conflicts” by Dale Carnegie 2009

“How to Stop Worrying and Start Living” by Dale Carnegie, 2004

“7 Habits of Highly Effective People” by Stephen Covey, several editions

“Where Good Ideas Come From: The Natural History of Innovation” by Steven Johnson, 2010

Bonus: “Management: Tasks, Responsibilities, Practices” by Peter Drucker, 1993

Take some time for yourself and read or listen to one of the sources above. You never know what you might learn from professional development opportunities like these.

Interested in helping plan TXSWANA YP events and activities? We would love to have you! Email me at YP@TXSWANA.org.



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WE NEVER STOP WORKING FOR YOU

GET ON BASE!

by Brian Boerner

TxSWANA Secretary/SMART Committee Member



I recently had the opportunity to re-watch the movie “Moneyball”! For those of you who have yet to watch, Do it!

Moneyball is based on a non-fiction book where the general managers of the Oakland A’s needs to assemble a competitive team in 2002 with Oakland’s limited budget. Given that Oakland has the lowest salary purse of all teams in major league baseball, he uses metrics to builds a team of undervalued players based on their on-base percentage. The scouts and manager want to field and play a team using the old “tried and true” way of evaluating and developing players. Knowing that he must think differently to succeed, he relies on the data, and the right data, to lead him to success. For the A’s, it was important to get players who could **GET ON BASE**.

As a reminder, we work in the 5th most dangerous profession in the U.S. What do we have to do to “**get on base**?” What are the metrics we should be evaluating to ensure we can “Score,” keep risks low, and get everyone home safe daily?

We **get on base** by completing, not pencil whipping, pre-/post-trip inspections. Solid and dependable equipment ensures we are not putting our teams in a position to fail. They can start, stop, signal,

turn, service carts, and see there is nothing in the way, mechanically, distracting your operators from successful operations. What are you doing with your pre-/post-tip forms?

We **get on base** by ensuring that our routes are appropriately sized and balanced. Speed kills. In an automated environment the average residential route operator can service 1,000 homes in a 10-hour day, exclusive of time spent driving to a disposal facility. Overloading a route can cause an operator to not only miss collections (resulting in customer complaints and dispatched for correction) but to rush through their routes; speeding, rolling stops, and fast cycling empties. Are you planning well enough ahead to ensure you are right-sizing your routes?

We **get on base** by being seen. Personal Protective Equipment (PPE) helps to provide a barrier between a hazard and the employee. Secondly, it ensures that

(Continued on page 12)



Use S.M.A.R.T.
We’re part of the Solution!



(Continued from page 11) your employee is visible in a busy and confusing environment. Employer provided high visibility garments consistent with ANSI/ISEA 107-2010 should be required of all personnel working in, or on a vehicle or at the land-fill, contractors included. Directors and Managers, are you setting the example and wearing your PPE when you are out in the field? Are your employees dressed to be seen?

Finally, but primarily, we **get on base** by listening to our employees. They are the first line to identify operational issues that will put your organization at risk. Are your routes overloaded, routes designed in a manner that doesn't

allow for a proper turn radii, are your commercial cans being overloaded, are we requiring operators to back excessively? Are we listening?

Safety is a team effort. We either **get on base** or we strike out.

So, Get on Base!

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

ENVIRONMENTAL DIRECTOR

City of Sugarland

SAFETY SPECIALIST

City Of Garland

ENVIRONMENTAL AND COMMUNITY OUTREACH COORDINATOR

City Of Garland

ASSISTANT DIRECTOR - SOLID WASTE MANAGEMENT DEPARTMENT

City of San Antonio

ASSISTANT DIRECTOR OF PUBLIC WORKS

City of Stephenville

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>

2021 TXSWANA

**Jack C. Carmichael, P.E.
Scholarship Recipients**

*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 !!!*



Category I
Manab Sthapit
Sponsor-Bharati Maskey



Category II
Sealan Ledat
Student Member



**Jack C. Carmichael,
P.E. Scholarship**
Haley Johnson
Student Member



**Jack C. Carmichael,
P.E. Scholarship**
Ryan Rawson
Student Member

MEMBERSHIP UPDATE

We Welcome the Following New Members (through July 12, 2021)

Molly Allred	Student-Texas State Univ.	David McGinnis	S & M Vacuum and Waste
Grant Rodriguez Amlani	Student-SMU	Ashley Millerd	City of Waco
Felicia Anthony	City of Breckenridge	Todd Mistrot	Permian Basin COG
Mashaal Atif	City of Fort Worth	Michael Ortiz	City of San Antonio
Thomas H. Bradford	Routeware, Inc.	Andrei Taniel Oztemel	Freepoint Eco-Systems
Cameron Collins	Chastang Autocar	Jon G. Parker	Waste Pro
Andrew Couty	Student	Keith Rensink	VLS Recovery Services
Lindsey DeLong	City of Fulshear	Miranda Kristeen Rice	Permian Basin COG
Tony Emilio	GFL Environmental	Andrea Rodriguez	FCC Environmental Services
Kurt Fenstermacher	City of El Paso	Angel Rodriguez	City of Dallas
Jose Figueroa	City of Richardson	Todd E. Stiggins	Parkhill
Tyler John Frederick	Rotsol	Michael G. Valenzuela	Basin Disposal, Inc.
Hridoy Haq	Permian Basin COG	Micole Worhoftig	City of Plano
Eric Hinojas	Polyglass Coatings Limited LLC	Victor Williams	City of Copperas Cove
Haley Johnson	Student-Texas State Univ.	Richard Steven Worley	Progressive Environmental
Catherine Krantz	Texoma COG		Services
Jim Lattimore	Lattimore Company	Devon M. Zygarlenski	What A Waste LLC

Calendar of Events

BOARD OF DIRECTORS

2021 MEETINGS

August 13	Dallas
September 10th	Dallas
October 8th	Dallas
November 12th	Dallas

WASTECON 2021

November 1-2, 2021

Orlando, FL

TXSWANA Road-e-o

April 22, 2022

Lubbock, TX

TXSWANA Annual Conference

begins April 24, 2022

Lubbock, TX