

5-25-17 Waste Management Policy Working Group Meeting 4

Leslie Pool: Well all right, I'll go ahead and call this to order. I'm Leslie Pool, Council Member for District 7 and this is our last scheduled meeting for the Waste Management Policy Working Group and today is Wednesday, May, I'm sorry, Thursday, May 25th and it's just after 1 o'clock, it's about 1:03 p.m. and we're in City Hall on West Second Street. So, I've called us to order and before we get started this afternoon, and before we go into our topics of conversation, which we have quite a few, we've got a lot of ground to cover, first I wanted to recognize Larry Schooler. Larry has been our facilitator for these meetings and has done this work for the City previously, and today is his last facilitation with the City of Austin. He's temporarily moving to Florida with his family and we hope to see him back here really, really soon. He's had a long tenure with the City and Larry we will absolutely miss you. And I appreciate the extra efforts that he brought to the table in order to prepare us for these sessions and to conduct them with a real elegance. I really appreciate that, Larry. Thanks so much for all you've done for the City.

Larry Schooler: Thank you very much Council Member. I appreciate that.

Leslie Pool: And good luck in your next adventure and hope to see you back, one of these days.

Larry Schooler: As do I.

Leslie Pool: And then I also wanted to thank Ashley Fisher. Is she out in the hallway there? Who many of you know is also leaving the City. There she is. Hey Ashley. Who many of you know is leaving the City to serve as publisher of The Austin Monitor, which is a really great new assignment for her. Ashley, thank you so much for your service to the City and thank you for making our work on this issue easier to accomplish. You and your staff have been really organized and have been a great support to the efforts of my staff and the other Council offices. Thank you so much and good luck on your new assignments. We'll look forward to seeing your name. Is there a mast head for The Austin Monitor? We'll look for your name on the line up of all the staff. Congratulations to both you and Larry. All right, let's get started today; we have a lot of ground to cover. We have landfills, biosolids and special events. So, Larry, I'll kick it over to you.

Larry Schooler: Thanks Council Member, it's great to be with you all for this swan song, of sorts, and I do want to let y'all know how much a pleasure it's been to work with folks in this room, both on this process and I've certainly worked with people in this room on many other projects over the eight years that I've been in this role and the two years I was with Council Member Leffingwell and I couldn't think of a better place to work. So, thank you all for making this such a great place for me to be and for my family to be, and for what you do to make the City a great place for us to live. So, we have four presentations that staff wanted to make and given what Council Member Pool said about this being the last scheduled meeting, I think it's pretty imperative that we try to get through the presentations within about 30 to 45 minutes, including questions and answers, so as to give the working group enough time to hear feedback from you all and to deliberate themselves, here in what's expected to be their last meeting. So, it might seem a little odd, in my last facilitation to sort of crack the whip a little bit more but I'm not afraid to do so. I'm not going to get fired, I don't think. And so if I am a little more of a task master that's the reason, it's not that I want to stifle discussion by any means, but just that I want to help the group get their work done. So again, four presentations with a goal of finishing before 2 o'clock, with all of them, including questions and answers, and so I'll kind of keep my eyes on the clock for that, and then we'll go back into full group discussion as we have before. So I believe that our Chief Sustainability Officer, Lucia Athens, is gonna go first. She's got the slides that says Green House Gas Emissions and Waste Management and I think she's joined by Zach Baumer.

Lucia Athens: Thank you. I'm Lucia Athens, the Chief Sustainability Officer and I am joined by Zach Baumer, the Climate Program Manager, and also Woody Raine from Resource Recovery, Senior Planner with Resource

Recovery Department. We will try to move through the information we have to share with you quickly. I do want to thank you for asking us to come and share this information. I do think it's important context for you as you undertake your deliberations. So, if we could go to the next slide. Just to give some quick context, I, as a reminder, in the Community Climate Plan, our adopted policy goal is to reach 'Net-zero community-wide greenhouse gas emissions by 2050', and that was adopted by Council in June of 2015. We did have a very collaborative process that went into creating the plan and there are people here in the room today that helped us with that on the technical assistance group that was focused on material and waste management.

Zach Baumer: Okay, so, in terms of greenhouse gas emissions in our community, and again, I'm Zach Baumer, Climate Program Manager with the City of Austin. In, this is our, the baseline community carbon footprint. So this is all emissions that are occurring in the entirety of Travis County. So in 2010 those were estimated to be 14 million metric tons of CO₂e, carbon dioxide equivalent. Over 50% of those emissions come from electricity generation and use, the second largest sector is transportation emissions, so all the transportation of all goods and services and people. But then the important one to think about in this, the context of this presentation is waste and landfills, being 3% of the total, so that's reported emissions of methane and carbon dioxide from landfills in Travis County. And today, when we're thinking about greenhouse gasses, there are numerous different greenhouse gasses, but the two that we're focused on are carbon dioxide and methane. So carbon dioxide is the one that we think about most of the time, that comes from burning fossil fuels and I put in there its global warming potential is 1, because different gasses in the atmosphere, create different amounts of warming in the atmosphere, so, and carbon dioxide is the baseline of 1. The other important one that we are going to talk about, which is associated with burning fossil fuels, as well as agriculture and landfills, is methane. So, methane is natural gas which we burn in our houses which can come from fossil fuels but can also come from anaerobic digestion of organic material inside of landfills, which then creates methane and is released. It's important to think, to know about methane, that it has a more potent effect of warming on the atmosphere. It has a shorter lifetime than CO₂ in the atmosphere, but it has between 34 and 86 times the warming power, sort of per amount, than carbon dioxide. So it's important to capture it and destroy methane. Back to the Community Climate Plan, these are the four major sectors of the Community Climate Plan that correspond with the major sectors of emissions in our community. And like Lucia said, we had a technical advisory group that worked for about 6 months, that was made up of non-profits, waste management companies, City staff, Austin Resource Recovery staff, sustainability staff, that created actions and strategies in this plan. For the four major strategy categories for materials and waste management, are listed there, so, Organics Diversion, Purchasing, Methane Management and Reduce, Reuse and Recycle everything that we can in the community. In the full Community Climate Plan there are about 40 or so, specific actions that are listed out in those categories. So now getting into the details of emissions from landfills, so, this is just a diagram, a picture of generally what's happening in a landfill. Trash and material organics, all sorts of material are buried underground and when they get buried underground there's no oxygen present. So, when there's no oxygen present organic materials anaerobically are digested and turn into carbon dioxide and methane. When you have gas being generated underground essentially, you have wells that are sort of straws that are poked into the landfill and then you basically have a fan or a blower and pull on those wells and the methane and CO₂ that's generated underground is then pulled out. So then, and the other thing that's denoted on here is that there are also groundwater monitoring wells which are typically outside of a landfill to collect anything that would happen to leak out below the landfill, into the groundwater. So, landfills are a highly regulated thing by the TCEQ and by the EPA, so making sure that all gasses and liquids and everything are properly managed is an important thing. So once methane and CO₂ comes out of wells that are in a landfill, you can, numerous things can happen with that gas that comes out. Because it's methane, like the natural gas that you burn in your house, it can be burned for energy. So, the first picture here is the picture of a landfill gas generator, so, some landfills, two of the landfills in our community have landfill gas, or that we know of, have landfill gas generators, so, they're pulling the gas out of the landfill, running it through a generator, creating electricity that they're selling back to the grid. The other option is to flare the gas, so essentially, you can take the gas

that's pulled out, light it on fire and then it turns into CO₂, and the methane is destroyed, which is good, but the energy is just wasted, just given off as heat and light into the atmosphere. The third thing there, the picture of the little robot, goggle looking thing is, it's also important to note that any landfill, even if you have landfill gas wells and are collecting all the gas you can, there is going to be some amount of leakage that happens because you can't capture every single molecule that's generated. So, most all the landfills have some amount of methane that's leaked into the atmosphere.

Woody Raine: Hello again, my name is Woody Raine, I'm with Austin Resource Recovery. And my role today is share with you some of the publicly available information that characterizes the landfills. And this is information that was collected and developed in the Climate Plan and the annual updates that come to Council. Each one of the large generating, large landfills across the country have to report a large bit of data to EPA which then they roll up into something called "FLIGHT", EPA FLIGHT; facility, large...

Zach Baumer: Facility Level Greenhouse Gas Reporting Tool.

Woody Raine: ...okay, thank you. FLIGHT. And what we're sharing with you here is some of the information for the last few years including not only those landfills that are in Travis County but also the Wilco landfill in Williamson County. So this just reveals the number of collection wells for the landfill collection, or gas collection system, and what the flow rates are, also report the total amount of greenhouse gasses that they're releasing. These are import calculated numbers, or modeled numbers and they're also reported based on flow rate, meters, flow meters, on any emissions that may be turning into energy. This is information that's actually reported by the landfills. There are people in the room that can probably explain better about how these numbers are calculated, based on the modeling of the years of disposal and the characterization of what's disposed, and how it degrades over time.

Zach Baumer: So in terms of emissions associated with landfilling, the first one that we just talked through is emissions that are actually generated inside of the landfill, and then come off the landfill, the other thing that's really important to take into account, is transportation, because we use fossil fuels to, for the majority of transportation in our community. We just did some really back-of-the-napkin sort of comparison calculations here of different scenarios of transporting waste to three different landfill sites. So, this is assuming that we have 10 trucks, making 4 trips, going from downtown to different landfills. And it's assuming that they're all using fossil diesel and they're all getting one mile per gallon. You could have different assumptions in this but essentially it just shows that the further that a truck goes, the more CO₂ that it generates. You can reduce emissions from transportation either by using alternative fuels, like using natural gas or methane, or using renewable energy to run an electric truck. So you can reduce the emissions that way. The second way is just to have less trips and/or shorter trips. I guess the last thing that's important to take into account is that the numbers here you see are less than 10,000 metric tons and the emissions on the previous slide were in the 50 to over 100,000 metric tons. So, even though it may seem like there's a lot of trucks on the road, the emissions associated with transporting materials is probably less than the emissions that are actually occurring at the landfills.

Woody Raine: Could you say something about the emission factors.

Zach Baumer: Like I said, the emission factor that is being used for diesel here is 10.2 kilograms of CO₂ per gallon of diesel and if you use a less carbon intensive fuel, that reduces the emissions right there.

Lucia Athens: So, just the last couple of slides here. We felt like we wanted to add some additional context as well around environmental, but also social impact so, sustainability isn't just about the environment it's also about social and economic issues as well. So, we don't necessarily have as much data to share with you, as we did about the greenhouse gas emissions, but, just to note that there are truck traffic impacts to these neighborhoods, creating more congestion and potentially some issues there adjacent to the neighborhoods

where these landfills are located, depending on the population, and the density, and then other neighborhood impacts that we could expect to see such as odors, dust, particulates, and other air pollutants, depending on the fuels that are being used and potential groundwater pollution, litter and pests, so, as I said, we don't have a lot of data on that but we just wanted to note that there are other potential neighborhood and community impacts. So in conclusion, just to kind of wrap up, the environmental considerations if you want to factor those into your decision making process, we could be thinking of minimizing the neighborhood impacts locally. We could be thinking about minimizing the amount of fossil fuels that are used for the transportation to the landfills and then maximizing the capture, destruction and beneficial reuse of methane that is generated onsite at the landfills. And that is our last slide.

Larry Schooler: Council Member.

Alison Alter: Thank you. For the slide on page 5 of our handout, I think it's slide 10, where there's quite a bit of variation in the CO2 emissions, is that largely because just one is an older landfill and has more stuff there so it's generating more, or is there something about the processes that are different or the degrees of recapture that explain...

Woody Raine: I think that's probably best a question directed to the landfills themselves, it's data that they report for each one of the landfills.

Alison Alter: Because it would be relevant if we, I don't know that this is the case scientifically, but if we had to choose between a certain number of landfills, and they had different capacities for the same amount of stuff, in terms of how much the emissions were, we would want to factor that, so, that's what I'm trying to understand.

Larry Schooler: Council, do you want to hear from a landfill operator? Mr. Gregory.

Adam Gregory: Thank you, I'd very much like to address slide 10. The black line there in the middle is representing Texas Disposal Systems, and it is not because we're an older landfill, we're actually a much younger landfill than the other two. The reason that it appears this way is because the model, that this is a projection, this is not a measurement. It's a very clumsy model that does not take a lot of things into account like the type of cover used, the local organics diversion programs going on, liquids in there, the amount of dry entombment that you're achieving. The reason, and it credits, gives you a lot of credit, for installation of additional wells. We're installing all the wells we need to keep up with the gas, but we've been so successful with our organics diversion program that we're not generating enough gas in reality to justify a gas to energy plant just yet. We are very much looking forward to utilizing that but currently we collect and mitigate, and so this formula, it kind of penalizes you for doing well in avoiding gas generation, so, in reality I would say we feel very certain that those much older and larger landfills are producing much more greenhouse gasses than a younger landfill that has always had aggressive organics diversion program and has incredible soils and daily cover practices that entomb the waste and prevent the migration of gas.

Alison Alter: So, you're..

Adam Gregory: So I have a detailed scientific explanation I'm happy to provide to you, it's in writing, because we've dealt with the problems with this projection, which doesn't take into account local factors.

Alison Alter: Okay, I would like to see that, but what you're saying, and I'm sorry if I had the lines confused over who was who, so you're saying that this is exaggerating the amount of gas emissions that are projected because of...

Adam Gregory: Absolutely.

Alison Alter: ...the formula and you have different procedures?

Adam Gregory: Yes ma'am.

Leslie Pool: And is this, I don't know if Adam can answer, or maybe our staff, you've got the EPA logo on there, is that because, and CFR the federal regulations, this is a federal... is this driven by federal rules and calculations?

Zach Baumer: Yeah, there's a federal greenhouse gas reporting rule for point sources in the United States.

Leslie Pool: Okay, so we don't have to add to our agenda of things to fix the calculations...

Zach Baumer: No, and there is... and I think what he's getting at is that there are two methodologies basically, by which you can report emissions. One methodology is using calculations which you put in inputs and it gives you a number. The second option is collecting flow measurements and having actual concentrations and reporting more specific measured numbers of the landfills, of the landfill emission, gas emissions. I think the landfills that are reporting lower emissions are the ones that are measuring, measuring and reporting measured data.

Leslie Pool: And you would say that those are closer to the actual emissions levels?

Woody Raine: I don't know about national.

Zach Baumer: Actual.

Leslie Pool: Yeah, actual.

Woody Raine: Oh actual. The ones that are recovering it and producing energy are all nestled down there below but the results are a closed landfill which does not, and the Wilco landfill that's down at the bottom, also does not generate electricity.

Leslie Pool: Thanks.

Alison Alter: I missed part of what you just said, so you're saying that the ones that are on here at the lower level are also the ones that are, you have measurements that they have lower CO2, not just the projections or...

Zach Baumer: The reporting that's shown on the EPA website, shows that those landfills are collecting flow data and sampling and more measurement, more specific data to come up with lower numbers and the higher bar on the chart is displayed because it's using their estimation calculation, not measuring specific...

Alison Alter: Okay, so these are capturing two different methods in the same chart.

Zach Baumer: Yeah and they're both in compliance with...

Alison Alter: They're both in compliance but they are two different measures, one's a projection and one's based on real data, and what Mr. Gregory is suggesting, if we had the real data, which they don't have, it might show a different...

Zach Baumer: It might show a different measure... yeah.

Alison Alter: Thank you.

Leslie Pool: I had a couple of questions for y'all and then we can see if anybody else does, and then we can go to the next briefing. Does the landfill gas collection and usage approach, where it's anaerobic, does it allow for oxygenation at all? Or is that just, has that never been a consideration?

Woody Raine: I don't know what that means.

Leslie Pool: Well I was looking for a way to make it anaerobic where it would be, like when you compost refuse out of your kitchen, you turn it and it turns into soil on a smaller scale, so maybe this kind of trash doesn't break down as quickly as the vegetable waste.

Woody Raine: Similar to what Adam was discussing a while ago, the landfills today are pretty much entombed, so that oxygen is kept out as well as moisture and that does foster anaerobic decomposition.

Leslie Pool: So introducing oxygen would not aid the decomposition or reduce the amount of methane that comes out the...

Zach Baumer: No, but sort of what you're getting at is that if you just keep the organics out of the landfill and if you compost them, in an aerobic setting with oxygen, then you don't generate methane.

Leslie Pool: Okay. So, if we have, if we're better at separating out the organics then we have a much better outcome.

Zach Baumer: Yeah, definitely.

Leslie Pool: And then I was just going to say, on the top of page 6, which is the transportation emissions, Council Member Kitchen is heading up an effort on electric vehicles and so forth, and I think you mentioned that it may be possible to have alternative fuels in the trucks.

Zach Baumer: Yeah.

Leslie Pool: Is that something that's happening already or is that still...

Zach Baumer: Yeah, I'm not, we would have to, you would probably have to hear from the haulers about how far that technology has come, I'm not sure if a plug-in electric waste hauling truck is available right now, it might be. It might be and if it's not now, it's probably coming soon.

Ann Kitchen: Yeah, I was just gonna say that the City has adopted a plan for fleet electrification starting with the smaller vehicles, so I know our City is looking at that, our fleet is looking at that, but it would be interesting to understand from our haulers what the potential is in the future and if there's ways in which the City can support that. The EV challenge program that we're looking at right now is focusing primarily on bus systems, but, you know, as we become aware of and look more to available funding, it would be interesting for us to understand what the potential is.

Larry Schooler: I want to suggest that we go ahead and move on to the next presentation and if anything else comes up, we can ask it after the presentations are concluded. Thanks to Sustainability.

Lucia Athens: Thanks again.

Larry Schooler: And I think that takes us to biosolids, with...

Leslie Pool: And while they're coming up. This is on out in the atrium, so if it's getting a little crowded in here, y'all can sit out in the relative comfort in the atrium too.

Daryl Slusher: I'm Daryl Slusher, Assistant Director with Austin Water. I'm up here to help answer questions. Later our presentation is gonna be done by Judy Musgrove, to my right. She's the Division Manager of Process Engineering with Austin Water and has been with the utility for 25 years. Judy.

Judy Musgrove: Good morning, or it's afternoon, isn't it. I'm here to talk to you about biosolids process. I'm not sure how much time my presentation is so I'll probably talk pretty fast. First, a quick run through the process of how biosolids work. It's kind of small to see that but the biosolids begin their journey as sludge in the bottom of the clarifiers at the South Austin Regional Plant and the Walnut Creek Wastewater Plants. The

sludge is then pumped over to Hornsby Bend, it's screened, thickened, digested and dewatered. Digestion is the process that turns our sludge into biosolids with a regulatory designation of Class B. This transformation happens through anaerobic digestion, which is a process that significantly reduces pathogens, which is PFRP. The biosolids then either are land applied to fields or are mixed with yard waste delivered by ARR, and made into compost. The other Texas cities, I thought you might want to see how they're treating their biosolids. We're on top there, compost & Class B land application. Dallas, Denton, El Paso, Fort Worth, I mentioned Denton, they're not the same size as the other cities but they're doing 100 % compost, but they are a small city. The City of Austin prides itself as not going to the landfill as an option, we had that option available to us but we haven't used it in at least 30 years that I'm aware of. We started the Dillo Dirt program in the 90's and we were cutting edge for a utility at that time. We were land applying and making compost, and both are considered beneficial reuse so we were touted as leaders in the environmental community. We were beneficially reusing 100% of our biosolids which was unusual back then. Non-Texas cities, Boulder, Denver, Eugene, Portland, they're all doing a variety of things, but a lot of them are doing land application. So, why are we here today? We went before Council in August with a proposed contract to handle the biosolids at Hornsby. Council postponed the request, asking us to go back to the Water and Wastewater and Zero Waste Advisory Commissions and work with them to produce, develop policies and ensure our contract fits with those policies. A joint working group was created out of those two commissions. A group of 6 came up with a recommendation of 11 policies. The triangle was the, an upside down triangle, was the lynch pin of those policies and they all revolved around the hierarchy of the uses. Class A compost is the goal, without incineration, and the other ten policies address testing, screening, emergency conditions, odors, labeling, Dillo Dirt use, piloting new technology, communication with other departments, and the source of the bulking agent. So they addressed a variety of policies. Austin Water's goal is to treat the sludge and then move the material offsite as efficiently as possible. We are committed to being as environmentally progressive as possible while remaining operationally effective. The City is growing and so is the amount of sludge produced, so whatever method or methods we choose to beneficially reuse our biosolids, we have to make sure it can handle the biosolids we have now and those yet to come. Our concern is that the market doesn't exist in Austin for 100% of our biosolids going to Dillo Dirt quality compost. We've had a lot of difficulty in selling it, but we do agree that we should ask for proposals to convert 100% of the biosolids into compost. We recommend to Council that contractors be allowed to propose a diversification in the type of compost produced to broaden the categories of buyers they will have for the compost. This will also give us additional responders for the RFP. Austin Water would ask for an inventory management plan as part of the R, of the proposal, for the compost and any compost produced would need to meet the Class A requirements, using the process to further reduce pathogens, the PFRP, and it will need to be screened before final use. This is our schedule. It looks long but we have a lot of steps we have to follow. If we get policy direction in June, then we are going to ask for input from stakeholders in the two Commissions, Water and Wastewater and Zero Waste Advisory, through the months of July and August, with the typical process of purchasing, starting at that point and then ending with a recommended proposal going back to the two Commissions, hopefully by December and January. That would give us time to go to Council and then have a new contractor onsite by April, giving us a transition period to move from one contractor to another. In order for us to keep on schedule and any revisions to the Austin Lobby Ordinance, Anti-Lobbying Ordinance that Council wishes to have in place for this solicitation would need to be adopted by mid-September for us to stay with this schedule. Otherwise we'll be with the existing Anti-Lobbying Ordinance. That's all I've got.

Larry Schooler: Council Member Alter.

Alison Alter: Thank you. So, as I'm understanding it, you need policy direction now, with respect to the biosolids contract, you need resolution of the ALO Ordinance no later than September, if we're going to change it for this contract, is that...

Judy Musgrove: That's our schedule, yes. There's, you know, different ways to kind of move our schedule around. We have... the Zero Waste Advisory Commission, Water and Wastewater Commission meet on the same night and so I have them split apart one month, and then the next month if we had special meetings or a joint meeting, could kind of squish that in a little bit, but yes, to meet the schedule we have right now, mid-September would be a great time to have a resolution on the Anti-Lobbying Ordinance, if there was a change to it.

Alison Alter: And what are the constraints on the current contract with respect to that time table?

Judy Musgrove: The current contract is in holdover phase and it will be, it's through the end of March 2018, so we have 'til then.

Alison Alter: And then, so it seems like a big part of this debate is over what we, what kind of biosolid product we want at the end. Can you go into a little bit more detail to help me understand, when you say "other compost products", and what some of these trade-offs are. I'm hearing that you're not able to sell the Dillo Dirt and so we might want to diversify the market that we're appealing to. I'm not really understanding what the range of options are for those other materials, and what the trade-offs of those materials versus the Dillo Dirt might be, say, in terms of odor or in terms of other things that I don't know about, you know, for neighbors or other stakeholders that we'd be concerned about.

Judy Musgrove: Well, right now, the contract we have right now is for land application, Class B and then also composting and we...

Pam Racey: Can I ask you a question real quick? Can you say who the contract is with?

Judy Musgrove: Synagro, and they're... part of our agreement with them was that it would be an agricultural use compost because we didn't want a competition with the Dillo Dirt. We didn't want them selling to the same people we sell to and then hurting ourselves even more. So, they developed a compost that was attractive to the farmers that would use it on their fields and they developed quite a market for that. Synagro is here, they can probably speak to that more than I can, but, they've been using that compost on our site and we've had no odor complaints and there's been no problems with it as far as we know. We haven't heard any complaints from any of the landowners that have taken it on, but it meets Class A, it's just, it's not cured as long as the Dillo Dirt is cured. We keep Dillo Dirt onsite, well, when we can't sell it it's onsite for quite a while, but it cures for eight to nine months or more, and so that's quite a lot of time to have curing piles sitting onsite. But we don't necessarily, we're not proponents of the agricultural market necessarily, we just... compost can be as a designated use for any market, it could be right-of-way for TXDOT, it could be land for the farmers, it could be, you know, any designated use so, but we would like the contractor to be able to have the option now, the best proposal may be 100% high quality compost. If they have a market, that would be fine. We just want to open it up to as many respondents as possible to have the best solution for the City. And it just makes sense to us that diversification is better than having all your eggs in one basket, for the type of compost you're using.

Alison Alter: So if you limit it to only Dillo Dirt, then we're limiting the applicants who would be trying to...

Judy Musgrove: Well, I think anybody can do only Dillo Dirt, the problem is the price will go up because they'll have to give it away or truck it somewhere. I just don't think the market is in Austin area for the 100% Dillo Dirt. That's... it's just we've had a hard time selling it.

Alison Alter: Do we have uses for that Dillo Dirt internally? I know I ran a park project and we used Dillo Dirt. I know it's not on the scale of some of these things but I remember we were charged for that, you know, and it was for a City Park. How does that work?

Judy Musgrove: We've tried. We've marketed it to the other departments, free, come and get it, we'll even deliver it, and it's just been difficult to get anyone to use it. I don't know. I don't know if they don't think about it or if it's just there's not that many uses for it, but we've talked with the Parks Director and she's encouraged them to use it. And we do have an agreement with Parks, they use it in the planting of their new trees, it's just not enough for what we produce. We have a lot of biosolids in our site.

Alison Alter: Sure.

Judy Musgrove: And the City use wouldn't even be enough to make a dent in what we've got coming in.

Alison Alter: But you are doing that within the City and you're not charging other departments within the City that want to use it.

Judy Musgrove: We have several donations that we give Dillo Dirt to.

Alison Alter: Okay, thank you.

Larry Schooler: Go ahead.

Pamela Racey: Pam Racey with Synagro. Just to reiterate what Judy said, as a marketer of compost, we find it most desirable to have access to multiple markets. As you guys know, it's the law of supply and demand, the more potential users you have, the more you can drive value from the product and if you only can have one product and one market to go into, you don't have redundancy, you have a higher risk program, you have lower reliability and each of the uses is unique but beneficial. I mean, soil blending is one of the things that maybe wasn't mentioned that is a great use to restore topsoils, as well as, you know, highway restoration projects, mine reclamation, agricultural use and of course horticulture and residential use and they're all good and high uses of the compost. And, you know, why limit yourself and make it more difficult or more expensive, when they're all good?

Larry Schooler: Council Member, I know Mr. Dobbs wants to speak but I think it might be prudent to get to the other two presentations first. What would you prefer? Any preference? Go ahead Mr. Dobbs.

Andrew Dobbs: Yeah, thank you. I'll keep it brief. I just want to make sure that we clarify, that maybe early on as we were learning about this we spoke in terms of everything needing to be Dillo Dirt, but I think as we've moved forward nobody thinks everything has to be that exact quality and style of compost, you know that we recognize that there are other types, we, our major, and I want to flag this here, our major concern is that there's stuff that everybody calls biosolids and everybody recognizes as being biosolids. There's stuff that everybody calls compost, and recognizes as compost. There are some materials that are in kind of a grey area, where some people would consider them to be compost materials and other people would consider them to be closer to biosolids. And what we're concerned about is just making sure that the City of Austin has a bright line that reflects our values and our interests so that we are, you know, raising everything to that level. And whether that's... Dillo Dirt would clear that, there are other products that would as well. We just want to make sure that we're... and we're totally happy to see a diversity of products because we recognize the need for diversity in the market, but we just want to make sure that we're clear, that we're not saying everything has to be Dillo Dirt, we're just saying that everything has to be compost, and the City of Austin needs a definition of that that meets our interests.

Delia Garza: I have a quick clarification question, the slide that gives the... so the current, remind me, the current contract, so some of it is the land application and the rest goes to compost. And the current contract is to Synagro for the land application part?

Judy Musgrove: They do both.

Delia Garza: They do both. What was the change that came before Council that kind of spurred all this?

Judy Musgrove: The contract expired in November and so we were trying to get another contract established. We were able to hold that contract over 'til the end of March, but we can only holdover, Purchasing can answer that better than me, but we're just still under the current contract.

Delia Garza: But I thought there was some change to it that spurred this conversation, that there was going to be *more* land application.

Judy Musgrove: No, well we went for a Request For Proposals allowing anyone to produce, to propose anything. We were just looking for the best option. That could have been more Class B land application, at the time we just were going to continue with what we've been doing, but the best proposal was 100% compost, so that's what we brought forth. Since then we've realized that we were a little out of touch with the community and that everyone is pushing more for 100% compost, and we're fine with that, and so our next proposal will be, or Request for Proposals will be, for 100% compost.

Daryl Slusher: Council Member you might also be thinking about the sales of Dillo Dirt had dropped dramatically over the last few years and that was one of the reasons we brought this new contract forward and asked for a broader range, or asked people to tell us how we could best handle it this, biosolids.

Alison Alter: But, the proposed contract that got nixed was for 100% compost...

Judy Musgrove: Correct.

Alison Alter: ...and, by some definition. And what definit... what was not, what was proposed that doesn't fall under somebody else's definition?

Larry Schooler: I know Commissioner Blaine is trying to jump in as well on this.

Joshua Blaine: Yeah, it's mostly an answer to that question. I feel like this issue that came before ZWAC is sort of representative of the confluence of all the things this Working Group has been talking about, because we were being told it was 100% compost but there's a lot of uncertainty about how that was happening, and there was claims that they were making compost, kind of to Mr. Dobbs' point, with an ill-defined specifications in 4 to 6 weeks, and we were all sort of saying, 'well how are you going to do that?' And then that became proprietary information that we couldn't get access to, so that's where sort of this Anti-Lobbying came in. But it really came down to what Andrew Dobbs just said, which is that we didn't feel that it was strong enough, there wasn't strong enough language or protection, so to speak, that we would actually get a compost that we felt comfortable with. It felt like, you know, they were doing what they needed to do to make sure they could sell it, but not giving, at least not in the language that we saw, assurances that it would meet a strong definitions. I also want to mention that we have the Commission recommendations from the Joint Commission, but I'm pretty sure this came back to ZWAC as a full Commission, after that little Working Group. And I think we had an additional set of things that we commented on this, so I would love to see that, just cuz I know this is what we're looking at, but I think we did make some additional comments on these eleven recommendations.

Larry Schooler: I see Commissioner Turrieta's, hand, someone needs to give her a microphone so she can be heard and then Council, I really recommend we move to the next presentation.

Susan Turrieta: The agreement that the Joint Working Group came up with is what you have in your packet today and that was, is actually very much in line with what the Utility is requesting right now. They are within the guidelines that was developed by the Joint Work Group. After this Joint Work Group created these guidelines and voted on them, we took them back to our respective Commissions and the Water and Wastewater Commission voted it through and the Zero Waste made their own personal changes to it, which I don't really feel is a very good representation of partnering between the two departments, to be quite honest.

Larry Schooler: Commissioner White.

Kaiba White: I just wanted to quickly respond to Council Member Garza's question about the difference. My understanding was that the difference was that currently the City is doing part of the work and Synagro is doing part of the work and that the new contract would have Synagro doing everything. Is that not....? That was my understanding.

Judy Musgrove: Good point. I guess we forgot, or I forgot to mention that we stopped doing Dillo Dirt quite a while ago. We just couldn't make enough, or couldn't sell enough to get rid of it. So we now still have 16 curing piles onsite that could be Dillo Dirt, that were made by City forces, taking up all of the old pad and a little bit of the new pad where Synagro is using the rest of it. But that's correct, originally with the contract we're under now, we had, we were using the old pad and they were using the new pad but now, the new contract, it would be 100% by contractor, just because we aren't marketing geniuses and we can't seem to sell our product, so it just made more sense to farm it all out. Thank you.

Kaiba White: Yeah, so I think that basic issue of whether or not there should have been a policy discussion about privatizing something that the City is doing in-house was another issue that came up with that.

Larry Schooler: Thanks to Austin Water, we'll move to Austin Resource Recovery's presentation on the Special Events Service, which is the blurred picture of a truck.

Jessica King: Good afternoon Commissioners, Jessica King, Austin Resource Recovery. The question posed to you today, regarding Austin Resource Recovery specifically, is regarding the provision of waste management services for special events. Currently, so just the lay of the land for where we are right now, events that are not official City co-sponsored events contract for their own trash and recycling services with their own preferred vendor. We, ARR, does offer but we do not require services to events that are co-sponsored by the City of Austin. And just one more thing, to clarify what I mean by co-sponsorship because it's so not clear, when we look, when the Department looks at co-sponsorships, we are looking at a Resolution that has been passed by Council specifically stating that it is a City co-sponsored event. So there is documentation clarifying that. So ARR's Special Events Services, include coordinating dumpster service, using City facility dumpster contracts, providing litter abatement services, such as managing trash diversion containers and street sweeping. These services are provided by the Department, which enables the City Council to waive the fees associated to those services. And there was a Resolution back in 2009, related to the background and this evolved during discussion about how to green events, and originally when the Zero Waste Resolution had passed and the City was moving towards a zero waste community, the idea of requiring special events to have recycling services and other greening initiatives was discussed and there was significant discussion around the fact that City co-sponsored events did not provide those services at the time. One of... a couple of key recommendations during that Resolution discussion was in order to green activities at events, especially with regards to recycling, is pairing containers – making sure that you have a recycling container next to a trash container, and in particular, monitoring those containers. Education outreach in advance, things like that, were also discussed. But the key thing that kind of brought the issue to a head, was the services required from a staffing perspective to monitor those containers. And so the Resolution came through that said, 'Austin Resource Recovery, please provide services to these special events for recycling', and the idea was to test and evaluate some of the recommendations that were provided at the time, which included providing services to monitor the containers, because as anybody knows, I've been one of those people who had to dig out of the recycling bins, but people do not - they don't care, as they're walking through, whatever container is there, they're just throwing. So it gets a little, the contamination issue, especially with regards to organics or composting, becomes a heightened issue. So, we wanted to make sure that that was clear. So, the policy consideration in front of you now is, 'Should the Department continue providing waste management services for special events?' There are clearly Pros. It allows private vendors to compete to provide services for these events, because, as the Department has admitted, we are competing with services in the area. Events have grown significantly, as you all well know, over the years with the City and so we are in competition with these private service providers. The Cons, if ARR is not allowed to provide, or no longer directed to provide services for these City co-sponsored events in particular, this would eliminate the ability to waive fees for those events. So, I want to draw your attention to a table that we discussed and that we prepared, it was requested, and this is also online so I apologize for the small font, but if I could draw your attention to kind of midway through, South By Southwest [SXSW] is something we haven't talked about. We know that the ability for the Department to provide coordinated services for a variety of events is that ability to waive, and that is a key component. Previously there was discussion about 'Why would the City want to, or why would an event want to use City services or coordinate, or have coordinated services by the City?' And there are a variety of reasons, mainly, especially small events, you tend to deal with a very small staff who don't have the time to manage every single detail related to an event, they're stretched thin, and to be able to say, 'That's one more thing I don't have to worry about,' that is a huge relief that I've seen among some of the organizers. But, the waiver of the fees, we've posted our fees, it's very clear, anyone who wanted to compete could easily have an edge against us to bid at a lower rate and submit a bid to those event organizers to go with the lower fee, so that is an option, but again, the City does not require any event organizer to utilize City services for their special event. SXSW is a very unique situation. Because of the mix and mingle of how that event occurs across the City, it is in the downtown urban core, so if you'll look, in a little bit more detail, there's about \$210 thousand of litter abatement, and what that really means is that our guys on the street, on the ground cleaning up, street sweeping. During South By, we are, these guys are awesome. They go from, they are basically 23 hours a day. And they are on the ground 23 hours a day, providing services to keep the City as clean as possible. So, they're not just located in the urban core either, they do end up having to spread out a little bit beyond the designated area and we do a lot of coordination with Municipal Court, for areas like Rainy Street that are outside of the Central Business District, but that's where the heavy weight is. Dumpster service for the downtown area is ramped up under the downtown contract which is currently held by Texas Disposal Systems, so those facilities that require additional dumpster service, we increase the number of recycling dumpsters as well as the number of trash dumpsters, for facilities that are located within that defined district that is under the contract service area, and so that is handled by the current service provider which is Texas Disposal Systems. But if South By, or if the City were not directed to continue providing services for these events, we would have a big

challenge in the South By situation because of how expansive that particular event is. And then of course, all the other smaller events which have challenges on their own right. So, I'm available for questions.

Larry Schooler: It's not really my place to ask one, but I have to say that on 28, I was a little confused, so I'm going to challenge my colleague on my last day.

Jessica King: Sure. On your last day.

Larry Schooler: Well, cuz it says that, I'm assuming that under Pros, what we're talking about is the continuation of ARR providing the service and so I didn't understand what it meant that continuing to provide the service would remove us from competition and allow for private vendors to compete for the service.

Jessica King: Yeah, I guess that... so the complaint by service providers was that we were a competition. We were competition for them, so by being directed to *not* provide service then we would eliminate that concern.

Larry Schooler: By being directed to *not* provide service.

Jessica King: Exactly.

Larry Schooler: So that, okay.

Jessica King: So if that's written wrong, that's the clarification there. If ARR doesn't...

Larry Schooler: So this is a set of Pros and Cons for *not* being, for having ARR *not* provide the service anymore.

Jessica King: That is correct. Yes.

Larry Schooler: Okay. A little slow on my last day. Questions for Ms. King? Council Member Alter.

Alison Alter: Sorry, so it seems like this is a lot about South By, and their particular... can you tell me a little bit more about some of the particularities with South By because it seems more than just a question of whether we can waive the fees, I mean, part of what makes South By such an incredible addition to our community is the way that it galvanizes all sorts of other things around it, which would be hard to hold South By accountable for that, but then if you have all of these having to do the services at once, we could end up with some really messy streets, which could create all sorts of problems. So, I mean, there is another solution that is solved by this other than the fee waivers, which I think is part of the reason why Council in past has opted to do this. So can you illuminate a little bit more some of those dynamics for us?

Jessica King: In terms of South By specifically?

Alison Alter: Well I mean, if I'm looking at this, that is, I mean, that's the only one, I mean, that's the one that's of significance that you would be concerned about.

Jessica King: Mainly because if the Department is no longer providing those services, we would have to be very clear about who would. In the downtown area, for litter abatement services – so the distinction between the dumpster service, which I think brought this issue to light – litter abatement services is street cleaning and litter control containers, and so to have a private entity do that in a situation where there are not clear boundaries, and how far who goes where, there is a lot of confusion that could occur. There is some now. I remember when Formula One was in town the very first time, there were certain areas that were cordoned off and through the cordoning off, there were clear and distinct boundaries, but, it was clear that if you were the event organizer for that particular event, who took responsibility for cordoning off the area, you were responsible for the waste management within that boundary. But with South By, it is spread across the City. And there are situations where there are boundaries but then you start to deal with, because of the flow of traffic, and not cars, but people, the movement of people from one event to another and the overlay of all those events, creates some confusion. So theoretically, the ideal situation is to have one service provider, provide that level of clean up in the area, and from the dumpster perspective that's what we do. From the litter cleaning and the street cleaning perspective, that's how we handle things too. Did that help? I'm not sure.

Alison Alter: It does. I'm just trying to understand why we're being asked to deal with this question, cuz it doesn't... I mean, I'm not sure that I understand what the... I guess I'd like to better understand what the alternative is to ARR

providing it? I understand there may be debate over whether the City wants to waive the fees for it, but I'm not fully understanding the private alternative to this and how that would play out for that situation which seems to be, you know, I'm not really sure that making a decision over 10 thousand dollar waste issues is the proper role for Council.

Robert Goode: Maybe I can weigh in, Robert Goode, Assistant City Manager. I think you hit the... the big issue is South By. I think the rest of them are much more minor, but that's the big service that South By could, if we didn't provide that service, they would have to go get that from private vendors. And I think that's the issue; Why is the City providing that service for that event? Council has chosen in the past to say 'City staff, we're going to waive the fee, and you're gonna provide the service.' The question we're asking this panel and eventually City Council, 'Do you want us to continue that policy? Or should South By be required to?' We would have to be seriously engaged in making sure that that service is provided adequately, but should they be required to seek that service from private vendors? That's the, that's the question.

Alison Alter: South By is not one mono... I mean it happens at one time period, but it's not a monolith in the same way that ACL is.

Robert Goode: That's right, that's right. But they do have services that they would have to acquire for their events, that we provide for free now, essentially. So they would have to do... we would still clean the downtown streets, that's our function, but there's some things that South By would have to seek service from the private vendors if Council chooses to go that route.

Jessica King: And just generally the question was posed, by the service providers, 'Why is the department providing services for special events?' That was something that was discussed heavily at the Zero Waste Advisory Commission, and you have Commission members here who can probably speak to that.

Larry Schooler: It is certainly possible to continue this discussion now with people like Commissioner Blaine and Commissioner White. You do have one more presentation left. So I'd rather the discussion take place after that occurs, despite that fact that I know there are important comments to be made, if that's okay. So, thanks to Ms. King and Mr. Goode. I think Mr. Scarboro will be last, Status of Pending Items. And then we will come back to the folks that wanted to weigh in.

James Scarboro: Good afternoon Council Members, Members of the Work Group, James Scarboro, Purchasing Office. I was asked to, just to facilitate your discussions and do a very quick overview of the items that kind of brought some of these policy issues to the concern of Council and to this Work Group, just to perhaps give you some considerations, as we go into these final discussions. So, very quick. Particularly for ARR, we brought forward a solicitation for citywide refuse, recycling, organics and special waste collection. This solicitation was issued back in June of last year, and closed at the end of July in 2016. We brought forward an RCA to Council on December, as well as February, twice, and then ultimately the item was not approved. Current contract with Republic is on holdover, and is good through December 31st of 2017. The next contract is for the expansion of residential organics collection program. This solicitation was issued back in May of 2016 and closed at the end of June of that same year. Staff brought an item to Council in March and, excuse me, 2017 and this item has been postponed indefinitely. The offer is still valid. The current contract, the pilot, is on holdover through October of this year. The next contract is for residential dumpster collection for duplexes and fourplex customers. This solicitation has not been issued. It is on hold until the policy decisions of this Work Group. The current contract with Waste Management is on holdover, it is good through November of this year. For Austin Water, the management of biosolids reuse, this solicitation was issued in April of 2016, closed the middle of May that same year. Staff brought an RCA to Council, in August, twice in October, and in December of 2016 ultimately that item was withdrawn, the current contract is on holdover and is good through March of 2018. Finally for the sale and removal of compost materials, the solicitation was issued in March 2016, closed in May, of the same year, staff brought item to Council in August, twice in October of 2016, and the item was subsequently withdrawn, the offers have expired. There is no current contract, currently there are 14 compost piles that need to be removed. There was a recent fire, in May, just a few weeks ago. To reduce the risk of further fires, staff were involved in selling of the two oldest piles. This was done under emergency exemption, this was done this week to mitigate future risk on the very short term, staff intend to issue a small dollar solicitation; has issued to sell just two more piles. The solicitation closes, offers are due by the middle of June, June 13th, 2017 specifically.

Leslie Pool: James, can you go through these? You mentioned Republic was the first one, and I think it's Organics by Gosh for the second.

James Scarboro: Yes, my apologies.

Leslie Pool: And then you've got...

James Scarboro: For the expansion of residential organics collection program the current contractor is Organics by Gosh. For the residential dumpster collection for duplex and fourplex customers, current contractor is Waste Management, and for management of biosolids reuse, the current contractor is Synagro.

Leslie Pool: And then the last one?

James Scarboro: The last one, there is no current contract. We are just selling...

Leslie Pool: So there...

James Scarboro: Yes.

Leslie Pool: So Synagro is management of biosolids reuse, Waste Management is residential dumpster. Organics by Gosh is the residential organics and Republic is the citywide refuse?

James Scarboro: Yes ma'am.

Alison Alter: And citywide refuse is just from the City facilities. Is that correct? When you talk about citywide refuse, that's referring to the City facilities' refuse, because we don't do the commercial? You mentioned here selling it? Is there a reason we can't just give the Dillo Dirt away and not have to host it?

James Scarboro: I'll have to defer to my colleague at Austin Water.

Judy Musgrove: Once we screen the curing piles it becomes Dillo Dirt. We have a fee schedule that lists \$10 a cubic yard for Dillo Dirt, so we can't just give it away because it's actually got value. So once it's screened, what we've been doing is selling the curing piles, which do have some value, or they did, so we've been advertising those just enough to get us some room on the pad to be able to move around. We've got actually 16 piles and we need to sell some of those, and so we've got a small solicitation out.

Alison Alter: But, like, UT has lots of land, and I mean, I don't know that we can...

Judy Musgrove: We can give it away to a worthy, like a non-profit, yeah, we do that. We've been... all they have to do is apply to us, and we evaluate their request and then we've been giving – like the Pease Conservation Society, they got some Dillo Dirt recently. But the problem is, they have to come pick it up or they have to hire a trucking company to get it, so that's kind of been the problem up to this point, if it's a non-profit, they typically don't have their own trucks, and it's difficult for them to pick it up.

Alison Alter: But if we're having trouble because we're storing it and there are people who could use it, I mean, we have the trucks, I mean...

Judy Musgrove: Well, we – Austin Water doesn't have the trucks, but, yes, we've thought about, you know, trying to do something, you know, where we could hire trucking companies – it's just, it's not... our core business is treating wastewater and treating sludge, and it's just difficult for us to deal with this other end of it, that it would be – seems like it's a good division point to push this off on a company to handle the marketing and selling. But, I mean, we could give more away in donations if we had the worthy, you know, people to get it, but, again, that just makes a small dent in what we've got to, you know, what we've got to get rid of. We've got... these piles are huge. So...

Larry Schooler: Other questions? Yes, Council Member Kitchen.

Ann Kitchen: I appreciate the difficulties that you're having with, you know, giving it away. Maybe it would be helpful if you could help us understand – you don't have to do this now, but maybe provide to us some more information about what non-profits we have had contacts with. So...

Judy Musgrove: Yes, we can do that. We've got records of all the non-profits that have been getting Dillo Dirt and how much they received.

Ann Kitchen: Well I'm curious if anyone has asked for Dillo Dirt but hasn't been able to receive it, and what the barriers are. I mean you just mentioned some of the barriers, but it would be helpful for us to understand which organizations we're talking about.

Judy Musgrove: Okay.

James Scarboro: Council Members, if I can clarify. It comes up from time to time in procurement, the question of disposition of surplus property, and the giving away of government property. Typically, regulations would prescribe that this property be sold. When it's given away, typically there's a question as to who it was given to, what were the grounds of the gifts, and were there opportunities for others to partake in that gift. So in this case, if we were to contemplate anything other than competitive sales, we would need to consult with Law and review applicable statutes before doing so.

Ann Kitchen: That would be helpful. I'd like to understand that, and, yes, I'm familiar with those kind of constraints, but I think it could be a useful question, probably wouldn't take an inordinate amount of time to determine what the scope of the possibilities would be.

James Scarboro: Very good.

Alison Alter: Does AISD also... I mean, I don't have the, I'm not sure that I'm connecting the dots of, you know, how much there is and how much could be used in places across Austin, but it seems to me that we're hiring somebody, that we're paying to do something that we could somehow be giving away and at the very least be helping people in our own community, and they're not based in Austin, and they're getting the benefit. I'm just having trouble.

Judy Musgrove: We had as part of our Request For Proposals, the fact that we wanted to continue the donations that we've been doing. But the most we've ever given away one year has been cubic 10,000 yards. We, one pile is 8,000 cubic yards. So it's just... and that's over the course of a year we gave away 10,000. It's just... the volume isn't there.

Larry Schooler: Any other questions for Purchasing before we let them... is that a question Mr. Gregory?

Adam Gregory: Yeah. I've got two questions. Would it be possible to do some sort of auction process, if we untethered ourselves from the fees established by Council, similar to surplus property, how it's frequently auctioned off through a service, for that material. Because you could perhaps get more people interested, and the ability to buy more material at different prices with an auction type, online auction type of deal. And also, another question; with the IFB that came out on Monday, I believe, for the purchase of 8,000 cubic yards, will the Anti-Lobby Ordinance apply to that?

Judy Musgrove: We don't have the Anti-Lobby Ordinance in that, because the estimate was that it wouldn't be high enough to go to Council, and we were advised that it didn't need to have...

Adam Gregory: Well, it's money going to the City, so I don't think it would have to go to Council regardless of the number, but, so it's just in the past that has been the case, but there, it's been insisted by that staff that the ALO would apply. So I would request a clarification to those who received the notice of the solicitation, that the Anti-Lobby Ordinance will not apply to this IFB, if that's the case.

James Scarboro: We can clarify. There's two different issues here. One is the amount of the resulting contracts falls under the amount that would, staff would typically take items to Council. The other issue is that this is a sale, so it's a revenue. It's not an expenditure contract. So the point being raised – this has been raised in the past – do expenditure, excuse me, do revenue contracts need to be brought to Council? And we have, staff have, historically, brought revenue contracts to Council as a matter of practice. If Council has other direction in that regard, then, you know, staff is willing to listen. But so as to be consistent, we have applied Anti-Lobbying to both solicitations for expenditure contracts and to solicitations for revenue contracts. So that might be something that Council wants to consider, if they do not want to apply Anti-Lobbying to revenue contracts. But the current Anti-Lobbying Ordinance provides staff the discretion to apply it when there is a question, and we have applied it to be consistent for both expenditure contracts and for revenue contracts. So, just to add that clarification.

Larry Schooler: So it *would* apply in the case Mr. Gregory is speaking of?

James Scarboro: Under that one circumstance it would, but because the amount of the sale is small, it will not.

Larry Schooler: I see.

James Scarboro: So it is not – we’ve fielded that question already, but we’ll glad to make that clarification again in this solicitation. Anti-Lobbying does not apply to it.

Larry Schooler: To this particular IFB that he’s speaking of.

James Scarboro: To this particular one, right.

James Scarboro: Excuse me. Because we’re talking about an active solicitation, I have to caution that verbal comments about an active solicitation should not be relied on. We will, we are glad to make that clarification – solicitations are iterative processes. They change while they’re on the street, and so to say something affirmatively about it at one point is kind of a reliance on the information that is currently available at that point. It could change. We are glad to make that clarification in an amendment to that solicitation. I just – any time we talk about a current solicitation on the street, I have to make that distinction.

Larry Schooler: There was another question he raised about the possibility of an auction.

James Scarboro: When we do these solicitations now, as an Invitation For Bids, it is an invitation for a sale. So the offers that are being submitted to us are in an amount of how much the offer will pay to the City for this material. That is just a more traditional model of a reverse auction where offerors put in a price and – excuse me, not a reverse auction, a regular auction – where offerors put in a price, and then they auction the price up. That is available to local governments in Texas. It has not been something, been a process that we’ve applied yet, but it is an established process. We just – if we do apply it, it will be the first time we have applied it.

Larry Schooler: Would you need Council direction to do so, or could it be decided upon in... [inaudible].

James Scarboro: We may need Council direction on that, but we’ll have to consult with the statute. Again, though, given the small amount of the contract, it would not raise to the level of bringing it subsequently to Council for authorization.

Larry Schooler: Okay. I’m looking just for questions that James needs to answer, so I’ll go to Council Member Alter.

Alison Alter: My, I just had one question. You said that revenue contracts usually come to Council?

James Scarboro: Yes ma’am.

Alison Alter: So then why didn’t the Simple Recycling contract come to Council?

James Scarboro: Which one?

Alison Alter: The Simple Recycling contract. The textile.

James Scarboro: It was...

Alison Alter: I mean, I was told the reason it didn’t come to Council was because it was a revenue contract, so I’m trying to understand.

James Scarboro: Typically – I will need to look in the details for that, Council Member, but typically, we won’t bring them to Council if the expendit– the amount of the revenue does not exceed the Council authorization, the City Manager’s authorization threshold. So if the amount of revenues that the City would receive is a small amount, we would – and it’s less than the 58,000 per year that we would normally observe to bring items to Council, then we would observe that same amount for revenue-generating contracts.

Alison Alter: Okay, well, in that particular case, though, it was more than that, at least from what I’m understanding of the legal – I mean, we had an executive session so I can’t get into that, maybe we can talk about it later, but it was my impression that...

James Scarboro: We're glad to provide you with details.

Alison Alter: ...That we would've meet that threshold.

James Scarboro: We're glad to provide you with the details on that.

Alison Alter: Okay. Thank you.

Larry Schooler: Commissioner, I'm assuming this is on Simple Recycling? Is that what you are raising your...

Joshua Blaine: No, it's actually about the...

Larry Schooler: Question for Purchasing?

Joshua Blaine: Well, it's more of a comment.

Larry Schooler: All right, hold it for just a second if you would. Anything else? Commissioner White.

Kaiba White: All right, so this is about the indefinitely proposed – postponed – Organics by Gosh contract. Is there any sort of limitation, is there any sort of limitation on how long that can be postponed and then still accepted by the City?

James Scarboro: We establish a period of time that offers are to be held by the offerors, and the baseline period of time is, I believe it's 180 days. But when items take longer to authorize, we can ask the offerors if they're willing to hold their offer for additional periods of time. So that's what we've done in this case. We've just asked them to hold their offer for an additional period of time. They're not obligated to do so, and sometimes they do not wish to do so, because they're mobilizing resources. They're holding their readiness for a long period of time. Typically, however, you don't want offerors to hold their proposals for extensive periods of time. You want to do it within a relative, reasonable period of time after the conclusion of the competition.

Kaiba White: So what is that current date?

Robert Goode: If I may clarify really quickly, that's a good question, because what we're trying to point out is all the other contracts are going out for bid again. That's the one in question; what do we do with that? All the other ones that are listed are going out for a new solicitation, based on the Working Groups, and then the Council's input on what to do with the new solicitations. That one's in question, what do we do with that? The rest of them are done, we're resoliciting. So that's a good question. Sorry to interrupt you guys.

Kaiba White: Thank you for that. And I'm just wondering, what is the date that has been agreed to currently?

James Scarboro: I'll have to find that.

Kaiba White: Okay.

James Scarboro: Because that's associated with their current offer, so we'll have to find out what that is.

Kaiba White: Okay.

Larry Schooler: Council Member Alter, I don't know if you had something you'd like to...

Alison Alter: They were not for Mr. Scarboro.

Larry Schooler: Oh, all right.

Alison Alter: Sorry.

Larry Schooler: Commissioner, is it...

Joshua Blaine: Yeah, it's a follow-up question to that. On that note, are y'all looking for, because it's not one of the seven questions that's been listed as our directive as a Working Group, but I am sort of curious, are you waiting for a specific policy recommendation on that open contract from this Group? Because, again, it's not one of our questions, but it does feel like it's kind of just up in the air.

James Scarboro: It was not one of the original questions because it was not brought up as a concern for the past solicitations. However, there have been substantial Q and A in this discussion, so new topics or new emphasis have arose during this discussion. So it may be an addition to the seven, but it wasn't something that was originally part of the questions.

Robert Goode: Council delayed that, so we certainly are gonna need to do something with it. Either reject it and start over or bring it back for award.

Joshua Blaine: So would you want us to weigh in on that question, reject or...?

Robert Goode: Sure.

Joshua Blaine: I guess I would encourage the Working Group to do that, so that we can have some clear direction there, because that one, as mentioned, up in the air, as opposed to the rest, which will go through the process.

Larry Schooler: Right. Anything else to be clarified on the purchasing side? Thank you, sir. So, Group, as I understand it, the three primary questions that staff would like to get some feedback on today, and I'm gonna look at Assistant City Manager Goode as I read these off to make sure I'm right, but, 5A: Should materials be directed to or away from certain landfills in future solicitations, I believe is one. 5E: Is there a preferred policy for biosolids management, I believe is two. And then 6A: Should Austin Resource Recovery provide special events services. To Commissioner Blaine's point, perhaps a fourth would have to do with the contract in question. So Council Members, I mean there's different ways we could do this. We obviously have a fairly small amount of time to tackle multiple questions. So either you can take each question in turn and get comments in response to each, or you can encourage sort of a more wide ranging back and forth. But it is important to staff that we get to all of those. So I wonder what your pleasure is, process-wise.

Leslie Pool: I, today joining us is Melanie McAfee, who owns and runs the Barr Mansion, and she's here specifically to speak on landfills and the direct effect it has on her. And so I'd like to take up that question 5A at the top.

Larry Schooler: First?

Leslie Pool: Yeah.

Larry Schooler: Okay. And so I'd ask group members to be mindful of that, that we'd like to stay on that topic here at the beginning and then move to the other topics as we can. Ms. McAfee, if you'd like...

Melanie McAfee: All right, thank you Leslie. Well, I'm gonna make it short and sweet, because I know there's not much time, but I would like to leave the task force with just a few documents that I have for you to look over, the first being just the long, long history I have had with Waste Management. A sad way of looking at it is, from '81, when they came, I came. We came the same year. So over half of my 62 years, I have been fighting and had Waste Management as a neighbor. And the history will show that they have not been a good neighbor to me. And it's been a long 30 years, so I think a lot of the history has been lost and forgotten because there's, you know, new Council people, new Mayors. So, the landfill is taking a tremendous amount of waste now that they just got a permit mod to increase their taking-in capacity like 62 percent. So within the last year, odors have been a huge issue – not a lot have people talked about odors, but, we get questions all the time, and before I came I talked to my staff and, they live with this, and so they know when the wind comes, when it rains, when it's really hot and muggy. I mean they're, they're experiencing what happens to be so close to a landfill. So there are problems – and back in '81 there was just a few houses, but there's thousands now. It has grown quite a bit out there, and besides the odor, the buzzards and all the other things that go with such a massive landfill. The size and the height is just unbelievable, I invite y'all to come out and see it and smell it. I feel like I've, all of us have paid quite the price.

Larry Schooler: Well Council, obviously if there are questions for Ms. McAfee, that would be appropriate. I do think that since Waste Management is sitting in the room that it would also be appropriate to hear from them. So would you like to ask questions first or hear from Waste Management?

Leslie Pool: Go ahead.

Larry Schooler: Waste Management. Mr. Losa.

Rick Losa: Good afternoon, Rick Losa with Waste Management the company. I guess to speak to, I guess the current situation for Austin Community Landfill, as Ms. McAfee said, we became owner and operator of that landfill in 1981. It had operated prior with two previous companies. The landfill is about 420 acres in total size. About 180 of that is actually the permitted operations, in any given day there's about an acre of that that's active, that's the day's receipts of trash. I guess the influx or the increase in waste that's been spoken of is a direct result of another landfill closing, a Republic site that was formerly right next to ours. I think it's obvious to everyone it closed, two years ago, almost two years ago. So there are only two landfills in Tarrant County at the moment, and so ours is...

Leslie Pool and Larry Schooler: You mean Travis County.

Larry Schooler: You said Tarrant.

Rick Losa: I apologize. I'm from Tarrant County, so that's a habit. So there's two landfills in Travis County at the moment, and so our site has taken an increase in waste. But I guess I would say, and there was an earlier graph about gas and its emissions. We have an extensive gas extraction program. We have 128 wells. So we collect the gas that's physically, you know, within our technical ability. The site is heavily monitored, we haven't received any violations related specifically to our operations. We are sensitive to that. Landfills certainly are – carry a stigma and are objectionable. There's no denying that. But landfills are a part of the infrastructure currently, and so as an owner and operator, we take people's concerns very seriously. We follow the rules, we go above the rules in many cases. So, you know, we're an open book, we invite – we have tours quite frequently. We would welcome anyone to visit our operation and ask whatever questions they see fit to, and we'll provide all the information we can. So, you know, we are a proud owner and operator of landfills. It's not everything that we do, but it's a big part of what we do. We're the largest hauler in the country and the largest recycler in the country, but we also own about 178 landfills in the country and our Austin Community Landfill is one of those. It has about eight years, depending on the amount of material that comes in every year, we have about eight years of remaining life and the landfill will close. So it's somewhat of the natural evolution of older landfills, as they reach their final capacities, they are closing. Newer landfills in some cases are being built, but in a lot of cases they're a little further away from the urban areas as you would understand and appreciate. So it does introduce some additional transportation costs, but that's just the way of how the progression is working. So we'll continue to operate the landfill for its remaining life, continue to do the very best job we can, continue to be an open book to anyone who chooses to visit, and share information as requested.

Andrew Dobbs: Yeah, I did want to, I'm Andrew Dobbs, with Texas Campaign for the Environment for anybody who didn't know, but, I want to note a couple things on this, and I'm grateful that Melanie came out today. She's been a long-time friend of ours, and she does a great service at Barr Mansion. First things first, I think it is really important that we not conflate TCEQ regulation with environmental responsibility. The Texas Commission on Environmental Quality, not *for* environmental quality, *on* environmental quality, is a captive agency. It is captive to polluting interests. The people that get appointed to that commission have backgrounds in polluting industries. And then they typically go on and – top staff in the agency typically go on to become polluting industry lobbyists. I have seen top former staff from that agency lobbying on behalf of polluters in this room. And so the regulations that are in place today serve a couple of different purposes, most notably to, you know, do the bare minimum to comply with federal regulations so that there is no, you know – so that the de-evolution of the regulatory authority remains in place, so that these same polluting interests get to continue regulating, as opposed to what might be strict regulations from the federal level, at least in the past. That is, that needs to be taken into consideration. It is very – so that just needs to be stated flatly. You know, I was very grateful to Ms. Athens and to Zach for the work that they did presenting the information about landfills in the area. The one thing that we know is that the thing that is better than a well-run landfill is no landfill, right? And a closed landfill still has significant environmental impacts, but it is less than an active landfill for sure, especially the quality of life impacts like Melanie was just talking about, are significantly reduced. So our goal is not – the solution that we should be looking at is how can we close these, how can we close landfills or prevent their opening? And so the City participating with a landfill puts us in a difficult position for fighting any proposed expansions. Now, I just heard Waste Management staff say that in eight years this thing is gonna close, which would mean that they're not planning on an expansion. I would like to see that, you know, clarified and pinned down here today in a way that, you know, they can be held accountable to in the future.

Larry Schooler: Let me interject something that I might not interject if it weren't my last day, quite honestly. But that is, when Mr. Dobbs used the word "polluters in this room," I had a sort of an internal reaction to that, because I thought to

myself, 'what if another stakeholder referred to Mr. Dobbs' organization with some sort of identifier like that?' So I'm not sure it's appropriate to say, "Don't say the word polluter," that seems kind of silly, but I guess I want everybody to be mindful of how seriously everyone in the room takes their work and try to speak of that work in such a fashion. That said, I wonder if Council wants to ask anything of either Ms. McAfee or Waste Management before we continue. Council member Pool?

Leslie Pool: Well I'll go ahead and just give Waste Management an opportunity to talk to us about what your plans are for the facility and to look at an expansion, and what closing in eight years might look like.

Rick Losa: Yeah, and let me preface by saying, eight years is the estimate, and the reason there's an estimate is, every year there's a slightly different amount of waste that comes in or doesn't come in, the weather affects it. So every year we update, like any landfill operator does, you update the amount of air space, that's what we call it, that's been consumed, and therefore it updates how much you have left. There's a lot of variables that are involved, but that's – it's an engineer's estimate. So based on the current volumes, we're estimating eight years. You could maybe stretch it to ten years if the volumes were to drop. That's when we will reach the design capacity of the landfill. As a practical matter, I guess I'll qualify what I said about closing this site, as a practical matter, there is no – we're landlocked. There is no practical room to purchase property and expand in that way. So as a practical matter, I don't see an expansion as a viable option. But am I gonna say today that under no circumstances would we ever do that? I don't know that today is a referendum on the future of our landfill in that way, and so I think that would be unfair to ask that of me today. But we, I know, have no plans.

Leslie Pool: Okay.

Melanie McAfee: Can I make one comment to that?

Rick Losa: Sure.

Melanie McAfee: So what we hear on the street, which is, I realize, not a real reliable source but, is that when it comes close to capacity, that there'll be a merger with BFI where the landfill can go as high as the base allows it. So there *is* the possibility that if they were to merge together, they could make a really big base and continue to go up.

Rick Losa: That's not been discussed, as far as I'm aware. And I'm pretty aware, so I'm not using that as a... I think you could look at the two landfills and extrapolate, 'well, wow, that would make a lot of sense', but there's a lot of technical reasons, and there's a lot of cost reasons why that would not be viable, even if the two parties were willing, and we are competitors, Republic and Waste Management, so. That would be difficult.

Larry Schooler: Mr... well, Council Member Alter's light is on and Council Member Pool's light is on. I don't know if anybody wants to... Council Member Alter.

Alison Alter: I just want to make sure that I'm understanding the pros and cons and the options here. What I've heard is we have an option to say we don't want to go to a particular landfill, and the only landfill I've heard that there is at this point a specific landfill we might be interested in avoiding is the Waste Management one. There's also an opportunity to say, 'these are the criteria we want any landfill that we're using to fulfill,' which would give all of the landfills an opportunity to meet that criteria. Or we can say 'we're just gonna go to any landfill we want.' Is that first part correct, in terms of the three...

Robert Goode: Yes, and just to remind the viewing audience, we're only talking about the refuse that comes from City facilities, nothing from the private sector, we can't flow control. So the trash that we pick up in City Hall, that's the policy question – where do you want us to take that? Do we put an RFP out that allows it to be taken to any landfill? Do we do performance criteria that a landfill must meet? I would hesitate to do that. If the ultimate goal is to not take it to a landfill, just tell us that and we can move on.

Alison Alter: Well, it's also the residential waste, correct? Not just the City?

Robert Goode: We have a contract for our residential waste that goes to TDS, and it's another 20 years, so that's not in play.

Alison Alter: Okay, so it's just for the City...

Robert Goode: City facilities.

Alison Alter: City facility waste, and we also have a goal of getting that to zero...

Robert Goode: That's right.

Alison Alter: ...in the first place. Okay. And in terms of the pros and cons of the Waste Management site relative to the other ones, what would you say – how would you summarize those?

Robert Goode: Ignoring environmental concerns, which you all have to take into account, strictly from a business perspective when you start eliminating options, that's gonna probably cost the City more money to dispose of our trash. That's the only business perspective, is it could – and that's a value question for you all, how much is that worth? Because when you start eliminating some competition, we expect that prices would go up.

Alison Alter: Okay. And how would you summarize the environmental?

Robert Goode: Oh, I think you have people in the room that can summarize that better than I could.

Larry Schooler: I don't know if that's an invitation for those folks to do so, or not. I just want to be very cognizant, not just to Council Member Garza, but to several folks who have been waiting to speak, so if someone wants to briefly address that part of Council Member Alter's question, they may. Ms. McAfee, if you'd like to, you can.

Melanie McAfee: Well, on this history fact sheet, the City, most of the 30 years has opposed sending waste to Waste Management, so they have been an ally of ours because of all the atrocities that have happened out there. So I would find it very unfortunate if all of those years where they've stood by us, and now that those atrocities are kind of forgotten, that we walk away from all those troubles. And last, that if, for some reason they do decide to expand, that if you're doing business, it's going to be much harder to take an opposition stand.

Delia Garza: I just want to ask a question, as a practical matter, because it sounds kind of like our Fayette issue, even if we stopped, even if we divest in Fayette, it could still be used. And the same seems to apply to this; even if all the City facilities as a policy matter decide 'we're not going to send any waste to Waste Management,' you still have other... you're not closing. You're not closing because the City is going to stop sending waste to you.

Rick Losa: That's right. The City has been, and the City currently is, be it small, a customer of our landfill. We have contracts now where the City's waste is a portion of it, a small portion of it, uses our facility, and we've had contracts in past years. But the vast, the vast majority of the waste that we handle every day comes from customers that we collect, in and outside of Austin, business customers, which is an open market situation. Most of the competitors in this room that have hauling services, they also have individual contracts with commercial, and in some cases, residential customers outside of the City, and they utilize our site. So, certainly the City's business is important to us, but to your question, it won't affect the life, the projected remaining capacity of the landfill, if the City's waste uses the site or not.

Delia Garza: Okay. I just think that's an important point to make for people listening, that even if the City supported a policy, it would – it doesn't affect the operation of Waste Management necessarily.

Rick Losa: That's right.

Andrew Dobbs: Really briefly. But it does, it does affect your, it could affect your ability to oppose an expansion if that comes up. And if the expansion goes through, then it could extend the life of this decades.

Larry Schooler: All right. So what I'm trying to figure out is who wants to speak to 5A any further, which is to say, 'Should materials be directed to or away from certain landfills in future solicitations?' before I move on. So if anyone has comments on that specifically, we'd like to hear them now. Looks like – anybody? Mr. Gosh, did you want to say something?

Mr. Gosh: I just had a question. So whoever gets the organic processing, and there's a certain amount of that product that you have to take the contamination out, so just, so the question would be, so then that, you're saying that material could not go to Waste Management? Is, it would be, whoever does process that, that would be an important logistic questions for them. So that means all that product would need to go down south, I'm assuming.

Larry Schooler: I don't know if ARR wants to clarify that. I had a slightly different understanding.

Robert Goode: That is the question before the Work Group and Council, is for all contracts where there's any refuse, we were talking about our facilities, but Mr. Gosh is correct, there's contaminants in the organics, that would be a question as well, then. Would that be restricted to a certain landfill, or not?

Larry Schooler: Okay. Any other comments then on this particular question? Then that would take us to biosolids and a preferred policy for biosolids management, and discussion there? You guys shouldn't be nice to me just because it's my last day and not have comments. Mr. Dobbs?

Andrew Dobbs: Yeah, thank you. One thing I just wanted to note is that while we do have the recommendations from the Working Group, the Zero Waste Advisory Commission, as I understand it, and I think the Commissioners that are here can probably speak to this better than I could, did submit other, you know, recommendations, in part because of the vast majority of the commissioners weren't a part of the Working Group. And ultimately those Commissioners aren't – they don't have any obligation to the Working Group, they have an obligation to the people of Austin. And so they thought that while this was a good starting place, that additional protections and guidelines were necessary to protect the people of Austin. And so I, you know, I hate that we only have half the picture here and not the recommendations that were put out by ZWAC, because, you know, it is our understanding – and I need to review it again, to be completely frank – but that that's a very good starting place for policy on these contracts, for being able to direct staff to design their solicitation with those ideas in mind. And if we can follow that, then I think that we can have, that it would solve a lot of the challenges that we have, you know, perceived in this process. So, you know, that policy is something that I believe needs to be taken into consideration as well.

Leslie Pool: Well, I think we can go ahead and request a copy of the ZWAC responses too.

Daryl Slusher: Council member, I think that was passed out already. If not, we can have it passed out to you. We gave you the one from the Joint Working Group, and we – was that passed out? We can get it to you right now.

Leslie Pool: We do have that, but it sounded like there were changes that were made at some other level. The two, that there were two reports...

Daryl Slusher: No, you should have the ZWAC one too, but if...

Leslie Pool: We have the, what we have is Water Wastewater Recommendation, and then we have the Joint Working Group, but not ZWAC.

Daryl Slusher: I think Ashley can pass those out for you to look at.

Leslie Pool: Oh, great. All right. Thank you.

Daryl Slusher: We do prefer the Joint Working Group one that reflected both Commissions. And I must say if we're going to go just with the ZWAC, that the Water Wastewater Commission should have another opportunity to weigh in on that, because that is our – that is the Commission we normally go to. And that was one of our reservations about the one that was just from the ZWAC, not only was it an add-on after the Joint Working Group when the two Commissions got together, but we would have to go to them on all the items. In the future, we'd have to go to two Commissions.

Robert Goode: Just for clarification, on the process that Daryl laid out, is we have opportunities for both Commissions to weigh in again on the process. So we have that built in. So I think what Daryl is saying is, we would take the Joint Working Group process to both and get comments on that. ZWAC has already responded. Water and Wastewater responded, too. And hopefully we could come to...

Leslie Pool: So it would be helpful, I think, if we had like a red line, because they do look superficially similar, but I can tell that the ZWAC one does have additional...

Larry Schooler: I did see Commissioner Blaine's mic on, and I know he wanted to speak to this before, I don't know if you'd like to offer any explanation now.

Joshua Blaine: Yeah, it's not exactly an answer to your question, but I can do that. I'm looking through it right now with that exactly in mind.

Leslie Pool: Okay.

Joshua Blaine: I think, they're somewhat subtle suggestions, but I think, the reason I think it's important, to Dobbs' point is that, even though it is normally a Wastewater Commission issue, y'all even just said today that this isn't really your business; y'all treat wastewater. So I do think the reason why ZWAC was an important partner in this is that this is stuff that we tend to, as Commissioners, know more about and be more passionate about when it comes to the zero waste policies. So I don't see it as an issue that we came back with a few additional sort of stipulations. But I think it comes down to, on number six for example, we ask that the Commissions, you know, be consulted, that we kind of built in some language that would bring it back to the Commissions, and I have to look at this more closely to redline it further, but I think that the changes aren't huge, as Mr. Dobbs said, this was a good start and we just made a couple tweaks that made us feel better as a Commission. But what I was gonna bring up on this topic, but slightly different going back to our earlier conversation, about the sale of the compost – that was kind of red flagged by us because there was this sense that the compost was being sold for a very, very small amount and there was a potential revenue generation for the City, so it's kind of like, well, are we undercutting our constituents and our taxpayers by selling off this product that we could get more for? So I really support the idea of an auction, and I think it's also an example where, even if it's revenue generating, it probably should still be, come under sort of the direction of policy, because that was an example where it wasn't generating a lot of revenue and that was the problem. That was the policy issue. So just wanted to make that comment specifically on the sale of the compost.

Daryl Slusher: Mr. Schooler can I...

Larry Schooler: Yes.

Daryl Slusher: I think what Ms. Musgrove was referring to when she said 'it's not our business', she was talking about marketing is not our business. And also the biosolids are not considered part of the Zero Waste program or considered zero waste.

Joshua Blaine: Fair enough. But, you know, I think that we're talking about as a Commission, doing our five-year review of the Zero Waste Master Plan, and that's probably gonna be one of the top priorities, that it probably should be part of the Zero Waste Plan. So, you know, I understand that that's the current state, but it's probably a reason why it should be.

Alison Alter: Can I get clarification on the papers before we go forward, because it looks to me like we have two copies of the same Zero Waste Advisory Commission recommendation, which is the ones that were amended by ZWAC. And then is this other sheet the original one from the Joint Committee?

Larry Schooler: One document is just Water Wastewater, one is a Joint Working Group, and a third is the Zero Waste Advisory Commission. So there are three bodies that overlap in membership that all weighed in.

Leslie Pool: While we're working through that. The second page is what's different, but it looks the same with the triangle on it. Would it be possible to ask Water Wastewater, Ms. Turrieta and ZWAC, Mr. Blaine, or Mr. Acuna, Ms. White, to work through the – go one more time and look at the changes that were made by ZWAC and see if we can get some agreement from Water Wastewater? Just give it one last try to see if there are things in there that there's more consensus on?

Susan Turrieta: We'd be happy, I mean, be happy to. It's not a big deal at all. I think one of the bigger things that I noticed after I saw it come back out, after we approved it in our Committee, was that they are, in some instances, handcuffing the contractor to just produce compost when there is a lot of beneficial use in different things, like the pellets and other things. But, it appears to me that the Austin Water Utility is moving forward with that request, with the 100% compost. So, to me it just doesn't make good business sense to handcuff a business when it can have a different commodity. But I'd be happy to pull that Work Group together again and let both Commissions pull some people together and have a meeting and see if we can vet things out and make sure everybody's on the same page. That's not a big deal.

Daryl Slusher: Counselor, we would be fine with that, but I think what you were saying was 'take it back to the entire Commission,' for the, since the, since it went back and the entire commission was fine with the – I mean the Water

Wastewater Commission, the entire Commission, was fine with the Joint Working Group. We can take this back for another look at that, and we'd be happy to get their comments and forward that to y'all in some way.

Leslie Pool: I think that would be fine just because it sounded like Water Wastewater didn't have an opportunity to comment on changes that ZWAC made to the Joint Group's findings. And so, and we can take this offline and work through the...

Larry Schooler: Let me go to Pam from Synagro, Council Member, if I may. She's been waiting.

Pam Racey: Thanks. I just wanted to iterate from an industry perspective on our end, the staff has recommended adoption of the Joint Wastewater and ZWAC Committee recommendations. We are supportive of that. We certainly want to hear, you know, and understand the exact differences, but my recollection from being at that, the ZWAC Committee meeting where the changes were added, a lot of the things that were added go beyond a policy level and down into tactical administration of the contract, and just did not seem appropriate for a policy document. So, as we go back and look at that, that's one of the things I would ask folks to consider, you know, are these things policy, or are they tactical contract administration?

Larry Schooler: Mr. Dobbs.

Andrew Dobbs: I think, and actually I was gonna ask what the specific concerns were, but I think that answers it and we can talk offline about those details. I don't know if Kaiba, you wanted to talk, too?

Gerry Acuna: Can I?

Kaiba White: I, oh sorry. I'm just, I'm highlighting, at least for the four Council Members, the differences, and I don't know, in my opinion, it was really just clarification of policy recommendations to add a little bit of specificity, but I'm highlighting so that you can see it.

Larry Schooler: Commissioner Acuna.

Gerry Acuna: Can I suggest something? I mean, in light of the fact it's probably a pretty timely issue, I like the idea of a Working Group coming together, and this is more of a clarification question. Is it possible that this Working Group can sit down... as Ms. Musgrove's timetable shows here, we have a gun to our head. Is it possible for the Working Group to sit down and basically draft the RFP, *the* RFP, which again is consistent with City policy, set the matrix and evaluation method, and then at that point put it out on the street?

Robert Goode: No. I don't believe that's a Working Group or an Advisory Committee's role to draft an RFP. I believe that's staff's role. We'll certainly bring the specs for the biosolids, the compost, bring the things that are important to you, but I don't believe that that is, that is not the Advisory Committee's role to draft an RFP.

Gerry Acuna: So semantics here; probably not draft it, but craft it together, with a course...

Robert Goode: I don't believe that's the Advisory Committee's role, to craft, draft, write, edit...

Gerry Acuna: Okay.

Robert Goode: I don't know how else to say that. That's not the Advisory Committee's role.

Larry Schooler: And this, quite frankly folks, is ground we've tread before in these meetings. It's obvious that the Commissions want to be involved in the process of determining what is asked of respondents, but there's also a recognition that staff also need to play a primary role there. And I've heard staff articulate concerns related to the potential for Commission members involved in some sort of drafting to then be proposing on the thing with which they were involved drafting. So I'm not sure we should continue the discussion here. It's obvious that the Commissions want influence. I think the staff wants to give them some role to be determined. Is there anything more on biosolids, because we are very close to the top of the hour? Council Member Alter?

Alison Alter: Yeah, I believe, if I understood correctly, staff made a statement that they had direction to do 100% compost, and I'm just not sure, and I wasn't here when this came up before. I just wasn't sure when that direction...

Daryl Slusher: We said that we were willing to do 100% compost, and that is consistent with the Zero Waste Advisory Commission recommendation and the Joint Working Group. We were willing to accept that part of it and move forward and do 100% compost, but we can't agree to everything that's in there, and I don't believe our Water and Wastewater Commission would either.

Alison Alter: Right, but then the question with the Wastewater Commission was that, if you say it's 100% compost, then you're not taking into consideration certain markets that you might have for the material that be other forms than compost, which may or may not be acceptable, but that there might somehow be a market for something other than compost.

Daryl Slusher: If it's a higher use of this developed by technology in the future we would do, we would be, we would want to be able to do that. And that's reflected in the triangle. I realize it's sort of confusing, but the triangle at the top of the, both of them, it says "composting other higher use." So it's just something that comes out in technology, that is a higher and better use, then we would want to be open to that and not confined just to doing compost, if there's something we thought was a better – but we're willing to move beyond the Class B land application and not do that anymore.

Alison Alter: Okay, but you're not saying you're limiting yourself to the compost, but you're willing to be up higher on...

Daryl Slusher: Exactly.

Alison Alter: Okay. That was what I was confused on. And is there a problem with the biosolids right now where there's a piece of it, as we just have too much right now, we've got to get rid of that surplus, and then we also have to take care of what's moving forward, so there's kind of two parts to the problem? So there might be a solution that hasn't been addressed for just getting rid of the surplus, that's not the same thing as what do we do moving forward? Is that possible?

Judy Musgrove: Right, we have the curing piles, and we haven't yet decided how to best dispose of those, but we were thinking of putting that in the contract or the RFP as part of the proposal response, as to how the person responding or the company responding would suggest we beneficially reuse those piles. They are taking up a large amount of the land area that the contractor will need to do the 100% compost. So that we do need to deal with the inventory. We also are looking at different ways internally to deal with it between now and next April when we have another contract in place. We just, we're still fleshing some of that out. But you're right, that is a definite concern, is to free up that entire old pad portion, which is covered right now with curing piles.

Alison Alter: I will take it offline, but I'm still, I'm intrigued by the give-away option, if part of the problem is just to be clear the space, you know, if there...

Daryl Slusher: We'd be open to discussion on that and also, Council Members, let me say we also welcome you out for a tour of the Hornsby Bend plant to see how the operations work, and we also have 50 years of bird watching that's been going on out there, so maybe come late in the day, too.

Alison Alter: Sure.

Larry Schooler: Council, we need to make some decisions here. I know that Council Members have other obligations, as does everybody in the room, so, I also know that staff very much wanted to get some direction or some feedback on the remaining question related to servicing special events. So, shall we pivot to that for another five or ten minutes? Should we postpone that? Should we continue this piece for another five or ten minutes? What's the pleasure?

Leslie Pool: I would like to go ahead and move quickly over to the last item and take input from all our stakeholders here just to get their thoughts because those of us on the dais can talk about it elsewhere.

Larry Schooler: All right, so we're shifting to 6a and I see Mr. Gregory's hand.

Adam Gregory: Yes, I can do either one. Speaking of Special Events, I want to clarify from the conversation that happened earlier on that, it seemed to be conflated with litter abatement and street sweeping. As a service provider we don't have any problem with the ARR department providing those services and the Council waiving fees for them. The problem with this issue and why this is a question, is because when they issued their RFP for the citywide dumpster

contract it was a drastic expansion of the City's event service capabilities, and expanding the dumpster collection capabilities of not only recyclables, which is the only thing Council ever directed them to provide, but with solid waste, organics, portable restrooms and we've found many records of a great deal of that being provided for free, and not only to events that are specifically deemed co-sponsored by the City Council, it's been confirmed by the staff that departments on their own can unilaterally declare any event 'City co-sponsored' at the department level which would make them eligible for these services. Also, it's certainly not just a SXSW thing. When the RFP came out they listed 17 events, only two of those events were City sponsored events. The remaining 15 were customers of ours. We have a very large special events services and specialized business unit devoted to those services. So it's not simply a matter of fee waivers for street sweeping and litter abatement, it was a full scale expansion into providing dumpsters for commercial entities – these special events – for solid waste, recycling, organics, even portable restrooms and waiving those fees in competition with private service providers. We can't, and I don't feel that we should have to, compete with free services especially for services that the Council never directed the City staff to provide to these events. So that is the problem that we have with it.

Larry Schooler: Ms. King from ARR is at the table with her mic on. I did notice reactions, I don't know if you want to share any clarifying information.

Jessica King: In such a short time you read my face well. So, I would like to clarify a couple of things. First and foremost, the City departments portion, and their partnerships or co-sponsorship of events, there are various City departments; a good example would be the Kite Festival. In the Kite Festival situation the Parks Department has made that a partnership between the Parks Department and the organization that puts on the Kite Festival. And so part of that partnership is that they are willing to take on certain responsibilities and that's what we see oftentimes where a department are co-sponsoring their specific events, or are willing to partner-up with an organization, so that's normally where the department takes that responsibility. Austin Resource Recovery has not done that; a department has decided to share a sponsorship responsibility with that event organizer. So to the degree, and this, I do want to remind Council and I'm glad that Mr. Gregory stated that, the reason this was brought up was because in the contract that was brought before Council about City facilities, special events was identified as a key concern that the haulers were concerned about, but we have for quite some time provided these services to these City co-sponsored events as a part of what we have just done, so we've utilized the City facility contract to provide those services. What we did though, in this particular case, when we released that RFP was we... as events have grown in this community we had higher needs beyond the needs of providing service to the actual brick and mortar buildings. So most events occur on evenings and weekends so we articulated the need for a single point of contact so that we could actually meet with a person if the dumpster was located in an incorrect place. We articulated a need for invoicing to be turned over more quickly instead of what's normally provided as part of a building facility, for example, mainly because event organizers wanted their invoices faster. We also articulated a need for the diversion rate because we needed to know and be able to report that out more quickly. So part of the reason this came to light is because we were more specific about the need to provide services to those events that were not just in line with what the event organizers were asking for, but also in line with what was expected of us to respond and clarify what it took in order to provide green event services to these event organizers, and explain it in our carbon footprint impacts, track our zero waste measures, things like that. So that's why it became an issue, is because those things kind of came up a little bit more and that's why we brought the issue back because the service providers were concerned that we were going above and beyond what was asked of us originally.

Leslie Pool: So you're not emptying any of the dumpsters.

Jessica King: Through our contract relationship, we utilize the City Facility contract. So right now the City Facility contract, although that has not been granted, when we go back out for the Request For Proposal, that will need some clear direction. If we are going to be providing services to special events, then that needs to be articulated as to whether or not we are going to also provide dumpster service to those special events, and that's why we're here in the conversation. But we don't have dumpster capability, we do not have resources, so we would not be the ones doing the service.

Leslie Pool: And so specifically, you're not sending in anybody to empty a dumpster that belongs to a different company?

Jessica King: Correct, yes, so we only use the dumpster contract that we have contracted with a service provider for.

Leslie Pool: Right, and the cleaning of the streets and the picking up of the litter that's on the street and everything, that is strictly City's responsibility? Or is that something that we have in the past contracted out?

Jessica King: So, I can't speak to the past and how far back you want to go. What I do know, is that in the Central Business District in particular, in the Public Improvement District in the downtown area, there is a specific carved out area and general agreement, I think, in partnership with the Downtown Austin Alliance, the City of Austin provides street sweeping services, litter collection or litter control services, and what that means is, we are emptying, the ARR staff is actually emptying trash and recycling containers in the downtown area. You see that concentration because those downtown businesses that are part of that district pay an additional fee on top of their regular taxes, so we as ARR are providing that service. When the event starts to expand beyond that boundary, and there is a clear delineation of the boundary for a particular event, then there may be situations where, the best example I can use is the Austin Marathon for example. The Austin Marathon takes over the streets, clear boundaries defined, they add additional containers, they actually try to avoid using the City provided containers in the downtown area, they'll cover them so they can get a clear understanding of their waste management level, or the waste that they're generating and their diversion rate, but if there are containers then they calculate that, we work with them to provide service to those containers, so, the event organizer will contract with the service provider, I think they've done that with Texas Disposal Systems, and other event staff, to actually pull the material and take care of that material themselves and empty. And they've done street sweeping on their own, but you will see in the Marathon situation they have cordoned off blocks and it's very clear. And we helped work with them for years to build them up to the point where ARR was not providing that service.

Larry Schooler: Council Member Alter and then I wanted to go to Commissioner White.

Alison Alter: So can you walk me through for SXSW, if that contract had gone into effect, what would be different potentially?

Jessica King: I'm sorry, which... oh, for the City Facility contract?

Alison Alter: Yes.

Jessica King: Nothing, because the dumpster contract in the downtown area, we utilize the downtown dumpster contract. So what that means there is, again, that carved out area I think we've talked about before, that was defined by Ordinance. We call it the T-Bar District, and the reason is because it's shaped like a T and it's got a lot of bars in it. So it's basically 6th Street, some of Congress, some of 4th Street. They've also carved out certain states, it's been a long time coming but for the most part we call it the T-Bar District. In that T-Bar District you see the high concentration for solid waste, or I'm sorry, for SXSW venues, and it started there, right? So it grew from beyond that point, but in that particular carved out area there is a service provider. By Ordinance, Council directed ARR, previously Solid Waste Services, to manage the contract for dumpster in that area. And so over the years we've had a managed contract. Currently Texas Disposal Systems is the service provider; previously I believe it was Waste Management. So we've managed that contract for quite some time and we provide service for that dumpster... during SXSW we utilize that dumpster contract. If at any point there is an event that... so during SXSW events that occur outside of that district, that contract district, the private vendor that services the event venue... so, the best example would probably be to look along Rainey Street. When SXSW flows out into the Rainey Street area, all those vendors and all of those businesses, they have to coordinate with their own service provider, their private hauler, to ensure that trash is managed. We don't have a role in that. We've clarified to SXSW, we do not have a role in that; we will report if there's a problem but for the most part, with regards to dumpsters, if you are outside that service district it is your responsibility to handle the overflow of trash or recycling in your dumpsters. So we don't get involved.

Alison Alter: So if nothing changes then what is the question?

Jessica King: So the question becomes, what has been posed is, 'should Austin Resource Recovery provide special event services to all these special events?' There's the dumpster component and then there's the litter abatement component. So, the litter abatement component does become a challenge because the litter abatement is really where the rubber meets the road. That's where litter occurs, that's where trash is all over the streets, that's where street sweeping occurs. And if that is also posed as a concern, cuz at first we were focusing solely on the dumpster portion, but the question evolved to a larger level of service that we were providing, and so we posed a larger question. If you want to break it

down; should ARR provide service or allow... provide service for special events, dumpster service provided, and then you break out the second part, litter abatement.

Alison Alter: Okay and is... may I ask TDS if they have a different interpretation of that?

Adam Gregory: Our concern, well somewhat, but our concern is the provision of dumpster services. That has always been reserved by Ordinance to licensed private haulers; we compete with lots of other licensed private haulers. When it comes to, when it changes into the City providing dumpster service for recyclables, solid waste, and organics, and doing so for free, that can have a drastic effect on the competitive market that we rely on. So as far as demarcating dumpster services and litter abatement, I think that's an excellent idea, because litter abatement and street sweeping are the things that are easily quantifiable by the Department because that's what they do on a regular basis. The dumpster services we feel are currently reserved by Ordinance to competition, however the staff has taken it upon themselves to begin providing that service, in many cases for free. So I would suggest that they... my request would be that they continue to do their core competency of litter abatement and street sweeping while the private market competes for the dumpster service for recyclables, solid waste and organics.

Jessica King: And if could, I'm sorry I need to make one clarification. Staff never provides a service for free unless Council directs us to, so we will never, we don't provide a free service, we aren't allowed to. Waivers of all of our fees are done by the City Council.

Alison Alter: But then who pays the dumpster part of SX... you have a contract with them but that's under you and those costs go up for your contract. Is the City waiving the fees that we're then paying to TDS?

Jessica King: In the past it has, yes. Yes. City staff does not waive any of the fees. There are situations where you are... if other departments who have become a sponsor... but they will eat the cost of that. So for example, if a department becomes a sponsor of an event and says 'I'll cover your cost for trash', then under their contract part then they will cover the cost in their department rates.

Alison Alter: Right, but if we are, like if we wanted to make that distinction it seems to me we should say that we're not going to be waiving fees for the dumpsters at all.

Jessica King: Sure. Yes.

Alison Alter: We may be providing that through the contract but that fee should go on somebody else's...

Jessica King: I think that's the question. I think that's the question you're being asked is whether or not City co-sponsored events can or should utilize City contracts in support of their events. And so Austin Resource Recovery relies upon the City facility dumpster contract in order to facilitate the provision of waste services and if the decision is that City co-sponsored events must use private services then that has to be a clear delineation. If they are not eligible for City facility contracts, I think that's what, from what I'm hearing, the events, I'm sorry, the haulers are looking to require all City events, any event that occurs in the City limits, that they would have to go with a private service provider and not utilize City facilities contract, if I'm misunderstanding that then that would help to have clarification.

Larry Schooler: If I may, I've got Mr. Geller, sorry, Mr. Getter, and also Commissioner White. Commissioner White was first then I'll come to Mr. Getter, and then I'll try and get around, but I'm well over time.

Kaiba White: Thank you, I'll try to make this quick. First I just wanted to say that I'm definitely supportive of ARR continuing to provide the event services. A couple of things that I haven't heard today that I remember there being discussion about at ZWAC was that it was optional for these events whether or not they utilize the City contract. Maybe that's a different classification of events so I apologize if that was on a different issue, and that the fees could be waived even if the City contract wasn't utilized. So maybe some clarification on that if that's a different class of events, then I apologize. I just wanted to, before time runs out, just throw my opinion out there on a couple of these other issues. First of all with the organics contract, I think it's absolutely critical that we get moving on that, unless there is, I have not heard any real concern about why that contract should not be authorized and in my view it's really important to our zero waste goals that we, you know, that we get that contract so that we can actually start providing that service to our residents. You know, we have a whole roll out scheduled, there are other contracts that have been coming through ZWAC and presumably getting authorized by Council to do education and buy carts, and all this other stuff. So, I'm just,

whatever, throwing my opinion out there that I hope we move forward quickly with authorizing that contract. I also just wanted to say on the contract for removing the biosolids product, whatever we want to call it, whether it's Dillo Dirt or the unscreened product, it seems like waiving the fee or allowing a reduction in the fee would have been a logical step to take, and I understand maybe Council needs to approve that. One of the issues we haven't discussed here but we did discuss extensively at ZWAC was that the unscreened product has a significant amount of plastic in it and so by not allowing for fee waiver it made the only option to put that unscreened product out there. The farmer in question didn't care, but you know, that may end up on other people's property as well, so. I just wanted to state those positions. Thank you.

Larry Schooler: Thanks Commissioner. Mr. Getter.

Kerry Getter: Kerry Getter, Balcones Recycling, wanted everyone to be aware of the fact that we also provide special event services to the City, primarily on the recycling side. We provide all the services and accoutrements to special events with the exception of portable toilets. And to my knowledge in the four or five years we've been doing this, we've not had any issues with anything that the City of Austin has done. So I wanted to go on record having said that.

Larry Schooler: Thanks. Council, both Mr. Gregory and Mr. Acuna have their lights on and I know time is of the essence so let me know whether we should stop, or honor a couple more comments.

Leslie Pool: Let's hear from Mr. Acuna, and he likes to have the last comment anyway.

Gerry Acuna: Thanks. Just a quick comment here. This contract has been in effect for 20 plus years and we've never included the event portion in the actual downtown T contract, the dumpster contract. This was a new addition to this Commission and the reason that I was concerned about this is because it perhaps would take an opportunity away from a smaller private individual recycle of event provider at that point. And you're right, the City has suggested in the past, whenever an event was in play, they would suggest the various haulers available to provide that service, and the City was always good about giving the parameters required of that event hauler and what was expected; diversion reports, you name it, etcetera. All that was done. This was something again that was brought to this Commission, it was something that wasn't broke but yet it was brought, or included, in this new dumpster contract. And that's where I had concerns. It's again, it's something that really doesn't need to be a part of this. The dumpster contract is absolutely vital, and that has always been there, and the City has done a great job of monitoring that and managing that. Thank you.

Larry Schooler: Council before I hand it back I just want to thank you all for giving me this opportunity, and the opportunities over the last eight years to work with you all.

Leslie Pool: Well thank you Larry for walking us through all of this. It's been a really full month and I appreciate everybody's efforts around this table, and I've gotten to recognize some faces and put names and business names to faces too, which is really helpful. So I wanted to thank the stakeholders, I want to thank our staff; they've done really strong work, primarily behind the scenes so that we can get to these meetings, and have these handouts for you, and be somewhat organized, so that we can move forward on the many topics that we've been talking about. I wanted just to end by giving you a little bit of an update. The report, we will be working from here on into about the middle of June in order to write the report and draft it up. It won't be ready June 1st. I'm hoping by the third week of June we'll have a draft out. And we'll be sure to circulate it so that everybody can see it and have a chance to comment on it, and then we'll have our recommendations included in that as well. Any last comments from anyone? Thank you all, we are adjourned, this being the last meeting of the Waste Management Policy Task Force. Thank you all.