
From: Andrew Dobbs <dobbs@texasenvironment.org>
Sent: Wednesday, August 10, 2016 9:52 AM
To: steve.adler@austintexas.gov; kathie.tovo@austintexas.gov; Houston, Ora; Delia.garza@austintexas.gov; Renteria, Sabino; Casar, Gregorio; ann.kitchen@austintexas.gov; don.zimmerman@austintexas.gov; Pool, Leslie; ellen.troxclair@austintexas.gov; Gallo, Sheri; Burton, Brandi; Halley, Shannon; Hutchins, Christopher; Rodriguez, Genoveva; jackie.goodman@austintexas.gov; lizette.melendez@austintexas.gov; Richardson, Ashley (Ashley.Richardson@austintexas.gov); Alexander, Shelby; ken.craig@austintexas.gov; Petronis, Joe; Smith, Amy; michael.searle@austintexas.gov; tina.cannon@Austintexas.gov; marc.ott@austintexas.gov; greg.meszaros@austintexas.gov
Cc: dfoster@cleanwater.org
Subject: TCE and Clean Water Response to Austin Water Memo

August 10, 2016

Mayor Adler and Council:

Texas Campaign for the Environment and Clean Water Action are writing today to reiterate our ongoing, significant concerns with the two biosolids management contracts on your agenda for this week's meeting—Items 25 and 26—and to repeat the proposals we have for ensuring that the City manages its organic discards in the most sustainable and ethical manner.

As a reminder, the basic actions we urged in our message of July 13 were:

1. A holistic review of all City-generated organic discard streams and the development of a strategic plan for their management,
2. A critical investigation of the Dillo Dirt program and its management, and
3. A city policy opposed to land application of sewage sludge.

Mr. Meszaros' letter from August 8 does little to answer any of the underlying concerns that prompted these policy recommendations and we feel compelled to redouble the urgency of our suggestions. Here are some of the reasons why.

These Items Do NOT Reflect a Holistic, Strategic Review of Organic Materials Management

Mr. Meszaros' letter specifically mentions Texas Campaign for the Environment's requests on this front (leaving out Clean Water Action's collaboration on this matter), noting that "TCE also said there needs to be a holistic approach. AW has worked with ARR and together we have decided that this is the best option for the City at this time."

We are pleased to hear of this limited collaboration, but also concerned to learn that ARR only reviewed the RFP in this case, and not the actual responses Austin Water Utility was choosing from. Furthermore, there are no fewer than seven city departments generating organic discards of one sort or another. These include (but are not necessarily limited to):

- Austin Resource Recovery yard waste, brush, and curbside composting
- Austin Water Utility's biosolids
- Parks and Recreation Department's clippings and brush

- Austin Energy’s tree trimmings and brush
- Public Works’ tree trimmings, clippings, and brush
- Watershed Protection’s soils, brush, trimmings, clippings, and potentially silt
- Building Service’s wood and other compostable construction and demolition debris

None of these materials ought to be going to the landfill, and we are seeking a process which will engage all of them along with any other departments generating organic discards not included here. This process should also include community leaders and business experts.

Furthermore, when Zero Waste activists raised concerns with Austin Resource Recovery staff that curbside composting would necessarily remove yard waste and brush from the Dillo Dirt process, staff told these activists that Austin Water Utility would be able to replace these bulking agents with trimmings and brush generated by Austin Energy and Public Works. Mr. Meszaros’ memo makes no mention of this proposal, and its logic appears to presume that ARR’s yard waste would NOT be replaced.

Community leaders, ARR staff, and Austin Water staff all appear to be on different pages, and we need a process which will rectify this circumstance while adding in other relevant departments that could be part of a sustainable solution to these challenges. **We recommend that you pass a resolution directing the City Manager to convene just such a stakeholder process.**

This Memo Confirms an Inappropriate Decision-making Process Regarding Dillo Dirt

Mr. Meszaros’ memo confirms our suspicions that Austin Water Utility is seeking a means of backing out of the Dillo Dirt program. The department has unilaterally determined that Dillo Dirt cannot compete in the marketplace and as a result they commenced a procurement process that was designed not to retain or reform this program, but rather to find a solution that could replace Dillo Dirt with some other “beneficial reuse” program.

This is not an appropriate decision for staff to be making without Council direction. The continued operation of Dillo Dirt or its replacement with an entirely new materials management process is a matter of policy, and as such it is an item that ought to be debated and decided upon by the City Council and not by a staff that would not have brought this major change in operations to your attention had it not been for the concerns raised by local businesses and nonprofits who happened to notice the major contracts they were ready to execute.

Dillo Dirt is an iconic program for the City of Austin, an award-winning and innovative process that has been a source of pride for many residents for decades. Its recent management and marketing challenges should—in our opinion—prompt improvements and reforms to the program, and we are confident that our thousands of members in Austin would join us in urging you to retain it, not abandon it. Certainly we believe that allowing staff to make such dramatic shifts in policy without consulting Council until you are expected to authorize more than \$20 million in spending is a recipe for disastrous policymaking in the same vein as the biomass contract.

To all of these ends, we urge you to delay approval of these contracts until a more thorough and critical look at Dillo Dirt can be undertaken. Mr. Meszaros says in his memo that the current contracts last until November 17, giving you some time to move forward on such an investigation. **We would encourage the Public Utilities Committee and Open Space, Environment, and Sustainability Committee to convene a joint session to call up staff and provide a space for outside testimony to investigate the circumstances at play here.**

Land Application of Sewage Sludge is Destructive to the Environment

Land application of sewage sludge is hotly opposed by many residents near proposed sites because of the smell and other quality of life impacts associated with the process. Aside from these concerns, however, a number of studies have used surveys to determine that land application events are associated with negative health impacts on nearby residents, including respiratory and neurological problems. And residents don’t necessarily have to be

directly adjacent to the land application site—a University of Arizona study found that airborne pathogens can be carried over six miles away from the site.

Beyond pathogens, other pollutants found in sludge include toxic compounds used in detergents, plastics, and pharmaceuticals. The very process of wastewater treatment necessarily concentrates these pollutants at high levels in the sludge. A 2014 study by the US Geological Survey found that these pollutants can vertically migrate through the soil up to 50 inches in a matter of months, raising concerns about potential impacts to groundwater. They also found traces of these chemicals of concern in nearby fields where sludge was NOT applied—again, the pollutants migrated through the air as a result of the application process itself. These impacts to the land can last a very long time: another peer reviewed study published this year in the journal Environmental Monitoring and Assessment found that sludge amended soil aged 35 years still had high concentrations of cadmium, lead, zinc, and copper, and that lettuce grown in that soil had “undesirable contents of cadmium and zinc.” They concluded that there were significant safety concerns about leafy vegetables grown in soil that had been amended with sludge “at any time” in the past.

Finally to this point, a peer-reviewed study by English researchers published earlier this year found that grazing sheep on areas where sludge had been land applied had lower female fertility rates as a result of damaged eggs associated with pollutants known to occur in sludge. The lead author of the study said “there are quite worrying implications for female fertility in the human,” for anyone who was to eat the meat of these animals. Earlier studies by the same group of researchers found that male sheep’s fertility was also negatively affected by the phthalates occurring in this sludge. In fact, they found dangerous concentrations of hormone-disrupting chemicals in the livers of these sheep. This is especially concerning in that Synagro proposes land applying Austin’s sludge on grazing fields.

The bottom line here is that land application of sewage sludge is NOT beneficial, and for a City committed to Zero Waste and environmental protection this process ought not to be endorsed under any circumstance.

Austin Water Utility wants Synagro to process our biosolids into Class A sludge, a higher order of processing that removes additional pathogens. This does nothing, of course, about the other pollutants concentrated in these materials or the odor and other quality of life impacts associated with sludge application. Mr. Meszaros also says that the new process would “reduce greenhouse gas emissions by eliminating the thousands of miles of truck trips and resulting diesel emissions (sic).” The only way that this will be the case is if the sludge is not being land applied in some other part of Texas, but rather here in Austin and/or Travis County. Class A sludge can be land applied with little notification and no permit, and it appears that the quality of life and environmental impacts associated with Class A sludge land application could be coming to our community, most likely in Far East Austin—the most economically disadvantaged and historically marginalized part of our City. **This is a looming environmental justice threat that we urge you to reject immediately by delaying these contracts and ultimately adopting a formal policy seeking to prevent all land application and landfilling of Austin’s biosolids.**

Conclusion

Despite staff’s attempt at encouragement, the Austin Water Utility memo of August 8 ought to create more concern on your part, not less. It confirms our worries about a staff-driven attempt to rearrange city policies and end popular, once successful programs without council input. It confirms a dangerous blind spot as to the threat posed by land application of sewage sludge and implies that this threat may be coming closer to home. And it reflects a closed door culture of decision-making where not only are public experts and concerned parties not consulted before tens of millions of ratepayer dollars are spent, even other city departments which might be impacted or which could benefit from different policies are not being engaged effectively.

We do thank Austin Water Utility for the hard work they do every day to ensure that our city has clean, safe drinking water available and that our sewage is handled as safely as possible. We believe that this moment is one where this department and our City as a whole can be improved by taking a big picture look at all the organic materials we are generating, where programs are assessed and improved, and where we can integrate our community’s deepest-held values more thoroughly into the operations of one of our most important city

departments. **We hope that you will take this chance to take each of these actions, and—most urgently—postpone decisions on Items 25 and 26 at least for now.**

Sincerely,

Andrew Dobbs
Program Director
Texas Campaign for the Environment

David Foster
State Director
Clean Water Action