



Executive Committee Meeting | Agenda

10:00 a.m., Wednesday, September 14, 2022
Hilton Austin Airport
9515 Hotel Drive
Austin, Texas 78719

Mayor Brandt Rydell, City of Taylor, **Chair**
Judge James Oakley, Burnet County, **First Vice Chair**
Mayor Lew White, City of Lockhart, **Second Vice Chair**
Commissioner Debbie Ingalsbe, Hays County, **Secretary**
Mayor Jane Hughson, City of San Marcos, **Parliamentarian**
Judge Paul Pape, Bastrop County, **Immediate Past Chair**
Council Member Mackenzie Kelly, City of Austin
Mayor Connie Schroeder, City of Bastrop
Council Member Kevin Hight, City of Bee Cave
Judge Brett Bray, Blanco County
Commissioner Joe Don Dockery, Burnet County
Judge Hoppy Haden, Caldwell County
Judge Joe Weber, Fayette County
Council Member Ron Garland, City of Georgetown

Council Member Esmeralda Mattke Longoria, City of Leander
Commissioner Steven Knobloch, Lee County
Judge Ron Cunningham, Llano County
Mayor Pro Tem Doug Weiss, City of Pflugerville
Council Member Matthew Baker, City of Round Rock
Council Member Janice Bruno, City of Smithville
Commissioner Ann Howard, Travis County
Commissioner Brigid Shea, Travis County
Commissioner Russ Boles, Williamson County
Commissioner Cynthia Long, Williamson County
Representative John Cyrier
Representative Celia Israel
Representative Terry Wilson
Representative Erin Zwiener

1. **Call to Order and opening remarks by the Chair**
2. **Consider Approving Minutes for the August 10, 2022 Meeting**
3. **Consider Approving a Resolution for TxDOT Contract for FY 2023-2024**
Andrew Hoekzema, Director of Regional Planning and Services
4. **Consider Approving Contract with Texas Transportation Institute (TTI) for On-Road Emissions Inventory Development and Assistance**
Andrew Hoekzema, Director of Regional Planning and Services
5. **Consider Approving Conformance Review Finding for 130 Environmental Park's Application to Expand Hours to 24/7**
Andrew Hoekzema, Director of Regional Planning and Services
6. **Consider Conformance Review Recommendation to TCEQ on Zigco Liquid Waste/Compost Facility Application in Williamson County**
Andrew Hoekzema, Director of Regional Planning and Services
7. **Consider Approving Revisions to CAPCOG 2022-2042 Regional Solid Waste Management Plan**
Andrew Hoekzema, Director of Regional Planning and Services
8. **Consider Adopting a Resolution Declaring October as CAPCOG Cybersecurity Awareness Month**
Martin Ritchey, Director of Homeland Security

A closed executive session may be held on any of the above agenda items when legally justified pursuant to Subchapter D of the Texas Open Meetings Act (Texas Government Code Chapter 551).

9. **Consider Approving Title III – Nutrition Program FY2023 Older Americans Act Services Rates**
Patty Bordie, Director of Director of Aging Services

10. **Consider Approving Appointments to Advisory Committees**
Deborah Brea, Executive Assistant

11. **Staff Reports**
Betty Voights, Executive Director

12. **Adjourn**



Executive Committee | Summary Minutes

10 a.m., Wednesday, Aug. 10, 2022
6800 Burleson Road
Building 310, Suite 165
Austin, Texas 78744

Present (20)

Judge James Oakley, Burnet County, **1st Vice Chair**
Commissioner Debbie Ingalsbe, Hays County, **Secretary**
Mayor Jane Hughson, City of San Marcos,

Parliamentarian

Judge Paul Pape, Bastrop County, **Immediate Past Chair**
Council Member Mackenzie Kelly, City of Austin
Mayor Connie Schroeder, City of Bastrop
Council Member Kevin Hight, City of Bee Cave
Judge Brett Bray, Blanco County
Commissioner Joe Don Dockery, Burnet County
Judge Hoppy Haden, Caldwell County

Judge Joe Weber, Fayette County
Council Member Ron Garland, City of Georgetown
Council Member Esme Mattke Longoria, City of Leander
Commissioner Steven Knobloch, Lee County
Judge Ron Cunningham, Llano County
Mayor Pro Tem Doug Weiss, City of Pflugerville
Council Member Matthew Baker, City of Round Rock
Council Member Janice Bruno, City of Smithville
Commissioner Ann Howard, Travis County
Commissioner Russ Boles, Williamson County
Commissioner Cynthia Long, Williamson County

Absent (8)

Mayor Brandt Rydell, City of Taylor, **Chair**
Mayor Lew White, City of Lockhart, **2nd Vice Chair**
Commissioner Brigid Shea, Travis County
Representative John Cyrier

Representative Celia Israel
Representative Terry Wilson
Representative Erin Zwiener

1. **Call to Order and opening remarks by the Chair**

Vice Chair Judge Oakley opened the meeting at 10:03 a.m. in Mayor Rydell's absence. Judge Oakley led the board in the pledges to the state and national flags.

2. **Consider Approving Minutes for the July 13, 2022 Meeting**

Judge Oakley asked for a motion on the minutes. Commissioner Ingalsbe made a motion to approve the July 13, 2022, minutes. Judge Cunningham seconded the motion. It passed unanimously.

3. **Consider Accepting the Quarterly Investment Report**

Silvia Alvarado, Director of Finance

Ms. Alvarado said the quarterly investment report covered the period ending on June 30, 2022, and that all CAPCOG investments are in TexPool. She noted the interest rate for the quarter was about 0.646 percent and interest earnings were about \$48,993.22.

Commissioner Dockery motioned to accept the quarterly investment report. Mayor Hughson seconded the motion. It passed unanimously.

4. **Review of the CAPCOG Investment Policy**

Silvia Alvarado, Director of Finance

Ms. Alvarado said the Texas Public Funds Investment Act requires the board to review CAPCOG's Investment Policy annually. The policy dictates CAPCOG invest public funds in a manner which will provide the highest investment return with maximum security while meeting the organization's cash flow needs.

Ms. Alvarado said there were no revisions to the policy since it was adopted on Aug. 12, 2020.

Commissioner Long made a motion to accept the review of the CAPCOG Investment Policy. Mayor Hughson seconded the motion. It passed unanimously.

5. Consider Recommending Nominating Committee to the General Assembly

Betty Voights, Executive Director

Ms. Voights said every year during the September General Assembly meeting a nominating committee is elected to recommend Executive Committee members to the General Assembly for election in December. She said while the General Assembly's elects the Nominating Committee, the board makes a recommendation for the committee's members. Ms. Voights noted CAPCOG's bylaws state the nominating committee must consist of seven members from the General Assembly and at least two must not be Executive Committee members. She said she had reached out to Hays County Commissioner Lon Shell and Leander Mayor Christine De L'isle to determine if they would serve in the non-board positions.

Judge Oakley asked the board for volunteers to serve on the nominating committee. After discussion, the board recommended Mayor De L'isle and Commissioner Shell along with Commissioner Dockery, Commissioner Long, Judge Cunningham, and Council Member Bruno. Mayor Rydell, as the Executive Committee Chair, is automatically chair of this committee per the bylaws.

Mayor Schroeder made motion to recommend the suggested nominating committee members to the General Assembly. Commissioner Long seconded the motion. It passed unanimously.

6. Consider Approving FY 2023 CAPCOG Annual Budget and Recommendation to the General Assembly

Anwar Sophy, Deputy Executive Director

Mr. Sophy said the Budget and Audit Committee have been meeting since March to help direct the FY 2023 budget process, which has about \$36.2 million in expenditures and revenues. He explained the various federal, state and local sources of revenue highlighting that the upcoming year's budget added additional Texas Department of Transportation funding and an emergency communications grant for 9-1-1 infrastructure. He stated that by division Aging Services and Emergency Communications consist of the largest portions of the budget. Mr. Sophy stated the budget consists of a 3 percent increase in salaries and 68 full-time employees.

Commissioner Long asked about the increased cost of employee insurance. Mr. Sophy said TML's preliminary estimate is about 18 percent due to high usage and the effects of COVID cost on insurance. Ms. Voights said CAPCOG's indirect cost rate will be back up to about 20 percent.

Mayor Hughson made a motion to approve recommending the FY 2022 CAPCOG Annual Budget to the General Assembly. Judge Cunningham seconded the motion.

Judge Bray questioned if there was a way CAPCOG could help promote the hiring of law enforcement officers throughout the region. Ms. Voights said CAPCOG is constantly recruiting for basic peace officer courses, but they are getting harder to fill. She noted there will be a course in Williamson County, and one could be scheduled in the future in Cedar Park. The board discussed offering a course in the eastern and western counties. Ms. Voights said that staffing instructors for those BPOCs with 720 hours of instructor could be an issue. Discussion continued about how to find people who want to get into law enforcement and Ms. Voights noted that CAPCOG should look at doing more marketing and probably needed to check with as the workforce development agencies. Council Member Bruno said maybe Capital Area Workforce Solutions' recent award of the federal God Jobs Challenge grant could help market law enforcement careers throughout the region.

Judge Oakley asked for a discussion on the issue to be brought back at a later date and called for a vote on the proposed budget. It passed unanimously.

7. Consider Adopting a Resolution Declaring September 2022, as CAPCOG Preparedness Month

Martin Ritchey, Director of Homeland Security

Mr. Ritchey said the September has been recognized as National Preparedness Month since 2004 and for many years CAPCOG has participated in recognizing the month as such while bringing awareness to preparedness.

Commissioner Ingalsbe made a motion to declare September as preparedness month. Council Member Bruno seconded the motion. It passed unanimously. Mayor Hughson requested that the proclamation be sent to General Assembly members.

8. Consider Approving Appointments to Advisory Committees

Deborah Brea, Executive Assistant

Ms. Brea said there were recommended appointments of Capt. Tom Szimanski of the Travis County Sheriff's Office to the Criminal Justice Advisory Committee, Kayla Schnell of Lee County to the GIS Planning Council, and Lee County Constable Steven Pohorelsky to the Law Enforcement Education Committee.

Mayor Hughson made a motion to appoint the advisory committee members. Mayor Pro Tem Doug Weiss seconded the motion. It passed unanimously. Ms. Voights reminded the board there are several vacancies on the Capital Area Regional Transportation Organization and those appointments are made by the counties and need to be elected officials.

9. Report on Performance Evaluation of Executive Director

Deborah Brea, Executive Assistant

Judge Oakley said the CAPCOG officers met before the meeting and discussed Ms. Voights evaluation. He noted that she received very positive remarks from all who completed an evaluation and that the officers were recommending giving her a 3 percent salary increase and a one-time 3 percent merit bonus.

Mayor Hughson made a motion to accept the officers' recommendation. Judge Weber seconded the motion. It passed unanimously. Judge Oakley thanked Ms. Voights for her work at the COG.

10. Water Planning Presentation

Jo Karr Tedder

Betty Voight, Executive Director

Ms. Karr Tedder introduced herself as the president of Central Texas Water Coalition and stated her presentation to the board was going to be science and information based. During the presentation she showed the board pictures of drought ridden areas from 2011 noting that the Colorado River nearly dried up in some locations, and this year has been hotter and dryer than the previous drought pictured. She explained how to find current drought, river and rainfall data.

Ms. Karr Tedder explained there are several different organizations in the CAPCOG region where people can participate in water policy decisions; those organizations include the Lower Colorado River Authority, the Texas Commission on Environmental Quality, the Region K Water Planning Group and the Texas Water Development Board. She summarized the makeup of the organizations and stated it was important for communities to actively participate in their water planning groups by doing tasks such as completing needs surveys and accounting for population, economic and industrial growth. She said it is important not to look at how much water has been accessible in the past, but to approach future water access, demand and usage through a regional perspective.

CAPCOG's Regional Planning Services Director, Andrew Hoekzema, mentioned the LCRA and Region K groups aren't the only organizations planning for the region's water — Planning Group G consist of Williamson and Lee counties, and Planning Group L has portions of Hays County and all of Caldwell County. The Guadalupe-Blanco River Authority and the Brazos River Authority also have boundaries in the region.

11. Staff Reports

Betty Voights, Executive Director

Ms. Voights said the General Assembly meeting will be September 14 at the Hilton Austin Airport and that Jorge Ayala, the regional director of the EDA’s Austin Regional Office would be the guest speaker. She said the Striking a Balance: Family Caregivers Conference has reached its RSVP compacity, so a waiting list is in place. She also mentioned that CAPCOG was awarded about \$8.5 million for it 9-1-1 call-handling system project from the state. That project has started with a project manager meeting with regional stakeholders for selecting the Next Generation 9-1-1 equipment.

12. Adjourn

Judge Oakley adjourned the meeting at 11:24 a.m.

Commissioner Debbie Ingalsbe, Secretary
Executive Committee
Capital Area Council of Governments

Date

EXECUTIVE COMMITTEE MEETING

MEETING DATE: September 14, 2022

AGENDA ITEM: #3 Consider Approving a Resolution for TxDOT Contract for FY 2023-2024

GENERAL DESCRIPTION OF ITEM:

For several years, The Texas Department of Transportation (TxDOT) Austin District has contracted with CAPCOG to support the Capital Area Regional Transportation Organization (CARTPO), rural transportation planning, and regional collaboration on transportation issues. CAPCOG’s most recent contract expired on July 28, 2022, and leading up to that date, CAPCOG and TxDOT staff entered into discussions about a future contract. On June 23, TxDOT staff informed CAPCOG that they were prepared to offer a new two-year, \$300,000 contract through August 31, 2024, with an expanded scope of work. This represents a significant increase in funding from the \$90,000 CAPCOG received for the past two years. TxDOT staff have given tentative approval to CAPCOG’s proposed scope of work and budget and are prepared to execute the attached contract with CAPCOG following the Executive Committee’s approval of a resolution authorizing the Executive Director to enter into the contract, which TxDOT requires.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: Andrew Hoekzema Director of Regional Planning and Services

BUDGETARY IMPACT:

Total estimated cost: Revenue of \$300,000 total for FY 2023 and 2024

Source of Funds: Texas Department of Transportation Austin District

- | | | |
|---|------------------------------|--|
| Is item already included in fiscal year budget? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does item represent a new expenditure? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does item represent a pass-through purchase? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If so, for what city/county/etc.? | <u>n/a</u> | |

PROCUREMENT: n/a

ACTION REQUESTED:

Consider approval of resolution authorizing the Executive Director to enter into a contract with TxDOT for fiscal years 2023-2024

BACK-UP DOCUMENTS ATTACHED:

1. Contract

BACK-UP DOCUMENTS NOT ATTACHED: None

THE STATE OF TEXAS §

THE COUNTY OF TRAVIS §

INTERLOCAL AGREEMENT

THIS CONTRACT is entered into by the Contracting Parties under Government Code, Chapter 791.

I. CONTRACTING PARTIES:

The Texas Department of Transportation	TxDOT
The Capital Area Council of Governments	Local Government

II. PURPOSE: The Local Government shall provide for the Transportation Planning Support activities and fulfill the requirements of 23 CFR §450.210 for consultation with Regional Transportation Planning Organizations (RTPO) and the TxDOT Austin District.

III. STATEMENT OF SERVICES TO BE PERFORMED: The Local Government will undertake and carry out services described in **Attachment A**, Scope of Services.

IV. CONTRACT PAYMENT: The total amount of this contract shall not exceed \$300,000.00 and shall conform to the provisions of **Attachment B**, Budget. Payments shall be billed monthly.

V. TERM OF CONTRACT: Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party. This contract begins when fully executed by both parties and terminates on August 31, 2024 or when otherwise terminated as provided in this Agreement.

VI. LEGAL AUTHORITY:

THE PARTIES certify that the services provided under this contract are services that are properly within the legal authority of the Contracting Parties

The governing body, by resolution or ordinance, dated September 14, 2022, has authorized the Local Government to provide the scope of services.

This contract incorporates the provisions of **Attachment A**, Scope of Services, **Attachment B**, Budget, **Attachment C**, General Terms and Conditions, **Attachment D**, Resolution or Ordinance, and **Attachment E**, Location Map Showing Project.

Capital Area Council of Governments

By _____ Date _____
AUTHORIZED SIGNATURE

Betty Voights, Executive Director
TYPED OR PRINTED NAME AND TITLE

Title Executive Director

FOR THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
Kenneth Stewart
Director of Contract Services

ATTACHMENT A

Scope of Services

Transportation Planning, Project Development, and Data Analysis and Support

By executing this contract, the Texas Department of Transportation (TxDOT) authorizes the Capital Area Council of Governments (CAPCOG) to proceed with the development and submission of an annual work plan for state fiscal year (FY) 2023 under Task 1 of this Scope of Services. TxDOT approval of the work plan will take the form of a Notice to Proceed (NTP) to commence work on Tasks 2-5 as described in the annual work plan. CAPCOG's work during FY 2024 will similarly need to be described in an annual work plan that CAPCOG will submit to TxDOT and TxDOT will need to approve.

CAPCOG will submit monthly progress reports by the 15th of each month summarizing activities performed under this contract in a format acceptable to TxDOT. Invoices will be paid in accordance with the amounts listed in Attachment B Budget. CAPCOG shall submit invoices in a format acceptable to TxDOT.

This contract includes in-state travel that will be conducted by CAPCOG staff as TxDOT requests. The travel will be conducted in conjunction with specific tasks or subtasks related to the non-metropolitan counties in the Austin District and will enable CAPCOG staff to participate in meetings and discussions, to conduct stakeholder outreach, perform support services, or make presentations when TxDOT requests. This travel may be inside and outside of the Austin District counties.

Task 1: Work Plan Development:

Each year of the contract period, CAPCOG will prepare a work plan detailing the specific tasks to be performed during that year and any specific deliverables associated with each task for that year. The annual work plan will allow TxDOT and CAPCOG to respond to changing priorities and available resources. The work plan may include projects specifically included in this scope or some that are not listed but still achieve the task's objectives. The work plan will include:

- A description of each specific activity to be performed under each task,
- Detailed deliverables and associated due dates for each task,
- The geographic area or areas that the activities will be covered by the proposed activities,
- A list of key personnel who will work on the task, and
- The estimated cost for each task/subtask for that year.

Upon approval of the work plan via a NTP by TxDOT, CAPCOG may commence activities described in the work plan.

Task 1 Deliverables: The Local Government shall provide deliverables or other documentation, describing the results performed under this task to TxDOT no later than the dates specified below.

Deliverable 1.1:	FY 2023 work plan
Deliverable 1.1 Due Date:	Within 30 days of execution of contract
Deliverable 1.2:	FY 2024 work plan
Deliverable 1.2 Due Date:	September 29, 2023
Task 1 Estimated Cost:	\$8,000.00

Task 2: Administration of CARTPO

The Capital Area Regional Transportation Planning Organization (CARTPO) serves as a forum for the region’s local elected officials to collaborate with TxDOT and the Capital Area Metropolitan Planning Organization (CAMPO) on transportation issues that affect State Planning Region 12 (CAPCOG) and provides an opportunity for TxDOT to fulfill its obligations under federal law to provide for a consultation process with non-metropolitan areas through Regional Transportation Planning Organizations (RTPOs). Under this task, CAPCOG will continue to administer CARTPO in FY 2023 and 2024. The services provided for CARTPO will include:

- Convening quarterly meetings, including preparation and dissemination of agendas, notices, minutes, and informational materials for committee members;
- Coordinating the appointment of board members by local governments and maintaining board membership roster and attendance records;
- Collaborating with CARTPO members with regard to transportation-related topics, projects, and upcoming funding opportunities.
- Identifying transportation and planning issues for the agenda that will add value or address challenges for CARTPO members and the governmental entities they represent;
- Work with TxDOT staff to provide project updates and presentations when needed.

This task applies to all of State Planning Region 12: Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson Counties. Inclusion of Fayette County is incidental to this task due to its inclusion in CARTPO.

Task 2 Deliverables: The Local Government shall provide deliverables or other documentation, describing the results performed under this task to TxDOT no later than the dates specified below.

Deliverable 2.1:	Agendas for CARTPO meetings
Deliverable 2.1 Due Date:	No later than 5 days prior to a meeting
Deliverable 2.2:	Draft CARTPO meeting minutes
Deliverable 2.2 Due Date:	the 15 th day of each month following a CARTPO meeting along with the monthly report
Deliverable 2.3:	Updated CARTPO rosters
Deliverable 2.3 Due Date:	the 15 th day of each month following a new appointment along with the monthly report
Task 2 Estimated Cost:	\$32,000.00

Task 3: Rural Transportation and Economic Development (TED) Planning

Transportation and economic development are closely related and impact one another, and coordinated transportation and economic development planning therefore provides benefits to communities seeking to plan for future growth. This type of coordinated planning can also be beneficial to TxDOT by providing a mechanism for regularly gathering input from the local community on its priorities and how various transportation projects may affect the community.

Services under this task will include:

- A review of existing conditions in the county and its various communities;
- An assessment of the county’s transportation needs;
- As assessment of the county’s transportation goals;

- Recommendations on steps the county can take to advance its economic development and transportation goals; and
- Follow-up support to the county for tracking and implementation of the plan and developing future updates to the plan.

Under this task, CAPCOG will conduct stakeholder outreach work with non-metropolitan counties in the TxDOT Austin District (Blanco, Gillespie, Lee, Llano, and Mason Counties). Since Gillespie and Mason Counties are located outside of CAPCOG’s 10-county region, CAPCOG will consult with the Alamo Area Council of Governments (AACOG) and Concho Valley Council of Governments (CVCOG) prior to offering such services to these counties.

Task 3 Deliverables: The Local Government shall provide deliverables or other documentation, describing the results performed under this task to TxDOT no later than the dates specified below.

Specific written deliverables will be described in detail in CAPCOG’s annual work plans.

Deliverable 3.1: Details of Rural Transportation and Economic Development Planning Performed

Deliverable 3.1 Due Date: the 15th day of each month in the monthly report

Task 3 Estimated Cost: \$72,000.00

Task 4: Project Development and Planning Assistance

CAPCOG will perform on-demand consultative services for cities and counties in the TxDOT district that will benefit the cities and counties in their transportation planning and funding and that are also intended to relieve the fiscal, administrative, and operational burdens on the TxDOT district. Examples of projects that can be included in the annual work plan are:

- Assisting cities and counties with project development to get needed transportation projects shovel-ready or grant-application-ready for funding from DOT or other programs that typically have short application periods,
- Assisting cities and counties in the preparation of applications for grants for transportation projects from TxDOT sources (such as its coordinated call for projects) and sources other than TxDOT, such as the U.S. Department of Transportation’s (USDOT’s) Rural Surface Transportation Grant and Safe Roads and Streets for All programs,
- Assisting local governments with the preparation of access management plans that they could implement on properties having frontage on TxDOT system roadways, and
- Maintaining a centralized database of transportation related fees that cities and counties collect as a result of development projects that are to be used for improvements to the TxDOT system where TxDOT cannot enter into an agreement with the developer due to the development lacking frontage on a system roadway, or similar reason.

CAPCOG will also provide consultative services that apply to the entire TxDOT district. Examples of region-wide planning projects that can be included in the annual work plan are:

- Providing public outreach assistance to TxDOT district for the Rural TIP and similar programs,
- Providing assistance to address special regional issues such as emergency transportation planning, incident management, and routing of hazardous materials and oversized loads, and
- Developing and coordinate a region-wide electric vehicle strategy.

Services related to this task will be provided for all counties in the TxDOT Austin District, with the priority for non-urbanized areas.

Task 4 Deliverables: The Local Government shall provide deliverables or other documentation, describing the results performed under this task to TxDOT no later than the dates specified below.

Specific written deliverables will be described in detail in CAPCOG’s annual work plans.

Deliverable 4.1: Details of Project Development and Planning Assistance Provided

Deliverable 4.1 Due Date: the 15th day of each month in the monthly report

Task 4 Estimated Cost: \$120,000.00

Task 5: GIS and Data Analysis

Although GIS and data analysis services may be involved to some extent in other tasks, this task covers other activities that are either primarily GIS- or data-focused. Some of the activities under this task may require city or county participation and others can be performed without the city or county involvement. Examples of GIS and data analysis projects that can be included in the annual work plan include:

- Assisting the non-MPO counties with preparing county road inventories,
- Providing monthly jurisdictional boundary updates for cities and road centerlines,
- GIS support for mapping projects and public comments for the Rural TIP,
- Collecting and analyzing real-time data (e.g., StreetLight Data) along TxDOT system roadways and providing on-demand reports to TxDOT highlighting trends in vehicle trips, freight, origins/destinations, etc., and
- Integrating various transportation-related GIS data to provide a single-resource for regional transportation data.

Services under this task will be provided for all 9 counties that overlap between CAPCOG and the TxDOT Austin District.

Task 5 Deliverables: The Local Government shall provide deliverables or other documentation, describing the results performed under this task to TxDOT no later than the dates specified below.

Specific written deliverables will be described in detail in CAPCOG’s annual work plans.

Deliverable 4.1: Details of GIS and Data Analysis Services Provided

Deliverable 4.1 Due Date: the 15th day of each month in the monthly report

Task 5 Estimated Cost: \$60,000.00

Task 6: Contract Administration

This task encompasses work involved in preparing monthly reports and invoices, as well as any work that may be required to amend, renew, or extend this contract throughout the contract’s performance period. Work will be documented in monthly reports.

Task 6 Deliverables: The Local Government shall provide deliverables or other documentation, describing the results performed under this task to TxDOT no later than the dates specified below.

Deliverable 6.1: Monthly Progress Report

Deliverable 6.1 Due Date: the 15th of each month for the preceding calendar month

Deliverable 6.2: Monthly Invoice

Deliverable 6.2 Due Date: the 30th of each month for the preceding calendar month

Task 6 Estimated Cost: \$8,000.00

CAPCOG Project Representative

CAPCOG's Project Representative and their contact information are listed below. CAPCOG's Project Representative is authorized to submit deliverables and negotiate with TxDOT's project representative(s) on behalf of CAPCOG regarding this contract. Any change in TxDOT's project representative or other contract communications should be directed to CAPCOG's project representative.

- Name: Charles Simon
- Title: Planning and Economic Development Manager
- Phone: (512) 916-6039
- E-mai: csimon@capcog.org

DRAFT

ATTACHMENT B

Budget

Task and Description	Budget
Task 1: Work Plan Development	\$8,000.00
Task 2: Administration of CARTPO	\$32,000.00
Task 3: Rural Transportation and Economic Development Planning	\$72,000.00
Task 4: Project Development and Planning Assistance	\$120,000.00
Task 5: GIS and Data Analysis	\$60,000.00
Task 6: Contract Administration	\$8,000.00
Total	\$300,000.00

DRAFT

Fiscal Year 2023

PERSONNEL						
Personnel Category	Hours Per Month	Months	Rate*	Line Item Total		Total Cost
Senior Staff	92	11	\$62.74	\$63,492.88		
Junior Staff	67	11	\$48.16	\$35,493.92		
Office Staff	16	11	\$37.14	\$6,536.23		
Total Personnel						\$105,523.03
TRAVEL (destinations to be determined)						
Travel Type	Number of Round Trips	Miles Per Round Trip	Total	Current Rate	Line Item Total	Total Cost
Mileage	11	150	1,650	\$0.625	\$1,031.25	
Out of State Travel to NADO Rural Transportation Conference					\$1,000.00	
Total Travel						\$2,031.25
OTHER OPERATING COSTS						
Category	Units	Cost/Unit	Total			Total Cost
Supplies	11	\$25.00	\$275.00			
Telecommunications	11	\$46.00	\$506.00			
Office Space	11	\$723.00	\$7,953.00			
GIS and Data Services	11	\$100.00	\$1,100.00			
Information Technology Support	11	\$622.00	\$6,842.00			
Accounting Services	11	\$814.91	\$8,964.01			
Payroll and Personnel Services	11	\$552.00	\$6,072.00			
Other Direct Charges	11	\$142.66	\$1,569.28			
Indirect**	11	\$833.13	\$9,164.43			
Total Other Operating Costs						\$42,445.72
Fiscal Year Total						\$150,000.00

*rate for personnel includes salary plus fringe

**indirect costs budgeted at 13.35% of salary expenses based on current approved plan

Fiscal Year 2024

PERSONNEL						
Personnel Category	Hours Per Month	Months	Rate*	Line Item Total		Total Cost
Senior Staff	84	12	\$62.74	\$63,241.92		
Junior Staff	61	12	\$48.16	\$35,253.12		
Office Staff	15	12	\$37.14	\$6,684.78		
Total Personnel						\$105,179.82
TRAVEL (destinations to be determined)						
Travel Type	Number of Round Trips	Miles Per Round Trip	Total	Current Rate	Line Item Total	Total Cost
Mileage	12	150	1,800	\$0.625	\$1,125.00	
Out of State Travel to NADO Rural Transportation Conference					\$1,000.00	
Total Travel						\$2,125.00
OTHER OPERATING COSTS						
Category	Units	Cost/Unit	Total			Total Cost
Supplies	12	\$25.00	\$300.00			
Telecommunications	12	\$46.00	\$552.00			
Office Space	12	\$723.00	\$8,676.00			
GIS and Data Services	12	\$100.00	\$1,200.00			
Information Technology Support	12	\$622.00	\$7,464.00			
Accounting Services	12	\$747.00	\$8,964.00			
Payroll and Personnel Services	12	\$506.00	\$6,072.00			
Other Direct Charges	12	\$25.23	\$302.78			
Indirect**	12	\$763.70	\$9,164.40			
Total Other Operating Costs						\$42,695.18
Fiscal Year Total						\$150,000.00

*rate for personnel includes salary plus fringe

**indirect costs budgeted at 13.35% of salary expenses based on current approved plan

ATTACHMENT C

General Terms and Conditions

Article 1. Additional Work

- A. If the Local Government is of the opinion that any assigned work is beyond the scope of this contract and constitutes additional work, it shall promptly notify TxDOT in writing. The written notice shall present the relevant facts and show how the work constitutes additional work.
- B. If TxDOT in its sole discretion finds that the work does constitute additional work, TxDOT shall so advise the Local Government and a written amendment will be executed. The Local Government shall not perform any proposed additional work or incur any additional costs before the execution of an amendment.
- C. TxDOT shall not be responsible for actions by the Local Government or for any costs incurred by the Local Government relating to additional work that is performed before an amendment is executed or that is outside the scope of the contract, as amended.

Article 2. Amendments

This contract may only be amended by written agreement executed by both parties before the contract is terminated.

Article 3. Notice to Proceed

If Attachment A requires a notice to proceed, the Local Government shall not proceed with any work or incur any costs until TxDOT issues a written notice to the Local Government authorizing work to begin. Any costs incurred by the Local Government before receiving the notice are not eligible for reimbursement.

Article 4. Conflicts Between Agreements

If the terms of this contract conflict with the terms of any other contract between the parties, the most recent contract shall prevail.

Article 5. Nonconforming Work

If the Local Government submits work that does not comply with the terms of this contract, TxDOT shall instruct the Local Government to make any revisions that are necessary to bring the work into compliance with the contract. No additional compensation shall be paid for this work.

Article 6. Termination

This contract terminates at the end of the contract term, when all services and obligations contained in this contract have been satisfactorily completed, by mutual written agreement, or 30 days after either party gives notice to the other party, whichever occurs first. TxDOT shall compensate the Local Government only for those eligible expenses that are incurred during this contract and that are directly attributable to the completed portion of the work covered by this contract and only if the work has been completed in a manner satisfactory and acceptable to TxDOT. The Local Government shall neither incur nor be reimbursed for any new obligations after the date of termination.

Article 7. Funding

TxDOT shall pay for services from appropriation items or accounts from which like expenditures would normally be paid. Payments received by the Local Government shall be credited to the current appropriation items or accounts from which expenditures of that character were originally made. If for any reason subcontractors and suppliers, if any, are not paid before TxDOT reimburses the Local

Government for their services, the Local Government shall pay the subcontractors and suppliers all undisputed amounts due for work no more than 10 days after the Local Government receives payment for the work unless a different time is specified by law. This requirement also applies to all lower-tier subcontractors and suppliers and must be incorporated in all subcontracts. If the Local Government fails to comply with this Article, TxDOT may withhold payments and suspend work until the subcontractors and suppliers are paid. The Local Government is authorized to submit requests for reimbursement no more frequently than monthly and no later than ninety (90) days after costs are incurred.

Article 8. Basis for Calculating Reimbursement Costs

TxDOT will reimburse the Local Government for actual costs incurred in carrying out the services authorized in Attachment A, Scope of Services, subject to the cost categories and estimated costs set forth in Attachment B, Budget. TxDOT shall compensate the Local Government for only those eligible expenses incurred during this contract that are directly attributable to the completed portion of the work covered by this contract, provided that the work has been completed in a manner satisfactory and acceptable to TxDOT. The Local Government shall not incur or be reimbursed for any new obligations after the effective date of termination. The Local Government shall bill TxDOT for actual travel expenses, not to exceed the limits reimbursable under state law. Out-of-state or out-of-country travel by the Local Government requires prior approval by TxDOT.

Article 9. Gratuities

Any person who is doing business with or who reasonably speaking may do business with TxDOT under this contract may not make any offer of benefits, gifts, or favors to employees of TxDOT.

Article 10. Conflict of Interest

The Local Government shall not assign an employee to a project if the employee:

- A. owns an interest in or is an officer or employee of a business entity that has or may have a contract with the state relating to the project;
- B. has a direct or indirect financial interest in the outcome of the project;
- C. has performed services regarding the subject matter of the project for an entity that has a direct or indirect financial interest in the outcome of the project or that has or may have a contract with TxDOT; or
- D. is a current part-time or full-time employee of TxDOT.

Article 11. Local Government Resources

All employees of the Local Government shall have adequate knowledge and experience to enable them to perform the duties assigned to them. The Local Government certifies that it currently has adequate qualified personnel in its employment to perform the work required under this contract or will be able to obtain adequate qualified personnel from sources other than TxDOT. On receipt of written notice from TxDOT detailing supporting factors and evidence, the Local Government shall remove from the project any employee of the Local Government who is incompetent or whose conduct becomes detrimental to the work. Unless otherwise specified, the Local Government shall furnish all equipment, materials, supplies, and other resources required to perform the work.

Article 12. Assignment Subcontracts

A subcontract may not be executed by the Local Government without prior written authorization by TxDOT. Subcontracts in excess of \$25,000 shall contain all applicable terms and conditions of this contract. No subcontract will relieve the Local Government of its responsibility under this contract. Neither party shall assign any interest in this agreement.

Article 13. Responsibilities of the Parties

Each party acknowledges that it is not an agent, servant, or employee of the other party. Each party is responsible for its own acts and deeds and for those of its agents, servants, or employees.

Article 14. Disputes

The Local Government shall be responsible for the settlement of all contractual and administrative issues arising out of procurements entered in support of contract services. TxDOT shall be responsible for the settlement of any dispute concerning this contract unless the dispute involves a subcontract.

Article 15. No Assignment

Neither party shall assign, sublet, or transfer any interest in this agreement.

Article 16. Remedies

This agreement shall not be considered as specifying the exclusive remedy for any default, but either party may avail itself of any remedy existing at law or in equity, and all remedies shall be cumulative.

Article 17. License for TxDOT Logo Use

- A. Grant of License; Limitations: The Local Government is granted a limited revocable non-exclusive license to use the registered TxDOT trademark logo (TxDOT Flying "T") on any deliverables prepared under this contract that are the property of the State. The Local Government may not make any use of the registered TxDOT trademark logo on any other materials or documents unless it first submits that request in writing to the State and receives approval for the proposed use. The Local Government agrees that it shall not alter, modify, dilute, or otherwise misuse the registered TxDOT trademark logo or bring it into disrepute.
- B. Notice of Registration Required: The Local Government's use of the Flying "T" under this article shall be followed by the capital letter R enclosed within a circle (®) that gives notice that the Flying "T" is registered in the United States Patent and Trademark Office (USPTO).
- C. No Assignment or Sublicense: The Local Government may not assign or sublicense the rights granted by this article without the prior written consent of the State.
- D. Term of License: The license granted to the Local Government by this article shall terminate at the end of the term specified by this contract.

Article 18. Records and Ownership

- A. The Local Government agrees to maintain all books, documents, papers, accounting records, and other evidence pertaining to costs at its office during the contract period and for four years from the date of final payment under the contract. These materials shall be made available for inspection and copying by TxDOT, by the State Auditor's Office, and by their authorized representatives. If the contract is federally funded, these materials shall also be made available for inspection and copying by the U.S. Department of Transportation and by the Office of the Inspector General.
- B. After completion or termination of this contract, all documents prepared by the Local Government or furnished to the Local Government by TxDOT shall be delivered to and become the property of TxDOT. All sketches, photographs, calculations, and other data prepared under this contract shall be made available, on request, to TxDOT without restriction or limitation of further use.
- C. TxDOT shall own all title to, all interests in, all rights to, and all intellectual property (including copyrights, trade and service marks, trade secrets, and patentable devices or methods) arising from or developed under this contract.

- D. Except to the extent that a specific provision of this contract states to the contrary, all equipment purchased by the Local Government or its subcontractors under this contract shall be owned by TxDOT and will be delivered to TxDOT at the time the contract is completed or terminated.
- E. The State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the State Auditor with access to any information the State Auditor considers relevant to the investigation or audit.

Article 19. Reference to Costs Principles and Circulars

Reimbursement with state or federal funds will be limited to costs determined to be reasonable and allowable under cost principles established in OMB Circular A-21, "Cost Principles for Educational Institutions," or 2 CFR 200. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR 200.

Article 20. Equal Employment Opportunity

The Local Government agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by Department of Labor regulations, 41 CFR Part 60. The Local Government agrees to consider minority universities for subcontracts when the opportunity exists. The Local Government warrants that it has developed and has on file appropriate affirmative action programs as required by applicable rules and regulations of the Secretary of Labor.

Article 21. Civil Rights Compliance

- A. Compliance with Regulations: The Local Government will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this contract and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local

Government will so certify to the State or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this contract, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Local Government under the contract until the Local Government complies and/or
 - b. cancelling, terminating, or suspending of the contract, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

Article 22. Noncollusion

The Local Government warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Local Government, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this Agreement. If the Local Government breaches or violates this warranty, the Texas Department of Transportation shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

Article 23. Lobbying Certification

In executing this agreement, each signatory certifies that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This statement is a material representation of fact upon which reliance was placed when this agreement was made or entered into. Submission of this statement is a prerequisite for making or entering into this agreement imposed by Title 31 U.S.C. §1352. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

By executing this agreement, the parties affirm this lobbying certification with respect to the Project and affirm this certification of the material representation of facts upon which reliance will be made.

Article 24. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules, and regulations and with the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. After receiving a written request from TxDOT, the Local Government shall furnish TxDOT with satisfactory proof of its compliance with this Article.

Article 25. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

Article 26. Notices

All notices to either party shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	Betty Voights, Executive Director of CAPCOG 6800 Burleson Road, Building 310, Suite 165 Austin, TX 78744
TxDOT:	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11th Street Austin, TX 78701 For Submission of Invoices: Texas Department of Transportation ATTN: Austin District – Project Delivery 7901 N. IH 35, Building 1 Austin, TX 78753 AUS_PROJECT_DELIVERY_CONTRACTS@txdot.gov

All notices shall be deemed given on the date delivered in person or deposited in the mail. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

Article 27. Pertinent Non-Discrimination Authorities

During the performance of this contract, the Local Government, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

ATTACHMENT D

Resolution or Ordinance

RESOLUTION AUTHORIZING THE CAPITAL AREA COUNCIL OF GOVERNEMENTS TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION PLANNING SUPPORT FOR FISCAL YEARS 2023 AND 2024

WHEREAS, The Capital Area Council of Governments (CAPCOG) is designated as the Regional Planning Commission for State Planning Region 12, consisting of Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson Counties, under Chapter 391 of the Local Government Code;

WHEREAS, CAPCOG's general purpose is to encourage and facilitate local governments in the region to cooperate with one another, with other levels of government, and with the private sector to plan for the future development of the region and thereby improve the health, safety, and general welfare of their citizens;

WHEREAS, CAPCOG formed the the Capital Area Regional Transportation Planning Organization (CARTPO) to serve as a Regional Transportation Planning Organization (RTPO) as described in 23 CFR §450 to support regional transportation planning in the 10-county CAPCOG region;

WHEREAS, the Texas Department of Transportation (TxDOT) Austin District overlaps with nine of the ten counties in the CAPCOG region (Bastrop, Blanco, Burnet, Caldwell, Hays, Lee, Llano, Travis, and Williamson Counties) and includes two additional counties outside of the CAPCOG region (Gillespie and Mason Counties);

WHEREAS, an Interlocal Agreement (ILA) based on CAPCOG's proposed scope of work would mutually benefit CAPCOG and the TxDOT Austin District;

NOW, THEREFORE, BE IT RESOLVED, that the Executive Committee of the Capital Area Council of Governments hereby approves and authorizes the Executive Director of CAPCOG to negotiate and enter into an ILA with TxDOT for \$300,000 for state fiscal years 2023 and 2024 based on CAPCOG's proposed scope of work.

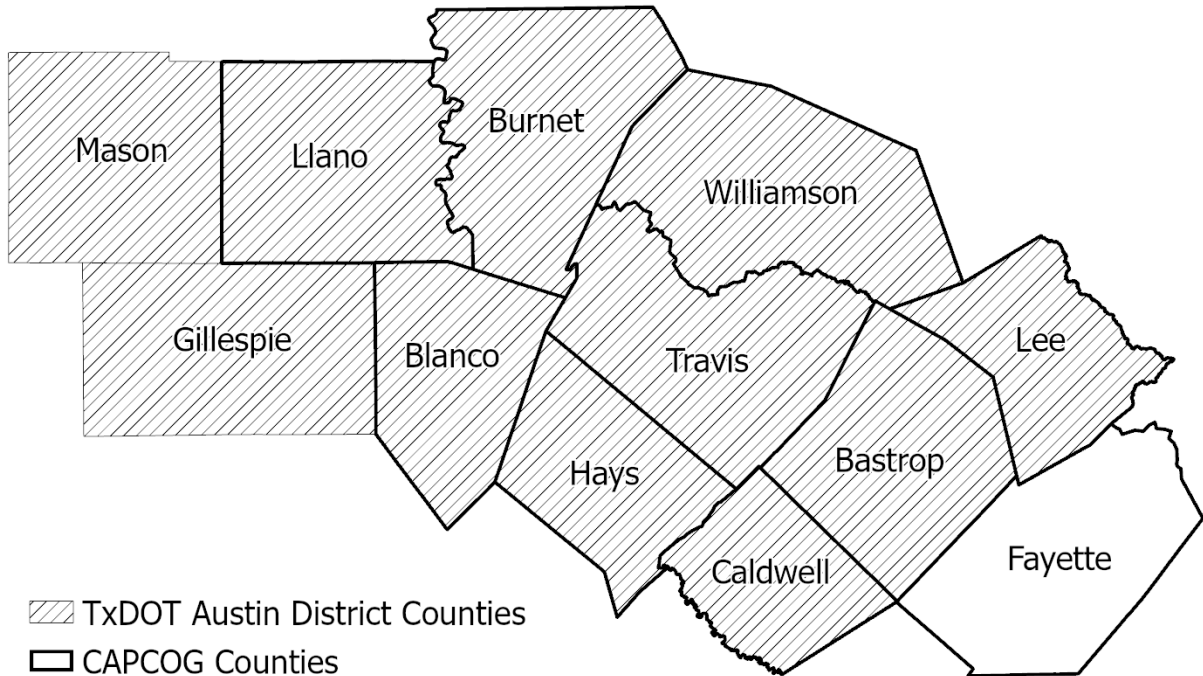
Passed and approved on this the 14th day of September, 2022.

City of Taylor Mayor Brandt Rydell, Chair
Executive Committee
Capital Area Council of Governments

Hays County Commissioner Debbie Ingalsbe, Secretary
Executive Committee
Capital Area Council of Governments

ATTACHMENT E

Location Maps Showing Project



Note: Fayette County's inclusion in this Inter-Local Agreement (ILA) is incidental to its inclusion in State Planning Region 12 and the Capital Area Regional Transportation Planning Organization (CARTPO). As described in the scope of services, no work specifically for Fayette County or communities within Fayette County will be performed under this contract.

EXECUTIVE COMMITTEE MEETING

MEETING DATE: September 14, 2022

AGENDA ITEM: #4 Consider Approving a Contract with Texas Transportation Institute (TTI) for On-Road Emissions Inventory Development and Assistance

GENERAL DESCRIPTION OF ITEM:

Under CAPCOG’s 2022-2023 “Near-Nonattainment”/Rider 7 grant from the Texas Commission on Environmental Quality, CAPCOG has access to state funding to conduct air monitoring and emissions inventory development related to ground-level ozone (O₃) for the Austin-Round Rock-Georgetown Metropolitan Statistical Area (MSA). CAPCOG’s Statement of Work for this funding involves development of updated on-road emissions inventories, and staff in the Regional Planning and Services division have developed a preliminary scope of work in consultation with TTI staff.

The proposed scope of work is intended to provide updated and more accurate representation selected vehicle types that currently are not well-represented in existing emissions inventories, such as transit buses, developing new “trends” emissions inventories for 2020-2030 for all on-road sources across the MSA, and assisting CAPCOG with a new fleet monitoring/emissions inventory project that will be initiated in 2023.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: Andrew Hoekzema Director of Regional Planning and Services

BUDGETARY IMPACT:

Total estimated cost: \$110,000.00

Source of Funds: TCEQ Rider 7 “Near-Nonattainment” Grant

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? n/a

PROCUREMENT: Interlocal agreement

ACTION REQUESTED:

Consider approval of entering into an interlocal agreement with the Texas Transportation Institute to develop on-road emissions inventories under CAPCOG’s Rider 7 near-nonattainment grant

BACK-UP DOCUMENTS ATTACHED:

1. Draft Scope of Work

BACK-UP DOCUMENTS NOT ATTACHED: None

DRAFT Scope of Work for CAPCOG-Texas Transportation Institute Contract for 2023- 2024 Rider 7 On-Road Emissions Inventories

Background

Pursuant to Rider 7 to its fiscal year 2023-2024 budget the Texas Commission on Environmental Quality (TCEQ) awarded the Capital Area Council of Governments (CAPCOG) funding for 2023-2024 for ozone (O₃)-related monitoring and emissions inventory work for the Austin-Round Rock-Georgetown Metropolitan Statistical Area (MSA) (Bastrop, Caldwell, Hays, Travis, and Williamson Counties). CAPCOG's Statement of Work (SoW) with TCEQ for 2023-2024 includes a number of emissions inventory projects that the Texas Transportation Institute (TTI) has agreed to assist with under Task 3.1.2.

Task 1: Improve Characterization of Selected MOVES Source Use Types

In many of the existing on-road emissions inventories that TTI has prepared for TCEQ, its estimates for vehicle activity for certain source use types (SUTs) were based on a default assumption that the source use type constituted a defined % of all of the vehicles within certain weight classes. Under Task 1, TTI will improve the characterization of the following MOVES 3 vehicle types for the Austin-Round Rock-Georgetown MSA:

- Transit buses;
- School buses;
- Refuse trucks; and
- Other buses.

At a minimum, TTI will update the transit bus data such that vehicle population and activity estimates are consistent with the data published by the Capital Metropolitan Transportation Authority (CapMetro) and the Capital Area Rural Transit System (CARTS) in their annual reports to the Federal Transit Administration (FTA) as reflected in the National Transit Database (NTD). TTI will also use detailed fleet data from CapMetro (which CAPCOG will provide) in developing inputs for the Travis County and Williamson County databases, including model year and fuel type distribution. TTI should seek similar data from CARTS, which CAPCOG will help facilitate.

Resources permitting, TTI will also update inputs for the other source use types, with first priority being school buses, second priority being refuse trucks, and third priority being other buses.

To the extent that updates to these source use category inputs require updates to other source use types for consistency (i.e., ensuring that all vehicles within a certain weight class registered within the region are accounting for), TTI will make corresponding updates to the inputs for other source use types as well.

Deliverable 1.1: Data Collection Plan

Due Date: November 15, 2022

Deliverable 1.2: Updated MOVES Inputs, including exports to Microsoft Excel

Due date: February 28, 2023

Deliverable 1.3: Draft Report

Due date: March 15, 2023

Deliverable 1.4: Final Report

Due date: March 31, 2023

Cost Estimate: \$25,000

Task 2: Updated Trends Emissions Inventories

Under this task, TTI will produce updated “on-road trends” ozone season day (OSD) and annual emissions inventories for the five counties in the Austin-Round Rock-Georgetown MSA for each year from 2020 – 2030 for all source use types using the latest activity data, vehicle age distributions, and vehicle characteristics. Fuel parameter and vehicle inspection and maintenance (I/M) program data must be consistent assumptions used for TCEQ’s most recent county databases (CDBs) submitted to the U.S. Environmental Protection Agency (EPA) for use in the 2020 National Emissions Inventory (NEI), or as otherwise specified by TCEQ. The effects of Texas Low-Emission Diesel (TxLED) should also be applied consistent with TCEQ assumptions (i.e., post-processing of the model outputs).

TTI will prepare a series of spreadsheets with input and output data as deliverables.

Model outputs should include:

- Carbon monoxide (CO)
- Nitrogen oxides (NO_x)
- Nitrogen oxide (NO)
- Nitrogen dioxide (NO₂)
- Nitric Acid (HONO)
- Particulate matter 10 micrometers in diameter or less (PM₁₀) – exhaust
- Particulate matter 10 micrometers in diameter or less (PM₁₀) – tirewear
- Particulate matter 10 micrometers in diameter or less (PM₁₀) – brakewear
- Particulate matter 2.5 micrometers in diameter or less (PM_{2.5}) – exhaust
- Particulate matter 2.5 micrometers in diameter or less (PM_{2.5}) – tirewear
- Particulate matter 2.5 micrometers in diameter or less (PM_{2.5}) – brakewear
- Sulfur dioxide (SO₂)
- Volatile organic compounds (VOC)
- Total Energy Consumption (TEC)
- Atmospheric carbon dioxide (CO₂)
- Ammonia (NH₃)

- Nitrous Oxide (N₂O)
- Methane (CH₄)

Spreadsheets should include a source classification code (SCC) summary, as well as a separate breakdown of emissions and total energy consumption by source use type and model year for each analysis year.

Deliverable 2.1: Data Collection Plan/Quality Assurance Project Plan

Due Date: November 15, 2022

Deliverable 2.2: MOVES Inputs, including exports to Microsoft Excel

Due date: March 31, 2023

Deliverable 2.3: Draft Report, Microsoft Excel spreadsheets with inventory data

Due date: September 30, 2023

Deliverable 2.4: Final Report, Microsoft Excel spreadsheets with inventory data

Due date: October 30, 2023

Cost estimate: \$50,000

Task 3: Fleet Monitoring Project

Under this task, TTI will assist CAPCOG with a project that will involve the purchase and installation of vehicle monitoring devices, collection of data, and estimation of emissions from the vehicles. Currently, CAPCOG is planning on funding the installation and maintenance of such monitoring devices on 986 vehicles owned by five different local governments: Travis County (500), City of San Marcos (239), City of Austin (100), City of Kyle (80), and City of Buda (67).

TTI will advise CAPCOG on which data elements will need to be collected, which equipment should be eligible for consideration, protocols for reporting, and other aspects of the data collection effort. TTI and CAPCOG will jointly develop a data collection plan that will be submitted to TCEQ for approval as a Quality Assurance Project Plan (QAPP).

If equipment only collects/reports activity data and not emissions data, TTI will develop emissions rates for each vehicle that are generally consistent with the 2023 analysis year from Task 2 and then develop emissions inventories by applying these rates to the appropriate vehicle activity data.

TTI will compile a spreadsheet or series of spreadsheets showing hourly emissions for each vehicle for March 1, 2023 – September 30, 2023, and a report documenting the work performed for this task.

Deliverable 3.1: Data Collection Plan

Due Date: November 15, 2022

Deliverable 3.2: Draft Report, Microsoft Excel spreadsheets with inventory data

Due date: September 30, 2023

Deliverable 3.3: Final Report, Microsoft Excel spreadsheets with inventory data

Due date: October 31, 2023

Cost estimate: \$35,000

DRAFT

EXECUTIVE COMMITTEE MEETING

MEETING DATE: September 14, 2022

AGENDA ITEM: #5 Consider Approving Conformance Review Finding for 130 Environmental Park's Application to Expand Hours to 24/7

GENERAL DESCRIPTION OF ITEM:

Under state law, all solid waste management activities are required to "conform" to a regional solid waste management plan (RSWMP) approved by the Texas Commission on Environmental Quality (TCEQ). Each council of government (COG) is charged with conducting reviews of Municipal Solid Waste (MSW) permit applications to assess conformance and make recommendations to TCEQ. 130 Environmental Park is a landfill located in Caldwell County that began collecting waste in 2021 following several years of contested case hearings and litigation. While it initially applied for authority to operate 24/7, the permit that TCEQ ultimately issued for the facility limited its operating hours to 7 am – 7 pm, Monday through Friday, consistent with the default hours for MSW facilities under TCEQ rules. The company has now applied for an amendment to its permit to allow it to operate 24 hours a day, 7 days a week.

CAPCOG's Solid Waste Advisory Committee (SWAC) met on August 12, 2022, and recommended that the Executive Committee make finding that this application does not conform to the RSWMP and recommend to TCEQ that the application be denied. A memo providing more details on the application and conformance review process is attached, along with a draft conformance review letter to TCEQ.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: Andrew Hoekzema, Director of Regional Planning and Services

BUDGETARY IMPACT:

Total estimated cost: n/a

Source of Funds: n/a

Is item already included in fiscal year budget?

Yes

No

Does item represent a new expenditure?

Yes

No

Does item represent a pass-through purchase?

Yes

No

If so, for what city/county/etc.? n/a

PROCUREMENT: n/a

ACTION REQUESTED:

Approve a finding of non-conformance for 130 Environmental Park's application to expand hours to 24/7

BACK-UP DOCUMENTS ATTACHED:

1. Memo
2. Draft Conformance Review Letter

BACK-UP DOCUMENTS NOT ATTACHED: None



BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM
8/29/2022

TO: Executive Committee

FROM: Andrew Hoekzema, Director of Regional Planning and Services

RE: Conformance Review of 130 Environmental Park Application for 24/7 Operating Hours

130 Environmental Park LLC – a permitted municipal solid waste (MSW) landfill located in Caldwell County - has submitted a request to the Texas Commission on Environmental Quality (TCEQ) to amend its permit to allow it to operate 24 hours a day, 7 days a week. Its current permit (MSW #2383) limits its operations to 5:00 am – 9:00 pm Monday – Friday, with waste accepted from 7:00 am – 7:00 pm. CAPCOG’s Solid Waste Advisory Committee (SWAC) has recommended that the Executive Committee find that this application does not conform to CAPCOG’s 2002-2022 Regional Solid Waste Management Plan (RSWMP) and recommend to the Texas Commission on Environmental Quality (TCEQ) that they deny the application.

Under CAPCOG’s approved procedures for conformance reviews, CAPCOG’s Executive Committee is charged with making one of five potential conformance review findings:

1. The permit or registration conforms to the RSWMP and either:
 - a. CAPCOG recommends approval of the permit or registration; or
 - b. CAPCOG recommends approval with specific conditions attached;
2. The permit or registration does not conform to the RSWMP and either:
 - a. CAPCOG recommends denial of the permit or registration; or
 - b. CAPCOG recommends withholding approval until specific deficiencies are corrected; or
3. CAPCOG lacks specific information to make a qualified conformance determination.

Recommendation from the Solid Waste Advisory Committee

At its August 12, 2022, meeting, the SWAC recommended that the Executive Committee find that the application does not conform to the RSWMP and recommend to TCEQ that it deny the application.¹

- The SWAC was concerned that the expanded operating hours would create and exacerbate nuisance conditions related to noise and light pollution. Numerous public commenters on this application cited existing noise and other nuisance conditions and felt strongly that expanded operating hours, particularly at night, would make a bad situation worse. According to the applicant’s conformance review checklist, the closest residence is just 185 feet from the boundary of the site.

¹ At TCEQ’s suggestion, staff in the Regional Planning and Services Division submitted a comment letter to TCEQ summarizing the SWAC’s recommendation and its rationale in order as part of the public comment period, which closed on August 22.

- The SWAC noted that the issue of the facility's operating hours was already litigated in the administrative hearing process. The administrative law judge (ALJ) and the TCEQ had already determined that it was appropriate to limit the facility's operating hours to the standard 7 am- 7 pm Monday – Friday hours provided for in 30 TAC §330.135(a) to mitigate legitimate concerns from the community.
- The SWAC also noted that the facility only just began accepting waste in 2021, and that the applicant has not demonstrated any clear need for expanded operating hours that would offset the community's concerns.
- The applicant did suggest to CAPCOG's SWAC in a June 24th meeting that 24/7 operating hours could enable the facility to help communities deal with disaster debris in an emergency; however, the SWAC noted that this is not relevant since 30 TAC §330.135(c) already allows a TCEQ regional office to temporarily authorize expanded waste acceptance hours to address disasters or other emergency situations.
- Caldwell County Judge Hoppy Haden, who serves as the Executive Committee liaison to the SWAC, also pointed out that the Caldwell Commissioners' Court had unanimously passed a resolution in opposition to this application in April. He said that the applicants never met with County officials prior to submitting the application, and despite promising him and Commissioner Theriot at a July 11 meeting that they would modify their request to only add Saturday collection from 7 am – 7 pm to address community concerns, 130 Environmental Park officials have evidently not followed through with that commitment.
- At the applicant's June 24, 2022, presentation to the SWAC, the applicant incorrectly stated that Caldwell County had not indicated any opposition to the application.

Administrative Law Judge's Comments on 130 Environmental Park's Initial Request for 24/7 Operations

In his 2017 findings and recommendations to TCEQ on 130 Environmental Park's initial permit application, the ALJ recommended that TCEQ limit the facility's operating hours to the standard 7 am – 7 pm Monday-Friday hours provided for in rules. Some notable points the ALJ made in his ruling included the following:

- In its initial rule-making that established the current standard operating hours in 30 TAC §330.135, the TCEQ indicated that 7 am - 7 pm M-F was appropriate, and that, "*[w]aste facility operations outside these hours are more likely to disturb people in residential areas,*" and that the rule "*provides reasonable restrictions for protecting neighbors from being affected by a facility.*"
- Based on this history, the ALJ noted that, "*The TCEQ made clear that a decision on operating hours should involve consideration of potential impacts on nearby communities.*"
- Regarding 130EP's contention that it should be allowed 24/7 operating hours since some other nearby landfills had such authorization, including Texas Disposal Systems (TDS) the ALJ said: "*TDS's authorization regarding operating hours is not pertinent to consideration of potential impacts to the communities surrounding the Facility.*"
- Regarding whether 130EP was required to demonstrate a need for operating hours outside of the standard hours provided for in rules: "*In a previous MSW landfill case, the TCEQ found that an applicant had the burden [to] show that its operating hours were appropriate. **Therefore, 130EP had the burden of proof here to show that operating hours beyond those set forth in 30 TAC 330.135 are appropriate and 130EP did not meet its burden.***"

Given the record in this case and TCEQ's acceptance of the ALJ's recommendation, it was not clear to the SWAC what has changed between December 2019 when the permit was issued and now that would justify the modified hours requested by 130EP.

TCEQ Rule on Facility Operating Hours

- 30 TAC §330.135(a) provides for default waste acceptance hours for all municipal solid waste facilities between 7:00 am – 7:00 pm, Monday – Friday, “unless otherwise approved in the authorization for the facility,” with default restrictions on the transport of materials and heavy equipment operation between 9:00 pm and 5:00 pm, “unless otherwise approved in the operation for the facility.”
- 30 TAC §330.135(b) allows TCEQ to include allowances in a permit for up to 5 days in a calendar year to accommodate special occasions, special purpose events, holidays, or other special occurrences.
- 30 TAC §330.135(c) allows TCEQ’s regional office to authorize temporary waste acceptance or operating hours to address disasters, other emergency situations, or other unforeseen circumstances that could result in the disruption of waste management service in the area.²

Relevant Goals and Objectives in CAPCOG’s RSWMP

Under Goal 15 of CAPCOG’s 2002-2022 Regional Solid Waste Management Plan, CAPCOG uses the process of reviewing MSW permit applications for conformance to address land use compatibility concerns and other local concerns:

“Use the Plan Conformance/Facility Application Review process and the provisions of §363.066, Health and Safety Code, to address land use compatibility and other local issues in order to avoid if possible, or minimize if not possible, adverse impacts from municipal solid waste (MSW) facilities on human health and the environment.”

This goal includes 8 different specific objectives. Of particular note for this application, Objective 15H states:

“Avoid if possible, or minimize if avoidance is not possible, nuisance conditions associated with MSW facilities that generate community concerns by encouraging applicants to implement reasonable and appropriate measures and best management practices to prevent and control litter, storm runoff, vectors, odor, excessive noise, light pollution, and other nuisance conditions.”

Note on CAPCOG’s Original Conformance Review of Permit in 2014 and Scope of Review

One important piece of context for this conformance review is that when CAPCOG reviewed the facility’s initial application in 2014, which included a request for 24/7 operations, CAPCOG did find that the application conformed to the RSWMP despite significant local opposition. However, that review did not consider the facility’s operating hours, which are included in a part of the permit application related to operational plans that TCEQ does not require applicants to submit to the COG for review.

The issue of whether operating hours are within scope of a conformance review is an open one as far as TCEQ is concerned. However, the SWAC felt that this amendment was indeed within scope of CAPCOG’s conformance review process based on TCEQ’s approval of Goal 15 in CAPCOG’s 2002-2022 RSWMP and the broad statutory requirement that “*on the adoption of a regional or local solid waste management plan by commission rule, public and private solid waste management activities and state regulatory activities must conform to that plan.*” (Texas Health and Safety Code §363.066(a)). **Since the SWAC’s position on the scope of a conformance review has changed since 2014, and since the site is now actually accepting waste, a finding of non-conformance related to the facility’s request for expanded operating hours in 2022 is not necessarily inconsistent with the Executive Committee’s finding that the site was appropriate for a landfill in 2014.**

2

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=330&rl=135](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=330&rl=135)



Capital Area Council of Governments

6800 Burluson Road, Building 310, Suite 165, Austin, Texas 78744

(p) 512-916-6000 (f) 512-916-6001

www.capcog.org

September 15, 2022

Chair

Mayor Brandt Rydell
City of Taylor

1st Vice Chair

Judge James Oakley
Burnet County

2nd Vice Chair

Mayor Lew White
City of Lockhart

Secretary

Commissioner Debbie Ingalsbe
Hays County

Parliamentarian

Mayor Jane Hughson
City of San Marcos

Immediate Past Chair

Judge Paul Pape
Bastrop County

Council Member Matthew Baker
City of Round Rock

Commissioner Russ Boles
Williamson County

Judge Brett Bray
Blanco County

Council Member Janice Bruno
City of Smithville

Judge Ron Cunningham
Llano County

Representative John Cyrrier
Texas House

Commissioner Joe Don Dockery
Burnet County

Council Member Ron Garland
City of Georgetown

Judge Hoppy Haden
Caldwell County

Council Member Kevin Hight
City of Bee Cave

Commissioner Ann Howard
Travis County

Representative Celia Israel
Texas House

Council Member Mackenzie Kelly
City of Austin

Commissioner Steven Knobloch
Lee County

Commissioner Cynthia Long
Williamson County

Council Member Esme Mattke Longoria
City of Leander

Mayor Connie Schroeder
City of Bastrop

Commissioner Brigid Shea
Travis County

Mayor Lee Urbanovsky
City of Buda

Judge Joe Weber
Fayette County

Mayor Pro Tem Doug Weiss
City of Pflugerville

Representative Terry Wilson
Texas House

Representative Erin Zwiener
Texas House

Mr. Toby Baker, Executive Director

Texas Commission on Environmental Quality (TCEQ) (MC-109)

P.O. Box 13087

Austin, TX 78711-3087

RE: Regional Solid Waste Management Plan Conformance Review of 130 Environmental Park
Application to Expand Operating Hours to 24/7

Dear Mr. Baker,

The Capital Area Council of Governments (CAPCOG) has completed its review of whether 130 Environmental Park's (130EP's) application to amend municipal solid waste (MSW) permit number 2383 to expand authorized operating hours to 24 hours a day, 7 days a week conforms to CAPCOG's 2002-2022 Regional Solid Waste Management Plan (RSWMP). On September 14, 2022, CAPCOG's Executive Committee found that the permit application does not conform to the RSWMP and recommended that TCEQ deny the application.

- The application does not conform to Objective 15H in CAPCOG's RSWMP, which reads, "*Avoid if possible, or minimize if avoidance is not possible, nuisance conditions associated with MSW facilities that generate community concerns by encouraging applicants to implement reasonable and appropriate measures and best management practices to prevent and control litter, storm runoff, vectors, odor, excessive noise, light pollution, and other nuisance conditions.*"
- CAPCOG believes that the 2017 administrative law judge (ALJ) finding against 130EP's initial application for 24/7 operating hours is equally applicable to this application: "*130EP had burden of proof here to show that operating hours beyond those set forth in 30 TAC 330.135 are appropriate and 130 EP did not meet its burden.*"
- CAPCOG agrees with the TCEQ's response to comments on its 2006 rulemaking for the standard 7 am – 7 pm Monday – Friday operating hours provided for in 30 TAC §330.135(a) that "*[w]aste facility operations outside these hours are more likely to disturb people in residential areas*" and that the rule "*provides reasonable restrictions for protecting neighbors from being affected by a facility.*"
- There are many residences located near the facility (one as close as 185 feet) that would be adversely affected by TCEQ's approval of this application. Public comments from the community indicate that many community members feel that that the facility is already creating nuisance conditions. There is good reason to believe that expanded hours would exacerbate existing noise nuisance conditions and create new light pollution nuisance conditions, particularly if the facility is allowed to operate between 9 pm and 5 am as they are requesting.

- 130EP has provided no clear reason for expanding the facility's operating hours that would offset community concerns, particularly so soon after the TCEQ considered this issue and decided to limit its operating hours in the current permit.
- While the applicant did suggest to CAPCOG's SWAC in a June 24th meeting that 24/7 operating hours could enable the facility to help communities deal with disaster debris in an emergency, 30 TAC §330.135(c) already allows a TCEQ regional office to allow temporary waste acceptance hours to address disasters or other emergency situations, so CAPCOG does not consider this a valid reason for allowing expanded operating hours.

Beyond the points above, CAPCOG also wishes to make the following points related to the scope of CAPCOG's 2014 conformance review of the facility's initial permit application and to address whether an MSW facility's operating hours are within scope of CAPCOG's conformance review process.

- In 2014, CAPCOG made a finding that 130EP's original permit application conformed to CAPCOG's 2002-2022 RSWMP. However, there was no review or consideration of operating hours at all since those details are not included in the parts of the application TCEQ requires applicants to submit to the COG.
- As of mid-August, TCEQ staff have indicated that they are uncertain whether this amendment application is properly within the scope of the COG conformance review process. While CAPCOG's 2014 conformance review of this application did not include a review of operating hours, additional institutional experience with other conformance reviews since then and a careful consideration of current rules and laws have persuaded CAPCOG that consideration of operating hours is indeed within scope of CAPCOG's conformance review process.
- While TCEQ rules only require that applicants submit parts I and II of a permit application to COGs for conformance review, the scope of conformance reviews indicated in Texas Health and Safety Code (THSC) is considerably broader: *"on the adoption of a regional or local solid waste management plan by commission rule, public and private solid waste management activities and state regulatory activities must conform to that plan."* CAPCOG does not believe that there is anything in TCEQ's rules that prohibit consideration of operating hours in a conformance review.
- As the rulemaking history for TCEQ's standing operating hours for MSW permits in 30 TAC 330.135 makes clear, the Commission's standard operating hours were designed to mitigate impacts on a local community from a MSW facility's operations, so a review of a facility's proposed operating hours is consistent with CAPCOG's Objective #15H to *"avoid if possible, or minimize if not possible, nuisance conditions associated with MSW facilities."*

If you have any questions about this, please contact Ken May at kmay@capcog.org.

Sincerely,

Betty Voights
Executive Director

EXECUTIVE COMMITTEE MEETING

MEETING DATE: September 14, 2022

AGENDA ITEM: #6 Consider Conformance Review Recommendation to TCEQ on Zigco Liquid Waste/Compost Facility Application in Williamson County

GENERAL DESCRIPTION OF ITEM:

Under state law, all solid waste management activities are required to “conform” to a regional solid waste management plan (RSWMP) approved by the Texas Commission on Environmental Quality (TCEQ). Each Council of Governments (COG) is charged with conducting reviews of Municipal Solid Waste (MSW) permit applications to assess conformance and make recommendations to TCEQ. Zigco Environmental has applied for two related MSW registrations – one for processing grease (MSW permit #43038) and one for composting (MSW permit #42045) at a site in Williamson County in Georgetown’s extra-territorial jurisdiction. If these registrations are approved, the facility would process grease trap waste to separate out liquids. The liquids would then be turned into biofuels, while the residual solids would be composted, along with other green waste. The company has already received a wastewater permit, which it is using to construct a detention pond that could catch any liquid run-off for evaporation, although it does not appear from the documents the applicant submitted to CAPCOG that the company has yet obtained the required development permits from Williamson County or the City of Georgetown. The facility has a new design not previously used in Texas.

CAPCOG’s Solid Waste Advisory Committee (SWAC) met on August 12, 2022, and recommended a finding that CAPCOG lacks specific information to make a qualified conformance review determination on these two applications, and noted the following concerns, especially with respect to the use of the detention pond:

1. Odor and impacts on nearby residents and properties;
2. The potential for flooding;
3. Soil conditions and potential impacts on groundwater; and
4. Unresolved issues related to whether the County’s solid waste siting ordinance would allow the activity.

A memo providing more details on the application and conformance review process is attached, along with a draft conformance review letter to TCEQ.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: Andrew Hoekzema, Director of Regional Planning and Services

BUDGETARY IMPACT:

Total estimated cost: n/a

Source of Funds: n/a

Is item already included in fiscal year budget?

Yes

No

Does item represent a new expenditure?

Yes

No

Does item represent a pass-through purchase?

Yes

No

If so, for what city/county/etc.? n/a

PROCUREMENT: n/a

ACTION REQUESTED:

Approve a finding that CAPCOG lacks specific information to make a conformance review finding on MSW permit application numbers 43038 and 42045

BACK-UP DOCUMENTS ATTACHED:

1. Memo
2. Draft Conformance Review Letter

BACK-UP DOCUMENTS NOT ATTACHED: None



BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM 8/29/2022

TO: Executive Committee

FROM: Andrew Hoekzema, Director of Regional Planning and Services

RE: Zigco Liquid Waste/Compost Facility Application Conformance Review

Zigco Environmental (Zigco) has applied to the Texas Commission on Environmental Quality (TCEQ) for two related permit applications for municipal solid waste (MSW) processing for a proposed facility in Williamson County in the extra-territorial jurisdiction (ETJ) of Georgetown:

- MSW # 42045: Type 5RC composting registration¹
- MSW # 43038: Type 5GG Liquid Waste Processing Facility²

The proposed facility would accept septage and grease trap waste, as well as green waste. Septage would be dewatered and solids sent for composting using new technology that has not been previously permitted in Texas. At its August 12, 2022, meeting, the Capital Area Council of Governments (CAPCOG) Solid Waste Advisory Committee (SWAC) recommended a finding that CAPCOG lacks specific information to make a qualified determination on these two applications as to whether they conform to CAPCOG's 2002-2022 Regional Solid Waste Management Plan (RSWMP).

Under CAPCOG's approved procedures for conformance reviews, CAPCOG's Executive Committee is charged with making one of five potential conformance review findings:

1. The permit or registration conforms to the RSWMP and either:
 - a. CAPCOG recommends approval of the permit or registration; or
 - b. CAPCOG recommends approval with specific conditions attached;
2. The permit or registration does not conform to the RSWMP and either:
 - a. CAPCOG recommends denial of the permit or registration; or
 - b. CAPCOG recommends withholding approval until specific deficiencies are corrected; or
3. CAPCOG lacks specific information to make a qualified conformance determination.

¹

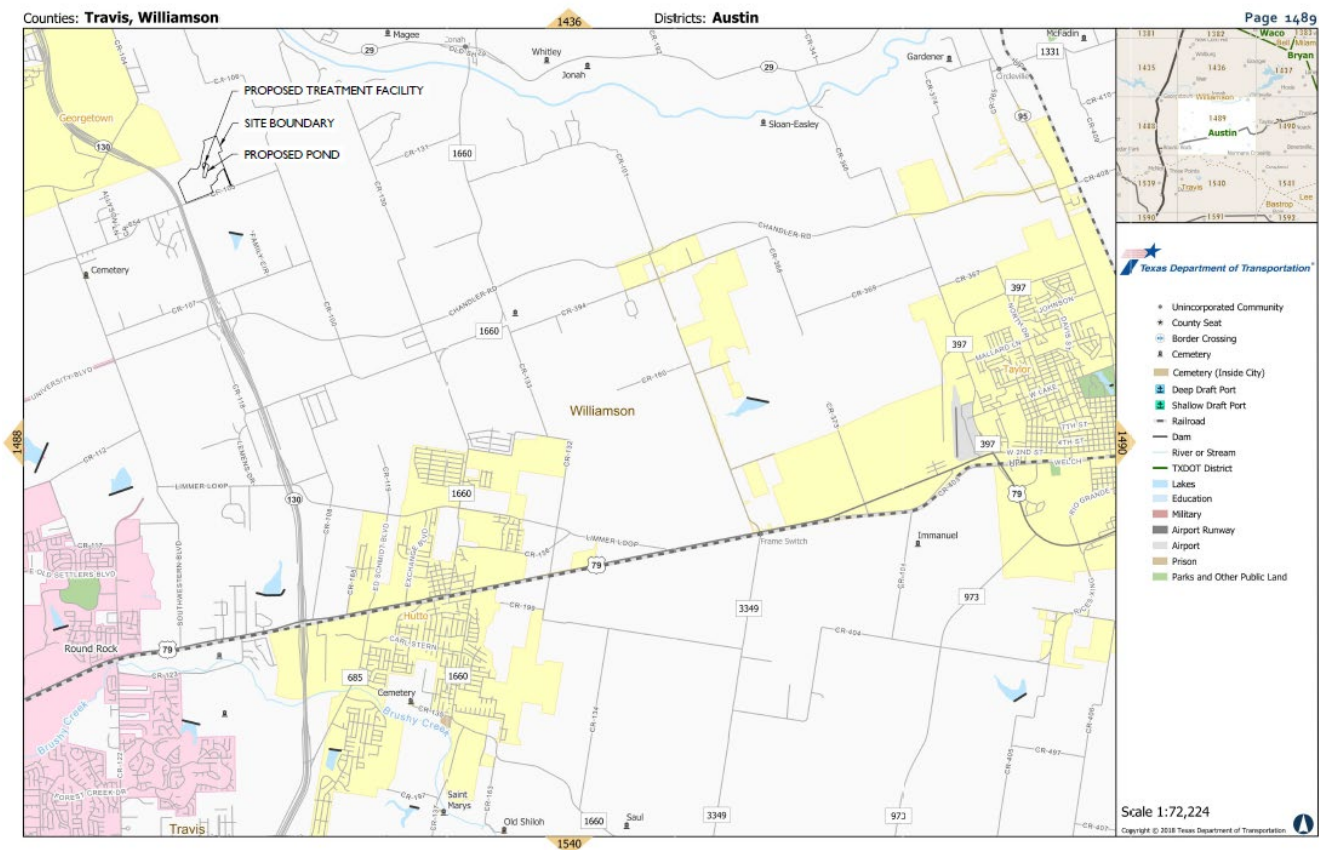
https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.viewAddnDetail&addn_id=620392532022103&rn=RN111408449&return=regent&re_id=424575312022018

² <https://drive.google.com/drive/folders/1906N2So1PvjMykNlogZxhgqBxWJQe2Vz>

Location of Proposed Facility

The location of the proposed facility is in an unincorporated part of Williamson County at 1851 CR 105, Hutto, TX 78634, within Georgetown's ETJ. A map of the location of the proposed facility and nearby cities from the application is shown below.

Figure 1. General Location of Proposed Facility



Concerns Expressed by the SWAC

While the SWAC recommended a finding that CAPCOG lacked sufficient information, it did express a number of concerns about the application. Consequently, their should not be interpreted as a belief that the facility as proposed would conform to the RSWMP if sufficient information was available. If the applicant revised its application to address these concerns, it is possible that the SWAC could recommend a finding of conformance in the future, but it could also result in a recommendation for a non-conformance finding.

At the August 12, 2022, meeting, the SWAC noted the following concerns, especially with respect to the detention pond:

1. Concerns about odor:
 - a. The proposed facility is 280 feet away from the closest residence and 650 feet away from the closest neighborhood, which makes the potential for adverse impacts on neighbors high.
 - b. While the applicant appears to propose enclosed processing of waste, there are no air quality controls proposed for the building where processing would occur and there was concern about storage of pre-processed waste that may not fit into containers when unloaded from trucks.
 - c. The use of the detention pond to evaporate liquid waste runoff seems likely to generate odors, but it is not clear what steps the applicant plans to take to avoid such conditions.

- d. The storage of green waste (applicable to the composting authorization only) for up to 72 hours outdoors could also generate odors.
2. Concerns about flooding:
 - a. While the location of the building and detention pond appear to be about 300 feet outside of the 100-year flood plain in Williamson County's most recent Flood Insurance Rate Map (FIRM) from 2019, the 100-year flood plain does cross the property just to the south of the pond, and it is unknown whether the creation of the pond will affect the floodplain.
 - b. Several commenters noted seeing actual flooding at the proposed site in recent years even if it is outside of FIRM 100-year floodplain.
 - c. **The applicant does not make any reference to obtaining a development permit from the Williamson County or City of Georgetown (since the property is located in Georgetown Extra-Territorial Jurisdiction). Williamson County at least has specific requirements for development of any property that includes a 100-year floodplain.**
 - d. Williamson County's 2019 FIRM for this area does not account for the 2018 Atlas 14 rainfall estimates from the National Oceanic and Atmospheric Administration (NOAA) that has tended to show new 100-year floodplains larger than existing floodplains. As a result, Williamson County now requires applicants for development permits for properties that contain existing 100-year floodplains to conduct a floodplain study using Atlas 14 data, and the applicant has not included any such information in the application.
 - e. Additional resources regarding Williamson County's floodplain requirements can be found here: <https://www.wilco.org/Departments/Infrastructure/County-Engineer-Road-and-Bridge/Floodplain-Management> and in Williamson County's subdivision regulations which reference the requirement for Atlas 14 studies can be found here: <https://www.wilco.org/Department/Infrastructure/County-Engineer/Programs/Subdivision-Regulations>
 3. Concerns about soil conditions and potential impacts on ground water:
 - a. It is not apparent from the application or the applicant's presentation to the SWAC on June 24, 2022, that the applicant proposes to install any kind of liner in the detention pond, which could cause problems involving waste runoff seeping into soil and groundwater.
 - b. While there is a map of water well locations in the vicinity in the application, there is no engineering analysis that demonstrates that the facility would not adversely impact groundwater nearby as designed or that the soils are suitable for a detention pond if a liner is not proposed.
 4. Unresolved issue as to whether the site complies with Williamson County's solid waste facility siting ordinance:
 - a. Williamson County has a solid waste siting ordinance that was originally adopted on July 21, 2015, to address waste disposal and amended on January 18, 2018, to apply to waste processing.
 - b. Williamson County has not directly indicated to CAPCOG that the proposed facility would violate the County's ordinance, but it seems unlikely, since the ordinance prohibits the disposal and processing of solid waste in all unincorporated areas of the county except areas owned or operated by a unit of local government within Williamson County and this property is privately owned.



Capital Area Council of Governments

6800 Burlleson Road, Building 310, Suite 165, Austin, Texas 78744

(p) 512-916-6000 (f) 512-916-6001

www.capcog.org

September 15, 2022

Chair

Mayor Brandt Rydell
City of Taylor

1st Vice Chair

Judge James Oakley
Burnet County

2nd Vice Chair

Mayor Lew White
City of Lockhart

Secretary

Commissioner Debbie Ingalsbe
Hays County

Parliamentarian

Mayor Jane Hughson
City of San Marcos

Immediate Past Chair

Judge Paul Pape
Bastrop County

Council Member Matthew Baker
City of Round Rock

Commissioner Russ Boles
Williamson County

Judge Brett Bray
Blanco County

Council Member Janice Bruno
City of Smithville

Judge Ron Cunningham
Llano County

Representative John Cyrrier
Texas House

Commissioner Joe Don Dockery
Burnet County

Council Member Ron Garland
City of Georgetown

Judge Hoppy Haden
Caldwell County

Council Member Kevin Hight
City of Bee Cave

Commissioner Ann Howard
Travis County

Representative Celia Israel
Texas House

Council Member Mackenzie Kelly
City of Austin

Commissioner Steven Knobloch
Lee County

Commissioner Cynthia Long
Williamson County

Council Member Esme Mattke Longoria
City of Leander

Mayor Connie Schroeder
City of Bastrop

Commissioner Brigid Shea
Travis County

Mayor Lee Urbanovsky
City of Buda

Judge Joe Weber
Fayette County

Mayor Pro Tem Doug Weiss
City of Pflugerville

Representative Terry Wilson
Texas House

Representative Erin Zwiener
Texas House

Mr. Toby Baker, Executive Director
Texas Commission on Environmental Quality (MC-109)
P.O. Box 13087
Austin, TX 78711-3087

RE: Regional Solid Waste Management Plan Conformance Review of Zigco Environmental (Zigco) Applications for Liquid Waste Processing/Composting Facility (permit #s 42045 and 43038)

Dear Mr. Baker,

The Capital Area Council of Governments (CAPCOG) has completed its review of whether Zigco Environment's (Zigco's) applications related registration applications number 43038 and 42045 for liquid waste processing and composting conforms to CAPCOG's 2002-2022 Regional Solid Waste Management Plan (RSWMP). On September 14, 2022, CAPCOG's Executive Committee found that **CAPCOG lacks specific information to make a qualified conformance determination on these two applications.**

CAPCOG has four major concerns that are not sufficiently addressed in the application, which prevents CAPCOG from making a qualified conformance determination:

- Insufficient information about odor generation and control:
 - The closest residence is 280 feet away from the proposed facility and 650 feet away from the closest neighborhood, which makes the potential for adverse impacts on neighbors high.
 - While Zigco appears to propose enclosed waste processing, there are no air quality controls proposed for the building where processing would occur.
 - It is not clear where Zigco will store pre-processed liquid waste that may not fit into containers when unloaded from trucks.
 - While the use of detention pond to evaporate liquid waste runoff seems likely to generate odors, it is not clear what steps Zigco plans to take to avoid such conditions, if any.
 - It is not clear what steps, if any, the applicant plans to take to avoid or mitigate odor generation from the storage of green waste for up to 72 hours outdoors.
- Insufficient information about potential flooding:
 - While the location of the building and detention pond appear to be about 300 feet outside of the 100-year flood plain in Williamson County's most recent Flood Insurance Rate Map (FIRM) from 2019, the 100-year flood plain does cross the property just to the south of the pond, and it is unknown whether the creation of the pond will affect the floodplain.
 - Even if the site is outside of the current regulatory floodplain, it's not clear that the site does not, as designed, run a significant risk of flooding.

Several commenters noted seeing actual flooding at the proposed site in recent years and the 2019 Williamson County FIRM for the area does not account for the 2018 Atlas 14 rainfall estimates from the National Oceanic and Atmospheric Administration (NOAA), which tend to show higher amounts of peak rainfall and therefore larger 100-year floodplains than previously estimated.

- Relatedly, the applicant did not document any development permit from Williamson County or City of Georgetown (the site is located in Georgetown’s extra-territorial jurisdiction), and Williamson County’s floodplain regulations and subdivision regulations require updated floodplain studies using Atlas 14 for properties that include areas in a 100-year floodplain as this site does.¹
- Insufficient analysis of soil conditions and potential impacts on ground water:
 - It is not apparent from the application or the applicant’s presentation to the SWAC on June 24, 2022, that the applicant proposes to install any kind of liner in the detention pond, which could cause problems involving waste runoff seeping into soil and groundwater.
 - While there is a map of water well locations in the vicinity in the application, there is no engineering analysis that demonstrates that the facility would not adversely impact groundwater nearby as designed or that the soils are suitable for a detention pond if a liner is not proposed.
- Insufficient demonstration that the site complies with Williamson County’s solid waste facility siting ordinance:
 - Williamson County has a solid waste siting ordinance that was originally adopted on July 21, 2015, to address waste disposal and amended on January 18, 2018, to apply to waste processing.
 - While Williamson County has not yet directly indicated to CAPCOG that the proposed facility would violate the County’s ordinance, it seems unlikely, since the ordinance prohibits the disposal and processing of solid waste in all unincorporated areas of the county except areas owned or operated by a unit of local government within Williamson County.

Apart from the issue of Williamson County’s ordinance, the fact that the proposed facility would be using new technology and this type of facility design has never been permitted in Texas, made it particularly challenging for CAPCOG to evaluate this application.

If you have any questions about this, please contact Ken May at kmay@capcog.org.

Sincerely,

Betty Voights
Executive Director

¹ Williamson County’s subdivision regulations are available here: <https://www.wilco.org/Department/Infrastructure/County-Engineer/Programs/Subdivision-Regulations> and information on Williamson County floodplain management is available here: <https://www.wilco.org/Departments/Infrastructure/County-Engineer-Road-and-Bridge/Floodplain-Management>.

EXECUTIVE COMMITTEE MEETING

MEETING DATE: September 14, 2022

AGENDA ITEM: #7 Consider Approving Revisions to CAPCOG 2022-2042 Regional Solid Waste Management Plan

GENERAL DESCRIPTION OF ITEM:

Under state law, Councils of Government have primary responsibility for regional solid waste planning and are required to have Regional Solid Waste Management Plans (RSWMPs) that are subject to approval by the Texas Commission on Environmental Quality (TCEQ). On December 29, 2021, CAPCOG submitted its 2022-2042 RSWMP to TCEQ following Executive Committee approval on December 8, 2021. On June 13, 2022, TCEQ staff indicated that a number of revisions would be needed in order for the agency to approve the updated plan. While some issues were clerical in nature, Regional Planning and Services (RPS) staff determined that some would require approval by the Solid Waste Advisory Committee (SWAC) and Executive Committee. These issues included CAPCOG's use of the RSWMP "conformance review" process to assess land use compatibility and other issues with the siting of solid waste facilities and the need to identify some specific activities proposed for the future related to CAPCOG's goals and objectives.

RPS staff met with TCEQ in July and proposed revisions to the SWAC on August 12, 2022, following a preliminary review by TCEQ staff. Those revisions included:

- Elimination of Goal #15, which related to the use of the solid waste permit conformance review process to address land use compatibility issues in facility siting;
- Corresponding updates to CAPCOG's conformance review process;
- A list of planned activities related to each of CAPCOG's remaining 14 goals.

The SWAC voted unanimously to recommend the proposed changes to the Executive Committee. Feedback from TCEQ staff on the latest draft indicates that they deem this draft acceptable. TCEQ staff plans to bring CAPCOG's RSWMP and the RSWMPs of the other 23 COGs to the Commissioners for approval in Spring 2023. The draft revised 2022-2042 RSWMP is currently posted online at:

https://www.tceq.texas.gov/permitting/waste_permits/waste_planning/wp_grants.html)

In addition to seeking Executive Committee approval of the revised RSWMP, Regional Planning and Services staff are also seeking authorization to begin using the new conformance review process immediately if TCEQ allows it to be implemented sooner than next spring. This would mean that CAPCOG conformance reviews would no longer include a review of land use compatibility considerations right away; otherwise, CAPCOG would need to continue to use the older conformance review process and checklist which does account for land use compability.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: Andrew Hoekzema Director of Regional Planning and Services

BUDGETARY IMPACT:

Total estimated cost: n/a

Source of Funds: n/a

Is item already included in fiscal year budget?

Yes

No

Does item represent a new expenditure?

Yes

No

Does item represent a pass-through purchase?

Yes

No

If so, for what city/county/etc.? n/a

PROCUREMENT: n/a

ACTION REQUESTED:

Approve revisions to CAPCOG’s 2022-2042 Regional Solid Waste Plan recommended by the Solid Waste Advisory Committee (SWAC) and authorize immediate use of the updated Conformance Review Process pending TCEQ approval

BACK-UP DOCUMENTS ATTACHED:

1. Memo
2. Proposed Revisions to CAPCOG 2022-2042 RSWMP Goals and Objectives
3. Proposed Revisions to CAPCOG Conformance Review Process
4. Proposed Revisions to CAPCOG 2022-2042 RSWP Action Plan

BACK-UP DOCUMENTS NOT ATTACHED: None



6800 Burleson Road, Building 310, Suite 165

Austin, Texas 78744-2306

Ph: 512-916-6000 Fax: 512-916-6001

www.capcog.org

BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM

8/29/2022

TO: Executive Committee

FROM: Andrew Hoekzema, Director of Regional Planning and Services

RE: Revisions to 2022-2042 Regional Solid Waste Management Plan

Staff in the Regional Planning and Services (RPS) division are seeking approval of a number of revisions to CAPCOG's 2022-2042 Regional Solid Waste Management Plan (RSWMP) prompted by feedback from the Texas Commission on Environmental Quality (TCEQ) on the version submitted TCEQ in December 2021 following approval by CAPCOG's Executive Committee. On June 13, 2022, CAPCOG received comments from TCEQ staff indicating that a number of changes to the RSWMP would need to be made in order for TCEQ to approve the plan. RPS staff determined that while some of the changes requested were clerical in nature, a few were substantive enough that they would require additional consultation with the Solid Waste Advisory Committee (SWAC) and approval by CAPCOG's Executive Committee. CAPCOG met with TCEQ staff on July 26 to discuss their comments on these issues, which are summarized below:

- Significant changes to CAPCOG's conformance review process would be needed to remove review of land use compatibility in order for staff to move the plan forward for approval:
 - Removal of Goal #15 from Volumes I and II, related to land use compatibility: *"Goal #15 Use the Plan Conformance/Facility Application Review process and the provisions of §363.066, Health & Safety Code, to address land use compatibility and other local issues to avoid if possible, or minimize if avoidance is not possible, adverse impacts from municipal solid waste (MSW) facilities on human health and the environment."*
 - Along with removal of this goal and its objectives, there would need to be several corresponding adjustments to CAPCOG's Conformance Review Process in Volume II to remove references to land use compatibility.
- CAPCOG needed to provide additional detail required on planned activities related back to CAPCOG's approved goals and objectives:
 - In Volume II, under "Planning Periods," (section II) TCEQ requires specific information on implementation activities in various planning periods to support each goal be filled out.
 - In Volume II, Section III.N, TCEQ indicated that a "recommended plan of action and timetable are needed for the goals and objectives" and they recommend that milestone dates be corresponding planning periods (short-range, intermediate, and long-range).
- Based on TCEQ feedback and feedback from the SWAC, RPS staff have drafted updates to the RSWMP, which can be found along with drafts of all of the other COG RSWMPs here: https://www.tceq.texas.gov/permitting/waste_permits/waste_planning/wp_grants.html.

Key aspects of the plan that have been revised updated are listed below:

- Goal 15 has been removed from Table II.A in Volume I and Table III.L.I in Volume II.
- Attachment III.O. Procedures for Conformance Review (pages 285-295 of the PDF) has been substantially updated:
 - Clarification on the process for initiation of a conformance review and expected timeline;
 - Clarification that the conformance review will not include a review for land use compatibility;
 - Reduction of the number of options for a conformance review finding to only “conforms” or “does not conform” with an explanation for why not;
 - Clarification that changes to the conformance review process will be sent to TCEQ for approval first before implementation; and,
 - Update of the conformance review checklist to ask questions that relate directly back to goals 1-14 and their related objectives.
- Table III.N.I: Plan of Action and Timetable for Achieving Specific Goals and Objectives has been reworked to add actions that specifically relate back to each of CAPCOG’s objectives.

TCEQ Staff Position on Conformance Reviews

- TCEQ’s position is that review of land use compatibility is not appropriate as a goal for inclusion in the RSWMP and that such issues are appropriately handled through local siting ordinances and administrative hearings to the extent that it is addressed at all.
- TCEQ’s position is not necessarily that COGs shouldn’t weigh in on land use compatibility issues, but that the RSWMP and conformance review process are not the appropriate venues to address them.
- **Instead, to the extent that the COG or SWAC wishes to weigh in on land use compatibility issues for a permit application, TCEQ’s position is that the appropriate place to do so would be in the public comment period for that application.**
- If the COG sends a conformance review letter to TCEQ, they would prefer only two findings/recommendations, rather than the five we currently have:
 - The application conforms to the RSWMP; or
 - The application does not conform to the RSWMP, with an explanation as to why it does not.
- TCEQ would ideally like a conformance finding/statement from the COG prior to completion of its technical review so that it could be addressed in the technical review process.
- TCEQ’s position is that unless a COG sends them a letter/notice stating that an application doesn’t conform to the RSWMP, it is presumed to conform, and they do not have an independent process for reviewing conformance to a RSWMP unless a COG makes a finding of non-conformance.

Background on RSWMPs and CAPCOG’s RSWMP

Under Texas Health and Safety Code Chapter 363, Subchapter D, Councils of Governments (COGs) are given primary responsibility for regional solid waste planning and each COG is required to develop and implement a Regional Solid Waste Management Plan (RSWMP) that is approved by the TCEQ. These plans are required to include:

1. Descriptions of current and potential future efforts to minimize production of municipal solid waste and efforts to reuse or recycle waste;
2. Descriptions and assessments of existing or proposed programs for the collection of household hazardous waste (HHW);
3. Recommendations for encouraging and achieving a greater degree of waste minimization and waste reuse or recycling;
4. Steps to encourage cooperative efforts between local governments in the siting of landfills;

5. Assessment of the need for transportation of municipal solid waste (MSW);
6. Recycling rate goals;
7. Recommendations composting programs;
8. An inventory of closed landfills;
9. Assessment of the need for new solid waste disposal facilities; and
10. A public education program.

Rules for the content of plans and procedures for approval of the plans are described in 30 TAC §§330.631 – 330.649. Volume I of the Plan is required to include goals and objectives and is subject to approval by the Commissioners, while Volume II is considered an “implementation plan” for these goals and is subject to approval by the TCEQ Executive Director. CAPCOG’s 1st RSWMP covered 1990-2010, while CAPCOG’s current RSWMP covers 2002-2022, and was approved by TCEQ in 2007. In December 2021, CAPCOG’s Executive Committee approved a new 2022-2042 RSWMP and CAPCOG staff submitted it to TCEQ for approval.

Next Steps

Upon approval by CAPCOG’s Executive Committee, CAPCOG will notify TCEQ that the draft posted online has been approved by the Executive Committee. TCEQ has currently posted all 24 RSWMPs online for public comment through September 20, 2022.

Assuming TCEQ staff deem the latest draft of CAPCOG’s RSWMP acceptable, they will initiate a rulemaking process for the commission to approve CAPCOG’s new 2022-2042 RSWMP along with those of the other 23 COGs in Spring 2023.

Since the existing goals and objectives approved by TCEQ for CAPCOG in 2007 remain in effect until the TCEQ formally approves the new goals and objectives, if approved by the Executive Committee, RPS staff plan to request TCEQ’s permission to begin using the new conformance review process upon adoption by CAPCOG’s Executive Committee instead of waiting until the spring. The conformance review process is in Volume II of the plan and therefore is only subject to the approval of the TCEQ Executive Director rather than the full commission. However, since Volume I remains in effect until the Commissioners approve a change, Goal 15 related to the use of conformance reviews to address land use compatibility issues remains in effect for CAPCOG’s RSWMP, so unless we got approval to modify our conformance review process, we would need to continue reviewing facility applications under the prior conformance review process until TCEQ approved the entire new plan.

Elimination of Goal 15 and Related Objectives

TCEQ requested elimination of this goal and related objectives related to land use planning, indicating that it is not an appropriate goal for the RSWMP.

Goal #15 Use the Plan Conformance/Facility Application Review process and the provisions of §363.066, Health & Safety Code, to address land use compatibility and other local issues to avoid if possible, or minimize if avoidance is not possible, adverse impacts from municipal solid waste (MSW) facilities on human health and the environment.

- *Objective 15.A. Determine whether the use of a site for a MSW facility may adversely impact human health or the environment by evaluating and determining impacts of the site upon counties, cities, communities, groups of property owners, or individuals in terms of compatibility of land use, zoning in the vicinity, community growth patterns, and other factors associated with the public interest.*
- *Objective 15.B. Monitor MSW facilities' compliance with local zoning requirements, siting ordinances, and other local government land use regulations.*
- *Objective 15.C. Assess MSW facilities' impacts on roads, drainage ways, and other infrastructure. Consider existing and planned future land uses near proposed facilities. Consider and address infrastructure problems created by facilities. Consider and address potential land use conflicts between MSW facilities and existing and planned development.*
- *Objective 15.D. Encourage MSW facilities to be good neighbors, by assessing and considering every applicant's five-year compliance history in Texas to the fullest extent allowed by TCEQ.*
- *Objective 15.E. Encourage programs that provide incentives for using landfills instead of illegal dumping including but not limited to conducting and increasing awareness of community cleanup events, efforts to curtail illegal dumping, litter abatement and waste reduction programs, public education programs, lower rates for waste-collection events, etc.*
- *Objective 15.F. Avoid if possible, or minimize if avoidance is not possible, concerns about visual and aesthetic impacts from MSW facilities on adjacent land uses by incorporating "context sensitive" design, appropriate buffers, and setbacks into facility design. Encourage operators to take reasonable and appropriate steps to avoid such impacts if possible or minimize them if complete avoidance is not possible.*
- *Objective 15.G. Address local land use concerns about the long term and cumulative effects of MSW facilities and protect the public interest in a natural landscape, avoid if possible, or minimize if not possible, major disruptions to the landscape and other adverse long term and cumulative effects by monitoring whether the permitted and maximum potential (theoretical geometric calculation) height and capacity of a MSW facility are accurately calculated and taken into account.*
- *Objective 15.H. Avoid if possible, or minimize if avoidance is not possible, nuisance conditions associated with MSW facilities that generate community concerns by encouraging applicants to implement reasonable and appropriate measures and best management practices to prevent and control litter, storm water runoff, vectors, odor, excessive noise, light pollution, and other nuisance conditions.*

Remaining Goals and Objectives

The following table represents the remaining goals and objectives; in addition to elimination of goal 15, they include some minor wording changes for a few goals and objectives based on TCEQ feedback.

Table II.A. Regional Goals and Objectives

<p>Goal #1 Promote community clean-up events to provide citizens with an alternative to illegal dumping</p>	<p>Objective 1.A. Coordinate public/private partnerships to share the cost burden and promote sponsorship Objective 1.B. Educate communities on the availability of funds to provide the service and coordinate events Objective 1.C Coordinate services to communities that do not have bulky item pickup, curbside municipal solid waste services, or that have illegal dumping issues</p>
<p>Goal #2 Encourage a Household Hazardous Waste (HHW) collection and diversion program</p>	<p>Objective 2.A. Coordinate public/private partnerships to share the cost burden and provide services Objective 2.B. Develop sub-regional collection programs that encourage permanent reuse facilities Objective 2.C. Promote more cost-efficient collection programs other than annual one-day events</p>
<p>Goal #3 Continue and enhance current illegal dumping enforcement programs</p>	<p>Objective 3.A. Support participation in the Regional Enforcement Task Force Objective 3.B. Support all programs that aim to curtail illegal dumping Objective 3.C. Provide environmental enforcement training to the entire region throughout the year</p>
<p>Goal #4 Explore alternatives to dealing with the disposal of special wastes</p>	<p>Objective 4.A. Reduce the amount of construction and demolition (C&D) waste and encourage recycling Objective 4.B. Determine effective and efficient management of used tires and oil Objective 4.C. Provide public education on electronics recycling and work with other entities on maintaining a database of reliable electronic recycling industries Objective 4.D. Encourage MSW facilities to have used tire programs</p>

Proposed Revisions to 2022-2042 RSWMP Goals and Objectives

<p>Goal #5 Promote public education on integrated solid waste management</p>	<p>Objective 5.A. Establish educational programs specific to other goals (HHW, illegal dumping, and recycling) Objective 5.B. Coordinate educational programs through school curricula, advertising, and environmental projects Objective 5.C. Maintain and promote the environmental resource center for public use</p>
<p>Goal #6 Encourage effective and efficient management and operation of recycling services</p>	<p>Objective 6.A. Coordinate public/private partnerships Objective 6.B. Coordinate the development of markets for recycled materials and provide outreach & education (O&E) assistance as necessary to assure quality of services Objective 6.C. Maintain and promote the environmental resource center for public use</p>
<p>Goal #7 Encourage the proper management and disposal of municipal solid waste</p>	<p>Objective 7.A. Encourage best industry practices for all MSW facilities Objective 7.B. Encourage MSW facilities to be involved with surrounding communities</p>
<p>Goal #8 Promote reduction in the disposal amount of yard waste and encourage recycling.</p>	<p>Objective 8.A. Coordinate programs for the diversion of yard trimmings and brush, and their use of the compost or mulch Objective 8.B. Provide material on the “Don’t Bag It” program for yard waste and backyard composting Objective 8.C. Provide education materials on the beneficial use of green waste Objective 8.D. Coordinate with MSW facilities to divert yard waste and brush from disposal</p>
<p>Goal #9 Determine whether access to and the availability of legal disposal options in the CAPCOG region are adequate</p>	<p>Objective 9.A. Identify where new or expanded facilities are needed within the region Objective 9.B. Coordinate the development of transfer stations and citizen collection stations in areas of need Objective 9.C. Coordinate open and free markets within the region for solid waste collection, disposal, and recycling Objective 8.D. Coordinate with MSW facilities to divert yard waste and brush from disposal</p>

Proposed Revisions to 2022-2042 RSWMP Goals and Objectives

<p>Goal #10 Promote administrative structures to ensure some measure of local control in the siting, expansion, and operation of MSW facilities</p>	<p>Objective 10.A. Coordinate with counties to pass municipal solid waste siting ordinances Objective 10.B. Provide pre-application assistance to interested parties Objective 10.C. Utilize a checklist to provide guidance and determine plan conformance for MSW permit and registration applications Objective 10.D. Coordinate development of regional or local programs to enforce State and local environmental laws and ordinances</p>
<p>Goal #11 Promote incentives for recycling activities and increased recycling participation rates across the region</p>	<p>Objective 11.A. Work to seek funding for CAPCOG to coordinate, monitor, and report on progress achieved toward meeting regional recycling goals Objective 11.B. Consider/evaluate volume-based rate structures/recycling programs Objective 11.C. Encourage studies and analysis of the current waste stream to stimulate economic development in the recycling industry</p>
<p>Goal #12 Reduce the amount of municipal solid waste generated and disposed of within the region</p>	<p>Objective 12.A. Coordinate the separation and collection of recyclables from governmental facilities Objective 12.B. Emphasize market-based incentives and market development Objective 12.C. Target waste reduction activities to specific waste streams</p>
<p>Goal #13 Increase the CAPCOG region recycling rate</p>	<p>Objective 13.A. Coordinate innovative recycling projects throughout the region</p>
<p>Goal #14 Provide permanent household hazardous waste collection facilities throughout the region</p>	<p>Objective 14.A. Coordinate the creation of HHW facilities throughout the region</p>

Attachment III.O. Procedures for Conformance Review

Procedure for Conformance Review of Facility Applications

Introduction

~~The Texas Commission on Environmental Quality (TCEQ) requires that all municipal solid waste (MSW) facilities proposed for siting in the CAPCOG region conform to CAPCOG's Regional Solid Waste Management Plan (RSWMP). (Texas Health and Safety Code §363.066; 30 TAC §330.635.) TCEQ's permitting procedures state that it is the responsibility of the applicant to demonstrate conformance with the RSWMP. (30 TAC §330.61(p)).~~

Texas Health and Safety Code §363.066 and §330.641(h) requires that all solid waste activities conform to a Regional Solid Waste Management Plan (RSWMP) adopted by the Texas Commission on Environmental Quality (TCEQ), while allowing TCEQ to grant variances under 30 TAC §330.641(g) and (h).

CAPCOG, with the assistance of the Solid Waste Advisory Committee (SWAC), will review permit and registration applications and permit amendment applications filed with the TCEQ to assess their conformance to the RSWMP. All applicants are encouraged to must complete the Solid Waste Plan Conformance Checklist, which ~~CAPCOG will furnish, that contains questions tracking the Regional Goals and Objectives, which includes land use compatibility and local community concerns. The~~ CAPCOG's ~~findings and recommendations will be submitted to the TCEQ to assist it in considering the permit or registration application. CAPCOG's findings are considered advisory, and TCEQ is ultimately responsible for determining if an application conforms to CAPCOG's RSWMP.~~

~~The need for, or lack of need for, a particular facility will not be a factor in the application conformance review. The importation and exportation of waste from one political subdivision into another will not be prohibited. (30 TAC §330.563(a) (4).) If a county or city has a landfill siting ordinance in place, designating the proposed site as suitable for a landfill, the RSWMP will not contradict it.~~

~~The SWAC will solicit comments from individuals, organizations, and local governments located within the proposed facility's impact area when considering the application.~~

The review for conformance with the RSWMP will include the consideration of any applicable local plans.-

Voluntary Pre-Application Review

A potential permit or registration applicant may request a meeting with the CAPCOG staff to discuss a proposed application, its conformance with the RSWMP and steps that may be taken to meet the region's solid waste planning goals. Staff will provide a copy of the RSWMP and the Solid Waste Conformance Checklist, review plans submitted by the applicant for a proposed facility and explain the review process. This pre-application meeting is recommended but not required.-

Request for Review of MSW Facility Application

Applicants may request a conformance review of their permit or registration application by submitting the following information to ~~the CAPCOG~~CAPCOG within 5 business days of submission of an application to TCEQ:

1. A copy of the Application or Amendment Application submitted to the TCEQ for Permit or Registration, Parts 1 & 2, or any other part of the application that the applicant wishes CAPCOG to review for conformance.
2. The completed Solid Waste Plan Conformance Checklist (available upon request ~~form from~~CAPCOG and available on CAPCOG's website) with attached documentation ~~if required.~~ The applicant ~~must~~is encouraged to complete the checklist to the best of his or her ability to demonstrate how the proposed facility will help in promoting the goals and objectives of the RSWMP. -CAPCOG's Solid Waste Program Coordinator will return an incomplete Checklist to the applicant with a written explanation of its deficiencies. -The applicant may resubmit the checklist when all the deficiencies are corrected.
3. A cover letter with contact information for the applicant, the applicant's engineer and the TCEQ staff person to whom all review-related correspondence should be sent. Contact information should include name, phone and fax numbers, mailing address and email address if available.
- ~~4.~~4. Any additional information the applicant wishes to provide to facilitate the SWAC review process.

A request for permit or registration application review must be submitted to:-

Capital Area Council of Governments
~~Attn: Solid Waste Program Coordinator~~
(CAPCOG)
6800 Burleson Road, Bldg 310, Ste 165

Austin, Texas 78744
Attention: Solid Waste Program

~~Conformance review takes a *minimum* of 60 days from submission of a complete application to CAPCOG.~~

An applicant may also submit a request by e-mail to solidwaste@capcog.org.

Conformance review take between 90 and 180 days from submission of parts I and II application to CAPCOG. Where feasible, CAPCOG will try to conclude a conformance review by the end of the public comment period for an application. However, this is dependent on timely receipt of an application from the applicant. Applicant should notify CAPCOG's Solid Waste Coordinator of any notices of deficiency (NODs) issued by TCEQ and any responses provided by the applicant to TCEQ

or any other changes to the application throughout the process that would materially affect responses to the checklist so that CAPCOG has the most up-to-date information available at the time it evaluates an application for conformance.

Conformance Review Upon Notification of Application

CAPCOG may, of its own initiative, conduct a conformance review of a facility if it becomes aware of submission of an application to TCEQ as a result of public notice or otherwise, even it does not receive a request for a review from an applicant or of the applicant does not provide a copy of Parts I and II of the application to CAPCOG.

Initiation of a Conformance Review by CAPCOG

If CAPCOG initiates a conformance review on a facility application or amendment application, it will submit a letter to TCEQ notifying TCEQ of CAPCOG's intent to conduct the review and its expected timeframe for the process. Ideally, CAPCOG will submit this notice to TCEQ prior to TCEQ completing its technical review of an application. However, situations may arise in which a notice may need to be issued at a later stage in the application process, such as if CAPCOG did not receive a copy of an application or issues are brought up in the public comment period for an application that had not been previously identified by CAPCOG staff.

Scope of a Conformance Review

A conformance review is limited to a review of an application for a proposed facility permit or registration and an amendment to a proposed facility's permit or registration and the extent to which the application conforms to the goals and objectives of CAPCOG's 2022-2042 RSWMP. Since issues of land use compatibility, local zoning and siting ordinances, impacts on local infrastructure, visual and aesthetic impacts, disruptions to the local landscape, odor, noise, light pollution, and other nuisance conditions are not included as goals in the 2022-2042 RSWMP, they are outside of the scope of CAPCOG's conformance review process. Such issues and concerns can be addressed through other avenues such as local solid waste facility siting ordinances, public comments on a proposed permit, registration, or amendment to a proposed permit or registration, or through the administrative law process.

SWAC Review and Report

~~The SWAC review will not begin until the Solid Waste Program Coordinator receives the complete application, including the Checklist. Once the complete application has been received, the Solid Waste Program Coordinator will confirm its receipt in writing to the applicant and notify the applicant of the SWAC meeting date to review the application. The applicant is strongly encouraged to attend the SWAC meeting.~~

The SWAC will consider whether the proposed facility conforms to the RSWMP and submit its findings and recommendations to the CAPCOG Executive Committee.

A SWAC member who has a financial interest in the applicant for a solid waste permit or registration, or who will benefit financially from SWAC's decision on the application, shall disclose the nature of the interest or benefit or both to permit determination of whether the member has a conflict of interest with respect to voting on the application. (For example, if the SWAC is considering the permit application for a MSW landfill, a SWAC member who represents a MSW landfill has a conflict of interest.) If, following disclosure, a SWAC member is unsure whether the interest or benefit poses a conflict of interest, the SWAC shall determine the issue and the member shall abide by the SWAC's determination. If there is a conflict of

interest, ~~the member may~~ participate in discussion of the application, but may not vote on whether or not the application conforms to the RSWMP. The member is counted in determining the existence of a quorum, but a vote cast in violation of this paragraph is not counted. The SWAC will recommend to CAPCOG's Executive Committee one of the following two conformance determinations:

~~The SWAC will recommend to CAPCOG's Executive Committee one of the following three conformance determinations:~~

- ~~1. _____ The permit or registration conforms to the RSWMP and either~~
 - ~~a) 1. _____ CAPCOG recommends approval of the permit; or registration.~~
 - ~~b) _____ CAPCOG recommends approval with specific conditions attached.~~
2. The permit or registration does not conform to the RSWMP and either, with an explanation of the reasons that it does not.
 - ~~a) _____ CAPCOG recommends denial of the permit or registration~~
 - ~~b) _____ CAPCOG recommends withholding approval until specified deficiencies are corrected.~~
- ~~3. _____ CAPCOG lacks sufficient information to make a qualified conformance determination.~~

Executive Committee Action on SWAC Report

The CAPCOG Solid Waste Program Coordinator will submit the SWAC's written report to the CAPCOG Executive Director ~~within 15 business days following the meeting at which it was adopted by the SWAC.~~ Upon receipt of the SWAC report, the Executive Director will submit the report for consideration at the next regularly scheduled meeting of the Executive Committee for which an agenda has not already been finalized and distributed. Within 10 business days following the Executive Committee meeting at which action was taken on the report, the ~~Executive Director~~ Solid Waste Coordinator will transmit the Executive Committee's findings and recommendations on the report to the TCEQ with a copy to the applicant. CAPCOG's letter or report will note the applicable date of the application reviewed by CAPCOG for conformance; if there are substantive changes to the application following action by CAPCOG's SWAC or Executive Committee, CAPCOG's Solid Waste Coordinator may ask SWAC or Executive Committee to reconsider its existing findings.

~~The~~ If CAPCOG has not submitted a final conformance review on an application to TCEQ, it does not necessarily mean that CAPCOG has implicitly determined that the application conforms. In particular, if CAPCOG does not become aware of an application until late in TCEQ's permit review process, it may not have had the time required to follow the steps outlined in this process prior to the application coming before TCEQ's Executive Director or the Commissioners for consideration.

CAPCOG does not approve or deny applications. Rather, it provides a means for the TCEQ to obtain qualified opinions from local governments in the affected region.

Future Changes to the Conformance Review Process

30 TAC §330.643(a)(3)(O) requires that regional plans include “identification of the process that will be used to evaluate whether a proposed municipal solid waste facility application will be in conformance with the regional plan.” 30 TAC §330.643(a)(5) stipulates that “a regional implementational plan and any substantive changes must be approved in advance of implementation by the Texas Commission on Environmental Quality’s (TCEQ’s) Executive Director.” Therefore, if CAPCOG plans to substantively change its conformance review process in the future, it will submit proposed changes to TCEQ for review prior to implementation.

CAPITAL AREA COUNCIL OF GOVERNMENTS REGIONAL SOLID WASTE MANAGEMENT PLAN CONFORMANCE REVIEW CHECKLIST

~~Adopted by CAPCOG Executive Committee January 12, 2005
Revised by CAPCOG Executive Committee on August 8, 2018
Updated Division and Division Director on December 12, 2018~~

The Texas Commission on Environmental Quality (TCEQ) ~~requires that all municipal solid waste (MSW) facilities proposed for siting in the CAPCOG region conform to CAPCOG's reviews and approves each COG's~~ Regional Solid Waste Management Plan (RSWMP). ~~(c) as provided for under Texas Health and Safety Code (TH&SC), §363.064. Conformity to the plan is addressed under TH&SC §363.066.~~

As required by Title 30 Texas Administrative Code (30 TAC §), Chapter 330.61(p), the responsibility owner or operator of a proposed facility shall submit Parts I and II of the applicant to demonstrate conformance application to the respective Regional Planning Commission, also referred to as Councils of Governments (COGs), for review of compliance with the RSWMP. Documentation of such submittal is required by the TCEQ. Rule also requires the owner operator to submit documentation that a review letter has been requested from any local government as appropriate for compliance with local solid waste plans. Timely completion of this checklist and submittal of parts I & II of the application will facilitate compliance with these requirements.

CAPCOG, with the assistance of its Solid Waste Advisory Committee (SWAC), will review permit and registration applications filed with the TCEQ to determine their conformance to the RSWMP. ~~All applicants must complete~~ Completion of this Solid Waste Plan Conformance Checklist, and ~~submit its~~ submittal of parts I & II of the pending application to CAPCOG as described in Volume II of the RSWMP, ~~to~~ will assist CAPCOG in making this determination.

The applicant's representative ~~must~~ should complete the Checklist to demonstrate how the proposed facility will help in promoting the goals and objectives of the RSWMP. CAPCOG's Solid Waste Program Coordinator will return an incomplete Checklist to the applicant with a written explanation of its deficiencies. The applicant may resubmit the Checklist when all the deficiencies are corrected. As required under 30 TAC §330.57(e)(2), the applicant must submit any amendments to parts I or II of application to CAPCOG. If the applicant amends parts I or II of the application, the applicant must also submit an updated conformance review checklist with a cover letter explaining the changes. Failure to provide amended applications and checklists may be grounds for a non-conformance determination by CAPCOG.

If you need additional space to answer a Checklist question, or the question requires an attachment, attach letter-size continuation sheets, reduce or fold attachments to letter size if possible, and insert each continuation sheet and attachment following the Checklist page it supplements. Include the Checklist question number on the continuation sheet and attachment, and number the sheets in sequence—for example, the continuation sheets answering a question on Checklist page 3 should be numbered 3-1, 3-2, etc. The grade sheet that the SWAC will use to evaluate your responses to the Checklist is attached for your information.

Proposed Revisions to 2022-2042 RSWMP Goals and Objectives

~~Submit the completed Checklist to Ken May, Regional Programs Coordinator at kmay@capcog.org and Chris Schreck, Director of Regional Planning and Services at eschreck@capcog.org.~~

~~Submit the completed Checklist to CAPCOG's Solid Waste Program at solidwaste@capcog.org.~~

~~In order to review Volumes I and II of CAPCOG's RSWMP, local MSW facility siting ordinances, and CAPCOG's model local MSW facility siting ordinance, which includes recommended set back distances between MSW facilities and various sensitive features, please visit: <http://www.capcog.org/divisions/regional-services/solid-waste-planning>. CAPCOG's website at www.capcog.org.~~

Section 1:- General Applicant Information

~~1.1 Applicant's Name: _____~~

~~1.1 Applicant's Name: _____~~

~~1.2 Location of ~~proposed facility~~ Proposed Facility:
Nearest City: _____ County: _____~~

~~1.3 New facility or Amendment to current Address: _____~~

~~Nearest Incorporated City: _____~~

~~County: _____~~

~~1.3 Is this a new permit/ or registration or an amendment?~~

~~1.4 New Facility Amendment~~

~~1.4 Is this a permit or a registration application and what is the permit/registration number?~~

~~Permit No. _____ Registration No. _____
Number: _____~~

~~1.5 1.5 What type of MSW facility is being registered or permitted?-~~

~~Type I Landfill _____ Type IV AE Landfill~~

~~Type I AE Landfill _____ Type V Facility~~

~~Type IV Landfill _____~~

~~Other (please describe)~~

~~Describe "Other" below:)~~

~~_____
_____~~

~~1.6 1.6 What types of waste(s) will be accepted at your facility?-~~

~~_____~~

~~1.7 Do you currently or plan to accept special or industrial waste? -If yes, which classes? -
If no, write "No."~~

~~_____~~

~~1.8 Do you currently or do you plan on accepting treatment plant sludge, treated sewage or any
other potentially odorous wastes? Yes No~~

Proposed Revisions to 2022-2042 RSWMP Goals and Objectives

~~1.91.8~~ _____ What entity or entities in the CAPCOG Region is this facility intended to serve?

~~1.10~~ Does your facility have an operating or host agreement with any CAPCOG entity or entities?
~~If so, please provide a copy. If not, do you plan to enter into one?~~

~~1.11.9~~ _____ If the proposed facility is other than a landfill, where will the stored or
processed wastes be taken for disposal?—

~~1.121.10~~ _____ Do you wish to meet with CAPCOG's SWAC (or a SWAC subcommittee
formed for the review of this application) prior to CAPCOG commencing its
conformance review?

~~Yes No~~

Yes No

~~1.131.11~~ _____ Do you wish to make a presentation to the SWAC when it considers a
recommendation to CAPCOG's Executive Committee on this application's conformance
to CAPCOG's RSWMP?— ~~Yes No~~

Proposed Revisions to 2022-2042 RSWMP Goals and Objectives

Yes No

Section 2: ~~Land Use Compatibility and~~ Conformance to Regional Goals and Objectives-

The following questions assess conformance to the Regional Solid Waste Management Plan. These questions ~~are based on~~ can be cross-referenced to CAPCOG's Regional Goals and Objectives, ~~which include land use compatibility.~~ Answer each question to the best of your ability. If a particular question is not applicable, please indicate so and ~~local community concerns~~ provide a brief explanation why it is not.

~~2.Goal #1: _____~~ What measures do you plan: Promote community clean-up events to take provide citizens with an alternative to make your facility accessible to the general illegal dumping.

1.A: How will this application promote public? (e.g., citizens'/private partnerships to share the cost burden of community clean-up events and promote sponsorship of same?)

1.B: How will this application help educate communities on the availability of funds to provide the service and coordinate events?

1.C: How will this application help provide or coordinate services to communities that do not have bulky item pick-up, curbside municipal solid waste services, or that have illegal dumping issues?

Goal #2: Encourage a Household Hazardous Waste (HHW) collection and diversion program

2.A: How will this application promote public/private partnerships to share the cost burden of HHW collection and diversion and provide HHW collection and diversion services?

2.B: How will this application help develop HHW collection programs that encourage permanent reuse facilities, and which part of the region would be served by such programs?

2.C: How will this application promote more cost-efficient HHW collection programs other than annual one-day events?

Goal #3: Continue and enhance current illegal dumping enforcement programs

3.A: How will the applicant or application support the work of the Regional Environmental Task Force?

3.B: How will this application help curtail illegal dumping?

3.C: [Not applicable]

Goal #4: Explore alternatives to dealing with the disposal of special wastes

4.A: How will this application help reduce the amount of construction and demolition (C&D) waste and encourage recycling?

4.B: How will the application address management of used tires and oil?

4.C How will the applicant promote awareness of electronics recycling and support CAPCOG's objective of maintaining a database of reliable electronic recycling industries?

4.D: [overlaps with 4.B]

Goal #5: Promote public education on integrated solid waste management

5.A: How will the applicant promote educational programs specific to other goals (HHW, illegal dumping, and recycling)?

Proposed Revisions to 2022-2042 RSWMP Goals and Objectives

5.B: How will the applicant promote educational programs through school curricula, advertising, and environmental projects?

5.C: What kind of public information will the applicant maintain online and elsewhere that can help support CAPCOG’s objective of maintaining an environmental resource center for public use?

Goal #6: Encourage effective and efficient management and operation of recycling services.

6.A: How will this application promote public/private partnerships?

6.B: How will this application promote the development of markets for recycled materials and provide outreach and education assistance as necessary to assure quality of services?

6.C: How does this application help advance CAPCOG’s objective of supporting and encouraging the operation of small businesses and non-profit recycling entities?

Goal #7: Encourage the proper management and disposal of municipal solid waste

7.A: How will this application ensure best industry practices are used?

7.B: How will the applicant be involved with the communities surrounding the facility?

Goal #8: Promote reduction in the disposal amount of yard waste and encourage recycling

8.A: How will the applicant divert yard trimmings and brush and use of the compost or mulch?

8.B: Will the applicant provide material on the “Don’t Bag It” program for yard waste and backyard composting?

8.C: Will the applicant provide education materials on the beneficial use of green waste?

8.D: Will the applicant coordinate with MSW facilities to divert yard waste and brush from disposal?

Goal #9: Determine whether access to and the availability of legal disposal options in the CAPCOG region are adequate.

9.A: What unmet need for solid waste disposal or processing does this application met?

9.B: Will this application provide waste transfer services or a citizen collection station, (element-weather plan, posted fee scales, map availability, public advertising methods, etc.)?

~~2.2. Describe your plans to deter illegal dumping through initiatives such as community cleanup events, free or reduced rate events, public education, etc.~~

~~2.3. If applicable, how 9.C: How will your facility manage scrap/used tires? Please explain in detail.~~

~~2.4. What are your plans for managing yard waste and brush? Please explain in detail.~~

~~2.5. Will any of the following items be diverted for recycling or reuse?~~

- | | |
|--|---|
| <input type="checkbox"/> Electronics | <input type="checkbox"/> Yard waste & brush |
| <input type="checkbox"/> White Goods | <input type="checkbox"/> Scrap Metal |
| <input type="checkbox"/> Construction/Demolition Debris | <input type="checkbox"/> Other (please describe) |

~~Tires _____~~

~~2.6. If the proposed facility is other than a landfill, what, if any, measures will be taken to minimize, reduce, or recycle the waste before it is hauled off for disposal?~~

~~_____~~

~~2.7. If the proposed authorization is a registration, how does the application qualify for a registration rather than a permit, and why—in light of the more limited opportunities for members of the public to contest a registration compared to a permit—a registration for this facility would better serve the public interest than a permit promote free markets within the region for solid waste collection, disposal, and recycling?~~

~~_____~~

~~2.8. Is the site of your proposed facility subject to zoning or siting restrictions by federal, state or local governments? Please note that you must mark “yes” to this question if any local government with jurisdiction over the proposed location has adopted a MSW facility siting ordinance pursuant to Texas Health and Safety Code §363.112 or §364 and or adopted any floodplain regulations pursuant to Texas Water Code §16.315, regardless of whether or not the applicant believes that the ordinance applies to the proposed facility. Yes No~~

~~2.9. The applicant must demonstrate compliance with local land use regulations by (i) providing a written list of all local land use regulations relevant to the MSW facility, and (ii) providing documentation from the applicable zoning or siting entity stating that the proposed facility will be in compliance with its regulations. Make sure to include consideration of any MSW facility siting ordinances and floodplain management ordinances adopted by the local government with jurisdiction over the proposed site. If the applicant believes that any such local ordinances do not apply to the facility, it must provide an explanation and verification of this claim from all local governments with jurisdiction over the proposed location.~~

~~_____~~

~~2.10. Please provide a map identifying all schools, land owned by school districts for future schools, public and private water wells, neighborhoods, individual residences, business establishments, day care facilities, places of worship, historic sites, health care facilities, areas of direct drainage to any public surface drinking supply, areas of direct drainage to a recharge aquifer, 100-year floodplain, parks, tourist attractions, scenic roads, airport runways used by piston driven aircraft, airport runways used by turbojet powered aircraft, wetland areas, fault areas that have shifted since the last Ice Age, seismic impact zones, habitat for state and federally listed species, and any other potentially sensitive features within a 1-mile radius of the outer boundary of the proposed facility site. See definitions listed in CAPCOG’s 2004 Model MSW Facility Siting Ordinance if clarification is needed.~~

~~_____~~

~~2.11. What is the shortest distance between the outer boundary of the proposed facility site and the following features within 1 mile of the proposed facility? (if a listed feature is not located within 1 mile of the outer boundary of the proposed facility, mark “N/A”):~~

~~a. An existing school: _____ feet~~

Proposed Revisions to 2022-2042 RSWMP Goals and Objectives

- b. ~~Land owned by a school district for a future school: _____ feet~~
- c. ~~A public or private water well: _____ feet~~
- d. ~~A neighborhood: _____ feet~~
- e. ~~An individual residence: _____ feet~~
- f. ~~A day care facility: _____ feet~~
- g. ~~A place of worship: _____ feet~~
- h. ~~An area of direct drainage to any public surface drinking supply: _____ feet~~
- i. ~~An historic site: _____ feet~~
- j. ~~A health care facility: _____ feet~~
- k. ~~An area of direct drainage to any recharge aquifers: _____ feet~~
- l. ~~Any officially recognized 100-year floodplain _____ feet~~
- m. ~~A park: _____ feet~~
- n. ~~A tourist attraction _____ feet~~
- o. ~~A designated scenic road: _____ feet~~
- p. ~~An airport runway used by piston-driven aircraft _____ feet~~
- q. ~~An airport runway used by turbojet-powered aircraft _____ feet~~
- r. ~~A wetland area _____ feet~~
- s. ~~A fault area that has shifted since the last Ice Age _____ feet~~

Goal #10: Promote administrative structures to ensure some measure of local control in the siting, expansion, expansion, and operation of MSW facilities.

10.A: Has the applicant verified that its application complies with applicable local (county and city) laws and regulations? (Cite specific ordinances that the applicant has reviewed and provide any documentation from the local government that supports this claim)

10.B: Did the applicant meet with CAPCOG Solid Waste staff prior to submitting the application to ensure that any issues that might be of concern for RSWMP conformity were addressed before CAPCOG was asked to formally assess conformance?

10.C: [Not applicable]

10.D: How will this application support regional or local programs to enforce state and local environmental laws and ordinances?

Goal #11: Promote incentives for recycling activities and increased recycling participation rates across the region.

11.A: How will this application assist CAPCOG with coordination, monitoring, and reporting on progress achieved toward meeting regional recycling goals?

11.B: How will this application promote volume-based rate structures and recycling programs?

11.C: How will this application encourage studies and analysis of the current waste stream to stimulate economic development in the recycling industry?

Goal #12: Reduce the amount of municipal solid waste generated and disposed of within the region

- t. ~~12.A seismic impact zone _____ feet~~
- u. ~~Habitat for state or federally listed species _____ feet~~

~~2.12.— Have local governments with jurisdiction over the facility specifically identified this location as suitable for the type of MSW handling (disposal or processing) proposed for this location? (Under Vol. II of CAPCOG’s RSWMP, if a local government has a MSW siting ordinance in place designating the proposed site as suitable for the proposed use, CAPCOG’s RSWMP will not contradict it)~~

~~2.13.— The applicant must demonstrate that it has adequately addressed the risk of nuisance conditions: How will this application promote the separation and collection of recyclables from a MSW facility impacting nearby persons, property, or land uses by providing a written plan containing reasonable and appropriate measures to avoid if possible or minimize if avoidance is not possible such conditions through (i) controlling litter blown from the MSW facility or released from the operator’s vehicles going to or from the MSW facility, (ii) managing the quantity and quality of stormwater from the facility, (iii) controlling birds and disease vectors from the facility, (iv) controlling odor from the MSW facility through the use of daily cover and other means, (v) controlling excessive noise or light pollution, and (vi) establishing appropriate buffers and setbacks. Note that full enclosure of the location where waste would be stored and processed (“full enclosure” defined here as enclosure above and at least $\frac{3}{4}$ around the storage or processing area laterally) and operation of active odor controls are presumed to be “reasonable” and “appropriate” measures to avoid or minimize odor conditions for any Type V transfer station. Where feasible, full enclosure of storage or processing areas and operation of active odor controls are also presumed to be “reasonable” and “appropriate” measures to avoid or minimize odor conditions for any other Type V facility. If an applicant is proposing a Type V facility without full enclosure and active odor controls for the processing and storage areas, the applicant should demonstrate either that: 1) other proposed odor control measures will be at least as effective at controlling odor as full enclosure and active odor controls or 2) full enclosure of the processing and storage areas would be infeasible for the facility.~~

~~2.14. The applicant must demonstrate that road, drainage, and other infrastructure needs and/or problems created by a MSW facility have been fully addressed by providing documentation from appropriate governmental entities that such needs and problems have been addressed. At a minimum, this must include documentation from: 1) the County, 2) if the proposed facility is located within the extra territorial jurisdiction (ETJ) or city limits of a city government, the applicable City Government, and 3) if a local school district owns land within 1 mile of the outer boundary of the proposed facility, the applicable school district. In the event that such documentation cannot be obtained by the applicant, the applicant must present evidence that it has made a reasonable and good faith effort to obtain such documentation. facilities?~~

~~2.15.— The applicant must demonstrate compatibility with existing and planned land uses in the vicinity of the MSW facility by providing documentation from appropriate governmental entities that the facility is not incompatible with existing and planned land uses. At a minimum, this must include documentation from: 1) the County, 2) if the proposed facility is located within the extra territorial jurisdiction (ETJ) or city limits of a city government, the applicable City Government, and 3) if a local school district owns land within 1 mile of the outer boundary of the proposed facility, the applicable school district. In the event that such documentation cannot be obtained by~~

Proposed Revisions to 2022-2042 RSWMP Goals and Objectives

~~the applicant, the applicant must present evidence that it has made a reasonable and good faith effort to obtain such documentation.~~

~~2.16.—The applicant must demonstrate that it has addressed the likely visual and aesthetic impacts from a MSW facility on nearby persons, property, and land uses by providing a written plan for including reasonable buffers and setbacks, landscaping, or other “context sensitive” measures that the applicant will employ to minimize such impacts.~~

~~2.17.—If the proposed facility is a landfill, what will be the maximum permitted and maximum potential (theoretical geometric calculation) fill height of the facility? (Please provide a final contour map of the proposed facility.)~~

~~_____Feet above existing grade and _____feet above mean sea level~~

~~2.18.—If the permit or registration that is the subject of the application would raise the elevation of either an existing MSW facility or natural ground, the applicant must demonstrate that it has assessed potential impacts on the natural landscape by providing a written statement that identifies the highest elevation natural feature within two miles of the facility and a demonstration that the proposed elevation will not cause adverse off site flooding impacts (as is required in part II of the application under 30 TAC §330.61(m)(1)).~~

~~2.19.—Please provide compliance history for the past five years of all permitted or registered facilities operated by the applicant in Texas, using TCEQ records. Please explain what corrective actions have been taken to prevent recurrent violations, if any violations occurred. Please list the number of Notices of Violations (NOVs) received in the past 5 years for each permitted or registered facility operated in Texas. Please list the number of corrective actions taken in response to NOVs in the past 5 years for each permitted or registered facility operated in Texas. Please list all Enforcement Actions (EAs) for each permitted or registered facility operated in Texas. Please list all fines, settlements, or other outcomes of NOV or EA events at all permitted or registered facilities operating in Texas.~~

12.B: How will the applicant emphasize market-based incentives and market development to reduce the amount of MSW generated and disposed of within the region?

12.C: How will this application target waste reduction activities for specific waste streams?

Goal #13: Increase the CAPCOG region's recycling rate

13.A: How will this application promote innovation in recycling projects throughout the region?

Goal #14: Provide permanent household hazardous waste collection facilities throughout the region

14.A: How will this application advance CAPCOG's objective of coordinating the creation of HHW facilities throughout the region?

Section 3: -Certification

I certify that I read and understood the requirements of this Checklist; that I am authorized to make this certification on behalf of the Applicant; and that, to the best of my knowledge, the information supplied by the Applicant for this Checklist is correct and complete.

Name of Applicant

By
Signature

Name

Title

Date

Applicant (print)

Signature

Name (print)

Title (print)

Date (print)

SWAC CHECKLIST GRADE SHEET FOR APPLICATION FOR MSW PERMIT NO.

Checklist- itemRSWM P Objective	Conforms- (Y, N, or N)/A)	If NO, specified deficiency & suggestions for remedy (if appropriate)	Comments
<u>2.1.A</u>			
<u>1.B</u>			
<u>1.C</u>			
<u>2.2A</u>			
<u>2.3B</u>			
<u>2.4C</u>			
<u>3.A</u>			
<u>3.B</u>			
<u>3.C</u>			
<u>4.A</u>			
<u>4.B</u>			
<u>4.C</u>			
<u>4.D</u>			
<u>2.5.A</u>			
<u>5.B</u>			
<u>5.C</u>			
<u>2.6.A</u>			
<u>6.B</u>			
<u>6.C</u>			
<u>2.7.A</u>			
<u>7.B</u>			
<u>2.8.A</u>			
<u>8.B</u>			
<u>8.C</u>			
<u>8.D</u>			
<u>2.9.A</u>			
<u>9.B</u>			
<u>9.C</u>			
<u>2.10.A</u>			
<u>10.B</u>			
<u>10.C</u>			
<u>10.D</u>			
<u>2.11.A</u>			

Checklist- item RSWMP Objective	Conforms- (Y, N, or N)/A)	If NO, specified deficiency & suggestions for remedy (if appropriate)	Comments
<u>11.B</u>			
<u>11.C</u>			
2-12.A			
<u>12.B</u>			
<u>12.C</u>			
2-13.A			
2-14.A			
2-15			
2-16			
2-17			
2-18			
2-19			

~~For~~ The table above will serve as a tool for the SWAC to track and evaluate responses to each item/question related to the RSWMP objectives. For each item, the SWAC will may rate the response as either conforming, not conforming, or deficient-not applicable. For each item rated deficient-as not conforming, the SWAC will detail the deficiency, including indicating which aspect of the RSWMP the response may indicate non-conformance. Where appropriate, the SWAC may make suggestions as to potential remedy. The SWAC may also add comments and/or specific information that would be helpful in determining conformance. Any comments or suggestions by the SWAC are for guidance and do not relieve the applicant of responsibility for demonstrating conformance. This grade sheet is intended to help the SWAC in its conformance review recommendation to CAPCOG’s Executive Committee. A grade of “YES” or “NO” on any item or items does not constrain the SWAC in its review and recommendation to the CAPCOG Executive Committee. The form of the Executive Committee’s conformance review recommendation will be a letter to TCEQ – the checklist itself will not necessarily be included in the final letter submitted to TCEQ.

CAPCOG reserves the right to present any information to the SWAC and Executive Committee that could be relevant in assessing conformance to CAPCOG’s RSWMP, not just the information provided by the applicant in this checklist or in parts I and II of the application. ~~This may include, among other things, set back distance criteria that have been incorporated into any local ordinance or that have been recommended in CAPCOG’s 2004 model MSW facility siting ordinance.~~ If, after the SWAC has made a recommendation to the Executive Committee, CAPCOG staff or SWAC members become aware of other relevant information not considered by the SWAC in making its recommendation, CAPCOG staff reserves the right to bring that information to the SWAC to reconsider their recommendation or to present that information directly to the Executive Committee for their consideration. It is therefore in the best interests of all parties involved that the applicant be as thorough and comprehensive in providing the requested information as early as possible. The CAPCOG Executive Committee will make the final determination of conformance.

Updates to Action Plan

TCEQ's comments: 1) "Recommended plan of action and timetable are needed for the goals and objectives in Vol. I," and 2) "We recommend Milestone Dates be corresponding planning periods (short range, intermediate, and long range)." The new proposed table is shown below:

Table III.N.I Plan of Action and Timetable for Achieving Specific Goals and Objectives

Goal/Objective	Plan of Action	Milestone Dates
Objective 1.A. Coordinate public/private partnerships to share the cost burden and promote sponsorship.	Participate in not-for-profit organizations that promote solid waste diversion	2022 - 2042
Objective 1.B. Educate communities on the availability of funds to provide the service and coordinate events.	Facilitate and attend public forums on solid waste management planning. Maintain website with information on pass-through grants program.	2022 - 2042
Objective 1.C. Facilitate services to communities that do not have bulky item pickup, curbside municipal solid waste services, or that have illegal dumping issues.	Establish, maintain, and enhance regional and local government relations on solid waste management planning practices	2022 - 2042
Objective 2.A. Facilitate public/private partnerships to share the cost burden and provide services.	Increase number of permanent facilities Increase funding for HHW collection events Consider Master Service Agreement for the CAPCOG Region. Public Outreach & Education	2022 - 2042
Objective 2.B. Develop subregional collection programs that encourage permanent reuse facilities.	Facilitate local solid waste management planning. Recommend and facilitate local solid waste management plans. Encourage Zero Waste planning.	2022 - 2042
Objective 2.C. Promote more cost-efficient collection programs other than annual one-day events.	Facilitate technical trainings and workshops on solid waste management practices	2022 - 2042
Objective 3.A. Support participation in the Regional Enforcement Task Force.	Facilitate quarterly meetings of the RETF. Facilitate basic and intermediate environmental law trainings Maintain a toll-free number for reporting environmental crimes	2022 - 2042

Proposed Revisions to 2022-2042 RSWMP Action Plan

Goal/Objective	Plan of Action	Milestone Dates
Objective 3.B. Support all programs that aim to curtail illegal dumping.	<p>Make illegal dumping prevention signs available to RETF members</p> <p>Provide equipment, supplies, and technology to address and deter environmental crimes.</p>	2022 - 2042
Objective 3.C. Provide environmental enforcement training to the entire region throughout the year.	<p>Provide for two basic and one environmental law trainings in the CAPCOG Region annually.</p> <p>Establish environmental training at the county or district court level.</p>	2022 - 2042
Objective 4.A. Reduce the amount of construction and demolition (C&D) waste and encourage recycling.	<p>Identify and help develop new markets for hard to recycle materials</p> <p>Develop outreach and education materials for local government on solid waste management best practices</p>	2022 - 2042
Objective 4.B. Determine effective and efficient management of used tires and oil.	<p>Conduct research, collect data, and remain informed on new and upcoming trends in solid waste diversion</p>	2022 - 2042
Objective 4.C. Provide public education on electronics recycling and work with other entities on maintaining a database of reliable electronic recycling industries.	<p>Maintain a list of solid waste service(s) providers serving the CAPCOG region.</p> <p>Consider Master Service Agreement for the CAPCOG Region.</p>	2022 - 2042
Objective 4.D. Encourage MSW facilities to have used tire programs.	<p>Monitor and participate in the Municipal Solid Waste Management and Resource Recovery Advisory Council meetings.</p> <p>Provide regular updates on regional solid waste initiatives to the Solid Waste Advisory Committee (SWAC).</p>	2022 - 2042
Objective 5.A. Establish educational programs specific to other goals (HHW, illegal dumping, and recycling).	<p>Provide funding for solid waste diversion infrastructure</p> <p>Provide technical assistance and information programs pertaining to municipal solid waste ("MSW").</p>	2022 - 2042
Objective 5.B. Coordinate educational programs through school curricula, advertising, and environmental projects.	<p>Public education & outreach</p>	2022 - 2042
Objective 5.C. Maintain and promote the environmental resource center for public use.	<p>Conduct data collection, data analysis, and data maintenance and upkeep, as appropriate.</p>	2022 - 2042
Objective 6.A. Coordinate public/private partnerships.	<p>Maintain and facilitate a SWAC</p>	2022 - 2042

Proposed Revisions to 2022-2042 RSWMP Action Plan

Goal/Objective	Plan of Action	Milestone Dates
Objective 6.B. Coordinate the development of markets for recycled materials and provide outreach & education (O&E) assistance as necessary to assure quality of services.	Research, and monitor the latest trends in solid waste management planning.	2022 - 2042
Objective 6.C. Seek support for and encourage continued operation of small businesses and non-profit recycling entities.	Participate in non-profit, state, regional, and local solid waste planning organizations.	2022 - 2042
Objective 7.A. Encourage best industry practices for all MSW facilities.	Promote and facilitate waste characterization studies Outreach & Education materials Outreach & Education literature Public Service Announcements Environmental Law Training Maintain website Provide technical assistance	2022 - 2042
Objective 7.B. Encourage MSW facilities to be involved with surrounding communities.	Establish and maintain working relations with local and regional solid waste service providers that provide services within the CAPCOG region.	2022 - 2042
Objective 8.A. Coordinate programs for the diversion of yard trimmings and brush, and their use of the compost or mulch.	TCEQ's Compost Rebate Program Community Collection Events - green waste Municipal compost programs Municipal green waste collection bins Right of way beautification programs	2022 - 2042
Objective 8.B. Provide material on the "Don't Bag It" program for yard waste and backyard composting.	Conduct regional outreach, education, technical assistance, informational programs and training activities and serve as a central point of contact for regional solid waste management planning within the region.	2022 - 2042
Objective 8.C. Provide education materials on the beneficial use of green waste.	Maintain and promote a regional municipal solid waste information resource center of education and outreach materials and prepare and/or distribute outreach materials.	2022 - 2042
Objective 8.D. Coordinate with MSW facilities to divert yard waste and brush from disposal.	Promote TCEQ's compost rebate program w/ local solid waste landfills.	2022 - 2042
Objective 9.A. Determine if new or expanded facilities are needed within the region.	Monitor landfill capacity	2022 - 2042
Objective 9.B. Coordinate the development of transfer stations and citizen collection stations in areas of need.	Administer a pass-through grants program for local governments.	2022 - 2042

Proposed Revisions to 2022-2042 RSWMP Action Plan

Goal/Objective	Plan of Action	Milestone Dates
Objective 10.A. Coordinate with counties to pass municipal solid waste siting ordinances.	Promote solid waste facility siting ordinances	2022 - 2042
Objective 10.B. Provide preapplication assistance to interested parties.	Review permit and registration applications for municipal solid waste facilities.	2022 - 2042
Objective 10.C. Utilize a checklist to provide guidance and determine plan conformance for MSW permit and registration applications.	Review permit and registration applications for municipal solid waste facilities.	2022 - 2042
Objective 10.D. Coordinate development of regional or local programs to enforce State and local environmental laws and ordinances.	Facilitate and coordinate a Regional Environmental Task Force	2022 - 2042
Objective 11.A. Work to seek funding for CAPCOG to coordinate, monitor, and report on progress achieved toward meeting regional recycling goals.	Participate in state agency initiatives	2022 - 2042
Objective 11.B. Consider/evaluate volume-based rate structures/recycling programs.	Conduct data collection, data analysis, and data maintenance and upkeep	2022 - 2042
Objective 11.C. Encourage studies and analysis of the current waste stream to stimulate economic development in the recycling industry.	Facilitate local solid waste management plans	2022 - 2042
Objective 12.A. Coordinate the separation and collection of recyclables from governmental facilities.	Provide technical assistance and information programs pertaining to municipal solid waste	2022 - 2042
Objective 12.B. Emphasize market-based incentives and market development.	Research, and monitor the latest trends in solid waste management planning.	2022 - 2042
Objective 12.C. Target waste reduction activities to specific waste streams.	Monitor advances in solid waste Management	2022 - 2042
Objective 13.A. Coordinate innovative recycling projects throughout the region.	Participate in non-profit recycling organizations	2022 - 2042
Objective 14.A. Coordinate the creation of HHW facilities throughout the region.	Conduct the implementation project selection process	2022 - 2042
<input type="checkbox"/> Check box if additional details are provided in Attachment III.N.		

Proposed Revisions to 2022-2042 RSWMP Action Plan

The current table is shown below:

Goal/Objective	Plan of Action	Milestone Dates
Waste Reduction	Provide funding for recycling infrastructure	Biennially driven
	Public education & outreach	Biennially driven
	Promote and facilitate waste characterization studies	Ongoing
	Identify and help develop new markets for hard to recycle materials	Ongoing
Composting Programs for Yard Wastes and Related Organic Wastes	Promote:	Ongoing
	TCEQ's Compost Rebate Program	Biennially driven
	Community Collection Events - green waste	Ongoing
	Municipal compost programs Municipal green waste collection bins	Ongoing
	Right of way beautification programs	Ongoing
Household Hazardous Waste Collection and Disposal Programs	Increase number of permanent facilities	Legislatively driven
	Increase funding for collection events	Legislatively driven
	Public Outreach & Education	Biennially driven
Public Education Programs	Outreach & Education materials	Biennially driven
	Outreach & Education literature	Biennially driven
	Public Service Announcements	Biennially driven
	Environmental Law Training	Scheduled annually
	Maintain website	Ongoing
	Provide technical assistance	Ongoing

Proposed Revisions to 2022-2042 RSWMP Action Plan

Goal/Objective	Plan of Action	Milestone Dates
The Need for New or Expanded Facilities and Practices	Monitor landfill capacity	Ongoing
	Monitor advances in solid waste management	Ongoing
	Participate in state agency initiatives	Ongoing
	Participate in non-profit recycling organizations	Ongoing
	Promote solid waste facility siting ordinances	Ongoing

EXECUTIVE COMMITTEE MEETING

MEETING DATE: September 14, 2022

AGENDA ITEM: #8 Consider Adopting a Resolution Declaring October as CAPCOG Cybersecurity Awareness Month

GENERAL DESCRIPTION OF ITEM:

Since 2004, October has been declared as Cybersecurity Awareness Month. The Cybersecurity and Infrastructure Security Agency (CISA) and the National Cybersecurity Alliance (NCA) lead the collaborative effort between government and industry to raise cybersecurity awareness, both nationally and internationally. Cybersecurity attacks and intrusions are major threats to the State, the CAPCOG Region, our local jurisdictions, agencies, and private sector partners. The 2022 cybersecurity awareness theme is *See Yourself in Cyber* and will focus on the “people” part of cybersecurity and encourage all individuals and organizations to make smart cyber decisions at work, at home, and at school. Only a *whole community* approach to cybersecurity awareness can mitigate the impact of cyber incidents. CAPCOG Homeland Security has prepared a regional campaign around to encourage our jurisdictional and private sector partners to register for cybersecurity training and encourage safe cyber practices throughout October. Materials for the public will be posted online and distributed through CAPCOG stakeholders.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: **Martin Ritchey, Director Homeland Security**

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: N/A

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED:

Consider Adopting a Resolution Declaring October, 2022, as CAPCOG Cybersecurity Awareness Month

BACK-UP DOCUMENTS ATTACHED:

Proclamation Authorizing Recognition of CAPCOG Cybersecurity Awareness Month.

BACK-UP DOCUMENTS NOT ATTACHED (to be sent prior to meeting or will be a handout at the meeting):

None



A PROCLAMATION AUTHORIZING RECOGNITION OF CAPCOG CYBERSECURITY AWARENESS MONTH

WHEREAS, the Capital Area Council of Governments (CAPCOG) is a political subdivision of the State of Texas serving Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson counties; and,

WHEREAS, as our nation becomes more interconnected and digitized at work, at home, in schools, on mobile devices, and elsewhere, our increased connectivity increases the risk of becoming victims of cyber attacks, cyber theft, cyber fraud, cyber harassment, and cyber abuse; and,

WHEREAS, everyday CAPCOG residents, businesses, schools, organizations, partners, and stakeholders are subjected to cyber threats from foreign interference, cyber criminals, nefarious actors, insider threats, and others; and,

WHEREAS, CAPCOG residents, businesses, schools, organizations, partners, and stakeholders are facing more diverse and sophisticated cyber threats that may have cross-sector impacts; and,

WHEREAS, emerging, evolving, and novel cyber threats require engagement from the entire CAPCOG community to create a safer and more resilient cyber environment; and,

WHEREAS, awareness of cyber threats, risks, intrusions, and malware can help CAPCOG residents, businesses, schools, organizations, and stakeholders manage their cyber risks and mitigate the impact on their lives; and,

THEREFORE, BE IT RESOLVED, that the Executive Committee of the Capital Area Council of Governments declares the month of October, 2022, to be CAPCOG Cybersecurity Awareness Month in the CAPCOG Region to bring awareness to the resources and support for those who are at risk for cyber attack and create more cyber resilient communities.

Resolution adopted by the Capital Area Council of Governments Executive Committee on this **14th day of September, 2022.**

Mayor Brandt Rydell, Chair
Executive Committee
Capital Area Council of Governments

Commissioner Debbie Ingalsbe, Secretary
Executive Committee
Capital Area Council of Governments

EXECUTIVE COMMITTEE MEETING

MEETING DATE: September 14, 2023

AGENDA ITEM: #9 Consider Approving Title III – Nutrition Program FY2023 Older Americans Act Services Rates

GENERAL DESCRIPTION OF ITEM:

Texas Health and Human Services (HHSC) requires meal rates be renegotiated on an annual basis for nutrition services contracts. The annual revised budgets and negotiated rates become part of this current CAPCOG contract.

This year the HHSC, Office of the Area Agencies on Aging (OAAA) final funding levels for FY2023 will be dependent upon receipt of Title III allocations from the HHSC and the satisfactory performance of the service providers. The proposed funding levels for the programs are based on the FY 2022 Planning Figures distributed by HHSC in FY2021. HHSC has not issued FY2023 Planning Figures as of this date and the AAACAP anticipates the figures will be issued by mid-September 2022. Initial funding released to subrecipients may be lower depending on the 2023 planning figures, but the rates will not change.

A portion of federal funds will be allocated during the first quarter of FY2023. Final 2023 funding amounts will be received later once the Administration on Community Living (ACL), the Older Americans Act federal funding agency, notifies HHSC of exact allocations and the AAACAP 2022 closeout process is reviewed and approved by OAAA at HHSC. The rates outlined in the attached chart will be implemented on October 1, 2023.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: **Patty Bordie, Director Aging Services**

BUDGETARY IMPACT:

Total estimated cost: \$3,915,318 in funds to nutrition providers

Source of Funds: Title III – Older Americans Act funding

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED: Approval for the Executive Director to approve the initial planning figures and per unit rate for FY23 Nutrition Contracts. Final FY2023 funding will be dependent upon final notification of award allocations from the Office of the Area Agencies on Aging, Texas Health and Human Services expected in the first quarter FY2023.

BACK-UP DOCUMENTS ATTACHED:

1. FY2023 Proposed Funding Chart: Nutrition Programs

BACK-UP DOCUMENTS NOT ATTACHED: None

FY2023 Proposed Funding – Nutrition Programs: Unit/Rate Projections

Combined Community Action Assn. Inc. – Blanco/Hays/Caldwell/Fayette/Bastrop/Lee

SERVICE	FY 2022 Title III Funds	FY 2023 Proposed Title III Funding	Proposed FY2023 Title III Units	FY2022 Rate	FY2023 Proposed Rate
Congregate Meals- C1	\$160,000	\$133,740	18,000	\$7.13	\$7.86
Home Delivered Meals-C2	\$449,230	\$1,064,520	150,356	\$6.67	\$7.08

Hill Country Community Action Assn. Inc. - Llano

SERVICE	FY 2022 Title III Funding	FY 2023 Proposed Title III Funding	Proposed FY2023 Title III Units	FY2022 Rate	FY2023 Proposed Rate
Congregate Meals C1	\$17,498	\$20,050	2500	\$7.30	\$8.02
Home Delivered Meals C2	\$102,200	\$103,220	13,000	\$6.87	\$7.95

Meals on Wheels of Central Texas – Travis Contract

(Frozen meals – AAA Direct Service – MOWCTX delivers – Williamson/Hays/Travis/Caldwell/Lee/Bastrop/Fayette)

SERVICE	FY 2022 Title III Funding	FY 2023 Proposed Title III Funding	Proposed FY2023 Title III Units	FY2022 Rate	FY2023 Proposed Rate
Congregate Meals C1	\$449,914	\$467,025	59,418	\$7.22	\$7.86
Home Delivered Meals C2	\$784,600	\$828,360	156,000	\$5.31	\$5.31
Frozen Rural Route- Vendor C2	\$186,198	\$54,534	9243	\$5.90	\$5.90

Opportunities for Williamson-Burnet Counties, Inc. – Williamson/Burnet

SERVICE	FY 2022 Title III Funding	FY 2023 Proposed Title III Funding	Proposed FY2023 Title III Units	FY2022 Rate	FY2023 Proposed Rate
Congregate Meals C1	\$96,616	\$104,731	12,558	\$6.12	\$6.83
Home Delivered Meals C2	\$530,136	\$1,088,856	176,476	\$5.72	\$6.17

Total Planning Figures for FY2023:

C1 Congregate Meals	725,546
C2 Home Delivered Meals	3,139,490
Total Planning Budget	3,865,036

EXECUTIVE COMMITTEE MEETING

MEETING DATE: September 14, 2022

AGENDA ITEM: #10 Consider Approving Appointments to Advisory Committees

GENERAL DESCRIPTION OF ITEM:

This is the monthly item for filling positions on our Advisory Committees; please let us know if our staff can assist in identifying interested persons to serve. It is presumed that both city and county representatives will collaborate when making appointments.

THIS ITEM REPRESENTS A:

- New issue, project, or purchase
- Routine, regularly scheduled item
- Follow-up to a previously discussed item
- Special item requested by board member
- Other

PRIMARY CONTACT/STAFF MEMBER: **Deborah Brea, Executive Assistant**

BUDGETARY IMPACT:

Total estimated cost: N/A

Source of Funds: N/A

Is item already included in fiscal year budget? Yes No

Does item represent a new expenditure? Yes No

Does item represent a pass-through purchase? Yes No

If so, for what city/county/etc.? _____

PROCUREMENT: N/A

ACTION REQUESTED:

Approve any advisory committee recommendations.

BACK-UP DOCUMENTS ATTACHED:

1. Summary memo with recommended appointments and vacancies

BACK-UP DOCUMENTS NOT ATTACHED (to be sent prior to meeting or will be a handout at the meeting):

1. Executive Committee attendance roster
2. Advisory Committee attendance rosters



6800 Burleson Road, Building 310, Suite 165
Austin, Texas 78744-2306
6800 Burleson Road, Building 310, Suite 165
Austin, Texas 78744-2306
Ph: 512-916-6000 Fax: 512-916-6001
www.capcog.org

BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

MEMORANDUM

August 26, 2022

TO: Executive Committee Members

FROM: Deborah Brea, Executive Assistant

RE: Advisory Committee Recommendations

This memo identifies current recommendations to CAPCOG Advisory Committees and serves as a reminder of vacancies that still need to be filled. Please see the Attendance Rosters for the Requirements & Responsibilities. For questions, please contact the Advisory Committee staff liaison.

Blanco County

- The Aging Advisory Council (AAC) has a representative vacancy.

Burnet County

- The Aging Advisory Council (AAC) has a representative vacancy.
- The Criminal Justice Advisory Committee (CJAC) has a representative vacancy.

City of Austin

- The Aging Advisory Council (AAC) has two representative vacancies.
- The Criminal Justice Advisory Committee (CJAC) has a representative vacancy.

Law Enforcement Education Committee (LEEC)

- One citizen representative vacancy

Travis County

- The Criminal Justice Advisory Committee (CJAC) has a representative vacancy.

Williamson County

- The Aging Advisory Council (AAC) has a representative vacancy.