

From: [Sunset Advisory Commission](#)
To: [Elizabeth Jones](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
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From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Tuesday, June 21, 2022 4:54 PM
To: Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Tue, 06/21/2022 - 15:52

Submitted by: Visitor

Submitted values are:

Choose the agency that you would like to provide input about
[Texas Commission on Environmental Quality](#)

Public Comments

1

First Name

Mark

Last Name

Allen

Title

Jasper County Judge

Organization you are affiliated with

Texas Association of Regional Councils

Email

City

Austin

State

Texas

Your Comments or Concerns

Please see attached comments.

Your Proposed Solution

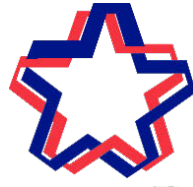
Please see attached comments.

Attachment

[TCEQ Sunset Comment Letter 6.21.22.pdf](#) (96.16 KB)

My Comments Will Be Made Public

Yes



TEXAS ASSOCIATION OF REGIONAL COUNCILS

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Texas Sunset Advisory Commission

Submitted electronically via Public Input Form

June 21, 2022

Dear members of the Sunset Advisory Commission:

On behalf of the Texas Association of Regional Councils, we would like to thank Sunset staff for the opportunity to discuss the commission's review of the Texas Commission on Environmental Quality (TCEQ). We believe the conversation was beneficial and look forward to further discussions about the work of the regional councils of governments across Texas and how we can assist state agencies with accountable and efficient program delivery.

As you know, the Texas Commission on Environmental Quality has a wide range of responsibilities and programs under its purview. One such program is the Municipal Solid Waste Grants Program, which is funded by the legislature using fee collected and deposited into the Solid Waste Disposal Fees Account No. 5000, a general revenue-dedicated account commonly referred to as Fund 5000.

The Municipal Solid Waste Grants Program assists the State in fulfilling its public policy to safeguard the health, general welfare, and physical property of Texans and protect the state's environment by encouraging a reduction in solid waste generation through the proper management within communities. The councils of governments (COGs) in Texas use the funds appropriated to TCEQ by the legislature for the program to develop and maintain an [inventory of closed municipal solid waste landfills](#), conduct regional coordination and planning activities, maintain a regional solid waste management plan, and administer pass-through grant programs to provide funding for regional and local municipal solid waste projects. As you will find in the [Texas Association of Regional Councils Regional Solid Waste Grants Program Funding Report for Fiscal Years 2018/2019](#), this program has a record of success. In the over two decades since its creation, the grant program has provided support at the local level for important projects such as litter abatement and cleanup of illegal dump sites, recycling and material reduction operations, household hazardous waste management, illegal dumping enforcement and tire clean-up.

Although thankfully not included in the Sunset Advisory Commission staff recommendations for TCEQ, the agency included in its self-evaluation a recommendation to fund its operations by reducing the share of funding deposited to Fund 5000. The insufficient funding that would result would be a detriment to the health and safety of Texans. The population of the state continues to grow which means the generation of additional municipal solid waste. Additional waste means an increase in the amounts collected from the generated fees for these vital projects each year but the amount appropriated has remained the same for a decade. As with any publicly funded program, the need for the Municipal Solid Waste Grants Program far exceeds available resources. Over multiple biennia, local elected officials have gone before members of the legislature, testifying about the importance of the programs made possible for local communities by Fund 5000.

While the fees that fund the account continue to be collected and elected officials express need for the programs made possible by the fund, the amount appropriated for the grant program out of Fund 5000 has remained the same. As recently as August of 2020, regional councils addressed the issue with TCEQ Commissioners. The [Municipal Solid Waste Management and Resource Recovery Advisory Council \(MSWRRAC\)](#), a committee of diverse stakeholders, also voted to put forth a resolution to increase the allocation of resources in Fund 5000 whether through tipping fee collection or fund balance request in the agency Legislative Appropriation Request (LAR) for consideration by Commissioners. This was the second time the advisory council asked Commissioners to consider increasing the amount of funding requested for the program.

The Texas Association of Regional Councils does not support the solution proposed by the agency in its self-assessment to help restore the shortfall in Account No. 0549 by reducing the share of tipping fees generated allocated to Fund 5000. The result would likely decimate a program that currently only receives \$11 million per biennium. The share of the tipping fee deposited into Fund 5000 was drastically reduced in the 83rd Legislative Session. In an effort to reduce the reliance on General Revenue-Dedicated accounts to certify the budget, the share of funding to be deposited in Account No. 0549 and Fund 5000 was modified from 50/50 to 66/33 respectively. This change diminished the opportunities for local communities to offer vital solid waste management programs to their citizens. We are appreciative to staff at the Sunset Advisory Commission for recognizing that the recommendation proposed in TCEQ's self-assessment will further hinder efforts to protect the health and safety of Texans and diverts funds away from their intended and created purpose.

If the operations the agency funds using appropriations from Account No. 0549 far exceed what is available in the account and absolutely cannot be met using any other methods of finance available to the agency, it may be wise to recommend that the legislature raise the solid waste disposal fee. An increase to the fee would help the agency fund its operations as it has traditionally without reducing the very small amount collected for Fund 5000. TCEQ should work with regional councils to identify priorities that will have a significant impact on the health and safety of Texans in communities statewide.

Again, thank you for the opportunity to provide comment during your review of the Texas Commission on Environmental Quality. We look forward to continued dialogue about regional councils, the programs we help administer and ways to assist TCEQ with meeting its statutory solid waste management requirements. Please keep regional councils in mind as you and your colleagues on the Commission look for efficient and accessible avenues to administer public programs including but not limited to air quality, local and regional emergency management, and municipal solid waste. We are happy to provide additional information as necessary. Ginny Lewis Ford, TARC Executive Director, can be reached by phone at 512-478-4715 or email at glewisford@txregionalcouncil.org should you have any questions. Stay well and good luck in your efforts.

/s/ The Honorable Mark Allen
President, Texas Association of Regional Councils
County Judge, Jasper County
South East Texas Regional Planning Commission

/s/ Mr. John Austin Stokes
Environmental Quality Committee Chair, Texas Association of Regional Councils
Executive Director, Concho Valley Council of Governments

/s/ Mrs. Ginny Lewis Ford
Executive Director, Texas Association of Regional Councils