

**9-27-16 ZWAC and Water & Wastewater Commissions Joint Working Group
Hornsby Bend Biosolids Management**

Susan Turrieta: ... I think we had a good meeting to get the Wastewater Commission Work Group up to speed on what's happened and to allow their (unclear) to address their concerns. And so today, what I'd like to do is drill down more specifically on how we're addressing all these concerns and hopefully draft our recommendations, whatever they may be, to our Commissions and Council. It's my understanding that our recommendations will go both to the Zero Waste Committee and the Water and Wastewater Commission, and then they'll each decide how to move forward. So, the items I have here, the first one that I think we need to discuss is the redacted contract information, because that item, we simply as a work group need to come up with our recommendation on that. I have not looked at the contract and I have not looked to see what was redacted. I do know that under a competitive bid in the construction world, if we ask for prices they are typically submitted in a sealed envelope and put in a safe deposit box until the contract is awarded, and I'd like to at least have that much respect for this particular, and any bidder in this particular, these two RFPs. So at this point I'm not sure if the Work Group has an opinion on that or if anybody here that's present has any opinion on that.

Robin Schneider: My name is Robin Schneider and I'm the Executive Director of Texas Campaign for the Environment and yesterday, at the last meeting, Andrew Dobbs who reports to me, was here and talked about the redactions, and he admits he misspoke to say that the redactions should be submitted at least before the City Council. We would like to see, aside from the actual bids themselves, I totally agree with you, but redactions are released before this Joint Work group completes its work, or at least before the Commissions have to make their recommendations, because there's a lot of things, especially with regard to how the site is going to be operated, the site operating plans, site odor control, that sort of thing, that we would like the Commissioners to see so that they can decide if there are sufficient safeguards. As an organization we work at the state and local level and we believe that the procedures that the state environmental agency uses aren't strong enough to protect public health and safety and environmental health and safety, so we would like the Commissioners to be able to look at that, and we have some other suggestions about how to go about particular things like odor and other kinds of complaints, but on the redactions, we would like for those to be released sooner, than right before the City Council meets, but bidding in terms of numbers, sealed, that's fine.

Andrew Bosinger: Andrew Bosinger with Synagro, just to let you know, everything in the contract and in the proposal with regard to site operation, odor control, safety plans, everything like that, is completely unredacted. Everything that we submitted is a matter of public record, completely released, so that any questions or concerns along those regards can be addressed. We completely share with you that this Commission and others made it obvious that those were questions they wanted answered and we provided those, so we agree with you on that. The only thing that has at this point remained redacted is the names of potential subcontractors. But we have said that we're comfortable with the City having the review and approval right of the qualifications and appropriateness of those subcontractors before going forward so that any additional safeguards and reviews that might be necessary to verify that everything we're doing is consistent with the public's best interest. We're comfortable with that.

Robin Schneider: So can you tell us who they are?

Andrew Bosinger: That's why they're redacted. No, we don't feel like disclosure of that should be required at this point; that's something they have asked us to do, before any of these Commission meetings and other things got started, that was something that was submitted, a request that they made, and we're honoring that.

Stacy Guidry: Can I ask, what are your standards of selection for subcontractors?

Andrew Bosinger: Our standards are high, I mean, we have the only privately operated, platinum certified compost facility in the United States for biosolids, so we've got very well established, and met the highest industry standards for criteria. In addition we have safety requirements that go above and beyond any industry standard; best in class safety practices. So, those are the kinds of things that we're looking for before we partner with anybody.

Danielle Lord: Danielle Lord with the Purchasing office. I would just like to make one clarification as far as the cost proposal section that you brought up earlier, the cost section is completely open. The only piece that is not are some alternative cost solutions that were redacted and will not impact the negotiating contract at all.

Andrew Bosinger: I did send last night, that you may not have seen, Danielle, an additional, a revised version which even provides those for public consumption, if you want to see what the prices are, go ahead.

Danielle Lord: Ok. Those redactions have not been corrected out of the current contract that you have. So we will take those into consideration.

Stacy Guidry: I did not see that.

Andrew Bosinger: I just sent it last night.

Stacy Guidry: To our BC, our Boards and Commissions emails?

Andrew Bosinger: No, I can only send directly to ... (unclear)

Stacy Guidry: So was that sent out?

Danielle Lord: Not yet, because we just got it so...

Stacy Guidry: But it will be?

Danielle Lord: We will, yes, we will.

Adam Gregory: Adam Gregory with Texas Disposal Systems regarding the redactions. It was committed by representatives of Synagro to allow full review of the contract. That's not possible with the significant redactions. I find it also hard to believe that the only thing redacted in the ten or so portions of the contract and potentially hundreds of lines it appears, that the only thing is the name of the subcontractors. The truth is we don't know what is behind those black sections and I find it interesting also that in their proposal, Synagro certified that there wouldn't be any subcontractors. They had no intention to use subcontractors. It's signed, that you have to certify that in your proposal. They did that but now they're talking about secret subcontractors that nobody can know about. We don't know the nature of the relationships, the nature of the facilities those potential subcontractors would operate, how the City would be forced or not forced to be involved with those subcontractors. That's the type of thing that is supposed to be made available in a proposal, and given that it was certified that there were no, there was no intention to use subcontractors, I find it odd that we're looking at significantly redacted portions that Synagro states is only the names of their subcontractors.

Danielle Lord: I'd like to clarify that. There were no goals established on this contract so subcontracting was not required of the contractors. However, if a proposer requests that or says in the future that they may have subcontractors, they are required to go back through our Small Business and Minority department to do a change request to add those subcontractors and the rules for subcontracting then apply where they have to utilize the availability list. So what the proposal states is that they may if they are awarded the contract try to engage some subcontractors, and at that time that is correct, Sir, they would have to go back through SMBR and certify any subcontractors through our own availability list that we have through certified firms.

Kaiba White: ...can you just confirm for us what's been redacted as has been stated, is just the subcontractors or...

Danielle Lord: There's very few redactions in the contract, part of it is protection of subcontractors. Other pieces of that proposal are, like I said, alternate cost solutions – which we asked for, by the way. So any other opportunities to have any kind of cost efficiencies in this contract, and so we had a tab for that. And evidently, last night those were also released so, I don't know what the last release was last night so I'm not comfortable with saying that everything will be open, but I do know that those were the sections that were redacted before.

Kaiba White: Okay, so nothing regarding operations or...

Danielle Lord: Nothing that will impact the actual operations of the contract. The odor plan is in the proposal as well as any kind of dust prevention as far as communication and complaints.

Kaiba White: Thank you.

Susan Turrieta: I don't necessarily agree that all the information should be released, and I mentioned that previously when I opened up this discussion. It's a competitive bid and I don't think it's right to insist that all of their information be released. From what I'm hearing around this table in my opinion in the Work Group here is that they've gone above and beyond in releasing this information and, quite frankly, in any contract with a prime contractor they are responsible for their means and methods and they will suffer and they will not make a profit if (unclear) and they do it for a living. All contractors no matter what they do is they pick the best team to make the best fit. So my recommendation is that we move forward with what's been released and not request any more information be redacted at this time. So that's my comment and I'm...

Amanda Masino: I like that you have not read the contract and that's deliberate. I really wanted to be able to talk about the policy and put language together for our recommendation for the policy without being influenced by the contract one way or the other. I see that's being two-step, we're going to come up with a policy and see how this... (unclear) so I'm glad to hear that the redactions have been reduced and there's now more information available. That seems to be what we need to make a good recommendation when the time comes to match the contract to the policy. So I'm comfortable at this point accepting what we've learned about this newest version. I think that as a group though, we can, this is coming second, third-hand so I think as a group we can always reserve the right to look back, if we see a redacted area that perhaps we have a question about then we have the stakeholders in the room who can answer questions about that. So I'm definitely comfortable moving on with the understanding that we can come back once we actually look at the...

Bobby Gregory: May I speak? I'm Bob Gregory with Texas Disposal Systems and I'd like to just point out in response to the chairman's, chairperson's, statement that staff has gone above and beyond the call of duty. It is typical for large contracts such as this to receive full light-of-day discussion, and presentation and availability to the public with sufficient time before ZWAC, solid waste contracts at least, ZWAC consideration and action and Council action because of the important nature of the long-term contract, and this is a 20-million-dollar minimum as a high as a 30-something-million-dollar if it goes to direct land application, at least five-year contract. So it is very typical that these contracts have full disclosure. Not, what is happening now is not typical. What is typical is that they are presented and I would just point out as I did at the last meeting that the transcripts which we provided you guys at the joint meeting when this joint work group was formed clearly show an understanding by staff that it is the intent of Synagro to process waste very inconsistent with Dillo Dirt and very inconsistent with City policy over the last 30 years. So we urge you to see the entire contract and let the public see the entire contract, and to see it with enough time in advance so that we could make comments on it. If you choose not to read it that's your business but some of us will read it and we'll give comments and the words can defend themselves. The statements on the, in the, transcripts clearly depict a method of composting that will not produce compost. Yet they call their product compost. We believe that what is described will be major odor problems. Yet they say there won't be a problem. I, we've not seen the redacted portions of the contract that would let that be. For that matter, there's been numerous statements that revisions will be made to the contract. I propose that you allow the public to see not only the redacted portions of what was submitted originally but the final proposed contract that has those revisions in it. Because the devil's in the detail of those revisions. Thank you very much.

Danielle Lord: The revisions that have been negotiated up to this point are on the front page of the contract, highlighted with the sections and page numbers that correspond with those. Under clarifications and highlights.

Bob Gregory: I'm sorry, I was just referring to, even the chairperson stated part of the meeting discussion today is revisions to the contract. It would be placed, moving forward, so I'm just asking that those things be made available, the revisions to those contracts be made available for public review before this Work Group finalizes its work and recommendation, and before ZWAC and Water and Wastewater Commission consider their recommendations to Council.

Danielle Lord: Yes, all changes, revisions, anything that happens within the contract will be clarified on the front page of the contract, so, that request is, we can definitely do that.

Susan Turrieta: So I propose to move forward is that we ask for no further information from the contract at this time, and if you would like to review it you can, after that review (unclear). And it looks like TDS is satisfied with the revisions being ... (unclear). To take it a step further about the contract, this group is tasked to make a recommendation, and that is what I'm hoping we will be able to do. Once that recommendation is made, I believe it's between the City staff and the contractor to execute and make revisions to the contract because we're not lawyers and that's not what we do for a living. Even during that process (unclear), but this committee is not put together to draft a contract. This committee is put together to make recommendations, and once those recommendations are made, the Council can approve all of it, or part of it, it's up to them and the Commission, and then the contract should be modified. And it's really more between Purchasing, the project managers, and the contractor.

Next item I wanted to touch on is flow control and I did a little research in some of my groups that do a lot of legislative work and they're not familiar with the federal requirements, and so if it is a true concern, which has been submitted in writing that it is, I would request that the City of Austin's legal department review the legislation and make sure the City's in compliance. I don't know what this group can do without really understanding the legislation and the law, but it's a concern from some stakeholders and we should address it, and I think that would probably be the most efficient way to address it. Now you're from Purchasing and I don't think we have, you're not a legal person like that, but we do have a legal department that can look at this and make sure the City's in compliance with flow control.

Robin Schneider: I'm not an attorney either, but flow control is not a matter of being in compliance with any federal laws. It's been talked about in the courts, it's not a federal requirement that we have to be in compliance, it's an option that local governments have to control all the discards generated within city limits, and direct them to a city facility if they so choose. This is not something, a course that Austin has taken with regards to all the discards generated in the city. Dallas tried to do it a few years ago and they were knocked down in federal court because they tried to do it for financial reasons only and that's not legitimate. What we have in our system which Texas Campaign for the Environment supports, is that the City deals with its own city generated waste and the waste it collects at single family homes. We went through a long process with the Hauler Ordinance and the people who've been through ZWAC for years will know what a torturous thing that was, and we got originally interested in this because we knew that the yard trimmings that have been taken by Austin Resource Recovery to Hornsby Bend to be part of the creation of Dillo Dirt, were going to be diverted once food waste was included because that cannot go to Hornsby Bend. So, we were concerned about, well how was Dillo Dirt going to continue to be created if you're going to divert a lot of the City collected yard trimmings from single family homes? And so we became concerned about the continuation of Dillo Dirt, not knowing that Austin Water and Wastewater was really making very little Dillo Dirt; not understanding how, what a nosedive that program had taken under the City management after the retirement of a key staffer. But our concern in terms of flow control, is that we are not saying that the City should use this as an opportunity; and I don't even know if that's really the plan to try and direct other organic carbon sources to this project. I think that Synagro, and they've been talking about getting it from construction and demolition waste and others, so we don't want this to be seen as an opportunity for flow control. I don't think Synagro necessarily is looking at that, but we want to make sure that the City policy is not, kind of, made in a way where it's not openly discussed, and so we want to just be on record that that's not the aim of this contract to direct privately generated discards to Synagro.

Jessica King: And Commissioners, actually, the ARR Director was responding to the backup. So the backup had the mention of flow control...

Susan Turrieta: But I didn't know all that, so I was confused.

Jessica King: Sure.

Susan Turrieta: So now it all makes a lot more sense.

Jessica King: And part of the reason he brought it up was because there was actually a question posed by another Commissioner and our Zero Waste Advisory Commission, who had asked about C&D material and whether or not the permitting process there could be some direct movement of C&D material to Hornsby, or to, I don't know if he had any specific direction, but there was some conversation where he asked what were those opportunities, could that be done, and the answer was basically, no.

Susan Turrieta: Well, and in respect to that I think we could work that into our, because there's two, there's recommendations on contract and then there's also recommendations that they've asked us to put together on policy, so we could put that under policy, and have recommendations for that. What I would like to do at this point is either shift to the management of biosolids, or the sale and removal of compost material, and go over all of the concerns and start developing our recommendations. Is there a preference on which one we start with?

Amanda Masino: I'd rather do the biosolids first.

Susan Turrieta: The management?

Amanda Masino: Yes, and start getting our language together (unclear)... starting with that recommendation that came out of the Organics committee...

Susan Turrieta: I didn't print this out, but since you're all from the Organics committee you all are familiar with the recommendations that you put together, for us earlier, and I'd like to start...

Jessica King: I have an extra copy.

Susan Turrieta: Does somebody want one?

Jessica King: Since (unclear), I can email one.

Susan Turrieta: Take this as a working document, and, I also went through all the emails and things that came across with questions from the different stakeholders and I tried to list, and highlight items that people had concerns about, and basically take this recommendation and address those concerns a little clearer and come up with a recommendation. So I don't know the best way to do this, maybe read what we've got so far.

Biosolids management planning should consider the following policies:

The first policy is: Honor the highest and best use hierarchy with the goal of prioritizing Class A biosolids or higher as feasible, as reflected in diagram below, except in emergency situations.

The next bullet is: Ensure that the City maintains final discussion for the disposition of biosolids with a Class B or lower classification. And the third...

Stacy Guidry: It's final decision, not discussion, in what I have.

Susan Turrieta: Oh, decision, great, sorry.

Stacy Guidry: I just want to clarify that for the record,

Susan Turrieta: And the final one is: Preserve the Dillo Dirt trademark, name, and compost quality regardless of who produces the product.

And in our discussions with the current, (unclear) it was my understanding, correct me if I am wrong, we are taking everything to Class A?

Andrew Bosinger: Yes, absolutely.

Susan Turrieta: So, I guess I can (unclear) and go back to it, so with these points here, one item that was brought up is that the USCC STA standards are met and so we could add a bullet that references that.

Kaiba White: Well, I would suggest that maybe bullet point one could be modified to prioritize compost that meets USCC STA standards and has been screened to, what is it, 3/8 of an inch.

Susan Turrieta: Another concern that was brought up is, I believe is addressed in here, is the hierarchy. Right now we're recommending that, if you see in the diagram it's the Class A biosolids. The Class B land application would be within the permit, current permit, only done at Hornsby and it would only be done with the City's input, during situations, emergency situations, when we have too much biosolids. Is that...?

Ken Lockard: Did I understand you correctly to say, only at Hornsby?

Susan Turrieta: Well I think, isn't that where Class B...?

Ken Lockard: Because we have limitations on how much we can apply at Hornsby, regulatory limitations.

Susan Turrieta: So anybody who has a permit for Class B...

Susan Turrieta: Okay, that's fine.

Lisa Boatman: Well, the contractor is TCEQ permitted.

Ken Lockard: Right, whoever the contractor is has to hold, their property has to have the permits.

Susan Turrieta: And so the second bullet, just to repeat myself, I guess, "ensure the City maintains final decisions for disposition of biosolids, Class B," so none of that would ever happen unless the City decided to do it, and I think under policy directive, I put here, that staff would advise Council if emergency situations arose.

Judy Musgrove: At what point? (unclear) ... approaching it, or after it's been...?

Kaiba White: Can I make a suggestion? I think that this could be strengthened by just having it say Council approval as opposed to the City, is kind of vague.

Judy Musgrove: I don't like that. We need to direct the solids going, Class B, offsite, it's an emergency situation, we may have a fire, danger, imminent, I don't want to take the time to go to Commission and Council. I mean, I think we...

Kaiba White: I'm not talking about Commissions, necessarily. I understand it would be a timely, you know, situation. I can't imagine that Council wouldn't take appropriate timely action if it really was an emergency situation, and to some extent, I think it's going to be on the contractor to make sure that we don't get to an emergency situation without some warning. Which, you know, in this case would only require maybe a week's notice to get something to Council if it's truly an emergency.

Jessica King: That's actually, that's not correct. You need about a week, about two weeks because of posting requirements.

Kaiba White: Okay, two weeks.

Jessica King: So, if I can give, (unclear), perhaps giving some clarification as to what an emergency constitutes. Imminent fire, imminent threats, things, terminology that will give guidance because if you're having Council approve every process, that will actually step beyond their responsibility in terms of managing the process. So the City Council can certainly, if they start to identify in advance what an emergency is, then that can give the guidance to staff as to what

they can move forward with, without having to go to Council; take the steps we need to, stay within the requirements, and address the emergency situation.

James Bennett: I guess, if I could, working in, James Bennet, Water Utility, working in many areas of government, a lot of times when you get into circumstances where you have certain situations that can come up, i.e., fire bans, things like that, typically the administrative authorities (unclear) the managing agency that requires a short term ratification by the elected government, say 10 days to 2 weeks to get it to the Council, say AEU had to make the directive to Texas Commission for the Environment recommended a 48 hour memorandum from our Director to the Council letting you know that, and then requiring Council make the ratification (unclear) ... time period...

Susan Turrieta?: Let me make sure I understand you correctly, so you're holding the permit, you gotta make decisions quick to make sure you mitigate emergency situations, and then TCEQ... do you notify TCEQ, is there, you're still keeping your permit?

James Bennett: What I am saying is that, if in an emergency, or (unclear) direct land application, (unclear) Council, and I think preparing a memorandum to Council within 48 hours is reasonable, as part of (unclear). And realistically, tagging that it to a... putting it where it requires ratification by City Council, much like your Fire Commissioners can put a burn ban in Travis County but yet it requires the full act of the Commissioners to make it (unclear) the standing beyond the interim... just something like that still gives AWU the leeway it needs to operate the facility under the circumstances, but it does still require a Council vote.

Jane Burazer: A lot of times (unclear) recommending (unclear) we do this for emergency purchases that are greater than \$58,000, we do the emergency, well in the purchase we do affidavit, then we do a memo to Council saying we had to declare the emergency, and then it comes back to them for ratification; usually that is, once it's complete we have all the dollar amounts in there...

Danielle Lord: And usually the ratification, that's correct process for Purchasing. The ratification, the purchase has already happened, this is within a contract, so I don't know that it's a formal ratification, it would be like you said, maybe a memo that stated what the circumstances were and what has led to this action basically.

Jane Burazer: An explanation of why the emergency...

Robin Schneider: He referred to my organization, I think, mistakenly as Texas Commission on the Environment, we're Texas Campaign for the Environment, and some people mix us up with the TCEQ and we are not that at all.

James Bennett: Oh I'm sorry. I misspoke. I'm sorry.

Robin Schneider: Polar opposites. But I was wondering, Jessica, is it possible for you to forward that memo that people are looking at to other folks that are...

Jessica King: Yeah, it was backup. Posted for back up for the ZWAC meeting and the (unclear) commission meeting, so it was the Organics Committee's recommendation to the Zero Waste Advisory Commission, and then it was discussed (unclear).

Robin Schneider: I have one concern which is our Texas Campaign for the Environment's position is that the City get away from land application whether it's Class A, which does not require a permit from the TCEQ, or Class B which does require permission from TCEQ. Synagro has said to us that they support that, and we hope that we have safeguards that make that true. Because when we initially started at the initial hearing before Austin Water and Wastewater, it was very confusing between staff members and Synagro what the goal of this contract was. It was not a City Council directive, we've said this over and over again but the way this was generated was really an example of bad, bad policy making and we go through this process and we appreciate you taking the time to kind of walk it back to clarify that.

Susan Turrieta: Yes, I agree with you. So looking at the second bullet...

Kaiba White: I actually have a question on that, you said you want to get away from land application. I assume what you mean is get away from land application of a product that doesn't meet the standards we're discussing, right?

Robin Schneider: Exactly.

Kaiba White: So if there was excess compost that meets these STA standards and has been screened, I'm assuming you have no objection to land applying...

Robin Schneider: Absolutely. We want as much land application of true compost as possible for all kinds of reasons. Water conservation, carbon sinks, there's many, many benefits to that. We want to see as much of that as possible.

Kaiba White: Yeah, I share that. I can say that after getting a brief tour after our last meeting, I do have concerns about that unscreened product getting land applied. There's a lot of plastic in that, so I think that is...

Andrew Bosinger: I agree. The contract is clear about the requirement that everything be screened before it's applied. We share that so...

Robin Schneider: As concerning as we spoke about this is before is how, what we believe to be screened onsite, because how can the City guarantee that if you sell it to somebody else unscreened that they're going to screen it. They don't, the City doesn't have a contract with another party like that. I don't know if there's a way to enforce that.

Andrew Bosinger: I think that's a good point, there's a couple different ways I think that happens. One, it happens in subcontracts, we would require it and ask that it be done that way. And two, I think the market requires that, I don't know how you would sell an unscreened... you've seen unscreened product, it has plastics in it, it has large pieces of wood. Even if it were going for direct application on pasture ground or on row crops for example, no rancher's going to want that on their land. They don't want that either. So I mean I think that to have the kind of operational flexibility and market flexibility that this contract dictates, I don't think it's necessary to say, to specify where it gets screened - where this happens, where that happens. I think that's a little overreach from a contract standpoint into what the contractor has to do to operate efficiently, but I think it's perfectly reasonable to say compost, all compost, whether it's sold as, and we had this dialogue as well, whether it's sold as Dillo Dirt, or All Gro, or any other compost must meet certain definitive standards, that's perfectly fair and we agree with that.

Kaiba White: If you were transporting it unscreened would that be in a covered, would that be covered?

Andrew Bosinger: Typically, yeah. I mean you have to or materials would blow out of the trucks down the road. So you know, yes, whether that's a requirement in the contract, I don't know. It's good operating practice.

Susan Turrieta: What I would like to propose is we add another bullet that discusses that in the event of disposition of biosolids with a Class B or lower classification that City staff prepare a memorandum, kind of like the process you were talking about with via purchase orders that Council for their ratification. Does that sound reasonable?

Jane Burazer: If we have to, if we resort to the emergency need for the Class B or Class A biosolid land app that we notify Council through the memo...(unclear). Yes, that's fairly reasonable.

Jessica King: In already the first bullet, that's why emergency situations are referenced...(unclear)

Amanda Masino: I think we're looking at a combination of that. Emergency situations, we wanted to add that language about being specific there, fire, imminent threats to health and safety...

Susan Turrieta: ...and that will be more of a policy.

Amanda Masino: But then, so we have three separate points that are going into these. We have definition of the standard for compost being incorporated into the hierarchy, right, prioritizing compost that meets the standards, (unclear) is screened. And then we have the exception for emergency situations, and then we have City of Austin Water informing, creating this 48-hour memo for action from Council when there is need for disposition of the Class B or lower.

So I'm thinking that we should separate... I think we should have the highest and best use statement, except as described below, and then have a bullet about defining the emergency situations, and then have a bullet about describing what Austin Water staff will do for the disposition of land application. That way it's all really...

Susan Turrieta: I think we can do that and refer to that later.

Amanda Masino: I think we're taking notes so we can generate...

Judy Musgrove: Do you need to define what an emergency is, or can you let Council decide that when they get the memo say, "Oh that wasn't an emergency." What are they doing?

Kaiba White: Then it's too late cause it's already happened.

Ken Lockard: Right, I don't want a possibility of Council with an emergency and they say no. And then I'm stuck...

Jane Burazer: You're sending a memo to Council, is what she's saying.

Ken Lockard: After the fact. Okay. I heard two different things.

Amanda Masino: What imminent threats to health and safety, cover a pretty broad range of ...

Ken Lockard: Regulatory issues...

Robin Schneider: I urge you folks to really tighten this language. We have had situations where Staff got around City Council directives but this was around concrete dumping along the Colorado River, and there were prohibitions, restrictions put on using this company Rainbow Concrete. They were just dumping their stuff and created a little artificial bank into the river, and so what the Staff was doing, they continued to award contracts but they did it just under the monetary threshold. So unfortunately I've seen staff get around City Council directives when, you know at times, and so I urge you to be as tight as possible in your recommendations. I can't remember what but it was a variety of City departments that wanted to continue to use this contractor to meet their minority business requirements. It was really horrific.

Lisa Boatman: We can't apply Class B sludge under the radar, I assure you.

Susan Turrieta: Okay, looks like on my list we've addressed screening...

Paul Gregory: Could I make one quick comment about screening, I'll keep it very succinct. Paul Gregory with Texas Disposal Systems. And I'm speaking from a standpoint of I've run three compost facilities in central Texas that manage biosolids. I just want to say that all screening is not created equal. You screen to size products, and you screen to remove contaminants from the product, from the unscreened compost stream. So, Hornsby Bend currently screens to 3/8 inch minus and they have an air knife separator on their screen in order to remove and liberate the plastics from the biosolids. Also they have a very long curing time that allows their product to dry, because wet material will make that plastic stick to the material. So when, I'm just trying to draw distinctions, when you say in the contract "everything will be screened" but even in the response they say they will sell unscreened material. The screening size is important and the apparatus on the screen that removes the contamination is important. So you could say everything be screened and they screen it with a four-inch screen and all those plastics will go through there. Even the Hornsby Bend screen, which is an excellent piece of equipment, when their air knife is down, plastics will still move into the, fine plastics (3/8 inch minus), will move into the finished product. So I would just urge you or advise you to specify screen size and potentially, that it, why not maintain the same standard of an air knife or an air separator of some sort beyond the screen to remove plastics so that isn't being transferred to other customers.

Kaiba White: I think that's a great suggestion.

Susan Turrieta: Well we do have the 3/8 on here.

Andrew Bosinger: The plastics removal is already in the contract.

Kaiba White: Right, well then it shouldn't be

Andrew Bosinger: No issue.

Kaiba White: ...an issue, right, so I would say as far as policy issue recommendation. For me the plastics is the main issue of this committee.

Susan Turrieta: So is plastics removal, sufficient...

Andrew Bosinger: If I may, I'll read to you what it says here. "Plastics removal shall be at least as effective as that currently practiced by the City." So, in the production of Dillo Dirt.

Amanda Masino: So for our policy recommendation, though, how can we put it together? The air separator doesn't work when it's wet, is that what you were saying? And the compost is too...

Paul Gregory: I'm just saying it does not work as well. It's still drawing air and pulling material but as you know, wet material and film plastics will stick to it, so it can still pass through the fines and the overs. The great thing about the Dillo Dirt program is it's cured so long. Their piles have sat for over a year and it's almost dry. You can see dust moving off the screen when it's drying. If they screen in a very short method, like this RFP has kind of dictated, with paying the contractor once material is removed, then that incentivizes the contractor to very quickly screen and move material offsite.

Andrew Bosinger: Excuse me, that's not how the contract works.

Stacy Guidry: I wanted to get your clarification, what is your drying process? From what I remember the last ZWAC meeting, we're looking at six weeks, I think? Can you refresh my memory?

Andrew Bosinger: Six months, various curing times but no less than required to meet the USCC STA standards, and as far as an incentive to get it offsite, that doesn't exist. Unless that was clarification that was made in the contract that we'd be paid when material comes off the belt press. So there was no incentive because that was an expressed concern of this group that material would be moved off sites quickly. Incentive, that doesn't exist in the contract any longer so that's the standard that we'll meet is the USCC STA standard and all curing will be sufficient to meet that certification.

Paul Gregory: Can I talk about STA certification really quickly. I'm unaware of any STA certification requirement for curing time. The STA certification approves the metals, the wastewater treatment plant tests for it as well, and they approve the amount of colonies of fecal coliform and E. coli and they do a seed emergence and seed vigor test and then they'll give you your NPK, or nitrogen-phosphorus-potassium, of the material that you generate. So they do not specify... you can send in unscreened material and they will certify and pass it in the STA program only if you meet the metal standards, which they were going to meet because the quality of the Class B that wastewater generates, and fecal coliform and E. coli, which means you've met a pathogen reduction process in 15 days, at 50 degrees, and 5 turns. The problem with that is they can certify a very bad compost or a poor compost and you can be part of that program that meets the metals and meets the virus requirement, but does not meet a screen size, does not meet a quality of compost that... I spoke with Al Rattie, the Head of the STA program, and he said that's up to the economic viability of the product they sell. So if someone makes a bad product they rely on, they'll go out of business not being able to sell it. But this going down the value chain from a publicly accepted product like Dillo Dirt to just being spread on farmland, that's a concern that I have of the, as a concerned citizen, of the odors onsite and the plastics removal. If that's being addressed in the screening and screen size then that's great. The only issue of saying that the STA program will make everything, all the products onsite will be STA approved. You can be approved by the STA by metals and by viruses alone. It doesn't certify that you're making a high quality compost, it doesn't certify screen size, and it doesn't certify NPK. You can fail for seed vigor or seed emergence. You could kill a plant and still be part of the STA program.

Susan Turrieta: We see the information here. To meet the standards it has to reach temperature for a duration, right?

Paul Gregory: Right, that's the PFRP standard. That's the 503 rules...

Robin Schneider: My concern is, Andrew, do you get to, if you get the contract, do you get to pick the sample size and is there you know, we've dealt with all kinds of actors around the state of Texas, and if it's totally up to the person, the company, to submit the sample size, it's a little bit out of a huge volume of material, is there any, we would suggest if that's how it is, that there be the ability of the City to pick its own sample size and send that in for testing.

Andrew Bosinger: No issue with that at all. That's a common practice.

Lisa Boatman: Hold on.

Andrew Bosinger: It could take a split sample, I mean, that's what you're saying right, take your own... Sample it anywhere you want, any time you want as far as I'm concerned.

Lisa Boatman: Yeah, and we do that currently. We will take a random sample of their material. And there are standards for the sample size and how we sample the pile right now. For example for the pathogen requirements we have to calculate that based on a geometric mean which requires seven samples to be taken out of the pile and mixed together, that goes in for analysis.

Robin Schneider: Is that in the contract now or that's just your procedure?

Ken Lockard: That's a standard operating procedure under EPA rules and regulations.

Lisa Boatman: It's a requirement for the regulations and the, I think it's SW-846, which is what specifies the lab method that you can use for that particular test.

Robin Schneider: Right but your contractor is doing this...

Lisa Boatman: He has to test in the same standard because he is also reporting to TCEQ on his lab results and also have to provide the test method which is approved by TCEQ, you have to use one of those test methods.

Robin Schneider: Right, I just want to make sure that if we have a contractor that the City can do its own spot checks...

Ken Lockard: Yes, yes. Right.

Danielle Lord: And I'd like to clarify also, from the standpoint of the contract, nowhere in the contract does it say that Austin Water doesn't have a right to do random inspections and sampling. We absolutely do, that's a part of our standard language. As well as, I'd just like to clarify that the contractor is not just working on their own here. You have a staff that's out there that provide oversight and direction to the contractor as well. It's not a silo process, it's a collaborative process.

Ken Lockard: We're actually in the process right now of hiring somebody to oversee, to help oversee this particular contract here, that will be stationed at Hornsby Bend.

Andrew Bosinger: I think it's fair also to point out that no contract can be written so tightly that every possible scenario you might dream up couldn't be enacted. If you have a bad actor, you have a bad actor. I mean, but Synagro's worked for the City for eight years and a very successful biosolids program, 100% contract compliance, 100% environmental and safety compliance. We've done a very good job for the City and that's what we've put forward is a solid proposal to continue the professional service.

Danielle Lord: And as I stated in the last meeting, part of our boiler point language, as well, is that if our performance standards are not being met that we still as a City can terminate. We still have a clause "terminate with or without cause." We still have that right to be able to stop service and stop work right away.

Amanda Masino: This is useful to hear about, if you have specific questions about the contract but I do feel that we're drifting a little bit from the recommendations so I think our intention is really not to look at them, to try to come up with recommendations that apply over a longer term and are our best practices. And then we can address how and if the contract is fitting within this. So it seemed like we were considering whether to include a standard for plastics in some

way in this definition of compost and then we have these other items about whether we want to address labeling of the product, Dillo Dirt, source of bulking agent, in this recommendation coming out of this working group, in this policy recommendation. Maybe we should (unclear).

Susan Turrieta: Just so you know we added some verbiage about the screening up to 3/8. What else would make, I mean we said “equal to or better” but I don’t know if that’s...

Kaiba White: I drafted some language. “Required production of compost that meets USCC STA standards and has been screened when dried to 3/8 of an inch utilizing an air separator to remove plastics except when emergency conditions exist as described below.”

Susan Turrieta: Could you say that one more time, sorry?

Kaiba White: “Required production of compost that meets USCC STA standards and has been screened when dried to 3/8 of an inch utilizing an air separator to remove plastics except when emergency conditions exist as described below.”

Lisa Boatman: I have a question. Are these policies also going to apply to any compost that’s produced with City waste? So will these screening requirements and reporting requirements also apply to the food waste composting?

Susan Turrieta: I’m going to say no because we were not tasked to address that. Now, someone can take it and try to apply it but we were specifically tasked to address these two particular contracts, so we’re not even considering Hornsby Bend at this moment. I mean, I’m sorry, the food compost, at this moment.

Kaiba White: I’ll just say as a member of ZWAC I think probably if we can come up with a good policy here that...

Lisa Boatman: Well it just, I mean, well in terms of... (unclear) I’m just asking the questions.

Jessica King: What we can do is clarify in the recommendation that this policy recommendation is construed to be focused on biosolids management, which is what was tasked, so, and we can keep it exclusively to that. I would, so, I only think in terms of kind of, we always think of new technology, and so it says, so the recommendation is air separator, as a policy statement, is this is supposed to stand the test of technology and time.

Susan Turrieta: How else can we say that?

Kaiba White: So maybe utilizing equipment to remove plastics?

Ken Lockard: You just call it a generic plastic separator. That’s kind of how we classified ours. There’s multiple ways to do that. The one we have is this –

Kaiba White: Yeah, utilizing a separator for plastics...

Susan Turrieta: The rest of the verbiage I like.

Judy Musgrove: Is this just policy for all biosolids forever and ever or just this contract?

Susan Turrieta: This is just this contract.

Amanda Masino: I think we’re making general recommendations, policy recommendation for biosolids. That first and then...

Susan Turrieta: ...so the concern is that the compost of, for the food waste and zero waste...

Judy Musgrove: Well I just, I, the policy is so specific I’m just worried about future, I mean it seems like this would be, Andrew seems fine with this, it just seems like for the next... (unclear) I don’t know if this fits or not. I just...

Ken Lockard: Composting might not fit into a future contract; there might be a newer technology that might evolve between now and then, that I guess could just be addressed at that time. Right?

Jessica King: Well and I think that it gives you, the way that it's been written honoring highest and best use hierarchy with a goal of prioritizing plastic, I think that gives you some flexibility unless I'm misunderstanding.

Kaiba White: I did change that. I did not include that.

Ken Lockard: Today in the industry composting is probably the most cost effective way of handling biosolids. There are other technologies, sludge drying and different things, that costs are coming down and possibly at the end of five years or ten years of a contract it might be more viable at that time than compost, you know but address it at the time, I guess.

Robin Schneider: There should be a policy discussion about that by the City, it shouldn't just be based on what's cost effective in the eyes of you know, the you know, the Austin Water and Wastewater staff. That's what we're talking about though, about policy, that we want to go forward and consider the cost but that is not the exclusive factor as we consider what our policy should be as a City in handling this large waste stream.

Jessica King: Our master plan, the department's master plan, does speak to what some people call black box technology in stating that as the technology improves to a level that we are comfortable with or that we want to explore, then we will do an analysis at the time. Because it's too hard to predict. So as long as that option remains open, then you can revisit the policy.

Ken Lockard: I just don't want us to lock ourselves into something that might not very feasible in the future.

Jane Burazer: (unclear) ... include piloting new technology.

Kaiba White: I think what we're trying to do is, just that there will be a public discussion before such a change would be made, I think that's right.

Stacy Guidry: We don't want to be back in this mess.

Jessica King: That is an option. Jane said perhaps we can pilot before that could be a policy recommendation. New technology regarding biosolids management should be piloted and evaluated prior to implementation or consideration of...

Robin Schneider: With public input before pilots are done.

Paul Gregory: One more policy consideration that I think should be varied, is one of the larger issues is the bulking agent and the ratio of bulking agent to biosolids. It's been an issue throughout this whole process, and what's reported in the proposal is a 1.5 to 1 ratio, 1.5 bulking agent to 1 part, 1 yard of sludge, bulk sludge ratio. The issue that I have with that is Synagro's windrow reports, that we got through open records request, show that they're doing a 1.5 to 1 ratio. I've been running tests at our two biosolids composting facilities the past two weeks and I've yet to get those windrows up to temperature and we have maggots on the windrows and dead mice and rats burrowing into the windrow and dying. And I'm happy to show pictures and windrow reports showing that 1.5 to 1 ratio is not sufficient to mitigate odors onsite or to reach a PFRP requirement. I would suggest that you go to a biosolids facility that runs that type of ratio and makes this sort of agricultural grade compost so that you can see, see it for yourself. Mr. Gregory went to a facility in California outside of L.A. that does – on Saturday – that does this style composting and there were major odor concerns with the site. It's in the middle of the country and there were odors miles away. And this, we're talking about doing this at Hornsby Bend and I would encourage that someone in this, on this Commission, visit a site that produces this type of compost at 100,000 tons per year, at this large scale and observe for yourself what the odor issues are and what bulking agent is required to successfully and to operate the facility so as to not be an impact to the receptors around there. Again I've got two windrows that I'm going to share with you guys, or the whole public that that ratio will not meet temperature and has vector problems, and major odor problems. So I'm also going to send it off to STA once it's done after the 15 days we'll get the test back and I'm happy to share that with you guys. But I mean if you're considering me a competitor then please go see a Synagro facility or please go see another facility in California that does this agricultural

grade composting because I'm having major problems emulating what Synagro reports to do on their windrow reports at Hornsby Bend now.

Susan Turrieta: I don't want this to turn into debate between TDS and Synagro.

Paul Gregory: I don't want it to either. I'm just saying it's a policy issue on bulking agent.

Susan Turrieta: You need to reply, I want to put it to bed because that's not why we're here.

Andrew Bosinger: Thank you. We have been composting the City of Austin biosolids at Hornsby Bend for three years. Got a well-established understanding of what it takes to do it. We are the largest composter of biosolids in the United States; we produce more quality compost than anyone else in the market and sell it, without exception. There have been zero odor complaints as you heard from staff at Hornsby Bend with what we're doing now. It's a proven process, it works. If somebody else can't make it work, I'm sorry they don't like the results they're getting, but we've shown what can be done. Both here and at other places. I guess I'd offer that as Exhibit A, if you will.

Kaiba White: I appreciate that. My question I guess would just be if it turns out that there are odor problems and the ratio is not working, are you going to be able to procure enough bulking agent to raise that ratio up to a point where...

Andrew Bosinger: Absolutely. That's our responsibility. That's our absolute responsibility. The City can terminate our contract if we don't perform, that's pretty clear.

Kaiba White: And the odor standards are set in the contract? Or no?

Andrew Bosinger: What's the odor standard in the contract? I guess it's, you know...

Lisa Boatman: Yeah, Lisa Boatman, Process Engineer. There is no odor standard in the contract. The way odor is really monitored is through complaints. There are many odor producing facilities at Hornsby Bend, and adjacent to Hornsby Bend. The primary offenders in the plant are in the main process area, they are not on the compost pad. I'm not saying that you know a poor composting procedure or process could produce, could certainly produce odors, but again the facility has to be managed in such a way that we mitigate the odor problems and that is really the responsibility of the contractor. If we receive an odor complaint, we act immediately and we investigate to determine what is the source of the odor complaint, and then try to resolve the issue.

Kaiba White: So when you took me around there the other day, were there places that we didn't go that would have had more of an odor?

Lisa Boatman: Yeah, you didn't go into the main process area where we, you know, the thickener building, where...

Kaiba White: So you're saying if I went inside that building it would be pretty smelly?

Lisa Boatman: Yes.

Kaiba White: But in terms of, everything was in pretty close in proximity to where we were driving around or...

Lisa Boatman: Right. You were in the compost area so once the sludge has been processed that we can handle it with dump trucks and front-end loaders, that type of stuff. The other process where the sludge comes in at 1.5% solids and we do a thickening process and it goes through the anaerobic digesters. The biggest, the most odor producing area in the plant, or the primary odor producing area in the plant is in our thickener building.

Kaiba White: Okay. But that wasn't far away from where we were, right?

Lisa Boatman: Half a mile.

Ken Lockard: Half a mile maybe. Yeah.

Kaiba White: I'm just trying to, my concern would be for other people who live or work in the area that they not... if it smells inside of a building I guess that's kind of on the contractor in my view and their poor employees. But my concern would be for the public.

Lisa Boatman: It's on us. Actually all of it is on us.

Kaiba White: Okay.

Lisa Boatman: We hold the permit. If a citizen complains to TCEQ, TCEQ is going to come to our regulatory wastewater manager, who will then come to me and Ken, and we'll have to figure out what the problem is. If it's a plant problem, we'll isolate that. If it's a problem with the contractor's composting operation, we will have to address that.

Amanda Masino: So in this document, you know, what more do we put into our policy recommendation at this point?

Kaiba White: Well we talked about defining "emergency conditions."

Amanda Masino: Right. Right now we have the fire, or imminent threat to health and safety. We can define imminent with a certain timeframe if that's helpful. I think that imminent sounds dire and that we can....

Ken Lockard: Wasn't there a regulatory issue in there also?

Amanda Masino: Well then we had the-

Ken Lockard: 'Cause we can only keep biosolids on the site for so long. Regulatory.

Kaiba White: I guess I'm not sure why that would not be a situation that could not be foreseen in advance.

Amanda Masino: Okay so...

Kaiba White: If the stockpile is building up you'd know that oh no, we're clearly not going...

Susan Turrieta: I don't know, if we have a flood event, would that cause you not to...

Ken Lockard: A what? A flood event?

Susan Turrieta: The commissioner was just asking, how could you not know that it's going to be an emergency in advance and so I'm...

Ken Lockard: You usually can, well you can usually see things coming.

Lisa Boatman: Yeah.

Ken Lockard: I mean regulatory issues, and we're bumping up the time constraint, you can see that coming. We can see stockpiles building if the contractor wasn't moving the product off fast enough and we felt like we had to land apply, for whatever reason. Most situations we can kind of see coming. It won't be come to work Monday and everything's okay, come to work Tuesday and there's an emergency, we need to go to Council. It won't be something like that.

Susan Turrieta: So is there any concern they do have to notify Council, and Council has to ratify ...

Amanda Masino: I think that's for when we're...

Kaiba White: ...the next bullet down right, down

Amanda Masino: ... that's for disposition of biosolids with Class B or lower.

Kaiba White: Wait, not lower than Class B. Class B is the lowest.

Ken Lockard: That's it, yeah, Class B is the minimum that we produce.

Amanda Masino: Yeah it's in the previous so that's... (unclear)

Kaiba White: So I wrote some language on these two bullets for consideration. “Emergency conditions are defined as severe fire risk or other imminent threats to health and safety. Such conditions may necessitate land application of unscreened compost, Class A biosolids, or Class B biosolids on a temporary basis. Emergency application of these lower quality products shall extend only as long as necessary to alleviate emergency conditions.” And then, I need some help on this third bullet, I had “Staff shall inform City Council via memo within 48 hours of discovery of emergency conditions” and then something about ratification.

Amanda Masino: Tagging it, yeah, 48-hour memorandum tagging it to ratification, is the phrasing you use about the 48 hour notification...

Kaiba White: Yeah a memo and maybe “requesting ratification.”

Susan Turrieta: I think that’s good.

Amanda Masino: I think that on your emergency one there’s something about ‘temporary’ that’s a little maybe...

Kaiba White: “On a temporary basis.”

Amanda Masino: We don’t want the application – it’s not being applied temporarily. (unclear) apply it then take it come back up. So yeah maybe that...

Stacy Guidry: The action is temporary.

Amanda Masino: The period of application...

Kaiba White: “Land may necessitate land application.” Application is the act of putting it on the land so you would only be doing that temporarily.

Susan Turrieta: I think it’s kind of covered in honoring the highest and best use hierarchy in the diagram ...

Kaiba White: Sorry, say that again?

Susan Turrieta: I think that instead of temporary we’re honoring the highest and best use hierarchy in that...

Amanda Masino: She’s on the “emergency applications.”

Susan Turrieta: Yeah, but I think the “temporary” is addressed because we’re supposed to honor the highest and best use and we’re only going to do that when we absolutely have to.

Kaiba White: You’re suggesting that we don’t have any sort of denotation that just ‘cause there was an emergency that this application shouldn’t be...

Amanda Masino: You can swipe out (unclear), I thought it would be really clear when you say “only as long as necessary.” Is that...

Kaiba White: So I had “such conditions may necessitate land application of unscreened compost, Class A biosolids, or Class B biosolids on a temporary basis.”

Amanda Masino: And is that “only as long as necessary.”

Kaiba White: And then, “emergency application of these lower quality products shall extend only as long as necessary to alleviate emergency conditions.”

Jessica King: Commissioners...(unclear) ARR is concerned potentially... Kaiba, did you only speak to fire as being an emergency situation?

Kaiba White: No. “Severe fire risk or other imminent threats to health and safety.”

Susan Turrieta: Should have “permit.”

Ken Lockard: Health and safety and permit.

Amanda Masino: And what else, a permit violation, is that what you said?

Ken Lockard: That would be the regulatory. That would be the regulatory aspect.

Amanda Masino: That’s going to, I think that’s going to be separate.

Kaiba White: I object to including the regulatory issues. I think those can be foreseen and should be taken to Council ahead of time and not after the fact.

Jessica King: So just to speak... (unclear) I don’t know if, I’m not quite sure whether or not the recommendation that you’re making includes situations where storm events, not necessarily flood, because flood will oftentimes necessitate going to the landfill because the materials are so badly damaged, but storm situations where there is a lot of brush material, is put by the side and City staff have to go in and collect that could cause a regulatory situation for them because then we’re hauling material to Hornsby Bend and could create a, so I don’t know if that’s covered...

Kaiba White: Sorry, I...

Jessica King: Okay so imagine a major storm event where you’ve got trees down, it’s not a flooding situation but lots of trees down, and it’s scattered throughout the city. The City of Austin staff generally will go out and we will handle large brush collection, so homeowners may have contractors that come and pull things out, staff might have to do that. It is clean brush, it is oftentimes clean material that can then be hauled over to Hornsby Bend and processed over at Hornsby Bend. That is not something you can expect but it will create a regulatory situation where you might have more material than they may be able to process or handle at that time. So I’m not saying that the-

Kaiba White: So you’re saying that the brush may need to be taken elsewhere.

Jessica King: Yes. Yes, but I don’t know what that impact necessarily is, I’m literally just telling you of a situation that could occur, especially with the storm activity that we’ve got going on these days where you can see a high volume of brush material.

Kaiba White: Even though now we’ll maybe have what, like two facilities for food waste and, plus Hornsby Bend, that still could be a situation?

Jessica King: I don’t know.

Kaiba White: It sounds like maybe a separate bullet point from...

Ken Lockard: I guess a little clarification like the, what Jessica brought up, if there’s a major storm, all that material’s brought to Hornsby, that won’t necessarily be a regulatory concern for us, but it might become, depending on the amount of material it might become a fire issue. You know it might be looked at from a different perspective or a different point and we’ve worked with ARR in the past on how to deal with excessive amounts of brush being taken to Hornsby. I mean I’m not sure how that would work. You know if we’re needing all the material for a contractor but that would be a little bit different situation. And right now I’m not sure what the resolution would be for something like that because under a storm situation or a flooding situation that would have impact on more than likely our composting operation as it has in the past, meaning that process would just slow down. So we would be storing materials, which would be used at a later date, when the storm situation...

Robin Schneider: Does that result in the land application of biosolids?

Ken Lockard: Well it potentially could depending on what the situation was but it’s kind of a two-edged sword because you can’t land apply biosolids if the fields are wet or if there’s standing water, so that’s when the stockpiling storage issue comes into play. Meaning you’ll be stockpiling material until it dries out enough to either compost, and depending

on how much you've had to stockpile, more land application. Just depends on how much you had to stockpile and how long you had to go.

Kaiba White: And the reason you'd have to stockpile it would be because there could be a fire.

Ken Lockard: The reason for stockpiling might be in a storm type situation where composting slows down dramatically...

Kaiba White: Sure.

Ken Lockard: ...the making of compost...

Kaiba White: I misspoke.

Ken Lockard: ...slows down dramatically.

Kaiba White: The reason you would have to land apply after such an event would be because you had too much product there onsite and you'd have a fire hazard.

Ken Lockard: Potentially, because land application is quick, we can move material offsite rather quick compared to composting.

Kaiba White: Okay.

Ken Lockard: And you know if we're up against a regulatory issue or a health and safety issue, or a fire issue, that goes into making the decision on where we divert the material if we get into that type of situation.

Susan Turrieta: It's important to point out that you're doing your best to stay out of that situation no matter what.

Ken Lockard: Right, correct, but sometimes the weather does play into the fact and you can't, we can't control the weather and regrettably whenever there's flooding and storm situations there's more flow going to the plant which means there's usually more material coming to Hornsby.

Kaiba White: Seems like that's covered under fire and threats to health and safety. I haven't seen what this separate regulatory issue is. Is there one?

Paul Gregory: I'm unaware of regulation on the mulch, and the mulch, like Ken said, it may pile up but they can use it in other areas or you can deliver to us under our disposal contract. We'll grind it. And compost it.

Judy Musgrove: What do we expect Council to do, to look at this and say, "Yes that was an emergency, you're good to go" or "No that wasn't an emergency, bad you, Austin Water", or I mean what, I'm just trying to figure out the end game here. Do we want them to just, to have approval process like, "Oh yeah you're right, it's an emergency" or "No it's not, you deal with it." I mean it's just, it kind of goes back to our operational decisions. It kind of feels like we're getting into the operations of Hornsby Bend policy, but I mean I get that you don't want Class B going out onto a field. But if Synagro walks and we start piling up we may have them do that. Maybe that goes under the Health and Welfare or whatever. But I'm just worried that you're taking the operations ability away from us and not leaving us that tool to get rid of the biosolids.

Kaiba White: Are you talking about bullet point 3 with the ratification?

Judy Musgrove: I, yeah, (unclear) I just, I don't know, I'm just, I don't know what Council's going to do if they say, "No you shouldn't have done that," well then what to do we do? You know. I'm just, I'm trying to figure it out. So just letting them know... (unclear)

Ken Lockard: Right cause we're going to do everything that's...

Amanda Masino: Well you're making the decision about whether or not it's an emergency which from what I understand is you make the decision now about whether to land apply or not, based on your stockpile and what might be going on. So this would be notifying Council in situations where you have to land apply.

Judy Musgrove: Are we notifying them or are we asking their permission?

Kaiba White: Well the after the fact...

Judy Musgrove: Just so they know this is what's going on.

Amanda Masino: "This happened."

Judy Musgrove: "This is our plan to fix this but just so you know we've got into the situation where we had to land apply and we're now asked to not do that anymore,"

Amanda Masino: And/or, right, and/or "this was a fire so we had to do it and there was no, we didn't really have to, we didn't anticipate that there was a storm or a fire," or we did anticipate it but the stockpiles...," or you know, whatever that is.

Judy Musgrove: I guess I could see the policy being hierarchy, don't land apply, but if you do then we want to see your plan to get out of it because you're violating our policy. I guess I can kind of see...

Lisa Boatman: The discussion is particularly whether or not to include the language of regulatory as part of the justification for emergency application of Class B, correct?

Amanda Masino: To remain in regulatory compliance.

Lisa Boatman: Right. So that's what we're talking about, right?

Woman: Right. I agree it's...

Lisa Boatman: And staff is saying that we would like that included in there and Kaiba you're saying, that should not be included in there.

Kaiba White: I guess what I'm saying is it seems like all the examples that have been brought up, fall under the points that we've already included which is the fire risk and all other health and safety. So I'm, I'm not sure why we would include another, you know, regulatory item if that covers it.

Susan Turrieta: ... regulatory is if you fail to meet your permit...

Kaiba White: Right and I understand that...

Lisa Boatman: The problem is everyone in this industry who's worked in this business can say that we have all experienced conditions that if you put all of the minds together in the room and all the combined experience that we've never even seen before, so, I mean, we kind of had a perfect storm situation in terms of some process situations that were going on prior to the fire, other, other things that happened with the way that the materials were moving in and out of the plant and if we don't have all the language that can encompass the conditions where your input is going to increase and increase and increase, and your output has been limited, I mean I just don't see the harm in covering all that.

Kaiba White: Okay I'll tell you what I think the harm is. I think that complying with regulatory conditions is a bar that should always be met...

Lisa Boatman: Absolutely.

Kaiba White: ...because frankly regulatory conditions are generally I think weaker than we as the City of Austin set our standards. So if those conditions are not being met I think that's an indication that there's something that needs to be

addressed and that it should be foreseen ahead of time. And I in general would not like any business to just have kind of a get-out-of-jail-free card if like, "Well if you don't meet your regulatory obligations then you can just go ahead and do this other thing that is not in compliance with policy." So I'm not saying that you all, like I understand, that's not what you're aiming to do, I just have a, call it a philosophical objection to that approach of providing a back door out of being in compliance.

Susan Turrieta: I think it's important to include regulation because if we don't meet our permit, TCEQ can come down on the City like it did fifteen years ago and we could have a whole entire Clean Water program situation again. So I think it's important to include it because TCEQ is extremely powerful and if we have violation after violation after violation they will come down to the City, they have before, and right now they're coming down on other Texas cities pretty hard. I can't remember the fine we were under, under the Clean Water program, \$20,000 a day or something if we didn't get stuff done in so many years.

James Bennett: That is important and once again, you know, the Utility has to maintain the ability to operate the facility and make these decisions. And taking the ratification to Council, I mean, you know it is to say, "Hey, this is what we're doing and this is why we're doing it." I mean realistically, yes, the Council could say "Stop." We all work for them but if they say "Stop", Clean Water, \$300 million in enforcement action with the Austin Clean Water Program. I mean the Council's the one who has to make that decision. I mean, we need to do as a Utility what we have to do to maintain the facility under the permit. That's what we do. That's why we're here. The reality is I mean, yes, the overall financial implication will result with Council, if they say, "You guys stop," then I mean we don't have a choice but to stop. But there are financial implications on the end. That's the ramification (unclear) in the circumstance we're in, you guys have to make a choice: door A or door B.

Jessica King: Commissioners, just a time check. It is about 10:45 and you are aiming to conclude by around 11:00. This may be one of those things where you write down and come back to discussion on that, in your respective groups, or whenever...

Amanda Masino: You might consider coming back to this regulatory compliance, I mean I, maintaining regulatory compliance is important and I can understand the concern of Kaiba's concern, that these are situations that should be foreseen so it shouldn't come up. That said, I think that having the mechanism of reporting to Council when this occurs is a way for us to keep a check on whether this regulatory compliance is being used in a way not intended and used to kind of off-load materials as opposed to managing them reasonably. I think that, I'm very comfortable including the language to maintain regulatory compliance as long as the 48-hour notification is still there because that is our check and that is our way to ensure that, not just this group but whoever else is at Austin Water in the future, if they are making this land application, they are not doing it, they are not failing to plan in other ways, and then using it as sort of this back door application. They would have to report that to Council and we would all know about it. So that's how I kind of weigh the two together. I don't know if we're ready to make a decision on that or if we should postpone the regulatory compliance being in here though. I think if, Stacy, you're comfortable talking about where you are on it because...

Stacy Guidry: Yeah, I think I side with what you're saying for that check and balance mechanism there and City Council should be notified of what is happening. They need to know, that cycle of communication needs to be upheld. Any of this, we've got a multimillion dollar, multi-year contract going on that needs to be within the language.

Susan Turrieta: I think we can re-vet, I don't think we're that far at all, so I think we can re-vet exactly how we want to (unclear). The other items I have that we might want to clarify, or even discuss, was that the contractor is providing bulking agent, it would just be a simple little bullet, it's just the ? process, (unclear).

Kaiba White: How does that fit into long term policy past this contract?

Susan Turrieta: I'm not really... there's two items, one is policy and one is this contract.

Woman: The policy could be around flow control.

Woman: ...more of a policy not addressing those particular...

Paul Gregory: Or the policy change of current ratios versus what's being proposed in this contract. See Dillo Dirt is 3.5 yards to 1 yard, we produce 3 yards of bulking agent to one yard of sludge. This is a policy change in making a compost with less bulking agent.

Jane Burazer: Isn't that an operations change rather than a policy change?

Paul Gregory: I'm just, for thirty years Dillo Dirt's been made that way, and that's the way we produce our biosolids. I think any change in that ratio is a change to the policy or the... operational change for sure, but it may be a policy to say, "We don't want to have odors at Hornsby Bend so we would like you to make it the same way that's been successful in the past."

Jane Burazer: But they have been successful in generating compost using the methodology they're currently using and we're not experiencing odor issues.

Paul Gregory: That's a tiny portion of the compost that's produced.

(unclear discussion)

Kaiba White:ratios... but it could address what sounds like the main issue which is odor and pests.

Paul Gregory: I just don't want there to be issues for the receptors and vectors for the citizens that live around Hornsby Bend.

Jessica King: So Commissioners, I would raise caution on that. Odor, just like noise, is perception. If you do, I would be a little cautious on how you word that, because that is a perception issue oftentimes. Just with my experience with ABIA and noise control issues with ABIA, and (unclear) "I hear their airplanes all the time." Yeah, cause you see them and you're right next to the airport. So there's, just be mindful of a certain...

Stacy Guidry: There's also the issue of temperature.

Amanda Masino: Right. So should we go through the list of things that we're considering for policy, because I think we've checked some off here but there are some additional to consider proposing next time. So we addressed the standards, we addressed the hierarchy, I think we decided that modifications to the permit we know now that's not an issue so we can take that off. Okay we have not addressed labeling of disclosure of biosolids, so that's still pending. We've addressed screening, we haven't addressed duration of composting, contract extension...

Susan Turrieta: That was a comment about after the five-year contract. That could have that it goes to Council every year for renewal.

Amanda Masino: So that perhaps should not be in our biosolids recommendation. Right, cause that was about the contract?

Susan Turrieta: Yeah.

Amanda Masino: So we can leave that separate. Bulking agent, Dillo Dirt, then we have...

Susan Turrieta: Dillo Dirt has been addressed because it's in there already. Bulking agent just saying that they provide, they're responsible for providing it, it's not necessarily provided by the City.

Amanda Masino: Okay. That one was more of a contract and not a policy...

Susan Turrieta: Yes.

Kaiba White: I thought that was already stated in the contract, right?

Amanda Masino: So as far as policy then we're looking at considering language about: flow control, about piloting new technology, public input, Council approval, we brought that up, and then potentially odor vector control being policy. Is that everything that we might want to discuss?

Kaiba White: Do you have labeling on that list?

Amanda Masino: Yeah labeling is.

Susan Turrieta: Would labeling be a policy?

Amanda Masino: Yeah, that would apply generally, not just this contract.

(unclear)

Susan Turrieta: ...biosolids, and now we just have some of the policy, and then we can talk about the sale and removal of compost at our next meeting. We can draft perhaps potential language for these pending items in the group and discuss it next time.

Amanda Masino: Then we'll do the removal contract.

Susan Turrieta: I have some (unclear) backup information you got from me last night that really addresses that one. That'll give you guys time to read it and come up with questions and stuff for Staff.

Susan Turrieta: All right, we'll move to adjourn, and we'll come up with (unclear) discuss between us for recommendation on the management of biosolids. We'll also discuss policy and draft up what we can for that...

Allen Click: May I ask a question? My name is Allen Click, I'm a farmer, and I came here to answer y'all's questions on the sale and removal. So, I'm available to answer your questions, first, I'd appreciate you having me. Second, I'm curious, are the policy recommendations that you're proposing also pertinent to my contract, or are they policy recommendations related to the other contract to be considered?

Susan Turrieta: We've been discussing the other contract to this point. This group will make a separate recommendation because they're two different items. This group, and how they come up with that is yet to be seen, we've got to vet it out. So, I can't say it's not going to be real different, but there's some very specific pieces of information in here that I think we need to discuss before we decide how we are going to address that. And I'm sorry we didn't get to it today. I really was hoping we would be done with everything, but we're not.

Amanda Masino: Our general biosolids, what we're trying to put together is general biosolids recommendations coming from this group. The only thing that possibly overlaps would be, we're including that language about the screening.

Allen Click: That's extremely important to me 'cause I'm in a different situation. The concept is different than the Gregory's and Synagro because the City pays them millions and millions of dollars to do things, and I pay the City. So my contract is a revenue contract, and I'm purchasing this stuff, so if there's a policy that requires screening that would add to my cost, that was not considered in my bid. So, if, and alternatively, the City has a brand new screener sitting right next to these piles, and I have absolutely no objection if the City wants to screen it.

Susan Turrieta: There are some concerns; if the City screens it I believe they need to sell it as Dillo Dirt, don't they?

Ken Lockard: That's why we didn't screen it.

Susan Turrieta: Yeah, there's some caveats in there that are making this extremely challenging.

Kaiba White: Where is that, 'cause maybe that's something we need to address. Where does that policy exist?

Judy Musgrove: Well, we have a fee structure that lists what fees we charge at the Utility and one of them is Dillo Dirt. We consider Dillo Dirt to be the last step in the process, which is screening, and so then it's Dillo Dirt. How do you say "that pile is Dillo Dirt, and this pile is something else?" cause it all looks the same, it's all been screened, it's all been treated the same, so we have a hard time selling that for 86 cents a cubic yard when we have it listed on the fee schedule for \$10.

Ken Lockard: All the vendors, when they purchase screened material have to pay a price that's governed by Council, and this was a separate product that we made.

Judy Musgrove: It takes a lot of manpower to screen it. It's not an easy, quick process, so that's why.

Kaiba White: So that's a Council-approved fee structure?

Judy Musgrove: Yeah it goes with our budget every year to Council.

Jessica King: All department fee structures are Council approved.

Kaiba White: Thank you.

James Bennett: It's also important to add that that material that's there, that Mr. Click is referring to, is not part of the inventory requirement, or inventory expectation of Synagro. So if that is still sitting there that may cause issues with the other contractor.

Allen Click: And my thought on it is I bid on it as is, and it's satisfactory in its current condition for my uses. So to that extent it's, I mean I could say the City wanted to screen it but I did not bid, I did not, if the City's going to require me to screen it, I cannot comply with the price that I offered to the contract, 'cause it's completely different.

Susan Turrieta: No, it's different.

Allen Click: Right, yeah.

Stacy Guidry: And if you don't mind me asking, what is your use for that product?

Allen Click: I'm planning on land applying it on my fields to grow hay and to graze cattle. In my opinion the large pieces of wood don't bother me at all because they're going to eventually biodegrade. And the small pieces, I'm, I'm probably the greenest farmer in this county, okay? I do more no-till, more, less chemicals, I'm extremely conscious about it. But the amount of plastics that we see on our land already, I have a lot of experience seeing blown-in plastic from subdivisions and other things, and I see it break down with the sun and break into small pieces and eventually just becomes part of the soil food web. So I'm not concerned on it for my purposes. I think it's 100% better if you screened it but it's an economic highest and best use. So you have to look at, if you're looking at solely environmental issues that's one thing, but if you're looking at an economic highest and best use that is a completely different story. Thank you.

Susan Turrieta: Are y'all free next week?

Stacy Guidry: It's good for me but there were some concerns, people who were not...

Amanda Masino: Well, one was out of town this week though so he was gone.

[Continued discussion about scheduling the next meeting]