

**North Central Texas Council
of Governments**

**Review of County Solid
Waste Facility Siting
and Rural Service Needs**

FINAL REPORT

October 17, 2006

Submitted By:
**R. W. Beck, Inc.
5806 Mesa Drive, Suite 310
Austin, Texas 78731
(512) 450-0991**



October 17, 2006

Via E-mail



Dr. Patricia Redfearn, Ph. D.
Department of Environmental Resources
North Central Texas Council of Governments
616 Six Flags Drive, Centerpoint Two Building
Arlington, Texas 76011

Subject: Final Letter Report: Review of County Solid Waste Facility Siting and Rural Service Needs

Dear Dr. Redfearn:

R. W. Beck, Inc. is pleased to provide the North Central Texas Council of Governments (NCTCOG) and the Assuring Capacity for Trash Subcommittee with a final letter report of the Review of County Solid Waste Facility Siting and Rural Service Needs.

The project team worked closely with NCTCOG staff and individual counties in development of the report. We appreciate the contributions that these individuals have provided during this effort. Should you have any questions or comments regarding the study, please do not hesitate to contact Mr. Scott Pasternak at (512) 450-0991.

Sincerely,
R. W. Beck, Inc.

A handwritten signature in black ink, appearing to read 'Scott Pasternak', written over a thin red vertical line.

Mr. Scott Pasternak
Senior Director

R. W. BECK

**REVIEW OF COUNTY SOLID WASTE FACILITY
SITING AND RURAL SERVICE NEEDS**

Table of Contents

Letter of Transmittal
Table of Contents
List of Tables

Section 1 COUNTY EVALUATIONS

| | | |
|-----|----------------------------------------|-----|
| 1.1 | Introduction..... | 1-1 |
| 1.2 | Project Approach | 1-1 |
| 1.3 | County Results | 1-2 |
| 1.4 | Key Findings and Recommendations | 1-3 |

Appendix A

“County Municipal Solid Waste Facility Ordinance Intent Form”

Sample County Letter

This report has been prepared for the use of the client for the specific purposes identified in the report. The conclusions, observations and recommendations contained herein attributed to R. W. Beck, Inc. (R. W. Beck) constitute the opinions of R. W. Beck. To the extent that statements, information and opinions provided by the client or others have been used in the preparation of this report, R. W. Beck has relied upon the same to be accurate, and for which no assurances are intended and no representations or warranties are made. R. W. Beck makes no certification and gives no assurances except as explicitly set forth in this report.

Copyright 2006, R. W. Beck, Inc.
All rights reserved.

List of Tables

Table 1-1 County Results.....1-2
Table 1-2 County Status of MSW Siting Ordinance Development/Interest.....1-3

List of Figures

Figure 1-1 County Status of MSW Siting Ordinance Development/Interest1-4

Section 1

COUNTY EVALUATIONS

1.1 Introduction

The North Central Texas Council of Governments (NCTCOG) extended the contract with R.W. Beck to supplement the “Regional and Local Review of MSW Facility Applications Study.” The purpose of this scope of work was for R. W. Beck to work with the following counties:

- | | | |
|----------|--------------|-------------|
| ■ Collin | ■ Hunt | ■ Somervell |
| ■ Denton | ■ Johnson | ■ Tarrant |
| ■ Ellis | ■ Kaufman | ■ Wise |
| ■ Erath | ■ Palo Pinto | |
| ■ Hood | ■ Parker | |

The purpose of working with each county was to (1) help them decide whether they would have an interest in developing a MSW siting ordinance; and (2) help them address solid waste issues facing their rural and underserved areas.

Three counties in the North Central Texas planning region were not included in the analysis. Navarro County, with assistance from NCTCOG, has already developed a siting ordinance. Dallas and Rockwall Counties have stated that they are not interested in developing siting ordinances.

1.2 Project Approach

R. W. Beck undertook the following tasks to communicate with each county:

- Contacted each county up to four times to discuss issues and options;
- Developed and sent a letter to each county;
- As requested, conducted meetings and conference calls with counties; and
- Facilitated efforts for interested counties to pursue the development of siting ordinances and/or addressing rural collection issues.

R. W. Beck developed a “County Municipal Solid Waste Facility Ordinance Intent Form” and requested that each county complete the form. The form also allowed each county to inform NCTCOG of whether there was an interest in requesting technical and/or financial assistance from NCTCOG to develop an ordinance. A sample of the letter and intent form are included in Appendix A.

1.3 County Results

Table 1-1
County Results

| County | Results |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Collin | <ul style="list-style-type: none"> ▪ Completed intent form to develop an ordinance ▪ Pursued and received FY 2007 grant funding to develop an ordinance ▪ County is already evaluating its rural collection needs |
| Denton | <ul style="list-style-type: none"> ▪ Did not complete the intent form and did not communicate any plans to complete the form |
| Ellis | <ul style="list-style-type: none"> ▪ Completed intent form to develop an ordinance ▪ Pursued and received FY 2007 grant funding to develop an ordinance ▪ Undecided whether it will address rural collection needs |
| Erath | <ul style="list-style-type: none"> ▪ Did not complete the intent form and did not communicate any plans to complete the form |
| Hood | <ul style="list-style-type: none"> ▪ Received FY 2006 grant funding to develop an ordinance and to evaluate its rural collection needs ▪ Ordinance and technical study are in the process of being developed |
| Hunt | <ul style="list-style-type: none"> ▪ Did not complete the intent form and did not communicate any plans to complete the form |
| Johnson | <ul style="list-style-type: none"> ▪ Still evaluating options, and may have interest in an ordinance |
| Kaufman | <ul style="list-style-type: none"> ▪ Completed the intent form to develop an ordinance ▪ Pursued and received FY 2007 grant funding to develop an ordinance ▪ Developing citizens' collection stations to address rural collection needs with FY 2006 grant funding |
| Palo Pinto | <ul style="list-style-type: none"> ▪ Completed the intent form to develop an ordinance ▪ May develop an ordinance ▪ May have an interest in seeking comments from NCTCOG concerning its ordinance and/or pursuing grant funding during the next grant funding cycle |
| Parker | <ul style="list-style-type: none"> ▪ Does not have an interest in developing an ordinance based on telephone conversations ▪ Did not complete the intent form |
| Somervell | <ul style="list-style-type: none"> ▪ At this time, county is not willing to complete the intent form, as it would like to monitor the progress of other NCTCOG counties developing ordinances |
| Tarrant | <ul style="list-style-type: none"> ▪ Has not decided how or whether it will complete the intent form |
| Wise | <ul style="list-style-type: none"> ▪ Completed the intent form to develop an ordinance ▪ May have an interest in pursuing grant funding during the next grant funding cycle |

1.4 Key Findings and Recommendations

1. NCTCOG has made significant progress informing each county of its MSW facility siting options. Table 1-2 and Figure 1-1 summarize these efforts.

Table 1-2
County Status of MSW Siting Ordinance Development/Interest

| Adopted | Being Developed | Received Grant to Develop | Potential/Unknown Interest | No Interest |
|---------|-----------------|---------------------------|----------------------------|-------------|
| Navarro | Hood | Collin | Denton | Dallas |
| | | Ellis | Erath | Parker |
| | | Kaufman | Hunt | Rockwall |
| | | | Johnson | |
| | | | Palo Pinto | |
| | | | Somervell | |
| | | | Tarrant | |
| | | | Wise | |

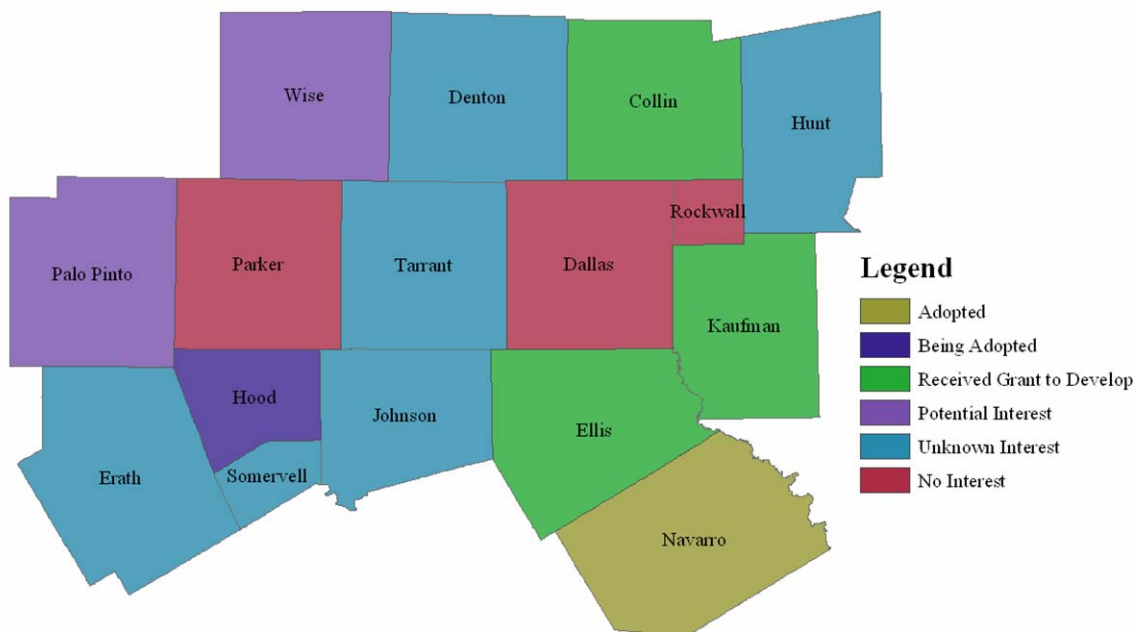
2. Several counties have recently initiated efforts to address their rural collection needs. These include the following efforts:
 - Collin: currently completing a technical study to evaluate rural collection needs¹
 - Hood: currently completing a technical study to evaluate rural collection needs with grant funding from the NCTCOG
 - Kaufman: expanding its network of citizens' collection stations with grant funding from the NCTCOG
3. Several other counties may have an interest in developing an ordinance and/or addressing their rural collection issues, but have not formally decided. These counties include:
 - Ellis: evaluate rural collection needs
 - Hood: implement recommendations from on-going rural collection technical study
 - Kaufman: further implement efforts to provide rural collection refuse and recycling services

¹ Collin County is completing this study through its own budget sources.

- Palo Pinto: ordinance development (depending on how its current effort progresses to develop an ordinance independently)
- Wise: ordinance development and evaluate rural collection

R. W. Beck would recommend that NCTCOG contact each listed county prior to the next grant funding cycle to determine potential interest in the development of an ordinance or to address rural collection issues. NCTCOG may consider whether to provide funding for these potential projects on a priority basis. It is also important to note that other counties may have an interest in addressing their siting and rural collection issues, but have not provided notice to NCTCOG.

Figure 1-1
County Status of MSW Siting Ordinance Development/Interest



(This page intentionally left blank.)

Appendix A

North Central Texas Council of Governments (NCTCOG)
County Municipal Solid Waste Facility Ordinance Intent Form

The North Central Texas Council of Governments (NCTCOG) is requesting that this form be completed by counties in the North Central Texas region to notify the NCTCOG concerning whether the county plans to adopt a solid waste facility ordinance, as authorized by §364.012 of the Texas Health and Safety Code.

General Information

County Name: _____
Contact Name: _____
Telephone Number: _____
Mailing Address: _____
City, State, Zip Code: _____

County Municipal Solid Waste Facility Ordinance Development Intent

(Check **one** of the following two boxes and sub-box, if applicable.)

- No**, the county does not intend to adopt a solid waste facility ordinance, as authorized by §364.012 of the Texas Health and Safety Code. By not adopting an ordinance, it is understood that the NCTCOG will address land use siting issues through the “Regional Process for Review of MSW Facility Applications.”

- Yes**, the county does intend to adopt a solid waste facility ordinance, as authorized by §364.012 of the Texas Health and Safety Code. By adopting an ordinance, it is understood that the NCTCOG by policy will defer to and accept the land use recommendation of the county.
 - The county would request technical and/or financial assistance from NCTCOG to develop an ordinance.

Signature of County Representative

Date

Printed Name of County Representative

April 19, 2006

Via E-mail



Mr. Clyde Melick
County Planner
Ellis County
101 West Main Street
Waxahachie, Texas 75165

Subject: Municipal Solid Waste Facility Siting Meeting

Dear Mr. Melick:

The siting of municipal solid waste (MSW) facilities – landfills and transfer stations – has become a trying issue for several Texas counties. As existing landfills reach capacity, it is likely that more landfill owners will seek permits, especially in unincorporated areas. While some counties have proactively addressed this issue by determining areas where facilities could or could not be located, other counties have waited until after a facility has been proposed, which can often limit a county's control.

Recognizing the need to address MSW facility siting issues before a new facility is proposed, the North Central Texas Council of Governments (NCTCOG) – as directed by the Texas Commission on Environmental Quality (TCEQ) – has adopted a process to evaluate the siting of MSW facilities. With regard to land use compatibility, the process defers to decisions made by local governments (counties and cities) in cases where a local government has legally addressed MSW facility siting issues. In cases where a county has not addressed this issue, the NCTCOG will address land use siting issues, as required by the TCEQ.

The only legal option that a county has to address this issue is to adopt a solid waste facility ordinance, as authorized by §364.012 of the Texas Health and Safety Code.¹ Under this law, a county may prohibit the disposal of municipal or industrial solid waste in the county if the disposal of the solid waste would represent a threat to the public health, safety, and welfare. In order to prohibit the disposal of solid waste, the Commissioner's Court must adopt an ordinance specifically designating the area(s) of the county in which municipal or industrial solid waste disposal is not prohibited.

Since the NCTCOG will defer to legally adopted ordinances, the NCTCOG would like to assist Ellis County in evaluating whether you would like to adopt such an ordinance. If you decide that you would like to adopt an ordinance, NCTCOG can also provide the County with assistance to develop and adopt an ordinance. At this time, the NCTCOG has retained

¹ Based on research completed by R. W. Beck on behalf of the NCTCOG, a county solid waste facility ordinance represents the only option where a county can designate suitable and unsuitable MSW facility locations within the county.

Mr. Clyde Melick
April 19, 2006
Page 2

R. W. Beck to assist each county in North Central Texas in making this decision. R. W. Beck also worked with NCTCOG to develop the regional siting process and has assisted Navarro and Hood Counties with the development of siting ordinances.

If your county has potential interest in developing a solid waste facility ordinance, we would request to arrange a time for NCTCOG staff and R. W. Beck to meet with you to assist the County in making this decision. We would also like to discuss whether there is an interest in receiving assistance from the NCTCOG to address MSW collection problems in rural and underserved areas. For counties that have an interest in addressing the MSW facility and collection issues, solid waste grant funds from the NCTCOG may be used. For example, grant funds have been used to help Navarro County develop a siting ordinance, and Hood County is currently working to adopt an ordinance and evaluate collection options for rural areas.

NCTCOG has developed the attached "County Municipal Solid Waste Facility Ordinance Intent Form." We would request that it be completed to indicate whether or not your County has an interest in developing an ordinance. It can also be used to inform NCTCOG of whether you have an interest in requesting technical and/or financial assistance from NCTCOG to develop an ordinance. Please complete the attached form and return it to us in the enclosed envelope or via fax at (512) 450-0515.

We will be contacting your office again in the coming weeks to determine whether you would like for us to arrange a meeting with the County to present additional information on these issues. If you have any questions concerning this letter or the process, please contact either Patricia Redfearn with the NCTCOG at (817) 608-2360 or Scott Pasternak with R. W. Beck at (512) 450-0991.

Sincerely,

R. W. Beck, Inc.



Scott Pasternak
Regional Practice Leader

cc: Patricia Redfearn, North Central Texas Council of Governments
