

**CITY OF SEGUIN**

**RESOLUTION NO.:**

**STATE OF TEXAS**

**A RESOLUTION OF THE CITY COUNCIL OF SEGUIN, TEXAS DIRECTING THAT ALL FUTURE CONTRACTS AND FRANCHISES WITH COMPANIES THAT PICK UP SOLID WASTE WITHIN THE CITY LIMITS INCLUDE A CLAUSE FORBIDDING THE DISPOSAL OF THAT SOLID WASTE INTO A LANDFILL THAT LIES PARTIALLY OR COMPLETELY OVER AN AQUIFER OR ITS CORRESPONDING RECHARGE ZONE; AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, recently during a contested case hearing that was conducted by an administrative law judge on behalf of the Texas Commission on Environmental Quality regarding the application for a landfill permit submitted on behalf of Post Oak Clean Green, Inc.; and

**WHEREAS**, from the application and during that hearing the facts proved that the landfill would be located over land that is in direct connection with the Carrizo/Wilcox Aquifer; and

**WHEREAS**, expert testimony produced at that hearing showed that the best available technology and procedures could not sufficiently reduce the risk of aquifer contamination from the site; and

**WHEREAS**, it is unquestioned that Texas ground water is a precious resource necessary for all Texas citizens, both current and future; and

**WHEREAS**, recent events, such as the problems in Flint, Michigan, show that small changes in water quality can have a disastrous effect on the health and well-being of the effected residents; and

**WHEREAS**, millions of people, as well as corporate entities, depend on the water quality of the state's major aquifers including the Carrizo/Wilcox; and

**WHEREAS**, the water utilized by many municipal water suppliers is derived from various major aquifers throughout the state; and

**WHEREAS**, contamination of an aquifer would not only effect the health and well-being of the people who draw water from that source but would also have a large negative effect on the economy; and

**WHEREAS**, although the disposal of solid waste is also an essential service to modern communities there is no sound reason to allow such disposal over an aquifer or its corresponding recharge zone; and

**WHEREAS**, there is a clear and present danger to the water supply within an underground aquifer, and to the citizens that use the water supplied by an underground aquifer, if an when a landfill is permitted to operate over the aquifer or its recharge zones; and

**WHEREAS**, unlike fresh water there is ample land in Texas to support a landfill without using land located over an aquifer or its corresponding recharge zone; and

**WHEREAS**, it is within the realm of municipal authority, if not one of its major duties, to manage contracts and franchises in a manner that promotes the long term health and well-being of its citizens and businesses as well as those in the municipal extra-territorial jurisdiction and surrounding area; and

**WHEREAS**, regulation of contracts to forbid disposal of solid waste into a landfill lying over an aquifer or its corresponding recharge zone helps to insure safe water for all of the City's citizens, visitors and businesses.

**NOW THEREFORE BE IT RESOLVED** by the City Council of Seguin, Texas:

**PART 1.** The Seguin City Council hereby approves and adopts the above recitals as part of this Resolution.

**PART 2.** It shall be the policy of the City of Seguin that none of the solid waste generated within the corporate limits of the City, whether residential or commercial, be disposed in a landfill that is located over an aquifer or its corresponding recharge zone.

**PART 3.** City staff is hereby directed that all future contracts and franchises involving solid waste disposal include a provision that effectuates the letter and intent of this Resolution.

**PART 4.** Solid waste contracts and franchises shall also provide that a violation of a provision forbidding disposal of solid waste in a landfill located over an aquifer or its corresponding recharge zoned is a major breach subject to termination of the contract or franchise.

**PART 5.** Bids for solid waste franchises and contracts shall include a copy of the contracts with the language required by Parts 3 and 4, or otherwise clearly state the City's position.

**PART 6.** This Resolution is in full effect from and after the date of its passage.

**PASSED AND ADOPTED** this 3<sup>rd</sup> day of April 2016.

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**DON KEIL**  
**MAYOR**

**ATTEST:**

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**Thalia Stautzenberger**  
**City Secretary**