

**A RESOLUTION OF THE COMMISSIONERS COURT OF WEBB COUNTY, TEXAS
OPPOSING THE PROPOSAL BY PESCADITO ENVIRONMENTAL RESOURCE CENTER
TO CONSTRUCT A LANDFILL IN WEBB COUNTY, TEXAS**

WHEREAS, Webb County is a subdivision of the State of Texas; and

WHEREAS, the Commissioners Court of Webb County, Texas, has a duty to its residents to ensure the health, safety, and welfare of its residents and the public at large; and

WHEREAS, Texas Health and Safety Code Section 121.003 broadly authorizes Webb County to enforce any law that is reasonably necessary to protect the public health; and

WHEREAS, the Commissioners Court has a duty to protect the natural resources of the County, including groundwater and surface water resources relied on by residents of Webb County; and

WHEREAS, the Commissioners Court is authorized by Texas Water Code Chapter 26 and Section 7.351 to protect the inhabitants of Webb County from groundwater contamination resulting from activities regulated by the Texas Commission for Environmental Quality ("TCEQ"), the Texas Department of Agriculture, the State Soil and Conservation Board, or Texas Railroad Commission; and

WHEREAS, the Commissioners Court recognizes the need to protect the water of the Rio Grande River Basin for use for municipal, agricultural, and industrial purposes in Webb County and for its neighbors downstream in both Texas and in the States of Nuevo Leon and Tamaulipas in Mexico; and

WHEREAS, the Commissioners Court has recognized the need to protect landowners and residents living near any landfill; and

WHEREAS, the Commissioners Court understands that the waste proposed to be accepted at the landfill may include industrial wastes from both the United States and Mexico and could include coal ash wastes from both countries; and

WHEREAS, the Commissioners Court understands that such waste, while not categorized as hazardous waste under federal law, nonetheless includes materials that are hazardous, toxic, flammable, and corrosive and can create significant risks to public health and the environment; and

WHEREAS, the Commissioners Court understands that much of the waste proposed to be accepted at the landfill will be shipped by rail across large distances and can create significant risks from blowing dusts and wastes both in Webb County and other areas through which the waste is transported; and

WHEREAS, the Commissioners Court has determined that the type of landfill proposed by Pescadito Environmental Resource Center creates an unacceptable risk of pollution of waters in the Rio Grande River Basin and to the health of residents of Webb County; and

WHEREAS, proposed landfills must comply with the provisions of Section 361.098, Texas Health and Safety Code, which places prohibitions on landfill development in the floodplain, and

WHEREAS, the landfill impacts the floodplain as evidenced by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) Panel Number 48479C1275C; and

WHEREAS, the Pescadito Environmental Resource Center has requested a Conditional Letter of Map Revision (CLOMR) from FEMA in order to make modifications to the floodplain; and

WHEREAS, as of the date of this Resolution, the Pescadito Environmental Resource Center has failed to complete the necessary improvements identified in the CLOMR as approved by FEMA; and

WHEREAS, the Pescadito Environmental Resource Center has failed to secure a Letter of Map Revision for FIRM Panel Number 48479C1275C from FEMA which evidences that all modifications to the floodplain have been satisfactorily completed; and

WHEREAS, the proposed landfill by Pescadito Environmental Resource Center will be unable to comply with the provisions of Section 361.098, Texas Health and Safety Code until such time a Letter of Map Revision has been issued by FEMA.


NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF WEBB COUNTY, TEXAS, THAT

1. The Webb County Commissioners Court opposes the landfill proposed by the Pescadito Environmental Resource Center.
2. The Webb County Commissioners Court directs the County Judge to provide a copy of this Resolution to the Governor of Texas, the Texas Commission on Environmental Quality, the State Representative and Senator for Webb County, and Pescadito Environmental Resource Center.


PASSED AND APPROVED on the _____ day of _____ 2016, by the Webb County Commissioners Court.



The Honorable Tano E. Tijerina
Webb County Judge



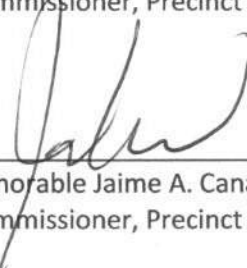
Honorable Francisco J. Sciaraffa
Commissioner, Precinct 1



Honorable Rosaura "Wawi" Tijerina
Commissioner, Precinct 2

ABSTAIN

Honorable John C. Galo
Commissioner, Precinct 3



Honorable Jaime A. Canales
Commissioner, Precinct 4

ATTEST:

Margie Ramirez-Ibarra, Webb County Clerk

By: Margie Ramirez Ibarra



APPROVED AS TO FORM:

Marco Montemayor

Marco Montemayor
Webb County Attorney*

*By law, the County Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).