

**SEMINAR FOR NEWLY ELECTED COUNTY JUDGES AND COMMISSIONERS**  
**GOVERNING TEXAS COUNTIES**

**Solid Waste and Nuisance Authority**

*by The Honorable Rick Bailey, Johnson County Commissioner &  
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Counties have the authority and responsibility to protect the health, safety and welfare of its citizens. There are many statutes pertaining to environmental issues and the authority of the Commissioners Court. Below is a table of some statutes related to sludge and illegal dumping.

**Sludge Disposal**

Tex. Health & Safety Code §361.003(33)	"Sludge" means solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, excluding the treated effluent from a wastewater treatment plant.
Tex. Health & Safety Code § 361.121	Land application of Class B Sludge obtained by TCEQ permit/registration.
30 Tex. Admin. Code § 312.1	Chapter 312 "establishes standards, which consist of general requirements, pollutant limits, management practices, and operational standards, for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works, and for the final use or disposal of domestic septage. Standards are included in this chapter for sewage sludge and domestic septage applied to the land for beneficial use, or place on a surface disposal site."

**Nuisance Authority: Illegal Dumping**

Tex. Health & Safety Code § 365.012	Illegal Dumping; Discarding Lighter Materials; Criminal Penalties
Tex. Health & Safety Code § 365.017	Regulation of Litter by County – Commissioners Court may adopt regulations to control the disposal of litter and the removal of illegally dumped litter from private property in unincorporated areas of that county.
Tex. Health & Safety Code § 365.034	County Regulation of Litter Near Public Highway; Criminal Penalty – Commissioners Court by order may: (1) prohibit the accumulation of litter for more than 30 days on a person's property within 50 feet of a public highway; (2) order for the removal and disposition of litter; (3) provide for the assessment against a person who owns the property from which litter is removed.

<p>Tex. Health &amp; Safety Code § 343.011</p>	<p>Public Nuisance – (1) keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;  (2) keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood or within 300 feet of a public street for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;  (3) maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or other disease-carrying pests;  (9) discarding refuse or creating a hazardous visual obstruction on: county-owned land; or land or easements owned or held by a special district that has the commissioners court of the county as its governing body;  (12) discarding refuse on property that is not authorized for that activity;</p>
<p>Tex. Health &amp; Safety Code § 343.012</p>	<p>Criminal Penalty for Public Nuisance – misdemeanor punishable by fine; if previously convicted, punishable by fine and/or confinement in jail.</p>
<p>Tex. Health &amp; Safety Code § 343.013</p>	<p>Injunction – a county may bring suit for an injunction to prevent, restrain, abate or otherwise remedy a Public Nuisance.</p>
<p>Tex. Health &amp; Safety Code § 343.021</p>	<p>County Authority to Abate Nuisance – County may abate a nuisance if County has adopted abatement procedures.</p>
<p>Tex. Health &amp; Safety Code § 343.022</p>	<p>County Abatement Procedures – Must be administered by regularly salaried, full-time county employee; written notice to individual at premises and state condition of nuisance; individual may request hearing.</p>
<p>Tex. Health &amp; Safety Code § 343.023</p>	<p>Assessment of Costs; Lien – County may assess the cost of abating the nuisance, cost of legal notice and administrative fee; County may obtain a lien against the property to secure an assessment</p>
<p>Tex. Health &amp; Safety Code § 343.024</p>	<p>County Authority to Enter Premises – May enter any premise at a reasonable time to inspect, investigate or abate a nuisance</p>