

RESOLUTION NO. _____**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS, OPPOSING THE GRANTING OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PERMIT TO REDAWAY, LLC TO CONSTRUCT AND OPERATE A TYPE V MUNICIPAL SOLID WASTE FACILITY FOR MEDICAL WASTE PROCESSING IN THE CITY; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City received notice of an application submitted by RedAway, LLC for a Municipal Solid Waste Facility for the disposal of medical waste and was made aware of the intent of the Texas Commission on Environmental Quality (TCEQ) to conduct a public hearing to receive public comment on such application; and

WHEREAS, the City has received various complaints and concerns regarding the above-described application; and

WHEREAS, the City has identified several elements where the application is insufficient; and

WHEREAS, for the reasons set forth above and described in more detail below, the City of Mansfield opposes the granting of the permit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:

SECTION 1.

The City Council opposes the granting of the permit for the following reasons:

The property is located in an existing industrial park within a developed area of the City of Mansfield. The application documents reflect that the waste processing is actually proposed to occur in a building that is being divided to allow occupancy by additional tenants. The use of a shared facility may result in other building occupants being subjected to odor issues that are common to this type of waste processing facility. Odor generated by the RedAway operation could negatively impact surrounding businesses, business operations and prospective customers. The City is concerned that an operation of this type should be conducted in an area distant from other uses that could be impacted by operational odors. The application does not provide any specific plan or proposal to address odor generated by the site's operational characteristics and does not address any particular method of addressing odor issues and mitigating their impact upon the community.

The application does not provide the City with adequate assurance that the appropriate security would be in place to manage the site. The application document infers no greater security than that provided by a chain link fence that will surround the building where the operation is scheduled to occur or the doors to the building itself. The character of the waste to

be transported to and processed at this site suggest that public health issues could arise if unauthorized individuals have access to the facility.

The City of Mansfield does not believe that enough evaluation of possible impacts on surrounding land uses has been undertaken to assure that a medical waste disposal activity of this scale will not harm the property interests and development rights of adjoining property owners. The application suggests that RedAway will be importing medical waste from a market service area that extends at least four hundred (400) miles from the facility. The language is presented broadly enough that waste from across state lines and possible even international borders could be broad to the site. The permit envisions that fifty (50) tons of waste could be received per day at the facility.

The application does not contain sufficient detail of the types of waste proposed for processing at the site to provide average citizens with sufficient information to make an informed judgment as to what impact the facility might have on this portion of the community.

The nature, character, and risk of the waste being accepted at this site raises concerns that a highly competent and professional team would need to manage the site and that is not adequately addressed in the application.

The application material notes that all liquid waste generated from the operation of the facility will be placed in the Mansfield sewer system and that other processing material would be washed and cleaned on site with all residue water being placed in the Mansfield sewer system. The application material seems to infer that unused pharmaceuticals may be disposed of at the site along with other chemicals that could be used in the medical service delivery process. The liquid waste generated from this site (based upon information contained in the application) seems to be intended to be placed in the City's sewer collection system. As the TCEQ is aware, the City and the regional authority through which wastewater is ultimately processed and released, is subject to strict regulations to ensure no negative environmental consequences. The explanation for liquid waste management leaves the City unable to assess what chemical products or pharmaceuticals might be introduced into the City's sewer collection system, many of which might be unacceptable.

The application notes that certain types of waste that requires refrigeration in trailers may be left on-site for up to ninety (90) days. The site is located in the middle of a developed industrial park, and the presence of refrigerated trailers holding medical waste products is a questionable practice from the City's perspective. There are often extended periods of heat in Texas, and if a failure of refrigeration occurred, the odor and consequences of that odor could potentially have enormous impacts on the surrounding areas. The 2.17 acre site does not appear large enough, sufficiently buffered, or sufficiently screened to accommodate the scope and scale of the development envisioned in the application.

SECTION 2.

The City Council finds that the application is insufficient and for the reasons outlined above opposes the granting of the permit from TCEQ to RedAway.

SECTION 3.

This Resolution shall become effective from and after its passage.

PASSED AND APPROVED THIS THE 25TH DAY OF AUGUST, 2014.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary