



EPA Proposes Changes to RCRA to Address Nine PFAS Chemicals in its Corrective Action Program

by Mattie Neira

On February 8, 2024, the Environmental Protection Agency (“EPA”) published two new rules related to the Resource Conservation and Recovery Act (“RCRA”) and per- and polyfluorinated substances (“PFAS”). The first rule proposes to define nine PFAS as “hazardous constituents” under RCRA while the second rule proposes to revise the RCRA definition of hazardous waste as it relates to the RCRA Corrective Action Program. The RCRA Corrective Action Program requires facilities that treat, store, or dispose of hazardous waste (discussed later in this article) to investigate and clean up contaminated soil, groundwater, and surface water with agreed upon methods in an agreed upon timeframe.

This article will discuss each rule separately, though they are likely to have several interconnected aspects as each rule aims at providing EPA clear authority to include not only specific PFAS but any emerging contaminant in

corrective action requirements.

Proposed Rule to Define Nine PFAS as Hazardous Constituents Under RCRA

EPA proposes to list nine PFAS chemicals (PFOA, PFOS, PFBS, HFPO-DA, PFNA, PFHxS, PFHxA, and PFBA) as hazardous constituents under RCRA. It is very important to note that EPA expressly states that the proposed rule is intended to have a narrow application and that listing a chemical as a hazardous constituent does not make it, or waste containing it, a RCRA hazardous waste. Listing a chemical as a hazardous constituent only requires a finding that the chemical has toxic, carcinogenic, mutagenic (can cause gene changes such as altering DNA), or teratogenic (can interfere with fetal development and cause congenital disabilities) effects on humans or other animals and primarily affects corrective actions, whereas listing a chemical as a hazardous waste requires a lengthy

(Continued on page 5)

Table of Contents

Message from the TXSWANA President	3
TXSWANA 2024 Annual Conference—San Antonio	6
TXSWANA Scholarship Program Notice	7
Meet the Director, Nicholas N. Ybarra, P.E.	9

TXSWANA

Officers & Board of Directors

(effective January 12, 2024)

President:

Brian Boerner
City of Denton
1527 S Mayhill Road
Denton, TX 76208
(940) 349-8001
brian.boerner@cityofdenton.com

Vice President:

David Newman
City of San Antonio
100 W. Houston Street
San Antonio, TX 78205
(210) 207-6411
david.newman@sanantonio.gov

Treasurer:

Clifton Gillespie
City of Dallas
3112 Canton St, Suite 200
Dallas, TX 75226
(214) 671-5345
clifton.gillespie@dallascityhall.com

Secretary:

Shaquawanna Carter
City of Midland
P.O. Box 1152
Midland, TX 75702
(432) 685-7226
slcarter@midlandtexas.gov

Past President:

Jeffrey S. Reed
Lloyd, Gosselink,
Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, TX 78701
(512) 322-5835
jreed@lglawfirm.com

A.B. Rep & Director:

David Vartian
City of University Park
3800 University Blvd
Dallas, TX 75205
(214) 987-5454
dvartian@uptexas.org

Director:

Brenda A. Haney, P.E.
City of Lubbock
1314 Avenue K
Lubbock, TX 79401
(806) 775-2335
brendahaney@mylubbock.us

Director:

Robert H. "Holly" Holder, P. E.
Parkhill, Smith & Cooper
4222 85th Street
Lubbock, TX 79423
(806) 473-2200
hholder@team-psc.com

Director:

David Lehfeldt
City of Corpus Christi
2525 Hygeia Street
Corpus Christi, TX 78415
(361) 826-1953
davidl3@cctexas.com

Director:

Jeffrey D. Mayfield, P.E.
North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098
(972) 442-5405
jmayfield@ntmwd.com

Director:

Richard McHale
City of Austin
P.O. Box 1088
Austin, TX 78767
(512) 974-4301
richard.mchale@austintexas.gov

Director:

Scott Pasternak
Burns and McDonnell
8911 N Capital of Texas Hwy
Suite 3100
Austin, TX 78759-8496
(512)-589-3411
spasternak@burnsmcd.com

Director:

Michael G. Rice, P.E.
City of Abilene
555 Walnut Street
Abilene, TX 79601
(325) 676-6386
michael.rice@abilenetx.gov

Director:

Mark Wilfalk
City of Houston
611 Walker Street, 12th Floor
Houston, TX 77208
(713) 837-9176
mark.wilfalk@houstontx.gov

Director:

Nicholas N. Ybarra, P.E.
City of El Paso
7968 San Paulo Drive
El Paso, TX 79907
(915) 212-6025
ybarraNN@elpasotexas.gov



Visit www.swana.org
for a membership
application.

Message from the President

by Brian Boerner

T minus 30 something days and counting!

The 2024 annual TxSWANA conference, scheduled for April 1-3, 2024 in San Antonio, is just around the corner. If you have not yet, please register to attend ASAP. Hotel rooms are filling quickly.

Why should you attend this year's conference? Attendees will:

- Receive CEUs that count toward your MSW A/B license
- Learn new, cutting edge, information on landfill and collections operations, safety, and sessions on professional development
- Have access to dozens of equipment and product suppliers, consultants, and regulatory professionals,
- Reconnect with friends
- Connect with new colleagues, and
- Enjoy the hospitality and excitement of San Antonio!



This year's conference is anticipated to be the largest since the COVID lockdown. An exceptional agenda of 30+, unique, presentations has been assembled. Don't Let it pass you by.

Upon the completion of this year's conference will be the 2024 TxSWANA Road-E-O. Watch your email and the website for more information.

See you there!

Brian Boerner



"Serving Texas'
Solid Waste Providers
for Over **35** Years!"

www.lglawfirm.com

(Continued from page 1)

process that considers eleven regulatory factors and affects nearly all aspects of waste management. Thus, the main impact on this rule will be on the RCRA Corrective Action Program.

When corrective action requirements are imposed at a facility, these PFAS would be among the hazardous constituents expressly identified for consideration in the RCRA facility assessment and, where necessary, further investigation and cleanup through the RCRA Corrective Action Program.

Facilities subject to the effects of the proposed rule are primarily hazardous waste treatment, storage, and disposal facilities with solid waste management units; while non-exhaustive, EPA has included in the rule publication a list of a few dozen industries, by NAICS codes, that it expects the proposed rule may affect. EPA further states that municipal solid waste landfills and construction and demolition landfills would not be potentially affected by the revised RCRA corrective action requirements unless they also operate a hazardous waste transfer, storage, or disposal facility on site.

More information on this rule can be found at <https://www.epa.gov/hw/proposal-list-nine-and-polyfluoroalkyl-compounds-resource-conservation-and-recovery-act>, and any comments on the rule are due to EPA by April 8, 2024. EPA has expressly requested comments on the impacts the rule could have on the RCRA Corrective Action Program and the interaction with other RCRA regulatory provisions including any non-corrective action provisions that reference hazardous constitu-

ents.

Proposed Rule Revising the RCRA Hazardous Waste Definition as Applicable to Corrective Action

EPA is also proposes an amendment to the definition of Hazardous Waste as it applies to the Corrective Action Program to clarify its authority to address releases of emerging contaminants that are not included under the RCRA hazardous waste definition from solid waste management units at RCRA permitted treatment, storage, and disposal facilities. It is important to note that while PFAS chemicals are currently the most relevant emerging contaminant, the rule change is broad enough to rope in many future emerging contaminants.

Specifically, the proposed rule would expressly apply the RCRA section 1004(5) statutory definition of hazardous waste to corrective actions and other necessary locations such as in hazardous waste facility permitting regulations.

More information on this rule can be found at <https://www.epa.gov/hw/proposal-clarify-authority-address-releases-hazardous-waste-treatment-storage-and-disposal>, and any comments on the rule are due to EPA by March 11, 2024.

As long as the Legislature is in session, we will continue to monitor any action that may affect TxSWANA and its Members.

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



TXSWANA 2024

Unique Missions. Unified Purpose.

Dear TXSWANA Member,
Registration for the 2024 Annual Conference is now open at ***txswana.org*** under Chapter Events.
We're looking forward to hosting you in San Antonio, April 1-3, 2024.



The countdown is on. San Antonio is looking forward to welcoming you to the 2024 Annual Conference, April 1-3 here in the River City.

Reminder: Don't miss the early bird registration discount that is available up until December 1.

We are receiving great support from our Solid Waste partners by their sponsorship commitments. There are many sponsorship packages still available. Contact marcus.lee@sanantonio.gov directly if you would like to reserve one.

All conference information and online registration can be found at https://txswana.org/Annual_Conference

Plan to join us for three days of professional development, networking, hospitality – and a few surprises.

Texas Lone Star Chapter **Solid Waste Association of North America, Inc.**

Applications for the TxSWANA 2024 Scholarship Program are Now Being Accepted.

Scholarships are awarded to children and grandchildren of TxSWANA members in good standing. Top ranked applications will be forwarded to SWANA National for consideration in their program.

Applications, completion instructions, and timelines can be found on the TxSWANA website (<https://txswana.org/Scholarships>). Applications **and** supporting materials must be received by the local review committee no later than **April 30, 2024**.

Scholarship questions and submittals can be submitted to Scholarship@txswana.org

Good Luck!



**TRUSTED SOLID WASTE
UTILITY ADVISORS –
INNOVATIVE SOLUTIONS
DELIVERED WITH
AN INTEGRATED MARKET
PERSPECTIVE**

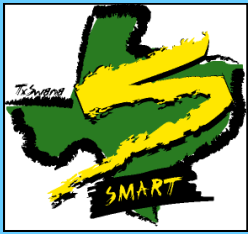
Solid Waste | Water | Wastewater | Energy

- ✓ Cost of Service and Rate Design
- ✓ Procurement Services
- ✓ Operational Reviews
- ✓ Master/Strategic Planning
- ✓ Financial Feasibility Studies
- ✓ Contract Negotiations
- ✓ Management Plans
- ✓ Franchise Agreements
- ✓ Training & Workshops
- ✓ Valuation Studies
- ✓ Sustainability Planning
- ✓ Stakeholder Outreach

Dave Yanke, CEO/President
dyanke@newgenstrategies.net
(512) 649-1254

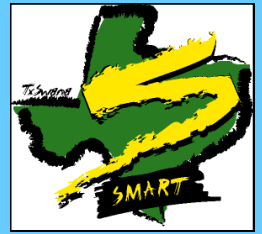
Allison Trulock, Managing Director
atrulock@newgenstrategies.net
(407) 247-2370

www.newgenstrategies.net



DEFENSIVE DRIVING MADE SIMPLE

by Jason Pelofske
City of Denton



The first computer was completed in 1945. It was developed for the U.S. Army to compute firing tables for the Army's Ballistic Research Lab, and it took up approximately 300-sf when it was finally retired in 1956.

Seventeen years later, in 1973, the first cellphone was invented by Motorola but not really becoming popular until 1984 when Motorola debuted the "Brick," the DynaTac 8000X, with a battery life of 30 minutes. Eight years later, in 1992, IBM released the first smartphone, the SPC.

Fast-forward to 2007, Apple released the first modern smartphone, the iPhone. In a little more than 50 years, we went from a 300-sf computer to one that fits into the palm your hand, isn't technology amazing?!

Until it's not...

What do I mean? While our society has everything at its fingertips, it doesn't come without consequences, distractions – visual, auditory, manual, and cognitive distractions.

Combine the smartphone with driving and we get distracted driving. Using a phone while driving takes a driver's visual, manual, and cognitive attention away from safe driving.

Sending a text, even "Ok," takes your eyes off the road for 5 seconds. At 55 mph, that is equivalent to driving the length of a football field, with your eyes closed! At 70, you will have driven 200 yards, blindly.

Texting and driving is very, very similar to drunk driving. An intoxicant also impairs a driver's visual, manual, and cognitive skills; and everyone agrees, do not drink and drive, its deadly.

One may argue, "I only give my phone half my attention to write and send that text." Are you then saying you are halfway driving? In reality, writing that text message takes your **visual, manual, and cognitive attention** away from the road and zero percent of your attention is on driving.

Look at these statistics:

Almost 390,000 injuries transpire every year from crashes instigated by texting and driving.

In 2021, according to NHTSA, over 3,500 people were killed due to distracted driving.

Texting and driving increase the likelihood of an accident almost 6 times more than drunk driving – Let that one sink in.

In 2022, in Texas, 1 out every 6 car crashes are a due to distracted driving.

In 2022, in Texas, distracted driving caused 487 deaths and 2,824 serious injuries, a 13% increase over 2021.

So, what can you do to not become a statistic? Really, it is quite simple, put the phone down and look where you are going. Go where you are looking. In the past, when a driver was swerving between the lines on the road, one would think that they are drunk driving. Now, if there is swerving, more than likely the driver is on their phone and is unable to keep it between the lines. If you really need to take a call or send a message/email, find a safe place to pull over. Work safely and get home safe. Your family relies on you, so don't become a statistic.

Use S.M.A.R.T.

**We're part of the
Solution!**

MEET THE DIRECTOR

Nicholas N. Ybarra, P.E.



Mr. Nicholas N. Ybarra, P.E. is a Texas and New Mexico licensed professional engineer with the City of El Paso Environmental Services Department (ESD). Mr. Ybarra started his career with Parkhill in September 2008 after completing his Master of Engineering from Texas A&M University. In October 2010, Mr. Ybarra began working with Parkhill's solid waste sector with a focus on waste cell construction, water balance cover analysis and design, site drainage, and permitting. Mr. Ybarra has also been involved in design and construction of the access roadways, public drop-off areas, weigh scales, restroom facilities and cell closures at municipal solid waste (MSW) facilities. In 2019, Mr. Ybarra started working for ESD as the engineering division manager overseeing operations, which include landfill, collections and clean El Paso. In February 2023, Nicholas became the Director of ESD.

At the January 13 Board of Directors meeting, the Board appointed Mr. Ybarra to a board vacancy created by the recent resignation of Ellen Smyth.

Welcome Nicholas!!

TXSWANA Young Professionals Update



TXSWANA Young Professionals!

We are counting down the days to our 2024 Annual TXSWANA Conference and have some great activities for you to look forward to:

Monday April 1st @ 4:00pm – 5:00pm
(exact time subject to change)

Minute Mentoring Session – Meet and network with our TXSWANA Leadership (outside exhibit hall prior to Opening Reception)

Monday April 1st @ 8:00pm – 10:00pm

YP Networking Event - TBD

Tuesday April 2nd @ TBD

Young Professional Workshop – Preparing our future leaders for the challenges that lie ahead

In the spirit of maximizing your professional development and networking opportunities, please reach out to me directly if you would like to participate in the YP Workshop so that it may be curated to your aspirations. I would like to know the types of experienced professionals you would like to engage with during this session. Also, what topics would you like us to cover.

To learn more about these upcoming events and/or opportunities to get more involved with our Young Professional group, please reach out to:

Wes Glakas | TxSWANA YP Representative

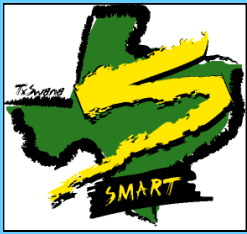
Wes@SierraContainer.com

623-523-9095

SAVE THE DATE!

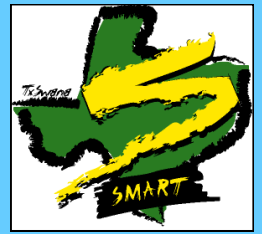
June 22, 2024





FLEET SAFETY TIPS FOR PREVENTING BACKING COLLISIONS

*by Ray Berger
Austin Resource Recovery*



Every organization that has a fleet of vehicles knows that backing collisions are one of the most common types of incidents. Why? Because backing is not the normal way of operating a vehicle. And there is an additional set of hazards that are inherent to backing a vehicle.

Some of those hazards include:

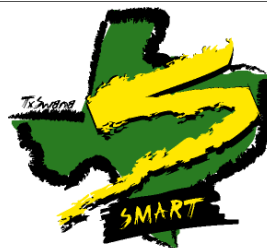
- ♦ Situational Awareness-Backing takes much more concentration and tends to reduce the employee's situational awareness.
- ♦ Visibility-Backing a vehicle cuts out at least 20% of the driver's visibility behind them. Use tools to increase visibility such as a spotter, cameras, and mirrors.
- ♦ Reaction Time-Backing reduces the ability to react to unexpected situations such as children, mailboxes, and vehicles. It requires more concentration. Therefore, reaction times are slower compared to driving forward.

If the driver can avoid backing, that is always the best option. Each

time a backing situation presents itself, the driver must decide if backing is really necessary; is there an alternate route, can the driver continue and turn around in a cul-de-sac, or make the block.

If backing is the best or only option, there are now additional responsibilities placed on the driver. First, is there someone to spot for the driver? If so, the spotter and the driver must formulate a backing plan; where does the driver want to back to, where does the driver want the spotter to be (the spotter must be on the ground away from the truck). How will the driver and spotter communicate? Typically, the spotter will use hand signals, preferably standard hand signals they were part of their training. Of course, with hand signals, the driver must be able to see the spotter at all times. If the

(Continued on page 14)



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



Commercial • Residential • Recycling

Central Texas Refuse is a full-service waste collection and recycling company serving Austin and Central Texas since 1981.

130 Environmental Park (130EP) is a mixed-use development of more than 1,200 acres in northern Caldwell County, that is located east of SH 130 and north of FM 1185. The Facility includes a new state-of-the-art Type I MSW Landfill and is authorized to recycle various types of materials from construction projects in the area.

Integrated Waste Solutions Group (IWSG) is the parent company of CTR & 130EP.

www.CentralTexasRefuse.com

800-664-2833 | sales@CentralTexasRefuse.com | 130EP: 512 772 5099

Parkhill



Building



Community

Parkhill.com

(Continued from page 12) driver loses sight of the spotter, or if the spotter stops signaling, the driver must immediately stop. And finally, the driver and the spotter must remain aware of any new or changing conditions that could impose a hazard such as traffic, pedestrians, or road conditions.

In the case where a driver does not have a spotter, that is when the driver must be extra diligent in identifying hazards. Remember; GOAL Get out and Look!

- ♦ Walk around the vehicle to check for hazards
- ♦ Look for traffic, people, overhead hazards, and ground obstacles.
- ♦ Select a backup reference point approximately 10 feet away to back up to
- ♦ Check mirrors, cameras and ensure your backup alarm and sensors are working
- ♦ Sound your horn and back slowly 10 feet at a time then stop and look (GOAL)
- ♦ Repeat all steps as necessary

Though this method may seem to take a long time, in reality it is the saf-



est way and so the right way to back.

If we all focus on proper backing, we can minimize, and eventually eliminate those backing incidents that seem to always happen.

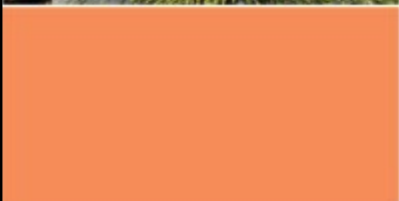
Safe Driving, see you BACK soon.

This safety tidbit is brought to you by your Safety Management Resource Team (S.M.A.R.T). If you should have any solid waste safety question, please feel free to reach out. You mail email our Committee Secretary, Otis Smith @ Otis.Smith@midlandtexas.gov, our Committee Vice Chair, Janet Gilbert @ jgilbert@dallas.gov or David Vartian @ dvartian@uptexas.org.



This April, we invite you to visit San Antonio, wander along the scenic River Walk, explore historic Missions, and revel in rubbish revelations at the TXSWANA conference. We are going to have some special feathered guests in attendance, and a presentation on the role of birds in nature's waste management.

www.txswana.org/Annual_Conference



Deputy Director, Solid Waste Management

City of Houston

DESCRIPTION OF DUTIES/ESSENTIAL FUNCTIONS

"Working to make Houston a Cleaner, Greener Place to Live"

The Solid Waste Management Department (SWMD) provides solid waste services to the citizens of Houston through the collection, disposal, and recycling of discarded material in a manner that is safe, efficient, environmentally sound, and cost effective.

ESSENTIAL JOB FUNCTIONS

This individual will effectively and efficiently lead, manage, and direct the activities of higher-level managers with considerable experience in solid waste and environmental resource management. The individual will oversee two service centers, approximately 220 employees, the associated subordinate leaders, and a fleet of approximately 150 vehicles. This Deputy Director will also be responsible for recruiting, talent development, and controlling the attrition rate of key positions required to provide solid waste service delivery to more than 160,000 customers within the Houston city limits. Skill levels for this position will require the individual to exercise their talents in fiscal management to ensure the \$30+ million operating budget is managed accordingly. This departmental executive level position will be expected to apply improvement theories to principles of solid waste management through the use of telematics that produce performance improvements in operational leadership and service delivery. The Deputy Director must have the ability to gather, evaluate, and analyze relevant data designed to improve solid waste collection services. Must be able to display performance through key performance indicators (KPIs) and metrics presentations. This position requires the individual to demonstrate outstanding customer service, public speaking, and employee relations skills. The position will report to the Department Director.

EDUCATION REQUIREMENTS

Requires a Bachelor's degree in Business Administration, Public Administration or a closely related field.

EXPERIENCE REQUIREMENTS

Ten years of professional experience in business administration, management or a closely related field are required, with at least four of those years in a managerial capacity.

A Master's degree may be substituted for two years of experience.

PREFERENCES

Preference will be given to applicants who have prior experience in the following:

- Managing executive managers
- In solid waste and environmental resource management
- With oversight of a staff of indirect reports over 200
- Managing a fleet of vehicles
- With recruitment, talent development, and managing attrition rate
- In managing a budget of over 25 million
- As a change agent applying improvement theories to principles of solid waste management
- As an outstanding customer service-oriented manager
- In public speaking and employee relations

For more information about this position, please visit <https://www.governmentjobs.com/careers/houston/jobs/4360809/deputy-director-exe-lev?keywords=DEPUTY%20DIRECTOR&pagetype=jobOpportunitiesJobs>

Assistant Director, Austin Resource Recovery

City of Austin

The Ideal Candidate possesses a comprehensive understanding of management principles, emphasizing planning and budgeting, and expertise in waste collection and disposal regulations, systems, and equipment. Strong supervisory and managerial skills are crucial, encompassing problem analysis, public presentations, bid evaluations, and budget preparation. Proficiency in oral and written communication, computer usage, and the ability to foster positive relationships with City employees and the public are also essential.

Essential duties and functions, pursuant to the Americans with Disabilities Act, may include the following. Other related duties may be assigned.

1. Directs activities related to the key goal area of recycling, household chemical collection, and resource recovery disposal.
2. Plans long-range goals for resource recovery management including collection, recycling, and disposal.
3. Selects, trains, and evaluates supervisory, technical, and administrative personnel in support of the goals of the division.
4. Develops, implements, and maintains existing programs.
5. Identifies the need for new programs in resource recovery management.
6. Coordinates with other City departments on Citywide issues of concern.
7. Directs the activities of personnel in planning the operating budget for the division, projecting needs for equipment and personnel corresponding to service requirements for resource recovery management.
8. Provides technical expertise to other departments of the City and concerned members of the public on current developments in the area of resource recovery management.

For more information about this position, please visit <https://www.austincityjobs.org/postings/115967>.

MEMBERSHIP UPDATE

We Welcome the Following New Members (through Feb. 22, 2024)

Joe A. Amador	City of El Paso
Juan Aranda	City of Farmers Branch
Liza Bustamante Cates	City of Irving
Nasario Contreras	City of College Station
Marcus L. Currie	City of Dallas
Christopher Day	City of Plano
John Galindo	Student, West Texas A&M
Monique Hyatte	SWANA
Daniel Ibarra	City of Eagle Pass
Jessica McWilliams	Econward Tech
Ed Michel	City of Irving

Kanika Morris	City of Dallas
Gabriel A. Onsurez	City of Tyler
Mayra Ramirez	City of Dallas
Juanpablo Rodriguez	City of Dumas
Nicole Roewe	Student, UT Tyler
Tamara Siskind	Viridi RNG
Omar Villanueva	City of El Paso
Xiaoxuan Wang	SCS Engineers
Jesus Yamaguchi	City of El Paso
Juan Zamora	City of Uvalde

Calendar of Events

BOARD OF DIRECTORS **2024 MEETINGS**

March 8th	Houston
April 3rd	San Antonio
May 10th	Austin
June 21st	Midland
July 12th	Houston
Aug. 9th	Dallas
Sept. 13th	Austin
Oct. 11th	San Antonio

2024 TXSWANA Annual Conference
April 1-4, 2024
San Antonio, TX

SWANA SOAR 2024
April 15-18, 2024
Phoenix, AZ

2024 TXSWANA Road-e-o
June 22, 2024
Midland, TX

WASTECON 2024
Oct. 21-24, 2024
Dallas, TX

2025 TXSWANA Annual Conference
April 20-23, 2025
Austin, TX