

October 12, 2016

Zero Waste Advisory Commission

3. OLD BUSINESS

- a. **Update from Biosolids Working Group:** Recommendation on zero waste policy considerations to be included in biosolids management planning.

Commissioners Present: Gerry Acuna, Joshua Blaine, Kendra Bones, Heather-Nicole Hoffman, Shana Joyce, Amanda Masino, Ricardo Rojo, Stacy Savage, Kaiba White

Commissioners Absent: Cathy Gattuso, Jeff Jampietro

Gerry Acuna: Moving along, the next item of business, is the, I guess the update on Item 3a. which is the biosolids Working Group. Amanda Masino, you chaired that for the Commission. First off I want to say thank you very much to Commissioner White, Heather-Nicole, and actually Stacy who's off the dais still, for literally participating in it. It's a time requirement, and you guys did a wonderful job; I appreciate the work. And I attended a couple of those meetings, and they were quick and fast, and thank you for that. Having said that, Amanda Masino, this is your floor.

Amanda Masino: So do you want to take comment first, or...

Gerry Acuna: You know actually I, if anybody wants to speak before the report, feel free to do so. If you want to hold off until after the update, we can do that. It looks like we're going to hold off until after your report. Thank you.

Amanda Masino: So I just wanted to go over the context, the background really quickly for everyone. We all know this, but this way it's a reminder, so, our August 10th meeting we had considered for discussion and action both draft Resolution for land application, well, restricting land application of Class B sludge and declaring that inconsistent with Zero Waste goals, and we were asked to consider approval of the contracts that Allen Click and Synagro, two separate contracts, were the respondents to. So we had extensive discussion at that meeting, as y'all might remember, it got pretty detailed, and we opted to pass this Resolution, and we added to this Resolution the request and the direction to Council that we had little information on the contracts and these contracts had the ability to impact broader biosolids policy. So we did not approve them and we asked for Council to reconsider. And so the next day, Austin City Council asked the relevant commissions, ourselves and Water and Wastewater, to engage in a biosolids policy determination of some kind that would... they recognized that the contracts had the potential to really shift policy and so they asked us to consider policy and then reconsider our recommendations in light of our policy recommendations – reconsider the contracts in light of our policy recommendations. So before we even got to that meeting there was activity here that I think informed, as well. We had two separate Hornsby Bend tours, and I want to thank Lisa Boatman and Ken Lockard for really making that happen; taking us, taking some of the members of the Organics committee around and really going step by step with us through the process so that we can understand this a lot better. And so Commissioner Hoffman, and myself, and also Commissioner Savage were able to do that. Following that, September 8th we had our Organics committee meeting and at that point the Organics committee was briefed on Hornsby operations from Austin Water staff; we again went through Q&A, focused now on a broader biosolids policy, we had stakeholders there, present and contributing to the discussion, and we came up, as an Organics committee, with a first set of biosolids policy recommendations. That document became what the joint group worked on. So we started with that to develop our policy recommendations. And at the September 14th joint Water/Wastewater and ZWAC meeting, we formed the Working Group; myself, Commissioner Savage, Commissioner White, Commissioner Hoffmann, and then four members of the Water/Wastewater group, joined to form the Working Group. So we had three meetings. The first meeting was essentially setting the agenda, Working Group members were again briefed and discussed

both what the Organics committee of ZWAC had learned. We took a look at that initial document that came out of the Organics committee and stakeholders were present and contributed to discussion then. At that meeting and the meetings beyond, our focus was on the policy and I want to make that really clear. It was our intention as a group to separate the policy discussion from the contracts. Some of the feedback that continued to come back to us seemed to merge the two. And so I think that as a group, that's still our recommendation going forward. These things both need to be considered, but it is best to consider them separately. The policy is meant to be a guiding document not just for this contract but for any contract, and for everything going forward. So it should be much broader and not address specifics of any one proposal. Second Working Group meeting we got into much more detail. We discussed elements of policy, including the waste hierarchy, the requirement for 100% composting, the process of composting, plastics removal, sources of bulking agent, the Dillo Dirt quality and trademark, and we began drafting recommendations. That first draft, that was another meeting where stakeholders were present and contributing to the discussion, so we had staff, we had the Working Group and stakeholders. Between meeting two and the next meeting, we worked on that draft document and shared it with the Working Groups, then we met again for our final, what turned out to be our final meeting, we were able to finalize this policy recommendation. So in addition to the items I described, we looked at Flow Control, we looked at odor control, we looked at emergency operations and how notification would take place following emergency operations. And so you should all have that document, what we came up with as our final policy document. So that was a product of this third meeting with the entire, nearly the entire group was there, so all seven members of the Working Group were present. If you look at the language of the policies, again we worked hard and there was much discussion in the room about this, to keep this language focused on goals, not to specify processes, not to get into the details. A good example, and one that now has popped up again as a possible point of discussion, but one that we had considered and discarded, is the 3/8's screen. So, plastics removal. When we first considered it, this using a physical screen to take out the plastics was something we discussed at length. What would the equipment be like? After discussion we decided to take that out. Because the goal in the policy was not to tell Austin Water or any contractor working under Austin Water how to remove the plastic, it was to get to that goal of removing most of the plastic. So that's something with some of the feedback coming back I think we need to pay attention to. How do we get to the goal without being unnecessarily limiting in terms of how to get there. So that's where we were, that last meeting, and I've seen this noted as well and it's important to explain, stakeholders were not present. And that is because an anti-lobbying complaint had been made, and we wanted to ensure that we did not continue to contribute to a forum where those kinds of communications could take place and would be violations of anti-lobbying. So this was only the staff and the Working Group present at this last meeting. So we ended up voting unanimously on the policy and then we voted separately on the contracts. After we came together with our policy then we looked at whether staff were working to ensure that the contracts were consistent with the policy we had just recommended. With the contracts, again, we considered them separately. For the Allen Click we voted in favor, with Synagro we voted in favor with an amendment that the extension be, has to come to Council for approval. And we had all in favor of the Synagro, six in favor of Allen Click, with one abstention. So that is the very short version, I know it sounded long but that was actually edited down from what I had in front of me of what we did, and so I guess we now can discuss the policy itself.

Gerry Acuna: Actually again I want to reiterate the gratitude that this Commission has for the work that you put into this. Thank you guys very, very much. I mean, again, it's time consuming and I really appreciate it and staff appreciates it. Bob, go ahead.

Bob Gedert: Yeah, just in context, I have three added points and I really appreciate the Working Group and short term working this out. I want to reiterate the separation between contract and policy. This group was charged with policy and I see good policy and from an environmental standpoint I agree with the points and the policies being noted in that document. The Water and Wastewater Commission is charged with

determining the fate of the contract and that's not posted for today's agenda. What's posted here for the ZWAC agenda is policy considerations per the Bylaws of ZWAC. But the actual contract is not posted for ZWAC, it's posted for Water and Wastewater, I just want to make sure there's a separation of those two issues, and there certainly can be continued discussions on policies. I also want to make one final point and just real briefly there have been accusations in written form that the City staff is engaging in Flow Control. That is entirely a false statement and directly effects this contract and the policies stated. There is no effort by the City in any way, shape or form towards Flow Control, I stated so in my September 13th memo and my recommendation in the September 13th memo is not in reference to any commercial flows of material, I want to be real clear, it's not commercial flows, it's City generated flows of material. It's the tree trimming contracts. The City holds several different tree trimming contracts. If half that material that comes from the tree trimming contracts goes to Hornsby Bend, it satisfies their needs for a bulking agent for the Dillo Dirt program. That was discussed with ZWAC two years ago, that's been discussed with City Council on several occasions, and I haven't swayed in any direction differently than that. That the bulking agent that I have referred to is tree trimming contracts held by the City from City generated material. And so I just want to clarify as we dive into this discussion, that there's no efforts by the City to control commercial stream material that's not handled by the City. And with that I encourage any questions along the way, I'm here and available. I recognize that you have public citizens that wish to speak on this, as well as your general discussion on these policies, but I do support the policies from the Working Group.

Gerry Acuna: You know I've got a couple of comments based on your statement there. First off, personally, and this is my personal opinion, public policy is absolutely important, that's what the outset was, is to find where we're heading, be consistent with our Zero Waste Plan, our Zero Waste goals. And I think, again, they did a wonderful job of that. But this is a two pronged situation here. One absolutely dictates what the other does. In other words, contract language is extremely important to us. At the end of the day there has to be something that determines what happens should there be a management change down the road at the Water Utility or a management change at the contractor, or at Synagro. Philosophies change. The guiding document in my opinion is that contract, the language that it spells out what we can and cannot do and what the consequences are if we don't live up to that agreement.

Bob Gedert: I believe that's the purpose of the policy direction, not the contract. What you're speaking to, for longevity and direction is more policy than contract. And I believe the policies I see in that document can easily be integrated into the existing proposed contract. I don't see any conflict whatsoever. I do see a good environmental stand on policies and I think that is, whether you revise that document or adopt that document is your purview, but I stand by the policies that are being discussed as a good direction from an environmental protection standpoint. And I'll also say that Austin Water and Austin Resource Recovery work hand-in-hand, we work very close to each other and I think that will continue in the future quite easily as well too. We work together towards the same goals and we're both believers in environmental protection.

Gerry Acuna: Again my goal is to make sure that this document that we come up with is consistent with our Zero Waste Plan, and it is. Now how do we make sure that this is, again, something that will remain such. I'm really concerned that this is a living, breathing document that we're going to pass here, or, discuss, or that we are discussing, and in so being my concerns are, again, they go hand-in-hand. Policy, contract. I mean what I say I'm gonna do, well this over here makes me liable for doing it. I'm responsible for doing it.

Bob Gedert: It's my understanding that the policies that you adopt tonight would be directed to City Council tomorrow as Michael delivers the final document and that is informing City Council of policies that should be integrated in this contract and well as future contracts if they agree with the document. It's a City Council decision but nonetheless your policies will go directly to City Council and will influence the discussions on the contract.

Gerry Acuna: You know, here my concerns were the group was doing a phenomenal job, did a phenomenal job, with what little time they had to accomplish that. We were making great strides, time ran out. We literally discussed the policy issues, didn't have enough time to incorporate the other side, the contract, and again my opinion is you can't have one without the other. I can promise you the world but if I can't give it to you, what am I gonna do?

Bob Gedert: I think the Commission has heard my voice on the matter, I don't think I need to continue on that.

Gerry Acuna: Thank you.

Joshua Blaine: I think I would agree with what Commissioner Acuna is saying. I think it's a little naïve to say that we're just gonna weigh in on the policy but we're not gonna make any recommendations on the contract. I mean the reason we're talking about the policy is because the contract was brought to our attention. So I would actually adamantly agree with what he's saying, that we really should be talking about the contract. The policy really should've been written before the RFP went out. The RFP should've reflected the policy and we're kind of doing it backwards. So I would agree that we should be talking about specific contracts here as well as policy.

Bob Gedert: I've looked at the points of the policy recommendations from the Working Group and I do not see inconsistencies with the RFP. There are missing points within the RFP that can be incorporated into a contract that reflects the values of the policies, and so there's an opportunity to adopt policies that are reflected into a future contract. And the contract's not written at this stage, at the moment. The RFP has been released and bids have been accepted and reviewed. I just remind you of the role of ZWAC and its Bylaws that this particular contract would not normally come to this Commission and that this Commission was charged by City Council a couple months ago to deal with the policies that are impacted by this contract. So I feel like we're following City Council's direction. Jessica.

Jessica King: Commissioners, Jessica King, Austin Resource Recovery. I was just informed that the contract was written in such a way to reflect the policy. So the policy document that you have before you is, has basically the components in the contract that actually speak to the policy that you guys are looking at right now. And in fact in many ways, just through the course of discussion, I think the Working Group members, and I hope they'll weigh in and speak in on this, but, we walk through the entire process leading up to the RFP. So staff was involved, Austin Resource Recovery staff was heavily involved at the development stage of the RFP to begin with, with regards to Zero Waste, and so there was a key component of the Zero Waste policy that was actively involved. Everything that was included in the policy recommendation if you look at the Zero Waste Advisory Commission's, Organics Committee, that document, that policy recommendation there set the foundation and framework for the entire Working Group, the joint commissions Working Group's, effort. So what you have is a, it's been built upon from the Zero Waste Advisory Commission's Working Group, or, the committee, the Organics committee's effort to begin with. So, but my understanding, just to make sure that's clear, the policy that is being considered tonight for eventual consideration by Council has been incorporated into the actual contract itself and will be updated for backup to the City Council.

Gerry Acuna: You know if I recall, in fact, I think we just passed the minutes here, but probably a video review of the actual joint meeting that we had, I think we were consistent in that meeting in stressing the goal of this joint committee was to review policy, to make sure it was consistent with where we were heading, but more importantly that they actually, the policy was supported with and in the contract. I think if you go back to those minutes and if you want to listen to this audio, I think it stressed in that, our goal was to combine both of these and again, I'm concerned that we're doing one but not the other. And I think to be consistent here we should look at both items. I put together, and Commissioners, I passed out a Resolution, that I wrote. In the

Resolution I was concerned, and I am concerned, with the fact that we only got part of the job done. We need a couple or three more weeks to at least look at everything. And yes, this may be incorporated into the contract, the current policy decisions; fantastic. That means this'll go quickly. And I'm not trying to hold up a contract. I just want to make sure that we're not going to regret something in the future. And that's my concerns here. These boondoggles have happened, let's not do it again. Let's thoroughly review this policy and contract.

Jessica King: So I always rely on process to help us move things and give you some weight in your decision making process. According to your Bylaws, your focus is on Zero Waste and you have a policy to focus on Zero Waste policies, Zero Waste contracts, things that are reviewed by our department, Austin Resource Recovery. So your Bylaws are very specific to their role and responsibility just like the Water Wastewater Commission has their purview, and their purview is to review biosolids management and things that occur at Water Utility facilities. And that's where that separation of responsibility is. In the joint Working Group, Council charged you with looking at policy recommendations for consideration at the, when the contract came up for discussion again. And so the joint Working Group did that work. You separated into your separate commissions and at this point the Agenda is posted for your discussion and consideration of the policy considerations, Zero Waste policy considerations, related to biosolids management. And so that is the action that you're posted for today.

Gerry Acuna: Okay, so I obviously sense pushback. I mean, I sense the pushback here. Why, I'm not certain. But I do feel that again it's our responsibility as a Commission to make sure that the ratepayers are receiving the best possible options. Commissioner Hoffman.

Heather-Nicole Hoffman: I would just like to say that after sitting through those committee meetings, I can tell you that we did consider all of these points that have been brought up by various stakeholders. We put the time in to come up with our recommendations for policy, and based on those policy decisions and what we understand of the contracts, those are consistent with our policy recommendations. I feel like you're just discharging all of that work that we have done by saying we're just...

Gerry Acuna: Not at all, not at all. And please don't feel that way cause that's not what I'm doing. I think we still have a job that has some work to do. And again, part of this job, it's a two-headed creature here. You've got to have one document which is our policy, and to be consistent with that policy we have to have rules and regulations that govern that. And I don't, again, you did a great job, not discounting that at all, in fact I applaud that. But we still have a little bit more work to do.

Heather-Nicole Hoffman: Do you have any qualms with the policy recommendation that...

Gerry Acuna: I don't. The policy is wonderful. How are we going to enforce this policy in the future?

Heather-Nicole Hoffman: I would move to approve the policy recommendations from the Working Group.

Amanda Masino: Yeah, I second. I would like to clarify the policy before we get into this other stuff. And I know there is some discussion on the policy, or there might be some discussion on the policy that stakeholders have as well. So you know, we are considering this policy, we may make some changes to the language. I think we should do that first.

Bob Gedert: I'd like to notify the Commission that the Water and Wastewater Commission did adopt a recommendation of approval for both contracts within the last hour. I'd also note that on your "Whereas-es" I'd protest any reference to Flow Control. City staff is not proposing Flow Control and it's implied in this statement. So I do oppose that. And I would also say...

Gerry Acuna: That can be struck from that.

Bob Gedert: And I would also say that some of these “Whereas-es” are in the opposite direction as the policies that came from the Working Group, particularly like the 3/8’s inch screen and other references. So I would toss it back to the Working Group discussion on the policies, but I do believe that this proposed Resolution, I have significant issues with some of the statements that are made here.

Gerry Acuna: And that’s fair, I appreciate that. All right, so we do have a motion to approve the actual policy document as stated.

Joshua Blaine: Can I request that we hear the comment on the policy before we move to vote on anything?

Shana Joyce: I would second that and I have just a few clarifying questions just so I can understand it better, so.

Gerry Acuna: Good. Go ahead.

Shana Joyce: Just on the last one, the Number 11, “the bulking agent should be limited to byproducts of other known activities.” Could you just clarify what y’all meant by that? The “other known activities”?

Kaiba White: Yeah. So the intent there was to just make it clear the bulking agent should not come from cutting down trees to (unclear).

Shana Joyce: Okay. So recycled, so because it was hitting a powerline and so you’re cutting it.

Kaiba White: Sure, basically any reason that you had, you know, for, if it’s clearing land or trimming trees, whatever, that would be appropriate materials used for bulking agent but just growing trees to cut down...

Shana Joyce: I would agree with that. I just wanted to make sure we get that on the record so that if years from now someone says “What does that mean?” we’ve now heard you say that. So that was my main question.

Gerry Acuna: Going back to actual business here, I guess, there was a number of people who did sign up to speak and I’d like to get to hear them, and then we’ll come back to the item as a Commission here. Now the first person who signed up is Andrew Bosinger, followed by Bob Gregory.

Andrew Bosinger: Thank you, Andrew Bosinger with Synagro. I just wanted to, I think, echo what we’ve heard from a number of people here and say that we thought that the Working Group did a phenomenal job, it’s a very diligent process, a very thorough process, lot of questions asked, lot of questions answered and I think a lot of information brought to the table, so congratulations on that process. I think it would be, I’m also here to ask the balance of the Commission to support the effort of that Working Group by moving this contract forward in a timely manner. And lastly here to answer any remaining questions that any of you may have. Thank you.

Gerry Acuna: Any questions? Thank you Andrew.

Stacy Savage: I wanted to know where do we stand, I seem to remember maybe two, maybe it was the August ZWAC meeting, where we were kind of taken aback at the loss of revenue.

Gerry Acuna: Correct.

Heather -Nicole Hoffman: That’s not related to the policy though.

Gerry Acuna: Yeah, that’s part of this contract, and this much greater picture that really needs to be reviewed. And that’s, those are my concerns here. This is a big, big universe and we’re talking about...

Stacy Savage: Well it’s \$30 million, potentially.

Gerry Acuna: Correct. So we need to figure out and focus on how and why we...

Stacy Savage: For Synagro? Can you clarify that for me then? Please.

Jane Burazer: The Synagro contract is where we will be paying them for the beneficial reuse of the biosolids. In it we expect that we will save over a million dollars a year from the current contracting and processes we do. The concern I think people raised loss of revenue, which we don't agree in that term, is for the Click contract, which was for the sales of the unscreened compost that we have on site right now.

Stacy Savage: And those are separate.

Jane Burazer: That's a separate issue.

Stacy Savage: Thank you.

Gerry Acuna: Bob Gregory followed by Ryan Hobbs. Actually I think Ryan Hobbs is donating time to Bob Gregory, as is Gary Newton. And then Andrew Dobbs, followed by Nikelle Meade.

Bob Gregory: Could I hand y'all something? Some things?

Gerry Acuna: Sure.

Bob Gregory: I'm Bob Gregory with Texas Disposal Systems, thank you very much for the opportunity to come and talk to you. I too would like to compliment the work of the Work Group members, the four that were from ZWAC and the four from the Wastewater Commission. They did a good job. It was a very difficult situation because there was no question in my mind that the two meetings that I was able to attend that there was great resistance from staff to change anything. So I would like to first of all start off by the, since we're talking about the policy and the recommendation of the group, talk about the document like this that has the upside down pyramid on it. That's the policy statement. I have been to one of these agricultural composting facilities in California. They too use a very small amount of bulking agent, they too compost three to four weeks and they sell a product or deliver a product that they call compost. It is not compost. Under no shape or form is it compost. Staff will tell you it takes six to six-and-a-half months to make Dillo Dirt. There's been a long standing policy in the City to make Dillo Dirt. Under this contract there is no requirement that any Dillo Dirt will be made. The contractor currently charges \$25 dollars a cubic yard, I think it is, to make Dillo Dirt. This price is \$15.85, I think now, under the current contract. It's a completely different process. The cost is dramatically less. It has balls of undecomposed biosolids, it has clods, even, I saw things as big as a pillow that would go on your sofa, that are black, undigested, undecomposed biosolids. Because there's just not enough time to compost it. The PFRP process for pathogen reduction, further pathogen reduction, can take 15 days. You can finish it in that period of time. It won't necessarily work if there's a big glob of it that's not even broken apart. That was the reason for the request to do the 3/8's inch screen, is to take out those globs, balls, clods, however you want to explain it, just depends on the size of them, so that biosolids would not be removed to be called compost. The staff has stated that this contract is consistent with both policy of old and policy of this group. That is not true. There was never a policy to make Dillo Dirt that had big globs of unstable biosolids in it. Do I have more than three minutes?

Gerry Acuna: Yes, you have six more minutes.

Bob Gregory: Okay. The, just to make a long story short on that, this is a process that is not making biosolids, it's making Class A, it's not making compost, it's making Class A biosolids. One of the forms, one of the documents I gave you, you can flip through it to see the yellow highlighted areas. That's the Travis County Siting Ordinance for solid waste facilities. Synagro's tried to get approval under variances under that and they've been rejected. Class A biosolids that is being made under this contract is biosolids. It's Class A

biosolids. It's not compost. They can claim that it's compost but you don't make compost in three to four weeks, and they made that clear that that's their intent and that's their process. There's nothing in the contract that even requires them to go through a process to make sure that Austin's biosolids, Class A biosolids, is not going on land that is not approved under the variance for Travis County. There are so, so many things that were not thought about. This is policy by RFP, this is policy by low bid, this is make the policy at best at the end of it and for God's sake, do not back up, do not stop for anything, cram this thing through. This is a major, major problem that would start at the start of the next legislative session. It will be the biggest stink in composting in Texas in many, many years. It happens in California; it's okay in California. They plow it into the ground out in the desert, about four feet deep in some cases they told me. It's a completely different thing than two miles from the front door of the Austin airport. Any policy statement that's in policy or direction to staff that is not in the contract is unenforceable. Mr. Gedert says, and you have a copy of his letter, he says that they have no intention of doing Flow Control. Flow Control explanation that he gave you was a fairly poor explanation, you can do Flow Control, it's not illegal. And what was going to be on your Agenda this week, today, was the Citywide Dumpster contract. And I've included that, I've shown you that. It is a thick contract, an RFP, this is it. It has an explanation of what's included in it. "Nonresidential collection services for refuse recycling, brush, compostable materials, special events, Class 2 special nonhazardous waste, and emergency collection assistance." This contract is going to be presented to you, I understand, next month in November, coupled with Mr. Gedert's description of Flow Control and what they can do and how he offered to take it up as an item agenda to see how it would be applied. I don't read it as just the Austin contracts. We have a number of those contracts. There's, he doesn't have to deal with Flow Control on those, he has to deal with Flow Control when it's other people's waste. It also deals with a landfill ban, of banning material from landfills as well as Flow Control. So I take serious exception that this does not purport to deal with Flow Control particularly when there's a contract, an RFP, on the street, that would allow them to apply that Flow Control to it and direct waste to Hornsby or to this yet to be disclosed location, that yet to be disclosed partners Synagro has, even though it's before you today. The Working Group didn't who the partners were, they didn't know where the facility was. What if it's someone who's been grinding houses with asbestos and insulation and everything else? There's a large pile that exists in Austin right now, of that material that's thousands and thousands of tons. You would want to know whether that material could be used. So I go back to where I was pointing to. You see our recommendations on here in red and it basically deals with, whether you call it the policy or the contract, it deals with the specifics of how you would protect yourself on this material going out as biosolid sludge that's not yet decomposed at all. If it's wet sludge, you don't see as much of the trash in it because it's caught in these big globs. If it goes through a 3/8's inch screen like Dillo Dirt does, then it gets it out. That's what Dillo Dirt has done. That's compost. This is not compost that we're talking about. Nothing about this contract is consistent with the longstanding policy that the City has been working under for many years. The contract that is before you, I encourage you to not approve it or recommend its approval. I encourage you to rather instead ask Council to terminate the RFPs and send it back for a bid process that meets policy and not do policy by RFP or policy by low bid. Make policy guide the RFP or the bid. I ask you also to not include the Anti-Lobby restriction. Is that my time?

Gerry Acuna: That's your time.

Bob Gregory: Thank you very much.

Gerry Acuna: Thank you Bob. Any questions?

Joshua Blaine: I have a question. Thank you, Mr. Gregory. The concerns about the four to six weeks or the three to four weeks, it's not possible to make compost and you're wondering about that. There is a provision. I also agree with you, I said that earlier, that we should make the RFP based on the policy not the other way around, but in the policy that we are looking at, it sounds like we're not actually even being asked to talk about

the contract tonight which is unfortunate, but if we are going to talk about what we aren't talking about, we are suggesting that the compost meet or exceed the U.S. Compost Council Seal of Test Assurance. Does that to you indicate what your concern is or would that allay your concern? Is there a way, I guess my question is, is there a way that they could still meet those requirements but still do it in a... can you explain that?

Bob Gregory: Absolutely.

Joshua Blaine: Can you explain that to me?

Bob Gregory: Yes, there is no question you can... We have composting operations. We know how STA works. STA is basically a marketing mechanism. STA is a good program, it's a marketing mechanism, it allows the operator to take a sample themselves, turn it in and have that tested in such a way, and my son Paul is here and I'll ask him if that's appropriate, he can much better explain it, but you can have the big globs and balls of undigested biosolids in it and still meet STA standards. That's the reason the need for the screening is there. If it's screened then the balls and globs and clods get screened out along with the trash and they continue to compost. So eventually, you know, four or five times, four or five months go by, it's digested, it's decomposed, it's cured. That's why Dillo Dirt takes six months and this can't be done, biosolids cannot be done that fast. I will tell you, if I may, since you brought up what we're supposed to be talking about. The RCA for the Synagro contract was a backup document, it was on your agenda for the August agenda. That's why you acted as you did and did the Resolution to staff on August 10th that Council acted on August 11th. That RCA was there. It's not here now for a reason because they don't want you to weigh in on this. You can't separate the biosolids from the bulking agent. There is approval, I mean there is a provision in some of the redacted information that was released, I think it was released on Friday, we didn't see it 'til Friday. We've not gotten all the redacted information but we're getting little pieces of it at a time, and it calls "amendment supply credit", and it talks about giving the City \$2.45 to \$3.05 per cubic yard of amendment provided by the City. The City can do it through the dumpster contract that you're gonna hear next month, through controlling construction demolition waste and other organic waste, they can also do it through their own contract. So they will tell you that they're responsible for all bulking agent. This is giving the City an incentive to do the Flow Control and to do it. So we've gotta have the information before, in all fairness, this group can even do a policy statement. Thanks for letting me give you a long answer.

Gerry Acuna: Any other questions? Thank you.

Bob Gregory: Thank you very much.

Gerry Acuna: Andrew Dobbs, followed by Nikelle Meade. And let's see...

Andrew Dobbs: Hey y'all, Andrew Dobbs, Texas Campaign for the Environment. I got a lot here, I'm gonna try and get through it in three minutes so I'll talk relatively quickly. I want to thank the Working Group again for all the work that they did, I'm sorry I wasn't around for more of it because of vacation but I will say that you know I think that, what I will say is that this is all the fruit of the very kind of decision making process that Josh, you described a second ago, which is that we're making policies after the contracts have come out. They talk about they walked the group through the process, which is presented here in your backup materials today, and I look at this and I see staff, staff, staff, department staff, staff. What I don't see in here is, I don't see Council, I don't see Commissions, I don't see the public, I don't see stakeholders. And this is what happens when departments go and make all their decisions, they talk to a couple businesses, right, but we get to this point now where you know we keep trying to build the plane as its going down the runway. And I think that there's a lot to be concerned about with that. That said, I think that, I do believe that this contract is one that you know, I do think that this is something where we have the opportunity to compost all our biosolids for the first time ever and so I think that there's a balancing act. I do believe, and I am very concerned that, like Mr. Gregory said, you had the contract on the August agenda, right? And you had a joint commission meeting with the Commissions

and you decided on a future agenda together, and you passed a Resolution that the Council then took up that said that it used Boards and Commissions, plural, for viewing these things, and now tonight, unilaterally, staff has decided that you don't get to look at the contract. That is very concerning. That really, that does bug me. We are here to do two things which is protect the democratic process and the public interest, and the environment. And that's why we're concerned about the democratic process. I believe that the environmental protections are very much represented in the marked up document that I created. There's one from Mr. Gregory and one from me that I put at your seats. I actually think that if you look at all this it's not necessarily contractually oriented, it still is very much policy oriented and you can make these changes tonight and have a more robust policy. But as has been said, the point of the contract, and I was talking with Mr. Bosinger ahead of this, you know the point of the contract isn't to punish anybody or to get one over on anybody, it's to make sure that the protections are there. And you know to Mr. Bosinger and Synagro's credit, everything that we have ever brought to them on contract suggestions they have been okay with, they have said that they were in favor of, including the 3/8's inch screen, right? They said they would like a little bit of leeway for a half-inch screen but I don't think an eighth of an inch is gonna make that big of a difference. But the point is, is that you know we need to have these protections in the contract and we need to discuss that. There's several other things I wanted to talk about and I'm running out of time, you know, the redactions, we still insist that those be seen by the public with plenty of time to review. The Flow Control issue, I read it differently than TDS, respectfully, I think, but we should put protections against it anyways in there, just to make sure if they're not doing, which I don't believe that they are, then let's go ahead and just say that as explicitly and as firmly as possible so that everybody can be put at ease. Okay? And then the Click contract, I would say, should just be taken down and let's just sell the stuff we sell like we sell everything else. I was going to talk about the Anti-Lobbying Ordinance but that's way too much for this. I'll wrap up by saying this: delay it, pass it, I think that there's ways to do both correctly. The most important thing is that if we do approve a contract that have the protections in it that we have outlined repeatedly so that this thing doesn't harm anybody. I think that if we get that, we can have a situation where maybe not everybody's happy, but everybody's protected. I'm happy to answer any questions.

Gerry Acuna: Any questions?

Joshua Blaine: Mr. Dobbs. Thank you for your comments. What do you suggest we do, not given the authority to make any recommendations on the contract?

Andrew Dobbs: Well I think you can make recommendations. I think you have a First Amendment right to say whatever you want. And I think that have a right, that you're authorized by this Commission to advise Council and that you have the authority to do that and not staff. So I would say that you should absolutely take and use that prerogative to speak to Council and to recommend things to them. I would pass a policy with the changes that I suggested, which I think are roughly policy changes. Number 12 has already been addressed apparently so you can strike that one, you can go through it and look, but I think you should make those changes and you should approve that policy statement. I think that you should additionally say that they need to use this document to guide changes to the contract and to bring that contract back before you for approval at your next meeting and that we shouldn't be passing, and Council should not authorize any contract before that's happened.

Gerry Acuna: And there are ways to address the contract via this policy discussion that we're having. Friendly amendments, for example, would be one way of addressing that. Having said that, any other questions for Mr. Dobbs?

Andrew Dobbs: Thank you very much.

Gerry Acuna: Nikelle Meade?

Nikelle Meade: Chair Acuna and Commissioners, my name's Nikelle Meade, I'm the attorney for Synagro and I really just wanted to express a little bit of frustration. We are really disappointed after the work of the Work Group, the special Work Group, that we're here today still talking about more and more and more delay and it really makes me wonder if Andrew, for instance, Dobbs, hasn't had an opportunity to read the contract because I think all, if not almost all, of the suggestions that he made are in it. But I really stood up today to thank the Work Group for the time spent and the fact that they really pulled it all out to get their work done. I don't think they ran out of time. They pulled it out to get the work done within the timeframe that the Commissions directed and in a way that they didn't have to disrupt the Council action and I just hope that the rest of the Commission respects that. I also, as a point of order, it does not look like you have an attorney here, but I don't think that there is any item that I can see on your Agenda unless there's an addendum that's been passed or posted that I didn't see, where that Resolution, Chair Acuna, with all due respect, could be acted upon. And even if there was a way to get it in, we really would hope that that would be through, just like every process should be, vetted and let, give the community an opportunity to see it and you know, just follow through the process the way that it should be. So again, we would, Mr. Gregory said he had serious, serious concerns about certain things and serious objections to certain things, and we would seriously object to a Resolution like that, just from what I saw on the screen, being passed tonight when it's not on the Agenda. So that's really what I stood up to speak about but also wanted to take the opportunity to thank the Working Group members for their hard work. Thank you.

Gerry Acuna: Can I comment? You know I appreciate this. You suggested that Mr. Dobbs should've read the contracts. Is there a contract that can be viewed?

Nikelle Meade: Absolutely. We've provided it to him. I'm pretty sure he's seen it, with the amendments.

Gerry Acuna: I'm sorry, what about this Commission?

Nikelle Meade: (To Andrew Dobbs) I'm not questioning your integrity. I'm just saying it's available. I think most of what you wanted in it, has actually been put in it.

Gerry Acuna: See, I'm really confused now, please, help me here, and Director, or Miss King, please, come help me and help this Commission understand better. I'm under the impression that we do not have a contract that can be viewed that absolutely, clearly, specifically states and covers these items. You're telling me there is and it's open to us?

Nikelle Meade: That's not correct. The Water and Wastewater Commission tonight actually voted on the contract and had the contract, full contract, in its backup. So that's not correct.

Gerry Acuna: Okay. So then I was remiss and that's on me. I am absolutely apologizing to this Commission now that we did not have a copy of this document. Because that to me, is part of this process. And you're an attorney, I'm not. I'm just a guy that retains attorneys at times. The point is, this is a process that needs vetting as you stated. Proper vetting. And for you to suggest that asking a question about the contractual responsibilities is overstepping our boundaries, I disagree with you.

Nikelle Meade: Well just to be clear, I don't want words put in my mouth, I didn't say you shouldn't be able to ask a question, that's the point of having a Commission like this one, of professionals who can vet these questions. My only point was, nobody has seen that Resolution, and the Board, this Commission is not posted to take action on that Resolution. That was my only point. I think you all have asked many questions, and in fact, I know you participated in some of the special Working Group meetings, they asked many, many questions and did quite a bit of vetting. I don't think it's appropriate or accurate to say it hasn't been vetted. It has been vetted. They asked many questions as did your fellow Commission, the Water and Wastewater Commission.

Gerry Acuna: When I say vetted properly, this is again two processes here. Policy is one of the processes which was thoroughly vetted. That was discussed. The contract was not. If I am mistaken here please correct me, but in that joint meeting when we set up this Working Group, we did ask for policy to be consistent with what our goals are, and in addition to that, to also understand the contractual responsibilities that would dictate that policy be followed. Now help me, if that wasn't on there then again, I apologize to this Commission and to the joint commission, but that's part of this process.

Nikelle Meade: Yeah, I don't have to speak for the Commissioners who worked in the Working Group. Both of those...

Gerry Acuna: They did a fantastic job.

Nikelle Meade: And it was not only a discussion of policy, it was a discussion of both. There were a lot of questions about what specifically is in this contract. You know, I remember one meeting where Staff answered questions for a couple of hours about what was in the contract. So I don't think that it's accurate to say, this is my only point, it's not accurate to say that that Working Group and the Commissions have not vetted these issues, because they have. They have.

Joshua Blaine: Can I ask a question that gets to the heart of the confusion here? I think I heard Commissioner Masino say that y'all voted on the policy that we're looking at. But you also did vote to approve the contract in that joint commission. I guess where the disconnect for me is, how come we, as a full commission, are only being asked to approve the policy, if they were able to see the contract as well. That seems to be the crux of the issue here.

Nikelle Meade: I mean my guess would be that's for your staff to answer because...

Joshua Blaine: Yeah it's probably not a question for you.

Nikelle Meade: The contract is going through the Austin Water Utility, however, if you pulled up their backup online the contract is there. So.

Jessica King: Good evening Commissioners, Jessica King again. Okay so as you probably well know I'm a process freak so I'll talk about process very quickly and then I'll talk about the status of your vote and action tonight. So the Working Group received, I think, the latest version of the contract which was posted as backup to the Water and Wastewater Commission. Recommendation by the Water Wastewater Commission is what will move the contract forward to the Austin City Council because it is covered in their Bylaws, which were passed by the City Council, to consider contracts that pertain to the Austin Water Utility. So in that regard, that contract will move forward to Council. As a joint Working Group, you were all able to consider the contract because it was a joint commission effort and you were directed by Council to consider all of the policy recommendations. During the course of the Working Group meetings, let me back up very quickly. Each meeting lasted an average of two hours and my understanding is that prior to the final Working Group meeting there was dialogue and interaction between the working group members to craft Resolution language, I think they tried to work offline to work through the language and go through the issues together. They also received the contract language, in full, all the members of the Working Group, there were eight members there who were able to receive it, and again it is posted as part of Water and Wastewater Commission's backup. So it is available to the public, anybody can pull it down, TDS, any of the members of this body, and audience, could've pulled it down today, actually when it was posted last week. So the reason it is not being brought to you today is because according to the Bylaws, the Zero Waste Advisory Commission oversees contracts and items that are directly related to Austin Resource Recovery. And so biosolids is, we've talked about whether or not, and actually that was a discussion in the Working Group, whether or not biosolids should be included in the zero waste diversion rate, and there was discussion as to whether or not we should do that. That was put

aside too in terms of the diversion rate. So contract specific is Water Wastewater Commission's purview, so those two items, the Click contract and the Synagro contract, are Water Wastewater's purview and the Zero Waste Advisory Commission, you guys get to see all the contracts that we directly fund. And that is the reason it's not brought to you today.

Joshua Blaine: So I recognize that I voted to approve those Bylaws, but just remind me, does it specifically say "contracts for ARR" or is it "contracts that have an implication for our Zero Waste policy"? Cause those are two different things.

Jessica King: Well, I remember that, so it's been a while since I've read the Bylaws and we can ask Michael to pull them up if he will do that. But if I recall correctly the language focuses largely on activities that directly are funding and allocation by our department. So you're really overseeing how we allocate our funds and resources.

Amanda Masino: So then why we did we see it in August?

Jessica King: That was a courtesy review. So as a courtesy, and also because of the issues that were brought up by members of the body they didn't want, by members of the community, they wanted to air out the issues with you because they were trying to be, they wanted to just make sure that y'all were aware. But they weren't required to.

Gerry Acuna: You know, we have a couple of other items in the future of which again as a group here and as a department are going to affect us. And they require these bulking agents that are going to be going down the street here, which is fine. But it's my concern that we're not addressing the big picture here. Zero waste is our goal. This, to me, is perhaps a stumbling block in getting to this goal of zero waste. We're already behind, how do we play catch up here in a responsible manner? Again, policy decisions and items like this frustrate me. I'm very frustrated, I apologize to the Commission again, that perhaps I did not clearly ask in the Agenda for the contract. And I apologize again, please. But nonetheless, any questions for Ms. King or the director?

Amanda Masino: I think I'd like to move back, I think that's still on the table, the discussion of these changes to the policy. We have two sets of proposed changes to language that we can consider. I can tell you really quickly the ones that I think reflect consistency with the Working Group and which ones seem to be taking us away from what the Working Group intended. Looking at the draft from TCE, so their changes to Number 5 seem pretty consistent with what we were discussing in the Working Group, that seems like just an additional description of what this corrective action memo would entail. Number 10...

Heather-Nicole Hoffman: Quickly on that Number 5, we discussed it and it's already part of policy that they do that, so we decided there was no reason to reiterate that.

Amanda Masino: Yeah and I'm wondering about that too with Number 6, whether that's redundant. Do we want to include something like "policy should go before Council and be brought to ZWAC and Wastewater", that sort of standard operating procedure.

Kaiba White: Also, was that a written policy, do you know, Heather-Nicole? Or just kind of a standard practice.

Heather-Nicole Hoffman: Do we have Water/Wastewater that can comment on that?

Gerry Acuna: Yes we do actually.

Heather-Nicole Hoffman: This is concerning the corrective action memo.

Jane Burazer: I'm sorry, I missed what the question was.

Heather-Nicole Hoffman: The question was, I know we discussed in the Working Group about if there is a corrective action required, if there is an emergency means, whatever, your department is responsible for filing a corrective action memo. And what specifically is written within the policy within your O&M, whatever, that you have to report within that corrective action memo?

Jane Burazer: I can't, well that's a good question. I think what we have been asked of here is that we put together the step-by-step what we will do to bring everything back to go back to normal operations. So it's going to be contingent on what the emergency is at the time, and what it's going to take. We'd ask for 5 business days to be able to do that accurately. Two days sometimes are still, you know the emergency is still evolving and you're still figuring that out so that's why we had requested five days to put that whole action together. We also didn't know if we were going to have to go out for any other contract to get the correction, and we would need that information to roll into the corrective action report as well.

Heather-Nicole Hoffman: Is there written policy within your department that says that has to be included in the corrective action, or should we go with the recommendation by TCE that the memo "shall specifically describe procedure timeline..."?

Jane Burazer: I don't have a copy of the TCE memo so...

Heather-Nicole Hoffman: Does your policy specify that you have to include the timeline?

Jane Burazer: No, we do not have a specific policy on what's required in the corrective action.

Heather-Nicole Hoffman: Okay, so then we'd be fine with adding that.

Amanda Masino: Yeah so then that seems like that's a helpful addition. Similarly, we might want to consider Number 6, strikes me as something that runs along the same lines. So are we being redundant or is it worth, if there is not a set policy...

Gerry Acuna: It's not being redundant in my opinion. It's worth sticking in there a hundred times.

Amanda Masino: So 5 and 6. Where I think we're kind of moving away from things that were consistent with the Working Group, 12 and 13 we absolutely did not include anything, we had made a point of separating our recommendations about the contract from the policy document. I think that that's, that would be a shift away from what we discussed.

Kaiba White: Yeah, I agree with that, and I'm actually, I want to include the spirit of Number 6 but it also says "included in the contract."

Amanda Masino: Oh right.

Kaiba White: So I don't know, we need to deal with it in some way I think.

Amanda Masino: So perhaps we can strike that portion.

Kaiba White: Maybe just include it in "any outside contracts"?

Amanda Masino: "Any contracts." Okay so that's 5 and 6.

Jessica King: Commissioners, I'm sorry to interrupt. As staff we're having a hard time trying to follow along with the amendments. I don't know if we have all the documents so. Was something that was handed to you separately from what we have as backup?

Amanda Masino: Yeah I'm going down this, TCE...

Heather-Nicole Hoffman: Andrew Dobbs, do you have another copy?

Stacy Savage: He has some. And maybe if we want to give one to the tech, can you put that on the screen please? Dobbs, can you give one to the tech? Can you put that on the screen for us, please?

Shana Joyce: Can I ask a quick question while we're breaking? So if we make changes to this document are y'all gonna go back to the Working Group or...?

Heather-Nicole Hoffman: No, these will just be friendly amendments.

Shana Joyce: Okay, 'cause they approved this already.

Amanda Masino: Right. And I don't know how, Susan had about the same time to react as we did so we didn't really have time to check in on what they would do. Okay, so we had talked about adding the edits to 5, adding the edits to 6, although changing in that second line "any contracts" instead of "the contract".

Heather-Nicole Hoffman: And to specify we're looking at TCE recommendations.

Amanda Masino: These are the TCE recommendations, yeah, the ones that are on the projector up there. So 5 and 6. Striking 12 and 13, and then on the others I would... adding detail to 3 is not consistent with what we as a Working Group discussed for the reasons that I tried to touch on earlier, the 3/8's screening.

Joshua Blaine: Can I make a comment on that specifically? Based on the testimony we had here it seems like it is a policy issue actually.

Amanda Masino: So that's maybe where we need some more discussion so that this, I'm sensing a little bit of redundancy and maybe disagreement here between what is defined as compost and what passes this United States Compost Council Seal of Test Assurance? The way we discussed the testing procedure there wasn't just one sample taken for this testing, but several. So while I certainly... I think we can appreciate that if someone were trying to be really deceptive they could pick like the one spot in their pile that is really well cured and leave this pile of "biosludge" in the middle... it seemed that staff would be overseeing that testing process. And so I don't know how something would pass this Seal of Test Assurance standard unless there was deliberate effort made to deceive and incompetence and/or a combination of both, to lead to all of the samples being taken from only the cured areas of the pile. So that's my, I'm not sure, but my sense is that adding this level of detail to the policy is not appropriate. If we want to add language to ensure that the product is high quality maybe we need to consider adding language to the testing standard portion.

Joshua Blaine: I recall that there's somebody in the room who does this professionally? Are the commissioners open to hearing more detail about it?

Gerry Acuna: Please, yeah.

Paul Gregory: Hey folks, Paul Gregory with Texas Disposal Systems. The STA program is a good program and it is, like Bob Gregory said, it's a marketing tool for composters to use for certification. The way that that process works is you take a Ziploc baggie, you take one sample of the material and the City of Austin is proposing to compost 100,000 yards of biosolids a year. So that's approximately 8,000 yards a month. It's one Ziploc baggie that you send into a lab and they analyze and pass the material based on Table 3 metals and for fecal coliform colonies. Those are the only two requirements, or the two factors that they look at, to pass for the STA program. There is no sizing requirement. There's a whole lot of other things that they test for. They test for seed emergence, seed vigor, a number of other, nitrogen-phosphorus-potassium, and other trace minerals that are good for growing plants. But just to pass it, you have to pass for metals, which the sludge already passes coming out of the biosolids plant, and you have to pass for fecal coliform, which if they do the PFRP process, it should. The only comment that I want to make is, out of 8,000 yards of material approximately

made per month, you take a sample of one bag and send it in, they can do more than one sample but that's just the requirement per type of compost that you make. So a facility can make two or three different types of compost, you take one sample per month and send it in and then they test it for those metals and fecal coliform test and you either pass/fail. So that's a brief summary on the STA program and what it does so it gives you a lot of data on your compost but as far as just a pass/fail it's just for metals and fecal coliform. Any other questions?

Amanda Masino: It's the product that passes, right? So you just said if one person is making three different types of product, each one would have to get a seal right?

Paul Gregory: Each product would have to be tested separately and to answer your thought process on a nefarious operation going around that was trying to circumvent the grab sample so to speak to get a uniform sample of all the products, again, you're filling one bag, so you could go in and get just the surface area, or selectively grab your material that you wanted that would help pass. And the metals are gonna be what the metals are. The only thing that's gonna really change is whether the material reached a temperature of 55 degrees Celsius for 15 days to kill the pathogens. So you could circumvent the goal of the program by selectively sampling. But a third party sampler or multiple samples would do better to show a statistically better representation of what does pass or fail. So all our materials, all our compost is STA approved and we do the STA program, and I love the program, it helps us market material. But as far as saying that this is finished compost, you have to do stability tests, and maturity tests that are part of the STA program, but it does not show that as a pass/fail for STA. I hope I've answered this as succinctly and as well as I can and I'll take any other questions.

Gerry Acuna: Is that consistent with your...

Lisa Boatman: Yeah, Lisa Boatman, Process Engineer at Hornsby Bend. Yes, a lot of what Paul is saying is correct. I'll add some other information about STA. So the purpose really of STA is not only for consumers to understand what the end product is, it also is a tool for processors to understand at what stage of the process they need to make changes and they can gauge how effective the process is. Additionally what I would say about STA is that it is a complete document that outlines all of the different test methods for each of the parameters, so when you're testing for metals, you're testing for fecal, or you're testing for the stability and maturity indexes on the product, there are multiple tests that you can use for each one. So when you look at your STA results, you will see, the results will be listed there, in addition to the test method that was used to obtain the results. For Dillo Dirt, right now, currently I will say that we use a third party to test for Dillo Dirt. They come to the site and they sample the piles of Dillo Dirt that are out there. They do not take one sample from each pile. They go around the pile and they take multiple samples at different locations on the pile, and then they compile that together and that sample goes in. That's consistent with the way that we sample all of our windrows. For fecal you have a requirement to take seven samples out of the same pile, for the fecal test. EPA has guidelines that we follow for the pile size just to avoid this whole thing of, you know, only taking a small sample from a pile that is very large.

Pam Racey: ...We compost more biosolids than anyone in the country... So first I want to be sure everyone understands the contract requires the material to be screened before final sale.

Stacy Savage: I'm sorry, can you state your name.

Pam Racey: Pam Racey with Synagro. The contract requires everything to be screened before the final sale. The only thing that's not in the contract is what size screen. I mean, I would tell you that different products have different screen size but you're talking ½ inch vs 3/8's, etcetera. It's not a broad range. One of the reasons we're able to save the City so much money on this contract is because we are counting on revenues from the material and no one is gonna buy a product with pillow sized clods and big clods. We're making

something that we're selling, that people are paying money for. So we have to screen it and make the product that people want. And again, it is required in our contract that it be screened. I think, I mean, it's not a deal killer for us to say a 3/8's inch screen, I just think it's unnecessarily restricting. We might want a 1/2 inch screen or a 1/4 inch screen depending on the product we're making. But it will be screened.

Stacy Savage: What would be the largest size?

Pam Racey: I don't even know if we do anything as big as an inch, but that would be big.

Stacy Savage: Okay.

Gerry Acuna: Any other questions?

Joshua Blaine: Is it appropriate to ask you, what's your response to the questions about your timeline? The fact that Dillo Dirt takes six months and y'all are maybe, supposedly making it in four weeks?

Pam Racey: I'm glad you asked me that because we only make compost. We don't do any non-compost material. But we have, again, this is a resource recovery program, to your point, taking waste and making it into a product and it is produced every single day. And the supply and demand of marketplaces are up and down so if you want to have a reliable program that meets the needs of the wastewater treatment plant and the goals of zero waste, you have to have multiple outlets. And so we will be producing compost that's sold into the agriculture market, compost that's sold to wholesalers, compost that's sold to landscapers and horticulture people, and compost that's sold to homeowners. And each of those products is a little bit different. Right now our shortest timeline is about ten weeks and then up to eight months. So there will be some of all those materials made. There is nothing that's three or four weeks.

Joshua Blaine: What's the percentage, approximately, of ten weeks versus eight months?

Pam Racey: We don't know what it's gonna end up being yet. We're gonna start off the program and our goal would be to get to as much Dillo Dirt as we can because that's what get the most money for. But there are some space constraints you know, on the site and frankly there's not enough room at the Hornsby Bend site to cure everything for eight months. So I don't, you know, I don't know that we've committed to a certain ratio but we could certainly look at that and tell you what's in our initial plan. The way these things work, you would ramp up. So right now, Hornsby Bend has never composted 100% of their material so we're jumping in and saying we're going to do that from day 1. Then our goal over the five-year period is to move as much as we can to the Dillo Dirt outlet. But that is gonna be a ramp up. And so you know, the first year it may be 25% Dillo Dirt, you know, 50% wholesale and landscape, and 25% agriculture. And then we'll move to shift that because, again, our returns are greater from the higher value projects, products.

Gerry Acuna: What's a Dillo Dirt outlet?

Pam Racey: Well Dillo Dirt outlets are typically homeowners and commercial landscapers.

Gerry Acuna: So you have to sell this, and you've got to get this to people to use.

Pam Racey: Absolutely.

Gerry Acuna: Okay. You know, there's another headache. And again we've discussed this. I'm concerned that we have a city here, a wonderful city and we don't communicate with each other at times. I mean it would be wonderful if we could communicate with each other and have Department A use Department B's resources that are available at literally almost no cost. But again it doesn't work that way, nonetheless, and again it's just another point of frustration here. Thank you very much. Any other questions?

Pam Racey: Thank you, I appreciate it.

Jane Burazer: Can I make one point of clarification your comment right there? I have failed every time I come up to say who I am, I'm sorry, I'm Jane Burazer, Assistant Director of Treatment Program. In the contract, Synagro has agreed to donate to the Department so that will still be provided and that will still be a resource to other City departments that are making a request for it. So that won't go away.

Gerry Acuna: Thank you.

Stacy Savage: I'm a little nervous about the product that is being used for residential which could potentially be used to grow food. When we talk about a half-inch, you know the screens being larger, I'm just, I'm worried about the amount of plastics that could be allowed in potentially food growing compost.

Pam Racey: I think that's a perfect example. You could not sell 1-inch screened compost to a residential user. You have to go with the smaller screens for that higher end product. And that goes to the contract requires us to meet Dillo Dirt standards, which includes the 3/8's inch screening, if we're selling it as Dillo Dirt. That's a requirement in the contract.

Stacy Savage: But if you're not selling it as Dillo Dirt, what is your commitment as far as the screen size goes?

Pam Racey: I mean, I'm comfortable with less than one inch, I'm not saying I wouldn't do 3/8's inch, but I'd like to talk to my operations guys if it's a new thing that's being considered. But, again, the stuff that's being sold to homeowners is gonna be Dillo Dirt. We're not gonna be looking to sell landscape, commercial grade or agricultural grade material to homeowners.

Bob Gedert: And just a quick comment, I am a consumer, I've used 20 bags of Dillo Dirt in the last month in my backyard and I see no plastics in mine.

Gerry Acuna: I've got you beat. Having said that, guys, I am concerned, I've got some concerns with it, not about the policy itself, but just the balancing act. And this is part of the discussion. I'm sorry, Commissioner Blaine.

Joshua Blaine: I was gonna make a comment on that. I'm wary to pass this policy cause then we're, we can't keep discussing this cause it's not on the Agenda. So I share concerns about the process, to be honest. I think that we hear concerns from the community about some gray areas on the contract that we can't see so I don't feel comfortable just sitting by silently about the contract. I understand that I basically put it in y'all's hands as the working group, and that's fine, but I thought we were gonna be able to kind of see and weigh in on that today.

Kaiba White: Just to be clear, we did too.

Joshua Blaine: Right, yeah, and so that's a concern that we all share perhaps. But the, to kind of close the loop on this one specific thing that I had initially brought up, is it a friendly amendment to this policy document to specify that it actually be third party audited instead of just meeting the standard, the language if it is, but to actually borrow the EPA best practices in the third party seal that we heard from.

Amanda Masino: Yeah, I was wondering if that actually would be, so again getting back to this screening thing, it might be a friendly amendment to consider adding language for third party or Austin Water staff, but not the contractor, be the person collecting the sample. Isn't that what you do now, you collect the samples now yourselves, correct?

Lisa Boatman: Well it depends on which ones. So for Dillo Dirt we do in-house sampling. For a monthly sampling, that is Austin Water and then in addition we also have for the STA testing, that is separate. The lab that does the STA testing has to be certified as an STA lab. So Synagro uses third party labs as well. So, I mean, all of it is third party now.

Heather-Nicole Hoffman: But is the collection of the samples?

Lisa Boatman: No, the collection of the samples, in the case of Dillo Dirt for STA, yes it is. The lab comes out and collects the sample. So, you know...

Heather-Nicole Hoffman: And is that true for their certification period? That is always done by the lab?

Lisa Boatman: That is what I can only answer to Dillo Dirt. But I think Paul just said he collects his and sends it in.

Paul Gregory: (from the audience) We collect ours...

Lisa Boatman: He collects his and sends it to a third party, so the lab is the third party. It sounds like in- I understand, and I'm saying for the Dillo Dirt STA that is collected by a third party.

Heather-Nicole Hoffman: So for the policy we can specify that certification samples be collected by a third party.

Gerry Acuna: Do we pay, I'm sorry, well actually Director, probably your question more. Do we pay the Water and Wastewater department anything at all for processing our material? Do they pay us?

Bob Gedert: No we do not. There's no exchange of dollars. There's a trade of labor but no trade of dollars.

Gerry Acuna: So resources...

Bob Gedert: We have some dedicated resources on site at Hornsby Bend and likewise they do too. So it's a sharing of labor but no exchange of dollars.

Gerry Acuna: All right so I'm, guys, being bored up here I Googled our Bylaws and you know, just a point of clarification and for the records, I mean your comment about what we can and can't do with our Bylaws as a commission here, I guess, can you read the first three sentences of our Bylaws? Article 2, I guess. Purpose and Duties.

Bob Gedert: Yeah, I have the Bylaws in front of me and the restrictions of the items that the Commission can engage in is in C1 through 21. C1 through 21. The top sentence that you're referencing, "The Commission is empowered to review and analyze policies and resources related to material discard management in the City, and to advise the City Council on materials management policies and resources." That is a reworked sentence from last year so that's kind of new language there but if you read the "Purpose and Duties" section C, if I can scroll down, how do I scroll down... so C says, "The Commission shall hold public hearings, initiate studies review and make reports and recommendations to the City Council or other appropriate boards and commissions concerning..." and then there's 1-21. Nearly all of them reference our department, Resource Recovery department. There's some, like hazardous waste material management, material management planning and reduction of the waste stream, there's some other points in there that aren't directly related to the department but it all links, if you look at the document as a whole it all links back to the Zero Waste Plan. It's in reflection of what is measured and managed through the Zero Waste Plan.

Gerry Acuna: So solid waste collection and disposal, we are disposing of our material, correct? At Hornsby?

Bob Gedert: Well, there's no disposal of material there, it historically hasn't been. I think where Hornsby comes in is the composting conversation. That's directly mentioned in the Bylaws. Biosolids is not mentioned in the Bylaws, so there's a distinction. There's also an intent of Council to not have two commissions governing over the same departments and the same contracts.

Gerry Acuna: Correct.

Bob Gedert: So they don't want the crossover. What we were trying to do to avoid that crossover is say, ZWAC governs over the policies on composting while Wastewater governs over the biosolids portion. That's the distinction, right there. The contractual obligations related to the department facilities, and all the contract references in here are to our department, ARR.

Gerry Acuna: So we would have a concern over a contract.

Bob Gedert: A concern over composting policies and programs, but the biosolids contract itself is clearly in the court of the Water and Wastewater Commission.

Gerry Acuna: In other words, you can't have one without the other.

Bob Gedert: I think you can, I definitely think you can have one without the other and that often happens among commissions.

Gerry Acuna: Okay. I'll yield the comment on that. Back to the item, I guess we have a, we have the item on the table here.

Kaiba White: I do just want to say one thing about this discussion of overlapping commission responsibilities. The Electric Utility Commission and the Resource Management Commission often receive the same RCAs. Not all of them go to both but some of them definitely go to both. So if that's a City policy then it's not uniformly in effect.

Gerry Acuna: Thank you, Commissioner.

Joshua Blaine: It also seems pretty obvious to me when we were with the Water and Wastewater Commission, they're not thinking about zero waste the way we are. It didn't feel like they had the passion or expertise or knowledge about it either. So it seems nothing that you just said there made it seem like we're out of our, we're out of bounds for wanting to be a part of this, not to mention, the Click contract, you haven't really talked about, but that has an enormous impact on composting and on the composting industry and on the resources that have gone into that compost and we've hardly even talked about that. We've had somebody here in the Chamber on record say that they buy it for 4 dollars more per cubic yard than it's being solicited for and I'm still confused about that one. For the record.

Bob Gedert: I would just quickly add that Council's intent is for this commission to deal with zero waste policies, not the Water and Wastewater Commission. So there is the purview of this commission to deal with this topic from a zero waste perspective because there's no expectation of the other commission to have that. There's also no expectation that this commission review over biosolids. So that's the expectation of the other commission. That's the dividing line, and yes, you can have both, you can have both.

Gerry Acuna: Please clarify this for me. You have a contract there that specifies the policy and pretty much is a guideline for that policy. And that affects us directly here. The policy that we're trying to keep consistent with our zero waste goal would actually be spelled out and enforced through or with a contract. Am I mistaken in that?

Bob Gedert: I think you're, I'm not sure where you're going there but I can say that there is a legitimate stake for ZWAC to weigh in on the policies of this contract. It's just that it's the purview of the Wastewater Commission to deal with the biosolids portion of the contract, and I think there's a distinction there. I think there is an intent of Council to have both commissions weigh in based on their decision recently.

Gerry Acuna: Getting back to the, I'm sorry.

Jane Burazer: There seem to be some questions about the Click contract that I was wanting... you had brought up that there had been somebody publicly who said they purchased it for a higher price. That, of course, is TDS and they did not bid on it and so we don't have a bid. The other portion of that, you know there's been a lot of things thrown out and a lot of misinformation on it. That contract went out because of a need we had, an operational need. We have, as it was pointed out before, and the reason biosolids is not included in the ZWAC is because there is a constant flow of it coming in. Right now the stuff that we're producing as Dillo Dirt, that is not selling, is piling up and we need a way to manage that. We have TCEQ permit regulations as well as we are trying to prepare the site to be ready for this contract for the composting that we have with Synagro. And with that we need to try to remove some of what we have. In the past we have been successful moving the unscreened piles of Dillo Dirt. In fact TDS has purchased it twice before, willing to bid on it, and willing to follow the anti-lobbying rules with it. This time they did not. There was a stricter regulation, there are stricter requirements this time. In the past when we were trying it out we used smaller volumes. On the very last one where TDS was a successful bidder they did pay \$4.50 a cubic yard. The agreement was that they would move it within six months. That did not happen. There were two extensions made to that to move it. In this bidding process we have a larger volume that needs to be moved and some of it's required to be moved within 90 days. And so that's gonna create an impact on the bidder to be able to have the equipment, to be able to pick that up and move that in the timeframe that we're asking, which is gonna reflect on the price. That's gonna drive it down. Again we have a need to get the product moved off of the site. It's an operational need that we feel strongly about and we have pictures of how much of it's piling up. When we started this process back in April there was a commitment to move 5 piles within 90 days. We now have over 15 piles stacked up out there and that becomes a burden on us. You know, the compost fire that happened a few years ago started in the unscreened piles so it does pose a risk to us operationally for that purpose as well as in preparations for this contract. So, to say that it's a lost revenue, it's not. We only have a few options on how to move this stuff right now. If we screen it, it's Dillo Dirt. We'd be delighted to sell it as Dillo Dirt if we had the buyers to come and buy it, but we don't. We've heard that selling it puts the whole composting at risk. It does not put the whole composting at risk. Our composting is still going on daily as we speak right now. So that's not a risk factor that is out there. So there's a lot of misinformation that's being circulated and I think to try to sway the decisions here. But we'd be happy to answer whatever questions you have on it.

Commissioner: Can we see that?

Lisa Boatman: I just, I wanna add a few things about that.

Gerry Acuna: Can we put this on the screen?

Lisa Boatman: Oh yeah.

Commissioner: Oh that'd be great.

Gerry Acuna: Oh yes please. I've got it.

Lisa Boatman: So you know there's questions about how we run the operations at Hornsby, and highest and best use and different avenues and outlets that we have for biosolids management. And we did accumulate, we're..., City staff is very good at making compost, and as you can see we've accumulated quite a number of curing piles. What no one else, what has not really been discussed is under the current contract and the way we can operate at Hornsby Bend and the options that we have, all this material was composted by City staff. So in doing so, we avoided Class B land application of the biosolids that are contained in these piles. And there's a cost avoidance of over a million dollars. So I understand we can, you know, talk about the lost revenue but you also have to understand that by composting this material we had a significant cost avoidance.

Gerry Acuna: So Dillo Dirt doesn't sell, is basically what you're saying.

Lisa Boatman: Dillo Dirt does sell. I sign up new vendors all the time, however the sales are not anything what they used to be years ago. But we do have, I just signed up a significant vendor this week who wants over a thousand yards of material. So it is selling, but not at the rate that is going to move all of these piles.

Gerry Acuna: Pile number 23, how big is that? What is that?

Lisa Boatman: Pile number 23 is probably about 2,500 cubic yards.

Gerry Acuna: 25?

Lisa Boatman: Mmhmm.

Gerry Acuna: So you sold a thousand of that today.

Lisa Boatman: No, no, no. There's a vendor who's interested in getting about a thousand yards so we have this one line off next to it, we've already gotten material lined up to load up for them. So the piles-

Gerry Acuna: So the narrow line...

Lisa Boatman: The narrow line, yeah.

Gerry Acuna: So that's theirs.

Lisa Boatman: Well we set it aside so we can make the loading efficient when they come up.

Gerry Acuna: Okay. All right guys, any questions?

Stacy Savage: I wanted to know, what is responsible for the decline in the sales? I'm sure there are multiple reasons but, what have you seen?

Jane Burazer: We believe the first thing that started the decline was the bad publicity we got at the Austin ACL festival in 2008 and following that we get into the drought and when people only got their once a week watering they kind of cut back a lot on some of their yard maintenance, is our opinion of what's happened. And we only had that one avenue to move it, which has been problematic for us.

Stacy Savage: So the only other avenues would be something that Synagro could provide as far as marketing?

Jane Burazer: We're hoping so, yes, with the composting, yes. Up 'til now, this last contract we had with Synagro provided for predominantly Class B biosolids. So where we said we've made a major change in our handling of our sludge, that's not true, we have always done Class B land application for quite a few years so that's always been a part of it so there's not be a major change. In the last contract that we had we allowed for provisions to begin a different composting than the Dillo Dirt that they have been doing. Several of your commissioners have been out there, they've seen it, we're not having different odor issues from there, we're not having any maggots or other varmints that we've heard about. That's not occurring with this. So we have faith that this is gonna move forward in the same manner that we're already experiencing right now working with Synagro.

Stacy Savage: Okay. Does Synagro have a marketing plan to get Dillo Dirt back to its glory days?

Pam Racey: Absolutely, as I said we're counting on that, and the revenues from that. And we have resources available to us to launch those marketing plans that frankly the City just doesn't have. That's what makes it work.

Stacy Savage: Thank you.

Gerry Acuna: Any other questions?

Amanda Masino: Do we have any other friendly amendments to the policy?

Heather-Nicole Hoffman: Can we go through one by one?

Amanda Masino: Yeah let's do that. So number 1...

Stacy Savage: Can you go back to the document with the red markings?

Heather-Nicole Hoffman: Which one? Do we want the TCE one?

Amanda Masino: Let's do the TCE.

Michael Sullivan: Excuse me ma'am, can you all hear me? Sorry. Is somebody keeping track? Thank you so much.

Gerry Acuna: Which item? Can you lower that?

Amanda Masino: So Number 1... so the recommendation from TCE here is the additional language about "drying and/or pelletizing sludge prior to land application does not constitute an improvement in regards to highest and best use". I would, as a friendly amendment, recommend putting that into our figure actually which is not here, but is in the handout that everyone has. We already have a bullet, a little asterisk, on the very top where you see compost, "excludes methods utilizing combustion". That was Commissioner White's recommendation, actually, so we wouldn't get into situations, you know, burning sludge, so as a friendly amendment I think we could put "drying and/or pelletizing" into that.

Heather-Nicole Hoffman: I decline, can I decline that?

Amanda Masino: What's your reasoning?

Heather-Nicole Hoffman: I think the problem is that if that is part of the composting, you know, we discussed there were going to be different ways to process the material. And so if that is a proper way to, you know, if it still meets the intent that it's using it as a best use on the hierarchy, I just feel like that's not...

Amanda Masino: Overly restrictive?

Heather-Nicole Hoffman: Yeah, not necessary.

Lisa Boatman: Commissioner Masino, the point on this that we were trying to make is, the goal is Class A, right. There are many methods. D.C. Water does thermal hydrolysis, they get a Class A sludge right out of their digesters. Houston dries theirs and they have a fertilizer certification. So there's a lot of different technologies out there so the goal is really the treatment, I mean, right?

Amanda Masino: So we can pass that one.

Lisa Boatman: Just keeping in mind that the policy needs to be robust enough to survive more than one biosolids contract.

Amanda Masino: Yeah.

Gerry Acuna: So you want to add that?

Heather-Nicole Hoffman: No, we are not including the TCE recommendation to Number 1. As far as the recommendations from Mr. Gregory, any comments? I'm fine with adding the United States Compost Council definition of compost.

Kaiba White: Where would that be?

Amanda Masino: So should we do, let's do TCE and then do, just because we're almost done with TCE. Because we are adding to Number 2, "STA sample shall be collected by an independent third party."

Heather-Nicole Hoffman: Correct.

Amanda Masino: Is that correct?

Kaiba White: Can we say "collected and tested"?

Amanda Masino: Sure, "collected and tested by independent third parties", because that might be a collection agency and a testing agency.

Gerry Acuna: Okay, now, this is confusing. We're wordsmithing your document with the TCE document, correct?

Amanda Masino: TCE's recommendations for our document.

Gerry Acuna: Correct. And then we're gonna go back and do the same thing with TDS?

Amanda Masino: I think, we only have two more on this and then we can deal with TDS, unless-

Gerry Acuna: Okay so let's go back to Number 2. Stays the same, there's no wordsmithing on the TCE?

Kaiba White: No, we just added the independent sampling and collecting and testing.

Judy Musgrove: Can I ask a clarification on the independent sampling, what is that again?

Kaiba White: That's just to ensure that there's not any selective sampling.

Judy Musgrove: Who's gonna pay for that?

Kaiba White: I guess that's up to the contract. That's not really-

Judy Musgrove: It costs us a lot of money right now just to sample the one, the STA sampling that we do. If they're... they didn't bid on this contract based on paying someone to sample, we're out there watching the contract, we're watching them sample but...

Kaiba White: I think the contract, aren't we trying to keep these separate?

Amanda Masino: We are.

Kaiba White: I think, respectfully, that we've just gotta address the policy and then we don't get to speak on the contract so that's gonna be in y'all's hands to reconcile-

Judy Musgrove: Right now our contract matches up with your recommendations, I'm afraid that one may fall short.

Stacy Savage: Did we specify that it was third party, or City oversight?

Amanda Masino: The amended language is "STA samples shall be collected and tested by independent third parties." We can consider whether we want that collected by independent third parties or City staff.

Stacy Savage: I'd be fine with that.

Kaiba White: That works.

Amanda Masino: Okay.

Stacy Savage: Now does that just address the collection, or the collection and testing?

Amanda Masino: Just the collection.

Stacy Savage: Okay.

Amanda Masino: Testing has to be an outside lab no matter what. So “STA sample shall be collected by independent third parties or City Staff and tested by independent third parties.”

Kaiba White: Thank you.

Amanda Masino: Good? With 3, I’m very much not in favor of making these changes to 3 for the reasons that the working group went over in quite a bit of detail. I understand the concern for the plastics but I’m not comfortable specifying the method, just the result, the desired outcome which is the predominant removal. Anyone else have discussion, or from the working group, have feedback on that?

Stacy Savage: Well I think the word “predominantly” is subjective, you know, we could, I think we could tighten that language up a little bit.

Kaiba White: I agree with that.

Heather-Nicole Hoffman: We weren’t sure how to do that. That’s why we went with “predominantly”.

Stacy Savage: I hear ya’.

Kaiba White: We could specify a size of plastic piece that, you know, is a limit, as opposed to screen.

Stacy Savage: Like a maximum limit of...

Kaiba White: Yeah, it sounded like there may at some point be a technology that would remove plastics but wouldn’t necessarily remove larger pieces of wood or other things.

Amanda Masino: Right. I think we just don’t know what the measurement unit is.

Stacy Savage: Let’s ask the City staff here.

Lisa Boatman: I’ll just offer a suggestion, there is a test method for plastics in our materials and a test method for examination of composting and compost, which is the backup for the STA testing, so it’s very easy for us to add that to the test parameters.

Kaiba White: Is that in our documents somewhere?

Lisa Boatman: Pardon?

Kaiba White: Is that anywhere in our documentation tonight?

Lisa Boatman: No, it is not.

Heather-Nicole Hoffman: So do we need to specify “require production”, on Number 2 specifically, “require production of compost that meets or exceeds the United States Compost Council Seal of Test Assurance standards including those for plastic and inert materials?”

Kaiba White: Well remember we wanted the plastic removed from all material, not just that...

Amanda Masino: All final products.

Heather-Nicole Hoffman: That’s true. Okay, scratch that.

Stacy Savage: I think you’re onto something the way that we can word it though, we can talk about all products. Maybe you’ve got some suggested language we can...

Lisa Boatman: Well, the TMECC is hundreds of pages, so, and it's, I mean I can't quote you the specific section on it, but we've also, on the screener, there is a device, a wind device, Andrew, what is the proper term, wind sifter? Yeah, we require them to have that on there now. We have it on ours, they have it on theirs. That's operated in conjunction with the screener, in conjunction with the screener. So that material gets collected and separated.

Stacy Savage: Is that guaranteed to be used at all times?

Lisa Boatman: Yes, because if, right, if they don't it blows around, and we have to collect this around the site.

Amanda Masino: Can we say something like, you know, final products, that we won't have plastics below, "plastics will be below detectable limits in final products," something like that?

Heather-Nicole Hoffman: Detectable is way too big.

Amanda Masino: If we're not doing predominantly what's another way to specify that we want as much as possible, as much as technologically possible out of there.

Stacy Savage: Yeah, because there may be emerging technologies that could do an even better job.

Lisa Boatman: Andrew just offered, the way that it reads is that it must be at least as effective as what we have now.

Kaiba White: What if we just said "shall be removed to the fullest extent technologically feasible"?

Heather-Nicole Hoffman: There's technologically and there's fiscally, and they're not the same.

Kaiba White: I mean is there, I'm not sure, is there a more expensive product that goes further? I don't know the answer to that.

Amanda Masino: So plastics shall be, we have the meet or exceed current removal levels, we could use that, that's one possibility, right.

Kaiba White: I'm worried about that language because if this is in effect in a decade, someone's going to have to go back to 2016 and figure out how much plastic we had in our compost.

Heather-Nicole Hoffman: "Maximally removed" instead of "predominately removed"? Is that any better? I think it's subjective language because we don't have a good exam for this.

Lisa Boatman: I just got a great suggestion from Ayman which is to include language that talks about best management practices because that would cover it.

Amanda Masino: Okay, so plastics shall be removed from all products...

Heather-Nicole Hoffman: So just add utilizing best management practices, to the end of that sentence...

Kaiba White: Yeah, so, we could leave "predominantly" in there, so just after "removed" ...

Amanda Masino: So plastics shall be predominantly removed from all final products utilizing the best management practices, yes?

Amanda Masino: Then we already talked about 5, we already talked about 6. We talked about being 12 and 13 out of there. 10 is the last one to consider from the TCE document.

Kaiba White: I don't think we need that.

Joshua Blaine: Can I make a comment on 13 though? I recognize that it doesn't have to do with policy, which is understandably what you're trying to keep this at, but what are y'all's opinions as the members of the working group on that particular issue? I understand that there are still things that were redacted that we haven't seen.

Amanda Masino: I saw three areas that were still blocked out.

Kaiba White: We were told that all of those pieces that were still redacted were subcontractors that didn't want their identity known before the contract was approved.

Joshua Blaine: Y'all didn't have any concerns about there being nefarious sources of bulking agent, which was something that had been suggested?

Kaiba White: We asked about that and were told by staff that that was not what was in those sections.

Amanda Masino: They're in sections where the surrounding language is about the different markets for the different products.

Stacy Savage: And at the second meeting I specifically asked Andrew with Synagro about their selection process of subcontractors and he assured us that it was, that they pick only, they have trustworthy partnerships.

Gerry Acuna: Okay, so back to 10, how do you want to read that?

Amanda Masino: We...

Heather-Nicole Hoffman: Stick with the original.

Amanda Masino: Again, as a Working Group we did consider language about Flow Control and we didn't think it was appropriate for this document.

Gerry Acuna: So you want to strike that sentence?

Amanda Masino: Just keep it as we originally had it.

Heather-Nicole Hoffman: So yes, strike the red suggestion.

Gerry Acuna: All right.

Stacy Savage: We also had several experts say that we should explicitly state something about Flow Control. And also we need to keep in mind that this is going to dictate further RFPs in the future so things change as far as flow of materials.

Gerry Acuna: Very good point.

Kaiba White: I don't know, it seems that this is a legal issue that the City needs to, you know, abide by certain legal restrictions, and that this document really is about ensuring a quality product produced in a sustainable manner. So I'm not sure where this statement about Flow Control fits in with that.

Amanda Masino: There's also Flow Control language in the TDS recommendation.

Gerry Acuna: So why we don't we come back to that one when this is finished...

Amanda Masino: Exactly, so we can go through the first parts of the TDS...

Heather-Nicole Hoffman: I guess, any other comments on the TCE version?

Stacy Savage: Let's hear from Jessica.

Jessica King: Commissioners, just briefly, the issue of Flow Control is actually, I'm going to try and pull it up, I believe is covered by Resolution under Council when they passed the Master Plan, and there was specific language that said that any discussion of policies that would direct the material, I'll pull it up when I pull up the Resolution language, but I think it was covered by Council whenever the Master Plan was approved. Or the Strategic Plan, one of those two, so I'll find out.

Bob Gedert: I'll add that Flow Control is a separate issue than what you're dealing with here today and there is no intent of the department on Flow Control now, or even in the contract that Bob Gregory mentioned, and we'll deal with that next month.

Gerry Acuna: All right, so we're back to item Number 11, striking that addition to 10. Is that correct? So item Number 11, "bulking agent should be limited to byproducts of other known activities"?

Amanda Masino: I think we're okay for now.

Gerry Acuna: Is that okay, as is? All right. So we completed this one. Let's move on to the other one here. Take it away, Amanda.

Amanda Masino: So again, trying to keep consistent with what the Working Group discussed, I'm wondering about the definitions, so for Number 1, the definitions of these terms "mature fully stabilized compost", do we want to consider adding language, if not there, in the testing, saying that we're including maturity and stability indexes in what we're looking for in the testing, so again not putting it in that first, sort of the overview of the hierarchy, but perhaps in Item 2, "require production of." If that's where we get the measure, then maybe that's the better place to put the language.

Pam Racey: So I mean, that would be a problem for us to require all compost to meet that highest standard because the ag market does not like that standard. They want material with more moisture and more nutrients in it, and it would be really problematic for the program to only be able to produce one kind of material. And the Compost Council, that's not a pass/fail standard, that's just "Hey, here's the kind of product you have. It's mildly stable, or fully stable", etcetera. But we produce products in various classes, what we don't produce is unstable material. But there's lots of different classes between mature and unstable. So restricting it would be problematic.

Gerry Acuna: I guess that was a reference to Dillo Dirt?

Pam Racey: Yeah, for Dillo Dirt...

Andrew Bosinger: Can I just, I'm sorry, Andrew Bosinger with Synagro, and I'd like to say, you know, regardless of our contract, requiring production of one kind of product is how we got here now.

Stacy Savage: It's counterproductive.

Andrew Bosinger: Because we need, and you need, regardless of us having a contract, the City needs to have a diverse market for compost. We moved 50,000 yards of product into the agricultural sector last year. Not a single odor complaint, not a single quality complaint, just farmers replacing chemical fertilizers with compost, improving soil health, keeping family farms in business in central Texas, reducing runoff from fields, improving crop yields, that's the outcome we're talking about here. The ag market has been vilified because some people don't participate in that market. They don't understand it like we do, they don't know how to use it, but it's part of a healthy compost market. It's a whole portfolio of markets and the compost that goes into the agriculture market doesn't have to meet, and isn't desirable to meet Dillo Dirt standards, that's not a good outcome. And as you produce in the future more food quality compost that really commands that high market sector, you're gonna need that agricultural market to have a broader market. So the policy should really be to

include that agricultural market. It's good for farmers, it's good for the environment, it's good for Austin. And it's good risk mitigation and protection for you coming down the road. Even if you don't need it right now, even if you could sell everything as Dillo Dirt, you're gonna need it and want it in the future and you have to invest in it and build it. That's what we've been doing under the current contract, really building a market that never existed. And you're gonna want it in the future. So I just wanted to add that as a policy consideration.

Gerry Acuna: So, or at a minimum, Class A designation that meets...

Joshua Blaine: Can I get a response to that. You made some claims it's good for the environment, and some of the feedback that I've gotten is that there's debate. So anybody in the audience who maybe has a response to that, I would love to hear whether people agree; Is that good for the environment? 'Cause I've heard differing opinions...

Andrew Bosinger: You think that compost isn't good for the environment?

Joshua Blaine: This agricultural application.

Andrew Bosinger: I mean, actually I delivered today, testimonials to the City staff about, from farmers, ranchers in Central Texas who are using that product and see improved soil health, improved crop yields, they like the product, they want to continue to buy the product. I think the fact that we've marketed so much of it in the last three years is testament to that. And there's a fabulous body of scientific evidence out there on the beneficial qualities of compost on soil health and the environment.

Joshua Blaine: I'm not debating that compost is good for agriculture, I'm talking about compost that we're making from biosolids, which is what we're talking about.

Andrew Bosinger: Right. We're talking about the same thing, I think, Commissioner. I mean, you're talking about compost quality, or...

Joshua Blaine: Well, I think this conversation came up because we tried to make it our policy that this Commission recommend that all compost coming out of Hornsby Bend meet a certain requirement, and you stood up and said that's not possible, or it's not in your best interest, there need to be different grades, or different, you know, different markets; to me that's a different product. So, I'm not disagreeing with what you're saying, I'm just wondering if anybody in the room does, 'cause I would like to hear an opposing view, if there are any.

Lisa Boatman: ... you have an opposing view...

Bob Gregory: I'm happy to do that. Let me read you one sentence from one of the pages that was released last week from the contract. "The complete composting process is performed in approximately three to four weeks. The finished compost is stored in a designated area onsite until sale or distribution." You cannot make finished compost, unless you totally redefine compost; you just heard the ag market likes it wet. Part of the composting process is not just to bring it to temperature, as Paul said, 55 degrees centigrade for 15 days, with five turns and that meets PFRP and that also gets vector reduction by process, whether it stinks to high heaven. I went to the facility. I was flying home that afternoon. I had to stop at a truck stop and shampoo my hair, take a shower, I had to scrub the bottom of my boots. I was onsite for 40 minutes driving in a golf cart, only to get out get my hands in it. I know what this material is. You just have to redefine compost. If you do that and then change the definition, depending on what you're talking about, and what the screen is; that's why we're so frustrated on this. And yet staff tells you that what they're doing is consistent with past City policy. Nothing they're doing is consistent with past City policy. We're frustrated because we hear stories out of both sides and we've, I know, y'all should be frustrated because you're trying to satisfy staff, who will not be

satisfied unless they have Synagro's contract, and the Click contract that shouldn't even be on there. It is not, it is not what they just said is compost.

Andrew Dobbs: I'll keep it real brief. I would hate to say that, I'm not going to say I have an opposing viewpoint, I'm going to say that I have a concerned viewpoint. Let me kind of zoom way back to where all this comes from, is we have worked to represent people who are fighting sludge land application in their communities where it creates a lot of problems. And we have to remember that sludge, and even probably this compost product contains a lot of toxic materials and other things that are harmful to the environment and to human health. The thing is, is that there's a question of well what are you going to do with it? And the best possible... composting this stuff... let's step back and not say that, composting this stuff is not necessarily great; it's the best possible solution at this point. And the reason it's a good solution is because it is much more stable and it's not going to run off into the creek next door or onto the neighbor's property when we get just a little bit of a gully washer down here. Right? So that is the basic concern that we have. If you're talking about a material that is not going to stay put, that is going to be washed off, you know, with the next storm, that is something that we're going to be really concerned about, because that impacts waterways, impacts quality of life, it impacts a lot of other things. So that is my concern. Now if they can say this is not something that's going to happen, let's talk about that. But I don't know, to zoom back in to the present moment, how do you reflect that in this present policy without shutting yourself off from necessary markets? I don't necessarily have a suggestion but that is the kind of global concern that we present.

Joshua Blaine: Thank you.

Kaiba White: Dobbs. Do you have a concern about products that meet the Class A definition?

Andrew Dobbs: Yes, absolutely, because Class A is really broad, and Mr. Gregory and them have said it too, it's a fifteen day, at 55 degrees centigrade process... that's accurate, right? Okay, and so it's gotten it down to a certain bacterial threshold, right? But that can still have a lot of quality of life concerns associated with it, and it certainly has environmental concerns associated with it. If it's got triglycine, if it's got all of our pharmaceuticals in it, if it's from... we're lucky that we don't have a combined system with our storm water, but in other instances, to talk about this in a global sense, if it had storm water runoff in there, and that sort of stuff, you know, that is really concerning, if all that's getting washed into waterways with every rain storm.

Pam Racey: I'm not sure what Mr. Gregory's definition of compost is, but everything, every product we produce is compost by the US Compost Council definition of compost. We don't make any non-compost. And Andrew is correct, there are Class A materials that may not meet that quality standard, just like a thermophilic material, it's cell wall is laced and it wasn't mixed with organic material, so there are other Class A materials that aren't compost, but everything we make is compost and there's nothing that's going to runoff. It's all..., I'm talking about the difference between 65% and 55%, not caked biosolids, which is 20% and a completely different consistency. So, I don't want anybody to be confused about the ag, it's still a product, it's still compost, it's just slightly different. Just like people, it's like Scott's, they make 20 different mulch products but, you know, they're all mulch, they're all in that category. That's what we're talking about here. We're not talking about, this is up here and this is down here and it's a different product.

Gerry Acuna: But Scott's all looks the same.

Pam Racey: Not the red dye one...

Kendra Bones: Are there industry standards that your ag product adheres to? Is there something we can use to better describe the markets that you want to be involved with?

Pam Racey: All of our products, I think the way the contract works now, all of our products meet the minimum industry standards, and a good one is the Compost Council. The Dillo Dirt, for example, in our contract is required to meet Dillo Dirt standards set by the City, so we're meeting the basic industry standard on everything it's just that some of our products we're taking higher. And I did, by the way, check with operations, ¾ inch screen is the biggest we ever use, and our first year we're looking at 30 to 35% Dillo Dirt and then ramping up over time.

Gerry Acuna: Okay.

Bob Gregory: May I just comment. Number 1, the comment that we had on Number 1, this young lady said that is what they do with all of their products. It meets the definition from the U.S. Composting Council's definition of compost. If that's the case, then they should have no problem with our comments for Number 1 being added to this policy statement, because she's already stated every one of their products meet it. I said they don't; they said they do.

Heather-Nicole Hoffman: However, this is policy for future, not necessarily specific to this one contract.

Joshua Blaine: I think he's right though. I think she got up initially because she said that would be problematic for this contract.

Bob Gregory: It's not compost.

Pam Racey: U.S. Compost Council does not have a maturity standard as part of their compost definition. That's not true.

Joshua Blaine: So your issue was with the term "mature, fully stabilized".

Pam Racey: Yes. There's different levels of classifications for different products. That is not part of the certification of being a compost. It's just a marketing characteristic, as they indicated earlier.

Gerry Acuna: Does Scott's sell and bag type, Class A designated compost?

Pam Racey: I'm not 100% certain. We don't deal with Scott's directly so I don't know the answer to that. They don't pay enough.

Gerry Acuna: All right guys, back to item Number 1, here. What be the will, guys, on the wordsmithing?

Heather-Nicole Hoffman: I would add "Class A designation or better" Does that... I mean the idea is that we don't want Class B, period, and we're striving to get everything up to at least Class A, and hopefully better than that.

Joshua Blaine: What if we just said "better than the U.S. Compost Council's definition of compost"? Seems like that would...

Gerry Acuna: Well that's back to that...

Joshua Blaine: No, she said her issue was with mature, fully stabilized. She said everything that they're making is U.S. Compost Council compost.

Gerry Acuna: Clarification. Type A, Type B, are they both called compost?

Joshua Blaine: No, neither of them are. Compost is above both.

Gerry Acuna: So, compost is compost...

Jane Burazer: One concern we have at this point is you're now doing the policy for this contract. We are in the biosolids industry and we wanted to protect our future options which are technology in dealing with biosolids is ever changing. And so there may be some technology coming out in the future like Lisa was describing earlier that we would like the option to pursue. You know, it, it would you know, essentially what you're gonna try and say is all that we can ever do out at Hornsby Bend is compost and that's not...it's best use.

Joshua Blaine: Well, could you not bring it back to us, and we could re-evaluate, if and when that time comes?

Jane Burazer: We did leave in there so, we could pilot test and we could, that could happen. But, again, you are now writing a policy for the contract, not a policy for biosolids.

Joshua Blaine: Well, that's not entirely true. I think she got up and expressed some comment on the contract, but we're just trying to write policy right now.

Jane Burazer: No, you're the one that made the comment about the contract. That I, that's why I was making the comment.

Joshua Blaine: I did make a comment on the record that I disagree that we're not able to talk about the contract, but I'm trying to talk about policy.

Jane Burazer: No, I'm saying right now you're saying the only reason with the contract, that this is okay, just because she said, they're okay with it. Well there is another stakeholder at the table and it is the Austin Water Utility because we have to manage biosolids into the future. And that's the comment I'm making.

Joshua Blaine: I hear you.

Gerry Acuna: All right so, let's go back to item Number 1. How do we want to wordsmith that? What do we want to add or what do we want to delete?

Amanda Masino: I liked the suggestion of "or better". And I know that at one point the Working Group did have Class A or better in our language. And I think that, that covers our intention pretty well without being overly restrictive.

Gerry Acuna: So water, it's a wastewater sludge, to...

Gerry Acuna & Amanda Masino: Class A designation or better...

Gerry Acuna: ...that meets the United States Compost Council...

Heather-Nicole Hoffman: Just leaving that out, 'cause that designation may change. There may be a better governing body in the future, there could be other standards that we want to reach.

Amanda Masino: And we have a whole other item about the STA which I don't think we need to put in another...

Gerry Acuna: All right, so read back the final...

Amanda Masino: So that's "biosolids management should honor the highest and best use hierarchy, the City will strive to treat all wastewater sludge to Class A designation or better prior to final distribution."

Gerry Acuna: Is that okay? Is that...

Joshua Blaine: I mean, I would still prefer we stick with compost as our policy and then if Austin Water needs to change that they can come back to us and say, "Hey, here's a specific example where this policy's been

challenged.” I prefer our policy to shoot high and then have to adjust it case by case. Correct me if I’m wrong, but it didn’t sound like Austin Water was objecting to a present-day issue, she was more looking at future, is that correct? Or did I miss interpret that?

Gerry Acuna: Technology changes.

Joshua Blaine: So, if I’m not incorrect in that, then it seems like, let’s set the policy ambitiously, ‘cause that’s our job. And then when things change we can address that in the moment.

Jane Burazer: I mean, this contract is for composting, and it is our goal to have a hundred percent composting with this contract. My concern is going into the future because you know, one, you know, our biosolids are not part of Zero Waste, and so, and we are still part of the biosolids industry. We’re not a solid waste compost, and we are always exploring opportunities and technologies that may be better in the future. And we want those options. I hear what you’re saying, that for now, that you feel like the best option at this point is compost, and that if there’s a better option we need to bring that back. I mean obviously any time we have any contract, it’s gotta come through the process, so, I mean, we obviously would prefer to keep options open because it is an industry that’s ever changing. But you guys will make the recommendation you want to make and I understand that. I just want to put in our perspective as another stakeholder at this table.

Joshua Blaine: Sure, and I also would remind everybody that the language says ‘will strive,’ so I think if we’re striving for something, let’s strive for, for what is our best option right now. That’s my opinion.

Gerry Acuna: So your opinion, your opinion states put back the “mature fully stabilized”...

Joshua Blaine: Not the material, I think the compromise would be to strike that, but to keep “that meets the United States Compost Council’s definition of compost.” I mean, we hear concerns from groups like Texas Campaign for the Environment that Class A sludge still poses dangers to communities and also, a big concern that I’ve read through this whole thing is that it doesn’t require a TCEQ permit, so there’s no indication that, you know this whole thing was triggered by people applying for permits. Right? That there’s something to be said for that, but Class A doesn’t require that. So for me, that’s also a big red flag. So, I think if we’re gonna strive for something we should shoot for the compost.

Gerry Acuna: All right so read that back and how would you like this?

Joshua Blaine: “Biosolids management should honor the highest and best use hierarchy, the City will strive to treat all wastewater sludge to meet United States Compost Council’s definition of compost prior to final distribution.”

Amanda Masino: That’s a major change, I mean.

Gerry Acuna: It is.

Amanda Masino: We should discuss it, but that is a big change from what we had discussed as the larger group, which was separating, so that requiring compost that meets or exceeds was separated from the hierarchy item and that was deliberate. Part of the reason with what we just heard about leaving possibility for technology changing and that compost may not always be the best, the highest and best use.

Joshua Blaine: It is though, I mean it’s on the hierarchy. Compost is the highest and best use.

Amanda Masino: In the future, right that was their...

Heather-Nicole Hoffman: And other higher uses.

Amanda Masino: Other higher uses. Right.

Joshua Blaine: But, I'm sort of confused, because you're suggesting that we go down the hierarchy currently. But, I think what you're saying is maybe there's a better use than compost in the future?

Amanda Masino: That compost is the, there's, that's why the figure has compost slash other higher use.

Joshua Blaine: Right but, the language that you're advocating for I think is Class A, which is below it. I might just be misunderstanding your point here but...

Amanda Masino: I think my point, I'm speaking around it too much, is that this is a document that we and Water/Wastewater came to together. And that we balanced what our Zero Waste goals are and what's achievable, and what's ideal, along with being aware that if we define too much in this document we end up restricting what's operationally possible. And so, this was, we spent a lot of time on this and came to "Class A or designation" as opposed to "compost" for that reason. If we as a Commission, decide to go back to the compost language, we have to maybe think about ways that we're gonna reconcile that. We have to reconcile that going forward with whatever Water/Wastewater comes up with and how that's gonna affect Austin Water operationally.

Joshua Blaine: Well, maybe this is a point of procedure or whatnot, but, are we not just deciding on the Zero Waste Advisory Commission's policy recommendations? I mean, we aren't in the joint commission now. I understand that y'all voted on something, but...

Amanda Masino: Sure, and maybe we have two different sets and then there's going to have to be some process to reconcile the two different sets of policy, for sure.

Gerry Acuna: And you're absolutely right about that, Josh. We are looking at this group's policy consistent with our Zero Waste goals and plans, and I have to agree, yes, that will probably be something that would have to be revisited, trying to piece together...

Heather-Nicole Hoffman: So at this point I decline the amendment to add compost to that Number 1.

Gerry Acuna: So how would you like this to read again? Just leave it as is?

Heather-Nicole Hoffman: "Class A designation or better, prior to the final distribution."

Amanda Masino: I'd like to leave it as is as well.

Gerry Acuna: So "Class A designation or better prior to final distribution". Is that it? All right, so the second item here.

Amanda Masino: We should vote.

Gerry Acuna: All right, so the second item here.

Andrew Dobbs (from the audience): Is there going to be a vote on that? You're not going to vote on the (unclear).

Heather-Nicole Hoffman: We have to do it as a whole.

Gerry Acuna: We're going to come back and review the entire document. All right.

Joshua Blaine: Are we just going to vote on the whole document or do we want to vote on some of these individual things?

Gerry Acuna: We can take it individually, I mean, if that's the way to get through this, then let's do that. All right, so right now the verbiage is what?

Joshua Blaine: Well I'll just make a motion that we change the first one to what I said before, I won't repeat it, y'all know what my opinion is.

Shana Joyce: Okay, before you do that though, before you do that, I think we should vote on the changes that we've made right now, before you start making individual changes, because otherwise everything that we've just done, is kind of like, it's like we didn't do it. So I think that we should vote on everything that we've changed thus far, before going to individual... I'm sorry, I just, if you're going to vote on individual things, I feel like that's...

Joshua Blaine: Those were all friendly though.

Kaiba White: Those were all accepted.

Joshua Blaine: Those were all accepted, I guess.

Shana Joyce: Okay. Well then that needs to be stated for the record.

Gerry Acuna: Okay, but as a point of order I guess we have the policy that was submitted by the group, by the Working Group, and what we're doing now is reviewing that policy and making changes to the policy.

Heather-Nicole Hoffman: Friendly amendments to the motion to approve them as is.

Gerry Acuna: Absolutely, and we are looking at two documents that were submitted as possible additions to this document. So we're basically taking both those documents and using those to come up with our final document and we are, this is the discussion phase of this friendly, or of the motion.

Heather-Nicole Hoffman: So all, except for the last one proposed by Josh, have been accepted as friendly amendments.

Gerry Acuna: Correct. Okay so now we're back to this first one here, utilizing this document and we're discussing additions to the Working Group's document with this document from, oh gosh...

Joshua Blaine: TDS.

Gerry Acuna: TDS.

Joshua Blaine: So a point of procedure can I make a motion when there's an active motion on the table? Maybe that's a question for you.

Gerry Acuna: Yes, yes you can actually, and we can accept that motion and then second.

Joshua Blaine: Well I would need a second then, obviously.

Gerry Acuna: So your motion is what now? Your motion is to...

Joshua Blaine: That we essentially adopt the TDS version of Item 1 but not including "mature and fully stabilized", just the definition of U.S. Compost Council.

Gerry Acuna: Okay, I'll give you a second so we can vote on that. Do we have a second? And we've already had a lot of discussion here. All those in favor of Josh's suggested change, raise your hand. All those opposed? How many is that? One, two, three. Five. Four.

Joshua Blaine: It's the group, the joint group members.

Gerry Acuna: Josh's change goes in. All right, so the second item here is require production, is "require production of compost that meets or exceeds the United States Compost Council's Seal of Testing Standards or

Assurance Standards”. The potential change to that that is what? “Which it is screened to remove undecomposed biosolid clumps, clods and other problematic materials as well as minimum prescriptive processing standards for each type of compost produced.” I need my glasses.

Amanda Masino: Right, and we already amended to add, this is where we added the independent third party, and that was supposed to address the, so the intention of putting screening into this is to remove these clumps of unprocessed; instead we addressed it by saying that the sample should be collected by an independent third party or staff, and tested by an independent third party. So that was the...

Gerry Acuna: Is that okay with the Commission?

Commissioner: So we’re not using their...

Gerry Acuna: So we’re not using the addition? All right, item Number 3, or I should say Number 3, “plastics shall be predominantly removed from all final products.” Here it’s “plastics and undecomposed biosolid clumps, clods and other problematic materials shall be predominantly removed from all final products by screening processed compost material through a 3/8’s inch screen.

Joshua Blaine: We’d also already edited this one a little bit, right?

Gerry Acuna: Yeah, so how do you want to?

Amanda Masino: This one is now “plastics should be removed all final products utilizing best management practices.”

Gerry Acuna: Okay, is that okay?

Heather-Nicole Hoffman: Which addresses those screening issues.

Joshua Blaine: Yeah, sounds good.

Gerry Acuna: All right, Number 4, “under emergency conditions land applications of unscreened compost, Class A biosolids or Class B biosolids may be, on a temporary basis, a. Emergency conditions are defined as severe fire risk, other eminent threats to health and safety, or eminent risk of regulatory non-compliance that could not have reasonably been foreseen; b. If time permits, plastics should be predominantly removed before land application; and c. Emergency application of these lower quality products shall extend only as long as necessary to alleviate emergency conditions.” The additions to this, or the proposed additions are, after Number 4, “temporary basis on appropriately authorized property”. On Number A nothing, on Item B “If time permits, plastics and clumps and clods and other problematic material should still be predominantly removed through a 3/8’s inch screening before land application.” Stop me at any time folks.

Heather-Nicole Hoffman: The only one that is legally required is the Class B land application, and that is legally required. I don’t know what we would do on an authorized property other than that. So I think it’s unnecessary.

Bob Gregory: Travis County Ordinance.

Gerry Acuna: Okay, say that again.

Joshua Blaine: I don’t think it hurts to have that in there, though.

Pam Racey: Our contract requires us to comply with all applicable rules. It’s already in there.

Amanda Masino: What is “authorized property for application of unscreened compost”?

Gerry Acuna: I think it's referring to the siting ordinance, if I am not mistaken, and Travis County has a siting ordinance that's been in effect for quite some time.

Heather-Nicole Hoffman: So that would still be required by law.

Gerry Acuna: Okay, so then, yeah.

Heather-Nicole Hoffman: I don't think it's necessary to have in there, specifically.

Gerry Acuna: All right, so...

Heather-Nicole Hoffman: And the screening, we've addressed.

Gerry Acuna: All right so, Item Number 5.

Amanda Masino: Five is unchanged, well we made, actually we made a change earlier but there's no additional changes.

Gerry Acuna: All right so Item Number 6. "Austin Water operations will be conducted", well there's no change on that. No change, no change. Item Number, I guess, 8 has a proposed change. The Dillo Dirt trademark name and compost quality will remain in the City of Austin control regardless of who produces the product and should be defined by prescriptive process and requirements, i.e. mixing ratios for bulking agent and sludge, curing timeframes and screening standards."

Heather-Nicole Hoffman: Again I don't think it's necessary because it's under the City control.

Joshua Blaine: I do wonder about that though, I mean, how defined and prescriptive is Dillo Dirt? Do we have assurances that there is a solid, in writing, definition? That is specific to these things?

Judy Musgrove: Judy Musgrove, Austin Water. No. We make Dillo Dirt and so we don't have anything that prescribes it the way we make it. We've been working on that; we didn't want to rush to try and get it done by today but what we're looking at doing is requiring it to meet the TXDOT standards, or we're looking at the ranges we've been meeting. We've got several, a couple of years of data from our STA testing and our TXDOT testing, so we're looking at doing ranges there, so we're coming up with something that would prescribe limits on Dillo Dirt.

Joshua Blaine: Well, given the fact that it's not actually prescribed yet, I would feel more comfortable having that language in here. My other question on this is slightly, is related. Was there any discussion on royalties for the City when this Dillo Dirt is sold under the Dillo Dirt name?

Judy Musgrove: Yes, it specifically says we do not get paid royalties.

Joshua Blaine: Specifically do not get royalties?

Judy Musgrove: Right.

Jessica King: I'm sorry, there needs to be some clarification as to why. The City of Austin can't gain royalties from our understanding with the Law Department. There are certain trademarks that the City has; Dillo Dirt is a trademark. There are other trademarks that the City is exploring for a variety of things. We've looked at Re-blend, we've looked at Generation Zero; there are different things that we would love to trademark and utilize but because we are a civic entity, we're a public entity, our understanding from communication with our attorneys, and they are regularly looking at these things, when we ask to trademark certain products that we make. They have stated an evaluation needs to be made as to whether or not we can have any royalties and often times it leans more towards "No" because what we're doing is a public service to the community. So that's normally where we are with that, it's not like we have not explored it, I promise you. And then with

regards to a trademark, whenever a trademark is shared, normally the expectation is that we write down the requirements or the expectations of whoever will be using that trademark. So they have that in their process and in their understanding and so they just need to solidify that whenever, and it's part of the contract, is my understanding, of kind of what the expectations are with regards to the creation or the development of Dillo Dirt in the contract. So I think they'll be using that same language for, if any other group decides to use or if they ever want to loan out that Dillo Dirt trademark.

Gerry Acuna: Okay.

Heather-Nicole Hoffman: So I'm fine with adding the language, about defining the process for Dillo Dirt.

Gerry Acuna: So that's okay.

Judy Musgrove: I'm sorry, are you taking the language that's offered here? Or was something else?

Heather Nicole Hoffman: Yes, unless you have...

Judy Musgrove: Yeah, I can't agree with the mixing ratios. We are all over the board with our mixing ratios. So that...

Heather Nicole Hoffman: Is there a minimum, that would be low enough...?

Judy Musgrove: Well, my expert left the room, but it depends on the weather, it depends on the reactivity, I mean, from what I can tell from gathering what, you know, listening to them talk about the mixing ratios of bulking agent, biosolids, it changes seasonally depending on the bulking agent, so I'd hate to even try and come up with a mixing ratio.

Amanda Masino: Can we consider striking what's in parentheses then? "as defined by prescriptive processes and requirements determined by City staff."

Judy Musgrove: Yes, that would be fine, if you just ended it right before the parentheses.

Gerry Acuna: All right, Item Number 9, here.

Amanda Masino: Unchanged.

Gerry Acuna: I'm sorry, what? No changes. Okay, let's go to 10. "10. Austin Water and Austin Resource Recovery will continue to communicate with other City departments when contracts are being renewed or solicited to ensure any partnering opportunities are explored. However, this should not include Flow Control or commercial business generated solid waste or recyclables."

Heather Nicole Hoffman: Already discussed. Not including that.

Gerry Acuna: All right, so the last Item, 11. "Bulking agents should be limited to byproducts of other known activities and not include painted or chemically treated lumber, asbestos, or other obvious contaminants inappropriate for compost products or land application."

Kaiba White: I like that.

Heather Nicole Hoffman: That's fine.

Kaiba White: I'm not sure why we need the word "obvious" there.

Gerry Acuna: Okay, "or other contaminants". All right guys, that is the document that's in front of us with friendly amendments addressed. Do you guys want to add anything else?

Joshua Blaine: I mean, is it inappropriate to make a comment about our concern around, in this document, around our concern around the contracts not being a part of this?

Gerry Acuna: This is our chance to make comments, during this discussion period.

Joshua Blaine: Well no, I think for the record those comments have been made, I'm saying more on the, something that would be more substantive?

Gerry Acuna: You know, that's a good question. Again, I introduced that Resolution. But that is a Resolution, I mean, it's not geared towards frustration, but I have to agree with you, I mean, this should have been a process in which we able to at least review the contract that the Water and Wastewater folks did get to see prior to this, and again, it was public and we just didn't see it.

Stacy Savage: Didn't know it.

Joshua Blaine: And maybe part of our policy, Point 12, is that any contracts that have an impact on these policies should be brought before the ZWAC before they are approved? Is that a friendly amendment?

Gerry Acuna: That is a friendly amendment.

Amanda Masino: Yeah, and that's good, that addresses generally what we want moving forward, which is having...

Gerry Acuna: And that is a friendly amendment, that can be.

Voice in audience: Can you state that specifically?

Joshua Blaine: Stated specifically, I think more or less how I just said it, which is...

Amanda Masino: I'm typing it.

Joshua Blaine: Any contracts that come before City departments that have an impact on any of the above, so the above eleven things that we just delineated, should come before ZWAC for review before they go to the City Council.

Kaiba White: Should we say "and the Water and Wastewater"?

Joshua Blaine: I don't honestly care what they see, I just care what we see. They already saw it, right? This about whether we saw it or not.

Amanda Masino: Okay, so any contracts that impact these policies should come before ZWAC in addition to whatever, do we want to put something about Commissions?

Joshua Blaine: Any other relevant commissions. Sure.

Amanda Masino: Before they go to City Council?

Gerry Acuna: And Amanda you have this all nice, and...

Amanda Masino: I do, I have everything typed up.

Stacy Savage: She's a rock star, she's got this.

Gerry Acuna: All right guys, without having to read this back, if you want to just read that last one the way you typed it?

Amanda Masino: The last one, "any contract that impacts these policies should come before ZWAC in addition to other relevant Commissions before going to City Council for consideration of approval".

Joshua Blaine: Sounds good.

Gerry Acuna: All right guys, so we do have, we do have a motion on there to accept the Working Group's policies. There were considerable friendly amendments that were accepted, the document is up for vote. Call the item. All those in favor, raise your hand. Anybody opposed? Raise your hand. Any abstentions? None. We have basically, off the dais Jeff and I think that is...

Commissioner: And Cathy.

Gerry Acuna: And Cathy. Thank you.

Michael Sullivan: I'm sorry, who made the motion originally?

Gerry Acuna: The motion was made...

Stacy Savage: Commissioner Hoffman.

Michael Sullivan: Okay, and the second?

Gerry Acuna: It was seconded by Amanda, Commissioner Masino.