I hope 2022 is off to a good start for everyone. Is it February already? The New Year brings new regulatory changes in the solid waste sector, so what kind of changes took place in 2021 and what kind of changes are on the horizon? This article provides a 2021 regulatory recap for the solid waste and other related sectors, and also highlights pending regulatory changes to watch out for throughout 2022. The recap is divided into TCEQ and EPA specific updates and in chronological order of events.

**TCEQ UPDATES**

**TCEQ Updates Penalty Policy.**

On January 28, 2021, TCEQ’s penalty policy revisions went into effect. The penalty policy was last revised on April 1, 2014. The new policy will apply to violations discovered during investigations conducted on or after January 28, 2021 and that occurred or began on or after September 1, 2011. The new revisions generally increase penalty amounts and the number of violation events for actual releases of pollutants. For more information, please refer to Volume 20, Number 4 of the TXSWANA Newsletter (Fall 2020).

**TCEQ Clarifies Exemptions Under New Recycling Rules.**

On March 10, 2021, the TCEQ Commissioners adopted a final rule to repeal and replace 30 Texas Administrative Code (“TAC”) §§ 328.203 and 328.204, concerning Waste Minimization and Recycling. Sections 328.203 and 328.204 comprise TCEQ’s new governmental entity recycling rules, which went into effect on July 2, 2020. The final rule is aimed at restructuring the rules to provide additional clarity to Chapter 328; specifically, clarifying the recycling rule exemptions by reordering the rules. For more information, please refer to Volume 20, Number 3 of the TXSWANA Newsletter (Summer 2020).

**TCEQ Releases Guidance Document on Prohibited Waste Removal Plans.**

On April 7, 2021, the TCEQ MSW Permits Section released a new guidance document (RG-746) for Preparing Work Plans for Removing Prohibited Waste from Municipal Solid Waste Landfills. According to the guidance document, a Prohibited Waste Removal Plan is required for removal of prohibited wastes that have been disposed of in an MSW landfill. The permittee or operator must notify the TCEQ of such occurrences and prepare and submit a Prohibited Waste Removal Plan to the MSW Permits Section for review and approval before removing the prohibited wastes. However, a Prohibited Waste Removal Plan is not required for removal of prohibited wastes that are discovered and immediately removed in accordance with the landfill permit and Site Operating Plan.

**TCEQ Releases 2021 Recycling Market Development Plan.**

In August 2021, TCEQ released the 2021 “Recycling Market Development Plan” as a follow up to the 2017 Study on the Economic Impacts of Recycling in Texas. The 2021 plan by Burns & McDonnell studies the use of recyclable materials as feedstock in processing and manufacturing and includes an update of economic impacts for the recycling industry. The 2021 plan indicates that the recycling industry currently represents $4.8 billion of the Texas economy. The plan also discusses tools and mechanisms that can be used for material specific and cross-material strategies and opportunities to increase market development, decrease barriers, and promote recycling in the State of Texas.

**TCEQ Releases MSW Year in Review Report.**

In September 2021, TCEQ released its 2020 “Municipal Solid Waste in Texas: A Year in Review” report. The report shows that in 2019, 12.9 million tons of solid waste was recycled, up from 9.17 million in 2015. Based on the tons of recycling reported, the 2019 municipal solid waste (“MSW”) recycling rate for Texas was 27.5 percent and represents $4.8 billion for the Texas economy. The report further indicates that the total remaining MSW landfill capacity in Texas at the end of 2020 was approximately 1.96 billion tons or about 2.89 billion cubic yards.

**TCEQ’s Alternative Language Public Notice and Participation Requirements In Effect.**

TCEQ’s new alternative language public notice and participation requirements went into effect on September 16, 2021. The new rules create additional alternative language requirements for applicants and the TCEQ on waste, water, and air permit applications. When they apply, the new language requirements affect public meeting notices and responses to hearing requests, and require an alternative language plain lan-

(Continued on page 5)
# TXSWANA

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(effective Sept. 1, 2021)

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Visit [www.swana.org](http://www.swana.org) for a membership application.
Hello fellow TxsWANA members and a belated Happy New Year!

This winter your board is busy preparing for the upcoming April 22-23 Road-e-o and April 25-27 Annual Conference both held in Lubbock. I want to thank Brenda Haney for chairing the Road-e-o event and Holly Holder for chairing the Annual Conference. This requires a significant amount of effort and time and on behalf of the entire organization we appreciate all they do to makes these events memorable and worthwhile. Registration is open for both events and special room rates are available. Road-e-o special rate rooms have been set aside at the Doubletree by Hilton. The competition on Saturday April 23 will occur at the Reese Technology Center with the awards banquet that evening held at the FiberMax Center for Discovery. On Monday April 25 we shift to the Annual Conference held at the Lubbock Civic Center. Special room rates for this event have been set aside at the Cotton Court Hotel. The traditional annual golf tournament will be held Monday morning, and we have two fantastic tours to choose from Monday afternoon. At the Back to Nature compost operation tour you will tour the facility and have the opportunity to ask questions, network, and share knowledge. At the Texas Tech University National Wind Institute you will tour their research facility and learn about high wind event research to predict debris quantity and type, harden the electric grid, and protect people. And yes you will be able to see in action the famous cannon that shoots a 2 x 4 piece of lumber into walls! Monday evening our Young Professionals (35 and younger) can participate in speed mentoring, and that night we’ll have a welcome event in the conference exhibit hall at the Civic Center.

Tuesday begins the technical sessions. Our own Brenda Haney with the City of Lubbock is the current President of the SWANA Board of Directors and we look forward to her keynote address during lunch. The evening networking event will be held at the Cactus Theater with the Buddy Holly Show. Wednesday morning delivers more technical sessions then we end the conference with our annual luncheon. I look forward to seeing you in Lubbock. For more information, visit our website txswana.org SWANA Lone Star Chapter (TxsSWANA) - Home Page.

Other knowledge opportunities exist at SWANA’s Sustainability Operations Action Resources (SOAR) conference in Kansas City March 21-24. This is SWANA’s technical-focused conference and brings together experts from all aspects of the solid waste management community to discuss our most difficult issues. Lastly, I want to plant the seed that the City of El Paso is hosting SWANA’s International road-e-o this year in October.

Stay safe, looking forward to a great 2022, and see you in Lubbock!

Jeff Mayfield
“Serving Texas’ Solid Waste Providers for Over 35 Years!”

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TCEQ Increases IHW Generator and Management Fees.

On November 3, 2021, TCEQ adopted a final rule regarding industrial solid waste and municipal hazardous waste generator and management fee increases. Specifically, the final rule (1) increases the Industrial and Hazardous Waste (“IHW”) generation schedule from $0.50 to a maximum of $2.00 per ton for non-hazardous waste generation; (2) increases the fee schedule from $2.00 to a maximum of $6.00 per ton for hazardous waste generation; and (3) allows the TCEQ the ability to adjust the actual IHW generator fee at or below the new fee schedule amounts. TCEQ will implement the fee increases based on a phased fee schedule, beginning on March 1, 2022.

TCEQ Proposes Rulemaking on Compliance History.

On December 15, 2021, TCEQ proposed a rulemaking to revise the agency’s compliance history rules in 30 TAC Chapter 60. More specifically, the proposed rulemaking aims to add a new Section 60.4 of 30 TAC Chapter 60, which would allow TCEQ to designate and reclassify the compliance history classification for a site involved in an emergency event that causes or results in exigent circumstances. More specifically, the new section would provide a process for TCEQ to initially designate a site’s compliance history classification as “under review” and then later reclassify it to “suspended” if exigent circumstances exist due to an event at a site, such as a major explosion or fire, that significantly impacts the surrounding community and environment. TCEQ anticipates adopting a final rule on June 1, 2022.

TCEQ Amends ISW and MHW Rules to Maintain Equivalency with RCRA Revisions.

On January 12, 2022, the TCEQ Commissioners adopted a final rule updating a number of sections of 30 TAC Chapter 335, Industrial Solid Waste (“ISW”) and Municipal Hazardous Waste (“MHW”), in order to maintain equivalency with Resource Conservation and Recovery Act (“RCRA”) revisions promulgated by EPA. The most notable of the changes involve:

- Revising the existing hazardous waste generator regulatory program by (1) reorganizing the regulations to improve their usability by the regulated community and by (2) providing greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner;
- Revising existing regulations regarding the export and import of hazardous wastes from and into the United States by applying a confidentiality determination such that no person can assert confidential business information claims for documents related to the export, import, and transit of hazardous waste;
- Revising rules to adopt EPA’s methodology for determining the user fees applicable to the electronic and paper manifests to be submitted to the e-Manifest system;
- Revising rules to prohibit disposal of hazardous waste pharmaceuticals into the sewage system and to codify the exemption for unused pharmaceuticals that are expected to be legitimately reclaimed from being classified as a solid waste; and
- Adding rules to add hazardous waste aerosol cans to the universal waste program.

The rule changes went into effect on February 3, 2022.

TCEQ Adopts Final Rule to Clarify Composting Notice Process.

On January 12, 2022, the TCEQ Commissioners adopted a final rule to clarify and update existing notice language and requirements for composting facility applications. The final rule aims to provide clarity on who will receive notice for certain compost authorizations, and to remove other vague mailing requirements. More specifically, TCEQ is revising sections of 30 TAC Chapter 332 (Composting) to clarify that the registration tier facilities have the same notice requirements as the notification tier facilities. TCEQ also changed the notice rule for the notification tier facilities (30 TAC § 332.22) to make clear that the landowner list includes only properties bordering the facility. In addition, the final rule incorporates applicability, fees, and reporting requirements from 30 TAC Chapter 330, Subchapter P into sections for registered and permitted facilities. The final rule went into effect on February 3, 2022.

EPA UPDATES

EPA Authorizes Texas’s Hazardous Waste Management Program Revision.

On March 5, 2021, EPA issued a Final Authorization of the State of Texas hazardous waste program. In December 2018, Texas had submitted a final complete program revision application seeking authorization of its program revision. EPA has now approved of those revisions after confirming that the program revisions satisfied all requirements needed to qualify for a final authorization. With this final authorization, a facility in Texas subject to RCRA will now have to comply with the authorized state requirements instead of the equivalent federal requirements. Additionally, such facilities will have to comply with any applicable federal requirements issued by the EPA for which the state has not received authorization. The State of Texas will continue to have enforcement responsibilities under its state hazardous waste program for violations of its program, but the EPA retains its authority to:

- conduct inspections and require monitoring, tests, analyses, or reports;
- enforce RCRA requirements and suspend or revoke permits; and
- take enforcement actions after notice to and consultation with the State.

EPA Releases Environmental Justice Guidance Documents.

In mid-2021, EPA released a series of three different Environmental Justice (“EJ”) Guidance Documents. The first guidance document, released on April 30, 2021, outlines actions intended to strengthen enforcement and advance the protection of “overburdened communities” with EJ concerns. EPA released the second guidance document, entitled “Strengthening Environmental Justice Through Criminal Enforcement,” on June 21, 2021. The second guidance document outlines actions to advance EPA’s Environmental Justice goals through criminal enforcement matters. On July 1, 2021, EPA issued the third guidance document, entitled “Strengthening Environmental Justice Through Cleanup Enforcement Actions,” which urges EPA Regional Offices to increase cleanup program enforcement under CERCLA and RCRA, particularly at sites that “most impact overburdened communities.”

In addition, on January 5, 2022, EPA issued a draft Environmental Justice Action Plan, which identifies EJ measures that EPA’s Office of Land and Emergency Management will imple-
The Lone Star

modities. Potentially regulated entities include solid waste combustion units decomposing municipal solid waste, oil and gas exploration operations, commercial waste disposal companies, and manufacturers of certain products (e.g., wood, pulp, paper, furniture, plastics, cement). According to EPA, the ANPRM is necessary in order to clear up confusion in the regulated community regarding the applicability of Clean Air Act Section 129 to pyrolysis and gasification units. In response to the ANPRM, SWANA filed a comment letter on December 20, which makes the following points:

SWANA supports efforts to clarify guidance and address regulatory confusion;

SWANA encourages development of regulations fitted to pyrolysis and gasification to encourage use;

SWANA discourages placing undue burden on currently operating facilities because of any regulatory changes; and

SWANA encourages EPA to continue to protect human health and the environment while promoting innovation.

The next step in the process involves EPA issuing a proposed rulemaking in the Federal Register. Stay tuned for that this year.

EPA Approves New NESHAP Test Method.

On September 14, 2021, EPA approved a new alternative test method (ALT-143) for compliance with the enhanced monitoring provisions in the National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for MSW Landfills. The approved alternative method in lieu of Method 10 allows for direct monitoring of CO at a landfill gas well using a portable gas analyzer. A Solid Waste Working Group consisting of industry, including:

- strengthening compliance with cornerstone environmental statutes and civil rights laws;
- incorporating environmental justice considerations during the regulatory development process;
- improving community engagement in rulemakings, permitting decisions, and policies; and

implementing President Biden’s Justice40 Initiative, which entails allocating at least 40 percent of the overall benefits from federal investments in climate and clean energy to disadvantaged communities.

Federal Plan Implementing Final Landfill Emissions Guidelines Rule In Effect.

On May 21, 2021, EPA issued the final Landfill Emission Guidelines (“EG”) Rule. The federal plan implementing the EG Rule went into effect on June 21, 2021, and applies to MSW landfills that commenced construction on or before July 17, 2014, and have not been modified or reconstructed since July 17, 2014. EPA estimates about 1,600 landfills would potentially be covered by this final federal plan. Until EPA approves of a state plan, the federal plan will apply in Texas. For more information, please refer to Volume 21, Number 2 of the TxsSWANA Newsletter (Spring 2021).

EPA Announces Potential Future Rulemaking on Pyrolysis and Gasification Units.

On September 8, 2021, EPA announced an advanced notice of proposed rulemaking (“ANPRM”) to assist in the development of Clean Air Act regulations for pyrolysis and gasification units that are used to convert solid or semi-solid feedstocks, including solid waste, to useful products such as energy, fuels, and chemical com-
April 22-23, 2022
Lubbock, Texas

Road-E-O Lubbock

Save the Dates!

TxsSWANA Annual Conference
April 25-27, 2022
Lubbock, Texas

Sustainable Vision
For the Future
The TxsWANA Annual Conference is back!
The conference will be held in Lubbock, Texas on April 25-27!

Planned Activities and Sponsorship Opportunities:
- Conference Golf Tournament
- Conference Technical Tours
- Conference Technical Presentations
- Conference Social Event at Buddy Holly Center

Registration Information
Registration must be completed online through the Register Now button. Information about registration options and costs is available at the Registration Information link at the top right of this page. Registration fees can be paid by credit card or by check (follow the pay by check instructions on the payment page during registration).

Hotel Information
A special TxsWANA early registration room rate of $119.00 is available for the dates of April 24-26, 2022 at the Cotton Court Hotel. The early registration rate expires April 1, 2022. Reservations are open now – call to reserve your room (ask for the 2022 TxsWANA Annual Conference room block) or follow the link below to receive the special rate.

Cotton Court Hotel, 1610 Broadway Street, Lubbock, Texas
Reservation Line: (210) 220-3054
Reservation Link: 2022 TxsWANA Annual Conference

Golf Tournament Information
The golf tournament will be held Monday, April 25th from 8:00am to 2:00pm at the Lake Ridge Country Club. The tournament will be played in scramble format with 4 person teams. (If you don’t have a full team, you will be placed on one). The entry fee is $100 per player, and includes green fees, cart, breakfast and lunch. To participate in the golf tournament, be sure to add the Golf Tournament Registration to your conference registration!

Technical Tour Information
We have two great technical tours planned for Monday April 25th. If you want to attend a technical tour, be sure to add the Technical Tour to your registration!

Back to Nature Compost
Back to Nature Compost provides quality cotton burr composts and blends to the lawn and garden industry.

The National Wind Institute
The National Wind Institute (NWI) at Texas Tech University (TTU) was established following the 1970 Lubbock Tornado. With the inclusion of engineers, atmospheric scientists, and economists, the multidisciplinary team continued to grow through the early 2000’s but remained focused on wind hazard-related research. An expansion into wind energy research began in the early 2000’s. NWI then evolved further to support related pursuits such as microgrid, battery storage, and grid management related research.

Today, NWI’s foci are represented by three main research pillars:
- Energy Systems
- Atmospheric Measurement & Simulation
- Wind Engineering

NWI develops and maintains a suite of state-of-the-art research facilities and space, provides access to technical and administrative staff that enable faculty affiliates to successfully execute large and complex research projects, and supports convergent teaming activities.

Sponsorship Information
There are several sponsorship opportunities available for the 2022 Conference! Sponsorship information is available at the Sponsorship Information link at the top right of this page. Sponsorships must be reserved online through the Register Now button. Sponsorships can be paid by credit card, or by check (follow the pay by check instructions on the payment page).
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On November 15, 2021, EPA issued a finalized “National Recycling Strategy” to advance the national municipal solid waste recycling system. The Strategy identifies the following objectives, aimed to create a stronger, more resilient and cost-effective recycling system and outlines a series of stakeholder-led actions to accomplish them:

- Improve Markets for Recycling Commodities;
- Increase Collection and Improve Materials Management Infrastructure;
- Reduce Contamination in the Recycled Materials Stream;
- Enhance Policies to Support Circularity; and
- Standardize Measurement and Increase Data Collection.

EPA plans to implement the Strategy in conjunction with the National Recycling Goal to increase the national recycling rate to 50 percent by 2030.

Please be on the lookout for further developments and visit https://www.lglawfirm.com/news/ for more information.

You can also learn more at the TxSWANA Annual Conference in Lubbock this April 25-27, where Sam will be presenting a 2021 Regulatory Recap. Hope to see you there!

Sam Ballard is an associate in Lloyd Gosselink Rochelle & Townsend, P.C.’s Air and Waste Practice Group.

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TXSWANA CONFERENCE:
YOUNG PROFESSIONAL ACTIVITIES

Call for Mentors for YP Minute Mentoring Activity

TxSWANA Young Professionals (YPs) are calling all professionals to serve as Mentors for the Minute Mentoring Activity during the upcoming TxSWANA Annual Conference. Mentors will engage with YPs in quick mentoring sessions to give advice, answer questions and offer perspective on the future of the industry. The Minute Mentoring Activity is planned for Monday April 25, from 5:15pm to 5:45 pm. If you are interested in participating as a mentor, please contact Wes Glakas (YP Chair) at wesleyglakas@heiloftexas.com.

YP Networking Off-Site Event

TxSWANA Young Professionals (YPs) will have an off-site networking event on Monday Evening from 8:00PM to 9:15PM at Two Docs Brewing Company. The brewery is in walking distance from the Cotton Court and will be a great time to get together for mingling. Don’t miss this time with your peers. Contact Wes Glakas with any questions....wesleyglakas@heiloftexas.com

Two Docs Brewing Co.
502 Texas Avenue in the Hub-a-Plex

Be sure to register for the 2022 TxSWANA Annual Conference to take advantage of these great YP activities. YPs register at a reduced rate!
WE NEVER STOP WORKING FOR YOU
Solid waste transfer stations offer convenience for both collection operations and the public, but these types of facilities also present multiple safety exposures that must be managed.

Many transfer stations operate inside buildings that are congested, poorly lit, and have slick, debris-filled floors. This mix of physical characteristics along with heavy vehicle and foot traffic creates the potential for serious incidents. Employees and users of these facilities have experienced severe injuries and fatalities during transfer station operations. In one incident, a transfer station customer fell six feet from an elevated unloading area to a concrete pad next to the refuse container and later died from the injuries. At another facility, a solid waste employee was fatally injured on the transfer station floor when he was backed over by a front-end loader operating inside the facility. The equipment operator did not see the employee before it was too late.

Significant incidents can be prevented by following basic safety suggestions and best practices such as these.

**Employee Safety**

Transfer station employees are exposed to numerous hazards, including working regularly in proximity to heavy machinery, extreme noise, and temperatures, and falls. Safety efforts should include:

- Utilizing appropriate personal protective equipment, including hard hat or bump caps, eye, appropriate foot wear, gloves appropriate for the task, high visibility safety vests, dust masks, and hearing protection, if working near heavy or loud equipment or machinery. A Job Safety Analysis should be conducted and exposures should be reviewed and requirements for personal protective equipment should be communicated to all employees and visitors at the facility.
- Proximity alarms, such as flashing lights and reversing alerts, should be installed on all machinery. Due to the confined environment, the types of alarms utilized should be reviewed to see what type is most effective.
- Routes for foot traffic in the structure should be identified and enforced among all employees and visitors. Barriers and/or painted routes help assure persons stay clear of machinery.
- Regular safety meetings and task-specific training, along with audits of operations, help in raising employee awareness of exposures. In addition, audits will assist with proactively identifying potential areas for improvement.
- Vehicle/equipment operation standards and training. All operators must be adequately trained in the use of the various assets.

(Continued on page 13)
(Continued from page 12)  **Customer Safety**

Providing a safe environment is also important for customers who visit. Developing and communicating customer safety procedures helps reduce potential injuries or vehicle damage. These activities should include:

- Providing a separate and safe unloading area for self-haulers that is away from large equipment or vehicles.
- Requiring customers to stay in designated areas when outside of vehicles.
- Installing safety barriers around areas where fall or crushing hazards may exist.
- Accounting for site users by logging entry.
- Posting clear and specific signage for users of the facility and providing verbal instructions when possible.

- Locating wheel stops properly to prevent vehicles from backing into pits or bins.

These are just a few protocols that one can use. A site-specific analysis should be conducted to assess the needs of the particular site. As always, if you should have any solid waste safety related question, feel free to reach out the **S.M.A.R.T Committee** for a suggestion to explore. As always, I remain

Yours in Safety, David P. Vartian, your Safety Ambassador and SMART Chairperson.

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 dyartian@uptexas.org if you have a solid waste safety question.
MEMBERSHIP UPDATE
We Welcome the Following New Members (through Feb. 14, 2022)

Julissa Amador  City of Denton
Alex Ray Armenta  City of Lubbock
Andrew Aubrey  SeekOps Inc.
Rebecca Bradley  City of Brownwood
Kathleen Cooke  City of El Paso
Leticia Cordova  City of McAllen
Edward Nash Crawley  Parkhill
John T. Davis  For Good Environmental
Samuel Blake Dillon  Republic Services, Inc.
Shauna Duff  Alamo Area COG
Jose Figueroa  City of Richardson
Ruby Garcia  City of Houston
John Geiger  The Woodlands Township
Keegan Hall  City of Brownwood
Kim Jennings  City of Denton
Zoe Killian  The Woodlands Township
Erik Langner  Routeware
Oscar Mendoza  City of McAllen
Walter Francis Miller  NTMWD

Tyler Molinaro  Rubicon
Daniel A. Monroy  University of Houston
Kim M. Nelson  WASTELINQ
Pathiba Karthikeyan  South Dakota School of Mines and Technology
April Paz  City of McAllen
Rick Percy  Multi Seal
Teresa Prisbrey  Spartan Radar
Helvia Quinones  City of Houston
David Raglin  Battle Motors Crane Carrier
Robert Ramirez  City of McAllen
Alejandro Ramos  City of McAllen
Brittany Rosenberg  STAR
Anthony Sanchez  City of Brownwood
Corina Sheridan  WAGA Energy
Dawn M. Steph  City of Sugar Land
Liza M. Valdez  City of McAllen
Henry Weid  City of Brownwood

Calendar of Events

BOARD OF DIRECTORS
2022 MEETINGS
March 11  Austin
April 27  Lubbock
May 13  TBD
June 10  TBD
July 8  TBD
Aug. 12  TBD
Sept. 9  TBD

TXSWANA Road-e-o
April 22-23, 2022
Lubbock, TX

TXSWANA Annual Conference
begins April 25-27, 2022
Lubbock, TX