



UPSHUR COUNTY COMMISSIONERS COURT

GILMER, TEXAS

August 1, 1973

The Commissioners Court of Upshur County met in special session with all members present. Motion was made by Commissioner Nobles, second by Commissioner Still to Request the Board of County and District Road Indebtedness to return to Upshur County its share of Lateral Road Fund. This money will be used for the Construction and/or maintenance of lateral roads in Upshur County, Texas. Motion carried, all voting aye.

J. H. McHenry
Eric Nobles

Camrachel Boyd

Charles L. Hill

Wesley McHenry

FILED
O.W. LLOYD
CLERK UPSHUR COUNTY

'73 AUG 15 AM 9:16

'73 AUG 15 AM 9:16

IN REGARD TO ACCEPTANCE OF
COMMODITY DISTRIBUTION
PROGRAM WITH TEXAS STATE
DEPARTMENT OF PUBLIC WELFARE

Motion made by Commissioner Nable, seconded by _____
Commissioner Still that Upshur County enter into an
Agreement with the Texas State Department of Public Welfare for the
establishment and operation of a Commodity Distribution Program to be
funded in part by United States Department of Agriculture: such a Program
to be for an indefinite period of time and Judge L. G. McKinley
be authorized to sign the necessary application to accomplish this. The
need eligibility standard for this program shall be the State Standard.
Further that all recipients of Public Assistance and their normal
dependents shall be eligible to receive commodities without reference to
income or other need factors and no citizenship or residence requirements
are established other than recipients must reside in Upshur
County. Same carried by the Court this the 1 day of August
1973.

THE STATE OF TEXAS §
COUNTY OF Upshur §

L. G. McKinley
E. L. Nable
Carroll Loyd
Charles L. Still

FILED
O.W. LOYD
CLERK UPSHUR COUNTY

'73 AUG 15 AM 9:16

STATE OF TEXAS |
 |
 | KNOW ALL MEN BY THESE PRESENTS
 |
COUNTY OF UPSHUR |

That, WHEREAS, the Commissioners' Court of UPSHUR COUNTY, TEXAS, has determined that it would be wise and to the best interest of said County for it to employ experts skilled in the matter of appraising and valuing oil, gas, and public utility properties in said County, said experts to compile and furnish data and information to said Court sitting as a Board of Equalization for the purpose of equalizing valuations of such properties as compared with other property valuations in said County for tax purposes for the years 1974 and 1975, said data and information to be made available in respect to all of such properties properly and lawfully coming before it for consideration in the equalization of values upon renditions made by the owners thereof, or upon renditions made by the tax assessor where the owner, or owners, may fail to render the same; and

WHEREAS, said Court finds that Pritchard & Abbott, a partnership of Fort Worth, Texas, are skilled in such matters and have scientific and technical knowledge in respect to the appraising and valuing of such properties and many years' experience in the matter of appraising and valuing such properties; and

WHEREAS, Pritchard & Abbott have proposed to said Commissioners' Court of Upshur County that they will gather and compile information relating to the value of oil, gas, and public utility properties as of January 1, 1974, and January 1, 1975, and make said information completely available to said Court to be used by it as it may see fit in determining what values should be assigned to said properties properly coming before it for consideration; and will charge for their services a sum of Six Thousand (~~\$6,000~~^{cc}) Dollars, per year, for the years 1974 and 1975.

IT IS THEREFORE AGREED by and between Upshur County, Texas, acting herein by and through its Commissioners' Court, Party of the First Part, and

Pritchard & Abbott of Tarrant County, Texas, Parties of the Second Part, as follows:

Parties of the Second Part agree to compile a complete list of the record owners of all oil, gas, and public utility properties wherever situated and located in Upshur County, Texas, as of January 1, 1974 and January 1, 1975, said compilation and record to show the particular interest, or interests, therein owned.

Parties of the Second Part also agree to secure and make available for the use of Party of the First Part information showing the values of said properties to be considered by Party of the First Part as it may deem fit in determining the proper values for tax assessment purposes for 1974 and 1975, to be assigned to such of said properties as may come before the Party of the First Part sitting as a Board of Equalization for consideration upon renditions made by the owners thereof, or upon renditions made by the tax assessor where the owner, or owners, fail or refuse to render the same.

FOR AND IN CONSIDERATION of the skilled services, technical knowledge and experience of Parties of the Second Part in the performance of the obligations devolving upon them hereunder, and in consideration of the information given and assistance furnished by them to Party of the First Part in undertaking to value and equalize the values of said properties properly coming before it for consideration at its equalization hearings in the years 1974 and 1975, Party of the First agrees and obligates itself to compensate Parties of the Second Part as follows:

FOR THE SERVICES HEREIN AGREED to be performed Second Parties shall receive the said sum of Six Thousand - (\$6,000⁰⁰) Dollars, per year, to be paid out of the General Fund of Upshur County, Texas, for the years 1974 and 1975.

IT IS FURTHER AGREED and understood by both Parties that Upshur County, Texas, will issue, or cause to be issued, to Pritchard & Abbott warrants drawn against the General Fund of said Upshur County, Texas, and payable out of the current revenues for each respective year 1974 and 1975.

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PARTY OF THE FIRST PART hereby specially contracts and obligates itself to, at any time same may become necessary, pass and enter of record such orders as may be proper and necessary to legalize and facilitate the payment of all sums due Parties of the Second Part.

Said Pritchard & Abbott further agree that in no way will the said Upshur County be obligated to said Pritchard & Abbott, or their assistants, for salaries, expense, or material, except as above stated.

WITNESS our hands in duplicate this the 13 day of Dec
A. D., 19 72.

COUNTY OF UPSHUR,
Party of the First Part.

By L. B. McKinley
County Judge

Commissioner, Precinct #1

Carroll Loyd
Commissioner, Precinct #2

Charles L. Still
Commissioner, Precinct #3

Neal McCarty
Commissioner, Precinct #4

ATTEST:

O. W. Loyd
County Clerk, Upshur County, Texas.

PRITCHARD & ABBOTT,
Parties of the Second Part.

By Wayland Pritchard

CONTRACT FOR DATA PROCESSING SERVICES

STATE OF TEXAS

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|
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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF UPSHUR

THAT, WHEREAS, the COMMISSIONER'S COURT

UPSHUR COUNTY, TEXAS,

hereinafter styled First Party, in the performance of its duties as the governing body of such First Party, has contemplated the employment of experts possessing special skills, scientific knowledge, and technical ability and equipment, so as to perform for said First Party data processing services for the years hereinafter set out by the use of electronic data processing equipment, such services to include the preparation and/or printing of such voter registration records as are hereinafter specifically set out, and,

WHEREAS, First Party now finds and declares that there is a necessity that the tax officers of said First Party be supplied with such data processing services and/or supplies used in connection therewith, so as to enable First Party and its tax officers to more economically perform their duties in connection with the preparation of such voter registration records, and;

WHEREAS, it has been ascertained and determined that Pritchard & Abbott, a partnership composed of E. S. Pritchard and John L. Abbott of Fort Worth, Tarrant County, Texas, hereinafter styled Second Party, has special skill and ability, and scientific and technical knowledge and equipment, so as to enable it to perform such data processing services and/or to furnish supplies in connection therewith, and it is the purpose of First Party to employ the services of Second Party for said purposes;

IT IS, THEREFORE, AGREED by and between the parties hereto as follows:

I.

Second Party agrees to process all basic data supplied to Second Party by First Party and to prepare, print, and record, by use of electronic data processing

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equipment, the following records:

1. Two (2) copies of the master voter registration list in alphabetical sequence and four (4) copies of each precinct list in alphabetical sequence. These lists are to be provided annually prior to the first primary election and prior to the general election.
2. Supplement lists showing changes made since the preparation of the previous master list. Such lists shall be prepared as soon as practicable after necessary data is supplied to Second Party by First Party.
3. Preregistration notices, voter registration applications and voter registration certificates as needed.
4. Jury wheel cards for jury wheel selection as needed.

for First Party for the years _____, 1974, and 1975.

II.

Second Party agrees to cooperate with the taxing officers of said First Party and to deliver the voter registration records hereinabove listed to said First Party as soon after being supplied with the basic information to be recorded thereon, as shall be reasonably practicable for said years.

III.

It is distinctly understood and agreed, any word, phrase, or sentence hereof to the contrary notwithstanding, that it is not the intention of the parties hereto to invade or usurp the powers, duties, or prerogatives of the Tax Assessor-Collector of First Party, said Tax Assessor-Collector having heretofore approved the execution of this contract, the same being executed for the purpose of enabling First Party to take advantage of the opportunity for the most economical preparation of such voter registration records, as herein provided.

First Party finds and determines that special, scientific skill, knowledge and ability, and scientific and technical equipment are essential to the performance of the services by Second Party under the terms of this contract, and that the employment of said Second Party constitutes the employment of skilled experts, in special instances to prepare voter registration records of said First Party.

IV.

For and in consideration of the skilled services, technical knowledge, ability, experience, and use of equipment, and/or the materials to be supplied by Second Party in the performance of the services herein provided for, First Party agrees to compensate Second Party on the following basis:

All voter registration records as herein provided for, shall be prepared for an annual fee of \$0.20 per registrant for the first year and \$0.17 per registrant for the second year with payment to be made in the following manner:

In the month following delivery of the Master Voter Registration list for the first primary election, payment shall be made on the basis of the number of registrants appearing on the list at that time. As supplement lists are prepared throughout the remainder of the year, payment for the addition of any new registrants shall be made in the month following delivery of said supplement lists.

Jury wheel cards shall be prepared at a cost of \$0.02 per card with payment to be made in the month following delivery of said cards.

to be paid out of the lawful funds of said First Party.

V.

It is further understood and agreed that First Party will issue or cause to be issued to Second Party, warrants drawn against the lawful funds of said First Party, and payable out of current revenues for each of the years of this contract, in payment for the services performed and/or materials supplied as provided for herein.

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VI.

First Party specifically obligates itself to, at any time same may become necessary, pass and enter of record such other or further orders as may be proper and necessary to fully authorize and lawfully facilitate the payment of all sums due Second Party for performance of services and/or furnishing supplies as provided for herein.

It is further distinctly understood and agreed that although First Party is creating by the terms hereof a debt and obligation on the part of First Party, said First Party does hereby undertake and obligate itself to levy a tax sufficient to make payment of the sum herein provided to be paid out of current revenues for the tax years covered by this contract, and thereby does here and now make provision for the payment of the debt thus created.

VII.

Second Party agrees that First Party will in no way be obligated or indebted to said Second Party or its agents, servants, or employees, for salaries, expenses, materials, or other charges, except only as herein specifically otherwise provided.

VIII.

It is understood and agreed that all punch cards, tapes, programs, or other software of any kind or nature used by Second Party in the performance of its services herein and not specifically included as an item to be furnished to First Party, is and shall remain the property of Second Party and will not be delivered to First Party at any time during the term of this contract or at the termination thereof.

IX.

It is further distinctly understood and agreed that if any word, phrase, sentence, paragraph, or provision of this contract shall be, for any reason, declared or adjudicated to be invalid, such declaration or adjudication shall not effect the validity of the remaining portions hereof, and it is additionally distinctly understood and agreed

that this is a divisible contract and the services herein provided to be performed and the compensation herein provided to be paid for the years -----, 1974, and 1975 are each hereby found and declared to be separate and distinct, and divisible from the services to be performed and the compensation to be paid for each of such other years.

The execution of this contract is authorized by proper Resolution duly adopted by First Party and duly entered upon its minutes.

Executed in duplicate this the 10th day of September, 1973.

UPSHUR COUNTY, TEXAS,
Party of the First Part

L. B. McKeilly
County Judge

O. L. Nether
Commissioner, Precinct No. 1

Carroll Boyd
Commissioner, Precinct No. 2

Charles L. Still
Commissioner, Precinct No. 3

Neal McCarty
Commissioner, Precinct No. 4

ATTEST:

O. W. Boyd
County Clerk, Upshur County
TEXAS.

PRITCHARD & ABBOTT,
Party of the Second Part

By Nick VanSlyke

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FILED
O.W. LOYD
CLERK UP SHUR COUNTY

'73 AUG 15 AM 9:16

CONTRACT FOR DATA PROCESSING SERVICES

STATE OF TEXAS

|

| KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF UPSHUR

|

THAT WHEREAS, the COMMISSIONERS COURT

of UPSHUR COUNTY, TEXAS

hereinafter styled First Party, in the performance of its duties as the governing body of such First Party, has contemplated the employment of experts possessing special skills, scientific knowledge, and technical ability and equipment, so as to perform for said First Party data processing services for the years hereinafter set out by the use of electronic data processing equipment, such services to include the preparation and/or printing of such tax records as are hereinafter specifically set out, and;

WHEREAS, First Party now finds and declares that there is a necessity that the tax officers of said First Party be supplied with such data processing services and/or supplies used in connection therewith, so as to enable First Party and its tax officers to more economically perform their duties in connection with the preparation of such tax records, and;

WHEREAS, it has been ascertained and determined that Pritchard & Abbott, a partnership composed of E. S. Pritchard and John L. Abbott of Fort Worth, Tarrant County, Texas, hereinafter styled Second Party, has special skill and ability, and scientific and technical knowledge and equipment, so as to enable it to perform such data processing services and/or to furnish supplies in connection therewith, and it is the purpose of First Party to employ the services of Second Party for said purposes;

IT IS, THEREFORE, AGREED by and between the parties hereto as follows:

I.

Second Party agrees to process all basic data and to prepare, print, and record, by use of electronic data processing equipment, upon forms approved by the Comptroller

of Public Accounts of the State of Texas,

1. Tax Rolls
2. Tax Statements & Receipts
3. Real Estate Printout & Inventories

for First Party for the years _____, 1974, and 1975.

II.

Second Party agrees to cooperate with the taxing officers of said First Party and to deliver the tax records hereinabove listed to said First Party as soon after being supplied with the basic information to be recorded thereon, as shall be reasonably practicable for said years.

III.

It is distinctly understood and agreed, any word, phrase, or sentence hereof to the contrary notwithstanding, that it is not the intention of the parties hereto to invade or usurp the powers, duties, or prerogatives of the Tax Assessor-Collector of First Party, said Tax Assessor-Collector having heretofore approved the execution of this contract, the same being executed for the purpose of enabling First Party to take advantage of the opportunity for the most economical preparation of such tax records, as herein provided.

First Party finds and determines that special, scientific skill, knowledge and ability, and scientific and technical equipment are essential to the performance of the services by Second Party under the terms of this contract, and that the employment of said Second Party constitutes the employment of skilled experts, in special instances to prepare tax records of said First Party.

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IV.

For and in consideration of the skilled services, technical knowledge, ability, experience, and use of equipment, and/or the materials to be supplied by Second Party in the performance of the services herein provided for, First Party agrees to compensate Second Party on the following basis: **Eighteen (18¢) Cents per item of property,**

to be paid out of the lawful funds of said First Party. An item of property exists wherever a value is shown on the tax roll.

V.

It is further understood and agreed that First Party will issue or cause to be issued to Second Party, warrants drawn against the lawful funds of said First Party, and payable out of current revenues for each of the years of this contract, in payment for the services performed and/or materials supplied as provided for herein.

VI.

First Party specifically obligates itself to, at any time same may become necessary, pass and enter of record such other or further orders as may be proper and necessary to fully authorize and lawfully facilitate the payment of all sums due Second Party for performance of services and/or furnishing supplies as provided for herein.

It is further distinctly understood and agreed that although First Party is creating by the terms hereof a debt and obligation on the part of First Party, said First Party does hereby undertake and obligate itself to levy a tax sufficient to make payment of the sum herein provided to be paid out of current revenues for the tax years covered by this contract, and thereby does here and now make provision for the payment of the debt thus created.

VII.

Second Party agrees that First Party will in no way be obligated or indebted to said Second Party or its agents, servants, or employees, for salaries, expenses, materials, or other charges, except only as herein specifically otherwise provided.

VIII.

It is understood and agreed that all punch cards, tapes, programs, or other software of any kind or nature used by Second Party in the performance of its services herein and not specifically included as an item to be furnished to First Party, is and shall remain the property of Second Party and will not be delivered to First Party at any time during the term of this contract or at the termination thereof.

IX.

It is further distinctly understood and agreed that if any word, phrase, sentence, paragraph, or provision of this contract shall be, for any reason, declared or adjudicated to be invalid, such declaration or adjudication shall not effect the validity of the remaining portions hereof, and it is additionally distinctly understood and agreed that this is a divisible contract and the services herein provided to be performed and the compensation herein provided to be paid for the tax years -----, 1974, and 1975 are each hereby found and declared to be separate and distinct, and divisible from the services to be performed and the compensation to be paid for each of such other years.

The execution of this contract is authorized by proper Resolution duly adopted by First Party and duly entered upon its minutes.

Executed in duplicate this the 13 day of Aug, 19 73.

UPSHUR COUNTY, TEXAS.
Party of the First Part

L. M. McKinley
County Judge

Commissioner, Precinct No. 1

Carroll Boyd
Commissioner, Precinct No. 2

Charles L. Still
Commissioner, Precinct No. 3

Paul McCarty
Commissioner, Precinct No. 4.

ATTEST:

O. W. Lloyd
County Clerk, UPSHUR County
TEXAS.

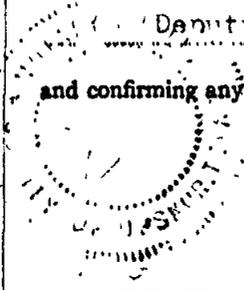
PRITCHARD & ABBOTT
Party of the Second Part

By Wayland Pritchard

DEPUTATION VOL. 16 PG. 169

THE STATE OF TEXAS }

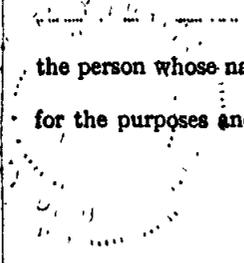
County of Ups hur I, O.W. Loyd of the County of Ups hur and State of Texas, having full confidence in Nancy Killough of said County and State, do hereby with the consent of the Commissioners' Court of Ups hur County, Texas, duly entered herein, nominate and appoint the said Nancy Killough my true and lawful deputy, in my name, place and stead, to do and perform any and all acts and things pertaining to the office of said Deputy County Clerk of said County and State, hereby ratifying and confirming any and all such acts and things lawfully done in the premises by virtue hereof.



WITNESS my hand, this 20 day of August 19 73
O.W. Loyd
of Ups hur County, Texas.

THE STATE OF TEXAS, }

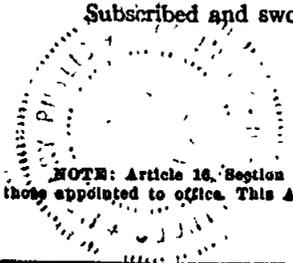
County of Ups hur BEFORE ME, a Notary Public in and for Ups hur County, Texas, on this day personally appeared O.W. Loyd known to me to be the person whose name is subscribed to the foregoing deputation, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.



GIVEN under my hand and seal of office at Gilmer, Texas, this 20 day of August 19 73
Lucille Deane
NOTARY PUBLIC, UPSHUR COUNTY, TEX.

OATH OF OFFICE

"I, Nancy Killough do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Deputy County Clerk of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God."



Subscribed and sworn to before me, this 20 day of August 19 73
Nancy Killough
NOTARY PUBLIC, UPSHUR COUNTY, TEX.

NOTE: Article 16, Section 1, of the Constitution before amendment in November 1988 was worded differently as to persons elected and those appointed to office. This Article, as amended, makes no such provisions, so all officers, whether elected or appointed, take the same oath.

GENERAL FUND

August, 1973

<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>\$AMOUNT</u>
2358	Upshur REA	Service	6.00
2359	O W Loyd	Exp to Tyler	7.40
2360	Texas County & Dist Ret. System	Ret.	350.90
2361	Ranger Nail Life Ins Co.	Ins.	495.82
2362	American Gen. Life Ins Co.	Ins.	43.36
2363	Gerald L. Hagler	Bus Fare-John Sealey Hosp.	32.70
2364	Doyle Hubbard	Trip to John Sealy Hosp.	32.70
2365	Ravdene Herdenson	Bus Fare-John Sealey Hosp.	32.70
2366	Exxon Company	Gasoline	54.89
2367	Gulf Oil Corp	Gasoline	9.98
2368	Gulf Oil Corp.	Gasoline	108.51
2369	Texaco Inc.	Gasoline	60.98
2370	Billy D. Davis	D.P.S. Janiton	20.00
2371	Southern Microfilm Corp.	Filming	726.21
2372	R.C. Wood Co.	Supplies	86.08
2373	Copi-Rite, Inc.	Supplies	42.00
2374	The Gilmer Mirror	Supplies	170.71
2375	The Baker Taylor Co.	Library	386.65
2376	Pitney-Bowers	Rental	51.00
2377	R & L Supply Co.	Janitor Supplies	93.60
2378	Lee's Hydraulic Service	Courthouse Repairs	93.42
2379	Wilburn Ins. Agency	Insurance	14.00
2380	City of Gilmer	Water & Sewer	860.58
2381	Elliott Office Equip Co.	Supplies	78.42
2382	Hill Printing & Stationery Co.	Supplies	62.60
2383	Gurranty Termite & Pest Control	Tree Treating Courthouse	40.00
2384	Thomas Book Co.	Library	10.76
2385	East Texas Pathologists Lab.	Autopsy	200.00
2386	Kustom Signals, Inc.	Radar Unit	1885.00
2387	Lee Standefer	Sheriff Expense	6.31
2388	Hogg Pharmacy	Film & Developer Sheriff Dept	68.82
2389	International Exterminator Corp.	Service	14.00
2390	Bishops	Supplies	2.27
2391	Monroe Calculator	Supplies	19.20
2392	Arkansas Louisiana Gas Co.	Utilities	29.92
2393	Constructor Supply Co.	Courthouse Repairs	71.16
2394	Western Auto Store	Janitor Supplies	5.07
2395	Turners Super Service	Janitor Supplies	5.45
2396	Ragland Fenlaw Ford Clinic	Welfare	6.00
2397	Cook Hardware & Furniture	Light Switch	.45
2398	Morgan Hardware & TV Service	Radio-Sheriff Dept.	9.29
2399	Gilmer Packing Plant	Commodities	107.52
2400	Itek Business Prod.	Supplies	36.78
2401	Justin B. Kurtz	Janitor Supplies	236.99
2402	David McClure	Wolf Bounty	5.00
2403	Bruce Morris Jr.	Exp. to Austin	120.60
2404	O W Loyd Co. Clerk	Refund on # 6362-Civil	199.50
2405	First National Bank	W. H. Tax	291.60
2406	Milton McWilliams	Wolf Bounty	5.00
2407	James H. Daves	Wolf Bounty	5.00

<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>\$AMOUNT</u>
2408	Salary Fund	Transfer	3000.00
2409	Swepeco	Service	635.55
2410	General Telephone	Service	780.02
2411	Gine Niell	Wolf Bounty	5.00
2412	Economy Auto Supply	Battery	36.90
2413	M & T Office Machines	Machine Repair	8.50
2414	Gilmer Cotton Oil & Fertilizer Co.	Fertilizer-Lawn	41.40
2415	Mobil Oil Corp.	Gasoline	78.92
2416	M. R. Patton	# 10, 116 Attorney fee	50.00
2417	Drennan & Whiteside Garage	Repairs	46.17
2418	Shafer Pharmacy	Lightbulbs	1.47
2419	American Petrofina	Gasoline	22.15
2420	YaZell Chev-Olds	Repairs	5.25
2421	Deamond Shamrock Corp.	Gasoline	31.16
2422	Exxon Co.	Gasoline	114.39
2423	Postmaster	Postage	400.00
2424	Phillips Taylor	Wolf Bounty	5.00
2425	Batty White	Extra Labor	327.00
2426	Mrs. Alma Green	Round Trip Bus Ticket to M.D.	
2427	Swepeco	Anderson Hospital Service	24.90
2428	David McClure	Wolf Bounties	175.31
2429	Ola Mac Fuller	Expense to John Sealy Hospital	10.00
2430	Bruce Morris Jr.	Salary	27.10
2431	Ramah Hudson	Salary	527.01
2432	Annie Belle Collier	Salary	377.68
2433	Edward L. Davis	Salary	266.52
2434	Edward L. Davis	Salary	140.95
2435	Mozelle Duncan	Travel	100.00
2436	Bessie Faye Hill	Salary	103.56
2437	Clara Bennett	Salary	231.52
2438	Alva Cleo Snow	Travel	75.00
2439	Georgia May Sayles	Salary	197.13
2440	Perry J. Higginbotham	Salary	100.74
2441	R. B. Jones	Salary	229.62
2442	Albert G. Reams	Salary	221.41
2443	Willie S. Thompson	Salary	241.02
2444	Willie S. Thompson	Salary	125.00
2445	Upshur County Health Onit.	Travel	75.00
2446	Charles R. McKinney	Office Expense	20.00
2447	Thomas E. Marshall	Travel	75.00
2448	Thomas E. Marshall	Salary	335.86
2449	Ore City Fire Dept.	Travel	50.00
2450	Ewell Service Club, Inc.	Fire Prevention	25.00
2451	City of Big Sandy	Fire Prevention	25.00
2452	City of Gilmer	Fire Prevention	25.00
2453-	S. E. Morgan	Fire Prevention	200.00
2454	Rex Parner	Radio Contract	15.00
2455	Evelyn Simpson	Hauling Commodities	200.00
2456	Evelyn Simpson	Travel	75.00
2457	E. S. Simpson	Salary	164.05
2458	W. C. Jones	Travel	100.00
2459	John Henry	Travel	40.00
2460	John Henry	Salary	173.25
2461	Doyle Johnson	Travel	75.00
2462	Upshur County Library	Matron fee # 3539 Lunacy Extra Help & Janitor	10.00
2463	R. B. James	Salary	110.00
2464	David Bickerdike	Salary	256.00
2465	Estelle Davis	Wolf Bounty	5.00
2466	Buck Wright	Labor-Commodities	230.00
		Labor-Commodities	60.00

<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>\$AMOUNT</u>
2467	Russell Starks	Labor-Commodities	40.00
2468	Ruby Starks	Labor-Commodities	40.00
2469	Tandy Fannin	Labor-Commodities	40.00
2470	Tommy Porter	Wolf Counties	20.00
2471	Laura Odam	EEa Employer	51.20
2472	Anita Sterling	EEA Employer	51.20
2473	Linda Tuel	Labor-Library	12.00
2474	Urbine Lange	Repairs	5.00
2475	Noreen Hodges	Vocational School	
		Library	24.30
2476	Vicki Holiman	Vocational School	24.30
2477	Sue Cross	Vocational School	27.00
2478	Mary Bradshaw	Vocational School	2.70

Otto Naples
Capitell Boyd
Charles L. Hill
W. P. C. King

SALARY FUND

August, 1973

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<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>\$AMOUNT</u>
437	Doyle Johnson, Sheriff	Jail groceries	205.15
438	Texas County & Dist. Ret. System	Ret	1048.60
439	Ranger Nat'l Life Ins. Co.	Ins.	987.04
440	American Gen. Life Ins. Co.	Ins.	21.36
441	First Nat'l Bank	W H tax	1189.50
442	Betty White	Extra Labor	327.00
443	Doyle L. Johnson	Salary	593.97
444	W. C. Jones	Salary	567.77
445	O. W. Loyd	Salary	555.96
446	James L. Williams	Salary	509.89
447	Carl H. Pitman	Salary	487.64
448	Jack C. Ellenberg	Salary	407.42
449	Nevell G. Keller	Salary	414.01
450	James L. Robinson	Salary	447.42
451	Lee O. Standefer	Salary	427.42
452	Jo Ann Van Zandt	Salary	262.07
453	Lynn Quinn	Salary	290.90
454	VOID		
454	Naney-Killough		
455	Nancy Killough	Salary	108.13
456	Peggy Davis	Salary	166.04
457	Bobbie E. Harkins	Salary	265.87
458	Jane Taff	Salary	256.26
459	Pauline Delaney	Salary	260.49
460	Barbara Holloway	Salary	252.46
461	LaVelle Crow	Salary	262.07
462	Carrie Fulson	Salary	246.26
463	Laura V. Gunn	Salary	256.26
464	Lucille Underwood	Salary	246.26
465	Leta Fowler	Salary	126.76
466	Minnie Elwell	Salary	267.49
467	Shirley Moore	Salary	288.40
468	E. S. Simpson	Salary	155.56
469	Willa Stegall	Salary	110.55
470	Leon Willaford	Salary	79.51
471	Joe E. Ferguson	Salary	79.51
472	John Worthington	Salary	79.51
473	W. A. Byrd	Salary	79.51
474	George Smith	Salary	101.12
475	H. S. Taff	Salary	111.22
476	Cyril Bennett	Salary	111.22
477	Gastel Turner	Salary	13.00
478	W. C. Jones	Com. on title Cert.	30.00
479	Bruce Morris	Com. on title Cert.	30.00
480	E. L. Culver	Salary	395.54
481	Tax Assessor Collector	Extra help	136.00
482	willa Stegall	Travel Exp.	40.00
483	W. A. Byrd	Travel Exp.	50.00

Opie Nelson

Capitell Loyd

Charles F. Hill

Neal Wilcox

NO FUND
August, 1973

<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>AMOUNT</u>
104 MUW	Texas Co & Dist Ret System	Retirement	\$270.00
105 Jury	Texas Co & Dist Ret System	Retirement	33.70
106 MUW	Ranger National Life Ins Co	Insurance	135.61
107 Jury	Ranger National Life Ins Co	Insurance	45.85
108 MUW	R. C. Wood Company	Supplies	160.56
109 MUW	General Telephone	Service	16.60
110 MUW	General Telephone	Service	2.88
111 MUW	Steck Warlick Co.	Supplies	32.85
112 MUW	Duplicating Services Co.	Supplies	6.95
113 MUW	Criminal Justice Planning	Correct Deposit 3891	7.50
114 Jury	First National Bank	W H Tax	44.60
115 MUW	First National Bank	W H Tax	309.40
116 MUW	Leon McClenden	Child Care	94.60
117 MUW	M & T Office Machines	Repairs	8.50
118 MUW	Gilmer Mirror	Supplies	81.35
119 Jury	Jack G. Scott	Salary	252.32
120 MUW	Wilfred Parker	Salary	553.44
121 MUW	Wilfred Parker	Auto Expense	150.00
122 MUW	Robert D. Speights	Salary	460.40
123 MUW	Robert D. Speights	Auto Expense	150.00
124 MUW	Myrtle Skinner	Salary	283.75
125 MUW	Clyde Folmar	Salary	485.50
126 MUW	Clyde Folmar	Auto Expense	150.00
127 Jury	C. H. Pitman	SS Report	50.00
128 MUW	Loring Futrell	Labor	266.00
345 R & B	Texas Co & Dist Ret System	Retirement	70.80
346 R & B	Ranger National Life Ins Co	Insurance	11.32
347 R & B	Maurice Love	Delinquent tax record	1,814.92
348 R & B	First National Bank	W H Tax	62.20
349 R & B	L. G. McKinley	Salary	595.58

Offie Noble

Carroll Boyd

Charles L. Hill

Ken McCoy

ROAD & BRIDGE FUND NO. 1

August, 1973

VOL. 16 PG. 175

<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>\$AMOUNT</u>
441	O. W. Loyd, Co Clerk	R O W Deeds	142.50
442	Upshur R E A	Service	6.25
443	Cook Hardware & Furniture	Supplies	11.40
444	Skeet's Marine & Service Station	Parts	16.05
445	Cass County Treating Co.	Posts R O W	403.20
446	Hanks Frame & Wheel Service	Repairs	113.60
447	Leland Equip. Co.	Repairs	84.30
448	Grady Holmes	tile	32.40
449	Gulf Oil Corp	Fuel	140.95
450	L. L. Berry	Gravel	70.80
451	Bill & Tobe Grocery	Ice	21.00
452	Darr Equip. Co.	Parts	149.40
453	Goodyear Service Stores	Tire Repair	26.50
454	First Nat'l Bank	W H tax	256.80
455	Gilmer Tire & Battery Service	Battery	44.24
456	Economy Auto Supply	Parts	2.60
457	Bones Welding Service	Welding	24.00
458	Allen Bland	Salary	314.85
459	Allen Bland	Auto Expense	100.00
460	Morris S. Jones	Salary	275.24
461	Morris S. Jones	Auto Expense	100.00
462	Willie Crockett	Salary	305.05
463	Willie Crockett	Auto Expense	100.00
464	Garland Smith	Salary	299.04
465	Garland Smith	Auto Expense	100.00
466	John D. Willeford	Salary	321.57
467	John D. Willeford	Auto Expense	100.00
468	Offie Nobles	Salary	563.97
469	Offie Nobles	Auto Expense	100.00
470	James Stoker	Labor	312.00
439	Texas County & Dist. Ret System	Ret.	317.89
440	Ranger Nat'l Life Ins. Co.	Ins.	249.68

Offie Nobles
Carroll Boyd
Charles P. Hill
Walter C. C. C.

<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>\$AMOUNT</u>
911	Louie Jones	Labor	13.20
912	Texas County & Dist. Ret. System	Ret.	264.32
913	Ranger Nat'l Life Ins. Co.	Ins.	249.68
914	Ranger Nat'l Life Ins. Co.	Additional Ins.	48.61
915	Builders Supply Co.	#2 tools	19.75
916	Upshur R E A	#2 service	9.75
917	Gilmer Lumber Co.	#2 nails	8.63
918	Grady Holmes	road tile	97.20
919	Herbert L. Young	Brake fluid	4.51
920	Perry Owens	Oil & dirt	19.80
921	C. E. Johnson	Gravel	33.00
922	Hollis Fagan	Gravel	48.60
923	Herbert Jeffery	Gravel	36.00
924	Gulf Oil Corp.	Fuel	167.93
925	American Petrofina	Road oil	708.67
926	Bone's Welding Service	Welding	15.00
927	Goodyear Service Stores	Tires	235.50
928	L. W. Letsinger	Poles	100.00
929	Gregg Salvage & Supply	Angle Iron	64.68
930	Gilmer Tire & Automotives Supply	Parts	3.60
931	Skeets Marine & Service Station	Parts & repair	44.48
932	First Nat'l Bank	W H tax	192.00
933	Smith Oil Co.	Oil	55.25
934	Gilmer Tire & Automotive Supply	Parts	12.56
935	Modern Tractor Co.	Labor & Parts	26.95
936	Griffen E. Dye	Salary	324.85
937	Griffen E. Dye	Auto Expense	100.00
938	Robert J. Stanley	Salary	299.04
939	Robert J. Stanley	Auto Expense	100.00
940	Oliver Tanner	Salary	305.24
941	Oliver Tanner	Auto Expense	100.00
942	Cantrell Loyd	Salary	563.97
943	Cantrell Loyd	Auto Expense	100.00
944	Robin Ervin	Salary	305.05
945	Robin Ervin	Auto Expense	100.00
946	Paul Hage	Salary	306.32
947	Paul Hage	Auto Expense	93.56
948	D. C. Johnson	Salary	101.09
949	D. C. Johnson	Auto Expense	28.98
950	Herbert Jones	Labor	64.00
951	Daniel Walker	Labor	64.00
952	Ruben Ervin	Extra Labor	54.00
953	D. C. Johnson	Extra Labor	18.00
954	Griffen Dye	Extra Labor	18.00
955	Oliver Tanner	Extra Labor	54.00
956	Jake Prince	Gravel	54.00

E. E. Noble
Cantrell Loyd
Charles L. Hill
Neal M. Cruz

<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>\$AMOUNT</u>
626	Gulf Oil Corp	Fuel	321.70
627	Goodyear Service Stores	Tires & Batteries	153.85
628	David McWhorter Sales	Oil	29.65
629	Darr Equipment Co.	Parts	39.99
630	R. D. Arrington	Gravel	45.60
631	C. Marsh	Gravel	30.00
632	Roy Cuba	Gravel	12.00
633	Olester Burnly	Gravel	57.60
634	Grady Holmes	Tile	81.00
635	Bill Lee	Gravel	120.60
636	Gilmer Saw Co.	Repairs	39.75
637	Cook Hdeo. & Furniture	Materials	18.65
638	Chamberlains Gro.	Supplies	7.35
639	Gregg Glass Co. Inc.	Glass	20.26
640	Chamberlains Gro.	Tool	6.60
641	Morgan Hardware	Materials	83.14
642	Upshur REA	Service	6.25
643	Long Motor Co, Inc.	Parts	22.70
644	Ellerd Truck Line	Freight on Tank	126.00
645	Clinnard Auto Parts	Supplies	18.85
646	First National Bank	W. H. tax	220.30
647	Roy Cuba	Gravel	6.00
648	Economy Auto Supply	Parts	22.38
649	Floyds Gulf Station	Gasoline	6.00
650	Calvin E. Langford	Salary	348.35
651	Calvin E. Langford	Auto Expense	100.00
652	George Pool	Salary	311.57
653	George Pool	Auto Expense	100.00
654	Merkel Fatherree	Salary	324.24
655	Merkel Fatherree	Auto Expense	100.00
656	Clester Gage	Salary	285.24
657	Clester Gage	Auto Expense	100.00
658	W. L. Nations	Salary	334.98
659	W. L. Nations	Auto Expense	100.00
660	Arnel Murrell	Salary	305.05
661	Arnel Murrell	Auto Expense	100.00
662	Charles L. Still	Salary	583.97
663	Charles L. Still	Auto Expense	100.00
664	Merkel Fatherree	Extra Labor	9.00
665	George Poole	Extra Labor	48.30
666	Clester Gage	Extra Labor	40.50
667	Calvin Longford	Extra Labor	18.00
668	Arnel Murrell	Extra Labor	18.00
669	W. L. Nations	Extra Labor	58.50

Oppie Nelson
Castrell Boyd
Charles L. Still
W. L. Nations

<u>CHECK NO.</u>	<u>RECEIVER</u>	<u>FOR</u>	<u>\$AMOUNT</u>
961	Herbert L. Young	Battery Adjustment	39.98
962	Arnold Hardware	Materials	6.35
963	Goodyear Service Stores	Tire Repair	8.50
964	Geo. P. Bone, Inc.	Parts	241.56
965	Darby Equip. Co.	Repairs	88.50
966	Grady Holmes	Road tiles	256.50
967	Long Motor Co., Inc.	Repairs	79.38
968	Gilmer Lumber Co.	Supplies	53.15
969	Etex Telephone Co-op.	Service	14.69
970	Cook Hardware	Parts	.40
971	First Nat'l Bank	W H tax	221.00
972	Modern Tractor Co.	Parts	18.72
973	Gilmer Seed & Feed Co.	Spray & Sprayer	84.35
974	Herbers Radiator Service	Repairs	3.00
975	Camp County Treating Co.	Parts	98.00
976	Floyds Gulf Station	Tire Repair	4.00
977	Clyde Langford	Gravel	78.00
978	Monroe Hollins	Gravel	63.00
979	Charles Morse	Gravel	33.00
980	Economy Auto Supply	Parts	33.61
981	Looney Johnson	Gravel	24.00
982	Lynn D. Taylor	Labor E E A	230.40
983	George T. Glover	Salary	309.04
984	George T. Glover	Auto Expense	100.00
985	Orville Rutledge	Salary	315.37
986	Orville Rutledge	Auto Expense	100.00
987	Ivory G. Johnson	Salary	318.04
988	Ivory G. Johnson	Auto Expense	100.00
989	James W. Meadows	Salary	314.04
990	James W. Meadows	Auto Expense	100.00
991	VOID		
992	Neal McCurry	Salary	543.97
993	Neal McCurry	Auto Expense	100.00
994	Tony C. Wright	Salary	305.05
995	Tony C. Wright	Auto Expense	100.00
996	Percy Johnson	Labor	388.00
997	J. L. Goss	Labor	388.00

Office Notes
Carroll Loyd
Charles S. Hill
Neal McCurry

RESOLUTION

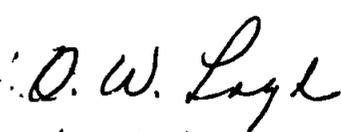
The Commissioners Court of Upshur County met at a regularly scheduled meeting on Monday, September 10, 1973, at 10:00 a.m. in the Upshur County Courthouse and passed the following resolution:

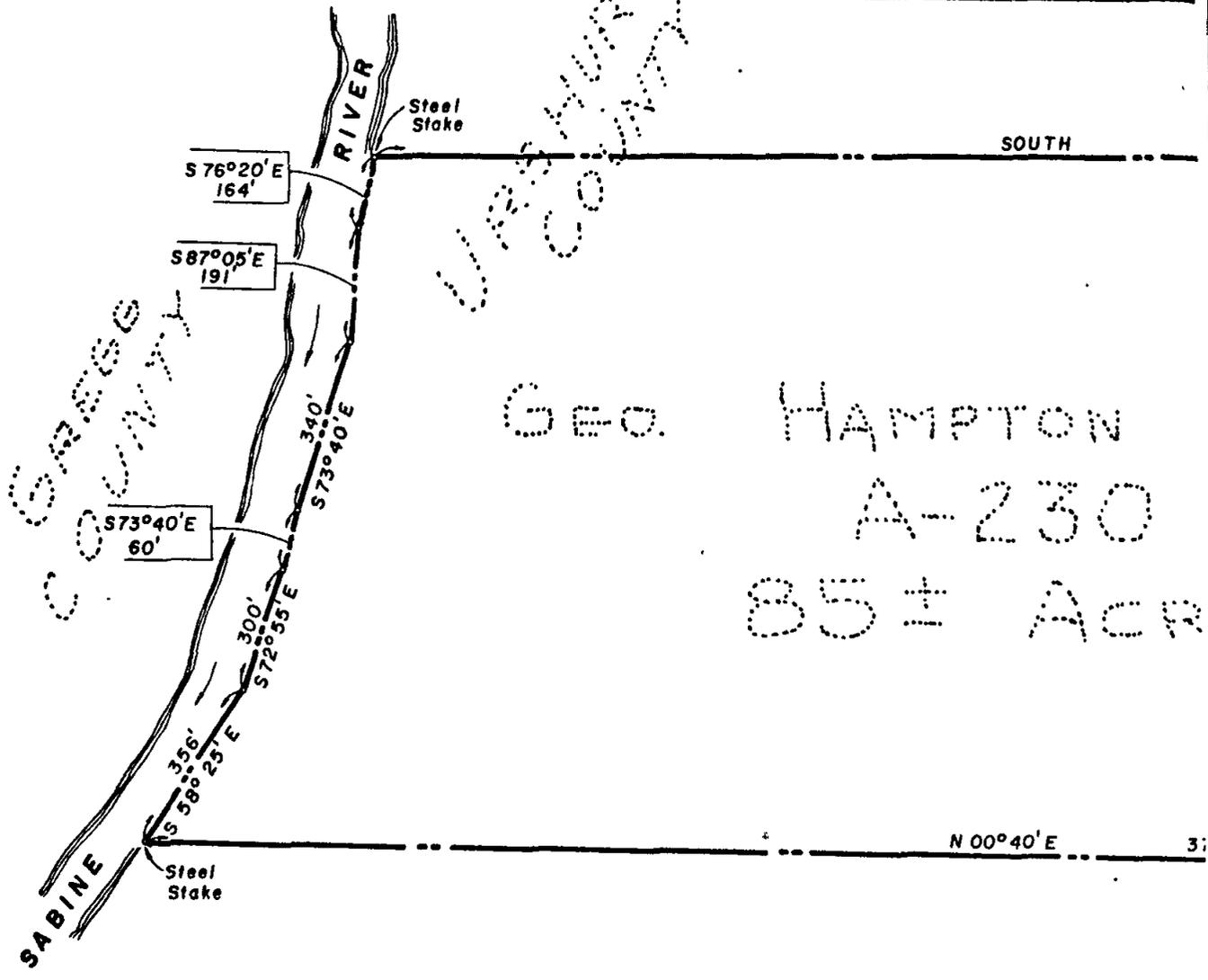
RESOLVED, to approve a solid waste disposal site for the City of Gladewater, Texas. The site consists of the North 47 acres of an 85 acre tract as recorded in Volume 343, page 548, Upshur County Deed Records. The site is further located 1,200 feet West of the City of Gladewater West City Limits and South of U.S. Highway 80.

The Commissioners Court recognizes that a properly maintained solid waste site is in the public interest and grants their approval of this site subject to concurrence of the Texas State Department of Health.


The Honorable L. G. McKinley, County Judge

September 10, 1973

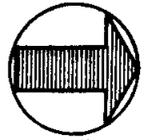
attest: 
County Clerk



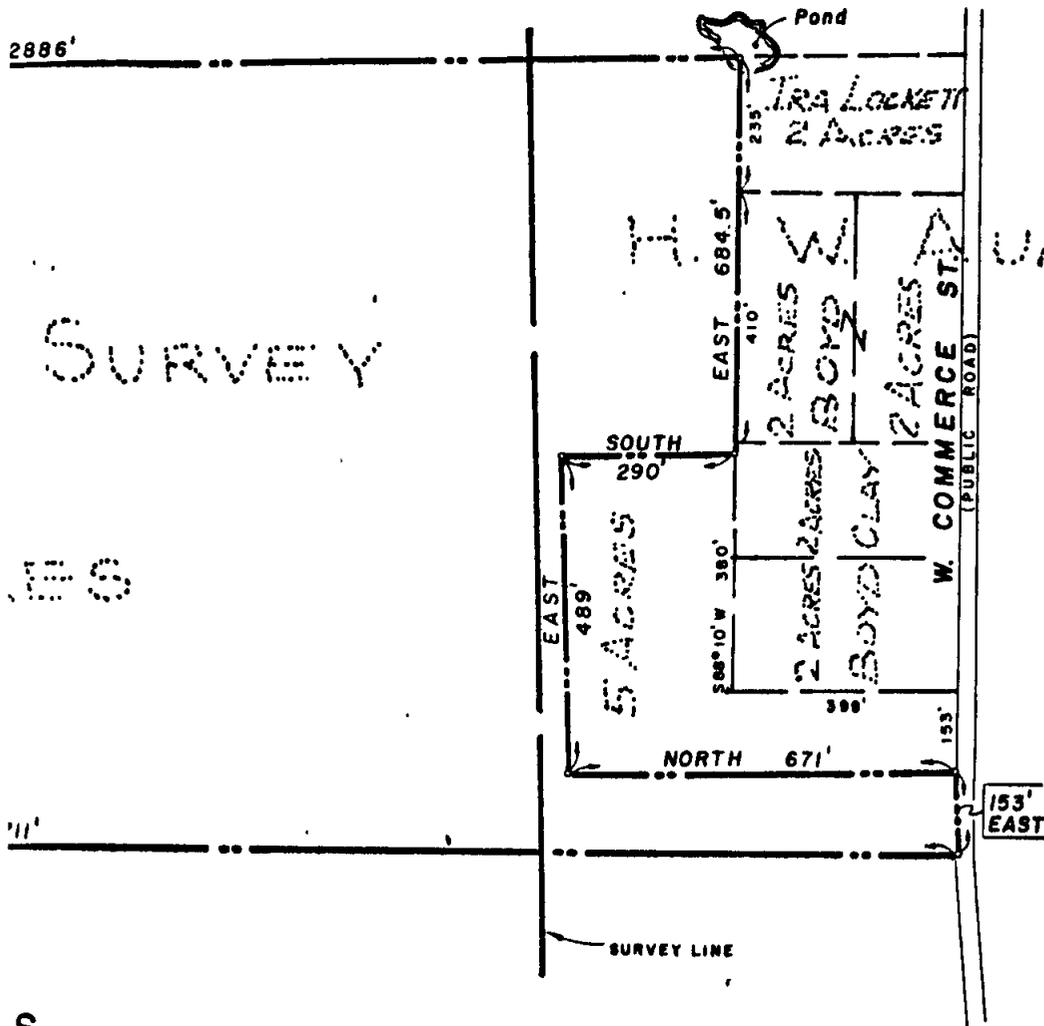
GEO. HAMPTON
A-230
85 ± Acr

FIELD NOTE

BEING a tract or parcel of land situated in Upshur County, Texas, in GEO. HAMPTON and H. Dearthion and his wife, Eliza Dearthion, and described by metes and bounds as follows: BEGINNING THENCE S 00° 40' W along the EBL of the Dearthion land a distance of 3711 feet to NBL of Sabine River THENCE with the meandering of said river N. 58° 25' W. 356 feet; N 72° 55' W 300 feet; N 73° 40' River for the SW corner of this tract; THENCE N along a line parallel to the East boundary line of this tract a distance of 2886 feet to stake THENCE East with the SBL of the Ira Lockett (2 ac.) and the M. G. Boyd 4-acre lot to point in SBL c THENCE S with NBL of the 5-acre tract of Dearthion land a distance of 290 feet, stake for corner in t THENCE along the SBL of said 5-acre tract of Dearthion land a distance of 489 feet to SEC of said 5-a THENCE N 671 feet to stake for corner in the NBL of the Dearthion land, said point being also the NE THENCE E along the NBL of the Dearthion land a distance of 153 feet to place of BEGINNING co described in that certain deed executed by J. F. Shepperd, Receiver of Estates of Willie and Eliza Dear dated the 21st day of November, 1971 and recorded in the Deed Records of Upshur County, Texas.

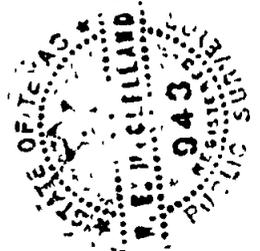


SCALE: 1" = 300'



SURVEY

AUGUSTINE
SURVEY
A-B



S

W. AUGUSTINE SURVEY, and being a part of the community real estate of the Estates of Willie at the NE corner of the said Darrion land near the SBL of a country road;
 er;
 ' W 60 feet; N 73° 40' W 340 feet; N 87° 5' W 191 feet; N 76° 20' W 164 feet to point on NBL of Sabine

e in the SWC of the Ira Lockett lot in a pond;
 f N. Clay lot a distance of 684.5 feet, stake for corner;
 he SW corner of the said 5-acre tract;
 cre tract;
 C of the said 5-acre tract;
 ntaining 85 acres of land, more or less, BEING the same land
 rion, deceased, to Fred Maxey,

R. E. McClelland
 R. E. McClelland, Registered Public Surveyor 1943

SURVEY & FIELD NOTES	
CITY OF	GLADEWATER
SANITARY	LANDFILL
B. L. NELSON & ASSOCIATES	
CONSULTING	ENGINEERS
DALLAS	TEXAS

municipal
solid waste
site study

for
CATEGORY I AREA — TYPE I OPERATION
SANITARY LANDFILL

CITY OF

GLADEWATER, TEXAS

MAYOR:

O.G. JOHNSTON

COUNCILMEN:

CURTIS BRIGHT
GEORGE THOMAS
JAMES WALKER
A.E. SHIPP
MELVIN JENKINS
JAMES GOGGANS

JOHN R. MARSHALL · CITY MANAGER
E.A. MARTIN · CITY ATTORNEY
ROY PERRYMAN · WATER SUPERINTENDENT

B.L. NELSON & ASSOCIATES, INC.

Consulting Engineers

Dallas, Texas

OCT. · 1973

B. L. NELSON & ASSOCIATES, INC.

Engineers—Architects—Planners

DALLAS

DALLAS: P. O. BOX 23006 - 75226
7311 FERGUSON RD.
PHONE 356 2128

PRESIDENT
B. L. NELSON

VICE PRESIDENT
K. W. KINDLE

SECRETARY
W. M. GUCKIAN

September 6, 1973



The Honorable O. G. Johnston, Mayor
City Council Members
City of Gladewater
P. O. Box 551
Gladewater, Texas 75647

Gentlemen:

Presented herein is an application for a solid waste site located in the George Hampton Survey west of the city limits of the City of Gladewater. This report will be presented to the Upshur County Health Officer, Dr. T. E. Marshall, and the Commissioners Court of Upshur County on Monday, September 10, 1973, at 10:00 A.M.

Pending their acceptance and approval, five copies will be submitted to the Texas State Department of Health Environmental Development Program Director. The Health Department will then present the report to the FAA, Air Pollution Control Board and the Texas Water Quality Board. Subsequent to the approval of all the agencies involved, the Tyler office of the State Health Department will make a site inspection.

This report, as presented, asks for approval in two phases; the first being a landfill operation and the second a combination landfill operation and pit-type burner with fans. Cost estimates for the construction of entrance roads, future drainage structures, water lines and pit-type burner are not included and will be presented to the Council at a future date.

We believe that this site, as presented, will meet the approval of the appropriate agencies and will serve the needs of the citizens of Gladewater during the projected periods.

Respectfully submitted,

B. L. NELSON & ASSOCIATES, INC.

B. L. Nelson, P.E., President

BLN/ljs

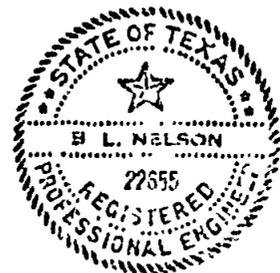


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Appendix

Plates 1, 2, 3, and 4

CITY OF GLADEWATER
MUNICIPAL SOLID WASTE SITE APPLICATION

The following information is submitted in conformance with the guidelines of the Texas State Department of Health dated June 1973. The information is submitted as an application for the City of Gladewater for a Type I sanitary landfill.

A. The proposed site is located approximately 1200' west of the west city limits of Gladewater, which is within the City's extraterritorial jurisdiction. The location is described further as being south of the Texas and Pacific Railroad and U. S. Highway 80. The property fronts on a public road referred to as West Commerce Street. A complete legal description is shown on PLATE 3 in the Appendix and is the same tract as recorded in Volume 343, page 548, Upshur County Deed Records. The complete tract of land contains 85 acres, more or less. It is only proposed that 47 acres of this land be utilized.

B. The site is under purchase option to the City of Gladewater. A deed conveying the property to the City has been executed by Fred Maxey and wife Claudia Maxey. The deed and the City's money for the purchase of the land have been escrowed in the First State Bank of Gladewater pending State Health Department approval. The option for the purchase of the site will expire October 1, 1973.

C. The City of Gladewater will be responsible for the solid waste operation on the site. The City presently owns and operates a site which has been depleted necessitating the purchase of this new site. Collection is provided 44 hours a week with each house receiving two trash and one brush collection. This operation is performed with three vehicles with three-man crews each. The City presently owns the necessary equipment for daily coverage on the proposed site.

D. The City of Gladewater is a Category 1 area and the proposed landfill will be Type I operation. The present population of the City of Gladewater is 5,574. It is projected that the 1980 population will be 6,254 and the 1990 population 6,658. These population figures are projections based on the 1970 census report and the East Texas Council of Governments Comprehensive Water and Sewer Plan figures.

E. An area map is shown on a United States Geological Survey map shown as PLATE 1 of the Appendix. A more detailed study of the immediate area is shown on a 1 to 400' scale map which is PLATE 2 of the Appendix.

(1) The longitude and latitude is indicated on the USGS topographical map.

(2) The Sabine River and a creek running across the north edge of the property to a pond and then on to the Sabine River is illustrated on PLATE 4 which is scaled 1" to 150'. The area directly east of the property is served with domestic water by the City of Gladewater. The other area surrounding the property is served with domestic water by the Pritchett Water Supply Corporation. There are no water wells adjacent to the property that will be damaged by this landfill. PLATE 2 of the Appendix shows the location of sixteen bores, none of which located underground water. Protection to local streams and wells is insured by a layer of red fine sand of low permeability. (4.3×10^{-8} cm./sec.) At least three feet of this low permeability soil will remain in place. The liquid limits and plastic index of the low permeability soil is tabulated from results compiled by Mitchell and Associates. The results are shown on page 7.

(3) Location of area communities are indicated on PLATE 2 of the Appendix. Symbols are used in the legend to set out occupied structures, unoccupied structures, substandard occupied structures, commercial structures and mobile homes.

(4) The property has good access. U. S. Highway 80 will be used coming west from Gladewater and West Commerce Street is paved with oil and sand emulsion as is commonly used in the area. The City will construct a road into the property from the northeast corner to an area which will be number one in the sequence of development. This road will be an all-weather oil and sand emulsion road. Forty feet of 48" drain pipe will be installed in the creek in the northeast corner of the property. This drain pipe is sized to continue down the creek and to the pond on the west side of the property. It is anticipated that the low area will be filled and utilized in the sequence of development and use of the tract.

F. The City considered sites south and southeast of town. Many of the tracts considered had four acres of flood land for each one acre of usable land. All the property east of the City on Highway 80 was considered to be too populated. One site was considered five miles south of the Tyler-Gladewater Highway on the south side of the Sabine River but it would have a sixteen mile haul and did not have good access. This proposed 85 acre site was selected because of its natural topographical restraints. The Sabine River on the south, a creek down the west side and pasture land existing on three or four sides.

B. L. NELSON & ASSOCIATES, INC.

G. The predominant land use in the area is agricultural. There are some sub-standard homes directly to the north of the property. PLATE 2 illustrates the land usage adjacent to this proposed site.

H. It is proposed to use approximately 47 acres of this site for a Type I landfill operation. The City also proposes to install a pit-type burner with fans within the next three to five years. The burner will be used for the disposal of lumber and tree cuttings. Soil data for the landfill is included herein on the next 22 pages compiled by Mitchell and Associates who verifies the usability of this site. Logs shown in their report reflect the recommended bottom for excavation. This information has been "Correlated" with Elevations and the Sequence of Development as shown on PLATE 4.



MITCHELL AND ASSOCIATES
SOILS AND MATERIALS ENGINEERS

11462 HARRY HINES BLVD.
DALLAS, TEXAS 75229
(214) 243-2525

August 30, 1973

B. L. Nelson & Associates
P. O. Box 22008
Dallas, Texas 75222

ATTN: Mr. B. L. Nelson

Re: Proposed Sanitary Landfill
Gladewater, Texas
73-600

Gentlemen:

In accordance with your request, we have made certain soils inspections and tests for the above referenced project. The field investigation consisted of 15 test borings or pits at locations designated by you. Logs of the borings and pits are attached.

The general sub-surface stratigraphy is typical of the area under consideration, and consists of from 1½ to 3 feet of tan sandy loam (topsoil) and 10 to 20 feet of red and gray clay or sandy clay overlying red and gray sandy or clayey sands with some concentrations of gray clay below this.

Representative samples of the soils were tested in the laboratory for moisture, density and Atterberg Limits. This data is presented in the attached Summary of Tests. The sample from Boring No. 1 at 9 feet, the sample from Boring No. 2 at 19 feet, and the sample from Boring No. 3 at 9 feet were tested for permeability. The results were 7.1×10^{-8} cm./sec., 9.2×10^{-8} cm./sec., and impermeable, respectively. In addition, a representative composite sample from 9 feet in the test pits was subjected to a Standard Proctor moisture-density relationship. (The curve is attached). A specimen was then remolded to 95 percent compaction at optimum moisture content, and tested for permeability. The result was 4.3×10^{-8} cm./sec.

~~The site appears to be suitable for the disposal of sanitary fill. The soils that will exist within a reasonable excavation depth possess sufficiently low permeability to serve as an adequate barrier against seepage of effluent into the deeper sands. Care must be exercised, however, to terminate the excavation at such a depth that at least~~

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B. L. Nelson

(2)

August 30, 1973

~~2 or 3 feet of the low permeability soils will remain in place. The excavation bottom elevations can be ascertained from the original contour map and the attached Logs of Borings.~~

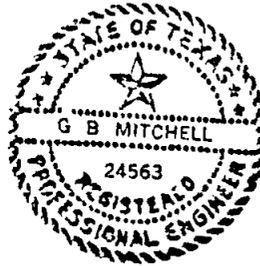
We trust this is the information you desire, and if we can be of further service, please call on us.

Respectfully submitted,

MITCHELL and ASSOCIATES

G. B. Mitchell

G. B. Mitchell, P. E.
President



SUMMARY OF TESTS 1 of 2

PROJECT: Proposed Sanitary Landfill, Gladewater, Texas

CLIENT: B. L. Nelson & Associates, Dallas, Texas

DATE: 9-4-73

BORING NUMBER	DEPTH (feet)	TYPE OF MATERIAL	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	ATTERBERG LIMITS			LINEAR SHRINKAGE (%)	PENETRATION (Blows Per Foot)	COMPRESSIVE STRENGTH (psf)	CONFINING PRESSURE (psi)	STRAIN (%)
					LL	PL	PI					
1	½	Tan sandy loam			NON-PLASTIC							
	4	Red & gray sandy clay	12	119	33	12	21	9				
	9	Red & gray sandy clay	12	113	41	17	24	11				
	14	Red fine sand			NON-PLASTIC							
	19	Red fine sand			NON-PLASTIC							
2	9	Red clayey fine sand	12	109	25	23	2	1				
	14	Red fine sand	8		NON-PLASTIC							
	19	Red & gray sandy clay	13	118	40	16	24	14				
	24	Gray clay	18	106	81	22	59	25				

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MITCHELL AND ASSOCIATES

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SUMMARY OF TESTS 2 of 2

PROJECT: Proposed Sanitary Landfill, Gladewater, Texas

CLIENT: B. L. Nelson & Associates, Dallas, Texas

DATE: 9-4-73

BORING NUMBER	DEPTH (feet)	TYPE OF MATERIAL	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	ATTERBERG LIMITS			LINEAR SHRINKAGE (%)	PENETRATION (Blows Per Foot)	COMPRESSIVE STRENGTH (psf)	CONFINING PRESSURE (psi)	STRAIN (%)
					LL	PL	PI					
3	9	Red & gray clay	18	107	53	25	28	20				
	14	Red clayey fine sand	8		22	18	4	2				
	19	Red clayey fine sand	8	113	25	18	7	5				
	24	Red clayey fine sand	8		20	19	1	1				

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MITCHELL AND ASSOCIATES

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MOISTURE-DENSITY RELATIONS

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PROJECT: Gladewater Sanitary Landfill

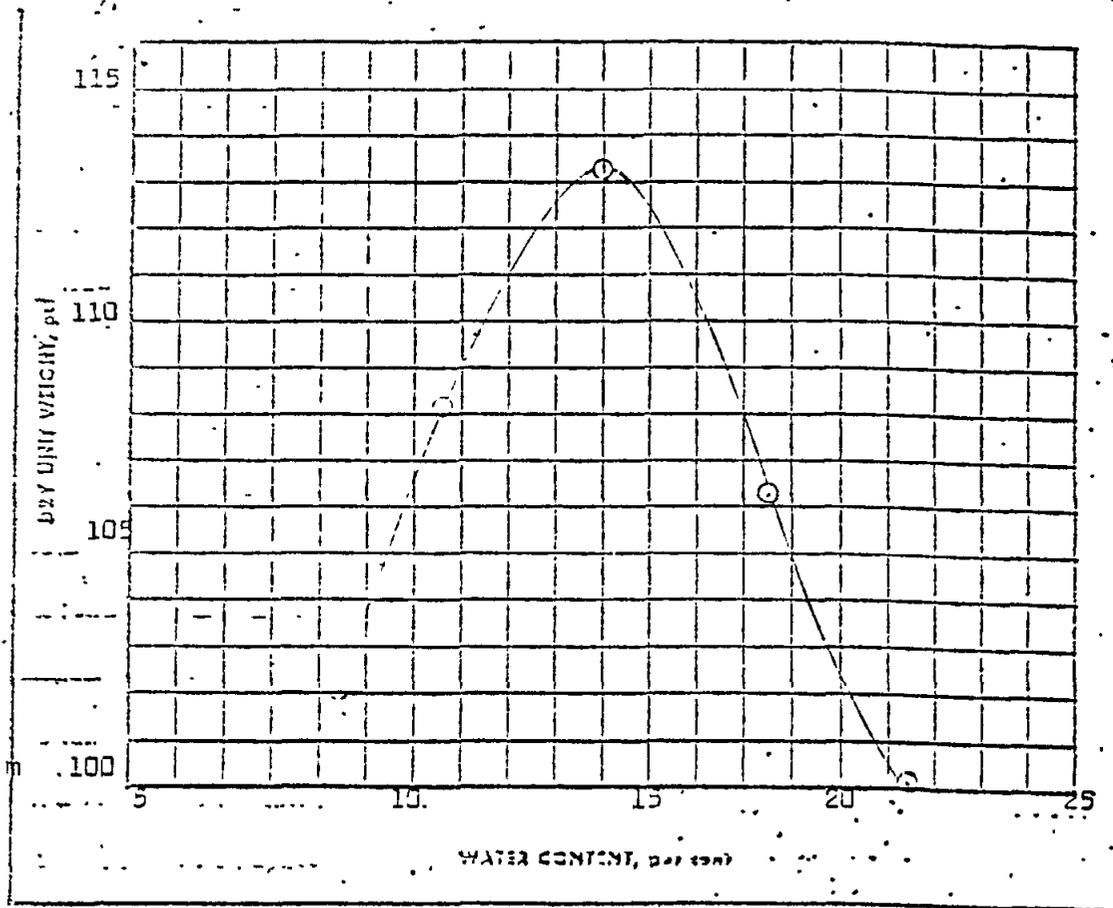
DATE: 8-24-73

CLIENT: B. L. Nelson & Associates

JOB NO: 73-600

TYPE MATERIAL: Red & Tan Sandy Clay

Liquid Limit	Plastic Limit	Plasticity Index	Linear Shrinkage
32	15	17	9



TYPE OF TEST:

- STANDARD PROCTOR
- MODIFIED PROCTOR
- OTHER:

RESULTS:

MAXIMUM DRY DENSITY - 113.4 pcf
 OPTIMUM MOISTURE CONTENT - 15.0 %

MITCHELL AND ASSOCIATES

		Boring No.1	
		LOG OF BORING 700'N of Sta. 4+50 on 2nd	
		Pipeline R. O. W.	
PROJECT: Gladewater Sanitary Lanfill		CLIENT: B. L. Nelson	
Date: August 8, 1973		Type: Core	Elevation: 315
Depth, feet	Symbol	Legend:	
		☐ Sample	X Penetration
		☑ Water	
Description of Stratum			
	☐	Sandy Loam	
5	☐	Red & Gray Sandy Clay	
10	☐	Recommended excavation bottom	
15	☐	Red fine sand	
20	☐		
25	☐	Bottom @ 25 feet	
30	☐	No ground water when drilling	
35	☐		
40	☐		
45	☐		
50	☐		

MITCHELL AND ASSOCIATES

PROJECT: Gladewater Sanitary Landfill		LOG OF BORING		Boring No. 2	
CLIENT: B. L. Nelson				200' N of Sta. 5+00 on 2nd Pipeline R.O.W.	
Date: August 8, 1973		Type: Core		Elevation: 315	
Depth, Feet	Symbol	Sample	Legend:		
			☐ Sample	✕ Penetration	▽ Water
Description of Stratum					
			Tan' Sandy Loam		
5			Red clayey fine sand		
10					
15			Red fine sand		
20			Red & gray sandy clay		
			----- Recommended excavation bottom		
			Gray Clay		
25			Bottom @ 25 feet		
30			No ground water when drilling		
35					
40					
45					
50					

MITCHELL AND ASSOCIATES

Boring No. 3
 LOG OF BORING 300' N of Sta. 5+00 on
 2nd Pipeline R.O.W.

PROJECT: Gladewater Sanitary Landfill
 CLIENT: B. L. Nelson

Date: August 8, 1973 Type: Core Elevation: 315

Depth, Feet	Symbol	Sample	Legend:
			<input type="checkbox"/> Sample X Penetration ▽ Water
			Description of Stratum
			Tan Sandy Loam
5			Red & Gray Sandy Clay Recommended excavation bottom
10			
15			Red clayey fine sand
20			
25			Bottom @25feet
30			No ground water when drilling
35			
40			
45			
50			

MITCHELL AND ASSOCIATES

		Boring No. 4	
		LOG OF BORING Vicinity of boring #2; Sta. 4+00 on 2nd Pipeline R.O.W.	
PROJECT: Gladewater Sanitary Landfill		CLIENT: B. L. Nelson	
Date: August 20, 1973		Type: Core Elevation: 315	
Depth, Feet	Symbol	Legend:	
		Sample	X Penetration
		7 Water	
Description of Stratum			
		Tan sandy loam	
5		Red & gray sandy clay	
10		----- Recommended excavation bottom	
15		Bottom @ 12 feet	
20		No ground water when drilling	
25			
30			
35			
40			
45			
50			

MITCHELL AND ASSOCIATES

		LOG OF BORING		Boring No. 5
		PROJECT: Gladewater Sanitary Landfill		Station 9+00; 3rd Pipeline
		CLIENT: B. L. Nelson		R. O.W.
Date: August 20, 1973		Type: Core	Elevation: 310	
Depth, Feet	Symbol	Sample	Legend:	
			3 Sample	X Penetration 7 Water
Description of Stratum				
			Tan Sandy Loam	
5			Red & gray sandy clay	
10			Recommended excavation bottom	
			Bottom @ 11 feet	
15			No ground water when drilling	
20				
25				
30				
35				
40				
45				
50				

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PROJECT: Gladewater Sanitary Landfill		LOG OF BORING	Vicinity of Boring # 3; Sta. 8+00 on 3rd Pipeline R.O.W., 100' south	Boring No. 6
CLIENT: B. L. Nelson				
Date: August 20, 1973		Type: Core	Elevation: 315	
		Legend:		
		☐ Sample	✕ Penetration	∇ Water
		Description of Stratum		
		Tan Sandy Loam		
5		Red & gray sandy clay		
10		Recommended excavation bottom		
15		Bottom @ 12 feet		
20		No ground water when drilling		
25				
30				
35				
40				
45				
50				

MITCHELL AND ASSOCIATES

		Boring No. 7	
		LOG OF BORING 400' S. of Sta. 8+00 on 3rd Pipeline R.O.W.	
PROJECT: Gladewater Sanitary Landfill		CLIENT: B. L. Nelson	
Date: August 20, 1973		Type: Core	Elevation: 312
Legend:			
☐ Sample		✕ Penetration	
		☑ Water	
Description of Stratum			
		Tan Sandy Loam	
5		Red & gray sandy clay	
10		Recommended excavation bottom	
15		Bottom @ 11 feet	
20		No ground water when drilling	
25			
30			
35			
40			
45			
50			

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		Boring No. 8	
		LOG OF BORING 450' from 3rd Pipeline	
		Opposite station 10+50	
PROJECT: Gladewater Sanitary Landfill			
CLIENT: B. L. Nelson			
Date: August 20, 1973		Type: Core	Elevation: 305
Depth, Feet	Symbol	Sample	Legend:
			<input checked="" type="checkbox"/> Sample <input checked="" type="checkbox"/> Penetration <input checked="" type="checkbox"/> Water
			Description of Stratum
			Tan Sandy Loam
5			Red & gray sandy clay
10			
			Recommended excavation bottom
15			Bottom @ 12 feet
			No ground water when drilling
20			
25			
30			
35			
40			
45			
50			

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		Boring No. 9	
		LOG OF BORING	Sta. 3+00 on 3rd Pipeline R.O.W.
PROJECT: Gladewater Sanitary Landfill			
CLIENT: B. L. Nelson			
Date: August 20, 1973		Type: Core	Elevation: 316
Depth, Feet	Symbol	Sample	Legend:
			<input checked="" type="checkbox"/> Sample <input checked="" type="checkbox"/> Penetration <input checked="" type="checkbox"/> Water
			Description of Stratum
			Tan Sandy Loam
5			Red & gray sandy clay
10			Recommended excavation bottom
15			Bottom @ 11 feet
20			No ground water when drilling
25			
30			
35			
40			
45			
50			

MITCHELL AND ASSOCIATES

PROJECT: Gladewater Sanitary Landfill		LOG OF BORING		Boring No. 10	
CLIENT: B. L. Nelson		Sta. 1+00 on 3rd Pipeline		R.O.W.	
Date: August 20, 1973		Type: Core		Elevation: 305	
Depth, Feet	Symbol	Sample	Legend:		
			☐ Sample	✕ Penetration	▨ Water
Description of Stratum					
			Tan, Sandy Loam		
5			Red & gray sandy clay		
10			Recommended excavation bottom		
15			Bottom @ 12 feet		
			No ground water when drilling		
20					
25					
30					
35					
40					
45					
50					

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		Boring No. 11	
		LOG OF BORING Sta. 1+00 on 2nd Pipeline R.O.W.	
PROJECT: Gladewater Sanitary Landfill			
CLIENT: B. L. Nelson			
Date: August 20, 1973		Type: Core	Elevation: 312
Depth, Feet	Symbol	Sample	Legend:
			<input type="checkbox"/> Sample X Penetration 7 Water
			Description of Stratum
			Tan Sandy Loam
5			Red & gray sandy clay
10			----- Recommended excavation bottom
15			Bottom @ 12 Feet
20			No ground water when drilling
25			
30			
35			
40			
45			
50			

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Boring No. 12		
LOG OF BORING 400'S. of Station 6+00 on 3rd pipeline R.O.W.		
PROJECT: Gladewater Sanitary Landfill		
CLIENT: B. L. Nelson		
Date: August 20, 1973		Type: Core Elevation: 314
Depth, Feet	Symbol	Sample
		Legend:
		<input checked="" type="checkbox"/> Sample X Penetration <input checked="" type="checkbox"/> Water
		Description of Stratum
	1	Tan Sandy Loam
5	2	Red & gray sandy clay
10	3	----- Recommended excavation bottom
15		Bottom @ 11 feet
20		No ground water when drilling
25		
30		
35		
40		
45		
50		

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		Boring No. 13	
		LOG OF BORING 100' N. of Sta. 11+50 on	
		2nd Pipeline R.O.W.	
PROJECT: Gladewater Sanitary Landfill			
CLIENT: B. L. Nelson			
Date: August 20, 1973		Type: Core	Elevation: 310
Depth, Feet	Symbol	Sample	Legend:
			 Sample  Penetration  Water
			Description of Stratum
			Tan Sandy Loam
5			Red & gray sandy clay
10			----- Recommended excavation bottom
			Bottom @ 11 feet
15			No ground water when drilling
20			
25			
30			
35			
40			
45			
50			

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PROJECT: Gladewater Sanitary Landfill		LOG OF BORING		Boring No. 14	
CLIENT: B. L. Nelson				Sta. 10+50 on 3rd Pipeline	
Date: August 20, 1973		Type: Core		R.O.W., 100' south	
Elevation: 302					
		Legend:			
		Sample	X Penetration	Water	
Description of Stratum					
		Tan Sandy Loam			
5		Red & gray sandy clay			
10		Recommended excavation bottom			
		Bottom @ 11 feet			
15		No ground water when drilling			
20					
25					
30					
35					
40					
45					
50					

MITCHELL AND ASSOCIATES

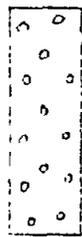
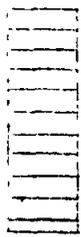
		Boring No. 15	
		LOG OF BORING 400' S. of Sta. 4+00 on 3rd Pipeline R.O.W.	
		PROJECT: Gladewater Sanitary Landfill	
		CLIENT: B. L. Nelson	
Date: August 20, 1973		Type: Core	Elevation: 308
Depth, feet	Symbol	Sample	Legend:
			<input checked="" type="checkbox"/> Sample <input checked="" type="checkbox"/> Penetration <input checked="" type="checkbox"/> Water
			Description of Stratum
			Tan Sandy Loam
5			Red & gray sandy clay
10			----- Recommended excavation bottom
			Bottom @ 11 feet
15			No ground water when drilling
20			
25			
30			
35			
40			
45			
50			

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		Boring No. 16	
		LOG OF BORING 400' S. of Sta. 1+00 on 3rd Pipeline R.O.W.	
PROJECT: Gladewater Sanitary Landfill		CLIENT: B. L. Nelson	
Date: August 20, 1973		Type: Core	Elevation: 307
Depth, Feet	Symbol	Sample	Legend:
] Sample X Penetration 7 Water
			Description of Stratum
			Tan Sandy Loam
5			Red & gray sandy clay
10			Recommended excavation bottom
15			Bottom @ 11 feet
			No ground water when drilling
20			
25			
30			
35			
40			
45			
50			

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KEY TO SOIL SYMBOLS AND DESCRIPTIONS
USED ON LOGS OF BORINGS

	Gravel		Silt		Sand		Limey
	Sand		Clay		Shale		Organic

COLOR

In color description of soil, the predominant color is stated first.

CONSISTENCY OF COHESIVE SOILS

<u>Classification</u>	<u>Compressive Strength, psf</u>
Very Soft	Less than - 500
Soft	500 - 1000
Plastic	1000 - 2000
Stiff	2000 - 4000
Very Stiff	4000 - 8000
Hard	More than - 8000

CONSISTENCY OF COHESIONLESS SOILS

<u>Classification</u>	<u>Standard Penetration, bpf</u>
Loose	Less than 10
Firm	10 - 30
Dense	More than 30

SOIL STRUCTURE

Jointed -	Cut by old shrinkage planes
Fractured -	Containing old cracks, frequently filled with sand, silt or clay of differing color
Interbedded -	Composed of alternate layers of different soil types
Limey -	Contains deposits of calcium carbonate

(1) It is recommended that excavation not exceed the level as indicated below which is illustrated on PLATE 4.

<u>Sequence No.</u>	<u>Elevation</u>
1	294
2	294
3	297
4	297
5	294
6	392
7	304
8	300
9	300
10	301

(2) PLATE 2 illustrates the location of three pipe line easements, one power line easement, a prevailing SE wind, location of U.S. Highway 80, a proposed 4" water fire line with operating pressure of 50 psi, and Gladewater City Limit line.

(3) PLATE 4 illustrates the area fill method, maximum deposits for each sequence, existing contours, finish contours, location of proposed road construction, the area of land in each sequence, maximum flood elevation for Sabine River (288.0 elev.), typical drainage around each pit sequence and bench marks for controlling the excavation depths.

(4) All drainage on 47 acres of the 85 acre site drains away from the site. Typical drainage ditch for the pit sequences are based on $Q = CIA$ using an I for 25 years or 4.1 inches/hours, a C of 0.40 and the areas shown on PLATE 4.

(5) For purposes of projecting the anticipated life of this landfill, the following assumptions are used.

Area Available - 47 Acres Adjusted to 45 Acres

Use Average Depth of 8 Feet

16 Square Feet per Person per Year

Average Gladewater Population - 5,800

Using these assumptions, 2.6 acres per year would be required. The projected life of the adjusted 45 acre site is 17 years. However, it should be noted here that a pit type burner equipment with blowers is planned within the next five years. The pit type burner process is a man-made pit with the control of burned particle matter by the use of jet air streams surrounding the pit. The air jet streams form an air blanket above the burning refuse, thereby preventing burned particles from polluting the surrounding air. The location of this equipment is proposed to be installed between Sequence #1 and Sequence #3 on the south portion of the 47 usable acres. With the installation of this equipment for the burning of lumber and tree cutting, the life of this site would be extended to 25 years.

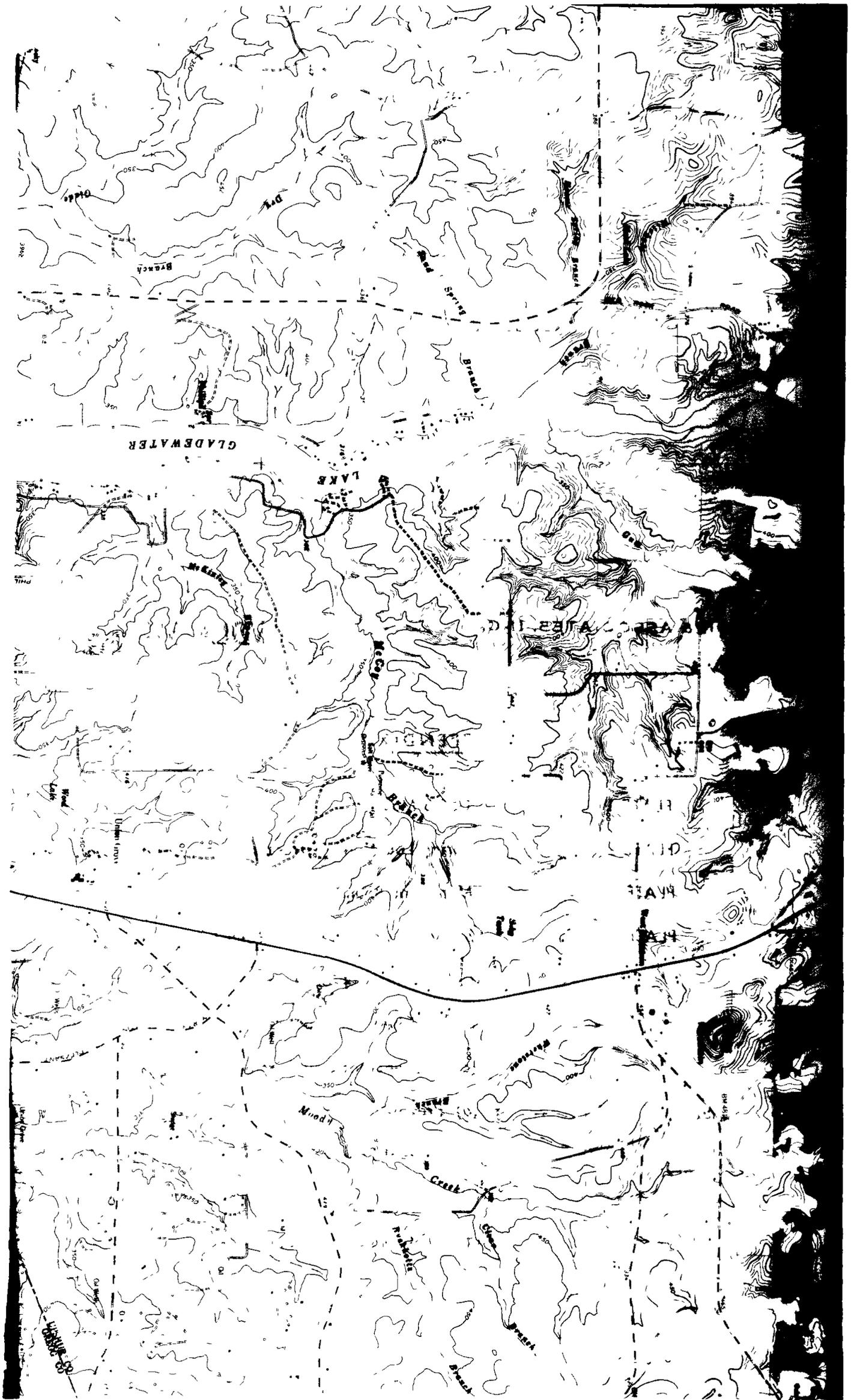
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B. L. NELSON & ASSOCIATES, INC.

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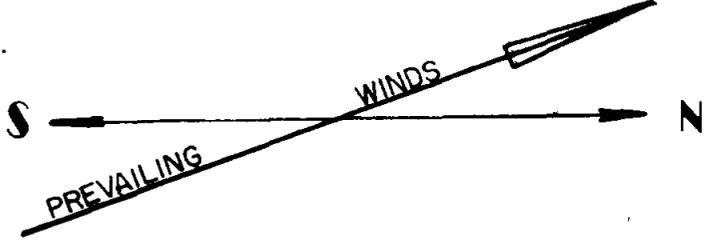
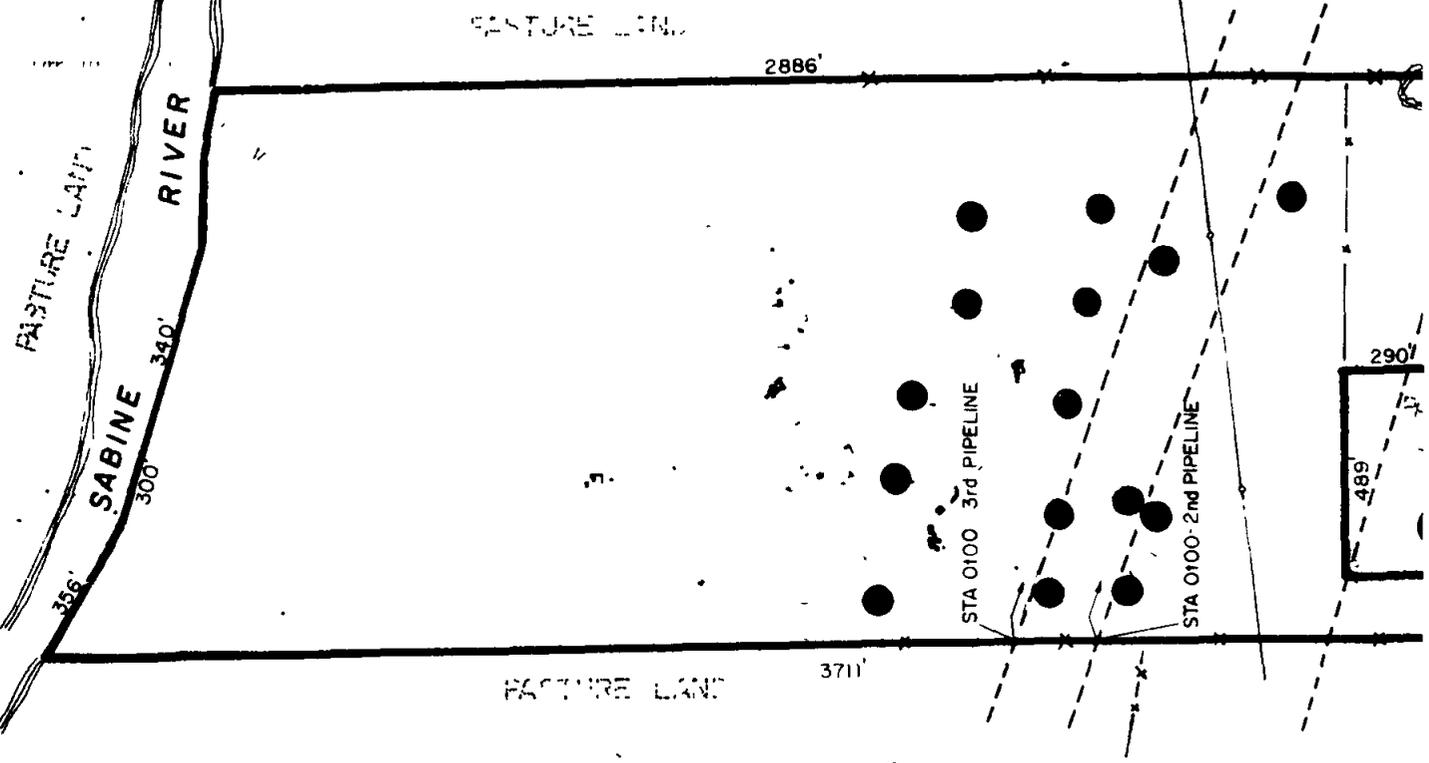
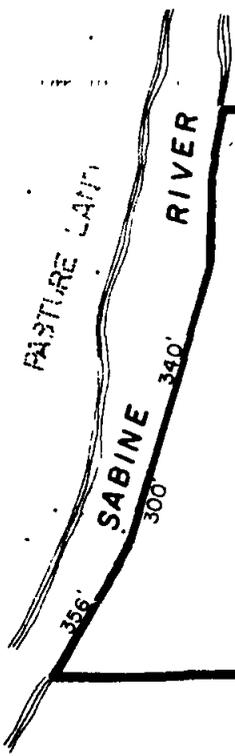
APPENDIX

PLATE 1	USGS Map
PLATE 2	Boring Locations - Structure Locations and Land Usage
PLATE 3	Metes and Bounds Survey
PLATE 4	Sequence of Development and Topographical Map
	(a) Existing Contours
	(b) Finished Contours
	(c) Sequence of Development by Area
	(d) Prevailing Wind Direction
	(e) Typical Fill Sections
	(f) Four Inch Water Line Location
	(g) Existing Easement Locations

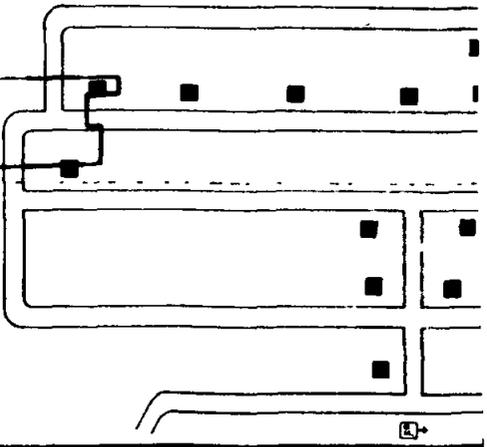


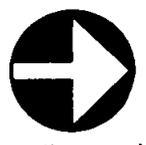
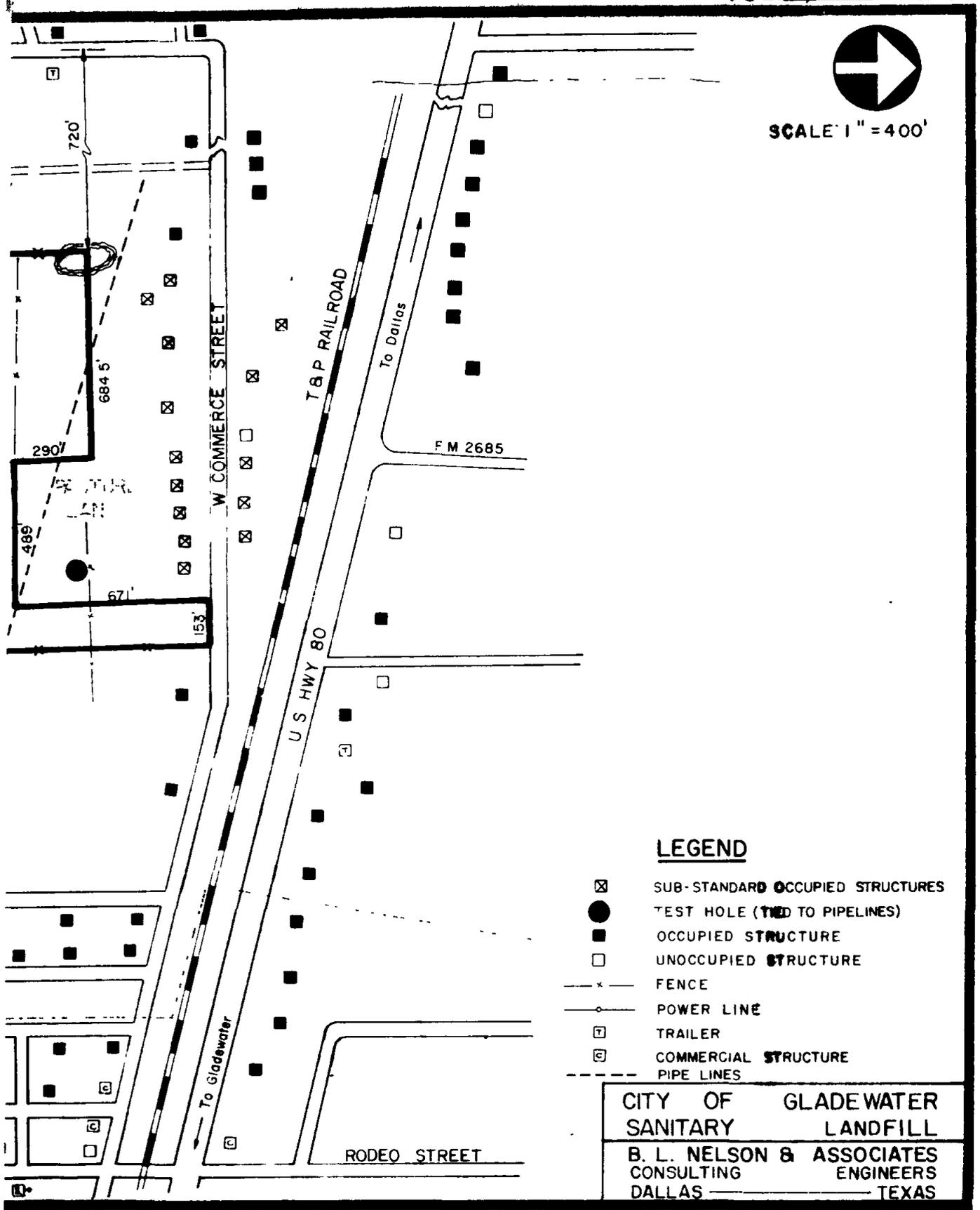


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SITE
CITY LIMITS - CITY OF GLADEWATER
660602D



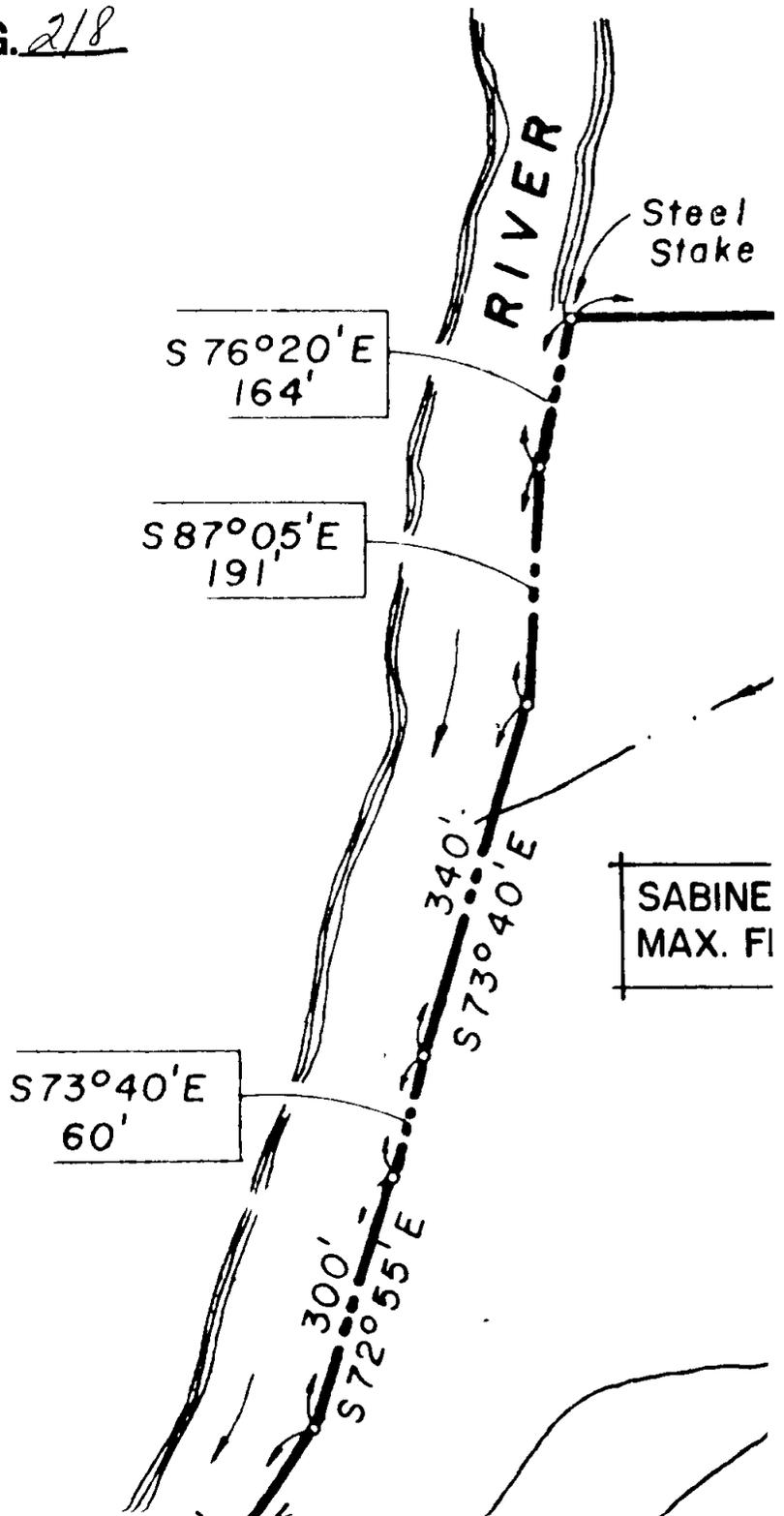


SCALE 1" = 400'

LEGEND

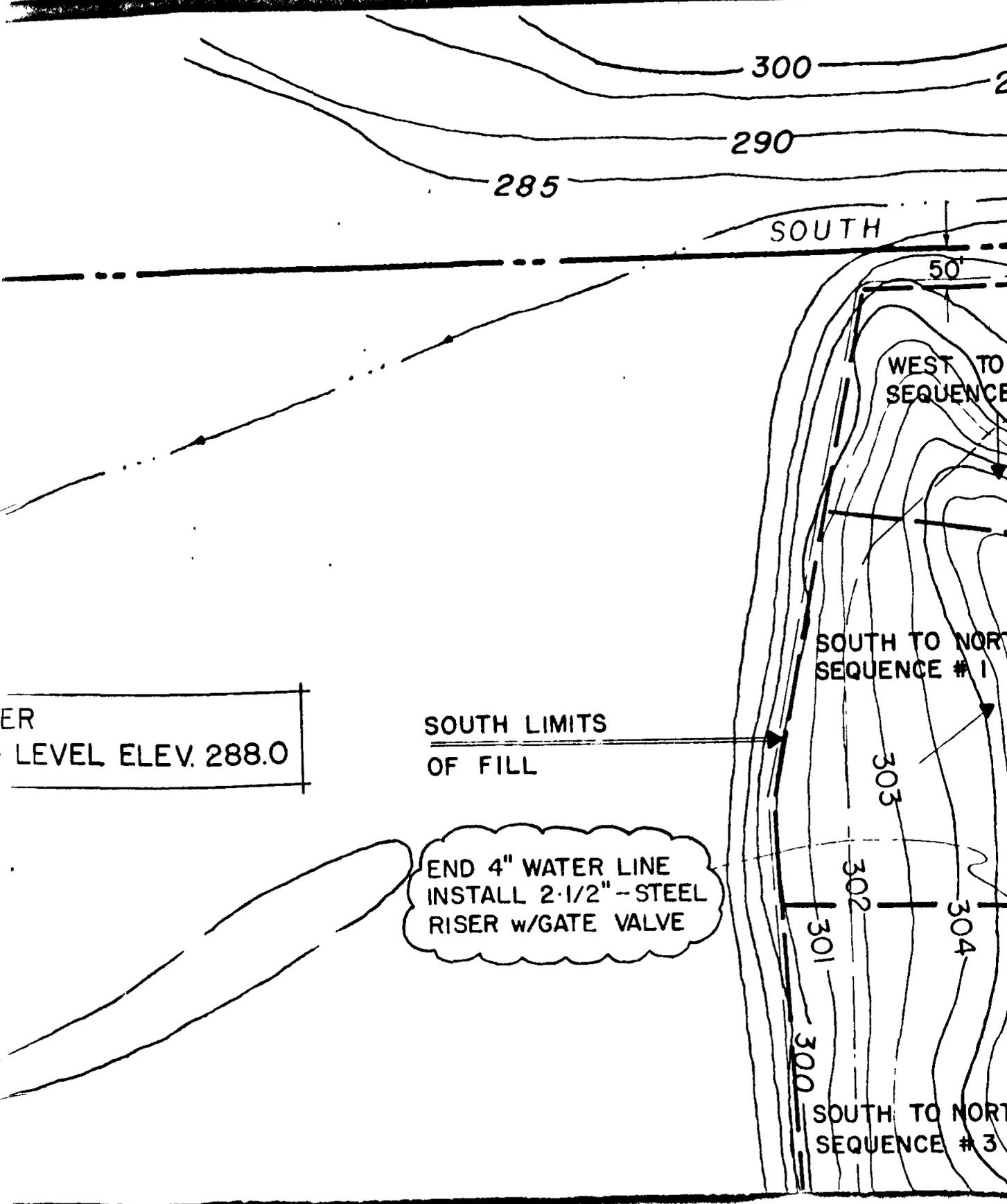
- ⊠ SUB-STANDARD OCCUPIED STRUCTURES
- TEST HOLE (TIED TO PIPELINES)
- OCCUPIED STRUCTURE
- UNOCCUPIED STRUCTURE
- x- FENCE
- o- POWER LINE
- ⌈ TRAILER
- ⌈ COMMERCIAL STRUCTURE
- - - PIPE LINES

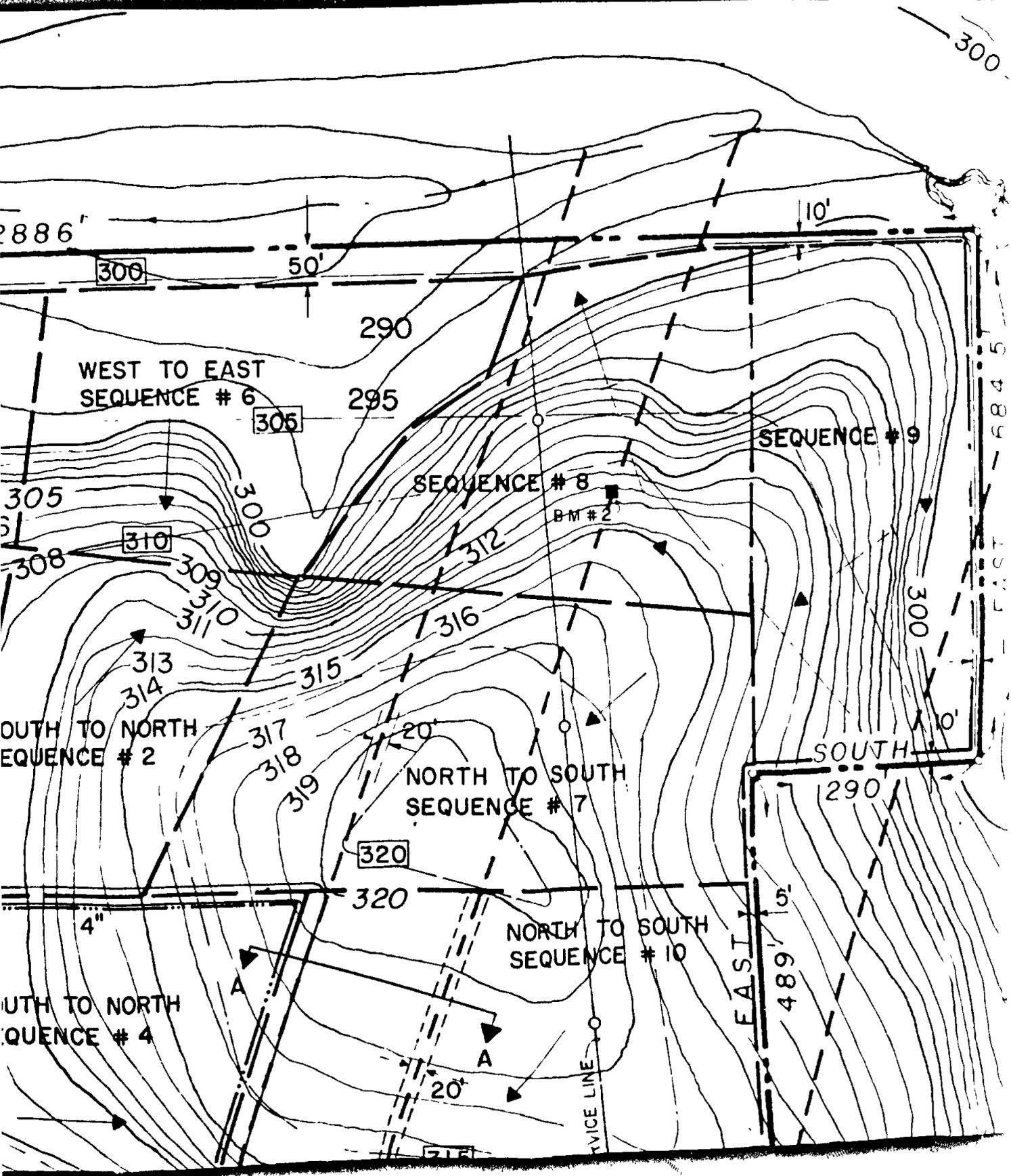
CITY OF GLADE WATER
 SANITARY LANDFILL
 B. L. NELSON & ASSOCIATES
 CONSULTING ENGINEERS
 DALLAS TEXAS

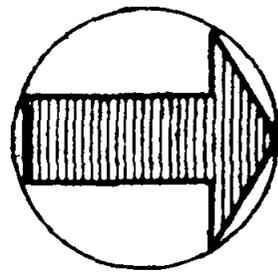
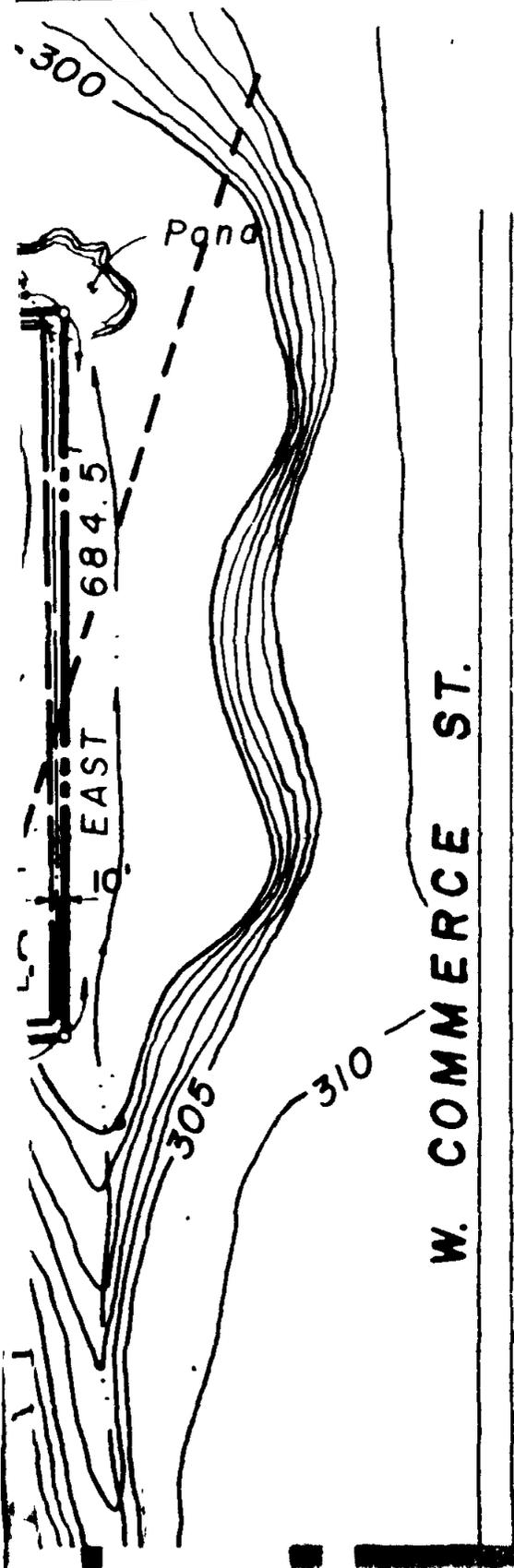


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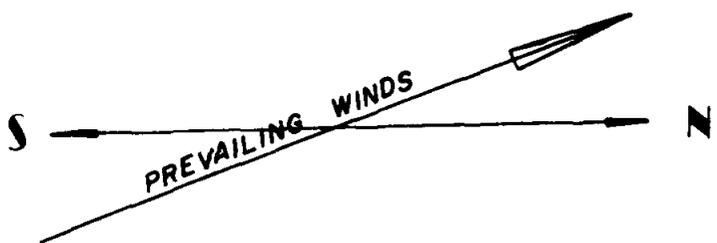
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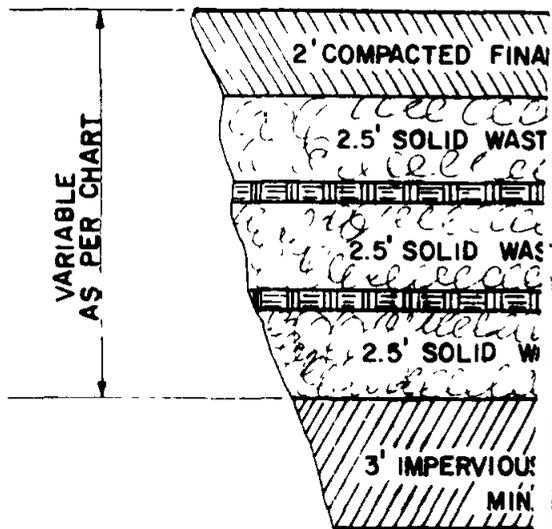
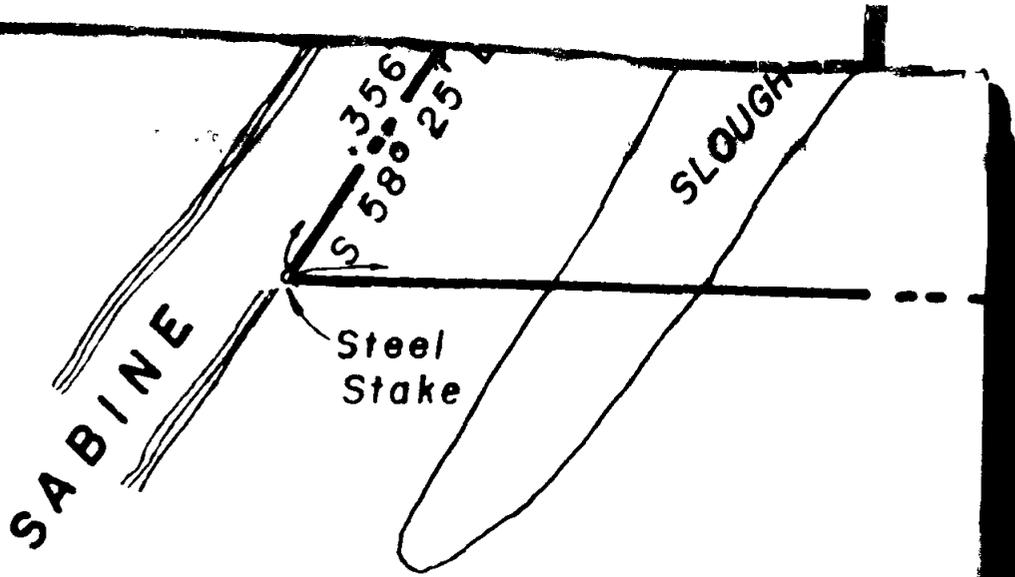


SCALE: 1" = 150'



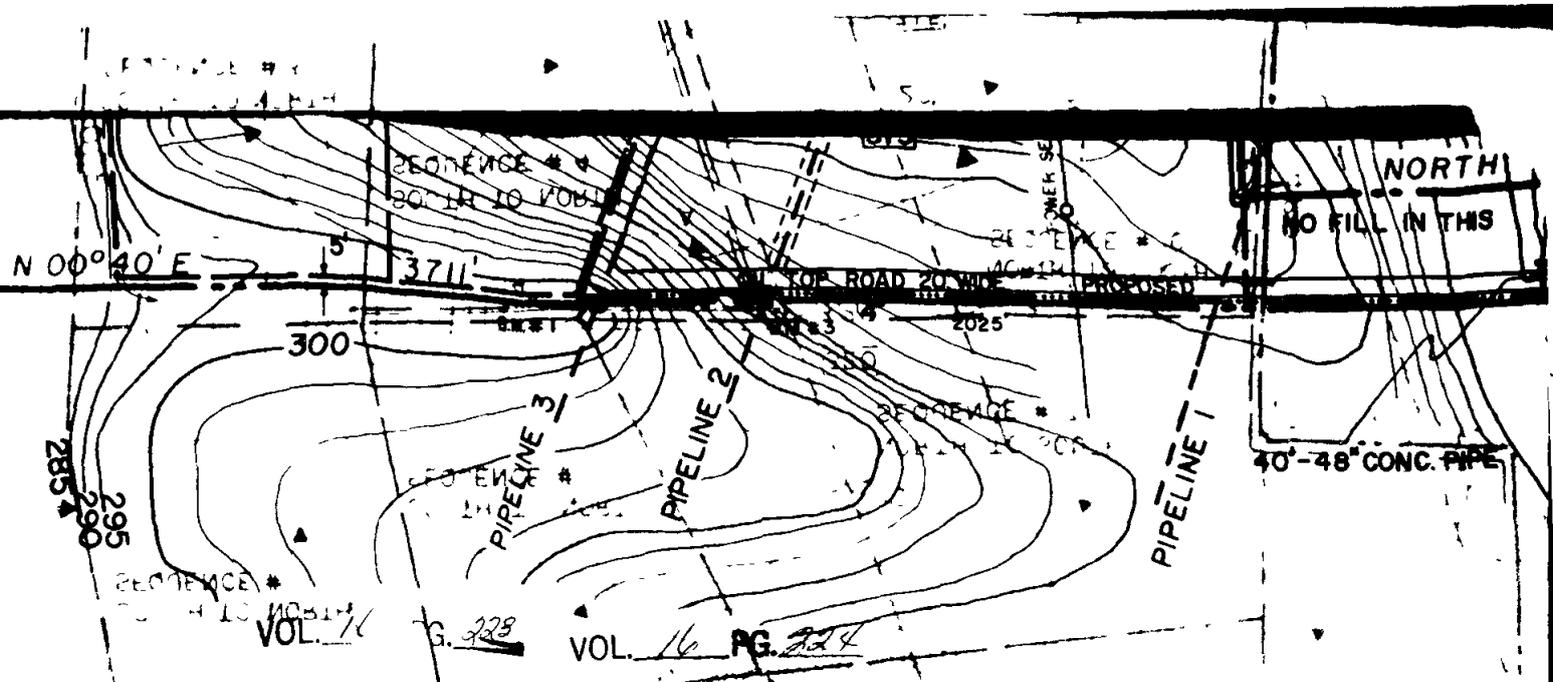
- B.M #1 EL 315.63
50P NAIL IN 8" PINE w/ORANGE
PAINT STA 0+00 3RD PIPELINE
- B.M #2 EL 319.27
60P NAIL SET IN 18" PINE RT
OF STA. 11+00 ON 2ND PIPE
LINE
- B.M #3 EL 315.77
RR SPIKE IN 12" PINE
STA. 0+00 2ND PIPELINE

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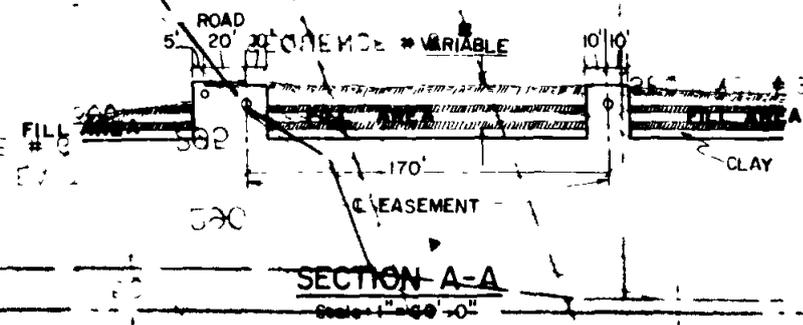
TYPICAL FILL SI

Scale 1/4" = 1'-0"



- ILL
- 6" SOIL COVER
- 6" SOIL COVER

SEQUENCE		DATA	
SEQUENCE NO	AREA	AVG GRD ELEV	BOTTOM OF EXC ELEV
1	3.6 AC	306	294
2	3.2 AC	313	294
3	3.9 AC	305	297
4	4.5 AC	302	297
5	2.4 AC	303	294
6	3.9 AC	298	292
7	6.4 AC	316	304
8	3.9 AC	308	300
9	4.3 AC	307	300
10	8.9 AC	313	301

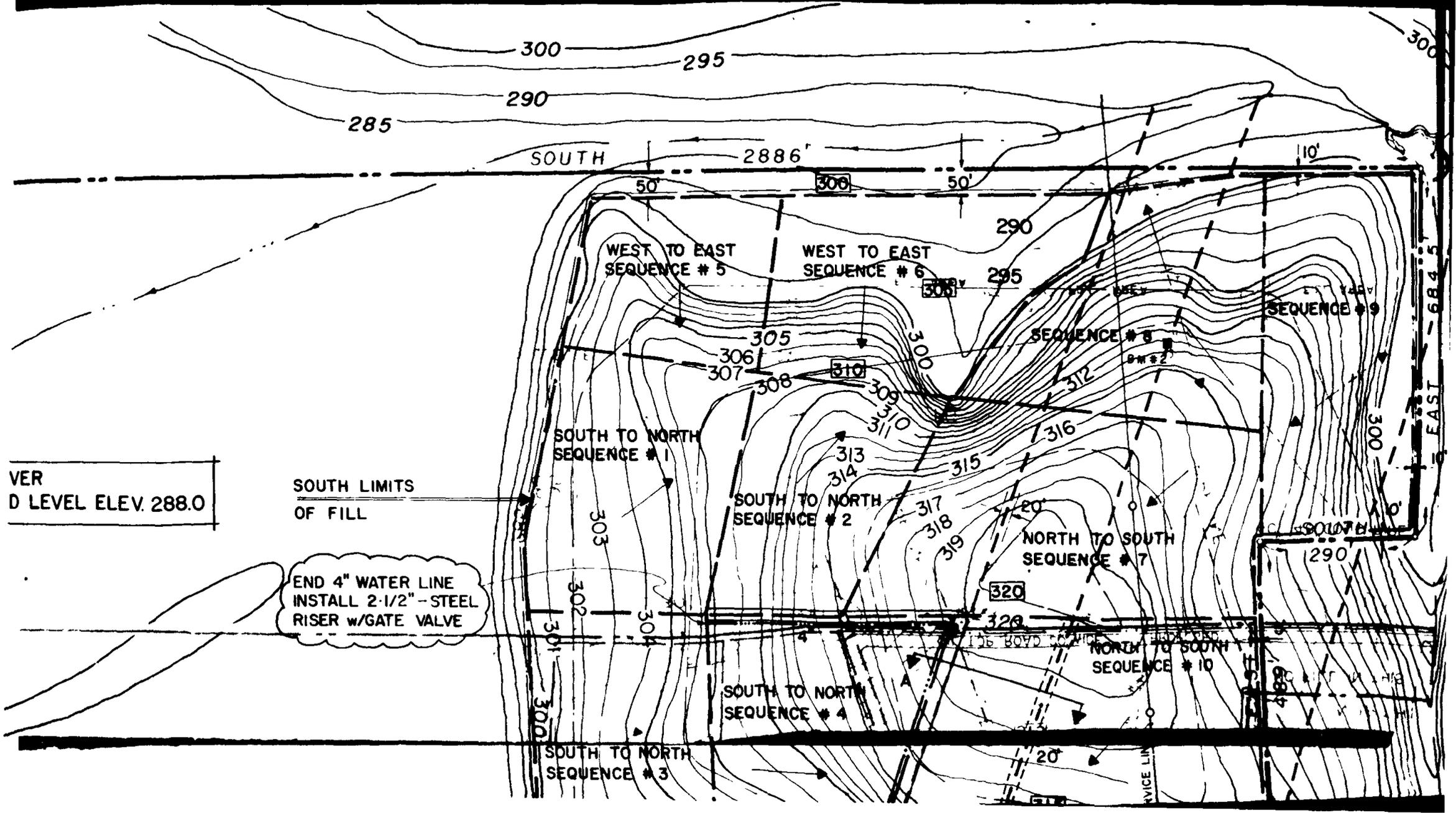


ITION

SHALL BE PROVIDED AT BOTTOM OF EACH PIT
 DRAINING TO CREEK ON 0.0125% GRADE SAME
 DITCH SHALL BE USED TO DIVERT SURFACE
 DRAINAGE

Vaid

Vaid



VER
D LEVEL ELEV. 288.0

SOUTH LIMITS
OF FILL

END 4" WATER LINE
INSTALL 2-1/2" - STEEL
RISER w/GATE VALVE

WEST TO EAST
SEQUENCE # 5

WEST TO EAST
SEQUENCE # 6

SOUTH TO NORTH
SEQUENCE # 1

SOUTH TO NORTH
SEQUENCE # 2

NORTH TO SOUTH
SEQUENCE # 7

SOUTH TO NORTH
SEQUENCE # 4

NORTH TO SOUTH
SEQUENCE # 10

SOUTH TO NORTH
SEQUENCE # 3

SEQUENCE # 9

SEQUENCE # 8

300

295

290

285

SOUTH

2886'

110'

50'

300

50'

290

295

300

305

306

307

308

310

309

310

313

314

315

316

317

318

319

20'

303

302

301

304

300

320

320

320

290

300

310

320

330

340

350

360

370

380

390

400

410

420

430

440

450

460

470

480

490

500

510

520

530

540

550

560

570

580

590

600

610

620

630

640

650

660

670

680

690

700

710

720

730

740

750

760

770

780

790

800

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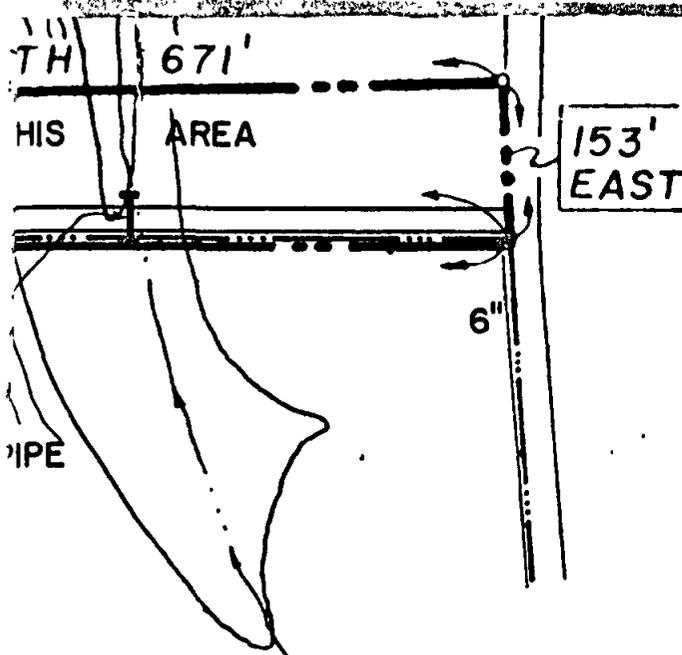
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LEGEND

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SEQUENCE OF DEVELOPMENT
&
TOPOGRAPHICAL MAP

CITY OF GLADEWATER SANITARY LANDFILL
B. L. NELSON & ASSOCIATES CONSULTING ENGINEERS DALLAS ————— TEXAS

PLATE 4

COUNTY SOLID WASTE CONTROL ACT

Article 4477-8, V.C.S.

(Effective date August 30, 1971)

Purpose

Section 1. This Act is for the purpose of authorizing a cooperative effort by counties, other public agencies, and other persons for the safe and economical collection, transportation, and disposal of solid wastes in order to control pollution in this state.

Title of Act

Section 2. This Act may be cited as the "County Solid Waste Control Act."

Definitions

Section 3. Words and phrases used in this Act shall have meanings as follows:

- (a) "Act" shall mean the County Solid Waste Control Act, as amended.
- (b) "Person" means any individual, public agency as defined herein, public or private corporation, political subdivision or governmental agency of the United States of America or the state, city as defined herein, copartnership, association, firm, trust, estate, or any other entity whatsoever.
- (c) "District" means any district or authority heretofore or hereafter created and existing under Article XVI, Section 59, or Article III, Section 52 of the Constitution of Texas.
- (d) "City" means any incorporated city or town in the state, whether operating under general law or under its home-rule charter.

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Texas State Department of Health

(e) "Public agency" means any district as defined herein, any city as defined herein, or any other political subdivision or agency of the state having the power to own and operate solid waste collection, transportation, or disposal facilities or systems.

(f) "County" means any county in the state.

(g) "Solid waste disposal system" means any plant, composting process plant, incinerator, sanitary landfill, or other works and equipment not specifically mentioned herein which is acquired, installed, or operated for the purpose of collecting, handling, storing, treating, neutralizing, stabilizing, or disposing of solid waste, including sites therefor.

(h) The terms "solid waste," "sanitary landfill," and "composting" shall have meanings as set forth in the Solid Waste Disposal Act, as amended (compiled as Article 4477-7, Vernon's Texas Civil Statutes).

Disposal systems; acquisition, etc., purchase, sale or operating agreements; leases

Section 4. A county may acquire, construct, improve, enlarge, extend, repair, operate, or maintain all or any part of one or more solid waste disposal systems, and may make contracts with any person under which the county will collect, transport, handle, store, or dispose of solid waste for such person. A county may also enter into contracts with any person to purchase or sell, by installments over such term as may be deemed desirable, or otherwise, all or any part of any solid waste disposal system. A county is also authorized to enter into operating agreements with any person, for such terms and upon such conditions as may be deemed desirable, for the operation of all or any part of any solid waste disposal system by any person or by the county; and a county may lease to or from any person, for such term and upon such conditions as may be deemed desirable, all or any part of any solid waste disposal system.

Eminent domain

Section 5. A county shall have the power and right to acquire by pur-

chase, lease, gift, condemnation, or in any other manner, and to own, maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein necessary or convenient to the exercise of the powers and purposes authorized by this Act. Such power of eminent domain shall be restricted to the respective county and be exercised in the manner provided in the laws applicable or available to counties.

Public agencies; contracts with county for disposal services; authorization

Section 6. Public agencies are hereby authorized to make contracts with a county under which the county will make all or any part of a solid waste disposal system available to a public agency or group of public agencies or to other persons and furnish solid waste collection, transportation, handling, storage, or disposal services by the county's system. The contract may be upon such terms and for such periods of time as the parties may agree and may provide that it will remain in effect until any bonds issued or to be issued by the county, and any bonds which may be issued to refund the same, are paid; the contract may contain provisions to assure equitable treatment of parties who contract with the county for solid waste collection, transportation, handling, storage, or disposal services from all or any part of the same solid waste disposal system; shall provide the method of determining the amounts to be paid by the public agency to the county; may provide for the sale or lease to or use of by the county of any solid waste disposal system or any part thereof at the time owned or to be acquired by the public agency; may provide that the county shall operate any solid waste disposal system or part thereof at the time owned or to be acquired by the public agency; may provide that the public agency shall have the right to continued performance of such services after the amortization of the county's investment in the disposal system during the useful life thereof upon payments of reasonable charges therefor, reduced to take into consideration such amortization; and may contain such other provisions and requirements as the county and the public agency may determine to be appropriate or

necessary. A city may also provide in its contract that the county shall have the right to use the streets, alleys, and public ways and places within the city during the term of the contract.

Payments by public agency to county for disposal services; sources

Section 7. Payments by a public agency to the county for solid waste collection, transportation, handling, storage, or disposal services may be made from the income of the public agency's solid waste disposal fund as may be prescribed in the contract between the county and the public agency. Such payments shall constitute an operating expense of such fund the revenues of which are thus to be applied. Payments to be made under the contract by the public agency may also be made from the revenues of the public agency's water, sewer, electric, gas, or any combination of utility systems, but in such event shall be subordinate to amounts required to be paid from the revenues of such system or systems for principal of and interest on bonds of the public agency which are outstanding at the time of the making of the contract and which are payable from such revenues unless the ordinance or resolution authorizing such outstanding bonds of the public agency expressly reserves the right to accord such contract payments a position of parity with, or a priority over, such public agency's bond requirements. Unless the alternative procedure prescribed in Section 8 is followed, neither the county nor a holder of any bonds of the county shall have the right to demand payment of the public agency's obligation out of any funds raised or to be raised by taxation. If the alternative procedure prescribed in Section 8 is followed, payments under the contract may be payable from and constitute solely an obligation against the taxing powers of the public agency or may be payable both from taxes and from such revenues as may be prescribed in the contract.

Alternative procedure for payments by public agency to county:

Bond election; taxes

Section 8. (a) If an election is held substantially according to

applicable procedure prescribed in Chapter 1, Title 22, Revised Civil Statutes of Texas, as amended¹, in reference to the issuance of bonds by cities, by a public agency having taxing powers, and in such election it is determined that the governing body of the public agency is authorized to levy an ad valorem tax to pay all or a portion of the payments to be made by the public agency under a contract between the public agency and a county to be authorized by the governing body of the public agency, the contract, in such event, will constitute an obligation against the taxing power of the public agency to the extent therein provided. No election is required for the exercise of any power conferred by this Act except for the levy of such tax.

(b) Only qualified electors of the public agency shall be entitled to vote at such election. Except as otherwise provided in this section and in said Chapter 1, Title 22, the general election code² shall govern such election.

¹Article 701 et seq.

²V.A.T.S. Election Code, art. 1.01 et seq.

Payments by public agency to county from solid waste disposal fund;
adjustment of rates for adequate revenue

Section 9. Whenever a public agency shall have executed a contract with a county under this Act and the payments thereunder are to be made either wholly or partly from the revenues of the public agency's solid waste disposal fund, the duty is hereby imposed on the public agency to establish and maintain and from time to time to adjust the rates charged by the public agency to the end that the revenues therefrom, together with any taxes levied in support thereof, will be sufficient at all times to pay the expense of operating and maintaining such service or system, all of the public agency's obligations to the county under the contract, and all of the public agency's obligations under and in connection with bonds theretofore issued, or which may be issued thereafter, secured by revenues of such service or system. The contract may require the use of consulting engineers and financial experts to advise

the public agency whether and when such rates are to be adjusted.

Rendering of disposal services concurrently to more than one person; contracts; allocation of cost

Section 10. Any contract or group of contracts under this Act may provide for services to be rendered concurrently by the county to more than one person relating to the construction or operation of all or any part of a solid waste disposal system and provide that the cost of such services shall be allocated among the several persons as determined in the contract or group of contracts.

Bonds; pledge of revenues from contracts

Section 11. For the purpose of acquiring, constructing, improving, enlarging, extending, and repairing all or any part of a solid waste disposal system or systems, a county is authorized to issue bonds payable from and secured by a pledge of all or any part of the revenues to accrue under any contract or contracts made under this Act and from any other income pledged by the county. Said bonds shall constitute investment securities governed by Chapter Eight, Uniform Commercial Code¹, and shall be in such form and denomination and shall bear such rate or rates of interest as are prescribed by the governing body of the county. A county is likewise authorized to refund any bonds issued under this Act upon such terms and conditions and bearing such rate or rates of interest as the governing body may prescribe. Said bonds may be sold at such price or prices and upon the terms determined by the governing body of the county at public or private sale or may be exchanged for property of any kind, real, personal, or mixed, or any interest therein deemed by the governing body of the county to be necessary or convenient to the purposes authorized by this Act. Pending the issuance of definitive bonds, a county may issue negotiable interim bonds or obligations eligible for exchange or substitution by use of definitive bonds.

¹V.T.C.A. Bus. & C. § 8.101 et seq.

Collection of rates and charges to maintain adequate revenue;
allocation of bond proceeds

Section 12. While any such bonds are outstanding, it shall be the duty of the governing body of the county to fix, maintain, and collect rates and charges for services furnished or made available by the solid waste disposal system adequate to pay maintenance and operation costs of and expenses allocable to the solid waste disposal system and the principal of and interest on such bonds and to provide and maintain the funds created by the resolution authorizing the bonds. Interest to accrue on the bonds, administrative expenses to estimated date when the solid waste disposal system will become revenue producing, and reserve funds created by the resolution authorizing the bonds may be set aside out of bond proceeds.

Establishment of disposal service as a utility; use of service;
fees; enforcement of collection

Section 13. Any public agency or any county may offer solid waste disposal service to persons within its boundaries, may require the use of such service by any or all such persons, may charge fees therefor, and may establish said service as a utility separate from other utilities within its boundaries. To aid in enforcing collection of fees for such solid waste disposal service, any public agency or county may suspend service from any or all other utilities owned or operated by it to any person who may become delinquent in payment of solid waste disposal service fees until such delinquency has been paid in full.

Approval of bonds and contracts; registration; validation

Section 14. After any bonds are authorized to be issued by a county pursuant to the powers provided in this Act, such bonds and the record relating to their issuance may be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by pledge of the proceeds of a contract or contracts between the county and a public agency, a copy of such contract and the proceedings of the public agency authorizing same may also be submitted to the Attorney General. If the Attorney General finds that such bonds have been authorized

and the contracts have been made in accordance with the Constitution and laws of the State of Texas, he shall approve the bonds and such contracts; and the bonds shall be registered by the Comptroller of Public Accounts. Thereafter, the bonds and contracts, if any, shall be valid and binding and shall be incontestable for any cause. In lieu of, or in addition to, such approval by the Attorney General, the board of directors of the district may have any such bonds validated by suit in the District Court in the manner and with the effect provided in Chapter 316, Acts of the 56th Legislature¹. The interest rate and sale price of the bonds need not be fixed until after the termination of the validation proceedings or suit. If the proposed bonds recite that they are secured by the proceeds of a contract or contracts made by the district and one or more public agencies, the petition shall so allege; and the notice of the suit shall mention such allegation and each public agency's fund or revenues from which such contract or contracts are payable. Such suit shall be in the nature of a proceeding in rem. The judgment shall be res adjudicata as to the validity of such bonds and any such contract or contracts and the pledge of revenues thereof.

¹Article 717m.

Investment of bond proceeds

Section 15. Proceeds from the sale of bonds may be invested, pending their use, in such securities or time deposits as are specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them; and the earnings on such investments may be applied as provided in such resolution or trust indenture.

Bonds as legal investments and security for deposits

Section 16. All bonds issued under this Act shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, and for the sinking funds of cities, towns, villages, school districts, or any other political corpora-

tion or subdivision of the State of Texas. Such bonds shall be eligible to secure the deposits of any and all public funds of the State of Texas and of any political subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value when accompanied by all unmatured coupons appurtenant thereto.

Relocation of highways, railroads, or utility facilities at county expense

Section 17. In the event that any county, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the county. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility.

Regulations; ordinances; guidelines; adoption procedures

Section 18. (a) Subject to the limitation prescribed in Subsection (a), Section 5, Solid Waste Disposal Act¹, a county, acting through its commissioners court, may make regulations for the areas of the county not within the territorial limits or extraterritorial jurisdiction of incorporated cities and towns to provide for governing and controlling solid waste collection, handling, storage, and disposal. The regulations shall not authorize any activity, method of operation, or procedure which is prohibited by the Solid Waste Disposal Act or by the rules and regulations of the State Department of Health or the Texas Water Quality Board or the board. The county shall not, in its regulations, under the licensing power granted in the Solid Waste Disposal Act, or otherwise, impose any unreasonable

requirements on the disposal of such solid waste in the county not warranted by the circumstances. The county may prohibit the disposal of any solid waste within the county if the disposal of the solid waste is a threat to the public health, safety, and welfare. The county may institute legal proceedings to enforce its regulations.

(b) To prohibit the disposal of solid waste within the county, the commissioners court must adopt an ordinance in the general form as prescribed for municipal ordinances specifically designating the area of the county in which the disposal of solid waste shall not be prohibited, unless such county has adopted solid waste disposal guidelines approved by the State Department of Health.

(c) The ordinance required in Subsection (b) of this section may be passed on first reading; however, such proposed ordinance must be published in a newspaper of general circulation in the county for two consecutive weeks before such proposed ordinance is taken up by the Commissioners Court, and such publication shall contain:

- (1) a statement of the time, place, and date such proposed ordinance shall be considered by the commissioners court, and
- (2) notice that any interested citizen of the county may testify at such hearing.

(d) A public hearing shall be had on the proposed ordinance before it is considered by the commissioners court, and any interested citizen of the county shall be allowed to testify.

Acts 1971, 62nd Leg., p. 1757, ch. 516, eff. Aug. 30, 1971.

73 SEP 12 AM 11:31

FILED
O.W. LLOYD
CLERK UPPER MERICA COUNTY

VOL. 16 PG. 296



Motion in Minutes

MUNICIPAL SOLID WASTE
RULES, STANDARDS, AND REGULATIONS

TEXAS STATE DEPARTMENT OF HEALTH
April 1972

As originally adopted:

E-1.4 - Water Pollution

Minimization of water pollution may be achieved by compliance with the following recommendations:

- a. Solid waste shall not be deposited nearer than 500 feet to a water well, water treatment plant, or raw water intake which furnishes water to a public water system.

Change adopted June 11, 1972 by the Texas State Board of Health:

E-1.4 - Water Pollution

Minimization of water pollution may be achieved by compliance with the following recommendations:

- a. Solid waste shall not be deposited nearer than 500 feet to a water well, water treatment plant, or raw water intake which furnishes water to a public water system unless the applicant demonstrates to the satisfaction of the Texas State Department of Health that no degradation of the quality of water will occur as a result of the proximity of the waste.

Adopted by the Texas State Board of Health, September 13, 1970

Filed with Secretary of State, October 6, 1970

Effective date, November 5, 1970

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S E C T I O N A

GENERAL PROCEDURAL RULES

A-1. Authority for Rules, Standards, and Regulations

The State Department of Health was established by Article 441a, Title 71, 1925, Revised Civil Statutes of Texas, "to better protect and promote the health of the people of Texas."

Article 4419, Title 71, 1925, Revised Civil Statutes of Texas, states that "the State Board of Health shall have general supervision and control of all matters pertaining to the health of the citizens of the State." By virtue of Article 4418d, Title 71, 1925, Revised Civil Statutes of Texas, the Commissioner of Health has the power, with the approval of the State Board of Health, "to prescribe and promulgate such administrative rules and regulations not inconsistent with any law of the State as may be deemed necessary for the effective performance of the duties imposed upon the State Department of Health and its several officers and divisions."

House Bill No. 691, Fifty-eighth Legislature, Regular Session, 1963, an Act amending Section 2 of Chapter 53, Acts of the Fortieth Legislature, First Called Session, 1927, as last amended, and compiled as Section 2 of Article 696a, Vernon's Annotated Penal Code of Texas, provides:

Section 2.E. The State Department of Health shall promulgate rules and standards regulating the processing and treating of refuse, garbage, rubbish, or junk dumped, deposited or left within or nearer than three hundred (300) yards of any public highway in this State.

Senate Bill 125, Sixty-First Legislature, Regular Session, 1969, cites as the Solid Waste Disposal Act and compiled as Article 4477-7, Vernon's Texas Civil Statutes, establishes the Texas State Department of Health as the "state solid waste agency with respect to the collection, handling, storage, and disposal of municipal solid waste." The Texas Water Quality Board is designated as the state solid waste agency with respect to industrial solid waste. Section 4(c) of the act relates to rules, standards, and regulations as follows:

Each state agency may adopt and promulgate rules and regulations consistent with the general intent and purposes of this Act, and establish minimum standards of operation for all aspects of the management and control of the solid waste over which it has jurisdiction under this Act, including but not limited to collection, handling, and storage, and disposal by incineration, sanitary landfill, composting, or other method.

A-2. Need for Rules, Standards and Regulations

The preservation of a suitable living environment free from health hazards of all types is desirable. Our society is at this time producing more waste materials than ever before and the outlook indicates even greater generation of wastes in the future. Solid waste and its disposal relates to public health, air quality, water quality, aesthetics, and land use. When the environment will no longer accommodate through natural processes the reduction

of waste items and when obvious pollution is occurring, guidance to abate offenses to the environment can be provided by rules, standards, and regulations.

A-3. Scope of Rules, Standards, and Regulations

The rules, standards, and regulations promulgated herein will cover all aspects of solid waste falling under the authority of the Texas State Department of Health as specified in the previously cited legislation. The general categories of solid waste storage, collection, and disposal will be dealt with sufficiently to provide necessary and reasonable guidance and control. As authorized in Article 4477-7, V.T.C.S., these rules, standards, and regulations will be limited to matters relating to municipal solid waste.

A-4. Definition of Terms

1. Municipal Solid Waste - Solid waste resulting from or incidental to municipal, community, trade, business, and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste other than industrial solid waste. (Article 4477-7, V.T.C.S.)
2. Industrial Solid Waste - Solid waste resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations, including discarded or unwanted solid

materials suspended or transported in liquids, and discarded or unwanted materials in liquid or semi-liquid form; the term "industrial solid waste" does not include waste materials, the discharge of which is subject to the Texas Water Quality Act. (Article 4477-7, V.T.C.S.)

3. Garbage - Solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products. (Article 4477-7, V.T.C.S.)

4. Rubbish - Nonputrescible solid waste, consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600° F to 1800° F). (Article 4477-7, V.T.C.S.)

5. Public Highway - The entire width between property lines of any road, street, way, thoroughfare, bridge, public beach, or park in this State, not privately owned or controlled, when any part thereof is opened to the public for vehicular traffic and over which the State has legislative jurisdiction under its police power. (Definition 696a, TPC)

6. Sanitary Landfill - A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

7. Incineration - The destruction of solid waste by burning in an incinerator as defined in Regulation I, Section II G, Texas Air Control Board, used for the volume reduction of solid waste.

8. Composting - The controlled biological decomposition of organic solid waste under aerobic conditions.

9. Department - As used in these Rules, Standards, and Regulations refers to the Texas State Department of Health unless the context requires a different definition.

A-5. Relations with Other Governmental Entities

1. The Governor's Office - Under the provisions of Article 4431 (32a), V.T.C.S., the Governor is designated as the Chief Planning Officer of the State, and as such is directed to establish a Division of Planning Coordination to coordinate the activities of the Planning Agency Council for Texas. Through the Division of Planning Coordination, the Department will coordinate its planning activities with other state agencies and regional

planning councils.

2. The Texas Water Quality Board - The Texas State Department of Health shares joint responsibility with the Texas Water Quality Board in the supervision of the Solid Waste Disposal Act. As stipulated in the law, the Health Department shall have jurisdiction over all solid waste activities concerned with municipal solid waste or with a combination of both municipal and industrial solid waste and shall consult with the Board when water quality matters are involved. The Texas Water Quality Board has jurisdiction over industrial solid waste activities and shall consult the Texas State Department of Health on matters relating to public health. (Article 4477-7, V.T.C.S.)

3. The Texas Air Control Board - The Texas State Department of Health shall consult with the Texas Air Control Board on aspects of solid waste management that relate to air pollution control and ambient air quality. (Article 4477-7, V.T.C.S.)

4. County Governments - The Texas State Department of Health encourages the county governments to exercise the authority provided in Article 4477-7, V.T.C.S., regarding the management of solid waste. Counties are expected at least to administer and enforce the provisions of these rules, standards, and regulations and it is recommended that each county develop rules and regulations specific to its peculiar needs which shall exceed the requirements contained herein. The provisions of Article 4477-7, V.T.C.S., allow county governments to require and issue licenses authorizing

and governing the operation and maintenance of sites used for the disposal of solid waste not in the territorial limits of a municipality. The law requires that no license for disposal of solid waste may be issued, renewed, or extended without the prior approval, as appropriate, of the Department or the Board. Under sub-Section 8 (g), the Department and the Board are considered as necessary and indispensable parties to any suit filed by a local government for the violation of any provision of the Act.

5. Special Districts - Section 6 of the Solid Waste Disposal Act applies to political subdivisions of the State to which the Legislature has given waste handling authority for two or more counties. The relationship between the Department and any such waste disposal authority will be similar to that between the Department and a county.

6. Municipal Governments - The cities may enforce the provisions of these Rules and Regulations. The Department is committed to assist municipal governments in an educational and advisory capacity. From the enforcement standpoint, the Department automatically becomes a part of any suit filed under the Solid Waste Disposal Act.

7. Regional Planning Councils - The Department will provide educational, technical, and advisory assistance to the various Councils of Governments and Regional Planning Commissions throughout the State.

A-6. Relationship with County Permit System

The "Solid Waste Disposal Act," Article 4477-7, V.T.C.S., empowers counties to require and issue licenses authorizing and governing the operation and maintenance of sites used for the disposal of solid waste not within the territorial limits of incorporated cities and towns. The county shall mail a copy of the license application or a summary of its contents to the Department, the Board, and to the mayor and health authorities of any city within whose extraterritorial jurisdiction the solid waste disposal site is located. The governmental entities to whom the information is mailed shall have a reasonable time, as prescribed by the county, to submit comments and recommendations on the license application before the county acts on the application.

A-7. Application of Rules, Standards, and Regulations and Statutes Pertaining to Solid Waste

The rules, standards, and regulations contained herein are derived from the authorizations contained in the following statutes: Article 4477-1, V.T.C.S., (Texas Sanitation and Health Protection Law); Article 4477-7, V.T.C.S., (Solid Waste Disposal Act); and Article 696a, V.A.P.C.T. Each of the aforementioned laws is strongly directed toward local governmental enforcement and supervision of solid waste activities with state agency support.

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The widespread nature of solid waste functions throughout the State necessitates effective local management. The above cited laws and the rules, standards, and regulations presented herein are available for all levels of government to use in maintaining environmental quality within their jurisdictions.

- A-8. Severability - If any section or provision of these rules, standards, and regulations or the application of that section or provision to any person, situation or circumstance is for any reason adjudged invalid, the adjudication does not affect any other section or provision of these rules, standards, and regulations or the application of the adjudicated section or provision to any other person, situation, or circumstance. The State Board of Health declares that it would have adopted the valid portions and applications of these rules without the invalid part, and to this end the provisions of these rules are declared to be severable.

S E C T I O N B

MINIMUM STANDARDS

B-1. Classification of Service Areas and Types of Operations

There is a need for minimum standards to guide solid waste management throughout the State. Minimum standards are regarded as the level of excellence necessary in the public interest. Counties, municipalities, and other operators should strive to exceed minimum standards in the solid waste activities which they supervise. The degree of environmental stress created by an activity is related to its proximity to populous areas. The following minimum requirements for the various types of solid waste operations take population density into consideration as much as possible in order to provide a reasonable solution to the problems of solid waste management. Categories are assigned to areas according to population served. Types of operation are assigned to activities according to the degree of excellence of the solid waste operation. Following is a list of population categories and the minimum type of operation required for each.

Category I Area - An area consisting of a Standard Metropolitan Statistical Area; or towns or cities having a population of five thousand (5,000) or more; or two or more towns or cities having a total combined population of five thousand (5,000) or more;

areas within 300 yards of a public highway.

Type I Operations - Solid waste disposal shall be accomplished by sanitary landfill, incineration, composting, or other methods which will provide an equally acceptable quality of disposal and which are approved by local authorities and the Department.

Category II Area - Cities or towns having a population of less than five thousand (5,000) but greater than three thousand (3,000) and not located in a Standard Metropolitan Statistical Area; or two or more towns or cities having a total combined population less than five thousand (5,000) but greater than three thousand (3,000).

Type II Operation - Solid waste disposal may be accomplished by any method included in Type I Operations or by a modified landfill, using twice-per-week compaction and cover.

Category III Area - Cities or towns having a population less than three thousand (3,000) but greater than one thousand five hundred (1,500); or two or more cities or towns having a total combined population less than three thousand (3,000) but greater than one thousand five hundred (1,500).

Type III Operations - Solid waste disposal may be accomplished by any method included in Type I and II operations or by a modified landfill, using once-per-week compaction and cover.

Category IV Areas - Cities or towns having a population less than one thousand five hundred (1,500).

Type IV Operations - Solid waste disposal may be accomplished by any method included in Type I, II, and III operations or by controlled land disposal.

Category V Areas - Areas consisting of, or based upon, special legal or other definition not included in categories I, II, III, or IV.

Type V Operations - Methods to be prescribed by local authority and/or the Texas State Department of Health. In general, the waste disposal method to be used will be determined by the type and quantity of refuse to be processed, the population served, the location of the facility, and any special considerations. Insofar as possible, the level of performance required will be based upon population category of the area served.

B-2. Approval of Municipal Solid Waste Handling and Disposal Activity

No new solid waste handling and disposal facilities shall be operated without approval by local authorities and the Department prior to being placed into operation. In the absence of local response, the Department may exercise final authority. Separate approval shall be considered for each site.

B-2.1 - Procedures Leading to the Approval of Municipal Solid Waste Activities

A letter of application for approval will be submitted to the Department by the agency, political subdivision, corporation, or individual desiring to operate a solid waste disposal activity. The application will include at least the following information:

- a. Street address and legal description of site
- b. Name and address of site landowner
- c. Name of city, county, agency, corporation, or individual that will be responsible for solid waste operations at the site
- d. A detailed area map showing the following: (Degree of detail found in preliminary subdivision plans is recommended).
 1. Site location
 2. Location of streams and water wells
 3. Topography and drainage systems
 4. Indication of prevailing wind direction
 5. Location of residences and structures
 6. Streets, roads, and highways providing access to the proposed site.
- e. Other sites considered and reasons for rejections.
- f. Indicate character of land uses and zoning within 1/4 mile of proposed site. Comment as to whether or not

the requirements of the zoning ordinance will be met if a waste disposal activity is installed.

g. If the site is to be developed for land disposal include this information:

1. Engineering and geological characteristics (agricultural characteristics not required) of soil or rock to a depth which will be at least twice the maximum depth of the proposed fill below natural grade, and in no case less than 20 feet below the lowest proposed excavation. Sufficient geological information to provide the reviewing authority with an understanding of groundwater conditions.
2. A detailed drawing of the site showing the landfill method planned, the maximum depth of fill and an operational layout of the site showing the manner and sequence in which it will be developed. Also indicate the dimensions of the tract of land on which the site is to be developed, location of ingress and egress roads and fences, and the amount of land actually available for development.
3. Estimated rate of solid waste deposition, estimated life of area for land disposal purposes, and intended subsequent use.

4. If an existing pit is to be used or if sufficient suitable cover material is not available, state source and soil characteristics of the cover material.
5. List type and amount of equipment to be provided at the site.
- h. If an incinerator or compost plant is to be constructed, include the following information in the application:
 1. An engineering report describing the process to be used, including proposed pollution control devices and estimated quantities of solid waste to be processed.
 2. Plans and specifications for the installation, to include a site plan, adjacent land use, and distance to nearby residences or structures.
 3. A resume of the management organization which will operate the facility.
 4. Land and construction costs estimated separately.

B-2.2 - Preparation of Supporting Data

- a. After January 1, 1971, data presented in support of application for the approval of Type I operations shall be prepared under the direction of a registered professional engineer. If a consultant is employed, a letter of appointment will be submitted from the proper city, county, agency, company official, or individual,

that the engineer is authorized to prepare plans and specifications. "Notice of Appointment" forms for this purpose may be secured from the Division of Sanitary Engineering, Texas State Department of Health. (See Appendix "B" for suggested format.)

- b. After January 1, 1972, data presented in support of applications for approval of Type II operations shall be prepared by a registered professional engineer under the same conditions prescribed for a Type I operation in subsection B-1 above.
- c. After January 1, 1973, data presented in support of applications for the approval of Type III operations shall be prepared by a registered professional engineer under the same conditions prescribed for Type I and Type II operations in subsection B-1.
- d. Type IV and Type V operations are encouraged, though not required at this time, to seek professional engineering assistance in the collection of information and the design of solid waste facilities.

B-2.3 - Inspection of Site

When application materials have been reviewed by Department personnel, a representative of the Department will inspect the site in question in company with persons ultimately responsible for its operation. The inspector's report will supplement the information contained in the appli-

cation and will give Department personnel the opportunity to work with local officials from the commencement of operation.

B-2.4 - Notification of Approval Status

Upon completion of the review and inspection, a letter will be sent to the applicant stating the Department's decision. An activity may be given a designation of any of the following terms;

- a. Approved - The activity meets the requirements as set forth in these rules and regulations.
- b. Permission for Interim Operation - The activity is deficient in meeting requirements but may be operated if certain stated conditions are met within a given period of time.
- c. Disapproved - The activity does not meet the requirements of the Department.
- d. Approved for Experimental Purposes - The Department encourages the development of new processes and methods and expresses its readiness to accept innovative ideas in the handling of solid waste by giving experimental approval to technically sound proposals that advance the state of the art. The designation "Approved for Experimental Purposes" will be the conditional approval of an activity enduring for a stated period and meeting predetermined standards

of performance.

B-2.5 - Duration and Limits of Approval

Initial approval of an activity is not necessarily perpetual approval and may be revoked at any time if the operating conditions do not meet the minimum standards set forth in these rules, standards, and regulations, or for any other good cause. Approval will not be transferred from one location to another. Each site shall be considered for separate approval.

B-2.6 - Approval of Existing Activities

Periodic inspections of all solid waste activities in the State will be made. Activities in operation prior to January 1, 1971, will be inspected in due time and evaluated in accordance with the minimum standards contained in these rules, standards, and regulations. Operators of existing solid waste activities will be notified of the findings of the inspection and recommendations for improvement will be made by the Department for activities that do not comply with the minimum standards. Local officials and operators of solid waste activities who wish to have early approval of activities existing prior to January 1, 1971, may follow the procedures described in subsections B-2.1 and B-2.2. Applications for the approval of existing activities will be submitted in the same manner as for new activities.

S E C T I O N C

TECHNICAL REGULATIONS FOR SOLID WASTE
COLLECTION AND TRANSPORT VEHICLES

C-1. Equipment and Operational Standards

The movement of solid waste from the point of origin to an intermediate or final processing facility involves the use of vehicular equipment which will not create public health nuisances. The meeting of the following requirements will constitute compliance with this item:

C-1.1 - Covered Transport Vehicle

Each vehicle, trailer, railroad car, barge, or other device used to transport solid waste shall be provided with a cover which will prevent the loss of material while in transit.

C-1.2 - Watertight Transport Vehicle

Each vehicle, trailer, railroad car, or other device used to transport solid waste containing putrescibles and/or liquids shall be constructed to prevent the leakage of liquids that have been in contact with solid waste.

C-1.3 - Solid Waste Storage in Transport Vehicle - Time Limit

Solid waste shall not be kept in a transport vehicle for an extended period of time. The primary guide to

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the maximum retention time shall be existing laws
pertaining to the creation of public health and general
nuisances.

S E C T I O N D

TECHNICAL REGULATIONS FOR SOLID WASTE
PROCESSING AND DISPOSAL PLANTS

D-1. Location and Site Planning - General

The term "solid waste processing and disposal plants" shall include facilities that transfer, grind, bale, incinerate, pyrolyze, compost, salvage, or reclaim, or provide any other intermediate treatment or final disposition to solid waste. The location of solid waste processing and disposal plants is a function of land use, economic haul distance, access roads, and the availability of various utilities.

The meeting of the following requirements will constitute compliance with this item:

D-1.1 - Plan

Plans for solid waste processing and disposal plants shall be prepared under the direction of a registered professional engineer and submitted to the Texas State Department of Health for approval over his seal.

D-1.2 - Land Use and Zoning

The location of solid waste processing and disposal plants shall be in compliance with adopted land use plans and zoning ordinances. In the absence of adopted land use controls or land use plans, solid waste processing and

disposal plants shall not be established without the approval of the ruling body of the governmental entity having jurisdiction over the area of concern. If the proposed facility is located within the corporate limits of a city, approval must be given by the governing body. If the proposed facility is located within the jurisdictional area of the county, approval must be given by the commissioners court. If a proposed facility lies within the extraterritorial jurisdiction of a city, it must be approved by both the governing body and the commissioners court.

D-1.3 - Access

Solid waste processing and disposal plants shall be so located that they result in a minimum disruption of normal traffic patterns.

D-1.4 - Sanitary Design of Plants

Solid waste processing and disposal plants shall be designed for easy cleaning. This may be accomplished by:

- a. Controlling surface drainage in the vicinity of the plant to minimize surface water runoff onto, into, and off the treatment area.
- b. Constructing walls and floors in operating areas of masonry, concrete, or other hard surfaced materials that can be hosed down and scrubbed.

- c. Providing necessary connections and equipment to permit thorough cleaning with water or steam.
- d. Providing adequate floor drains to remove wash water.

D-1.5 - Water Pollution

All liquids resulting from the operation of solid waste processing and disposal plants shall be disposed of in a manner which will not cause water pollution. Facilities shall be available for the treatment of wastewaters resulting from the process or from cleaning and washing. The procedure for wastewater disposal shall be in compliance with the rules and regulations of the Texas Water Quality Board.

D-1.6 - Storage of Solid Waste

Solid waste processing and disposal plants shall be designed for the rapid processing of solid waste and a minimum detention time at the site. All solid waste capable of creating public health hazards or nuisances shall be processed or transferred during the same working day it is deposited at the facility. If the plant or facility is in continuous operation, no such solid waste shall remain on the site in excess of twenty-four hours awaiting processing or transfer.

D-1.7 - Fire Protection

Through proper design and location, fire hazards associated with a solid waste processing and disposal plant shall be

minimized. Compliance may be obtained by incorporation of the following requirements:

- a. The facility shall be constructed of fire resistant material.
- b. An adequate supply of water shall be available for fire fighting purposes.
- c. Fire fighting equipment shall be readily available.

D-1.8 - Ventilation

In the interest of operator safety and odor control, any structure associated with the processing of solid waste shall be adequately ventilated. The rules and regulations of the Texas Air Control Board shall be complied with in all matters involving the collection and emission of air through ventilating systems.

D-1.9 - Windblown Material

Solid waste processing and disposal plants shall be provided with a means to control windblown material which may result from the process itself or from the inherent nature of solid waste.

The meeting of the following requirements shall constitute compliance with this item:

- a. Conduct loading, unloading, and processing of solid waste within an appropriately designed building, or
- b. If appropriate to the facility, provide wire fencing or screening to enclose the operating area.

c. Make provisions for picking up all windblown litter.

D-1.10 - Noise Pollution

The factor of noise pollution shall be considered in the determination of locations for solid waste disposal and processing plant sites.

D-1.11 - Employee Sanitation Facilities

Adequate potable water and sanitary facilities shall be provided for all Class I activities and are recommended for other classes of activities.

D-2. Operational Standards for Solid Waste Processing and Disposal Plants - General

Certain practices should be followed to obtain and maintain community confidence in the health, safety, and aesthetic aspects of a solid waste facility. The following requirements are intended to minimize health and safety hazards and assist in the maintenance of an appearance not inconsistent with other activities in the vicinity of the facility.

D-2.1 - Overloading and Breakdown

Adherence to the following procedures constitutes compliance with this item:

- a. The design capacity of the solid waste processing or disposal plant shall not be exceeded during actual operation. The facility shall not accumulate solid waste in quantities that cannot be processed within the time limits stated in paragraph D-1.6.

If overloading of the facility does occur, additional solid waste shall not be received until the overload conditions are abated.

- b. If a work stoppage should occur at a solid waste processing or disposal plant due to a mechanical breakdown or other causes, the facility shall immediately cease receiving solid waste. If the work stoppage is anticipated to last in excess of twenty-four hours, steps shall be taken to remove the unprocessed and processed solid waste from the site by alternate methods.

D-2.2 - Vector Control

The presence of insect and rodent vectors at solid waste processing facilities is a threat to public health. They can be controlled by good housekeeping and sanitation practices. The meeting of the following requirements will constitute compliance with this item:

- a. Conditions unfavorable to the production of insects and rodents shall be maintained through proper solid waste treatment processes.
- b. Spillage shall be picked up and a daily schedule for cleaning the facility shall be implemented.
- c. Supplemental vector control measures shall be performed, when necessary, within twenty-four hours.

Any compounds used in vector control shall be approved by the Department.

D-2.3 - Safety

The reduction of safety hazards is of personal benefit to facility employees and is of economic benefit to the operating agency. Following is the minimum recommended safety program:

- a. Develop a safety plan adapted to the nature of the facility. Educate all employees in safety procedures.
- b. Provide close and continuous supervision to all activities which may involve persons not employed by the operating agency.

D-3. Technical Regulations for Specific Solid Waste Processing and Disposal Plants

D-3.1 - Transfer Stations

Transfer stations are an intermediate solid waste processing facility and shall be in compliance by fulfillment of the requirements set forth in subsections D-1 and D-2.

D-3.2 - Central Grinding Plants

Central grinding plants are an intermediate solid waste processing facility and shall be in compliance by fulfillment of the requirements set forth in subsections D-1 and D-2. In addition, special attention shall be given to the

factor of noise pollution in the determination of a site location for central grinding plants.

D-3.3 - Central Baling Plants

The process of baling is considered to be an intermediate treatment process. A central baling plant may comply with these regulations by adherence to the requirements that adequate facilities shall be provided to properly dispose of liquid wastes resulting from the process in accordance with the rules and regulations of the Texas Water Quality Board.

D-3.4 - Central Incineration Plants

Incineration is considered either as a process of disposal or volume reduction. The meeting of the following requirements will constitute compliance with this item.

- a. Compliance with subsections D-1 and D-2.
- b. Compliance with the rules and regulations of the Texas Air Control Board.
- c. Compliance with the rules and regulations of the Texas Water Quality Board.
- d. Incinerator residues shall not remain unprocessed on the site in excess of twenty-four hours. Residues shall not be stored in a manner which will permit ashes and lighter particles to become air borne.
- e. Incinerator residues shall be disposed of in a sanitary landfill. The extraction of metals from the residue

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will be permitted prior to ultimate disposal if conducted in a safe and sanitary manner.

D-3.5 - Other Combustion and Heat Treatment Processes for Solid Waste Disposal

Various other procedures for the combustion or heat treatment of municipal solid waste shall be in compliance if the following requirements are met:

- a. Compliance with subsections D-1 and D-2.
- b. Compliance with item D-3.4 titled Central Incineration Plants
- c. Compliance with any special requirements imposed by the Texas State Department of Health when plans are reviewed.

D-3.6 - Salvage and Reclamation

The process of salvage and reclamation will become more and more prevalent as the practice of recycling solid waste is better understood. The process calls for the separation of solid waste into its component parts whereupon each component is transferred to a processor who conditions the material or item for reuse. The meeting of the following requirements will constitute compliance with this item:

- a. Compliance with subsections D-1 and D-2.
- b. The solid waste remaining after separation of items to be recycled shall be removed from the site to an approved location.

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- c. Reclaimed materials shall be stored on the site only so long as they do not create a public health nuisance or violate state laws or local ordinances.

S E C T I O N E

TECHNICAL REGULATIONS FOR SOLID WASTE LAND DISPOSAL TECHNIQUES

E-1. Location and Site Planning

The proper location of a solid waste land disposal site is a function of geology, soil conditions, land use, adequate access roads and highways, economic haul distances, and other considerations. The investigation and understanding of the interrelation of these factors can best be accomplished through the process of planning.

The meeting of the following requirements will constitute compliance with this item:

E-1.1 - Plan

The preparation of a land disposal site plan which shall include at least the information enumerated in Section B-2.

E-1.2 - Land Use and Zoning

All land disposal sites shall be in compliance with adopted land use plans and zoning ordinances. In the absence of adopted land use controls or land use plans, land disposal sites shall not be established without approval of the ruling body of the governmental entity having jurisdiction over the area of concern. If the

proposed site is located within the corporate limits of a city, approval must be given by the governing body. If the proposed site is located in the jurisdictional area of the county, approval must be given by the commissioners court. If a proposed site lies within the extraterritorial jurisdiction of a city, it must be approved by both the governing body of the city and the commissioners court. Article 4477-7, V.T.C.S., states "the county shall not, in its regulations, under the licensing power granted in this Act, or otherwise, prohibit the use of a site within the county for the disposal of solid waste on the basis that the solid waste originates outside that county, or impose any unreasonable requirements on the disposal of such solid waste in the county not warranted by the circumstances." City councils and county commissioners courts may obtain guidance from the procedures outlined in Articles 1011a through 1011 l regarding determination and designation of land use.

E-1.3 - Access

In the interest of both safety and operational efficiency, proper access to and within the land disposal site shall be provided. The meeting of the following requirements shall constitute compliance with this item:

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- a. Public roads and highways providing access to the area shall be of sufficient design capacity to accommodate additional traffic engendered by the installation of the facility.
- b. Provision shall be made for all-weather access from the entrance of the site to the unloading area, or
- c. Wet weather access shall be provided to an alternate treatment area.

E-1.4 - Water Pollution

Minimization of water pollution may be achieved by compliance with the following recommendations:

- a. Solid waste shall not be deposited nearer than 500 feet to a water well, water treatment plant, or raw water intake which furnishes water to a public water system.
- b. Solid waste shall not be placed in unconfined waters which are subject to free movement on the surface, in the ground, or within a larger body of water.
- c. Solid waste shall be deposited in such a manner that the possibility of leachate percolating into the groundwater is minimized. An impervious barrier may be either naturally occurring or artificially placed.

The following procedures are acceptable:

1. Placement of three feet of clay.
 2. Placement and compaction of one foot of selected clayey material under optimum moisture conditions.
 3. Placement of an impervious membrane of asphaltic, plastic, or other approved material.
 4. Any procedure other than 1, 2, or 3 above, if approved by the Texas State Department of Health.
- d. The surface drainage on a land disposal site shall be controlled to minimize surface water runoff onto, into, and off the treatment area. The meeting of the following requirements shall constitute compliance with this item:
1. Dikes, embankments, or diversion channels of adequate size and grade shall be constructed when necessary to control surface water.
 2. The surface of the completed area shall be smooth and graded for adequate drainage, and the slopes of the sides and toe shall be graded in such a manner as to minimize the possibility of erosion.
 3. All accumulations of standing water on the site shall be eliminated promptly.
- e. The rules and regulations of the Texas Water Quality Board shall be followed at all times. The Texas Water Quality Board will be consulted on all matters related to water pollution.

- f. If deemed necessary by the Department, monitor wells will be drilled by the operating agency in the configuration and number set by the Texas Water Quality Board to observe changes in the quality of groundwater.

E-2. Operational Standards for All Land Disposal Sites

The improper and haphazard operation of land disposal sites has, and will continue to have, a most detrimental effect on public acceptance of solid waste processing areas. The following standards, supported by a common sense approach to an efficiently operated, neat appearing facility, should contribute to making a land disposal site an accepted community facility.

E-2.1 - Open Burning and Fire Protection

The Texas Air Control Board regulations prohibit the burning of the waste material of a city or town having a population of five thousand (5,000) or more, or the waste material from or in a designated Standard Metropolitan Statistical Area. The Texas Air Control Board regulations further prescribe certain locational and temporal restrictions on the burning of all waste material, regardless of its source. Article 696a, Texas Penal Code, prohibits the improper processing of solid waste within 300 yards of a public highway. In addition to the regulatory prohibitions

of burning, safety and precautions against possible property damage demand that satisfactory means shall be provided to control accidental fires at the site. The meeting of the following conditions shall constitute compliance with this item:

- a. Compliance with Texas Air Control Board regulations regarding open burning of solid waste.
- b. No open burning of solid waste within 300 yards of a public highway.
- c. An adequate supply of water under pressure at the site, an adequate stockpile of earth reasonably close to the treatment area, or a nearby organized fire department providing immediate service when called.

E-2.2 - Unloading of Municipal Solid Waste

The effective operation of a land disposal site and the orderly, efficient development of the land available can be greatly enhanced through the continuous supervision of the unloading of municipal solid waste. The meeting of the following requirements shall constitute compliance with this item:

- a. An attendant shall be on duty during operating hours to direct unloading of refuse, or appropriate signs shall be posted to indicate where vehicles are to unload.

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- b. Unloading of refuse shall be confined to as small an area as possible.

E-2.3 - Control of Windblown Solid Waste

Windblown material from solid waste treatment areas is insanitary, a safety hazard, and unsightly. Its control is necessary to maintain public acceptance of the land disposal facility.

The following procedures, used singularly or collectively as dictated by the severity of the problem, shall constitute compliance with this item:

- a. A portable fence or other suitable enclosure shall be placed near the unloading and treatment area to catch windblown materials.
- b. A water source and necessary equipment for wetting deposited solid waste shall be readily available.

E-2.4 - Hazardous Materials

Hazardous materials shall be disposed of in a refuse processing and treatment area only if special provisions are made for such disposal. The meeting of the following requirement shall constitute compliance with this item: When exceptional or unusual substances, such as empty insecticide containers, waste chemicals, sewage liquids or solids, offal from abattoirs, radioactive materials, or any other materials that may present special health hazards to employees on the site or to the public are to be disposed

of, special directions for appropriate disposal procedures shall be requested of the Texas State Department of Health.

E-2.5 - Large Items

Special provisions shall be made for the disposal of large, heavy, or bulky items that cannot be incorporated in the regular treatment processes. The meeting of the following requirement shall constitute compliance with this item:

An alternate site or a separate unloading area on the processing and treatment site shall be utilized in a manner satisfactory to the Texas State Department of Health or its representative for disposal of items that cannot safely be handled with other refuse.

E-2.6 - Vector Control

Insects and rodents shall be kept under control.

The meeting of the following requirements shall constitute compliance with this item:

- a. Conditions unfavorable to the production of insects and rodents shall be maintained through proper refuse treatment processes.
- b. Supplemental vector control measures shall be performed, when necessary, within twenty-four hours. Any compounds used in vector control shall be approved by the Texas State Department of Health.

E-2.7 - Salvage and Reclamation

Salvaging, if permitted, shall be so organized and conducted that it will not interfere with prompt sanitary disposal of solid waste or create health hazards. The meeting of the following requirements shall constitute compliance with this item:

- a. Salvage operations shall be conducted in a sanitary manner according to a definite plan, with minimum interference with treatment processes.
- b. All salvaged materials shall be removed from the site to an approved location at such intervals as necessary to prevent excessive accumulation of the material at the site.
- c. No scavenging shall be permitted.

E-3. Operational Standards for Various Land Disposal Methods

E-3.1 - The Sanitary Landfill (Type I Operation)

The sanitary landfill is considered the most desirable of land disposal methods. The procedure is defined as follows:

A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary. (A.S.C.E., Manuals of Engineering Practice, No. 39, 1959)

The meeting of the following requirements shall constitute compliance with this item:

- a. Compliance with subsections B-2, E-1, and E-2.
- b. Spreading and compacting of solid waste.
 1. Solid waste shall be spread and compacted evenly by repeated passages of earth moving or other suitable equipment.
 2. Each layer shall be thoroughly compacted to a maximum thickness of approximately two (2) feet.
 3. The above process shall be continued to the end of each day's operation.
- c. Cover
 1. All solid waste deposited each day shall be completely covered with earthen material and then compacted to prevent insect and rodent problems and blowing waste materials. This can generally be accomplished through application of six inches of well-compacted clay type material.
 2. Dirt previously mixed with garbage, trash, or other solid waste shall not be used for cover.
 3. Final Cover
 - (a). A final cover of compacted suitable material shall be placed over the entire surface of each completed portion of the treatment area not later than one week following the

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placement of refuse within that portion.

- (b). The final cover shall be of a clay type or other earthen material of satisfactory quality.
- (c). Each completed portion of the site shall be covered with at least two (2) feet of well compacted material within a week.
- (d). Until final use of the site, the entire surface of the final cover shall be inspected monthly and all cracked, eroded, and uneven areas shall be repaired and graded to drain.
- (e). Arrangements shall be made for the repair of all cracked or eroded areas in the final cover during the year following final use of the site.
- (f). It is recommended that the completed surface of the landfill be planted with vegetation to prevent erosion and enhance the appearance of the site.

E-3.2 - Modified Landfill (Type II Operation)

A type II operation is an adaptation of the sanitary landfill described in paragraph E-3.1, the primary difference being the frequency of applying cover material. The meeting of the following requirements shall constitute compliance with this item:

- a. Subsections B-2, E-1, and E-2 shall be complied with.
- b. A type II operation shall not be operated within 300 yards of a public highway or in an inhabited area.
- c. Solid waste shall be spread and compacted evenly by repeated passage of earth moving equipment.
- d. Each layer shall be thoroughly compacted to a depth of approximately two (2) feet.
- e. Solid waste deposited at a modified landfill shall be spread, compacted, and covered with a minimum of six (6) inches of clay type, earthen cover material of low permeability or otherwise satisfactory quality at least twice per week.
- f. A final cover of at least two (2) feet of well compacted clay type earthen material of satisfactory quality shall be applied to each completed portion of the modified landfill within one month.
- g. The final cover shall be inspected periodically for erosion, settlement, and cracking. When any of these conditions are observed, necessary repairs shall be effected.
- h. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the year following the final use of the site.

E-3.3 - Modified Landfill (Type III Operation)

The Type III operation is an adaptation of the sanitary landfill described in paragraph E-3.1 and differs from the Type II operation only in frequency of compaction and cover. The meeting of the following requirements shall constitute compliance with this item:

- a. Subsections B-2, E-1, and E-2 shall be complied with
- b. A modified landfill shall not be operated within 300 yards of a public highway or in an inhabited area.
- c. Spreading, compacting, and covering of solid waste shall be accomplished in the same manner as prescribed in paragraph E-3.2 at a frequency of at least once per week.

E-3.4 - Controlled Land Disposal (Type IV Operation)

The Type IV operation is a method of solid waste disposal far less desirable than other methods, yet affording a level of control which will provide some degree of service and protection to the community. The meeting of the following requirements shall constitute compliance with this item:

- a. Subsections B-2, E-1, and E-2 shall be complied with.
- b. A controlled land disposal site shall not be operated within 300 yards of a public highway or in an inhabited area.

- c. The deposition of solid waste shall be confined to a trench or similar excavation that will provide maximum confinement. The requirements of item E-1.4 entitled Water Pollution shall be met.
- d. The solid waste deposited in the trench shall be periodically compacted and covered in a manner similar to that required for sanitary landfills. As each trench is filled and retired from use, the material therein shall be finally compacted and covered with a minimum of two (2) feet of clay type, earthen material of low permeability or otherwise satisfactory quality.

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NOTICE OF APPOINTMENT

J. E. Peavy, M. D.
Commissioner of Health
Texas State Department of Health
1100 West 49th Street
Austin, Texas 78756

Dear Doctor Peavy:

This is to advise you that the officials of _____,
Texas, at a regular or called meeting on _____,
have duly appointed _____
as consulting and designing engineer for the purpose of submitting engineer-
ing reports, planning material, plans and specifications, and for supervision
of construction of _____.

Mr. _____ is a registered professional engineer in good
standing in accordance with State statutes and has had experience in the
design and construction of similar facilities at the following locations:

We herewith authorize you to review and comment on such reports, plan-
ning material, data, and plans and specifications on this proposed project
as he may submit to you.

ATTEST:

Secretary

Official Mailing Address

Official Mailing Address

DATE: _____

Motion was made by Neal McCurry and seconded by Effie Nobles that the County cease maintaining the road which connects the Grice and Rhonesboro road. Said road being the connecting road immediately North of the Harmony School and which connects with the road that leads from Highway 154 to the road that goes to the Grice community and travels across and connects again with Highway 154 at the Rhonesboro store. The reason for such motion is that there are no residents located upon this property and that it has been washed out and that there are sufficient roads to service this area without the need of this connecting link. The motion was voted upon and all approved.

By motion presented to the Commissioners' Court of Upshur County, Texas, it was voted upon unanimously to discontinue the maintenance of the road.

L. H. McKinley County Judge
Effie Nobles
C. Pittell Clerk
Charles F. Still
Neal McCurry

upside

VOL. 16 PG. 286

STATE OF TEXAS X

COUNTY OF TRAVIS X

FOOD STAMP CONTRACT

"The Food Stamp Act of 1964," codified as Title VII, Sections 2011 et seq., United States Code Annotated, as amended, authorized the distribution of foods through a cooperative federal-state program to be operated through normal channels of trade. This federal law authorized the Secretary of Agriculture to promulgate rules and regulations for the purpose of carrying out the functions and responsibilities imposed on the State Welfare Departments in setting up the Food Stamp Programs.

Article 695c, Vernon's Texas Civil Statutes, as amended, and other related laws authorize the Texas State Department of Public Welfare, hereinafter referred to as the Department, to administer the Food Stamp Program. Under Senate Bill No. 1, Third Called Session, 62nd Legislature, State of Texas, 1972, in Article III, page 169, item 24, and under House Bill No. 139, Regular Session, 63rd Legislature, State of Texas, 1973, in Article II, page 52, item 25, the Department is designated as the State agency to establish and operate a statewide Food Stamp Program.

The Department and the undersigned County, hereinafter referred to as the County, agree to enter into this contract to effectuate the implementation of a statewide Food Stamp Program.

I.

It is understood and agreed that the agreement embodied in Form 500 W now in effect should continue until the commodity inventory has been transferred to the designated site as prescribed in Article V, infra, at which time said agreement shall be terminated. Any other previous agreement and all amendments thereto which have been entered into between the County and the Department pertaining to the program for the distribution of USDA donated commodities is hereby superseded.

II.

The Department will assume total responsibility for the operation of the Food Stamp Program in the County on the effective date of this contract, and, after implementation of the State-operated program in the County, the Department will be totally responsible for the operation of the Food Stamp Program in the County.

III.

The County agrees to remain liable to the Department and the United States Government for any substantiated claim for loss or damage sustained prior to the effective date, as a result of any violation of the applicable federal or State law or regulations, or of any failure to fully account for donated foods received in connection with the Commodity Distribution Program, and on demand to pay the amount due as a result of such loss or damage. It is expressly understood and agreed that, by entering into this contract, the County is in no way relieved of any liabilities or claims, including claims resulting from audit exceptions, which may be levied against the County due to its participation in the Commodity Distribution Program prior to the effective date.

IV.

It is expressly understood and agreed that the Department is not obligated to employ any of the personnel currently employed in the County in connection with the Commodity Distribution Program when the Department assumes operation of the Food Stamp Program. The Department may, at its discretion, employ those Commodity Distribution Program employees who meet appropriate Merit System standards. As to such employees, if any, it is further expressly understood that the Department assumes no responsibility to credit or reimburse such employees for vacation or sick leave accrued but unused by them prior to the effective date of this Contract.

V.

It is agreed that when the Department begins operation of the Food Stamp Program on the effective date, representatives of the Department will conduct an inventory of all USDA donated commodities received by the County in connection with the Commodity Distribution Program which have not been distributed by the County. Said inventory

will be delivered, at County governing authority expense, to the appropriate district warehouse designated by the Department or to an appropriate warehouse of another operating county Commodity Distribution Program.

VI.

The County agrees to maintain and retain supporting fiscal documents adequate to assure that claims for federal matching funds are in accord with applicable federal requirements.

Said documents shall be maintained and retained by the County for a period of three (3) years after the date of submission of the final expenditure report. In the event that audit by or on behalf of the federal government occurs, documents will be retained until the resolution of audit questions.

VII.

For the faithful performance of the terms of this contract, the parties hereto in their capacities as stated, affix their signatures and bind themselves, effective the 10 day of September 1973.

STATE DEPARTMENT OF PUBLIC WELFARE

L. G. McKinley COUNTY COMMISSIONERS' COURT

BY Raymond W. Vowell, Commissioner

BY L. G. McKinley County Judge

O. P. Nobles
Commissioner, Precinct 1

Carroll Lloyd
Commissioner, Precinct 2

Charles L. Hill
Commissioner, Precinct 3

Neil McCune
Commissioner, Precinct 4