

From: [Sunset Advisory Commission](#)
To: [Elizabeth Jones](#)
Subject: FW: Public Input Form for Agencies Under Review (Private/Before Publication)
Date: Friday, June 24, 2022 1:38:25 PM

From: Texas Sunset Advisory Commission <sunset@sunset.texas.gov>
Sent: Friday, June 24, 2022 1:36 PM
To: Sunset Advisory Commission <Sunset.AdvisoryCommission@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Fri, 06/24/2022 - 12:30

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

Jeffrey

Last Name

Mayfield

Title

President

Organization you are affiliated with

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

Email

State

Texas

Your Comments or Concerns

Good afternoon,

Please see the attached public comment letter submitted by the Texas Lone Star Chapter, Solid Waste Association of North America, Inc. Thank you.

Your Proposed Solution

Good afternoon,

Please see the attached public comment letter submitted by the Texas Lone Star Chapter, Solid Waste Association of North America, Inc. Thank you.

Attachment

[2022.06.22 - TXSWANA Comments to Sunset Advisory Commission on TCEQ.pdf](#) (2.1 MB)

My Comments Will Be Made Public

Yes



June 22, 2022

The Honorable Charles Schwertner
Chairman
Sunset Advisory Commission of Texas
P.O. Box 13066
Austin, Texas 78711

Jennifer Jones
Executive Director, Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711

Re: Comments to Sunset Advisory Commission Staff Report Texas Commission on Environmental Quality - 88th Legislature (2022 - 23)

Dear Chairman Schwertner and Ms. Jones:

The Texas Lone Star Chapter, Solid Waste Association of North America, Inc. ("TxSWANA") is pleased to submit the following comments to the Sunset Advisory Commission ("Sunset Commission") Staff Report on its review of the Texas Commission on Environmental Quality ("TCEQ" or the "Agency").

TxSWANA is the Texas Chapter of the Solid Waste Association of North America ("SWANA"). TxSWANA has approximately 550 individual members; these members represent public entities and municipalities, special districts, and private corporations that are dedicated to advancing the practice of environmentally and economically sound management of municipal solid waste in Texas. One way TxSWANA fulfills this mission is to provide its members with the opportunity to participate effectively in the public processes involved in shaping the solid waste management legislative and regulatory framework. To that end, TxSWANA enables its members to join together to file comments on activities affecting the solid waste industry. As such, we offer the following comments with respect to Sunset Commission's Report.

First and foremost, we want to applaud the Sunset Commission for its thorough review of the TCEQ, and fully support its recommendation to continue the Agency. The TCEQ is vital to protecting the State's environment in a way that preserves it for all Texans while allowing for the State's continued and responsible economic growth. We want to ensure that you, and the Texas Legislature, understand that we recognize the difficult job that the TCEQ has, and the dedication and expertise that the TCEQ and its staff bring to the difficult issues that they face every day.

TxSWANA's comments are strictly from the perspective of an organization that has expertise in solid waste management. We recognize that the TCEQ's mandate is far more than just solid waste. However, some of the Sunset Commission's recommendations have particular relevance to the solid waste industry, and we offer the following comments below with that in mind.

- The TCEQ is chronically underfunded and is being asked each year to do more with less. TxSWANA believes it would be appropriate for the Sunset Commission to recommend that the Legislature allocate additional funds to the TCEQ.
- Recommendation 2.6 (Direct TCEQ to modify its approach to nuisance complaints to make better use of the agency's investigative resources).
 - TxSWANA recognizes that TCEQ's limited resources are strained by complaints from citizens that do not know where to direct a complaint. While TxSWANA agrees that TCEQ should not continue to respond to complaints that are not under TCEQ's jurisdiction, we want to ensure that this recommendation does not cut TCEQ out of regulating solid waste management facilities that are under TCEQ's jurisdiction.
 - Cities and counties lack the subject-matter expertise to regulate the complex solid waste management facilities that TCEQ regulates, and investigations of those facilities' activities should continue to be handled by the TCEQ.
- Recommendation 4.1 (Direct OPIC to consider developing and using umbrella contracts to procure expert assistance)
 - OPIC plays an important role in TCEQ proceedings, but that role rarely necessitates the hiring of experts. OPIC's role is to promote the general public interest in proceedings before the commission. That role is not to promote the interests of specific protestants in such proceedings.
 - The near-certain eventual outcome of OPIC routinely hiring experts is that protestants in permitting matters will expect OPIC to provide the technical expertise necessary for them to oppose applications before the State Office of Administrative Hearings ("SOAH"). That is not an appropriate role for OPIC.
 - By the time an application reaches SOAH, the application has already passed technical review by the experts at the TCEQ. By routinely hiring its own experts, OPIC, funded by TCEQ puts TCEQ in the role of hiring experts to undermine the review already performed by its experts.

TxSWANA appreciates the opportunity to provide these comments, and looks forward to participating in the legislative process that follows. If you have any questions regarding the comments, or if TxSWANA can provide any further information, please do not hesitate to contact me at president@txswana.org.

Sincerely,



Jeffrey D. Mayfield
President, TxSWANA