



MEMORANDUM

To: City of Seguin Mayor and Council
From: Andy Quittner, City Attorney *AQ*
Date: April 22, 2016
Re: Forbidding the use of a landfill located over an Aquifer in solid waste disposal contracts

Recently, on behalf of the City, the Mayor testified at a contested case hearing against the permitting of the Post Oak Clean Green landfill. Expert testimony presented at that hearing showed that a clear and present danger to the underlying water supply would be present if a landfill was allowed to operate over an aquifer or its recharge zone. In fact the Texas legislature has recognized as much for the Edwards Aquifer where legislation banning landfills has been enacted.

The Resolution before Council would require that staff add another contractual clause to the solid waste franchises forbidding disposal of solid waste in any landfill located over an aquifer or its recharge zone. The City has the authority to draft its contracts in a way to protect its citizens from potential harm arising out of the activity. In fact, in solid waste contracts, there are clauses related to equipment and other matters in order to decrease the risk of spillage and pollution arising from the solid waste collection activity.

The City regulates both residential and commercial solid waste services in the City limits through franchises with several companies. The commercial solid waste franchises are due for renewal at the end of this year and the residential franchise expires September 30, 2018. With passage of this Resolution the City staff would require that the renewed franchises would require that the companies when collecting solid waste within the city refrain from using a landfill located over an aquifer or its recharge zone.