



## City of Dallas

**ENVIRONMENTAL HEALTH COMMISSION**  
**Dallas City Hall – 1500 Marilla, L1FN Conference Room “C”**  
**Regular Meeting**  
**October 9, 2006**  
**9:00 a.m. – 10:30 a.m.**

### MINUTES

#### **Members Present**

James Mitchell, Chair  
Diane Benjamin  
Jon (Tad) Heimbürger  
Keith Kwoh  
Sylvia Lagos  
Linda Sharp

#### **Members Absent**

Barbara Pittman  
Chris Schulz  
Mary Vogelsson  
Mary Warner

#### **Public Present**

Jaime Chapa, Citizen

#### **Staff Present**

Joey Zapata, Assistant Director, EHS  
Rodger Jayroe, Manager, EHS  
Lilia Gonzalez, Coordinator, EHS

#### **Minutes**

Mr. James Mitchell, Chair, called the regular meeting of the Environmental Health Commission to order at 9:10 a.m. The minutes from the September 11, 2006 meeting were approved.

#### **Introduction to the Urban Forest Advisory Committee**

##### **Steve Houser, Chair, Dallas Urban Forest Advisory Committee**

Mr. Steve Houser stated that trees play a very significant role in the quality of life for all citizens for many different reasons. There is also a key component of regional stability which is not always attracting too many people. Trees are the very foundation of urban landscape. They also create a living legacy which is one of the things that Mr. Houser likes about what he is doing. Mr. Houser explained to the commission the benefits of trees to quality of life.

Mrs. Sylvia Lagos stated that she is excited about the program. Her main concern is that living in Oak Cliff there are a lot of trees that are being destroyed. Mrs. Lagos said that people are paving their front yards and cutting down the trees in the process. The same goes with the car lot industry in Oak Cliff that destroys aged trees and creates a large concrete parking lot.

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A copy of Mr. Houser's presentation was provided to the member of the Environmental Health Commission.

**EPA Storm Water Consent Decree**  
**Dave Howe, City Attorney's Office**

Mr. Howe informed the Commission about a consent decree resolving a protracted litigation and negotiations with the U.S. Government in connection with the city's storm water permit. Under the Federal Storm Water Program, cities over a certain size are required to have their own permits with the Federal Government. Under such permits, a program is required that involves inspections and enforcement at construction sites and industrial facilities. The city has had such a program since 1997 and Mr. Howe described it as a rather ambitious program.

In 2003-2004, the City entered into litigation with the Federal Government wherein the EPA alleged that the City was not living up to the terms of the permit. However, the City has taken the storm water program very seriously and has worked hard to ensure that any violations known to the City were corrected as quickly as possible. In a number of instances, the City has felt that it has not violated the terms but, rather, that the Federal Government has wanted the City to handle issues differently.

In August, the court entered a consent decree pursuant to an agreement reached between the City and the United States Environmental Protection Agency. The agreement has three major stipulations. First, the City is required to pay a fine totaling \$800,000. Second, the City must complete two supplemental environmental projects costing a total of at least 1.2 million dollars. The first project involves the construction of a wetland in the Trinity River. The other project is the construction of a wetland at the Dallas Zoo, which carries the added benefit of being available as an education tool. The third stipulation is being fulfilled by the City's implementation of a city-wide environmental management system. The consent decree stipulation only requires an environmental management system for certain select city facilities.

There is a related suit filed by a citizen's group called the Environmental Citizen's Suit which basically makes identical allegations. Whereas all issues have been resolved with the EPA, the Environmental Citizen's Suit remains unresolved. For that reason, Mr. Howe was unable to discuss the issues in very great detail.

**Control of Rodents at Demolition Sites**

**Rodger Jayroe, Manager, Environmental Assessments Program, EHS**

Mr. Rodger Jayroe had briefed the Commission on this topic at the last meeting. At that time, the Commission was unable to make a recommendation and asked Mr. Jayroe to look into the subject a bit more thoroughly and report back at this meeting. Mr. Jayroe returned with essentially the same briefing materials except for the recommendation contained on page 8 of the briefing materials. Upon further discussion, Mr. Jayroe suggested that point 5 of the new recommendations be changed to read, "Exterior treatment will continue until demolition is complete".

Mr. Jayroe stated that the recommendations would require the applicant for a demolition permit to provide documentation that the structure is free of free of rodents or that the structure is under a competent treatment program. He also stated that the staff recommendation had been discussed with the Development Services Department.

A copy of Mr. Jayroe briefing was provided to the Commission.

**Resolution on Control of Rodents at Demolition Sites**

Upon hearing and discussing the staff recommendations, the Commission voted unanimously to endorse the recommendations as corrected by Mr. Jayroe (see attachment). Mr. Mitchell stated that he would write a letter to Councilmember Koop, chairperson of the Transportation and Environment Committee informing her of the Commission's actions and recommending that the Committee receive the staff report at a future meeting.

**Staff Reports**

Mr. Joey Zapata introduced himself to the Environmental Health Commission. He's been with the City of Dallas for twelve years. Mr. Zapata has been with Environmental and Health Services Department for a year.

**Public Comment**

Mr. Jaime Chapa from United American Auto Dealers asked the commission how to resolve an issue where a particular area is contaminating the environment including the trees. He also asked how to proceed in having action done and who in the city would resolve the issue. Mr. Houser informed him that being an advisory committee he does not have the ability for enforcement.

**Adjournment**

Being no further business, the meeting was adjourned at 10:30 a.m.

**Staff Recommendations endorsed by EHC at October 9<sup>th</sup> meeting**

Applicant (for demolition permit) must provide certification provided by a person licensed under the Texas Structural Pest Control Act, that:

- The structure is free of rodents; or
- The structure has been effectively treated to control rodents.
- Document that treatment has been continued until demolition is started.
- Delayed projects require documentation that interior and exterior treatment must be maintained until start of demolition
- Exterior treatment will continue until demolition is complete
- Property must be maintained free of trash and garbage during demolition process.
- For ordered demolitions the city may obtain the certification as part of the expense of demolition constituting a lien against the real property.