

STATE OF TEXAS

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AMENDMENT TO THE  
INTERLOCAL COOPERATION  
AGREEMENT BETWEEN THE  
COUNTY OF HIDALGO, TEXAS  
AND THE CITY OF EDINBURG,  
TEXAS

COUNTY OF HIDALGO

§

THIS AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY OF EDINBURG, TEXAS AND THE COUNTY OF HIDALGO, TEXAS (Amendment), by and between the County of Hidalgo, Texas, (County) and the City of Edinburg, Texas (City), is entered between the parties this 29<sup>th</sup> day of January, 2019.

WHEREAS, on or about January 1, 2015, City and County entered into an agreement (the “2015 Agreement”) regarding the handling and processing or disposal in the City’s landfill of non-hazardous solid waste materials situated in and/or collected by the County’s precincts;

WHEREAS, County requires the disposal of an amount of non-hazardous material (“Ash”); the type of which is not currently covered by the 2015 Agreement.

WHEREAS, on or about May 23, 2018, City approved a *Class II Waste Profile* classifying Ash and setting the applicable rate for disposal. (See **Exhibit “A”**: *Class II Waste Profile* incorporated herein by reference for all purposes).

WHEREAS, part II, section C of the 2015 Agreement provides that regulated wastes for which City possesses TCEQ acceptance authorization may be accepted at a rate formally approved by agreement of the parties.

WHEREAS, County and City now desire to amend the 2015 Agreement as hereinafter provided;

**NOW THEREFORE**, for and in consideration of the terms and provisions set forth herein, for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and City hereby agree to the following amendments to the 2015 Agreement:

1. Parties agree that the type of non-hazardous waste as described in the attached **Exhibit “A”** – *Class II Waste Profile* (ACI Ash) shall be incorporated into part I, section A Type of Waste of the 2015 Agreement and shall be considered a type of waste pursuant to the terms of the 2015 Agreement.
2. Parties agree that the type of non-hazardous waste as described in the attached **Exhibit “A”** – *Class II Waste Profile* (ACI Ash) shall be tested and the resulting analytical constituent data evaluated once a year, or as requested by the City, for compliance with the

City of Edinburg Landfill's Special Waste Acceptance Plan prior to its continued acceptance every December 1.

3. Parties agree to amend part II, section A. Rates for Disposal of the 2015 Agreement to include the rate of the additional type of waste as provided in the attached **Exhibit "A"** – *Class II Waste Profile* by adding the following:

7. ACI Ash.....\$17.00 per cubic yard

4. Parties further agree to amend part II, section C of the 2015 Agreement, to include the following acceptance and yearly evaluation procedures, by adding the following:

1. *Prior to initial acceptance and evaluation, all Class II Waste or other regulated wastes, including but not limited to ACI Ash, shall be tested and the resulting analytical constituent data re-evaluated once a year or as requested by the City, for compliance with the City of Edinburg Landfill's Special Waste Acceptance Plan prior to its acceptance or continued acceptance every December 1.*

5. Except as modified herein, all terms and conditions of the 2015 Agreement, as amended, remain in full force and effect and the County and the City ratify and confirm the terms and provisions of the 2015 Agreement as amended.

**WITNESS THE HANDS OF THE PARTIES** effective as of the day and year first written above.

**Hidalgo County:**

By: \_\_\_\_\_  
Richard F. Cortez, County Judge

Date: \_\_\_\_\_

**City of Edinburg:**

By: \_\_\_\_\_  
Richard Molina, Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Arturo Guajardo, Jr., County Clerk

ATTEST:

By: \_\_\_\_\_  
Ludivina Leal, City Secretary

Approved As To Form:  
Office of Hidalgo County  
Criminal District Attorney  
Civil Litigation Division

Approved as to form:  
Omar Ochoa Law Firm, P.C.

By: \_\_\_\_\_  
Robert Vina III, Assistant District Attorney

BY: \_\_\_\_\_  
Omar Ochoa, Interim City Attorney

# EXHIBIT

“A”



### Class II Waste Profile

City of Edinburg  
Department of Solid Waste Management  
8601 N. Jasmán Rd  
Post Office Box 1079  
Edinburg, Texas 78540-1079

TEL: (956) 381-5685  
FAX: (956) 292-2064  
rev 05/12

Landfill Use Only

Wastestream # 2018-015  
Approved: Christy E. J. [Signature]  
Date: 5/23/18  
Expiration: 5/22/19  
Price Rate: 17.00/yard

<p><b>I. Generator Information</b></p> <p>EPA Generator ID# _____          Generator Name: <u>Hidalgo County Pot. 1</u>          Mailing Address: <u>1902 Joe Stephens Ave, Ste. 101</u>          City: <u>Weslaco</u> State/zip: <u>TX/ 78589</u>          Technical Contact Name: <u>Martin Rumbaz</u>          Phone: ( 956 ) <u>383-0111</u> Ext.: <u>7308</u>          Fax: ( ) _____</p>	<p><b>II. Generating Facility Information</b></p> <p>Facility Name: <u>Facinct 1 ACI Site</u>          State Generator #: _____          Street Address: <u>1/2 mile north of intersection of Mile 20 and Mile 5 1/2</u>          City: <u>Near Monte Alto</u> State: <u>Texas</u>          Facility Contact Name: <u>Rolando Guerra</u>          Phone: ( 956 ) <u>988-8733</u> Ext.: _____          Fax: ( ) _____</p>																																										
<p><b>III. Wastestream Description</b></p> <p>Wastestream Name: <u>Pot. 1 ACI ash from brush and untreated or nonpainted wood</u>          Texas Waste Code #: _____          Describe Process Generation Waste: (Be Specific)  <u>100% brush and untreated or painted wood burned in TCEQ authorized air curtain incinerator.</u>          Describe appearance (e.g. brown powder, etc.)  <u>dark brown and black ash and dust</u>          Describe Odor: <u>burnt wood odor</u>          Color: <u>brown/black/gray</u> Density _____ lbs/cubic yard          Is the waste a solid per the paint filter liquids test, method 9095?  <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>	<p><b>IV. Waste Composition</b></p> <p>Total Metals Analysis (required)</p> <table border="0"> <tr><td>Arsenic (As)</td><td><u>7.58</u></td><td>mg/kg</td></tr> <tr><td>Barium (Ba)</td><td><u>160</u></td><td>mg/kg</td></tr> <tr><td>Cadmium (Cd)</td><td><u>0.457</u></td><td>mg/kg</td></tr> <tr><td>Chromium (Cr)</td><td><u>13.3</u></td><td>mg/kg</td></tr> <tr><td>Lead (Pb)</td><td><u>21.0</u></td><td>mg/kg</td></tr> <tr><td>Mercury (Hg)</td><td><u>0.0218</u></td><td>mg/kg</td></tr> <tr><td>Selenium (Se)</td><td><u>0.226</u></td><td>mg/kg</td></tr> <tr><td>Zinc (Zn)</td><td><u>139</u></td><td>mg/kg</td></tr> <tr><td>Silver (Ag)</td><td><u>0.133</u></td><td>mg/kg</td></tr> </table> <p>TPH _____ mg/kg          BTEX _____ mg/kg          pH <u>8.3</u> Range _____ to _____ (solids, pH of equivalent weight mixed with ASTM Type II Laboratory distilled or deionized water)</p> <p>Components (Account for 100%, attach laboratory analysis and/or MSDS, if available)</p> <table border="0"> <thead> <tr><th>Component</th><th>Average%</th><th>Range</th></tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>to _____</td></tr> <tr><td>_____</td><td>_____</td><td>to _____</td></tr> <tr><td>_____</td><td>_____</td><td>to _____</td></tr> <tr><td>_____</td><td>_____</td><td>to _____</td></tr> </tbody> </table> <p>I have completed a Hazardous Waste, Class 1 &amp; 2 determination for this waste. The determination checklist or other documentation is attached.  <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>	Arsenic (As)	<u>7.58</u>	mg/kg	Barium (Ba)	<u>160</u>	mg/kg	Cadmium (Cd)	<u>0.457</u>	mg/kg	Chromium (Cr)	<u>13.3</u>	mg/kg	Lead (Pb)	<u>21.0</u>	mg/kg	Mercury (Hg)	<u>0.0218</u>	mg/kg	Selenium (Se)	<u>0.226</u>	mg/kg	Zinc (Zn)	<u>139</u>	mg/kg	Silver (Ag)	<u>0.133</u>	mg/kg	Component	Average%	Range	_____	_____	to _____	_____	_____	to _____	_____	_____	to _____	_____	_____	to _____
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<p><b>V. Shipping Data</b></p> <p>Shipping method (drums, bulk, other): <u>Bulk via 30 cu. yd. rolloffs</u>          Estimated Quantity: (cubic yards or number of drums)  <u>one-time 30 cu. yds. Per qty _____ Per year _____</u>          Special Handling Instructions: _____</p>																																											
<p><b>VI. CERTIFICATION</b></p> <p>I certify and warrant that the above wastestream identification for the materials offered for disposal as appears on this form and contained on any attachments, or supplements, is true and correct. My certification is based on personal examination of the information submitted, or is based upon my inquiries of those individuals responsible for obtaining the information. I further certify and warrant that the identification is a result of analysis of a representative sample obtained and analyzed in accordance with testing procedures specified by the Texas Natural Resources Conservation Commission (TNRCC) or by applying knowledge of the process generating the specific waste being offered for disposal. I am an employee of the generator and am empowered to sign this form.</p> <p>Generator Signature: <u>[Signature]</u> Title: _____ Environmental Compliance Coord. Date: <u>06/10/18</u></p>																																											

**CITY OF EDINBURG TEXAS  
REGIONAL SANITARY LANDFILL  
MSW PERMIT NUMBER 956-B**

**GENERATOR NAME:** Hidalgo County Precinct 1  
**WASTESTREAM NAME:** ACI Ash  
**WASTESTREAM NUMBER:** N/A  
**DATE:** December 19, 2016

**Classification Checklist (Check the statements that are true)**

*It is the generators responsibility to correctly classify their waste per the regulations. This checklist is intended to assist with evaluating this wastestream for disposal at the Edinburg Landfill only, and is not intended to be a comprehensive waste classification tool. Generators must refer to 31 Texas Administrative Code Chapter 335 Subchapter R for a more detailed explanation of waste determination.*

- The waste is not a hazardous waste, mixed with a listed hazardous waste, or derived from a listed hazardous waste per 40 CFR §261.31 through §261.33?
- The waste is not ignitable per 40 CFR §261.33?
- The waste is not corrosive per 40 CFR §261.33?
- The waste is not toxic per 40 CFR §261.33?

If the waste is a container, less than or equal to 5 gallons in holding capacity, which has held a hazardous waste, Class I waste, and/or a material which would be classified as a hazardous or Class I waste, check the following true statements:

- The container is empty per 31 TAC §335.41(f) (2)? \_\_\_\_\_
- N/A The container had all its residues removed? \_\_\_\_\_
- The container has been rendered unusable? \_\_\_\_\_

- The waste does not contain asbestos material identified as Regulated Asbestos Containing Material (RACM) as defined in 40 CFR Part 61.
- The waste is not contaminated by a material, which originally contained greater than or equal to 50 ppm total polychlorinated biphenyl's (PCBs).
- The waste does not contain greater than or equal to 50 ppm PCBs.
- The waste does not contain greater than 1500 ppm total petroleum hydrocarbons (TPH)
- The waste is a solid or semi-solid which, under conditions normal incident to storage, transportation, and disposal, **will not cause** fires through friction, retained heat from manufacturing or processing, or can be ignited readily, and when ignited burns so vigorously and persistently as to create a serious hazard.
- The waste does not leach constituents at or above the levels listed in Table 1, Appendix 1 of TAC Chapter 335 Subchapter R (TCLP)
- There is sufficient information to demonstrate that the waste is not some other nonhazardous classification.
- The generator has chosen not to classify his non-hazardous waste as a Class I waste.
- The waste is not associated with first aid stations, medical emergencies, or other non-surgical medial treatment.
- When using the test methods specified in Appendix 4 of 31 TAC Chapter 335 Subchapter R (7-day Distilled Water Leachate Test), the waste does not leach constituents at or above the Maximum Contaminate Levels listed in Table 3, Appendix 1 of Subchapter R.