



**COMMISSIONERS COURT  
COMMUNICATION**

COURT ORDER NUMBER 145317

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DATE: 6/3/2025

**SUBJECT: REQUEST FOR PUBLIC HEARING - TUESDAY, JULY 1, 2025, 10:00 A.M. - TO CONSIDER ADOPTION OF AN ORDINANCE PROHIBITING SOLID WASTE DISPOSAL AND PROCESSING IN TARRANT COUNTY PER HEALTH AND SAFETY CODE SECTIONS 363.112 AND 364.012 AND AUTHORIZATION TO PUBLISH NOTICE OF THE PUBLIC HEARING**

**\*\*\* CONSENT AGENDA \*\*\***

**COMMISSIONERS COURT ACTION REQUESTED**

It is requested that the Commissioners Court consider the request for a public hearing on Tuesday, July 1, 2025, at 10:00 a.m. to consider adoption of an Ordinance prohibiting solid waste disposal and processing in Tarrant County per Health and Safety Code Sections 363.112 and 364.012 and authorize publication of the notice of the public hearing.

**BACKGROUND**

The disposal and processing of solid waste is an activity that has high potential to negatively impact the health, safety, and welfare of any community. The Commissioners Court has both the responsibility and authority to protect the public health, safety, and general welfare of the citizens of Tarrant County and their property interest. To protect these interests, it is requested the Commissioners Court consider adoption of an ordinance prohibiting solid waste disposal and processing in most areas of Tarrant County. The first step in the process of adopting such an ordinance is to hold a public hearing, which must be publicized in a newspaper of general circulation for two weeks. The public hearing will occur on Tuesday, July 1, 2025, beginning at 10:00 a.m. at the Tarrant County Commissioners Court located on the 5th floor of the G.K. Maenius Administration Building, 100 E. Weatherford St. Fort Worth, Texas 76102. Interested members of the public are entitled to appear at the hearing and will be given the opportunity to comment.

The Criminal District Attorney's Office has reviewed as to form.

**FISCAL IMPACT**

The fiscal impact associated with the cost of publication is approximately \$369.50.

SUBMITTED BY	Administrator	PREPARED BY:	Maegan South
		APPROVED BY:	Chandler Merritt

**NOTICE OF PUBLIC HEARING ON PROPOSED SOLID WASTE DISPOSAL AND  
PROCESSING ORDINANCE**

**TO THE PUBLIC:** Notice is hereby given the Tarrant County Commissioners Court shall hold a public hearing on an ordinance prohibiting solid waste disposal and processing in the unincorporated areas of Tarrant County, except for certain designated areas, pursuant to the County's authority in Texas Health and Safety Code Sections 363.112 and 364.012. Following the public hearing, the Commissioners Court will consider and possibly act on the proposed ordinance. The proposed ordinance is set forth below.

**PUBLIC HEARING:** The hearing shall occur on **Tuesday, July 1, 2025**, beginning at 10:00 a.m. at the Tarrant County Commissioners Court located on the 5<sup>th</sup> floor of the G.K. Maenius Administration Building, 100 E. Weatherford St., Fort Worth, Texas, 76102. Interested members of the public are entitled to appear at the hearing and will be given the opportunity to comment.



**TARRANT COUNTY ORDINANCE PROHIBITING SOLID WASTE DISPOSAL AND  
PROCESSING IN CERTAIN AREAS OF TARRANT COUNTY**

**SECTION 1  
FINDINGS**

**WHEREAS**, Texas Health & Safety Code Section 363.112 empowers the Tarrant County Commissioners Court (“Commissioners Court”) to prohibit the processing or disposal of municipal or industrial solid waste in certain areas of Tarrant County; and

**WHEREAS**, Texas Health & Safety Code Section 364.012 empowers the Commissioners Court to prohibit the disposal of municipal or industrial solid waste in Tarrant County if the disposal of the municipal or industrial solid waste is a threat to the public health, safety, and welfare; and

**WHEREAS**, the Commissioners Court has both the responsibility and authority to protect the public health, safety, and general welfare of the citizens of Tarrant County, Texas and their property interest; and

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

**WHEREAS**, the Commissioners Court has previously passed a resolution on October 17, 2023 in Court Order # 142016 opposing a permit application for a solid waste disposal and processing facility and residents of Tarrant County overwhelmingly opposed the operation of the same facility at a public meeting held on December 5, 2023; and

**WHEREAS**, the Commissioners Court believes and hereby finds that further disposal and processing of solid waste would constitute an unacceptable risk and threat to the public health, safety, and general welfare for the following reasons:

- 1.1** The Commissioners Court finds the disposal and processing of solid waste in general can depress property values; and
- 1.2** The Commissioners Court finds prohibiting the disposal and processing of solid waste serves to protect water sources used for drinking water, including but not limited to Eagle Mountain Lake, Benbrook Lake, Lake Worth, Marine Creek Lake, Lake Arlington, the Trinity River and its various tributaries, the Trinity Aquifer, and the Woodbine Aquifer; and
- 1.3** The Commissioners Court finds the disposal and processing of solid waste in Tarrant

- County could negatively affect water and air quality, attract disease vectors, and result in the spread of refuse and pollutants that may be emitted from the transport, processing, and storage of waste; and
- 1.4 The Commissioners Court finds the continual use by heavy equipment of roads leading to and from solid waste facilities will cause Tarrant County to bear the responsibility for increased maintenance on county roads as well as create additional congestion and safety issues for uses of the road; and
  - 1.5 The Commissioners Court finds the location of solid waste disposal and processing facilities could hamper economic development within Tarrant County; and
  - 1.6 The Commissioners Court finds the waste streams that can be received in municipal or industrial solid waste disposal and processing facilities include chemicals that are toxic, corrosive, flammable, and explosive and that such substances present a threat to the public health, safety, and general welfare;
  - 1.7 The Commissioners Court finds that the prohibition of solid waste disposal and processing as provided in this ordinance is necessary to prevent a grave and immediate threat to life and property; and
  - 1.8 The Commissioners Court finds this ordinance is a necessary response to a real and substantial threat to public health and safety, that this ordinance will significantly advance the health and safety of the public, and that this ordinance does not impose a greater burden than necessary to protect the public health and safety under this circumstance.

## **SECTION 2 DEFINITIONS**

- 2.1 “Aquifer” refers to any subsurface geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.
- 2.2 “Church” means a building in which persons regularly assemble for worship, intended primarily for purposes connected with faith, or for propagating a particular form of religious belief.
- 2.3 “Day Care” means a building used for the care of children and is registered with the State of Texas as such, including a nursery, children’s boarding home, child placing agency, or other place for the care or custody of children under fifteen (15) years of age.
- 2.4 “Disposal” means the discharging, depositing, injecting, dumping, spilling, leaking, or placing of solid waste or hazardous waste, whether containerized or uncontainerized, into or on land or water so that the solid waste or hazardous waste or any constituent therefore may be emitted into the air, discharged into surface water or groundwater, or introduced into the environment in any manner.
- 2.5 “Industrial Solid Waste” means waste resulting from or incidental to any process of industry or manufacturing, or mining, or agricultural operations.
- 2.6 “Municipal Solid Waste” means solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activities, including garbage,

rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other forms of solid waste other than industrial solid waste.

- 2.7** “Ordinance” means the Tarrant County Ordinance Prohibiting Solid Waste Disposal and Processing in Certain Areas of Tarrant County, as approved by the Commissioners Court.
- 2.8** “Processing” means activities including the extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal, including the treatment or neutralization of waste, designed to change the physical, chemical, or biological character or composition of any waste to neutralize such waste, or to recover energy or material from the waste, or render the waste safer to transport, store, or dispose of, or make it amenable for recovery, amenable for storage, or reduced in volume.
- 2.9** “Public Surface Drinking Supply” means any surface water supply utilized for the public’s drinking water supply, whether as a primary, secondary, or emergency source.
- 2.10** “Residence” means any home, house, duplex, apartment, townhouse, condominium, mobile home, or any other structure, whether situated within Tarrant County or not, in which a person lives or resides.
- 2.11** “School” means a facility, including all attached playgrounds, dormitories, stadiums, or other appurtenances that are part of the facility, whether situated within Tarrant County or not, used for the primary purpose of instruction or education, including primary and secondary schools, colleges, and universities, both public and private.
- 2.12** “Solid Waste” means garbage, rubbish, refuse, sludge from a wastewater 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 and institutional activities.
- 2.13** “Solid Waste Facility” means all continuous 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 several processing, storage, or disposal operation units such as one or more landfills, surface impoundments, or a combination of units, in addition to any incinerator, landfill, transfer station, materials recovery facility, recycling facility, land application, beneficial use, or composting site.
- 2.14** “Special Flood Hazard Area” means a geographic area defined by the Federal Emergency Management Agency where there is a 1% or greater chance of flooding in any given year.
- 2.15** “Water Well” refers to any well, registered with the Texas Water Development Board or Texas Commission on Environmental Quality used to supply or which is capable of supplying potable water.

### **SECTION 3 APPLICABILITY**

**3.1** Areas Not Prohibited. The processing or disposal of Municipal Solid Waste or Industrial Solid Waste or the operation of a Solid Waste Facility is not prohibited by this Ordinance in any area if all of the following conditions in Sections 3.1(a)-(i) are met. For purposes of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the tract on which the Solid Waste Facility sits or would sit to the nearest property line used for any of the purposes identified in Sections 3.1(a)-(i).

- a. Solid Waste Facility is located at least 2,640 feet from a Special Flood Hazard Area as delineated by the Federal Emergency Management Agency;
- b. Solid Waste Facility is located at least 2,640 feet from a School;
- c. Solid Waste Facility is located at least 2,640 feet from public or private Water Wells;
- d. Solid Waste Facility is located at least 2,640 feet from Residences;
- e. Solid Waste Facility is located at least 2,640 feet from Day Care facilities;
- f. Solid Waste Facility is located at least 2,640 feet from a Church;
- g. Solid Waste Facility is located at least 2,640 feet from areas of direct drainage to any recharge aquifers;
- h. Solid Waste Facility is located at least 5,280 feet from areas of direct drainage to any Public Surface Drinking Supply
- i. Solid Waste Facility is located at least 10,560 feet from Eagle Mountain Lake, Benbrook Lake, Lake Worth, Marine Creek Lake, Joe Pool Lake, Lake Arlington, and the Trinity River.

**3.2** Inapplicability. Subsection 3.1 does not apply to the following:

- a. Areas inside the corporate limits of any municipality;
- b. Areas for which a pending application for a solid waste permit or other solid waste authorization under Texas Health & Safety Code Chapter 361 has been filed with the Texas Commission on Environmental Quality ("TCEQ"), unless the application has been denied, cancelled, terminated, withdrawn, overturned, or otherwise invalidated;
- c. Areas for which a solid waste permit or other solid waste authorization under Texas Health & Safety Code Chapter 361 has been issued by TCEQ provided the permit or other authorization is effective and valid on the effective date of this ordinance; or

- d. Areas subject to Texas Health & Safety Code Section 361.090 that do not require a permit for the collection, handling, storage, processing, and disposal of Industrial Solid Waste that is disposed of within the boundaries of a tract of land that is: (1) owned or otherwise effectively controlled by the owners or operators of the particular industrial plant, manufacturing plant, or mining operation from which the waste results or is produced; and (2) located within 50 miles from the plant or operation that is the source of the Industrial Solid Waste.

**3.3** Areas Prohibited. Except as provided in Section 3.1, the processing or disposal of Municipal Solid Waste or Industrial Solid Waste is prohibited in all portions of Tarrant County, Texas. In the event that an application for permit or other authorization under Texas Health & Safety Code Chapter 361 which was pending before TCEQ at the time of the adoption of this Ordinance is denied, cancelled, terminated, withdrawn, overturned, or otherwise invalidated, then such area shall be removed from Section 3.2 and become subject to Section 3.3.

#### **SECTION 4 ENFORCEMENT**

- 1.1** Criminal Penalties. Violations of this Ordinance are subject to criminal penalties to the extent allowed by state law.
- 1.2** Civil Enforcement. Violations of this Ordinance are subject to a civil penalty of \$10,000 for each violation, to be forfeited to Tarrant County, Texas. Each day that a violation continues constitutes a separate ground for recover. The Commissioners Court may authorize the Tarrant County Criminal District Attorney to bring legal action to enjoin violations or threatened violations of this Ordinance and seek judgment for civil penalties.

#### **SECTION 5 VARIANCES**

- 5.1** Commissioners Court May Issue a Variance. The Commissioners Court may issue a variance for the disposal and processing of Municipal Solid Waste or Industrial Solid Waste in an area where it is otherwise prohibited by this Ordinance. In determining whether to issue such a variance, the Commissioners Court may review any relevant material or evidence, including but not limited to the documents submitted by the party seeking the variance and described in Section 5.2, feedback from members of the public, or reports from Tarrant County employees or municipalities potentially impacted by the variance.
- 5.2** Evidence to be Submitted. A person seeking a variance shall submit to the Tarrant County Administrator's Office ("Administrator") the information described below. The amount and detail of the information shall be commensurate with the volume of and potential for adverse impacts from the proposed Solid Waste Facility.

- a. Satisfactory evidence of the impracticability of locating or having located a Solid Waste Facility in an area identified in Section 3.1.
- b. Satisfactory assurances that the Solid Waste Facility operator will comply with all necessary conditions and employ all necessary measures to protect public health, safety, and welfare by mitigating any adverse impacts on adjacent property, bodies of water, natural resources, and persons who reside, work, or recreate in the proximity of the Solid Waste Facility.
- c. Satisfactory evidence of the degree to which the proposed facility or expansion will contribute to meeting the solid waste management needs of the geographic region.
- d. Copies of notices of violations, notices of enforcement, final judicial or administrative orders, agreed orders or settlements, and all other compliance history information, for the facility in question and any other facility in the State of Texas under control of the same operator.
- e. A certification that written notice of the variance request, including a request that written comments be submitted to the Commissioners Court before the public hearing under Section 5.3 below, and copies of all the information required were submitted to TCEQ and the homeowners association for each neighborhood within one mile of the area that is the subject of the request, and were also made available to the public at locations readily accessible to all residents of any ne

**5.3** Public Hearing and Vote on Variance Request. The Commissioners Court shall hold a public hearing on the requested variance after the Administrator has determined the information provided is adequate, but in no event sooner than 30 (thirty) days before the information is submitted and made available as required. The 30 (thirty) day timeline shall be calculated based on the date of receipt by the Administrator of the final piece of supporting documentation submitted by the party seeking a variance. The Administrator may request additional information from the party seeking the variance if the information submitted is inadequate. At the public hearing, the Commissioners Court may receive documentary evidence and hear comments and testimony from any member of the public or interested party. Following the public hearing, the Commissioners Court shall vote to grant or deny the requested variance. Such vote must take place at the same meeting as the public hearing or at the next regularly scheduled Commissioners Court meeting.

## **SECTION 6 CONFLICTING LAWS; CUMULATIVE EFFECT**

**6.1** More Stringent Law Prevails. If any provision or provisions contained in this Ordinance are found to be in conflict with any other provision of local, state, or federal law, the more stringent conflicting rule or law shall control.

- 6.2** Cumulative with Other Laws. The authority under this Ordinance is cumulative of other laws, rules, and regulatory authority Tarrant County may have to regulate Municipal Solid Waste or Industrial Solid Waste disposal or processing within its jurisdiction.
- 6.3** Severability. If any provision or provisions contained in this Ordinance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such as invalidity, illegality, or unenforceability shall not affect any other provision of this Ordinance, and this Ordinance shall be constructed as if the invalid, illegal, or unenforceable provision had never been included.

**SECTION 7  
EFFECTIVE DATE**

- 7.1** Effective Date. This Ordinance shall become effective immediately upon adoption by the Commissioners Court.