

13. CONSIDER ADOPTING ORDER REGULATION DISPOSAL OF BENEFICIAL USE SLUDGE:

Moved by Commissioner Pressley, Seconded by Commissioner O'Shieles, duly put and unanimously carried, it is ordered to adopt Order regulating disposal of beneficial use sludge as presented by Jeff Garrett, Health Department. (Recorded in minutes in full)

14. CONSIDER APPROVING AGREEMENT BETWEEN FORT BEND M.U.D. #50, FORT BEND L.I.D. #12, LAMAR C.I.S.D. AND FORT BEND COUNTY FOR SALE OF REAL ESTATE LOCATED IN FORT BEND M.U.D. #50:

Moved by Commissioner Pressley to approve agreement between Fort Bend M.U.D. #50, Fort Bend L.I.D. #12, Lamar C.I.S.D and Fort Bend County for sale of real estate located in Fort Bend M.U.D. 50 subject to negotiation of percentage as presented by Melissa Bolware, Attorney representing Fort Bend M.U.D. #50.

MOTION FAILED DUE TO LACK OF A SECOND.

15. APPROVE OVER \$500 TAX REFUNDS:

Postpone.

16. CONSIDER APPROVING AGREEMENT BETWEEN FORT BEND COUNTY AND THE INTERSTATE 69 ASSOCIATION:

Moved by Commissioner O'Shieles, Seconded by Commissioner Prestage, duly put and unanimously carried, it is ordered to approve agreement between Fort Bend County and the Interstate 69 Association in the amount of \$2,000. Funds from fees & services. (Recorded in minutes in full)

17. CONSIDER APPROVING ORDER REDEFINING THE BOUNDARIES OF FORT BEND I.S.D. AND STAFFORD MUNICIPAL SCHOOL DISTRICT:

Moved by Commissioner Prestage, Seconded by Commissioner O'Shieles, duly put and unanimously carried, it is ordered to approve Order redefining the boundaries of Fort Bend I.S.D. and Stafford Municipal School District. (Recorded in minutes in full)

18. CONSIDER ACCEPTING STREETS IN OAK LAKE ESTATES, SEC. 1 INTO THE COUNTY ROAD MAINTENANCE, PCT. 3, AND RELEASE BOND #241476:

Moved by Commissioner Pressley, Seconded by Commissioner Prestage, duly put and unanimously carried, it is ordered to accept streets in Oak Lake Estates, Sec. 1 into the county road maintenance, Pct. 3 and release bond #241476. (Recorded in minutes in full)

OAK LAKE ESTATES, SEC. 1-FINAL

Oak Lake Glen Circle	182.38 lf
Oak Lake Glen Drive	1427.50 lf
Oak Lake Glen Court	303.13 lf
Oak Lake Park Drive	513.09 lf
Oak Lake Ridge Court	250.68 lf
Oak Lake Vista Court	214.81 lf
Oak Lake Point Drive	<u>379.64 lf</u>
TOTAL	3271.18 LF

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

**ORDER ADOPTING ATTACHED ORDER REGULATING  
DISPOSAL OF BENEFICIAL USE SLUDGE**

On this 6 day of September, 1994, the Commissioners Court of Fort Bend County, Texas, being convened at a regular meeting of the Court, upon motion of Commissioner Pressley, seconded by Commissioner D'Shields, duly put and carried,

**WHEREAS**, Section 361.153 of the Texas Health and Safety Code states that a county may appropriate and spend money from its general revenues to manage solid waste and to administer a solid waste program;

**WHEREAS**, Fort Bend County desires to adopt reasonable orders regulating the disposal of beneficial use sludge; and,

**WHEREAS**, the requirements made in the Order attached hereto are consistent with the general purposes of Section 361.153 of the Texas Health and Safety Code as well as federal and state laws regulating the disposal of beneficial use sludge;

**NOW, THEREFORE, IT IS HEREBY ORDERED** by the Commissioners Court of Fort Bend County, Texas that the Order attached hereto, entitled "Order Regulating Disposal of Beneficial Use Sludge", the same being hereby incorporated fully by reference herein, be and is hereby adopted, effective immediately.

**FORT BEND COUNTY**

Roy L. Cordes, Jr.  
Roy L. Cordes, Jr., County Judge

ATTEST:

Dianne Wilson  
Dianne Wilson, County Clerk

**ORDER REGULATING  
DISPOSAL OF BENEFICIAL USE SLUDGE**

**I.  
PURPOSE**

The purpose of this Order is to establish, manage and administer a program for the safe disposal of beneficial use sludge in Fort Bend County, Texas.

**II.  
DEFINITIONS**

Unless the context requires a different definition, in this Order:

- (1) **"COUNTY"** means Fort Bend County, Texas, outside the corporate limits and extraterritorial limits of the incorporated cities, towns and villages, with a mailing address of P.O. Box 368, Richmond, Texas 77469.
- (2) **"DEPARTMENT"** means the Texas Natural Resource Conservation Commission, or the Texas Water Commission or the Texas Department of Health.
- (3) **"DISPOSAL"** means the discharge, deposit, injection, dumping, spilling, leaking or placing of any sludge into or on any land or water so that the beneficial use sludge or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- (4) **"FEDERAL LAW"** means any statute, act, rule or regulation that has been passed or approved by any agency or department of the United States of America, including Congress.
- (5) **"PERSON"** means a human being, an individual, corporation, association, partnership or trust.

- (6) **"SLUDGE"** or **"BENEFICIAL USE SLUDGE"** means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, or air pollution control facility, excluding treated effluent from a wastewater treatment plant.
- (7) **"STATE LAW"** means any statute, act, rule or regulation that has been passed or approved by any agency or department of the State of Texas, including the Texas Legislature.
- (8) **"VECTOR"** means rodents, flies and mosquitoes capable of transmitting disease to humans.

**III.  
AUTHORITY**

- 1. This Order is passed under authority of Section 361.153 of the Texas Health and Safety Code.
- 2. County adopts and incorporates by reference as a part of this Order all State Laws and Federal Laws that regulate the disposal of beneficial use sludge.
- 3. The specific reference to any State Laws or Federal Laws does not limit or exclude from incorporation in this Order any other Laws not specifically referenced.

**IV.  
NOTICE**

- 1. When application or renewal of an application is made with the Department for registration of a site for disposal of beneficial use sludge, notice of application or renewal shall be given, in writing, to the County Judge of County. County Judge shall notify Commissioners Court of the application or renewal.
- 2. The applicant for site registration shall semiannually provide to County Judge of County:
  - (a) a report from the generator that provides applicant with beneficial use sludge, showing the analysis of constituent levels; and

(b) the permit numbers of any sites in County that received beneficial use sludge in the preceding six months.

3. Every applicant for a site registration or renewal of a site registration for the disposal of beneficial use sludge in County shall give public notice in a local newspaper of general circulation in the County at the time of application or renewal of site registration and prior to disposal of beneficial use sludge thereunder. The notice shall include the Applicant's name and address, the Landowner's name and address, the precinct in County in which the proposed site is located, and the proposed date on which the disposal of beneficial use sludge is to begin under such application or renewal.

4. At least thirty (30) days prior to the disposal of beneficial use sludge into or on any land in County, the owner of the land shall place conspicuously inscribed and located signs on the land, facing each public road bordering the land, advising the public that the land will become the disposal site of beneficial use sludge, stating the date on which disposal of sludge will begin. Each sign shall be no smaller than 3' X 2' with lettering that is no smaller than 3".

V.  
TRANSPORTATION

1. Authorized transporters of beneficial use sludge may transport beneficial use sludge to a permitted or registered site only during daylight hours, except as reasonably necessary to protect the public health and the environment. County authorities may require transporters and landowners to provide proof of a valid license, registration or permit.

2. If beneficial use sludge is transported in County during non-daylight hours, County Judge of County shall be notified, in writing, within five days with an explanation of the necessity for the non-daylight transportation.



3. The top of any vehicle transporting beneficial use sludge shall be covered with a canvas, tarpaulin, or other covering firmly secured to the front, back, and sides to prevent the escape of any part of the load because of blowing or spilling.

**VI.**  
**TESTING**

1. A person disposing of beneficial use sludge in County shall obtain daily test results for the constituent levels listed in Section X of any beneficial use sludge deposited in County. A copy of the analysis shall be promptly provided to the County Judge of County.

2. County may require random tests of any load of beneficial use sludge intended for deposit in County. Samples shall, prior to such deposit, be taken pursuant to Section XIV and tested in a private laboratory at the expense of the landowner or the transporting contractor, not to exceed \$2,500.00 per month. A prompt report of the findings of such laboratory shall be sent to the County Judge of County.

3. All testing shall be performed, and all test results shall be obtained, according to land application levels.

**VII.**  
**VECTORS**

1. The disposal of sludge shall not exist or occur unless the on-site population of vectors is minimized so as to protect public health.

2. Site operations shall be maintained to reduce conditions favorable to the breeding and feeding of vectors.

3. The requirements for Vector Attraction Reduction set forth in 30 Texas Administrative Code, §§ 312.65(c) and 312.83 shall be fully met.

**VIII.  
ODOR**

1. The site shall be operated in a manner to prevent a public health nuisance. Where nuisance conditions exist, appropriate measures shall be taken immediately to abate such nuisances.

**IX.**

**PATHOGENS**

1. Pathogens shall be significantly reduced or further reduced by the processes described in 40 CFR Ch. 1, Part 257, Appendix II, prior to application to the land.

2. The requirements for Pathogen Reduction set forth in 30 Texas Administrative Code, §§ 312.65(a) and 312.82 (b) (1) (A) (C) (D) shall be fully met.

**X.**

**CONSTITUENT LEVELS**

1. Any beneficial use sludge deposited in County shall not contain constituents in excess of the dry weight concentration as follows:

<b><u>Constituent</u></b>	<b><u>Maximum Concentration</u> (mg/kg, dry-weight basis)</b>
Arsenic (As)	41
Cadmium (Cd)	39
Chromium (Cr)	1200
Copper (Cu)	1500
Lead (Pb)	300
Mercury (Hg)	17
Molybdenum (Mo)	18
Nickel (Ni)	420
Selenium (Se)	36
Zinc (Zn)	2800

**XI  
PH LEVEL**

1. The soil pH shall be 6.5 or greater at the time of application.

**XII.  
BOND**

1. County may require a performance bond, letter of credit from a recognized financial institution, or other evidence of financial responsibility to assure that the landowner and/or operator has sufficient assets to properly operate the site and to provide proper closure.

**XIII.  
APPLICATION RATE**

1. The sludge application rate shall not exceed eight dry tons per acre per year.

**XIV.  
SAMPLES**

1. Any person who disposes of beneficial use sludge into or on the lands or waters within County shall be deemed to have given consent for any member of the Commissioners Court, the District Attorney, the Sheriff, the County Health Department, and the designees of any of them, to enter upon any land or water within County where such disposal has taken place or is taking place, at all reasonable times for the purpose of observation and for the taking of samples of sludge, as well as samples of the soil and the water, in order to have the samples tested.

**XV.  
DEED RECORDS**

1. The owner of any land into or on which beneficial use sludge has been disposed shall, within ten days after the first disposal has been completed, make, execute and file in the deed records of



County a notice of such disposal. Such notice shall contain a legal description of the land upon which such disposal was made, and such legal description shall be identical to the description contained in the deed, will, will filed as a muniment of title, sheriff's deed, affidavit of heirship, or other document by which the owner acquired title to the land (except as to any portion of property which was acquired together with the land upon which disposal has been made but which was no longer property of the landowner on the first day disposal was made), and shall state the volume and page number where such instrument was filed. The notice shall be adequate if it is in substantially the following form listing the requested information, to-wit:

STATE OF TEXAS            §  
COUNTY OF FORT BEND §

**SLUDGE DISPOSAL NOTICE**

There has been applied and deposited upon the following described land located in Fort Bend County, Texas, to-wit: (insert the description of the land as above required) municipal solid waste, consisting of treated human waste. This land has been approved by the State of Texas in permit number (insert permit #) granted by (insert the state agency that issued the permit) on (insert the date the permit was issued).

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of owner of land

(The customary acknowledgment shall be added in order that the document may be filed in the Deed Records.)

**XVI.  
PENALTIES**

1. Any civil suit instituted in accordance with the provisions of this order may be instituted

jointly against the person actually depositing and/or causing the disposal of beneficial use sludge into or on the land, and against the consenting owner of such land, or may be instituted solely against the person depositing or causing the disposal of beneficial use sludge, or solely against the consenting owner of the land.

2. County may enforce this Order with Subchapter G of the Solid Waste Disposal Act, Chapter 361, Health and Safety Code.
3. County may enforce this Order with Subchapter D of the Clean Air Act, Chapter 382, Health and Safety Code.
4. County may enforce this Order with Chapter 26 of the Texas Water Code.

**XVII.**  
**SEVERABILITY**

1. The provisions of this order are severable. If any word, phrase, clause, sentence, paragraph, section, or portion shall be held to be invalid or unconstitutional, it shall not affect the remaining portions, and it is declared to be the intent of the Commissioners Court that the remaining portions would have been passed regardless of the invalidity of any part or portion.