

## 8-10-16 Zero Waste Advisory Commission

### Item 3D – Items for Discussion and Possible Action, New Business

#### Recommendation: Sewage Sludge Treatment and Zero Waste Goals

**Gerry Acuna:** All right guys, moving right along here. I guess, Item Number 3, which is the new business, I think we do have, correct me if I'm wrong, I think there is a presentation by the water utility.

**Bob Gedert:** We have experts from Austin Water to answer your questions; no formal presentation.

**Gerry Acuna:** Oh okay. I'm sorry, I misunderstood that then. I know this Commission probably has a few questions that they would love to ask, and perhaps get some responses to that, and I'm going to again, allow the Commission to begin their questions. And if you guys would like to come up to the mics here.

**Jane Burazer:** Good evening, my name is Jane Burazer, I'm the Assistant Director of the treatment program with Austin Water.

**Gerry Acuna:** Can you just, it's hard to hear you, I'm sorry. It's hard to hear you.

**Jane Burazer:** I'm nervous too. My name is Jane Burazer, I'm the Assistant Director of the treatment program with Austin Water.

**Gerry Acuna:** Thank you Jane.

**Amanda Masino:** Hi. Amanda Masino. I have some questions, so I've looked over this memo we just got and I had some questions from previous notes from your meetings about this program for land application of what's called agricultural compost. I saw this term several times in the documents, the discussion that came up before your last Commission meeting, and I'm curious as to what exactly agricultural compost is. Is that considered Type A or Type B?

**Jane Burazer:** It is a Type A, but I should explain what we have is a Request For Proposal for handling our biosolids. I'm not sure where the comment about land application of agricultural compost has come from. That's not a term we have been using.

**Amanda Masino:** I believe that was in the discussion of the last Water Commission meeting where the vendor, Synagro, was answering questions about the product and how it would be used and I saw that term several times... let me find the...

**Jane Burazer:** Well a compost is used as a compost, and most compost is applied to land.

**Amanda Masino:** So why is it called agricultural compost and not Type A compost? Maybe it might be useful for all of us to get a little bit of a background here as to what Type A is, what Type B is. What is the difference between...

**Other Commissioner:** Class A...

**Amanda Masino:** ... Class or Type, Class A, Class B...

**Gerry Acuna:** Really, what is Dillo Dirt versus what is...

**Lisa Boatman:** Hi, my name is Lisa Boatman and I'm the Process Engineer at Hornsby Bend. So the primary difference between the two, when the biosolids go through the process and they come out of our anaerobic digester and go through the dewatering phase, we call that Class B, and that, the Class B designation means that it has met a time and temperature requirement in the digester and a minimum of 38% viable solids reduction. After

that, to further treat that to a Class A material, correction too, you have to have a, the fecal coliform count of that material is usually below 2 million, is a requirement that it is below 2 million. To treat that further to Class A, at Hornsby Bend what we do is we use an open windrow composting procedure and that also has a time and temperature requirement. The compost has to be maintained at 55 degrees centigrade for a minimum of 15 days and it has to be turned 5 times. The fecal coliform count at the end of that process needs to be 1,000 or below. That's the primary difference between the two.

**Commissioner:** That's 1,000 parts per... what are we talking about here?

**Lisa Boatman:** It's the mpn per gram. So it's the most probable number per gram of material sampled.

**Commissioner:** Is that clear to anyone?

**Commissioner:** No.

**Lisa Boatman:** Okay. Well we can get, I can read you the definition if you'd like.

**Commissioner:** That would be helpful.

**Amanda Masino:** So you mentioned testing for coliform bacteria as an index for pathogens, I'm assuming.

**Jane Burazer:** Right.

**Amanda Masino:** What about metals, and other compounds. Are those tested for?

**Jane Burazer:** I don't know why she went and sat down.

**Gerry Acuna:** Can we do this, I mean, can you give us the history first? Where we are today, basically, where we were yesterday, where we are today, and where we hope to go tomorrow. In other words there's already a history of, I guess, I call it Dillo Dirt, and hopefully I'm not mischaracterizing this, or miscalling this, but if we can get a history of where we are and want to go versus where we came from, I mean, I'd love to hear that, just as a starting point.

**Jane Burazer:** Okay. I'll start where I can start. The sludge from our large centralized wastewater treatment plants are all pumped to the Hornsby Bend biosolids facility. There they go through further treatment through the digestion process. We have anaerobic digesters there, then they're further dewatered. At that point, for many years since I think the 80's, we have been doing, making the Dillo Dirt. We were one of the first composting operations around. At one point the amount of solids coming in was more than we could handle with the Dillo Dirt, and we also had land application beginning in the 90's. In the 90's most of that land application occurred on our own properties. At the Hornsby Bend site, and then at one point we were land applying at a Webberville site, a site that Austin Energy owned, but we had permits to do some land application. We lost the ability to land apply at Webberville and we reduced the amount of the application rate at Hornsby Bend. At that point we had more biosolids onsite than we could manage onsite and we began contracting to have that taken to another site for the land application, so in 2008 we began doing that contract. We have done land application since like 1993. In 2008 we began contracting for land application; that contract was with Synagro and they land apply at a site called... out by Eagle Lake, I don't know the name of it. It is permitted by TCEQ. When you look at what we've been doing, you know, it's not an exact year to year, but generally about 1/3 of the biosolids produced is turned into Dillo Dirt, or we compost for Dillo Dirt, the rest has been land application. And in the most recent contract we've allowed some composting as well. It's a faster turnaround composting than we do. What has happened over the last few years is the demand for Dillo Dirt has gone down. We have met with our vendors, we've met with the community and asked why, and we've tried to make the changes that they have requested. One of the issues, originally they had to buy their tickets to collect Dillo Dirt, to pick up Dillo Dirt from our Waller Creek Center site. We got that changed to where they could do it online or with a credit card out at the site. So we got our whole IT system set

up to do that. They wanted a lower price; we lowered the price for Dillo Dirt. They wanted to be able to load smaller volumes, so we had to build a ramp to allow smaller trucks in. They wanted extended periods of time to come and do pick up and we extended timeframe in which they could come do the pick up. Unfortunately through all of that we have not had, we have seen some increase in demand this year but we have not seen a significant demand, and not back to where we were prior to the drought. Simultaneously to all this happening, we've been meeting with Austin Resource Recovery, understanding their initiatives for the food waste. Initially you know we were meeting on options on how the food waste would be addressed. Were there options to bring it to the site? Their decision was to mix it with the yard waste for the curbside recycling which meant that we would be losing some bulking materials that we used for making our Dillo Dirt. So we had to plan for the future. Where we were initially, probably the first ones out there doing composting, we're competing a lot with private entities now, and we're finding we don't compete well with the private industry. We don't have the flexibility dealing with our fleet, and other issues like that. As you know, our budgets are done in April for next year, so you can be a year and a half down trying to get it. We can't increase stuff as easily, so we have not, we felt we weren't as competitive with the private sector. And so the decision, where would we go? So we've had meetings with Austin Resource Recovery, we looked at also where our initiatives could work together with the food waste and ours. Unfortunately, Hornsby Bend we cannot accept the food waste because of our proximity to the airport and the food waste has the potential to attract scavenger birds. So, in that, we'd also been approached by several vendors, some that wanted to look for ways to comingle but they were not in Austin at the time. They would want time to find a facility, get it permitted, and deal with it offsite. So one request we had had was to do one contract for land application to last, you know, sign a contract but have it start 2 years out. That wasn't in our interest at the time either, but obviously there are options out there, and options that are changing in our field constantly. So we, in having the decisions we met with our Purchasing and then we had meetings with several large vendors of what the best approach would be going out. It was decided we would do a Request For Proposals to go out, and that we would leave it, the benefit of Request For Proposals is we're not telling the vendor, or the contractor that's proposing on it, what the solution is. They propose solutions to us and that gives flexibility in looking at new innovative technologies that are coming out in our field as well as traditional ones. It allows flexibility and a mixture of technologies that can be brought to the table for solutions. As part of this process we received five bids. Four were deemed responsive and we reviewed four of them. There was a breakdown on the technical side where we looked at the bidder's or the firm's experience, their key members of the team's experience, the proposed solutions and their timeframes. On the Purchasing side they evaluated the cost, which was 40% of the evaluation and I think they evaluated the schedule. Those scorings were all combined and that brings forward the recommended contract coming forward. Now because we went for Request For Proposals the bidder, or the responder, I'm not sure the correct term, has the ability to deem information in there confidential because they may have a technology or proposal that they feel gives them an advantage and should this process be thrown out to be rebid, they would be at a disadvantage at that point. So we went out with that, I guess the bottom line with that is we can't discuss specifics from that proposal 'cause we all signed nondisclosure statements before we were part of the review team. Where we are right now is based on the proposals that we were given. We are recommending Synagro. This is a five year contract with five one year extensions. We chose a five year contract because that gave time enough for anybody bidding on it to make the investments. They may have to make investments in equipment, capital investments, or they may need to build some customers and stuff for the products that they make. And then we went with five one year extensions. Right now the food waste, I'm saying food waste, I understand that's probably not right either. I'm a "Whereas" so I'm the one that gets the terms mixed up, so sorry, but with the curbside recycling of the food waste products, our understanding from when we were going forward with this is it was proposing a four year roll out so we felt this, what we're bringing forward does not rule out a future, future possibilities of us and ARR being able to join together with the biosolids and the food waste for future initiatives to have them addressed together. And the five years will end right about as their roll out is completing and maybe that is a good time, that would have to be evaluated five years down the road. We don't know that right now. Needless to say, we are getting the biosolids in every day, so this is an issue for us.

In 2013 we had a huge compost fire out at the site. We had too much product stored and stockpiled onsite. A lot of reasons that happened but the takeaway from that was that we need to manage our inventory better, and this will help in that as well so that we, if we're not moving product, it's not stockpiling onsite. I hope that kind of explains it.

**Gerry Acuna:** That's a good start, and I think we have a hundred and one questions to ask. Commissioner.

**Kaiba White:** Yes, just to be clear, your operation at Hornsby Bend is totally ended, or would it be continuing at a lesser rate?

**Jane Burazer:** In the decisions to go, and when we met with the vendors, it was decided that having our compost operation occurring simultaneously with a private sector's compost operation would be cumbersome and we would be bumping into each other. So, Dillo Dirt with our staff would not be what would go forward with this contract, but we have, we put into the scope of work, we did ask for proposals on Dillo Dirt. And that's the best I can say.

**Gerry Acuna:** So you did ask for proposals on Dillo Dirt?

**Jane Burazer:** Yes.

**Gerry Acuna:** And, no responders?

**Jane Burazer:** Well, everybody had to respond in their proposals. I cannot share what was proposed.

**Stacy Guidry:** So going forward there's no way to know how much is going to be land applied. Is that correct?

**Jane Burazer:** I cannot share what's in the proposal.

**Gerry Acuna:** So, and that's fair. We've heard that many, many times.

**Jane Burazer:** I'm sorry, but we signed our nondisclosures...

**Gerry Acuna:** And you're right. In fairness, I guess my concern is here we are, I guess another item on our agenda is the discussion of our compost collection program, and if somebody can help me here with the science. Bob, I'd like to get you up here also because my question is literally this balance. It seems that the challenge we face is the lack of a bulking agent. Is that correct?

**Bob Gedert:** Well, from ARR's perspective, first of all ARR and Austin Water have been communicating for the last three or four years about this juncture point. We knew we would reach this juncture point at some point. The food waste that we collect, comingled with the yard trimmings, cannot go to Hornsby Bend; it's an FAA restricted site and we cannot have scavenger birds on that site, therefore no food waste delivery. So the decision to co-collect food waste with yard trimmings yielded the decision to create a parting of the ways for a temporary period of time, the five years that was quoted. The thought pattern was that Austin Water had certain business needs that we weren't meeting. We complicated their business needs by pulling food waste and comingling it with the yard trimmings so we're bidding out, we have a bid process right now, to co-compost yard trimmings and food waste. Austin Water has this contract under review as well. The goal would be in five years to reevaluate and perhaps merge the two programs under one contract; unify the programs again. That's the concept. The decision isn't made until that juncture point, but we're trying to align the contracts so that decision could be made. And that was a conversation we've had over time with Austin Water, over the last three years. Now, the yard trimmings, and much of the wood trimmings that we supply Austin Water is a bulking agent, and it's about 30,000 tons a year. So what we have communicated to Austin Water and willing to carry through with the commitment, is finding a way to redirect the tree trimming contracts to Austin Water as they need that bulking agent. It depends on their needs and how much of that bulking agent they need, but Austin Energy and the Public Works

department both have tree trimming contracts that equal approximately 45,000 tons of tree trimmings per year. So we feel that's a replacement for our pull out.

**Jane Burazer:** Because we did coordinate with Austin Resource Recovery in the scope that was provided for this Request For Proposals, we shared the quantities that they gave us to share each year, showing the reduction that could be expected and actually even made with no promises, so when the proposals came in they had to make accommodations for bulking agent.

**Bob Gedert:** And just as an added note, as we communicated, we communicated the four year plan of a quarter of the City being covered by the food waste collection next year, and each year thereafter another quarter of the year, so there's a reduction of deliveries over four years. It's not a reduction in one single day; it's a reduction over four years.

**Gerry Acuna:** And again, the goal of your proposal here is to hopefully remedy this fiscal challenge that you're facing, and in so doing that basically is asking the water utility to gradually phase out the Dillo Dirt, which in turn – I use "Dillo Dirt", hopefully that's correct – which in turn is going to have this sludge available for solely land application, or am I...?

**Jane Burazer:** They had to propose on how to handle the Class B biosolids. We have been given permission by Synagro to say that their plan is all compost. So that much we were given permission to say but the details of all that, no. But their proposal is that the biosolids will be composted to Class A.

**Gerry Acuna:** You should have seen me in chemistry class. This is not as challenging, but none the less, Joshua, question.

**Joshua Blaine:** Yeah, my question is policy, or philosophical. It sounds like, from your description of the Dillo Dirt program, and then from some of what I've read, and some of what I've heard, that you're trying to end the Dillo Dirt program. If that's correct, is that something the City Council is aware of and okay with?

**Jane Burazer:** Our goal is not to end the Dillo Dirt program; that was always known to be a possible outcome of this, depending on what came out of it.

**Joshua Blaine:** Well, so I think as a Commission we need to take that seriously. The Dillo Dirt program, as far as I know, maybe "pride and joy" is a little too strong of a term, but I think it's one example of what Austin does that kind of sets us apart. But, **Director Gedert, I'm curious, what is best practice around the country for biosolid waste, and how far off from that have we been, and are we taking with this approach?**

**Bob Gedert:** Biosolid waste is completely outside my field of understanding. I've not experienced or worked in that field at all. So I leave it to these experts here.

**Gerry Acuna:** All right, let me tag on a question with Josh's there. If this was not land applied, or if this was not turned into Dillo Dirt, where does it end up? In a landfill?

**Bob Gedert:** In a landfill. Landfill is the lowest priority designation, but it is the pathway if other pathways are not approved.

**Stacy Guidry:** But this is also considered not diversion, this is land application.

**Gerry Acuna:** Correct, that's the dichotomy we face here.

**Bob Gedert:** It can be considered diversion, but not in the context of our Zero Waste plan. Zero Waste plan does not count biosolids as a form of waste stream to be counted either on the disposal or on the diversion side. So, using the Zero Waste plan, that's kind of on the side and not dealing with biosolids. Obviously compost is an item within the mission of this commission, and obviously subject matter, but the biosolids material as it's generated

and as it's disposed or diverted, doesn't count on the zero waste accounting side. Given that statement, outside of zero waste activity, there are diversion activities, they just aren't diversions that count towards the Zero Waste numbers.

**Stacy Guidry:** And is this considered highest and best use of this type of material?

**Bob Gedert:** I would like to say yes, but I don't know. We're outside my field of expertise when we talk biosolids.

**Stacy Guidry:** And I want to go back to what Josh was saying; this was an award winning program, and it looks like we may have a possibility of actually stopping, but there's been no Council directive and we haven't had any input from the public on this, as well. So I want to make sure that that's taken into account too.

**Gerry Acuna:** Well actually it's probably a really good segue if we can get, I think there is a few folks signed up to speak and then after the discussion we can ask questions. Thank you. Let's see, the first speaker is Andrew Dobbs speaking on Item 3D. And next is Michael Whellan.

**Michael Whellan:** May I speak after Bob Gregory, please.

**Andrew Dobbs:** Yeah, it probably wouldn't, it may actually not be a bad idea for Mr. Gregory to go first because he is a subject matter expert more so than I think a lot of other people here. So, is that okay to rearrange it that-a-way?

**Gerry Acuna:** Actually we have Bob Gregory, and there's been some time donated. We have Ryan Hobbs donating time, Paul Gregory donating time. And let's see, and it looks like that is it, so you have a total of nine minutes, Bob.

**Bob Gregory:** Thank you very much, I'm Bob Gregory with Texas Disposal Systems, and thank you for the opportunity to speak before you today. I sent you an email yesterday with a lot of links to it. That email with some of those links, not all of them, are being passed out to you now. And because there's so much to cover in such a short amount of time I'm going to do something I normally don't do, and stick to the script and read it, so please don't fall asleep on me. Approval of Items 25 and 26 would be a major step backwards for the City's organic waste diversion efforts and for the entire region's private composting market upon which the stable and growing competitive and affordable market largely depend. There are numerous unanswered questions, and you have a list of questions in your packet, that we propose that should be answered related to these Agenda items. Approval of these items would effectively amount, and I believe, to the death of the Dillo Dirt program. This is a policy decision that should be made only after public review of the negotiated contracts, a thorough discussion of the intended, and potential unintended consequences before the affected Commission and Council committees, and with the full knowledge and consideration of the Council. Staff and representatives of Synagro have stated in the July 13<sup>th</sup> Water and Wastewater Commission, which you have the transcript of that section of the Commission in the packet that you have just been handed out to you. In that meeting they intend to compost 100% of the City's biosolids under the proposed contract utilizing what we believe to be an unproven half-baked composting method at a charge to the City of approximately \$15 a yard. However, and you have two handouts, one shows a depiction and one shows a spreadsheet explanation, there is not enough bulking agent currently available in the City, to the City, to adequately compost 100% of the City's biosolids to the standards of Dillo Dirt. Furthermore, there's not enough bulking agent available to the City or Synagro to compost 100% of the City's biosolids to the much lower standard of All Gro, Synagro's self-described "agricultural compost" product. In our opinion, while Synagro's All Gro composting process may achieve regulatory classification of Class A sludge, the product will not actually meet the industry accepted definition of compost, and you have in your package the United States Compost Council's definition of compost. Greg Meszaros said it took six and a half months to make Dillo Dirt. This, whether it's two weeks to four weeks, does not compare with the process that goes on with the Dillo Dirt composting process. The City is also seeking approval through the budget process for expansion of the curbside

organic collection which will divert all the bulking agent currently used at Hornsby Bend to other sites for food waste composting. We support that initiative. Without sufficient bulking agent, any composting process is very likely to cause significant odor problems and result in much more land application of Class B sludge. Significant odor problems have the potential to adversely affect surrounding property owners as well as Austin Bergstrom International Airport. You have an aerial photo in your package showing the two mile proximity from these pads to the front door of the terminal to the airport. According to Synagro's representatives, the All Gro process does not involve curing or screening of the compost product, what we believe is simply and as cheaply as possible designed to allow them to meet the requirements to designate the material as Class A sludge which can be land applied without TCEQ permits on the land, without adherence to the Chapter 62 Travis County Siting Ordinance for solid waste facilities, which prohibits it unless approved with a variance for Class B sludge, and without volume limits on land application. Land applying uncured and unscreened Class A material will spread undigested bulking agent and nonorganic contaminants, like plastic trash, on farmland in the Austin area because of this lack of permitting requirements. It's unknown what the price would be for these alternative processes, whether it is a different type of composting, whether it is landfill, or even if it's Class B land application in another county. The RCA on this quotes it to be a \$20 million cost to the City potentially over six years, if the price, if it is processed as Class B and hauled away it could be over \$40 million dollars. So that's an issue I think is worth exploring. In 2009 the City spent approximately \$7 million dollars to build a larger plant, or pad, for composting Dillo Dirt and to promote the Dillo Dirt program and all the things that went along with this. That was only 2009. Is it appropriate to throw away the Dillo Dirt program so soon to do something very, very different? Synagro has reported a market for agricultural compost of All Gro is huge, but yet we've not seen anyone that's signed up in Travis County and surrounding counties to take it. They also state they're doing this program elsewhere. I encourage you to ask where. I encourage you to go see it. I've not seen anything like this or heard of anything like this until this mention of the agricultural compost so I encourage you to go see it so we're not looking at a black box type of scenario. Selling the City's current volume of unscreened Dillo Dirt for 80 cents per cubic yard is a threat to the current market and people in the market. The last, we believe, the last that was sold was sold at TDS for \$4.50 a cubic yard. We have made it clear we will continue to pay \$4.50 a cubic yard but because of reasons that are too lengthy to explain right here, but I've tried to explain in my email to you guys, we could not bid on this. We can negotiate it under our existing long term contract though, and that's \$1.6 million dollars more payment to the City if the staff will just negotiate as they are allowed to, so I encourage you to encourage that. We believe the likely failure of staff and Synagro's proposed agricultural composting method, due to the lack of sufficient bulking agent and curing time, and properly composting 100% of the City's biosolids will set the stage for staff promoted flow control, and this is something that greatly concerns us. Please delay approval of these items until more information is available and the impact of these contracts can be considered in the context of all the City's organic management goals. There's no urgent need and reason for approving the contract at this time since the City's current contract with Synagro has a 120 day holdover period taking it out to mid-March, and you have a copy of that contract in what you have before you. There's a, second or third to the last page in your package shows that there's a 120 day period available to the City. It is very typical for large contracts like this to be posted for public review. I've heard that the staff does not want to do that in this case. The long term landfill contract, the long term MRF contracts, numerous contracts that TDS has done have been posted before Council action and before ZWAC action for public consideration. Some of you are so new you've not heard me, but if you talk to previous members on ZWAC, I've always encouraged public process; I encourage it now. You should know what these prices are, what these options are. You should know what the intent is, you should know what the teeth are in the contract, or the lack of teeth in the contract. It's a big program, it's an important program and I encourage you to allow that process and to know what you need to know and for Council to know for you to make your recommendation. Thank you very much. I'll happy to take questions if that's appropriate.

**Gerry Acuna:** Thank you Mr. Gregory. Any questions for Bob?

**Amanda Masino:** Hi Mr. Gregory. So I share your concern about the lack of detail, I understand we don't have it, and it seems like it's needed. I'm especially concerned about the health and safety, health and environmental impacts of this quote, unquote, agricultural compost product. I was wondering if you could just briefly give us a little bit of information about why there are restrictions on land use of sludge, the amount, the buffer zones. We're being told this is a Type A product but it's not entirely clear if the contract even includes testing to make sure that this is a Type A product. So could you give us a little bit, some bullet points about why this would be a concern for land, for water, for human exposure?

**Bob Gregory:** I'd be happy to. For years and years there was no restriction. Biosolids, Class B biosolids, could be spread on land without a particular permit or registration; they could just be spread. Then there was further restrictions, and then those restrictions finally amounted to where each location had to have receive a permit from the TCEQ. The reason they had to receive a permit was there were numerous locations throughout the State where the application rate was so great that it did impact surrounding property owners and it was the contaminants that were in it, the plastic things that were in it, and the run off from it, so the application rate adherence was very, very important. It was very difficult for the State to enforce when there wasn't really provisions that they had to meet made clear in a permit from which to enforce against. So the problems were many depending on the location, depending on the rainfall that they had, depending on whether it was clay soil where the materials tended to just flow right off, or whether they went into groundwater. It was a major "stink" in San Antonio area in the 90's, early 90's. And so, anyway, that's why these protections came into being. Travis County has a solid waste siting ordinance that includes siting restrictions where you have to be a mile away from certain receptors, 1,500 feet from other receptors; different distances from different receptors and flood plain restrictions, and things like that. That was done by the County so that if you didn't meet all those set back requirements you had to come to the County and get a variance, and Synagro has sought variances in the last few years from, or at least the last six years, from Travis County and not been able to receive them. So that's why, that was for composting facilities as well as the locations where you spread it. So, did that answer your question?

**Amanda Masino:** It does.

**Gerry Acuna:** Any other questions?

**Joshua Blaine:** I have a question. So Mr. Gregory, you're an expert in the field, we're told we can't know exactly what Synagro's techniques are for this miraculous two to four week All Gro. Do you have any professional opinions as to whether it's possible that they've got some technology or technique that is so new it's possible they could make a high quality compost in two to four weeks, in your opinion?

**Bob Gregory:** I think it's impossible to make a high quality compost in two to four weeks. To be clear though, Dillo Dirt is not dirt, Dillo Dirt is compost. Okay? And the type All Gro compost they have, I don't believe is compost. They even state that their goal is to make Class A certification. So really it's, I don't mean to play on words to be tricky, it's just, even again, Dillo Dirt is not dirt, so we need to get down to the specifics of what it is. I don't think you can bake bread in three minutes, it takes a process. You can have hot dough but you don't have a loaf of bread. It takes a process. It's not only making the compost, but it's stabilization. It's pasteurization for the bacteria, it's stabilization for the type of material that you're going to end up with, and the more you want a nice fluffy product that the public will buy and use, you put more bulking agent in it so it has a nice feel to it and look to it, so you can hold moisture in the compost and in the soil. So in my view you cannot possible make compost, high quality compost, in two to four weeks. If it's possible in two to four weeks, where else in the country do they do this? Let's take time to investigate. If it is possible, let them answer it. Please ask them. You asked me my opinion, I've given it to you. Please ask them and let's go see where it is.

**Gerry Acuna:** Commissioner Guidry.



**Stacy Guidry:** Yes, and this might be for you and maybe Director Gedert if you have some input on this. What is stopping City staff from negotiating with TDS on this?

**Bob Gregory:** A desire to do so.

**Stacy Guidry:** ... on the compost?

**Bob Gregory:** A desire to do so.

**Bob Gedert:** You're referring to the landfill contract. There is a section in the landfill contract that refers to yard trimmings, composting, it does not mention biosolids and it does not mention food waste. Both those items, waste streams, are significantly different in composition than yard trimmings and the contract does not lend us the ability to do a side agreement on yard trimmings, expanding from yard trimmings to food waste to biosolids. It's not a viable option legally.

**Stacy Guidry:** Well, can I just break in real quick, does that mean that TDS can't take food waste, or it's just not in the contract?

**Bob Gedert:** No, no, what we're referring to is latching on to an existing landfill contract and modifying it with a side agreement and that cannot be done beyond the yard trimmings reference.

**Gerry Acuna:** So that's referring to the Master Agreement...

**Bob Gedert:** Yeah, that's referring to the Master Agreement of the landfill contract. Now there's also the consideration of City purchasing policies, I follow City Purchasing Office policies to bid out contracts rather than to do side agreements.

**Gerry Acuna:** And actually there's a reference, I'm sorry, did I jump in front of somebody? There was also a reference made to the purchase of the current inventory from Austin Water utility. Is that correct?

**Bob Gregory:** That's correct. And I still stand by my position, it's just a desire to do so, but the contract clearly allows, in our view, for the negotiation on the composting and other things, including the MRF, and that's what the Council ended up doing, really, when we did the MRF contract. But, the City was selling, or is selling, the screened Dillo Dirt, unscreened Dillo Dirt product. There's really no reason that has to have an anti-lobby. It's not required in the Anti-Lobby Ordinance because the City is selling a product, they're not buying services. Yet they chose, out of an abundance of caution or to help make sure we didn't bid on it, 'cause they knew we weren't going to bid on it if it had it in it, and it's just \$1.6 million dollars difference to the City, and the City Council members are struggling over every dollar they can right now with the budget problems that they have. So for the life of me I can't imagine, I've even recommended to them, set a rate, you've got a rate for screened Dillo Dirt compost at \$12 and something a yard, set a rate for unscreened Dillo Dirt at \$4.50 a yard. TDS will guarantee the purchase of every yard at \$4.50 that anyone else doesn't want. So they've got a fallback position. Don't sell it at 25, I don't know Mr. Click, I don't know what he, I don't have any idea what he plans to do with it, but selling it at 86 cents a yard, allowing him to screen it and flood the market with very low priced compost, will hurt every composter in the area, unnecessarily. So that's the reason I say let's don't do that.

**Gerry Acuna:** Can I get the Assistant Director, please? Thank you. Now, the economics, obviously that's, those are very important issues, I mean this Commission is going to be tasked in a little while with our own set of economic challenges, but on the \$4.50, you said \$4.50...

**Bob Gregory:** Yes, per cubic yard.

**Gerry Acuna:** Per cubic yard versus 86 cents. Did that go into play at all? I mean, did the economics truly go into play here when we decided to... or is it basically the only bid that was received for this material?

**Jane Burazer:** We sent the Request For Proposals out to over a hundred vendors. At the pre-bid meeting we had three vendors show up, and two bid on it, so we see that as a lack of interest in it. It was done through a competitive process, and any of the vendors, 'cause we sell the Dillo Dirt wholesale as it is, and any of them could have bid on it, but there's a lack of interest right now.

**Gerry Acuna:** Okay, now, explain further this \$4.50. You're willing to purchase, again, the inventory at \$4.50, correct?

**Bob Gregory:** You have in your packet the last purchase that we made, and that was \$4.50, you can see the check we wrote, you can see how the sale was done. We will buy all that they have for \$4.50. They did not have to do an Anti-Lobby requirement on this sale. They don't have to sell it, no offense to Mr. Click, I'm sure he's a great guy, but they don't have to sell it to him just to make a, we're in budget time. Set a rate for \$4.50, he can buy all he wants and we'll be the fallback position to buy 100% every month that they want to sell, at a rate that's at least in line with what it's worth once it's screened, and the cost of screening. But not 86 cents a yard.

**Gerry Acuna:** And again, not being privy to the actual Master Agreement that we're referring to here, does that actually, would that constrain this from occurring?

**Jane Burazer:** We set our rates through the budget process. At this point we have not submitted that as part of the budget. I would have to find out if an amendment could be made now to submit a new rate with the budget. It's part of our issue with flexibility; everything happens with budget process.

**Gerry Acuna:** Correct.

**Bob Gregory:** She's right. But I can tell you, the Master Agreement that we have, would have nothing whatsoever to do with the City Council setting a new category for the sale of unscreened Dillo Dirt. That's just a whole new category. You can buy it screened at \$12 something, or unscreened at \$4.50. Or you can push ahead and sell it for an unprecedentedly low, way below the cost of production price, lose \$1.6 million dollars, and we may not buy any of it. Somebody else may buy it, and that's fine, at least it won't ruin the market in the process.

**Gerry Acuna:** Any other questions?

**Joshua Blaine:** Well, I guess to his point, I'm having trouble understanding why the Department or the City would elect to sell it way below market and then give a private company the opportunity to profit so vastly on it. I mean, do we have a straight answer on that?

**Jane Burazer:** Our straight answer is, it wasn't being sold as Dillo Dirt. The takers weren't there, our inventory was increasing, we need to keep our inventory down. As we said, we've put it out for bid before, they've bid on it, there was a company previous to that that had bid on it for over five dollars, and you know, as I said we put it out as a competitive process. They chose not to bid on it.

**Bob Gedert:** I'd like to add a clarification as there's been mention of the Anti-Lobbying portion. City departments, when they follow the Purchasing requirements of the City to bid out a document, to bid out a contract or a service, we do not have the authority to cancel out the Anti-Lobbying provisions. That's a City Council directive to the Purchasing Office, and departments do not have the discretion to bid something out without the Anti-Lobbying clause in effect, so it's not an option for us.

**Stacy Guidry:** Even to Mr. Gregory's point that the City is selling something, not purchasing something?

**Bob Gedert:** We cannot create a different pathway without City Council approval, going through the Purchasing Office. The Purchasing Office governs the bidding process. Now, our department bids out revenue contracts as well. We have revenue oriented contracts with no cost and we go through the same bidding process.

**Joshua Blaine:** I mean if we're talking about 1.6 million dollars in savings I don't see the City Council opposing that, if that's what it requires. I mean, it's true we are all scrapping for dollars. We're going to recommend, I hope, a recommendation later in this meeting that we allocate more funding to PARD, to better fund our Zero Waste URO roll out. We could fund it with this right here, I mean, obviously not that simple, but if that's what it requires it seems silly that we would bypass this. But I think the bigger issue is the life of the Dillo Dirt program, for one, and what we're doing with our biosolids, and if this contract looks, you can't tell us exactly what's happening, we have to assume the worst then, looks like we're just going to be applying it to agricultural land, that's not a good best use.

**Jane Burazer:** There is a representative from Synagro here,

**Joshua Blaine:** Thank you. I was wondering about that.

**Jane Burazer:** ... who has offered to come down and answer questions.

**Joshua Blaine:** Thank you.

**Bob Gregory:** Do you want me to stay here? I'm happy to but I don't want to be here if I'm not...

**Jeff Jiampietro:** I have a quick question for Mr. Gregory. So, I'm just a little confused in the sense that they put the Dillo Dirt out for bid, and it got bought at 89 cents...

**Bob Gregory:** 86.

**Jeff Jiampietro:** 86 cents, and you're saying you would pay \$4 dollars plus for it.

**Bob Gregory:** 4.50

**Jeff Jiampietro:** Am I understanding correctly you weren't allowed to bid on it because there was a conflict of interest, at the initial bid where the other people bought it?

**Bob Gregory:** It's not a conflict of interest, and I was not, not, I was allowed to bid on it. We chose not to bid as long as they applied the Anti-Lobby. Our lawyers say there is absolutely no requirement for them to have the Anti-Lobby on the sale of a product.

**Jeff Jiampietro:** What is the anti... can you just educate me. What is the Anti-Lobby?

**Bob Gregory:** Anti-Lobby Ordinance is an ordinance that keeps, it's being interpreted by the staff as a "no contact" ordinance. We have multiple contracts with the City, we deal with the City all the time. We're constantly dealing with the City, all the time. The City... y'all were not on SWAC, you were Gerry, I guess, maybe the only one. The City staff disqualified TDS from the big MRF, 20 year MRF contract. And they did it in such poor fashion that Federal court overturned it and made them expunge it from all the records and everything. They've continued with that same type of interpretation. It wasn't the ordinance, per se, that was the problem; it was staff's interpretation to eliminate us from bids. That is still continuing and there are bids our right now, one that was just bid two weeks ago on a citywide non-residential dumpster service that could take all commercial collection of waste under the hands of the City. I'm not about to tie up my ability to come and talk to y'all or send an email like I did yesterday, or talk to the Council like I did yesterday and the day before, to do something like this, particularly when they can sell it to us, if they wanted to, without it, or put it as an item on the sale chart for 4.50. I mean, that's my entire, that's our, the Gregory family, entire business, and it's at jeopardy. And the City staff, Robert Goode and Marc Ott, want to create a public utility like Austin Energy out of commercial waste collection. And we will do everything in our power to protect ourselves, protect our ability to do this, and that's why it's important for me to tell you that there's not enough bulking agent, not so you won't do composting. I just don't want them to have the Council approve it and then they come back a month later and say "Well now we have to take control over construction-demolition waste, over brush clearing waste, over anything that's compostable because

Council, you told us to, that you wanted us to do all these projects.” It’s an excuse to do what they wanted to do in the first place. It’s a money grab. It’s a big deal.

**Jeff Jiampietro:** I just wanted to make sure I understand why you didn’t bid on it.

**Bob Gregory:** That’s a synopsis, I hope that was not too confusing.

**Gerry Acuna:** I’m sorry, you’re with Synagro.

**Andrew Bosinger:** Good evening, my name is Andrew Bosinger, I’m with Synagro.

**Gerry Acuna:** Thank you.

**Andrew Bosinger:** I’ve been responsible for business development for Synagro in north, in the eastern United States for about the last 23 years. I’ve worked with the City of Austin and been responsible for contract management and compliance with the City’s biosolids management programs as run by Synagro, in part, for the last seven years. I’d love to answer any questions, correct some statements that have been made, provide you with fair, honest, accurate information about the process that’s been conducted. Our proposal that has been submitted, I’ve been advised by Purchasing it’s not appropriate for me to discuss the details. I will answer as many questions as I possibly can. That is one handicap that’s out there. Statements can be made that are not accurate but you can’t see them because they’re not in our proposal. So this does provide me with an opportunity to do that so I’d be happy to answer any questions that you have.

**Gerry Acuna:** You know, I do have a couple of thoughts and perhaps you can assist me here. In a few minutes, later on, another agenda item is obviously the discussion on organic collection, and organic collection obviously takes and costs money. Here we are, we’re looking at your process. Now your process, if I’m not mistaken, is to hopefully utilize the bulking agent that is collected and produce as much of this Dillo Dirt as possible. Is that correct?

**Andrew Bosinger:** Right. Let me... oh sorry, please...

**Gerry Acuna:** No, go ahead.

**Andrew Bosinger:** I want to clarify one thing to start with. There is no such thing as agricultural compost. That term has been thrown around, I’ve seen it a number of times, I’ve heard it used here tonight. There’s composting, and there is not composting. Composting is the same everywhere. It happens in the forest as leaves decompose after they fall off the trees. It happens at sewage treatment plants around the country. This is a well known, well understood, well documented process; it’s not rocket science. It happens everywhere. We do it in lots of locations. They’re not secrets. A simple Google search will show you where we do this. We have four large biosolids composting facilities across the United States. We serve cities like L.A., Miami, places like that with biosolids composting services. This is not under the radar. There’s not a new process being done here. I will let one cat out of the bag from our proposal. There is no composting in two weeks in our proposal; that can’t be done. So, there’s a lot of information coming at you and a lot of it stands to be corrected.

**Gerry Acuna:** What is the length of your process, the length of process that you...

**Andrew Bosinger:** There is a market for the product in the agricultural sector. That market can be reached in four weeks, roughly. So you compost material, there are very stringent TCEQ and Federal regulations regarding the production of compost; there’s a recipe. There’s time, there’s temperature, there’s turnings. There’s very well established and accepted industry standards and Synagro serves about 600 customers around the United States in biosolids management solutions; it’s what we do, it’s all we do. We don’t do solid waste, we don’t do recycling, we do biosolids management and we’re the best in the business at it, and we’ve been doing it a long time.

**Gerry Acuna:** Now are any of your products sold, I mean, silly question here, but are any products sold locally, I mean at a Home Depot, or a Lowe's, or any other retail outlets?

**Andrew Bosinger:** Locally they are not sold in those outlets. In other locations they are. Our current contract with Austin Water utility requires us to only produce a product that is marketed to the agricultural sector. Farmers want nutrients, they want better soil. They can go out and buy chemical fertilizers and apply those chemical fertilizers but guess what they do. They run off into the water. Organic matter like compost doesn't run off into the water, it improves the soil, it provides the nutrients that plants use and they're willing to pay for that product. So, this agricultural composting, agricultural – it's just one segment of the market. The Home Depots, the landscape supply companies, those are all customers, all markets that we would intend to utilize with products we would produce here. Some would be produced in roughly in four weeks. The rest would probably take closer to six or six and a half months, because it would meet the same standards as Dillo Dirt. Where we can save the City money, and Austin Water utility has said that our proposal will save them over a million dollars a year as compared to their current programs, because we can bring resources to go out and market the product. We can bring amendment sourcing. We don't have to rely on the City of Austin to deliver amendment. There is plenty of amendment in the marketplace. And we've put our money where our mouth is; we're guaranteeing it. So somebody can say there's not, but if there isn't, guess whose nickel that is. Not the City of Austin's.

**Gerry Acuna:** Now give me your vision of the amendment. Where would this material come from?

**Andrew Bosinger:** Well, I mean, so here's where I have to talk about the procurement. I'm a little limited on what I can say and what I can disclose.

**Gerry Acuna:** So if I suggest a couple of items would you say yes or no?

**Andrew Bosinger:** I could say those are good potential sources.

**Gerry Acuna:** Okay, so, C & D recycling?

**Andrew Bosinger:** That's a good potential source.

**Gerry Acuna:** Which is an upcoming ordinance.

**Andrew Bosinger:** That's a good potential source, yes.

**Gerry Acuna:** The challenges I see in that is the obviously treated material that tends to enter this waste stream. Would something like that be separated prior to entering your methodology?

**Andrew Bosinger:** Yes, absolutely.

**Gerry Acuna:** Okay, I've got a few more questions that I'd love to talk to you about the dollars and cents here again, but I'll yield to Ms. Masino.

**Amanda Masino:** So, thanks for bringing up the agricultural compost term again. I'd like to clarify where at least I heard that term, it was from someone from your company and perhaps they were talking about the market and it got confused but from what the 7-13-16 minutes of the Water and Wastewater Commission someone called Greg Meszaros, "while there are various forms of composting", page 5 of 13 in this packet we got, "various forms of composting, there's agricultural compost which isn't as refined, screened product, Dillo Dirt is the very high, top end kind of thing. We didn't want to be constrained and say it only has to be highly cleaned Dillo Dirt if we can get it through agricultural composting whatever way we want, we want to get away from land application as much as we possibly can." So maybe there is some terminology here that could be clarified. Yes, from the Water and Wastewater minutes or transcript. Okay. What's meant by "clean" here? So what kind of...?

**Andrew Bosinger:** I can't speak for the Director and what he was trying to say. I would say that probably, that term "agricultural composting", I think I know what he meant of the segment of the market we're trying to address. So you can think about, different segments of the market have different demands. So how I would describe the four week process is, you have four weeks at that point you've met the state, federal, local time and temperature; you are now a "Class A" product, but that doesn't mean somebody wants to buy it. You know, you have to meet the demands of the market which means screening, and curing and refining it and producing a product that someone will buy. Now, a farmer, who's gonna spread it in lieu of spreading chemical fertilizers, might not have the same demands that you do when you go to Home Depot and buy a bag and open it. Right? I mean that's a different market, you're paying a lot more for it, and some markets demand a lesser price point and you have to address those markets to have consistent removal of product. Compost marketing is seasonal. Biosolids production from a wastewater plant, is not. Biosolids are produced every single day by the City residents you know, and that needs to be managed every day. So to produce a consistent removal of the product you have to address multiple markets and the ag market is one of those.

**Gerry Acuna:** Commissioner Blaine.

**Joshua Blaine:** So I, take a little bit of issue with you saying compost is compost. You know we started this session with an engineer, not from your company, but an engineer from Austin Water saying that there are literary measurements that they use to distinguish Class A, Class B. Where does yours fall? When you say four weeks, there's a market demand, what's the coliform count for example?

**Andrew Bosinger:** That's a good comment and I shouldn't have said it the way I did probably because compost is not compost. What I am trying to say is, when you've met four weeks you've got legally, by definition, a "compost product".

**Joshua Blaine:** What's the coliform count when you say by definition?

**Andrew Bosinger:** It's below a thousand MPN. It's a Class A, MPN, sorry, is most probable number per gram of solids. So it's a Class A product, it's the highest and best treatment standards. There's other technologies out there for treating biosolids, none of them treat it better than composting does. And so the question is when you reach that four week point and you have a product that's met the legal requirements how much further do you treat it? And what the private sector does that the City has difficulty with being flexible is make investments in further, further curing, further screening, other further processing of the material beyond that to add value, to address different markets segments. The private sector can be more flexible more quickly in addressing changing markets and varied markets than it's possible for the City to do.

**Kaiba White:** Excuse me, can I just ask for clarification? I just heard you say a thousand MPN, was that correct? 'Cause previously I thought I heard a million.

**Andrew Bosinger:** Two million MPN would be a Class B type biosolids. That's what you get when it comes out...

**Kaiba White:** Class A is a thousand, not one million.

**Andrew Bosinger:** I'm sorry?

**Kaiba White:** Class A is a thousand.

**Andrew Bosinger:** One thousand, that's correct.

**Kaiba White:** Okay thank you.

**Amanda Masino:** Do you test for anything else?

**Andrew Bosinger:** I'm sorry?

**Amanda Masino:** Do you test for anything else?

**Andrew Bosinger:** Sure yea, there's a whole battery of tests that needs to be conducted, yes.

**Amanda Masino:** For example?

**Andrew Bosinger:** Metals. The Austin biosolid, now we don't control metals. What comes into the City's system is what will control metals. Nothing Synagro does is going to change that. That's the City's pretreatment program where they go out and you know address industrial users to keep metals.

**Joshua Blaine:** So one question I have, are you saying that y'all wouldn't actually be applying this "finished compost", this four-week compost, you'd just be selling it to somebody else? Or would you actually be applying this to a specific site that you've got a permit to apply it to.

**Andrew Bosinger:** We'd be selling it much the same way Dillo Dirt is sold now.

**Joshua Blaine:** So you don't know where it would end up and we wouldn't know where it would end up.

**Andrew Bosinger:** I'm sorry.

**Joshua Blaine:** So you don't know where it would end up and therefore we wouldn't know where it will end up.

**Andrew Bosinger:** Sure, we know where it would end up, sure. Absolutely, we have a list of customers now that are purchasing the agricultural product that we're making and we have a very good marketing plan in place based on, we market more biosolids compost more than any other firm in the United States, and we understand the market segments how to address them. We're going to produce bagged product, we're going to produce high quality product that's been aged for six and a half months that will address the Dillo Dirt segment. We're going to go to landscapers, we're gonna go to a variety of different markets, not just the "ag" market, this four-week product. That's a minimum amount of material for us. That's not a market we want to address specifically; it's a part of the market.

**Joshua Blaine:** Because one of the major concerns in this whole debate is the so called "sludge", what you're calling the four-week compost, has health concerns for the people in the area, so what we need to consider is do we have, can we have a say whether that continues or not, where is it ending up. Doesn't sound like we know.

**Andrew Bosinger:** Sure.

**Jane Burazer:** It seems we are getting terminology mixed up again because when we talk about land application we are talking about Class B biosolids, not compost. And the concerns that you are raising that you do read about in the media are about Class B biosolids land application process. And as we said earlier this contract is not recommending that, it is recommending compost. Dillo Dirt goes through the windrows for four weeks. That part is the exact same. It's in the curing pile longer. At the end of the four weeks we are meeting the same reduction in pathogens and vector control that they are meeting with their four weeks. So that's the same product for composting at that point; it's the amount of curing and other amendments that come after that, that make a difference, but the land application is Class B biosolids. I just want to make that clear because we are mixing terms up and that getting some of it kind of confused.

**Amanda Masino:** Excuse me, I thought that there were restrictions or there were guidelines for Class A compost, in terms of volume. When you are using high volume, aren't there a different set of parameters for small users of compost versus, Class A compost, versus people who are going to be applying large amounts of it, so are there guidelines for the grams per acre that you apply to Class A.

**Jane Burazer:** I'm not aware of it.

**Andrew Bosinger:** There are recommendations for the use of the product, yes. There're not per se different if you using a large farm, small users, large users; there's recommended uses and application rates for all these kinds of products.

**Gerry Acuna:** So let me start reeling this in a little bit.

**Kaiba White:** I just have a couple of questions, so you've mentioned that you are going to have a variety of products. Do you anticipate what percentage would meet the same standards or similar standard as the current Dillo Dirt?

**Andrew Bosinger:** I don't have that off the top of my head. I don't want to necessarily disclose that either right here. I mean I have some estimates that over time how it will change; it's not all going to be Dillo dirt the first day, but there's a strong market for the product.

**Kaiba White:** So does that mean that there's going to be less than it's currently being produced?

**Andrew Bosinger:** No, there will be more Dillo Dirt than is currently being produced, I believe, only about one third of the City's biosolids is currently turned into Dillo Dirt. The rest is composted by us or land applied by us as a Class B material. There will be more Dillo dirt than there is currently produced is my expectation.

**Kaiba White:** Okay, and is that anything that this contract controls in any way, or is that entirely up to you, your company, how much of the material gets into the Class A stream versus Dillo Dirt, or something in between.

**Andrew Bosinger:** It requires all the product to be Class A composted. You could have proposed land application, we did not. We believe that composting is a better solution for Austin and we do all, we are a service provider, so we do all the proven technologies that are out there and we have sixteen large facilities around the U.S. If there was a better technology we would have brought it to Austin and said here's a better solution, but there isn't. This is a, Dillo Dirt has been a kind of a benchmark program in the industry that has been very, very successful and Austin Water utility has been remarkably successful. Market conditions have changed and the application of some private resources doesn't kill Dillo Dirt, it enables Dillo Dirt survival in an economically viable manner.

**Kaiba White:** So you mention that you have existing customers. Does that mean that you're currently providing existing customers with this product from somewhere else? Or just customers that you've identified for future? And the reason I'm asking is, I'm wondering is this the type of product that could be marketed outside this of this area?

**Andrew Bosinger:** Yea, because of its bulk it's not viable to transport it long distances but it definitely could be marketed outside you know, Austin proper.

**Kaiba White:** Okay.

**Andrew Bosinger:** Is that, did I answer your question? Is that what you were asking?

**Kaiba White:** Yeah, I think so. I mean I guess I am just wondering if it is possible that we could set the standard higher and I think what many people would like to see here is that of instead of going down a road where some unknown percentage ends up as Dillo Dirt, and potentially a lot of the rest is this Class A product, that all of it can be to the Dillo Dirt standard, and I am just wondering if with your national, you know, network whether or not that would be possible to market our Dillo Dirt outside of the region.

**Andrew Bosinger:** It's probably not viable to transport it region long distances but that doesn't mean that 100% of it can't eventually be turned into Dillo Dirt and marketed locally. That market does exist we believe, so, it's not...

**Gerry Acuna:** I'm sorry.

**Andrew Bosinger:** Please go ahead.



**Gerry Acuna:** Commissioner Hoffman.

**Heather-Nicole Hoffman:** All right, I guess I'm having a hard time understanding why we're having to contract this out, if we're already doing a four week process and there's the potential of selling that material as a separate product. Why are we not doing that, and continuing to do that, at a rate that we need...

**Andrew Bosinger:** Is that a question?

**Jane Burazer:** That part, the similarities are there. What we don't have is, we don't have a marketing team, we don't have the ability to go out and deliver. That actually was one of the requests from some of the vendors is that we, if they have a job at a house, go deliver it there. We don't have those capabilities and we're not likely to get those capabilities, and it's not even reasonable to expect it. We would just loose more and more money on the process doing it that way. That's why when we evaluated this we looked what are our options are so I mean we have the capabilities of continuing Dillo Dirt but we are lacking in the other areas of getting it out, marketing it, moving it, that's why we are not having the sales we've had.

**Kaiba White:** Couldn't you just contract for the marketing and the delivery?

**Gerry Acuna:** Let me get to two other speakers and then we can ask further questions. We have two speakers that signed up, Michael Whellan and then Andrew Dobbs. And Mr. Bosinger don't go too far, but thank you very much.

**Andrew Dobbs:** Thank you everybody, Andrew Dobbs, Texas Campaign for the Environment. I honestly am not sure what I'm going to say here because this has covered so much ground, so to speak. Come on. What I will say is that I wrote two big words here which are environment and democracy. I think those are the two things that I am responsible for representing here, the public interest and the environment, but I think those are the two things we need to keep our eye on the ball here with because it can get really distracted. I wanted to tell the story of how we got to this point first, 'cause I think that that's important. It was starting to happen that when this process was in the RFP section one of the bidders, or potential bidders, was applying for TCEQ permits to do the Class B sludge land application in Fayette County and then in Bastrop County. Both of those, when this went the other direction, they cancelled both of those projects. They were also both subject to a great deal of public opposition. Those people, those opponents, contacted TCE and we were helping to organize them and to fight the proposals from that company which is not here today. And so we were successful in defeating them because this went the other direction. During this process we started, there was a news story that was a part of this where Ms. Burazer was quoted and I understand she thinks she was misquoted.

**Jane Burazer:** No, I said it, I was wrong in what I said.

**Andrew Dobbs:** Okay. Anyway we are all, everybody makes mistakes whether it's Asher Price, or Ms. Burazer, Andrew Dobbs, we all make mistakes, mistakes happen. And it was quoted that land application of sludge would be a Zero Waste policy. That's when I started speaking with Dr. Masino and Stacy and others about getting the recommendation before you, so that we clarify that at no point will people think that land application of sludge is a Zero Waste strategy because it's not, it's a disposal strategy, and the definition of Zero Waste means no emissions to land, air and water and Class B sludge land application is absolutely destructive of human health and the environment. And Synagro does do a lot of it and they're responsible for a lot of destruction of people's health, the environment, the land and water in Texas and other parts of the country and the world, so that's need to be said. This project does not appear to be, have any Class B land application though we don't know because they say that they don't, but they're telling us throughout this process, "just trust us." And that's where that democracy comes in, right? Because we are dealing with a black box here and what's being told is, it reminds us very clearly of the biomass contract that happened several years ago, where Council's coming back from vacation, it's the beginning of August and everybody is out of town on vacation and everything else and they are like, "Oh by the way we've got these big contracts we need you to do. Don't worry it's good for the environment". Right?

Major policy changes, major investments of money, 20 million dollars in this case. Now the biomass contract was significantly larger, I think Kaiba can tell me the exact numbers but this is the same kind of thing. And what we say is we need to slow down and take a harder look at this, and we need to apply public interest to this process because is in a lack of that, mistakes could be made. What we do know, is that the other part of our democracy here is that policy is made by elected officials in this country not, by staff, not by hired staff and the elimination of the Dillo Dirt program, which we heard today at this very, at one of these podiums, is going to happen with this contract, and then we hear it may be actually continuing under another name, but once again there's this black box and we're just being told, "trust us, don't worry, it's going to be great, you're gonna love it, just give us the money, give us the money and we'll do it and it'll be great." That is very concerning and that's a policy that should be made by our City Council, by our elected officials, after significant public input, which is what's not happening right now. Okay, that is something that we're concerned about. I, we, Bob Gedert is correct in that we have anticipated this for many years now. At least a year ago, if not more, I asked him point blank, what's gonna happen to Dillo Dirt if we take the yard waste out of Hornsby Bend? And what we were told was that, exactly what he said here today, which is that the bulking agent would be replaced from trimmings from Austin Energy and Public Works. Okay, he said 30 million tons of, or 30 thousand tons of yard waste is going away, but they have about 45 thousand tons of that. My question is, what's the problem? Why aren't we continuing with that? We're hearing it's the marketing issue, okay, like if that's the case then let's say that, but there's still a lot of questions that need to be answered, I believe. It sounds like the bulking agent is there. If that's the problem, then that problem is solved, and if it's not, we need to have that clarity. Our other concerns are that Class A sludge could be land applied in Austin, that this process could, that this is something that could, that the environmental justice, and environmental impacts are significant from this, the quality of life impacts are significant, it's something that we're deeply concerned about and we want to make sure that's held over, but once again we are being told "just vote on this". Our recommendations are that we clarify, and this is something that I sent to each of you in emails and I have paper copies I've given to a number of you, and I have some left if you need them, is to pass this recommendation so that we are very clear that land application of sludge it is not a zero waste policy. That's the purview of this commission, these contracts are not necessarily. This is an Austin Water project. But this is to clarify that policy. Then to change it by striking, and I spelled these out, striking "Class B" from the Therefore Be It Resolved, so all sludge land applications is something that we see as non-zero waste. The addition of a clause that would clarify that the Austin City Council take all necessary steps to sustain and expand the Dillo Dirt program after curbside composting is fully implemented, to stand by that program, which is an award winning program, which is a pioneering zero waste program and then finally, and then actually one other thing that's not on here, to convene a strategic plan, a strategic process for all of the City's organic waste. There's seven departments that I count that generate some sort of compostable waste. We need to get all those people in a room because if we start taking 30 thousand tons, you know, 50 thousand tons all these different tons and committing them to different places under different contracts we're gonna turn around in three or four years and we're gonna be, like oh whoops, we needed that one. Where did it go? Oh, we have a 5, 10, 20 year contract on it. Let's get strategic about it. And the final thing, and I didn't put this on here but I hope that you will add this, that you will recommend to Council that they direct the City Manager to only negotiate this contract, to not execute it. The way it's written right now is to negotiate and execute it, that they don't execute any contracts before they've been viewed by the public, but they can negotiate it and if those contracts are to come back before the Water and Wastewater Commission and this commission so that we can have that public input. That's environment, that's democracy, that's what I'm responsible for, that's what the people on this Commission are responsible for, that's what makes Austin great. So I hope that y'all will commit to that there. I'm happy to answer any questions.

**Gerry Acuna:** Thank you Mr. Dobbs. Any questions? All right folks, we do have, as Mr. Dobbs, alluded to, there is a resolution that was submitted by Commissioner Masino. Seconded by Commissioner Guidry. I just, I want to reiterate here, this is, this is a Water and Wastewater utility issue and this is something that to some degree it's a balancing act, because we have, a proposal, to include organic collection in our system. I want to make sure that

we have completely and totally vetted this process before we make a decision here. And I know there was a comment made, I don't know if it was the Assistant Director's comment or Bob's comment, that literally we didn't get the two groups together to discuss opportunities, options, and/or a game plan prior to doing this. So, I...

**Bob Gedert:** I think, I think I beg to differ. The different departments that generate organics materials have been talking to each other for the last four or five years. The Austin Resource Recovery Zero Waste Plan, Master Plan, generated the conversations among the departments, so we've been talking to Parks and Recreation on what their needs are. We've talked to both departments with the tree trimming contracts, we've worked very closely with Austin Water. The organic material generation within the city is very much being communicated among the different departments as to where the needs are. There's also the needs within the departments and Austin Water has generously donated free of charge, composted material to PARD and Public Works, and our tree trimmings also go to the different city departments as well from the Christmas tree shredding program. So I would say that the communications is pretty strong within the City departments. This is a case where consolidation sometimes works, and sometimes doesn't work. The tree trimming contracts are adaptable, when needed, to divert the material. Currently Austin Energy has the materials taken by the contractor, at the benefit of the contractor with a reduced cost. However that contract can turn over pretty easily and so can the Public Works contract. So, my summary is that we are talking to each other.

**Gerry Acuna:** Okay, thank you Bob. Okay, I guess we do have a resolution that's on the table. And, if, hopefully everybody had a chance to read this, go over this. I will...

**Joshua Blaine:** Chairman, can I just ask as a point of clarification?

**Gerry Acuna:** Yes.

**Joshua Blaine:** Are we talking only about the resolution now, or was there an action item on this specific contract?

**Gerry Acuna:** It's an action, discussion-action item and...

**Joshua Blaine:** But on the contract we were just talking about or on the recommendation?

**Gerry Acuna:** On the recommendation from this Commission concerning this item.

**Stacy Guidry:** And this goes to Council tomorrow?

**Gerry Acuna:** It does, yes. Thank you.

**Stacy Guidry:** So we're recommending to Council based on what we decide here?

**Gerry Acuna:** Correct. We're going to discuss this, and add, delete, thank you.

**Stacy Guidry:** On the resolution of the recommendation?

**Gerry Acuna:** So, I'll entertain a discussion from the Commission. Commissioner Masino, thank you for putting this together, this is a great start. Stacy, thank you.

**Stacy Guidry:** And I agree with Mr. Dobbs as far as changing the Therefore Be It Resolved at the bottom, that land application of all sludge, should not be considered consistent with the City's zero waste principles. I don't believe that that's the highest and best use.

**Gerry Acuna:** That's a friendly amendment to Commissioner Masino's...

**Amanda Masino:** And perhaps also then if the, so perhaps we should also make that amendment at the top in the "Where As", just take Class B out there as well.

**Gerry Acuna:** Is that...

**Shana Joyce:** I think we have a problem with Class A and B “compost” versus “sewage sludge”.

**Stacy Guidry:** You have an issue with the words “sewage sludge” describing Class A?

**Shana Joyce:** We need to specify, if your saying Class, ‘cause Dillo Dirt is a Class A compost. So you’re saying you can’t use Dillo Dirt on land when you do that. Which is not our intent.

**Gerry Acuna:** And I have to agree with that also.

**Stacy Guidry:** Okay. That’s, that makes sense.

**Jeff Jiampietro:** I have a quick question also. As I’m reading this it says that the, I assume, I think it’s paragraph five. It says that “Whereas the Archives of Environmental and Occupational Health reported that land application of sludge is associated with significant increases in reported health problems”. So then, I understand that, and then I skip all the way down to the second to last paragraph where it says, “Whereas the City of Austin already diverts a substantial proportion of its sewage sludge into a higher and better use, Dillo Dirt compost”. So my question is, if it’s dangerous up here in that paragraph, wouldn’t it, if it’s used in the Dillo Dirt, wouldn’t it be dangerous also? Or is there something being done to the Dillo Dirt that makes it not dangerous when it goes into the Dillo Dirt?

**Amada Masino:** Well, so the paragraph that has the archives of Environmental and Occupational Health reference; that’s sludge.

**Jeff Jiampietro:** Okay.

**Amanda Masino:** Which would have the higher coliform bacteria count, etc., etc., hasn’t been cooked for as long, temperature hasn’t been as high. The higher and better use would be taking that to a compost product which has the lower coliform bacteria counts. Does that make sense? So the health concerns are with exposure to the lower quality product.

**Jeff Jiampietro:** Does the lower quality product go into the Dillo Dirt also, or does the process of the Dillo Dirt make the problems go away?

**Amanda Masino:** Right, yeah, so the process of composting further destroys the pathogenic bacteria.

**Jeff Jiampietro:** Okay.

**Amanda Masino:** And so that’s why that’s one of the standards, and the experts in the room can correct me if I’m wrong, but that’s why it’s one of the important standards for what you track as you’re going through composting is, what’s the bacterial count? Because as the compost continues to be exposed to high temperature, that kills the pathogens.

**Jeff Jiampietro:** And, and the heavy metals too?

**Amanda Masino:** No. The heavy metals remain.

**Gerry Acuna:** They stay.

**Amanda Masino:** Which is why there are guidelines for how much you can use, what...

**Lady Voice:** Application rates...

**Amanda Masino:** What kind of, what the effective of soil acidity is, as to how many of those metals will make it into your plants if you happen to be growing food in those areas. So, there are guidelines because the metals will remain.

**Jeff Jiampietro:** I imagine it's gotta be regulated, the heavy metals and the coming out of Austin Water with the sludge.

**Amanda Masino:** That would be a good question to...

**Jeff Jiampietro:** The heavy metals must be regulated by...

**Lisa Boatman:** We can help with some of this, so, one of the ways that the industry refers to it is, you know, it's biosolids, so biosolids is sewage sludge that's been treated through a process. You can have Class A sludge, you can have Class B sludge. Compost, if it's been through a process to further reduce pathogens, which in the case of Austin Water and most other industries, the indicator organism is fecal coliform. Then it can be designated as a Class A product if the fecal coliform count is below the 100 most probable number per gram. And I can give you that information right out of the EPA 503 Reg, but I am not a chemist, I'm an engineer, and there's a whole process of describing how the lab comes up with that number.

**Lady Voice:** I think we're good.

**Lisa Boatman:** Okay, so, what were we talking about again?

**Ken Lockard:** I guess about metals.

**Lisa Boatman:** Yes, metals, right. So, in our permit, some of the things that we have to regulate, or that we're regulated on for sewage sludge is the pollutants are heavy metals, arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium and zinc. And there are Table 3 metal concentrations that are listed in the Chapter 312 Regulations for sewage sludge. Austin Water has a pretreatment program, and you're correct for land application of Class B sludge, so the procedure to do that is you go through the process of having the field permitted with TCEQ. You have to do, you have to take soil samples and determine what is agronomic rate of application for the Class B sludge. In the state of Texas that is based on nitrogen. The soil samples will give you the number, the nitrogen amount in the soil and you calculate that based on whatever type of cover crop that you're using. In the case of the land application fields that we've historically used, that cover crop is hay; Coastal Bermuda, it's specifically onsite. And we have an annual requirement for soil testing onsite. We also, by the amount of biosolids that we produce, TCEQ requires us to test for nutrient and metal content in our sludge on a monthly basis. We also test our Dillo Dirt on a monthly basis, in addition to the windrows, which is an extra requirement that we go above and beyond as an intermediate step.

**Kaiba White:** And so what happens if you exceed the allowable limits?

**Lisa Boatman:** Right, so, you cannot exceed your allowable limits. When the land application process happens we, the applicator will know how much sludge is to be applied for each individual field. By either operator error or negligence, I mean, I'm sure that you could overload a field. The results of your soil testing would probably reveal that when you go back and see that you've applied more nutrient than was required. And there's situations, I mean, it's a very weather dependent process as well. So any application rate below the agronomic rate that is calculated yearly, for example at our site, is considered beneficial reuse by the EPA and TCEQ definitions.

**Kaiba White:** So, actually, thank you for that, but I was actually...

**Lisa Boatman:** Sure.

**Kaiba White:** ...meant if that the testing at your facility shows that for some reason there are elevated levels.

**Lisa Boatman:** Right, historically we have always fallen well below the Table 3 limits. I'm actually, I'm glad you asked that because I didn't address this earlier, there's a cumulative metal loading rate on the fields. Our Austin sludge is so far below those that we are exempt from those calculations.

**Ken Lockard:** I'm Ken Lockard, Superintendent out at Hornsby Bend. To kind of add to what Lisa says on the concern with the metals, one thing that helps make the Dillo Dirt program or the composting program in Austin successful, is that Austin Water utility has a pretreatment compliance ordinance. So all the heavy metals, all the nasty stuff that would bring concerns is removed from the wastewater stream. So it never enters the wastewater stream, meaning it never goes to the treatment plants, meaning it never ends up in the biosolids or in the sludge at Hornsby. The individual businesses, they have to remove it, then they have to, you know, properly take care of it and treat it themselves. It's not put in the public treatment system. That helps give the compost that we make, what's considered exceptional quality because, like Lisa was saying, the metal content is so very low that they've allowed us to not have to test continuously for it because historically we've always had such a very, very low content on that. So, that's not an issue. If was to become an issue, you know we have standard procedures where we retest, make sure there's no problem with testing. If there were still issues and problems, then of course the material wouldn't be applied. We'd have to figure out a way to handle it, and to deal with it at that time, but it wouldn't leave the facility, or it wouldn't be applied either onsite or offsite if it doesn't meet the requirements. And everything that leaves the plant or is applied on the plant is always tested. Nothing, nothing leaves the plant or is applied onsite without being tested and without meeting all requirements.

**Lisa Boatman:** And I just want to make another clarification, so in terms of the sludge and we did provide, we do have some samples for you of sludge and compost if any of the any one of the commissioners are interested, we can pass that around.

**Kaiba White:** Yes, please.

**Lisa Boatman:** We'll make that available to you, I even have some rubber gloves, also if you want to get up close and personal. But, I just want to address there was a concern of plastic being in the sludge and that plastic then being applied on an agricultural field. **The sludge that comes out of our digesters does not have this plastic in it. That, those plastics through the wastewater treatment process are either screened out or removed with scum, there's other ways for the material to be, I'm not gonna say that it's 100% no plastic but the type of plastic that you, that you might see if you were to come out to Hornsby and look at a unscreened pile of Dillo Dirt, is actually introduced through contamination from the yard waste.** So, you know, you have a plastic bag accidentally gets in your, in the wrong bin, it could end up at Hornsby.

**Gerry Acuna:** Thank you both very much. All right, now back to the actual resolution here.

**Amanda Masino:** Yes, so,

**Gerry Acuna:** I'm sorry.

**Amanda Masino:** So, the last question was about, or I guess the first amendment was whether or not we should strike Class B.

**Stacy Guidry:** I want to clarify due to Commissioner Hoffman's retort. Would we want to be more, clear as far as saying that the possibility of land applying "Class B sewage sludge" and separating that out and making another distinction that Class A is compost?

**Gerry Acuna:** Okay.

**Heather-Nicole Hoffman:** The gallery is erupting.

**Jane Burazer:** You may want to just stick to the term biosolids, because compost is no longer a biosolid. We do have biosolids that have met Class A, sometimes just being out in the sun for a very long time the UV can reduce the pathogens and through testing we can meet Class A level. That would be a Class A biosolid. Compost is compost. Compost meets Class A. It meets the Class A standards for biosolids but at that point you have a compost product, not a biosolid.

**Kaiba White:** And is there an additional standard that has to be met to be called compost?

**Jane Burazer:** There are some EPA standards that have to be met.

**Kaiba White:** Okay.

**Gerry Acuna:** So do you want to leave that as is?

**Amanda Masino:** So I'm thinking that maybe the better, more inclusive amendment would be on the Therefore Be It Resolved, that we change that to "land application of biosolids..."

**Gerry Acuna:** Sounds good.

**Amanda Masino:** ...should not be". Does that sound fair?

**Shana Joyce:** And maybe you specify "unless fully composted" or something to that effect.

**Amanda Masino:** Biosolids...

**Joshua Blaine:** I think what we're hearing is that compost is not considered biosolids anymore.

**Kaiba White:** It might be good to make that clear though, 'cause we've spent quite a bit of time on this and we're still a little confused, so I bet City Council and their staff would like it to be clear that compost is okay.

**Amanda Masino:** Okay, "so land application of biosolids, comma, excepting compost, should not be considered", or "with the exception of compost", how's that?

**Gerry Acuna:** That'll work. Do you want to read those back to us?

**Joshua Blaine:** Has anybody proposed to also adopt the final amendment that Mr. Dobbs had suggested, about Be It Further Resolved? If not, I would like to propose an amendment that that also be added in. That we don't approve any contracts, Austin Water utility, organic products, until we've had a comprehensive strategic plan on all of our organic materials.

**Gerry Acuna:** Do you want to add that as an amendment?

**Joshua Blaine:** Yeah.

**Stacy Guidry:** Are we adding the first one, or just the second one?

**Gerry Acuna:** I think it was the second one.

**Amanda Masino:** You mentioned the second, but I think we should add...

**Stacy Guidry:** No, I just had concerns about the first one so if we wanted to...

**Amanda Masino:** So let's separate them.

**Stacy Guidry:** But I'm good with the second one.

**Amanda Masino:** Okay so we're adding the second clause.

**Gerry Acuna:** Okay.

**Joshua Blaine:** I would recommend both, but I guess I skipped ahead to that last one about making sure we have a comprehensive plan for all organics before approving new contracts with Austin Water.

**Stacy Guidry:** If we do go with that I want to hear Shana's concerns first.

**Bob Gedert:** The strategic organic material plan that you're referencing there, like I said, the departments are speaking to each other, we are coordinating our efforts. If you cease contractual requirements of the departments until a plan is in place, that would be very problematic for several departments, including Austin Water. Concurrently would be a better pathway. Yes, we're talking to each other. If you're directing us towards a strategic plan, that can happen concurrently with the activity that Austin Water's proposing.

**Gerry Acuna:** All right, thank you Bob. Shana, you have some thoughts.

**Shana Joyce:** Yeah, I'm just, my concern about the sustain and expand; I'm fine with sustaining and the possibility of expanding, but if it's a program that, if they're already having issues, I'm just concerned about expanding something that doesn't necessarily need to be expanded. So that's just my concern, is just the wording. I don't mind having that in there because we obviously want to support the Dillo Dirt initiative, but I'm just concerned about expanding it if that's not necessarily necessary.

**Stacy Guidry:** So "with the possibility of expanding" would be better language for you?

**Amanda Masino:** "Sustain and possibly expand"?

**Shana Joyce:** Yeah, "with the possibility of expanding", that that just makes me feel a little bit better, thank you.

**Amanda Masino:** Okay.

**Gerry Acuna:** All right, do you wanna read that?

**Amanda Masino:** Should I read back what we've got so far?

**Gerry Acuna:** Read back please.

**Amanda Masino:** Okay so...

**Stacy Guidry:** Well let's make sure Michael's ready.

**Stacy Guidry:** Mr. Sullivan we're gonna go ahead and read these back, if you need to take notes.

**Amanda Masino:** Okay so, the beginning is standing as is and then we are adding two more paragraphs from the proposals from Texas Campaign for the Environment. So the first one, "Be it further resolved that the Zero Waste Advisory Commission recommends that the Austin City Council take all necessary steps to sustain and, sustain the Dillo Dirt program after curbside composting is fully implemented, including the possibility for expansion of the program."

**Michael Sullivan:** Do you have a document there that has it detailed out, because what I can do is after we're done, if we can come to an agreement on the dais here, I'll sit, type it all up, and send it to City management in the Agenda Office and it will publish tomorrow.

**Amanda Masino:** Okay, thank you. That's easiest. Should I read the second one?

**Michael Sullivan:** For the record you should read that please.

**Amanda Masino:** For the record, and then the second is be it further resolved that the Zero Waste Advisory Commission recommends that the Austin City Council direct the City Manager to convene all necessary City departments to develop a strategic organics materials management plan prior to approving any contracts committing Austin Water utilities organic products to any vendor. And then the final change is under Therefore Be It Resolved that "the Zero Waste Advisory Commission advises the Austin City Council that land application of biosolids with the exception of compost, should not be considered consistent with the City's zero waste principals."



**Kaiba White:** Can I propose an addition to that last part? This memo that we're looking at here says that it's considered a beneficial reuse. It seems that that is also problematic if this is a product that has health ramifications that beneficial reuse or other terms of that nature, maybe are not appropriate.

**Gerry Acuna:** Where are you? What are you referring to?

**Kaiba White:** I'm looking at this memo that we got, right at the bottom under Method 2, right on page 1, and it's the very last sentence at the end there, "land application of Class B biosolids is considered beneficial reuse and has been used", and it goes on to the next page.

**Stacy Guidry:** Can you show us what it looks like?

**Other voices:** Oh, the one we got tonight.

**Amanda Masino:** So we could say "should not be considered beneficial reuse or consistent with the City's zero waste principals". Is that, that would be inclusive.

**Kaiba White:** Yeah, that's kind of what I'm looking for, and I guess, well I don't, necessarily object to this strategic management plan. I am wondering, this seems like our status quo is maybe not so great actually in terms of the two thirds that is being applied as Class B biosolids, and so do we really want to say "don't do something else with the other two thirds". I'm kind of thinking maybe not, like maybe anything that we could do to improve this two thirds that's being land applied as Class B, maybe that should happen.

**Amanda Masino:** So which of the additions would...

**Kaiba White:** Well the, "not contracting for any, not approving contracts committing in Austin Water utility's organic products to any vendor", would imply that we're gonna continue with this land application of Class B biosolids until such time as there is a master plan which seems contradictory to our other statements in this resolution.

**Gerry Acuna:** Okay, that's a friendly amendment to this.

**Kaiba White:** I don't know if there is just a way to, I don't know, specifically call that out, you know.

**Amanda Masino:** I'm not sure.

**Jessica King:** Commissioners, if I may for just a second.

**Gerry Acuna:** Please.

**Jessica King:** I apologize, Jessica King, Austin Resource Recovery. In particular with regards to sewage sludge, biosolids, the general discussion, one of the things I want to just kind of bring your attention to is that, and just this is historical, so having been involved in the strategic plan having been involved, the development of the strategic plan which many people often forget about, it's the policy foundation for our master plan. It gives us all the policy options. There was a lot of public input in that process and then moving into the master plan, which is our implementation tool, which is what we talk about more and more each day. In those many years of development of both of those plans, the issue of whether or not we should consider biosolids and how Hornsby Bend calculates diversion of that, and whether or not it should be calculated towards diversion, was something that was held back, largely because the emphasis and focus of zero waste was on materials that we really had much more control. We did discuss it as a community, we did discuss it with our consultants as well, but when we looked at zero waste in particular, we looked at the diversion rate specifically, we really wanted to focus in on materials that we had great control over, and so, not to be crude, but biosolids generally are not always things that we have control over because of the source, and so really trying to be delicate about this but bodily functions are not things that you can always control and manage and the more people that there are there's just more of it

that comes out, so just to get through that, that's why we focused on traditional materials. I did not know how to explain that other than the way I just did, so I apologize, but the focus that we did what we tried to focus on was zero waste and the materials that we do have control in managing and kind of impacting. There are other communities that may, we can look into other communities who include biosolids in their diversion calculation, we'll try to do that. What we tried to do in the zero waste master plan here, in our strategic plan as well as our master plan, our department's master plan, is focus on the things that we had really good control over and that we felt we could impact directly. So that's partly why the discussion wasn't really, our diversion rate doesn't include biosolids at this point, and so I just wanted to make sure that was understood.

**Gerry Acuna:** Thank you. Thank you.

**Joshua Blaine:** You're reluctant to call on me, I can see.

**Gerry Acuna:** No, not at all.

**Joshua Blaine:** I can appreciate that perspective but I don't think that that's a reason to continue thinking that way. I think the more people that move here and the more pressure there is on our wastewater the more pressure there is on this Commission and on the City to take it seriously as, I mean it's literally the most waste, the dirtiest waste we produce. So I think it's something that we probably need to consider as part of our zero waste master plan over the long term. I also really want to put more attention on the comment that was made this is an environment and social justice issue. I know that Council Member Houston is really passionate about making sure that these NIMBYs don't keep happening in communities that don't have a voice, and I'm hearing from some folks that Synagro actually doesn't have a good record of that, so that gives me pause. So I think we do need to take seriously that if these materials that we are producing that we don't see reducing any time soon, we need to take seriously where it's ending up and I don't think it's out of the purview of this Commission to think about it. It literally is the most natural waste source that we produce and so it kind of brings me to the recommendation we are talking about is a recommendation that we wrote, but I am a little confused 'cause we did have two items that are being considered by the Council tomorrow that are not on the agenda, but we're not being asked to make a recommendation about them 'cause they weren't on our Agenda, but I feel that we are dancing around something here. I would prefer to make a recommendation on Items 25 and 26; it's not what we asked to do.

**Bob Gedert:** For clarification what's on your Agenda is a resolution regarding the relationship of these issues to our Zero Waste goals, so therefore it's under the purview of this Commission as it relates to the Zero Waste plan. The two items on the agenda for Council tomorrow under the review and consideration of the Water Wastewater Commission, not the Zero Waste Advisory Commission, so that's the distinction there.

**Joshua Blaine:** Okay.

**Gerry Acuna:** Again, just to reiterate, this is an item that the Austin Water utility is going to be addressing and this is not in its broad text 'cause I do see kind of a challenge again with the fact our goal is zero waste and yet we are discussing, you know, Dillo Dirt, organics, you name it, and to make a long story short I think that this is something that for us to sit here and draft this resolution pretty much does what we as a Commission can do at this stage. Now there's nothing to keep us from trying to grow our programs later on. We have an item coming up in a second that we will definitely, definitely address growing our zero waste numbers, but nonetheless back to the agenda, or back to the resolution, Amanda are you comfortable with your...

**Amanda Masino:** I'm comfortable as it stands with the changes we just read.

**Gerry Acuna:** Okay.

**Joshua Blaine:** Can I make one more amendment that kind of hits home with the point that I'm trying to make which is that, you know, Be it further resolved that we recommend the Council direct the City Manager to only

negotiate contracts not to actually execute them until they are actually reviewed by the various commissions” that are affected by, including us.

**Gerry Acuna:** And that’s a good a...

**Stacy Guidry:** I believe that we did that with the URO, as well. It came back to ZWAC after it was kind of...

**Gerry Acuna:** No I think that’s a good addition.

**Stacy Guidry:** ... all hammered out.

**Kaiba White:** And so, I was also not sure, is something incorporated right now to address the two thirds that is being land applied as Class B biosolids?

**Amanda Masino:** Not explicitly.

**Kaiba White:** Could we perhaps just on the addition that had to do with not approving contracts, could we say just with the exception of any, I don’t know, “with the exception to an alternative to land applying Class B biosolids.”

**Amanda Masino:** Your concern is that if we ask them to consider this holistic materials management before applying contracts that we’re going to have an additional period of time where we’re land applying.

**Kaiba White:** Yeah, ‘cause I don’t know how long that’ll take. It might be a year, two years, who knows.

**Amanda Masino:** It might make a little more sense to put that two thirds into this section where we talked about sustain, possibly expand the Dillo Dirt program, that we recommend moving as quickly as possible away from two thirds land application, you know what I mean, so for the ...

**Kaiba White:** Away from any land application.

**Amanda Masino:** Yeah, put the land application with the Dillo Dirt.

**Gerry Acuna:** Would you accept that as a...

**Amanda Masino:** Yes, I think that is that makes sense as a friendly...

**Gerry Acuna:** All right, so...

**Kaiba White:** I still think that the, that that’s in conflict with the later item though.

**Gerry Acuna:** I guess the focus of this Resolution is to express our concerns about sludge application, the specifics can come again, later on. I mean that would be brought back to us, according to this Resolution. Correct, to discuss, but right now our goal is to get this Resolution, a Resolution passed, should that be the will of this Commission, so that we can present that to Council tomorrow. And again, the specifics, deeper specifics, can be addressed later.

**Kaiba White:** I just, it seems pretty specific to say that we’re asking...

**Gerry Acuna:** Do you have a way of suggesting?

**Kaiba White:** Yeah, I think after the word, so we have “approving any contracts” and then just comma “with the exception of” ...

**Gerry Acuna:** Are you looking at the Resolution?

**Kaiba White:** Nope, this is from Dobbs. We added his bullet number three here.

**Gerry Acuna:** Correct.

**Kaiba White:** And so after “contracts” if we just did “with the exception of an alternative to land applying Class B biosolids” that would address my concern.

**Amanda Masino:** But all the contracts that we’re talking about are other than that.

**Kaiba White:** Well no, because this contract that is being considered isn’t just for the two thirds, it’s for all of it.

**Gerry Acuna:** It’s for all of it, okay Amanda.

**Kaiba White:** I guess, maybe there’s problems with this new contract, but it seems like it is a better option than what’s currently being done with that two thirds. Is that not the view of?

**Joshua Blaine:** Well I think that there are some concerns with this contract that we heard from multiple parties. So I hear what you are saying, that the fact that currently two thirds of our biosolids are being applied as Class B sludge, is an issue, and this contract addresses that, but if we are looking at a five year contract that locks us in to a private company dealing with all of our biosolids with very little understanding of what that looks like, that’s concerning to me. And we heard at least from one person and from other citizens that that could mean the end of the Dillo dirt program because we lose control over it and they’re not giving us any guarantee that they are gonna continue it.

**Kaiba White:** Right, and so I think that what I’m suggesting probably wouldn’t, moving forward with that contract would not be consistent, but some other contract that addresses just the two thirds would be.

**Joshua Blaine:** Okay.

**Gerry Acuna:** Okay, so let’s focus here now, again, I want to call the item, call the question if we can so we can get this voted on. Now you have I guess a suggested amendment, friendly amendment.

**Kaiba White:** Yes.

**Gerry Acuna:** Do you want to accept that or?

**Amanda Masino:** I’m, I feel like there’s maybe, I mean we can accept it, I wonder if that’s gonna be, it sounds very clear to us that this is making room with the exception of some contract that doesn’t exist yet, to deal with just the two thirds in the interim. I’m concerned that that might not be entirely clear and it might sound like we’re saying with the exception of this current contract which includes that as part of everything else.

**Gerry Acuna:** Is that a yes or a no on the...?

**Kaiba White:** Is there a better way that we could say it that would?

**Stacy Guidry:** Well they will either send it back to us or they won’t. If they approve the contract and then that’s the end of our input. If they send it back to us after discussion, then we can include that.

**Amanda Masino:** How about with the exception of contracts that strictly address the two thirds being applied as biosolids. How’s that?

**Kaiba White:** Sounds great.

**Amanda Masino:** Okay.

**Joshua Blaine:** With the exception of a higher and better use.

**Gerry Acuna:** Okay, so.

**Amanda Masino:** Okay, with the exception of contracts proposing a higher and better use of biosolids...

**Kaiba White:** Of the two thirds...

**Amanda Masino:** Of the two thirds of biosolids currently being land applied, okay.

**Gerry Acuna:** All right. Michael, did you get that, 'cause I certainly... you want to read that back.

**Amanda Masino:** Okay, so "with the exception of contracts adopting a higher and better use for the two thirds of biosolids currently being land applied". Everyone get that?

**Kaiba White:** Thank you.

**Gerry Acuna:** All right, so do I hear any further discussion on the item?

**Joshua Blaine:** Did mine make it in there about only getting negotiated?

**Amanda Masino:** Yeah, I was writing yours in a different part. Okay let me finish writing this one down, and then yours is a Be It Further Resolved. Is this the Council or City Manager or both on that one?

**Joshua Blaine:** Council should direct the City Manager to negotiate contracts but not execute until commissioners...

**Gerry Acuna:** To be brought back to boards and commissions.

**Amanda Masino:** Okay so be it further resolved that ZWAC recommends that the Austin City Council direct the City Manager to negotiate but not execute contracts until they have come back before the commission for discussion and public review.

**Stacy Guidry:** I would say relevant commissions.

**Amanda Masino:** Relevant commissions.

**Gerry Acuna:** All right, is that it? All right, all those in favor of the amended resolution say aye.

**Commissioners:** Aye.

**Gerry Acuna:** All those opposed. Any abstentions? Unanimous. Thank you Commissioners.