

PUBLIC NOTICE OF PROPOSED SOLID WASTE ORDINANCE. Pursuant to Section 364.12 HEALTH & SAFETY CODE, the San Jacinto County Commissioner's Court will have a public hearing at 9:00 a.m. on August 23, 2023, at the County Shelter, 255 Live Oak Street, off of State Highway 150, Coldspring, Texas, to consider approval of the following proposed solid waste ordinance and to hear comments from any interested citizen of the County and any interested citizen may testify at the hearing on said ordinance, to-wit:

ORDER PROHIBITING SOLID WASTE DISPOSAL IN SAN JACINTO COUNTY

SECTION I. GENERAL PROVISIONS AND FINDINGS

WHEREAS, the Commissioners Court of San Jacinto County, Texas has both the responsibility and authority to protect the public health safety and general welfare by prohibiting solid waste disposal in the unincorporated areas of San Jacinto County, except for those areas designated as solid waste disposal sites, pursuant to the authority of the Texas Health and Safety Code, Section 364.12 and 363.112 and

WHEREAS, solid waste disposal, especially the disposal of solid waste in landfills, is an activity that has high potential to negatively impact the health, safety and welfare of any community; and

WHEREAS, the Commissioners Court believes and hereby finds that further development or establishment of landfills in certain areas of the county would constitute an unacceptable risk and threat to public health, safety and welfare for the reasons stated below, among others, to wit: The Commissioners Court FINDS that the presence of solid waste disposal facilities in general may negatively influence property value; and

The Commissioners Court further FINDS that solid waste disposal activities in the County could hamper economic development; and The Commissioners Court also FINDS that substances contained within a landfill especially in a hazardous or industrial landfill, could escape into the air or waterway including subsurface waterways, significant threats to the public health, safety and welfare exist.

SECTION II. DEFINITIONS

The following words and terms, when used in this Court Order, shall have the following meanings, unless the content clearly indicates otherwise.

INDUSTRIAL SOLID WASTE: Solid waste resulting from or incidental to a process of industry, manufacturing, mining, or agricultural operations.

MUNICIPAL SOLID WASTE: Solid waste resulting from or incidental to municipal, community, institutional or recreational activities and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and other solid waste other than industrial solid waste.

SOLID WASTE: Subject to the limitations of 42 U.S.C., 6903 (27) and 40 C.F.R. 261.4 (a), garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial mining, and agricultural operations and from community institutional activities. The term Solid Waste:

(A) Does not include:

(i) Solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code;

(ii) Soil, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or

(iii) Waste materials that result from activities associated with the exploration development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids, processing plants, pressure maintenance plants, or re-pressurizing plants and is hazardous waste as defined by the EPA under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act; and,

(B) Does include hazardous substances.

SOLID WASTE FACILITY: All contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The term includes a publicly or privately owned solid waste facility consisting of processing, storage, transfer or disposal operational units such as one or more landfills, surface impoundments or a combination of units.

SECTION III. APPROVED AREAS FOR DISPOSAL OF SOLID WASTE IN THE UNINCORPORATED AREAS OF SAN JACINTO COUNTY

Pursuant to the provisions of Section 363.112 and 364.012 of the Texas Health and Safety Codes, the Commissioners Court of San Jacinto County, Texas, hereby ORDERS and DECREES that the disposal of solid waste within San Jacinto County, Texas, is PROHIBITED except in the following area within the County, to-wit:

Being that certain 867.43 acre tract in the SAMUEL LUSK SURVEY, Abstract #196, San Jacinto County, Texas situated west of U.S. Forest Service Road #201 and north of Jayhawker Road in southwestern San Jacinto County, Texas, referred by SJC CAD as Tract #149.1, R47429.

SECTION IV. CIVIL REMEDIES AND PENALTIES

The Commissioners Court of San Jacinto County, Texas may bring legal action to enjoin violations of this Court Order and seek judgment for any civil penalties.

SECTION V. SEVERABILITY

If any portion of this order is deemed to be in violation of the statutes or the constitution of this state or the United States by a court of competent jurisdiction, said portion shall be severed, and the remaining portions of this order shall remain in full force and effect.