

Travis County Commissioners Court



Resolution

WHEREAS, Travis County (County) has a legitimate concern that the state enforce state and federal laws implemented to protect the lawful actions of emergency service personnel and area solid waste disposal facilities utilized by the County;

WHEREAS, the County has a significant interest in encouraging emergency service personnel and area solid waste disposal facilities utilized by the County to protect the environment and properly manage all regulated quantities of hazardous waste;

WHEREAS, the County has a significant interest in the proper clean-up of hazardous waste generated from highway accidents, especially accidents occurring on IH 35 inside the City limits;

WHEREAS, the County has a legitimate concern that regulated quantities of hazardous wastes are properly manifested to and disposed at a permitted hazardous waste facility;

WHEREAS, pursuant to TCEQ Notices of Violation dated May 13, 2004, on October 9, 1997, a highway accident on IH-35 at the 221 exit resulted in the generation of a large quantity of hazardous electronic waste;

WHEREAS, according to TDSL some of the electronic waste (TV tubes) was first identified as nonhazardous by the generator and sent to the Texas Disposal Systems Landfill, Inc. (TDSL) municipal solid waste landfill located southeast of Austin, Texas;

WHEREAS, according to TDSL several hours later, the generator of the electronic waste notified emergency service personnel, TDSL and regulatory authorities that the waste was hazardous due to its high lead content;

WHEREAS, according to TDSL, TDSL rejected the electronic waste it received and demanded its removal from the landfill;

WHEREAS, according to TDSL, TDSL subsequently isolated the electronic waste for proper management and disposal and it is presently stored in 99 shipping containers on the TDSL site awaiting the wastes removal to a proper waste treatment and disposal facility;

WHEREAS, according to TDSL, the electronic waste has been allegedly abandoned at the TDSL landfill for over nine years;

WHEREAS, the Texas Commission on Environmental Quality (TCEQ), under a delegation of authority from the U. S. Environmental Protection Agency (EPA), has issued notices of violation on May 13, 2004, to Penske Truck Leasing Co., L.P., Penske Logistics, Inc. for improper management of hazardous electronic waste, but to the County's knowledge the TCEQ has not required Penske Truck Leasing Co., L.P., Penske Logistics, Inc to comply with the notices of violation dated May 13, 2004; and

WHEREAS, on June 21, 2007, TDSL filed with the TCEQ Commissioners a Petition to require the TCEQ Executive Director to order the generator to properly dispose of any hazardous electronic waste at a permitted hazardous waste facility;

NOW, THEREFORE, be it resolved that the County hereby supports the removal of any hazardous electronic waste from the TDSL landfill site by granting the TDSL Petition and recommends the TCEQ take the appropriate action to require the generator of the electronic waste to remove it immediately and properly dispose of it according to the law.

This Resolution was approved by a majority of the members of the County Commissioners on July 24, 2007.

Samuel T. Biscoe

Samuel T. Biscoe, Travis County Judge

Ron Davis

Ron Davis, Commissioner, Pct. 1

Sarah Eckhardt

Sarah Eckhardt, Commissioner, Pct. 2

Gerald Daugherty

Gerald Daugherty, Commissioner, Pct. 3

Margaret Gomez

Margaret Gomez, Commissioner, Pct. 4