

Memorandum



DATE September 2, 2011

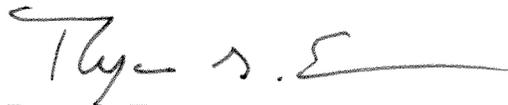
TO Honorable Mayor and Members of the City Council

SUBJECT **Green Path for Dallas' Trash**

On June 1, 2011, Sanitation Services briefed you on the subject of "The Green Path from Trash to Treasure" and on June 15 Sanitation Services presented a follow-up briefing to address the topics of discussion that were initiated during the June 1 briefing.

On September 7, Sanitation Services and Economic Development will provide you with an additional information about waste resource recovery in a briefing entitled Green Path for Dallas' Trash. Attached are the briefing materials for your review.

Please let me know if you have any questions.



Ryan S. Evans
Assistant City Manager

Attachment

C: Mary K. Suhm, City Manager
Rosa Rios, Interim City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
A.C. Gonzalez, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Mary Nix, Director, Sanitation Services
Karl Zavitkovsky, Director, Economic Development
Lee McKinney, Assistant Director, Economic Development
Helena Stevens-Thompson, Assistant to the City Manager



The Green Path for Dallas' Trash

Briefing to City Council
September 7, 2011



PURPOSE of Briefing

- **Review the steps-to-date on the topic Resource Flow Control**
- **Advise Council of input from community meetings**
- **Describe possible scenario to stimulate investment in South East Oak Cliff (SEOC)**
- **Recommend proceeding with ordinance and establishment of SEOC stimulus fund**

Steps-to-date

- **Council budget workshops in FY10 and FY11**
 - Brainstorming ideas included “waste flow control”
 - Council requested for further information to evaluate
- **Two Council briefings in June 2011**
 - June 1 and June 15
 - Synopsis of each to follow in today’s briefing
- **Follow-up meetings**
 - Community meetings
 - Discussions with Dallas businesses and institutions
 - City Manager meeting with waste industry representatives
 - State and Federal environmental regulators: EPA and TCEQ

Steps-to-date: June briefings

- **Dallas' green initiatives are numerous and far-reaching**
 - Green fleet, water conservation, renewable power, recycling
 - First city with city-wide ISO 14001 certification (environmental standards)
- **Broaden green policies further into waste handling**
 - Progress to date:
 - Household recycling under ***OneDAY Dallas*** (multi-family recycling through many drop-off sites)
 - Landfill recycles scrap tires, tree limbs, old pavements
 - Landfill accelerates waste decomposition, producing ***renewable*** gas source

– More to come



Steps-to-date: June briefings

- **New technologies: Waste has many “second life” uses**
 - Energy - conversion of waste to gas or electricity
 - Fuel - conversion of waste to synthetic fuels
 - Reuse - sorting of waste into many more recyclable products
- **Each waste item has value**
 - Current recycling efforts divert 10% -25% of waste from landfill
 - New technologies can divert 65% - 95% from landfill
 - Each “second use” benefits environment
 - Each “second use” has monetary value
- **Landfills may become obsolete as waste becomes “valued resource”**



Steps-to-date: June briefings

- Make use of these resources
- Dallas' landfill can be “storage vault”
 - Today's “wastes” are future resources
 - Capture and store them **now**
 - Plan and build a system to recover these resources
 - **Then**, divert all waste to Resource Recovery facilities ... and even retrieve previously buried resources for their value
 - Future value may be quite extraordinary

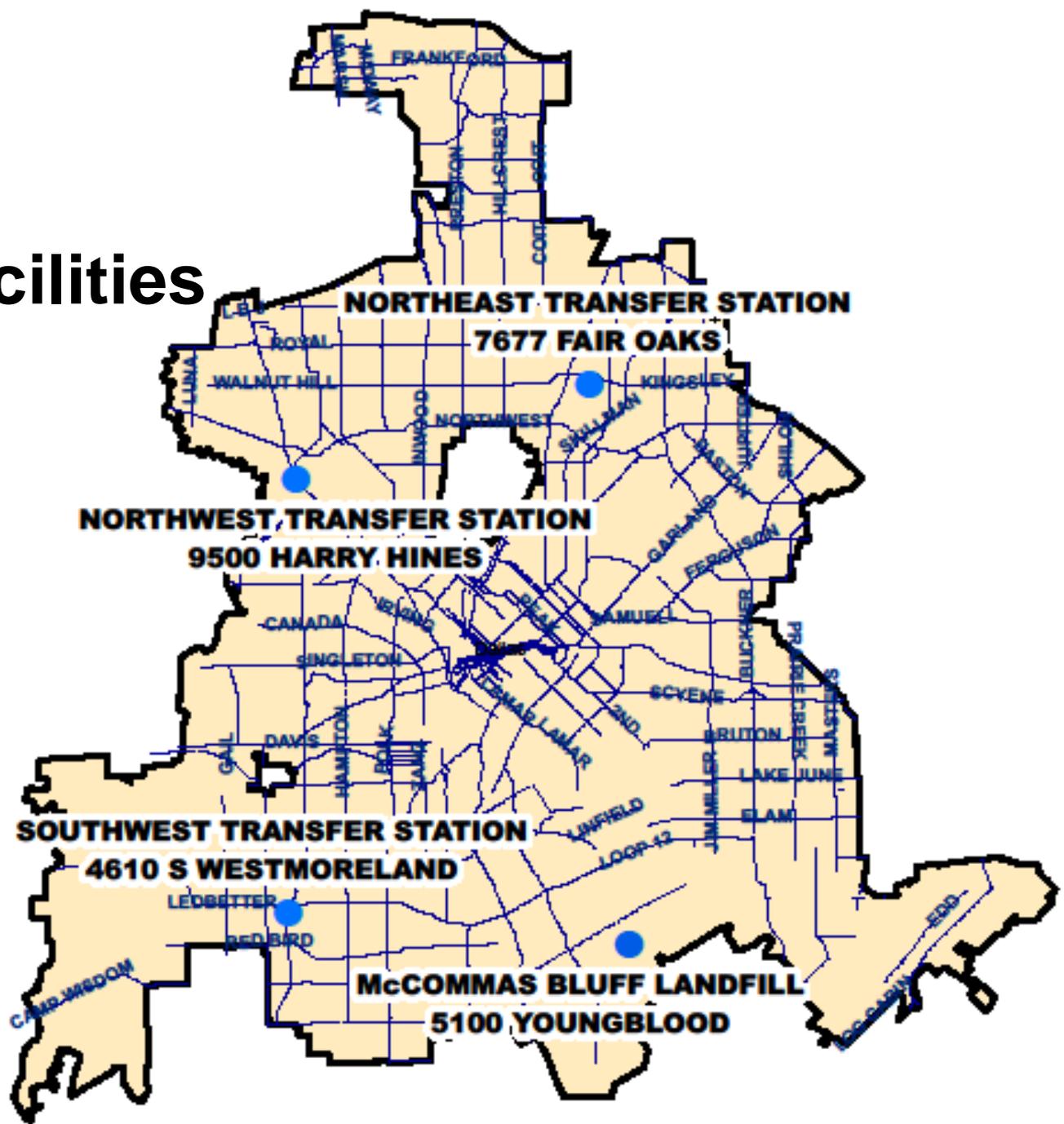


Steps-to-date: June briefings

- **Designing & Building a Resource Recovery system**
 - Requires a steady stream of incoming waste / “resources”
 - ***Resource Flow Control ordinance*** will secure a steady stream
 - With a dedicated and reliable waste stream established, Dallas can attract private investors to build a Resource Recovery system
- **What is a Resource Recovery system ?**
 - A synchronized set of facilities to accept waste and recover all usable material – replacing existing waste transfer stations and the landfill
 - Where?
 - First site for facility: McCommas Bluff Landfill
 - Subsequent sites: selected to accommodate short hauling distances
 - Examples of existing Resource Recovery Facilities

City of Dallas

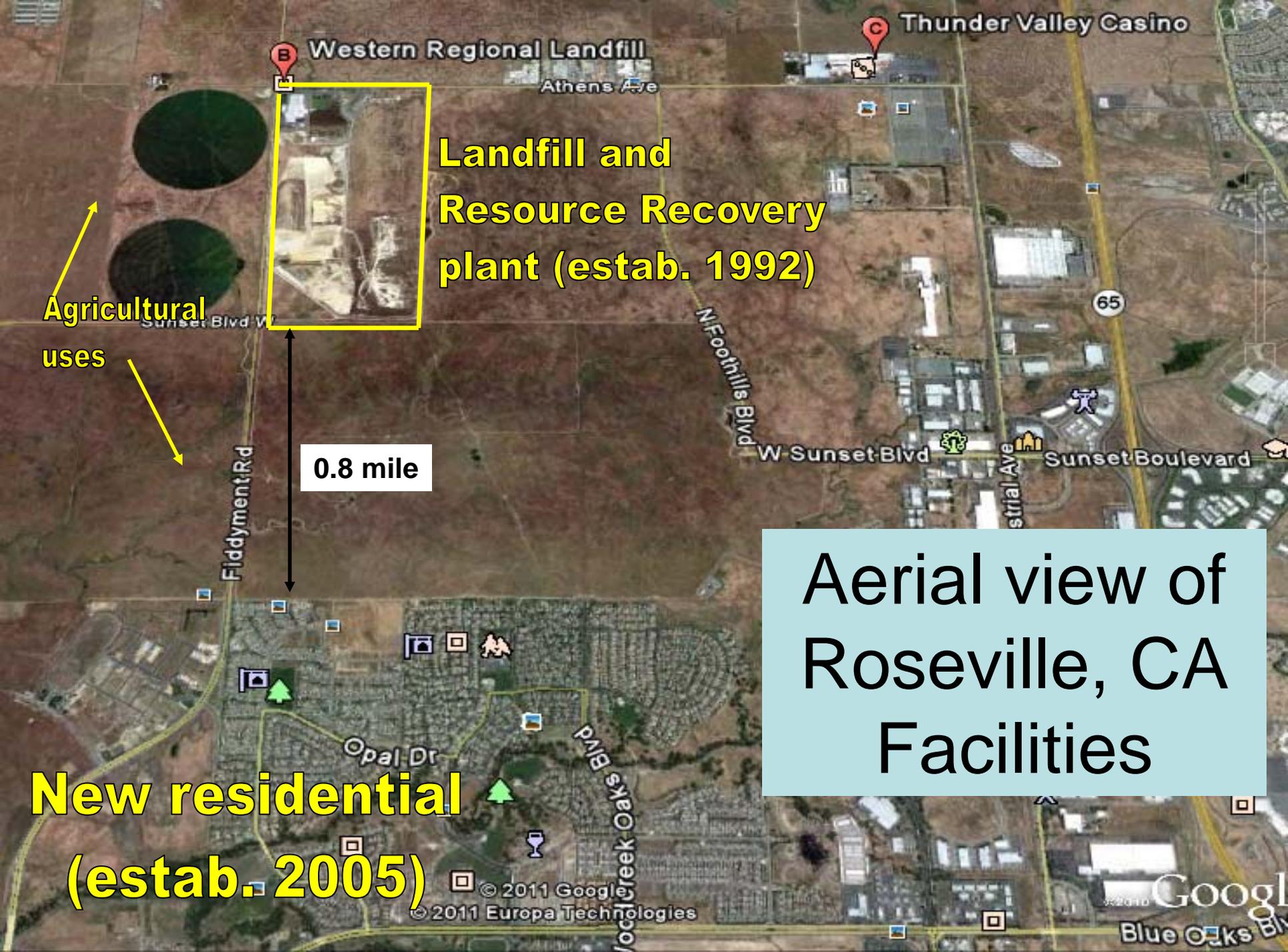
Disposal Facilities





Resource Recovery Facility
(Germany)





Western Regional Landfill

Athens Ave

Thunder Valley Casino

**Landfill and
Resource Recovery
plant (estab. 1992)**

**Agricultural
uses**

0.8 mile

**New residential
(estab. 2005)**

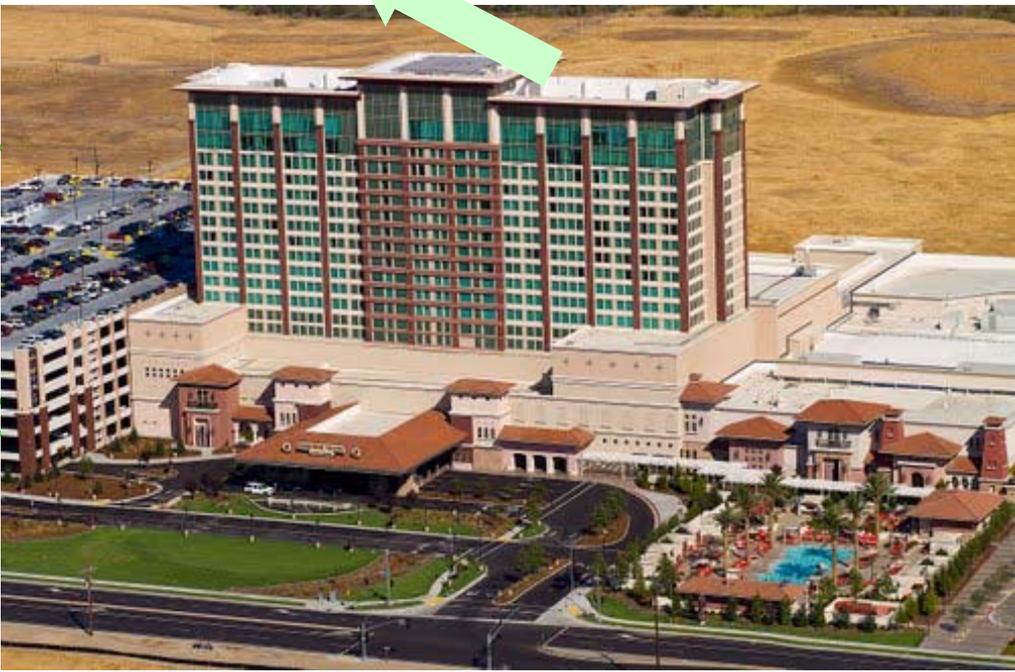
**Aerial view of
Roseville, CA
Facilities**

© 2011 Google
© 2011 Europa Technologies

Google
Blue Oaks Blvd

Inside the
Resource Recovery Facility
in Roseville, CA





Future
Cal State
campus
expansion

Future
Business
Park

New SFR



Steps-to-date: June briefings

- **Multiple benefits from Resource Recovery facilities**
 - Replaces landfill and transfer stations with Recovery Sites
 - Transforms waste industry into CLEAN recovery plants
 - Ultimately, eliminates need for landfilling
 - Creates jobs (about 100 jobs per facility; approx. 500 jobs total)
 - Provides a green energy source for City use
 - Good management of resources
 - State-of-the-art technology puts Dallas at leading edge of green practices nationally
 - Establishes an excellent base for environmental curricula at Dallas campuses

Steps-to-date:

Community Meetings

June 28 – at Paul Quinn College

- Open meeting – drew 250-300 from community
- Q & A session

July 14 – at Paul Quinn College

- Brainstorming session on needs for South East Oak Cliff (SEOC) community with Paul Quinn team and city staff

Aug 4 – at Tommie Allen Recreation Center

- Arranged by City with direction from DMPT Atkins
- Attended by 24 community representatives and city staff
- Representatives from community organizations – reviewed Council's briefings and discussed opportunities for economic development and investment
- Community wants to see funds used for neighborhood development

Steps-to-date:

Meetings, continued

Aug 11 - at City Manager's office

- Waste industry representatives voice concerns with concept
- They promise to provide information to substantiate their concerns

Aug 29 – at Landfill Administrative Offices

- NAACP representative toured landfill and asked questions about effects of Resource Flow Control on surrounding neighborhoods

Sep 1 – at City Hall

- EPA coordinates meeting with City staff, TCEQ, and NAACP
- NAACP inquiring about assessing possible health effects from truck traffic
- Will continue discussions

Steps-to-date:

Talking with Dallas businesses

Waste haulers

- Individual franchised haulers
- Group meetings with national solid waste professional organizations

Dallas businesses

- Apartment Association of Greater Dallas
- DISD
- Hotel Association of North Texas
- Greater Dallas Restaurant Association

Others

- Regulatory agencies (EPA, TCEQ)
- Recycling entities
- Media interests

Steps-to-date:

What the community is saying

Residents in South East Oak Cliff

- Want assurances that neighborhoods will not be adversely impacted (traffic, air quality, image)
- Want to see re-investment that will improve and grow their neighborhoods
- Seek dedicated funding – and ability to advise on how to use funds

Waste haulers

- Some are worried that they will lose business to their own out-of-city landfills (Appendix B)
- Some expect to see increase in cost of their service
- Prefer freedom to select the disposal location of their choice
- Some haulers support the City's green initiatives – and see no adverse effect in their operations

Dallas businesses

- Want to know if they will see any significant increase in cost of their service – and how much
- Strongly oppose the cost increase that others have proposed via hiking the Franchise Fees
- Want to maintain competition among waste haulers (rather than exclusive hauler for all of city)

Others

- Strongly supportive of policy to recycle / re-use in place of landfilling
- Seek assurances to minimize any negative environmental impact (i.e.; air quality)

Moving Forward, continued

Establish an Economic Stimulus entity for the South East Oak Cliff neighborhoods near landfill

- Create a City fund dedicated to development projects that bring positive economic impact to communities near the landfill
- Utilize input from community advisory panel for fund usage

Key features

– Vision and Planning

- Identify community's needs – and how they want their neighborhoods to look in the long-term
- May benefit from input of professional planner

– Governance / Advisory Group

- Community representatives to give critical input to formation and structure of the Advisory group
- Community to establish its own vision and goals
- City to provide collaborative support, as needed, with executive leadership from Office of Economic Development

Moving Forward, continued

Key features of SEOC Economic Stimulus, continued

– Operating Policies

- Develop policies by the Advisory Group on use of funds
- Set procedures for reporting to Council
- Source of funding: New commercial tons to landfill
 - Resource Flow Control ordinance will generate an estimated 850-900k tons of waste
 - SEOC fund to be 6% of new revenue, not-to-exceed \$1m / year
 - New revenue from disposal fee* = \$17.4m to \$18.5m
 - SEOC Fund = 6% of new revenue = \$1.0m
 - First year of new ordinance may yield a fraction of estimated new tons; City's revenues and SEOC fund will be proportionately lower in first year

* uses an average disposal fee of \$20.50/ton, based on posted gate rate and contracted rates

Moving Forward, continued

Key features of SEOC Economic Stimulus, continued

– Geographical bounds

- Center on the neighborhoods and features within a to-be-determined distance from landfill entrance
- Select boundaries with input from community and city departments

– Project Types

- Focus on development and re-development strategies
- Example projects: Retail structures, medical facilities, transportation, etc.

– Recognize (and capitalize on) other initiatives

- Educational corridor – Simpson Stuart / Camp Wisdom
- Support from private foundations

Next Steps

- Two agenda items for concurrent approval:
 - **Ordinance for resource flow control**
 - Approve Sept 28, 2011 for start date of January 2, 2012
 - **Council Resolution to establish South East Oak Cliff (SEOC) Economic Stimulus Fund**
 - City staff to work with community to:
 - establish policies
 - develop action plans
 - Submit draft operating plan for review in November 2011
 - SEOC Advisory Group to be operational Q1 2012

Looking Forward into FY12

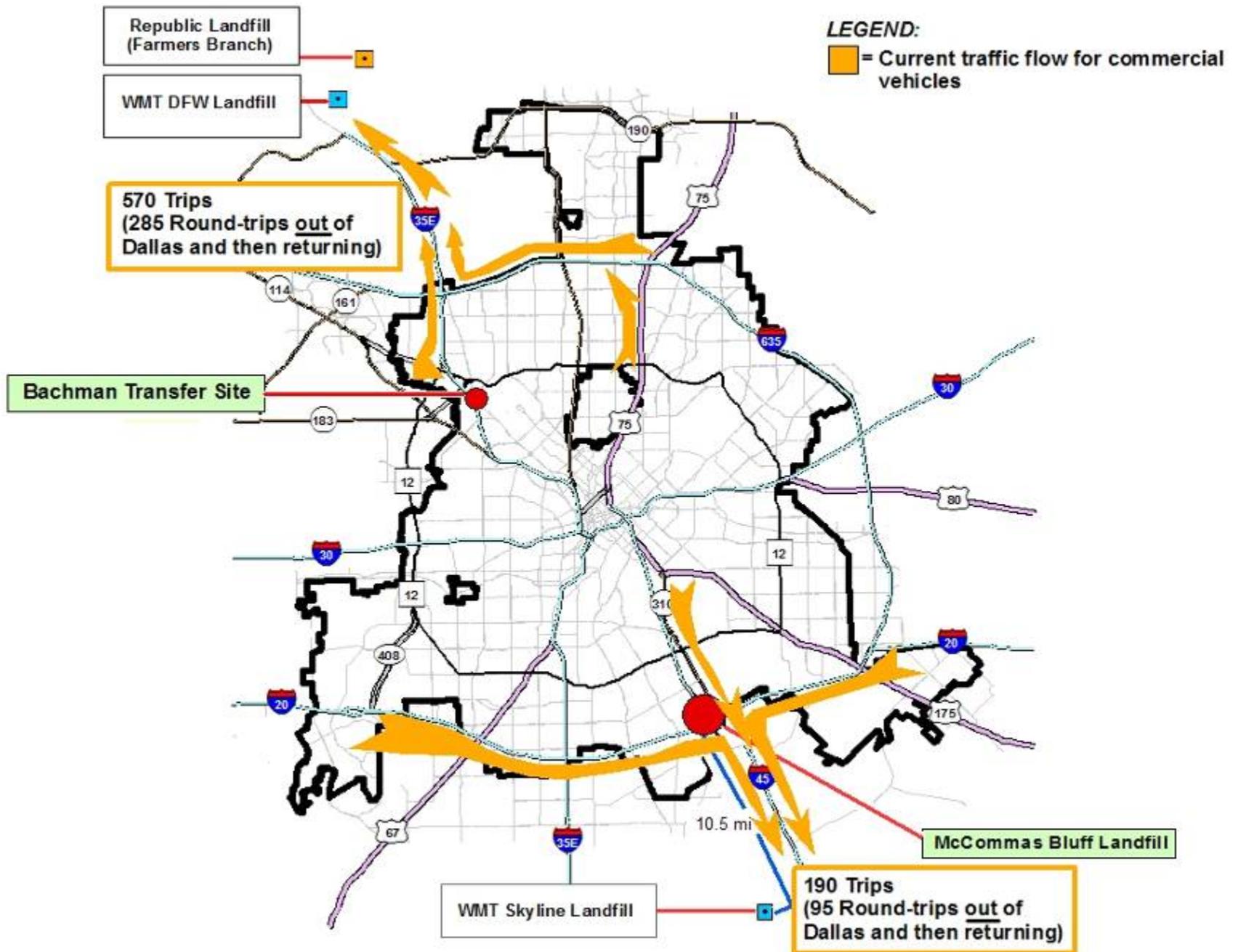
- **SEOC Economic Stimulus Fund**
 - City staff to team up with community to:
 - establish policies and procedures and operating parameters for the fund
 - develop goals strategies and action plans for utilization of invested funds
 - **Submit operating plan for Council concurrence in FY12**
 - **SEOC Economic Stimulus is funded starting in FY13, based on funds accrued in previous FY**
 - **Funding continues for 20-year period**
- **Initiate plans for Resource Recovery System**
 - Further examine range of technologies suitable for full-scale Resource Recovery operations
 - Coordinate with regulatory agencies on facility siting requirements
 - Issue requests for qualifications (in FY12) and proposals to partner with city in designing and implementing

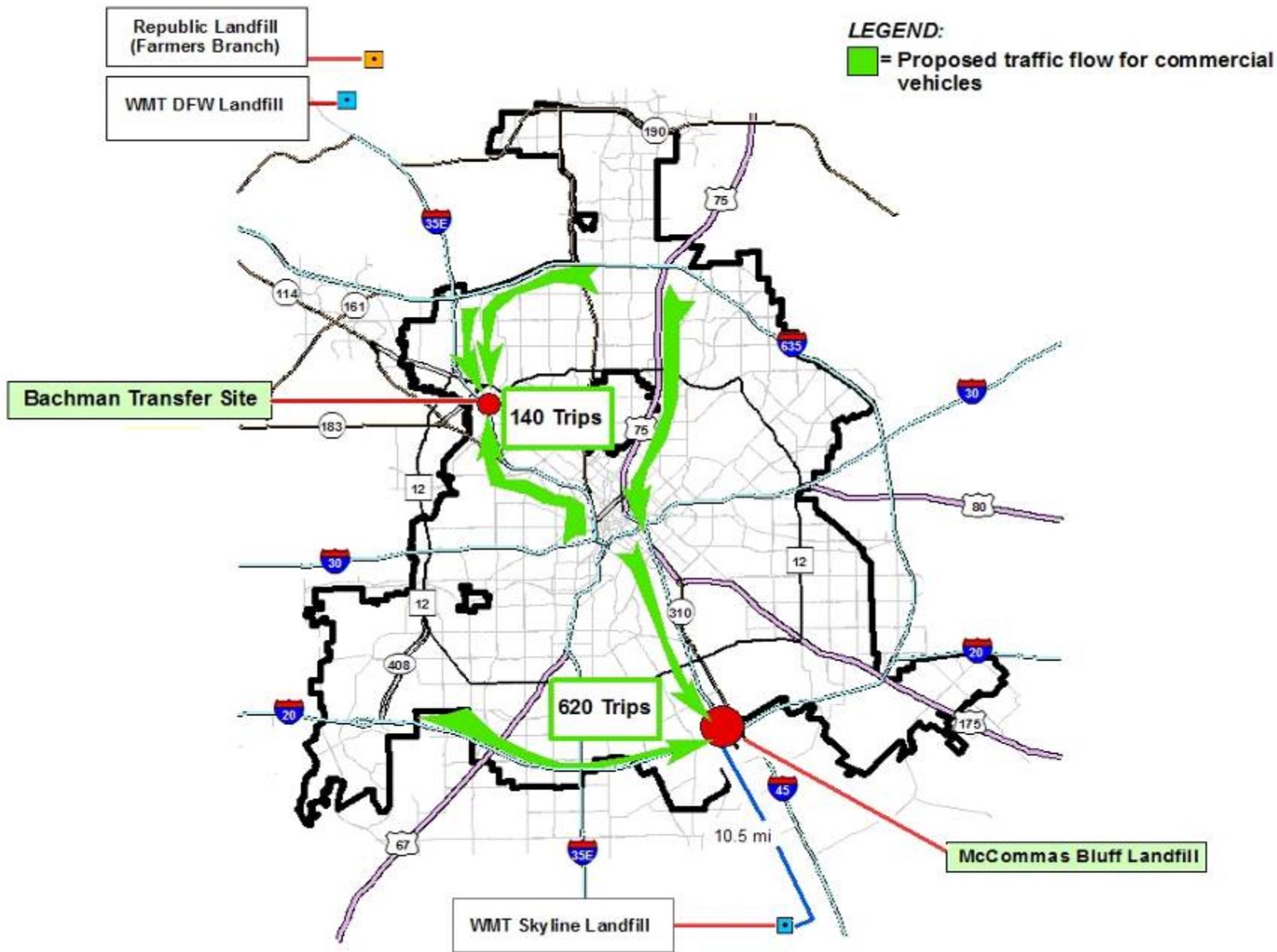
DISCUSSION ?

Appendix A:
Questions Voiced about
Resource Flow Control

Truck Traffic

- No significant change in citywide traffic counts
- All trucks affected by ordinance are already operating in Dallas - no “new” truck trips are created
- Some haulers will alter routes to use city facilities
 - Decreases miles for some; increases for others
- **Projected** traffic changes under new ordinance
 - 86 trucks (that now use other landfills) will go to McCommas and Bachman
 - Equals 380 round-trips daily (each truck makes 4-5 round-trips)
 - 70 trucks are projected to use McCommas (for 620 trips)
 - 16 trucks are projected to use Bachman (for 140 trips)





Air Quality

- **Air quality is regional concern**
 - All vehicles affected by the ordinance are already operating in the region – none are added or eliminated
- **No change in vehicle emissions**
 - All trucks are and will continue to operate within the north Texas “air quality” region
 - Hauling distances should be unchanged – on balance
 - Two city facilities will be available to all waste haulers
 - Haul distances from anywhere in city will be 15 miles or less
 - McCommas Bluff to the south-southeast
 - Bachman Transfer to the northwest
 - Haulers may change their routing – some will decrease distances slightly, some will increase slightly

Air Quality

- **Air quality monitoring on-going at *Landfill***
 - TCEQ has issued an air permit to Landfill to meet air quality standards
 - Stringent regulatory requirements to measure / report:
 - Methane
 - Non-methane volatile organics
 - Particulates
 - Other
 - Also, monthly monitoring at 300 gas wells for volatiles, nitrogen, and oxygen
- **All reports to TCEQ; full compliance maintained**
 - **Annual reports from 2001 to now**
- **Air monitoring - *Regionally***
 - Four monitoring points at:
 - 3049 Morrell
 - Dallas Executive Airport
 - Love Field
 - Dallas Convention Center

Litter

- **Wind-blown litter**

- City code requires all haulers to secure their loads to prevent litter, particulates, or spills from escaping the vehicle. Penalties for failing to do so are specified in code.
- Haulers utilize enclosed trash hoppers, sealed containers and removable tarps as securing methods.
- Landfill and transfer sites use litter crews daily to pick up any errant litter along the roadways within two miles from the sites
- No history of chronic litter problems from trash vehicles



Sealed and tarped trucks at landfill



Litter crews on roadways near landfill and transfer sites



Other issues

- **Use of one transfer site only**

- Additional waste resource stream can be readily handled with McCommas and Bachman
 - Bachman has capacity to double its incoming stream
 - Other transfer sites are smaller; sized for use by city's residential collection trucks
- Both sites are easily accessible from highway (not side streets)
 - making them desirable to haulers for quick turnaround

- **Hours of operation**

- Current hours will meet new demand
 - Landfill: Mon-Fri.... 5:00am to 8:00pm
Sat 6:00am to 4:00pm
Sun closed
 - Bachman: Mon-Sat... 7:30 am – 5:00pm
Sun closed

Other issues, cont'd

- **Financial impact to business customers**

- No changes likely – on balance
- McCommas gate fee to remain competitive with DFW market
 - Good for Dallas business customers
- Competitive nature of hauling business
 - Ordinance will “level the playing field” for all haulers who don’t own a landfill
 - Hauling services from one provider to another are typically within 5% of each other
 - Hauler with out-of-city landfill may tend to increase fees to Dallas customer – who may then seek (and find) a lower-priced competitor

- **Option to increase franchise fee**

- Franchise fee required to be based on cost to maintain infrastructure
- Haulers’ effect on infrastructure does not currently warrant a fee increase
- Any franchise fee increase is a cost borne by the Dallas business customer

Appendix B:

Other major landfill owners preparing for
Resource Recovery facilities

Waste management: Not just trash anymore Eying its future, Houston company focusing more on turning what it collects into energy

By BRETT CLANTON HOUSTON CHRONICLE

Sunday 08/21/2011 Houston Chronicle, Section Business, Page 1, 3 STAR Edition

By any measure, Waste Management is a giant in the U.S. garbage collection and recycling business, but its future may lie in a different service: turning trash into energy.

That helps explain why the Houston company recently has been boosting investments in technologies that can convert much of what goes in the landfill into fuels, electricity and other energy products. While those investments are still relatively small for a firm that collected \$12.5 billion in revenue last year and 100 million tons of trash, they highlight a shift in the way the country's biggest garbage hauler views its business as well as waste itself.

"In my mind, it's pretty simple why we're doing it: If we don't figure it out, somebody is, and they'll take the waste away from us. If we lose the waste, we've certainly lost the business," said Carl Rush, vice president of the company's organic growth group, the chief vehicle for its energy investments.

The shift in thinking comes at a time when U.S. landfill collections are hitting a plateau as Americans recycle more, consumer products makers reduce packaging and many large corporations adopt "zero waste" goals.

Appendix C:
Draft Ordinance for
Resource Flow Control

ORDINANCE NO. _____

An ordinance amending Section 2-139 of CHAPTER 2, "ADMINISTRATION," and amending Sections 18-1, 18-2, 18-10, 18-11, and 18-40 of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended; clarifying that the city's solid waste collection and disposal system is a utility; requiring that all dry and wet solid waste generated, found, or collected in the city of Dallas be disposed of at a transfer station or landfill site owned or operated by the city; providing defenses; reducing disposal service charges at the Northwest (Bachman) transfer station; providing audit and retention requirements relating to the collection and disposal service records of solid waste franchisees; making certain semantic, grammatical, and structural changes; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city of Dallas takes a proactive approach to advancing "Green Technology" by using renewable energy sources and alternative-fueled vehicles; and

WHEREAS, emerging technology in the waste industry is demonstrating that municipal solid waste has tenable value as a waste-to-energy resource as well as extensive re-use advantages; and

WHEREAS, a sizable volume of a municipal solid waste stream is needed to advance and implement emerging technology for the benefit of the city and its citizens as well as the city's solid waste collection and disposal utility; and

WHEREAS, the volume of the city's solid waste stream would be increased if all municipal solid waste found, generated, or collected within the city was placed at city facilities for disposal, re-use, or other purposes benefitting the city and its citizens and the city's solid waste collection and disposal utility; and

WHEREAS, the city council finds that it is in the interest of the public health and welfare to adopt an ordinance requiring all municipal solid waste found, generated, or collected within the city to be deposited at designated city facilities for initial storage and potential future re-use under emerging technology practices; Now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 2-139, "Duties of the Director of Sanitation Services," of Article XVII, "Department of Sanitation Services," of CHAPTER 2, "ADMINISTRATION," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 2-139. DUTIES OF THE DIRECTOR OF SANITATION SERVICES.

The director of the department of sanitation services shall perform the following duties:

- (1) Supervise and administer the department of sanitation services.
- (2) Supervise and administer the city's solid waste collection and disposal system, which is a utility of the city and includes, but is not limited to, all facilities, equipment, services, and programs relating to the collection, removal, disposal, and processing of solid waste [of the city].
- (3) Perform such other duties as may be required by the city manager or by ordinance of the city council."

SECTION 2. That Section 18-1, "Scope of Chapter," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 18-1. SCOPE OF CHAPTER.

The provisions of this chapter ~~shall~~ apply to all territory within the city and are for the benefit and protection of the city and its citizens and the city's solid waste collection and disposal utility."

SECTION 3. That Paragraph (44) of Section 18-2, "Definitions," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

“(44) SANITATION SERVICES. The department of the city that is responsible for the operation of the city’s solid waste collection and disposal utility, including but not limited to the collection, ~~and~~ removal, disposal, and processing of municipal solid waste (~~including~~ recyclable materials).”

SECTION 4. That Section 18-10, “Regulating the Processing and Disposal of Solid Waste Materials,” of Article I, “Collection and Disposal,” of CHAPTER 18, “MUNICIPAL SOLID WASTES,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 18-10. REGULATING THE PROCESSING AND DISPOSAL OF SOLID WASTE MATERIALS.

(a) General regulations.

(1) Waste flow controls.

(A) A person commits an offense if he disposes of dry or wet solid waste (or other waste materials) inside the city, other than at a location and in a manner approved by the director of sanitation as complying with federal, state, and local law regulating solid waste processing and disposal.

(B) A person commits an offense if, at any location other than the Northwest (Bachman) transfer station, the McCommas Bluff landfill, or another transfer station or landfill site owned or operated by the city, the person disposes of any dry or wet solid waste (or other waste material) that has been generated, found, or collected inside the city. It is a defense to prosecution under this subparagraph that the particular waste was:

(i) not permitted or accepted at the transfer stations or landfill sites owned or operated by the city; or

(ii) composed solely of recyclable material.

(C) For purposes of Paragraphs (1)(A) and (1)(B) of this subsection, the [The] owner, occupant, or person in control of premises to which illegally-deposited solid waste is traced is presumed to have illegally disposed of or caused the illegal disposal of the solid waste. If a vehicle is used to illegally dispose of solid waste, the owner of the vehicle is presumed to have illegally disposed of or authorized the illegal disposal of the solid waste. Proof of ownership of a vehicle may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Public Safety showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(2) The director of sanitation shall be responsible for determining disposal procedures, authorized users, and methods of operation at municipal transfer stations and landfill sites inside the city.

(3) The director of sanitation shall have authority to approve the establishment and make inspections of non-municipal landfill sites inside the city to ensure compliance with federal, state, and local law regulating the establishment and operation of landfill sites.

(4) The director of sanitation shall have authority to regulate traffic at the city's transfer stations and landfill sites. Designated employees of the department of sanitation services shall direct traffic by voice, hand, or signal at the transfer stations and landfill sites. A person commits an offense if he fails or refuses to comply with a traffic directive of a designated employee of the department of sanitation services. A designated employee of the department of sanitation services may cause the removal from a transfer station or landfill site of any person or vehicle in violation of this paragraph.

(b) Processing and disposal of solid waste materials by private persons.

(1) Processing and disposal of solid waste materials by private persons, firms, or corporations will be permitted only after application has been made to, and approved by, the director of sanitation as complying with all applicable city, county, state, and federal regulations pertaining to solid waste processing and disposal operations, and all fees required by this article have been paid.

~~(2) [(4)]~~ The director of sanitation shall have authority to curtail, temporarily suspend, or permanently halt any solid waste processing or disposal operation being conducted by any private person, firm, or corporation that does not conform to the requirements of city, county, state, or federal regulations pertaining to solid waste processing and disposal operations or that in any manner jeopardizes the public health, safety, and welfare. The director of sanitation shall have authority to maintain curtailment or suspension restrictions until, in the director's judgment, adequate measures have been taken to ensure ~~[assure]~~ that removal of the restrictions will not jeopardize the public health, safety, or welfare.

~~(3) [(2)]~~ The director of sanitation shall have authority to cause to be rejected for processing or disposal any material that, in the director's judgment, would create a nuisance by reason of emission or disagreeable odors or would operate to make the processing or disposal facilities unwholesome or adversely affect the public health, safety, and welfare.

(c) Processing and disposal of solid waste materials by the city.

(1) A person commits an offense if he takes, removes, or carries away from any processing or disposal facility owned or operated by the city any garbage, trash, or other solid waste material, article, thing, or object situated on the facility, whether or not the thing has monetary value, without prior written permission and approval of the director of sanitation. In prosecutions for this offense, it is not necessary to describe the thing taken, removed, or carried away other than as generally described in this subsection or as "article," "thing," or "item," and it is not necessary to allege that the thing had "value."

(2) The director of sanitation shall have authority to designate those processing or disposal sites owned or operated by the city that will be open to public access and those that will not be open to public access.

(3) The director of sanitation shall have authority to cause to be rejected for processing or disposal at any city-owned or operated processing or disposal facility any material that, in the director's judgment, would create a nuisance by reason of emission or disagreeable odors or would operate to make the facility unwholesome or adversely affect the public health, safety, and welfare."

SECTION 5. That Subsection (a) of Section 18-11, "Specifying Charges for Disposal of Solid Waste Materials," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

"(a) The following disposal service charges are established for disposing of municipal solid waste at the Northwest (Bachman) Transfer Station:

- (1) Earth, rocks, and inert material will not be accepted at the station.
- (2) Passenger cars, station wagons, pickups, and trailers less than 15 feet long that are used by Dallas city residents to haul their own waste from their residences to the station - no charge. (A current, valid Texas driver's license showing a Dallas address or a current Dallas water utilities bill is required as proof of residency.)
- (3) Trucks or trailers with a cargo bed length of 25 feet or greater or truck-tractors with semi-trailers are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.
- (4) Roll-off containers, whether open top or compactor, and compactor trucks or other trucks carrying compacted or baled refuse are prohibited from using the Northwest (Bachman) transfer station, unless specifically permitted in writing by the director of sanitation.
- (5) Except as provided in Subsection (a)(6), the charge for all materials accepted at the transfer station is ~~\$36~~ [47] per ton based on the transfer station weighing system, with a minimum charge of ~~\$36~~ [47] for any load that is less than one ton.
- (6) Whenever the transfer station weighing system is inoperable, the following fees will be charged for materials accepted at the transfer station:
 - (A) Passenger cars, station wagons, and pickups that are used by persons other than Dallas city residents to haul their own waste from their residences to the station - ~~\$36~~ [40] per load.

- (B) Commercial pickups - \$36 [47] per load.
- (C) Trucks or trailers with a cargo bed length of less than 15 feet - \$144 [187] per load.
- (D) Trucks or trailers with a cargo bed length of not less than 15 feet but less than 25 feet - \$180 [234] per load."

SECTION 6. That Section 18-40, "Franchisee's Records and Reports," of Division 2, "Solid Waste Collection Franchises," of Article IV, "Private Solid Waste Collection Service," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 18-40. FRANCHISEE'S RECORDS AND REPORTS.

(a) Each franchisee shall maintain, at a single location in the Dallas-Fort Worth metropolitan area, adequate financial and business records documenting all of its solid waste collection service transactions (including, but not limited to, disposal transactions) within the Dallas-Forth Worth metropolitan area [city]. The records must be maintained in accordance with generally-accepted accounting and government-auditing standards and be retained for at least two years. The franchisee may be audited by the city as often as the director deems necessary to ensure that accurate franchise fee payments are received and that the franchisee is in compliance with the disposal requirements of Section 18-10(a)(1) of this chapter. A franchisee shall make its records available for inspection by the director and the city's auditor at reasonable times upon request.

(b) For purposes of this section, "Dallas-Fort Worth metropolitan area" means the area composed of Dallas County, Collin County, Denton County, Ellis County, Johnson County, Kaufman County, Rockwall County, and Tarrant County.

SECTION 7. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. That CHAPTERS 2 and 18 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance will take effect on January 2, 2012, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

LC/DCC/00497A