

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Environmental Services

AGENDA DATE: August 29, 2023

PUBLIC HEARING DATE: September 12, 2023

CONTACT PERSON NAME AND PHONE NUMBER: Nicholas Ybarra, Director 915-212-6000

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 3 – Promote the Visual Image of El Paso

SUBJECT:

An ordinance amending title 9 (health and safety), chapter 9.04 (solid waste management) to delete the construction and demolition manifest requirement in section 9.04.280 (manifest requirement) and to delete references to the said manifest in sections 9.04.020 (definitions), 9.04.460 (hauler records) and 9.04.480 (suspension, revocation of a hauler permit; appeals); the penalty being as provided in section 9.04.630 of the El Paso city code.

The CDM Manifest was required if the City had adopted flow control measures in the preceding decade. Flow controls are legal provisions that allow state and local governments to designate the places where municipal solid waste (MSW) and construction and demolition waste (C&D) are taken for processing. However, those measures were not adopted, and the Manifest was never required as we allow commercial waste to be taken to other facilities that are not run by the City of El Paso, but are still regulated by TCEQ and the NM Environmental Department.

All MSW and C&D waste received at the landfill is properly screened, documented and disposed of as per TCEQ regulations.

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

Revisions approved by Council 8/24/10, 12/21/10, 2/4/14.

AMOUNT AND SOURCE OF FUNDING:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (SOLID WASTE MANAGEMENT) TO DELETE THE CONSTRUCTION AND DEMOLITION MANIFEST REQUIREMENT IN SECTION 9.04.280 (MANIFEST REQUIREMENT) AND TO DELETE REFERENCES TO THE SAID MANIFEST IN SECTIONS 9.04.020 (DEFINITIONS), 9.04.460 (HAULER RECORDS) AND 9.04.480 (SUSPENSION, REVOCATION OF A HAULER PERMIT; APPEALS); THE PENALTY BEING AS PROVIDED IN SECTION 9.04.630 OF THE EL PASO CITY CODE

WHEREAS, City Code Section 9.04.280 requires that haulers of construction and demolition material maintain a manifest indicating the disposal of said material at an authorized solid waste facility;

WHEREAS, said requirement is of a previously established and subsequently deleted flow control requirement whereby waste haulers were required to dispose of solid waste collected within the City of El Paso, at certain municipal solid waste facilities; and

WHEREAS, the City Council now wishes to delete the construction and demolition manifest requirement contained in Section 9.04.280 and all references to said requirement from the City Code, as said requirement and references are obsolete.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) Section 9.04.020 (Manifest Requirement), Subsection 11 be deleted, and that it be reserved as follows:

9.04.020 Definitions.

As used in this chapter the following words, terms, and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

11. RESERVED.

Section 2. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) Section 9.04.280 (Manifest Requirement) be deleted, and that it be reserved as follows:

9.04.280 - Reserved

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Section 3. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) Section 9.04.460 (Hauler Records) be amended as follows:

9.04.460 Hauler Records

Each permitted hauler shall maintain current customer records, including customer name, address, service level information, and routing records, including permitted vehicle number, collection day and daily routes. In addition, each permitted hauler shall keep such records, including scale house tickets, receipts, invoices, and other pertinent papers, in such form as the director may require and for a period no less than two consecutive calendar years. Such records shall include, but not be limited to, documents identifying the authorized municipal solid waste facility or recycling facility where solid waste and recyclable materials collected in the City were delivered for proper transfer, storage or disposal. The director may examine the books, papers, records, financial reports, equipment, and other facilities of any permitted hauler in order to verify compliance with this chapter.

Section 4. That Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) Section 9.04.480 (Suspension, revocation of hauler permit; appeals), Subsection “C.1” be amended as follows:

C. Hauler permit appeals.

1. If the director denies an application for a hauler permit or suspends or revokes a hauler permit, the director shall prepare a report within ten business days of taking such action, indicating the reasons for the denial, suspension or revocation. The director's decision is final unless, within ten calendar days from the date of receiving the director's notice of the action, the appealing party files with the city clerk a written appeal to the city manager specifying reasons for the appeal. Said appeal shall also include a written rebuttal to the director's report.

Section 5. Except as herein amended, Title 9 (Health and Safety) shall remain in full force and effect.

Section 6. This Ordinance shall take effect immediately.

ADOPTED this _____ day of _____ 2023

(SIGNATURES ON THE FOLLOWING PAGE)

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THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

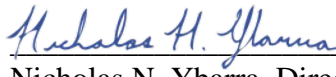
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicholas N. Ybarra, Director
Environmental Services Department

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