

### **3-29-18 Austin Resource Recovery Landfill Criteria Matrix Stakeholder Meeting** **Operational Considerations, Community Impact, and Social Equity criteria as it relates to landfills**

**Susan Shultz:** ...expertise to help develop that matrix in a way that is, so that the matrix can be meaningful and useful as the City looks to evaluating landfills. My job here is to capture some of the ideas and proposals and to see whether there might be consensus on some of these recommendations and proposals that this group agrees would be something that you can all support or that you can all at least live with, in order to make this as helpful to the City as they evaluate it, as possible. There's obviously a lot of experience and expertise in the room and so put it to good use in order to have the best possible product. Any questions on the process? Okay. So what we're going to do, if you haven't had a chance, there's an agenda on the table. We're going to have introductions as to who's here in the room. We're gonna go over, and if you haven't picked one up too, there's a copy of my notes from last meeting which is really just intended to capture some of the highlights, but also as we move forward, if there are potential agreements and consensus then that's also something that I want to start capturing. We'll go over those notes from the last meeting and then we'll continue with exploring the criteria that's on the draft proposal. So again, if you haven't had a chance to pick one up there's one at the front of the table. Okay, so why don't we start on this side just introducing yourself, your name and who you represent.

**Gerry Acuna:** Gerry Acuna, the Zero Waste Advisory Commission.

**Heather-Nicole Hoffman:** Heather-Nicole Hoffman, also the Zero Waste Advisory Commission.

**Alan Schroeder:** Alan Schroeder, Save the Food Coalition.

**Donna Gosh:** Donna Gosh, Organics By Gosh.

**Andy Andrasi:** Andy Andrasi, Central Texas Refuse.

**Ryan Hobbs:** Ryan Hobbs, Texas Disposal.

**Adam Gregory:** Adam Gregory with Texas Disposal Systems.

**Michael Mnoian:** Michael Mnoian, Central Waste and Recycling.

**John Hotaki:** John Hotaki with Waste Management.

**Daniel Rumsey:** Daniel Rumsey, Waste Management.

**Bubba Smith:** Bubba Smith, Waste Management.

**Gary Gauci:** Gary Gauci, Republic Services.

**Christine Alepuz:** Christine Alepuz, Capital Area Council of Governments.

**Amanda Masino:** Amanda Masino, Zero Waste Advisory Commission.

**Andrew Dobbs:** Andrew Dobbs, Texas Campaign for the Environment.

**Mike Mandell:** Mike Mandell, Waste Connections.

**Chris Thomas:** Chris Thomas, Waste Connections.

**Jason McCombs:** Jason McCombs, Austin Resource Recovery.

**Austin Myers:** Austin Myers, At Your Disposal.

**Maya Ingram:** Maya Ingram, Strategic Partnerships.

**Sam Angoori:** Sam Angoori, Austin Resource Recovery.

**Richard McHale:** Richard McHale, Austin Resource Recovery.

**Woody Raine:** Woody Raine, Austin Resource Recovery.

**Tina Bui:** Tina Bui, Austin Resource Recovery.

**Emlea Chanslor:** Emlea Chanslor, Austin Resource Recovery.

**Elizabeth Juarez:** Elizabeth Juarez, Austin Resource Recovery.

**Gary Newton:** Gary Newton, Texas Disposal.

**Bob Gregory:** Bob Gregory, Texas Disposal Systems.

**Bob Kier:** Bob Kier, Robert S. Kier Consulting.

**Steven Welch:** Steven Welch, Austin Resource Recovery.

**Mark Nathan:** Mark Nathan, Texas Disposal Systems.

**Susan Schultz:** Okay. Welcome. I'm reading summary notes from last time. So, as you can see, the group had some overarching issues that I think we will have time to discuss and address at the next meeting when we start talking about how the matrix is to be used and how it will be scored or weighted or any of those issues and will generally tell how it's going to be used by the City in its evaluation. The carbon footprint, the first category of the matrix that we went through; some really good discussion about that. As you can see, one of the potential agreements that the group had was that the issue of transportation should be used, but that perhaps it should be better reflected in the RFP rather than in the matrix. So, I'd like to see whether there's any further thought on that especially if there is agreement that this is something that should be considered in the RFP.

**Bubba Smith:** Yes, I have some. Sorry, I wasn't here last time, but I did have a couple of comments on this category.

**Susan Shultz:** Okay.

**Bubba Smith:** I just wanted to stress how important this category is to this matrix, to this criteria, in the fact that it's real time, I mean you could, this is real time information. One of the goals, and a very important goal of ZWAC and the City of Austin is carbon footprint. You know, the technology's there, we would be running an electric fleet to get the carbon fueled vehicles off the road. So it's very important and it needs to remain in there unchanged without any amendments to it. You know, Waste Management works very hard and it's very important that we control gas emissions. And there's other sites in the area that, according to the greenhouse gas website, the EPA website on greenhouse gases, they're ranked 4<sup>th</sup> of 111 landfills in the state of Texas in greenhouse gas emissions from their site – three times higher than anybody else in Travis County. Also, I think I read the top 40 site in the nation out of 1,500 sites, they're on the list. Now, to me, that's not controlling your carbon footprint very well. I know there's been discussions about managing organics and I saw the document that was submitted about managing organics. That's the regulations we go by. That's TCEQ; our daily cover. We all do that. We all deal with sites that have six inches daily cover. All the sites dry tomb their operation. The EPA is what, you know, what we all submit our information to. Those calculations are based on, we tell 'em what

waste we take, the quantities of waste we take. All that goes into a couple of different formulas EPA uses to generate those numbers. We've heard that those numbers are inaccurate. I don't, you know, that's the rules we go by. We should all play by the same rules.

**Susan Shultz:** So, if I'm hearing you correctly, you're happy with the way 1A and 1B are drafted?

**Bubba Smith:** And it needs to stay that way, yes.

**Susan Shultz:** Okay. Thank you.

**Adam Gregory:** May I respond?

**Susan Shultz:** Well, it's a conversation. It's not going to be a debate, right? It's a discussion. That's why...

**Adam Gregory:** Okay. Can I discuss Bubba's comments?

**Susan Shultz:** Do you have issues with 1A and 1B?

**Adam Gregory:** Yes ma'am.

**Susan Shultz:** Okay. All right. From that perspective, then as far as ideas that you may have on how you would change them.

**Adam Gregory:** Okay. I would remove all references to the EPA formulas for calculating greenhouse gas emissions. I understand that Bubba very much likes it because the formulas put an inordinate amount of weight on the amount of wells you've installed for landfill gas collection. But a system that rewards a particular facility that may have, *may have* received the largest fine in the history of the TCEQ for landfill gas emissions and odors and installed lots of wells for corrective action, a formula that rewards that facility over another who has no need for preemptive installation of numerous wells because of operating practices and limitation of organics, but that's an absurd result and we'll continue to advocate for that issue. And I understand that Bubba really likes it but it's a completely absurd result.

**Susan Shultz:** Your concern is using EPA formulas?

**Adam Gregory:** Yes, for the landfill gas emissions for comparison because of our landfills in this area. Because it comes up with truly absurd results and actually rewards facilities that have been forced into corrective action because of their poor operations and emissions of landfill gas which is what causes major odor problems. So a landfill that has never had any odor problems, that has managed its landfill gas and prevented fugitive emissions, should not be penalized relative to someone who's been forced into corrective action just because a particular formula rewards the corrective action that they had to take.

**Susan Shultz:** Okay. Other comments on that?

**Kaiba White:** I have a question. I'm wondering if somebody who has more technical expertise in this area could explain how monitoring factors into the formula and how that works?

**Andrew Dobbs:** Maybe someone who's not employed by one of these companies.

**Kaiba White:** Anybody who knows...

**Gerry Acuna:** We semi-addressed this last week and I would love staff's – Richard, you and I had talked – staff has looked into this item and I think staff did make some adjustments to items 1A and 1B. Is that correct?

**Richard McHale:** We did make some changes. We changed from the total number that was put on the EPA report to the construction efficiency in hopes that that was a better gauge. Honestly, I cannot go into the landfill gas technical issues. That's way beyond my brainpower level to discuss that but I think we need someone, maybe a consultant, to address that. But I couldn't do justice to that discussion.

**Kaiba White:** Well, in the meantime could somebody who thinks they know the answer to my question give it a shot?

**Bubba Smith:** I can put it in real simple terms. Okay. Managing organics. You know organics comes from liquid, sludges, food waste, and I would love to see how a landfill takes all organics out of the landfill, out of the waste stream...

**Kaiba White:** Sorry to interrupt, but can you just address the issue of is there monitoring that factors into this formula and how does that work?

**Bubba Smith:** Yes. Well, there's two ways you calculate. You submit your information to, everybody on an even keel, you submit your information to the EPA. You submit the quantity of waste you take and the type of waste you take.

**Andrew Dobbs:** Those types are MSW, C&D...

**Bubba Smith:** Yes, sludges, liquids, and blah blah blah. And then if you don't have the... they take that and use that calculation to determine or predict an emissions rate. The second type is if you have a collection system where you actually measure what you're destructing, they take that and they use the two. And the sheet says generally they take the higher of the two calculations but on the annual reports I noticed on all of our sites they take the lower, which is still a very high number. And that's how they calculate it.

**Kaiba White:** So those wells, the number that you're getting from that is what's coming out of the well and being listed.

**Bubba Smith:** Yes.

**Kaiba White:** Okay. So there's not any other way to monitor what is in the landfill, not coming out of it.

**Bubba Smith:** Right and some landfills have gas wells all over their landfill 'cause you gotta capture everywhere. Some only have 15% coverage, so it's hard, how do you measure that rate if you don't have anything coming out of that area to measure? And that's if your flare or power generating unit, that's where you get your flow.

**Kaiba White:** Thank you. I appreciate that.

**Mike Mnoian:** So, and I don't know so I'm asking you guys that have a landfill, does the EPA weight the material brought in differently?

**Bubba Smith:** No.

**Mike Mnoian:** So if you say it's MSW versus organics versus C&D, or is it all weighted the same?

**Bubba Smith:** No, each waste stream has a decay factor. The amount of decay. You give that information to EPA on how much MSW you took, how much sludge you took, how much liquid you took.

**Mike Mnoian:** Okay.

**Bubba Smith:** And they take that formula for each decay rate and come up with your emissions.

**Mike Mnoian:** So they're not technically rated the same. So if you took more industrial waste...

**Bubba Smith:** Right.

**Mike Mnoian:** ...you might get dung if you only took wood. Gotcha. Okay.

**Adam Gregory:** There's some characterization of waste. The second thing he's talking about when you, the only aspect of measurement that you can add to this is doing probes that actually measure the characteristics of the particular gas. But there is no measurement of how you entomb that gas, or how much is fugitive, how much is not being emitted; there's no real differentiation between the characterization of waste. See, they take a certain amount of tons of MSW, we take a certain amount of tons of MSW, but having an aggressive organics diversion program certainly changes the characterization of the waste that actually ends up entombed in the landfill. Changes the way you cover, the material you use to cover has drastic effects on what is actually being emitted. So the formulas assume huge amounts of emissions that are not taking place if you operate correctly. They assume that your landfill gas is capturing everything if you have the collection system. But for every landfill gas collection well you *don't* have, they assume that all that gas is being emitted, is fugitive emissions, and if that were the case then landfills would be horrible, horrible, horrible odor problems like they have been in the past.

**Susan Shultz:** So is there anything that you could do improve it either in this category or are there other measures that you think should be taken into consideration that are not in this matrix at all?

**Adam Gregory:** The best way to actually determine how much gas is being emitted is looking at odor complaints and the smell test. Because you can tell – emissions are smelled. You can smell the methane, CO<sub>2</sub> are odorless but the landfill gas that they are constituents of, is certainly not odorless. So you have massive odors, you have a gas problem. In response to an odor problem and gas problem a lot of landfills have been forced to put in lots and lots of landfill gas collection.

**Susan Shultz:** So is the odor complaint issue captured on this matrix?

**Bubba Smith:** It shouldn't be because that is very subjective. I mean, I've seen it happen in the past where campaigns call people and tell them to complain, and that happens. I think one gauge could be is complaints, where a TCEQ violation has occurred, you know, been stipulated as a result of that complaint. But just a complaint, there's no way. I mean, that's ridiculous.

**Chris Thomas:** That's captured in compliance, that section talking about compliance. Landfill operators, we don't have a choice of how many landfill wells, the minimum number of landfill gas wells we put in is usually prescribed by the permits and our modeling of the outcome [inaudible]. So we don't have a choice. At a minimum we have to put in a certain amount, at some point based on the tons and how long they've been in place. There's things you do over and above that, whether they're driven by complaints or whether they're driven by trying to get more gas out of the landfill to generate electricity, or do whatever you want to do with it. But that's kind of how we look at it from a landfill perspective. It's almost like a business analysis after that. Sometimes it's complaint driven but a lot of time it's... we've got a landfill, you know, in southeast Texas where we've put in way more wells than we need to because we want to try to capture the gas now to generate more revenue...

**Susan Shultz:** Is that 1B?

**Chris Thomas:** It's a complaint issue but it would be covered in that. Because it's something we're doing over and above compliance. So I tend to cite the fact that if you're gonna have these criteria to reward people for doing something over and above...

**Susan Shultz:** Is that captured in 1B?

**Chris Thomas:** I think that's captured in 1D.

**Susan Shultz:** Okay.

**Chris Thomas:** The suggestion that you have so many amount of tons, and you're going to produce gas. There's no amount of dirt you can put on top that's going to stop it from creating gas and coming out. You're going to smell points where gas releases but you're not going to smell gas coming out of every point of the landfill. So to say that because it doesn't smell you're not producing gases, you're producing gases, constantly.

**Andrew Dobbs:** So, you know one of the reasons why these things get so out of whack is because a lot of times these regulations are created by lobbyists for the very interests that are debating over this right now. So I think that we have to have some sort of independent look on these things in order to be able to assess them rather than having different landfill operators arguing with each other over this. We have scientists in this room, people that are not employed by any industry and one of them is looking at these regulations right next to me as we speak. I think it might be a good idea for us to, I don't know if this body is charged to do this, or charged to do anything, but it might be good for some of these independent folks to go and do the research and maybe speak to, or at least look into this. If not the people in this room, then somebody to go and look into these regulations and talk to the various players in this room to identify what's going on and come back with an assessment. Is this, are these regulations the holy writ...

**Susan Shultz:** By regulations, do you mean the EPA regulations?

**Andrew Dobbs:** Yeah, not regulations, but the models, are these the holy writ and these are fantastic for using for this purpose, or are there substantial exceptions that we should take into account here? I don't know, to be honest, 100%. I have my suspicions, but I think rather than us arguing based on who we like the most or what our personal stake is, let's have somebody who's independent look at that.

**Susan Shultz:** Does anybody have any more information? Are the scientists in the room willing to do that?

**Andrew Dobbs:** Amanda? I didn't mean to do that. You don't have to if you don't want to.

**Amanda Masino:** I'm the scientist in the room but I am not a landfill scientist. However, just some general things about how this information is collected, monitoring, to consider. So we're looking at the document, the EPA document now, that has the NSPS standards, so the New Source Performance Standards. And I see there's references to monitoring the wells, which is what we've been talking about, but then there are also some instructions here for how you monitor the landfill surface, and I think it would be helpful for us to know a little bit more about those measurements and how... [glitch in recording] and how you could then correct for the fact that maybe your waste source coming is going to be different if you remove the organics, then you have to have a predictions for what you have at the landfill surface in addition to what you have in the wells. It would be helpful to hear more about what kind of measurements are taken at the surface.

**Bubba Smith:** I can answer that...

**Amanda Masino:** ...and what kind of instruments are used. I've used gas monitors that are hand-held things, they are cheapish, so, you know, I don't...

**Bubba Smith:** I can answer that. There's technology because we have to, and we do it every quarter on a 50-foot grid. A person walks, an independent third-party contractor walks the entire, it's an NSPS requirement, walks the entire facility, measures with their gas meter I think 4-6 inches off the ground measuring, trying to detect any so called "leaks" and count. And that's a great tool. And I think that's a great measurement.

**Susan Shultz:** And that's captured under the NSPS standards?

**Bubba Smith:** Yes. If your site is under NSPS you have to do that, yes.

**Susan Shultz:** So Adam, are you talking about having something in addition to NSPS standards?

**Adam Gregory:** There very well may be. I know the local market, the local landfills, the history of them, and I know the results of these models. And it's not an opinion that they're absurd results, it's a fact. So I would, one way to do this is, our original suggestion was to use emissions over the life of the site because you can capture the history of it. When you look at that you can see what instigated installation of landfill gas wells, whether it was huge emission problems. Those ought to be accounted for. So if you're forced into correcting a massive problem and the formula rewards you for correcting the massive problem, you should not be favored over facilities that don't have that problem.

**Susan Shultz:** This is a going forward evaluation though.

**Daniel Rumsey:** Agreed.

**Susan Shultz:** Isn't the City more interested in what's going on at that landfill right now?

**Bubba Smith:** Real time.

**Adam Gregory:** No.

**Daniel Rumsey:** Why are we talking about 40 or 50 years ago when it's been corrected? It makes no sense.

**Bubba Smith:** Real time. Real time.

**Susan Shultz:** To me, the issue would be is that going to penalize somebody that doesn't have a history, or is the playing field, as far as the standard is concerned, accepting this, are there any measures that kind of, as Adam was saying, favor somebody that's done corrective action as opposed to somebody who's just come in and done everything right the first time around?

**Donna Gosh:** Or a new place that has no history.

**Susan Shultz:** Right.

**Donna Gosh:** You're giving them a one-up on...

**Bubba Smith:** And there's not really anything you can do about that. But again, I go back to real time. What happened 20 years ago was a bad thing, I'm not going to argue with that. But it's real time, it's happening now. The IWU has no issues and never has been an issue, but what's happening right now with emissions is happening right now. And that's what we need to look at.

**Gerry Acuna:** Let me kind of reiterate the goal of this meeting. The goal is to take this matrix and at the end of, I guess, week 4 actually have some numbers on this side to tell us all what value we're going to place on 1A and 1B when it comes time to evaluate RFPs. I agree with both of you gentlemen. I can't punish somebody for doing something bad 50 years ago. You paid restitution. You're here. Wonderful. We don't want to... I'm sorry, go.

**Kaiba White:** No, no, I'm just getting in line.

**Gerry Acuna:** My whole point is we're here to set the actual numbers to this criteria and at that point, again, I agree with Amanda. There's got to be ways that we can measure what happened way back then and how it's been literally remediated and we can all move on and live today.

**Bubba Smith:** And I think real time is a good way to do it.

**Susan Shultz:** Just to clarify, to the extent that some of these can be fined though...

**Gerry Acuna:** Thank you, Susan. Yes.

**Kaiba White:** I really appreciate the redirection. I think, obviously, we have some more to work out on this exact monitoring solution but on that topic, I am hoping that we might be able to get to a point where we maybe move things around a little bit. I like having 1B here but I would love it if the carbon footprint could be something that could, that whole section could be added together for everything that has to do with carbon footprint. And so I would suggest that maybe move 1B down to be in the 2 category under Environmental and move 2B up and retool it to be more of an accounting of other onsite emissions aside from landfill gas.

**Susan Shultz:** Right, so as far as 2B is concerned, there was a suggestion last time to reword that as a use of non-carbon based energy.

**Kaiba White:** Yes.

**Susan Shultz:** And we can talk about that, but certainly I think as far as...

**Kaiba White:** So, what I'm talking about is trying to get to a place where a carbon-impact statement for any contract could be pretty easily derived from this matrix, or at least the landfill portion of it could be. I served on the Joint Sustainability Committee and this is something that we've been trying to work through and we're starting a pilot with some developments and eventually the goal is for any proposed contract that goes to City Council that there will be a carbon impact statement tied to it. So I'm suggesting that it would be really helpful if this process could incorporate that line of thinking and have one bucket that has all of the greenhouse gas emissions, and yes, landfill gas is one of them and you could get a number, you could get a number for onsite emissions, potentially have something in there for hauling, I don't know, so you could add 'em up and get one number that can easily get added to the matrix.

**Susan Shultz:** So you're... simplify it, because I'm not an expert. You would think there would be other criteria under carbon footprint that should be added to that category?

**Kaiba White:** Yeah I think 2B in particular would be a reasonable fit. And essentially, yes, it would encourage the use of carbon-free fuels but essentially it could just be an accounting of what's being used on site.

**Susan Shultz:** Okay. What do the rest of you think as far as adding 2B to the carbon footprint category?

**Andrew Dobbs:** I don't think that's exactly what she said. I think she's talking about combining them...

**Kaiba White:** It is.

**Andrew Dobbs:** I thought we were talking about combining 1A and 1B, okay, I get what you're saying. Okay. One question I have is, to TDS is, are these surface, do you believe that these surface measurements also fail to capture the accurate picture of your gas production? Because if we can find an apples to apples kind of thing, and if those surface measurement are being taken, that seems like if you're reducing your emissions and everything else, that that should reflect it. Right?

**Gary Newton:** Gary Newton, Texas Disposal Systems. These gas instruments that they're talking about, that you run along surface, pick up fugitive emissions depending on where they're set, so a requirement for the same setting you can come up with a picture of what's coming off the surface.



**Andrew Dobbs:** What we're saying is that, you are already doing this, right? The EPA requires it.

**Gary Newton:** We're not required to do that just yet.

**Andrew Dobbs:** Okay. All right.

**Heather-Nicole Hoffman:** Do you do it anyway?

**Chris Thomas:** There are certain levels. Every time you hit a different level, you have to... somebody shouldn't get penalized for having to do it and someone shouldn't get penalized for not having to do it. You're either in compliance or you're not.

**Bubba Smith:** I think that's a good point. I think that's a good way to keep apples to apples and I think it's something we both could agree on.

**Adam Gregory:** We've got a response.

**Bob Gregory:** Could I add something?

**Susan Shultz:** Sure.

**Bob Gregory:** I'm Bobby Gregory with Texas Disposal Systems. A new landfill has no need to put in a gas collection system. At year 5, 10, 15, there may be no need whatsoever. There's no requirement. As has been mentioned here at the table, there's a point in time depending on the tonnage that goes into the landfill and the age of the landfill where you start kicking in to have to do these things and have to register. A brand new landfill, or one that's 26 years old right now, like ours, they're in a different position than one that may be 70 years old, or 50 years old or something like that, who's already had issues, installed wells, who are now being basically incentivized to install more wells by the EPA because the calculation they use puts you in a very bad basis. In other words, they show you as being overly emitted until you install wells. It's to incentivize you to install wells. But obviously a new landfill is not going to install a gas collection when there's no problem, in 5 years, 10 years, or 15 years. We are just at that stage where we're now installing and over the next year we will install the very first required wells that we, although we've had 15 voluntary wells for years. The proof is in the pudding. We've never had an odor problem. We've never had an odor issue. Landfill gas and things that come up with it are real smelly. So I think we do need to consider, as has been mentioned at the table, the timing of the requirements of when things have to come out so that you don't penalize newer landfills or landfills who've operated properly. I can see there's interest in some landfills to not want to deal with the past and deal with the future. Landfill gas does not just come up. It migrates laterally and can come up in very large – it doesn't just migrate vertically, it can migrate in a lot of different things. This is a big issue. Whether it's landfill emissions, what's in it, and what's in the landfill to start off with, gets caught up in the gas with all the organic compounds and things like that. So it is an issue to deal with but I encourage you not get caught up in the system that incentivizes people to install systems and when required, as we're doing.

**Susan Shultz:** What kind of measure do you think would capture what's being done about those gases in such a way that it wouldn't penalize or favor any particular landfill as far as the age of the landfill?

**Bob Gregory:** There's different ways to measure it. We get no credit by the voluntary system we have installed now, that flares the gas. We get no credit for that as I understand it. And so even though we're doing it voluntarily, the EPA's wanting to make sure that we do it when the time is required. We will do it before the time of requirement and on top of that we've never had an issue or indication that there's gas emissions that we need to go measure more than the smell test that goes on every day. To specifically answer your question the different options for measuring those things, I

don't know. I can throw out what little I do know about it but I think, I agree with the staff, some of the expert opinion from people that do that every day.

**Bubba Smith:** I think I have something that may bring us all together.

**Susan Shultz:** Okay.

**Bubba Smith:** I think I may have something that'd bring us all together. Mr. Gregory had a good point that new landfills won't produce gas, however our number one goal, and we can't forget this, is reduce emissions, or do away with any emissions. So if we, as Mr. Dobbs brought up, if we do this landfill surface emissions, even if you're a new site, you're not going to produce methane so you're not going to have any problems. So it's not going to be a problem. What we're trying to do here, that will capture a problem before it happens. So if you're a new landfill and you're thinking maybe ten years I won't have to put in a new gas collection system but if we do this quarterly we start getting hits before the ten years, well it'll show that person that they need gas wells instead of waiting for a big problem to happen, as happened in the past to some folks. So this will eliminate that. So I think that's a very good tool we could all use 'cause if you're a new site you're not going to have a problem. So there's no issue.

**Susan Shultz:** Comments on that?

**Chris Thomas:** Just, I see what you're trying to do and come to some kind of compromise but our position is you're either in compliance or you're not. And if you have to put in wells, put in wells. If a company wants to take the initiative to put in additional wells in order to create energy or create gas to be used in vehicles, maybe give them some extra credit for that. But you're either in compliance or you're not. And that's the best way to judge a brand new landfill, ones that have been open for 25 years, and ones that have been open for 50 years. Compliance is a daily thing. It can change every day. Trying to find some way to measure, I can pretty much guarantee, I've only been in here for about 20 minutes and it ain't gonna happen. We're not finding it.

**Susan Shultz:** As far as EPA compliance is what you're talking about?

**Chris Thomas:** (*inaudible*) ...how much gas you create, whether one landfill relates more gas or less gas, it's just all a factor of what went in. So, how many tons and how long it's been in there. You know, gas, it takes about 30 years for gas to get created and anything we're doing even now with organics diversion, we're not going to see the impact of that for 20 years. So if you say you pulled organics out two years ago, that has nothing to do with your gas production right now. But it might in 15, 20 years if you continue to pull organics out of the system. Maybe that's a way to look at it, you're either in compliance or you're not and then you have some extra weighting to maybe it gives somebody a leg up that wants to put in a generating system in for electricity.

**Susan Shultz:** Some that with the scoring of how these different elements will be weighted.

**Chris Thomas:** It all depends on how it's scored and where you move. We would be fine with moving 2B up but it all matters how much it's scored.

**Susan Shultz:** All right. I think we're ready to move on.

**Gary Newton:** Excuse me.

**Susan Shultz:** Yes?

**Gary Newton:** Just one little follow up comment to the gentleman. He pointed out something that I think is important to emphasize is that there is no way to accurately measure how much emissions you have from a landfill. That's why the

EPA uses a formula to estimate. You've got all these different pieces that you can measure, but you can't measure the whole thing because some emissions can't be captured and measured. And the problem with the EPA formula is it's based on a handful of old landfills that were on the east coast, in wet conditions, pre-Subtitle D cells, operating in completely different circumstances than here, so the basis of that model doesn't fit with what goes on here so you don't get accurate estimates.

**Bubba Smith:** We're all on the same page.

**Susan Shultz:** Okay. All right. Anything else about the carbon footprint criterias?

**Kaiba White:** I just wanted to say that I was also suggesting that 1B be moved into that, into Environmental.

**Susan Shultz:** Moving 1B to the second category?

**Bubba Smith:** Yes.

**Susan Shultz:** Yes?

*(inaudible discussion)*

**Susan Shultz:** As far as just the elements of carbon footprint, can everybody live with adding 2B to the first category?

**Bubba Smith:** Yes.

**Adam Gregory:** I don't have a problem with shuffling around.

**Susan Shultz:** Moving 1B down to the second category.

**Kaiba White:** Along with moving 2B up, I would also like to discuss altering the content of 2B so that it fits into a more clear grouping of carbon footprint.

**Susan Shultz:** Well let's take that up now then. We're moving to 2, category 2. So go ahead and start your discussion of 2.

**Kaiba White:** Yeah, so I know that ZWAC, we added some guidance here that's in purple, I'm not sure if this is exactly our wording or not, but the point was to get it, and encouraging the use of carbon-free energy sources mainly electrification, as opposed to encouraging conversion from diesel to some other fossil fuel. I just want to recognize that, I know that there has been that effort in the past to convert to things like LNG for local air quality reasons but there is now a lot of evidence that clearly shows that that's really just shifting local air pollution somewhere else because the production of the natural gas is having very significant air quality impacts in those production areas. So I don't think that in a benefit to society that you're actually getting that far by making that transition, whereas making that transition to electric, you then can be utilizing renewable energy for that electricity and you're actually cleaning across the whole production chain if you will.

**Heather-Nicole Hoffman:** .... *(inaudible)* and also counting it as a percent of total energy.

**Kaiba White:** Yeah. I mean it's hard for me to know exactly how this should be worded because there should probably be some sort of accounting for the size of the operation.

**Heather-Nicole Hoffman:** Which is why we're saying percent of total energy.

**Kaiba White:** Right, so I think that would work. So, percent of total energy of...

**Heather-Nicole Hoffman:** We also had discussed that most of them don't have many options, they're not doing much, and so we said let's just weight it low, but let's leave it in there.

**Kaiba White:** Well, I mean, to that point, if nobody has many options right now then regardless of how it's weighted it'll be the same score and my suggestion in moving it up into this carbon footprint category is so that we don't really have to worry about how it's weighted. It'll be weighted based on how carbon weights against methane as a greenhouse gas, which will necessarily mean that it is a very small portion compared to...

**Heather-Nicole Hoffman:** I think we're in agreement.

**Kaiba White:** Yeah.

**Heather-Nicole Hoffman:** So percent of total energy.

**Kaiba White:** So I just am not seeing that change in this text.

**Susan Shultz:** No...

**Kaiba White:** Okay.

**Susan Shultz:** It's in my notes from last meeting where the suggestion had been made to change 2B to the use of non-carbon based energy, and then in addition to percentage of total energy. Right? Comments on that? Can everybody live with that change of language?

**Daniel Rumsey:** I'm assuming this is something leading up to the future.

*(inaudible discussion)*

**Adam Gregory:** You don't have that Tesla compactor?

**Chris Thomas:** I mean there are options. I mean a lot of us have switched to drones for flyovers instead of using airplanes. There's use of a battery powered, and you can actually point to that.

**Susan Shultz:** Right. And as people mentioned at the last meeting the industry can't do or doesn't have a whole lot of available so that as far as the weighting, this probably would not be weighted very high but at least you want to mention it and include it. So this now will be, of course, put back into the first category, the carbon footprint. Okay. Anything else on 2?

**Christine Alepuz:** Yes, I do. So for 2C, where landfills are credited for onsite, that seems to kind of unfairly place weight on landfills who can afford or have the space to have their own facility whereas everyone else can contract to do all these activities that are being in here so I don't, CAPCOG doesn't think there should be any preferential weight on a landfill who can have their own facilities versus ones who can do the same with contracting.

**Andrew Dobbs:** This is about a landfill, what disposal facilities things are going to. It's not about haulers. So this is about comparing facilities.

**Christine Alepuz:** Right. Yeah but not all landfills in the area, or future landfills in the area, may all have a green diversion facility at their site.

**Andrew Dobbs:** If they don't do that then they shouldn't be as favored as one that does.

**Adam Gregory:** Why wouldn't you?

**Christine Alepuz:** Why not?

**Andrew Dobbs:** What?

**Christine Alepuz:** Why not? I mean if they can do the same with a contract instead of doing it at the landfill...

**Andrew Dobbs:** Oh, we talked about this last time. Okay. Yeah, sorry. I misunderstood.

**Susan Schultz:** Yeah so the suggestion last time was to remove 'onsite'. Does anybody have a concern with that?

**Adam Gregory:** It doesn't seem... we're evaluating a facility. It doesn't seem like, I don't understand why you'd get credit at a facility for something that's happening at a different facility.

**Donna Gosh:** It is credit for what you're doing at the facility. Your facility is doing things to reduce. So maybe you have a recycle bin that gets picked up by somebody...

**Christine Alepuz:** You're not processing those recyclables.

**Donna Gosh:** It doesn't matter.

**Bubba Smith:** You don't have room to do it.

**Donna Gosh:** It doesn't mean that you're recycling on your site it just means that you're doing something to recycle and get things out of the landfill basically.

**Bubba Smith:** Yeah, that's the whole point.

**Christine Alepuz:** ...is waste diversion so however you divert the waste.

**Bubba Smith:** It's still an impact.

**Adam Gregory:** So how are you going to measure that? Because other, there's an opportunity to use diversion facilities separate from your site, your site should somehow get a benefit?

**Kaiba White:** Not just an opportunity, but actually utilizing...

**Christine Alepuz:** Yeah, you have a contract. You have contracts in place showing these diversions are happening and they're not happening onsite. That's just... the 'onsite' is the main...

**Chris Thomas:** A good example would be scrap steel. You pull scrap steel out, you're not processing it onsite and turning it back into steel. That's going somewhere else.

**Adam Gregory:** That's an onsite activity. Recovery. The activity would be onsite. The diversion of green waste onsite. Because if you're talking about a hauling company that's taking some to their landfill and maybe some to an organics facility that they contract with, you're talking about the choices of that hauling company. You're not talking about the quality of the landfill facility at all.

**Andrew Dobbs:** But if a facility is making that a condition of hauling there, or if the owners of that facility have a transfer station or some other facilities offsite that they're doing this at, doesn't it get the same outcome that we're trying to get to...

**Adam Gregory:** Correct.

**Andrew Dobbs:** ...which is that we want to favor facilities that are going out of their way to take some sort of action to eliminate certain, to keep things out, to divert waste, right?

**Adam Gregory:** Absolutely, we're trying to incentivize diversion programs and I just don't, I can't have a clear picture in my head how you would reward a facility for some things that are happening at a different facility.

**Daniel Rumsey:** 'Cause you're not burying it at the facility.

**Kaiba White:** What about 'onsite activities or policies'?

**Adam Gregory:** Sure that's fine, yeah.

**Susan Shultz:** 'Onsite activities or polices'.

**Kaiba White:** So if the policy was that, like Dobbs just mentioned...

**Donna Gosh:** I think it's just semantics we're talking about. I think everybody's heart is in the same place. You know, bless people who are trying to divert things, whether you do it here, there, or yonder.

**Adam Gregory:** I just, I need to think more about how it would play out. I don't understand.

**Christine Alepuz:** Well, I mean, for example, TDS you have a MRF, right?

**Adam Gregory:** Yes.

**Christine Alepuz:** So other landfills don't necessarily have their own MRFs and so they shouldn't be penalized for the fact that they don't have the space...

**Adam Gregory:** Why not?

**Christine Alepuz:** ...to build the MRF.

**Mike Mnoian:** But that's a hauling thing.

**Adam Gregory:** Yeah and the MRF isn't inside of our permit but we do have composting and recycling operations. I don't see any reason why you would want to equalize a standalone landfill that hasn't gone to efforts to create an integrated model for onsite diversion options.

**Bubba Smith:** It's not about whether you're doing it or not, it's about whether you're diverting that material. Whether, and that's good that you're doing it on your site, but if a site wants to take that waste that comes in and dumps it on the ground and we pick it up and take it somewhere else to divert it, it's the same thing.

**Adam Gregory:** Yeah, it's an onsite activity to separate it.

**Bubba Smith:** That's what we're saying.

**Adam Gregory:** It's the separation. I'm fine with recognizing any onsite activities that people do but anything that doesn't happen onsite, the processing doesn't, but it's the diversion activity. So sure, you can take it to another site but it's not if you're just hauling directly to there and stuff never... it's about what you divert out of the landfill downstream.

**Donna Gosh:** So why don't you change the word 'onsite' to 'diversion activities'?

**Mike Mnoian:** Onsite diversion activities.

**Adam Gregory:** 'Onsite' is important. This is a facility-based evaluation. It should be... 'onsite' is very appropriate for a facility based...

**Ken May:** If you have a policy in place that diverts it before you get there, aren't you diverting the emissions 'cause the truck doesn't have to make two trips?

**Adam Gregory:** That's your hauling company. That's not your landfill.

*(inaudible)*

**Adam Gregory:** That's gonna be considered in your proposal and the RFP and things like that. It's hard to encapsulate that into your landfill facility evaluation.

**Andy Andrasi:** And that assumes that it's the landfill owned hauling company. Independent haulers, how do you capture, 'That would have gone here' as opposed to there?

**Andrew Dobbs:** You can read it here. Sorry. It says "landfills are credited for onsite activities." Let's take that out. "Landfills are credited for activities..." we'll take out the word 'onsite'. "For activities that reduce disposal of reusable, recyclable, and combustible materials and products. Proposers should submit a detailed list of activities that promote zero waste and waste diversion." Okay, you could say something like 'landfills are credited for *their* activities that reduce disposal of reusable, recyclable,' all that, right, and then what you're saying is that it's things that that company or that operator is doing to do this. I want to get to the goal where however a company decides to do it, whether they're doing it right there onsite, whether they're directing materials before they get there. However we can do it that we're encouraging this diversion. What is the difference between, I'm trying to get at, I don't want to choose anybody in here, but let's say that Company A says, you know, Landfill A says, 'Hey, we want you to divert this stuff before you get here and we're gonna do something for you if you do this before it gets here.' Versus, 'Hey, when you get here we're going to separate it out.' I'm trying to get like, we're diverting in every instance. Why should we favor one over the other?

**Allen Schroeder:** What I'm hearing here is that he's saying this is a landfill matrix and what other people are saying is this is a landfill company matrix. So his argument is onsite only and other people are saying landfill company. So what's the matrix for? Is it for the company or is it for the site?

**Andrew Dobbs:** As of right now all the sites in this region are owned by separate companies, different companies so I think that...

**Allen Schroeder:** I would propose that, it's a *company* matrix. You know, the environmental responsibility of the company, not just the landfill itself.

**Alfonso Sifuentes:** You want to encourage diversion whatever the means are and I think that's the end of it all, is encourage diversion and not discourage it, and be credited for whether it's onsite or not.

**Gerry Acuna:** I think 'onsite', we can probably scratch that.

**Andrew Dobbs:** I just want to know what they're afraid of. Like if we change the word 'onsite' to 'there' like, what scenario do you envision that would screw you?

**Adam Gregory:** I'm not talking about, I'm not afraid of being screwed. This isn't, I'm talking about doing this correctly and keeping it within the scope of what we're doing, and it seems like this is a facility model. The companies will obviously be evaluated in the greater context of a particular solicitation and their plans for a particular waste stream that they're proposing to handle. The respondent, whether it's a hauler in conjunction with the facility providing it or if

it's one company that has everything, this portion that we're looking at is not, we're not trying to encapsulate the overall evaluation of a proposal to handle waste here, we're trying to quantify one aspect of how we evaluate that stuff and that's the landfill facility.

**Bob Gregory:** I agree with every bit that Adam just said. I'd just like to add, if I may, what we're evaluating is the landfill criteria that the City would use, the committee would use if it is accepted, to evaluate how that landfill scores and the acceptability of that landfill. I think we're talking about two or three different things. I don't think by that criteria, we're not suggesting that we discourage people who do offsite, whether they're the same company or an independent companies. Some companies, their business model just doesn't include composting and things like that. Some companies don't have the room on their land to do it. Some companies are so new they've not yet done it. So, if we evaluate from the standpoint of what the criteria is, this is a criteria matrix, why wouldn't we want to encourage facilities to add these other recycling and composting and diversion facilities within their site so that they would get extra points? Like it was mentioned earlier, if we turn gas into electricity or do something with beneficial uses for it? So if the focus is on the criteria and how a landfill scores, I can't imagine why we would be discouraged from wanting to do it onsite. When we do 'em onsite and we add these other things it makes it harder overall to comply. You have to work harder to not have blowing litter, not to have odor from composting, not to have those things. So the more we get these facilities to be permitted facilities, that's a good thing for the community because there is a permit that regulates them. So I don't want y'all to interpret that Adam or me or anyone from TDS is saying that we're trying to eliminate, penalize people that don't do it on their facility. But there should be a benefit if you do do it. And I think that's what the "onsite", I don't know, it's the City's deal...

**Susan Schultz:** Does staff want to add anything to that as far as your perspective as to whether this is a purely landfill facility issue or is it a, more of an overall policy issue as far as diverting waste?

**Richard McHale:** Well our original intent was to be a site-specific evaluation, but as you can see, we're here because a lot of the folks in this room didn't like our suggestion, so that's why we're leaving this open on the table to come to a decision on it.

**Susan Shultz:** Okay.

**Amanda Masino:** I have one. So keeping in mind that we are working on a landfill matrix, I don't see this so much as a company matrix. I see this as we're trying to impose standards for what's happening at the site. That said, there are things that the operating company can do to reduce what's going on at that site without those activities taking place at the site. What about 'landfills are credited for activities that reduce disposal of reusable, recyclable, compostable materials or products in that landfill'? Because then you capture that you diverted, even if you don't have onsite capability to compost or recycle. That might be one way to get closer to the intent.

**Susan Schultz:** So you would take out 'onsite' and...

**Amanda Masino:** ...and add after products 'in that landfill' so you'd get credit for things that reduce reusable, recyclable, and compostable material in that landfill.

**Mike Mnoian:** Yeah but it's not going there anyways. You know what I mean? It's onsite. So if Waste Management's mining their landfill, maybe they get more – 'cause that's coming, 'cause now they're doing it in Texas.

**Bubba Smith:** Waste Management's not doing it...

**Mike Mnoian:** Not you, but just in general. If you're mining a landfill do you get more credit 'cause now you're pulling all the junk out that shouldn't have been there anyways?



**Adam Gregory:** That would be a bigger issue before we ever got to criteria.

**Mike Mnoian:** I'm just saying. It's happening in Texas in Denton right now. They're doing it.

**Susan Shultz:** Let's go back to is this a useful criteria to look at. Is it a useful criteria?

**Adam Gregory:** I think it's a useful criteria and I'm fine with the language suggested by Dr. Masino.

**Christine Alepuz:** It's useful criteria just the 'onsite' was the biggest issue.

**Chris Thomas:** My input is in using organics, I guess, as the example. Just because you have an organics facility on your landfill, I mean, that's not changing what you're doing on your landfill. If you don't have an organics facility you would use someone else. I don't think... the only reason there is one there is because there's space, I would say. It's two separate trucks it's not like it's collected in the same vehicle. So I don't see why someone should get a benefit from just having more property than someone who doesn't have as much property.

**Susan Shultz:** Right, so if we eliminate onsite, but the goal is that you have activities that are going to reduce.

**Chris Thomas:** When you make policy it becomes...

**Christine Alepuz:** I think the word 'activities' is good because you actually have to be doing something.

**Chris Thomas:** Yeah but it's not the landfill doing it, is the issue. This is a landfill criteria, but you're trying to measure things now outside of a landfill's control, and that's where it's becoming difficult, with this specific bullet point. There are some things in a landfill that you can do. You can sort; you can see which loads that come in and put those off to the side and pick through them. Perfect. That should be credited and you should get a benefit for that. But not, using that organics example, I can't... we're going to have to get down to specific activities and not just because you've got a compost facility or because you've got a MRF onsite or something like that. That's just 'cause you've got space. It's not because you're doing anything outstanding, it's just because you've got space.

**Adam Gregory:** I think if you have a co-located composting facility and you have pricing where it's cheap, you incentivize the directing of organics to composting rather than disposal, that's certainly a beneficial activity done by the landfill that has a big impact on the characterization of waste that goes into the landfill.

**Andrew Dobbs:** I think we found language that everybody can get behind and we should take that and move forward.

**Susan Shultz:** Okay. Good. All right anything else in 2D, 2E, or 2F?

**Adam Gregory:** Yes.

**Susan Shultz:** Which one?

**Bubba Smith:** Go ahead.

**Adam Gregory:** I think we ought to talk about 2E because that's what has brought us here today and has really, I'll go back to why we're here, a little bit. There's long story but just in the past couple of years, there were a number of contracts proposed by staff for Council approval that didn't get Council approval because that waste was going to the Waste Management Austin Community Landfill. The reason there is, one of the main reasons, there is resistance to using that landfill is because the City has adopted a policy in the past based on scientific evaluation to disqualify that landfill from receiving major amounts of City generated waste and City controlled waste. So I'd like to point out back with the recommendation, why we're here, one of the first things it says is "per previous Council priorities," so it has

been a previous Council priority. There's a great deal of information on the City's opposition to that site based on the presence and a lot of the circumstances around hazardous waste at the Waste Management ACL and part of what I want to do is make sure that what we do here considers and does not gloss over or whitewash the previous Council priorities and all the things that came from those priorities and directives.

**Gerry Acuna:** Great segue way, because I think we were ending with that.

**Adam Gregory:** Yeah, we were planning to talk about it, 'cause now that Waste is here, we want to talk about it.

**Gerry Acuna:** Give Waste Management the opportunity to respond to that to be as fair...

**Bubba Smith:** Okay, and then after we get through this, in the next 30 minutes or so, I have one quick comment on 2A but okay so I guess y'all want to comment on IWU, is that what you're asking?

**Adam Gregory:** Let's talk about the history.

**Bubba Smith:** I think we all know the history.

**Donna Gosh:** We're not here to talk about the history. We're here to set criteria and scores and what are the criteria that we need to set, not...

**Bubba Smith:** The IWU has been sitting there since 1972. All right? It's by itself, it's capped, it was run, at the rules of the time it was operated by a different company before Waste Management. We all know that. Back that time, it was a City contract if I'm not mistaken that had come up for bid and that's when it started, and that's when the Carter Burgess deal came about. Okay, that's fine. We all know about that in this room. 20 years ago, or however long ago it was, getting back to the real time issue here. Yes, that waste is there. We're not the only ones taking hazardous waste in this area, too, by the way. There's never been any environmental impact associated with the IWU since it's been there. There's none. There's a Carter-Burgess report saying it's there. There's no impact. There's monitors. The City... we do it for the City of Austin. We report to the City of Austin, to TCEQ. There's monitor wells surrounding, we've added additional wells to monitor that portion of the landfill that the City of Austin's waste will never come in contact with or never have come in contact with. And we've taken City of Austin waste right now. I do not see... yes, it's there. It's there. But if you want to do away with Austin Community Landfill, take it off your list. That's fine. But you're not gonna have, your prices of disposal could go up being there's only one other game in town right now.

**Susan Shultz:** Okay. So here's a very basic question. Do you think that assessing the risk of hazardous and industrial waste should be on this matrix?

**Adam Gregory:** Absolutely.

**Susan Shultz:** Okay. Any question about that? Anybody disagree with that?

**Chris Thomas:** I'm going back to compliance. If you're currently in compliance...

**Andrew Dobbs:** That's not an acceptable standard.

**Bubba Smith:** Yes it is. That is the whole issue of being in compliance.

**Andrew Dobbs:** This is an additional, over and above regulatory standards that the City of Austin has adopted because state and federal standards are inadequate to protect the environment, human health, and the public interest. So this is about the City of Austin. City of Austin has stronger, has higher standards, higher expectations, and frankly more robust environmental values than the people that have set our state and federal standards. So, no, compliance is not sufficient.

This is about going above and beyond compliance. If you want to just be compliant, there's a whole bunch of other cities out there.

**Bubba Smith:** Okay, one final comment. If the IWU wasn't there, would y'all complain? Would it be a problem? If we went tomorrow and dug it up and it was no longer there, would that be on this list?

**Adam Gregory:** Well Bubba, the company's committed a number of times over the years to clean it up and you called it the 'right thing', and said you were gonna do it. You applied for a plan to do it...

**Bubba Smith:** Until the neighbors decided it wasn't a good thing to do. It was best to leave it alone.

**Adam Gregory:** Oh, it was the neighbors?

**Bubba Smith:** It was. Anyway, that's fine. That's fine. We can debate this. But if it wasn't there, I just want to know, if we dug it up tomorrow...

**Susan Shultz:** Is this a criteria? In other words, looking forward...

**Bubba Smith:** Looking forward if the IWU wasn't there...

**Susan Shultz:** Is that something that would be meaningful and useful to have in this matrix?

**Bubba Smith:** It wouldn't. We wouldn't have a problem, right? If it wasn't there?

**Adam Gregory:** I'll ask Dr. Kier to answer that question, or to respond to Bubba on the IWU. Dr. Keir's probably the world's leading expert on it.

**Susan Shultz:** What does the criteria have to have?

**Bob Kier:** I'm sorry, I forgot to put my hearing aids in today.

**Susan Shultz:** Whether this is a worthwhile criteria to have when you evaluate any landfill, whether it's a new landfill or...

**Bob Kier:** Absolutely. Absolutely. That's 'cause you own the waste. The City of Austin, if they take waste to a landfill that has hazardous waste and constituents can't escape from it, they are liable. They become a party in cleaning it up.

**Bubba Smith:** They already are. I'm sorry, I interrupted. I'm sorry. I really am.

**Bob Kier:** So you need to have that criteria in there... criterion, excuse me, in there. If you want more on the history of the IWU...

**Susan Shultz:** No, no thank you.

**Andrew Dobbs:** Yeah, so to this effect, there are a couple of things here. One is, if you actually read what it says, it says 'the criteria will assess the risk to the City'. And so if you're correct that the City has no risk associated with it, then you would end up with a, zero points or 100 points or whatever the good thing would be on this, right? So if you're correct that there's no risk, then you should support having this criteria in there so it can protect us from other landfills...

**Bubba Smith:** Okay so I guess...

**Andrew Dobbs:** Hold on real quick, I'm not finished Bubba.

**Bubba Smith:** Yes sir.

**Andrew Dobbs:** The other thing is that, you know, I've gotten to work a lot on CERCLA stuff which is the superfund, right, and what we know is that when a facility is no longer active and it has now entered into the CERCLA process, right, they come looking for responsible parties and the first thing they do is they look for operators. Waste Management is still here so they might just bill Waste Management 100%. But then they start looking at other responsible parties and anybody that's disposed in that facility is a potential responsible party and then they start doing, racking up liability on this thing and sending bills to people. Right? The City of Austin, the more waste they put into a facility, there's gonna have CERCLA liability down the line, is going to have a bigger chunk of that liability that they have to cover, right? Potentially, maybe not. Maybe they're going to be fine. We have a word for 'maybe that's going to be a problem' and that's called 'risk.' And so we're saying the City should assess the risk of putting their waste in a facility. I think that we... that's what I was going to say.

**Susan Shultz:** Everybody agree with assessing the risk?

**Bubba Smith:** I agree. Yes. We can leave it in here, I agree with Mr. Dobbs, but I was just making my point. I'm sorry.

**Adam Gregory:** I just want to make a point that the risk *has* been assessed. The City paid over a \$100,000, \$98,000 I believe, to Carter-Burgess to assess all the landfills in the region and that came up with, the result of that study was that the presence of this industrial and toxic wastes posed a serious potential risk of environmental and legal liability to owners and users of the site.

**Susan Shultz:** Okay. So you agree that that criteria should stay on the matrix?

**Adam Gregory:** Yes ma'am.

**Bubba Smith:** And we agree. We agree, but my question was that I didn't get answered though, but my question was, and we'll leave it on there, I never did argue to take it off, but if our IWU, Austin Community Landfill, if that was gone, would the City have a problem with us then?

**Andrew Dobbs:** I mean, it might change the assessment of your risk, right? I don't know, but that's what I would think. Just like, legally speaking.

**Bubba Smith:** Okay. Move on.

**Andy Andrasi:** So if the City of Austin were to just stop bringing everything to Waste Management, would we still need this for everyone else?

**Kaiba White:** Yes.

**Susan Shultz:** I think what I'm hearing around the table is yes.

**Andy Andrasi:** So how far out, what radius do we go to qualify?

**Kaiba White:** Yeah, this is meant to be not for specific landfills but for any landfill that might have a contract with the City or have a hauler that the City is going to have a contract with.

**Andy Andrasi:** So if nobody locally can meet the criteria and we have to start going out and out, all those are going to have to fall under this as well?

**Kaiba White:** My understanding is that this criteria won't eliminate anybody it will just assign a score.

**Susan Shultz:** Give a score, that's the discussion for the next meeting.

**Andy Andradi:** And so you have to get over x score to, or is it just the highest score?

**Andrew Dobbs:** That's a different ball of wax that we're talking about. That's like the agenda for next meeting. Let's figure out what we're going to put in the...

**Susan Shultz:** Anything else on 2?

**Bubba Smith:** 2A, quick comment please. 2A, Is that we're not going to take the lifetime violations out, I know that. That's going to be there and I'm fine with that, but however, I think, I'm back to the real time issue, we haven't had an issue for the last 17, 18, 20 years at our facility and this is directed at our facility. So I think we pick 3 years, 2 years, 1 year, 5 years, I think in that timeframe you should receive a higher percentage of whatever points go here for the real time compliance of your site.

**Donna Gosh:** So you're saying weight the score, like give a higher weight to more recent years but still take into consideration all the years?

**Bubba Smith:** That's fair. I mean, if somebody says that's not fair.

**Susan Shultz:** Do you agree that lifetime violations should be considered?

**Daniel Rumsey:** Yes, absolutely. If we're talking about a newer landfill versus one that's 30, 40 years old, I mean yeah, you're going to have to have...

**Susan Shultz:** Does anyone have an issue with deleting that last sentence?

**Andrew Dobbs:** I do, absolutely. 100%.

**Adam Gregory:** I do.

**Andrew Dobbs:** Now, I am in agreement that we should weight more recent problems a lot more than we do past problems. I think that we should clarify that in here, I think that's true. But I think that facilities that have a legacy of problems are not ones that we should be doing a lot of business with. I think that if they're doing fine over recent time periods then that should be reflected in the score as well.

**Donna Gosh:** I think the problem with the last sentence is the word 'complaints' because that's subjective and that's what I heard Chris say and someone else say.

**Bubba Smith:** Yes, they are subjective.

**Donna Gosh:** They are very subjective.

**Andrew Dobbs:** No, what I'm saying is that there's an objective definition of the word complaint. I'm not just saying somebody should change their mind about it. I'm talking about somebody who has filed a complaint with TCEQ. The problem is that the violations are subjective also. And the violations are essentially that if a facility has a problem, especially with odor, right, which is a big deal, which is a problem, odor means that there are pollutants present in the air. That's why you're smelling them, right? And it can create all kinds of health and quality of life impacts, right? If you have, if you're smelling odors, TCEQ doesn't come out right away and check for those, right? TCEQ may take days or even weeks to come out and actually check on that. And when they do, if they're not smelling it at that moment, if the wind has changed, if operations have changed or whatever, then that complaint doesn't become a violation. So

somebody had a concrete harm that happened to them. They were actually made sick, they were exposed to toxic pollutants right, they're family was harmed, but we don't actually have any kind of record of that unless we consider the formal complaints that were lodged. So I'm saying that we should take a look at that. Like I'm gonna stand on this ground because the violations and the way that TCEQ handles them at this point is insufficient to actually indicate the operations of a facility and it's environmental impact.

**Bubba Smith:** And I don't agree. "Complaints" need to come out because it's very subjective and people have been encouraged to complain and you can see the curve of complaints, any time anything like this comes up – there's a permit mod in the hopper – the complaints go up because the people are encouraged to complain and that is not fair to Waste Management. It is not, or anybody else in this room, and it needs to come out.

**Alfonso Sifuentes:** I'll echo those sentiments.

**Susan Shultz:** Anybody have any comments to add to the understanding of the discussion between complaints and violations? Does it help?

**Andrew Dobbs:** Ultimately that would be a decision for our City Council.

**Susan Shultz:** Yeah, but anything else that hasn't been said that you think people need to know as to why you think it should be a violation as opposed to a complaint?

**Alfonso Sifuentes:** I think one of the requests of inviting people to the table, we're supposed to have sent a request for TCEQ to respond to some of these allegations, too. I think they should have their fair say.

**Andrew Dobbs:** Bring 'em on.

**Alfonso Sifuentes:** Don't you think that's fair to have them respond if we're going to be accusing them of...

**Andrew Dobbs:** It's not just fair it would be entertaining.

**Susan Shultz:** Well again I don't think it's a question of responding but certainly giving information as to how... okay. So what I've heard from 2A is that we are going to consider that as a weighting issue, how much weight to put on each of these. Okay. As far as language is concerned, with all of the weighting of these different elements will be discussed next time. Anything else on category 2? Okay. Anybody need to take a break? You want a five minute break? Nope?

**Andrew Dobbs:** We have exactly 39 minutes left.

**Susan Shultz:** Category 3.

**Donna Gosh:** Keep it rolling.

**Susan Shultz:** Nothing on category 3? Everybody's happy with the language?

**Donna Gosh:** So, one of the comments on here, the revision comments was 'points only awarded for exceeding permit requirements.' Is that like when you say points meaning either when we decide on the scoring matrix, either you'll get something or you won't, just if you've gone above and beyond. Okay.

**Susan Shultz:** Uh huh.

**Donna Gosh:** Okay. Just wanted to make sure I understand.

**Andrew Dobbs:** I don't think you should be penalized... (*inaudible*).

**Woody Raine:** I didn't quite hear what he said, but that might have been along the lines of what I was thinking, maybe we'll get into this more on the scoring side, but if you only have two choices for only getting points for if they exceed their requirements, then you can't penalize somebody that doesn't meet your expectations. So you may want to, I mean, that's something to visit here.

**Andrew Dobbs:** But if somebody's not complying with their permit are we going to send waste to non-compliant facilities?

**Woody Raine:** Well, some of these...

**Donna Gosh:** This is just a consideration.

**Woody Raine:** ...the City may have certain expectations that the landfill may not consider important and they may not meet those expectations but they may say, 'Hey, that's not good enough, you can do better.' So there may be a possibility of a few choices on some of these.

**Andrew Dobbs:** I'm not against that, right, I get what you're saying but I'm saying that there's all these things, most of which are laid out in their regulatory requirements, right? We're saying that's the baseline and these points are about going above and beyond that. If you're going below that, then you're non-compliant, you're in violation of your permit, which I don't think the City should be doing business with people that are breaking the law. I'm sure that nobody in has ever done that, so I think that we want to make sure that we're only giving points or awarding when they're going above and beyond.

**Susan Shultz:** Are you saying there might be situations where they've met the permit requirements but they're still not fulfilling all of the City's expectations?

**Woody Raine:** I believe some of these issues here are not necessarily permit required and so there's not an expectation on the part of TCEQ or in the permit, and so the City's going to set that expectation.

**Susan Shultz:** Yeah.

**Andrew Dobbs:** In those instances, then yeah that would be a different ball of wax.

**Adam Gregory:** I can see that. I'm sorry.

**Kaiba White:** If it's not a permit requirement then it will be above and beyond, right?

**Andrew Dobbs:** It'd be baseline, below, and above.

**Donna Gosh:** Okay, that makes sense.

**Susan Shultz:** 'For exceeding permit requirements and meeting City expectations'?

**Adam Gregory:** I can see the line we've added 'points will only be awarded for exceeding permit requirements' being located in a number of different categories, but I don't see, and correct me if I'm wrong, if 'experience, qualifications and controlling entity characteristics' doesn't really have anything to do with the permit, does it?

**Andrew Dobbs:** If it's not, then that's fine if we just do like what Woody was suggesting which is we have some baseline expectations that are set, if they meet those they get one score, if they don't meet them they get lower score, and if they exceed them they get a higher score.

**Adam Gregory:** I can see that being on 2F, on 2D, 2C...

**Andrew Dobbs:** Everything is going to be scored...

**Susan Shultz:** So in other words, that language is sort of confusing?

**Andrew Dobbs:** Not on all of them, on things that are subject to, things that are part of the permit.

**Donna Gosh:** I would just put that in when we talk about the scoring - what are we going to do about that - and not get all bogged down into it today. That's my vote.

**Susan Shultz:** Okay. Yes?

**Amanda Masino:** I have a question for staff about 3G. 'Efforts to reduce exposure to toxics and other negative environmental externalities'. Is that meant specifically for personnel at the landfill or is that meant more broadly?

**Woody Raine:** Some of these standards had equity in mind to some extent, and it also had in mind impact on the community around it. So this is one that could apply to the landfill's own employees, it could apply to the employees of another company who were dropping off and unloading material, and it may also apply to what may happen outside the landfill.

**Chris Thomas:** This is just a suggestion. That one's a little confusing to me. It probably depends on how you get scored on that. I would assume that maybe you should include that along with some subsets about it in safety where it talks about safety of the employees, customers onsite and that could include some stuff about chemicals that are onsite, how you treat it, how you train your people, and maybe put in there... by itself it sounds like kind of a, I don't know how to explain it, but it sounds like just something more to write about how you do it. It's really all under that safety umbrella of taking care of your people and your customers onsite. Find a better spot to put it instead of having a criteria for that.

**Susan Shultz:** If staff could look at 3G, I also had actually a comment that 'exclude all waste streams that the landfill is not permitted to accept' is under 2F. So if you could just look at that and see what the intent there was to capture, that would be great.

**Chris Thomas:** It's important but I think it could be covered in the safety.

**Amanda Masino:** Well part of it could be covered in safety, if you want it more broadly, then the language does need to be tweaked because people working at and with the site versus the surrounding area, and maybe part of that is safety and part of that is the broader radius of the landfill, so that would be helpful.

**Susan Shultz:** Great. Okay.

**Donna Gosh:** And, that would be under Environmental if that's the broader area then, 'cause this is talking about operational at the site itself.

**Amanda Masino:** Right, so then that could go back into 2.

**Donna Gosh:** Yeah.

**Susan Shultz:** Okay. Anything else on 3? Okay. 4?

**Bubba Smith:** 4A, just kind of some explanation on why 'staff' was taken out, and then 'executive staff', and then what, is it just for the landfill office, the company?

**Susan Shultz:** If staff could explain that please, a little bit behind the intention?



**Tina Bui:** The purple part was what ZWAC recommended, so that change came from the ZWAC, and speaking on behalf of the folks who made the recommendation, perhaps it's more appropriate to turn it back over to them.

**Gerry Acuna:** I think 4A, the added stuff was basically, we know there's obviously people of color perhaps dominating the day to day landfill operation, doing the more challenging work. I think Andrew, that was your suggestion.

**Andrew Dobbs:** Yeah, it's coming up with like, in the waste industry when it comes to like, I mean this is something that staff initially came up with as a diversion of workforce, there's never been a problem finding people of color to work on landfill faces and trash trucks, right? So would diversity in that instance mean that the company hires more white folks to do those jobs? Like, and then I thought... I suggested that we could just get rid of this idea. I think that it's kind of shoehorned into a marketplace that's got very different racial histories than some other areas of our economy, I would say. If we're going to consider it, then we would want to see like, are people of color advancing in this industry and are they coming into leadership? And in that instance I would think that the company as a whole would, I want to see who's on the Waste Management or Waste Connections Board of Directors. But again, I think the standard is kind of a weird one.

**Adam Gregory:** That seems like a company issue and could be considered in the context of a proposal or an RFP but maybe not be the most appropriate for the facility criteria.

**Susan Shultz:** So I'm hearing, perhaps, to delete this criteria? Does anybody have a concern with that?

**Tina Bui:** I'll just add from the staff perspective, that one of the reasons that we put it like that was in speaking with the Equity Office, we did have a discussion with them about the kinds of issues that Andrew is bringing up, about development of workforce and the social equity benefits obviously that brings, the social equity impact is one of the considerations that the Council had asked us to look at. In talking with the Equity Office this kind of mindset was geared towards what is the company doing to help advance the careers of their workforce, and Andrew's point was well taken about the composition of the workforce throughout the waste industry so I think the management/executive component of it would speak to the recommendation of the Equity Office.

**Susan Shultz:** What do you think about the comment that that would be considered in the RFP, but to the extent that this is a landfill criteria as opposed to a company criteria that maybe it doesn't belong in this evaluation?

**Richard McHale:** Well, most RFPs are going to be for hauling, so then you're just looking at the hauling companies and that doesn't apply.

**Susan Shultz:** Okay.

**Mike Mnoian:** Man it's just hard enough to find people to work.

**Andrew Dobbs:** I'm not against keeping it in. If it's just the workforce... if it's looking at management and executives, I'm fine with keeping it in. I also see that taking it out is... I'm fine with either one.

**Donna Gosh:** If you leave it in it needs to be for the workforce of the facility which would include people that labor at the landfill, because this is a facility criteria and not a company.

**Kaiba White:** But a lot of the things in this category are I feel are company related.

**Donna Gosh:** Like living wage would be the people that are working at the landfill so the diversity of the workforce should be related to those same people. You're not going to have an issue with living wage of management, obviously.

So I think that all of those should be either all of the same people you're evaluating, or there should be some consistency.

**Andrew Dobbs:** The point I'm making is that we can get into a lot of history and everything else, but historically, you know, our society has been totally fine with letting people of color handle their garbage, right, and so the people that are doing that kind of work, like, if we're going to increase diversity there, does that mean that now we're going to go out and encourage employers to go hire some white dudes to fill the job? It ends up creating a kind of like, you have to take in the context of the history here.

**Donna Gosh:** No, I get it, but if it's the City, the City is about equity and they thought it was important to have it in here, I'm just saying I think it's should be... again, go back to the weighting. Maybe you don't weight this high, because of that, you know? I don't know, maybe you just take it out.

**Richard McHale:** What if we looked at the wages of the workforce?

**Donna Gosh:** Well you have that in the next one, the living wage.

**Richard McHale:** Well, that's just if they're meeting the living wage, looking at the diversity level, looking at folks that are doing the hard work. Are they being compensated at a level compared to others?

**Andrew Dobbs:** If you wanted to say something like are there racial disparities in, racial equity in wages and opportunity, like promotion or something like that, yeah that that would be really cool, that would be interesting to see.

**Donna Gosh:** How would you measure that?

**Alfonso Sifuentes:** And also too, where would you put in, maybe it's better, I don't know if it's 4A or 4C, the commitment to local hires? Not necessarily race, but people in the local community.

**Andrew Dobbs:** That should be added in. I think that's a good metric.

**Richard McHale:** Would that be included under 4C?

**Andrew Dobbs:** 4C is a different thing. 4C is really important on its own. I would think this would be a whole other criteria to add here, like a 4i, and maybe move it above just to kind of look right.

**Susan Shultz:** Would it be just 'composition of the workforce' in 4A and just include that.

**Donna Gosh:** That's a good, that's an interesting idea.

**Chris Thomas:** I have to tell you guys, composition of the workforce has less to do about... we're trying to hire good people, try to hire a mechanic right now in the City of Austin.

**Mike Mnoian:** Or a driver.

**Chris Thomas:** It's more of what's going on. I'd hate to penalize someone for people that are hiring outside of the city because we *have* to get people.

**Susan Shultz:** So what's important here to capture? I mean, from the staff perspective and from the industry perspective as far as goals of social equity, what do you think would help capture that as far as who's working at the facility?

**Alfonso Sifuentes:** I think it'll remove the race issue, diversity, if you concentrate more on local hire versus the race.

**Susan Shultz:** Then how do you...

**Alfonso Sifuentes:** I don't know, you'd have to take away 'diversity' and be more 'composition of workforce', I don't know. I'm just throwing that out there.

**Susan Shultz:** Is it important to capture that? To capture diversity.

**Adam Gregory:** I think it's important. Diversity's an important thing and I think a lot of us would score very well, I just, I'm trying to picture putting together the information and going and questioning everybody, 'What race do you want me to report the City that you are?' And it's a changing thing, your workforce, and I can't see putting this stuff together, reporting it, and then having it be evaluated objectively. It seems like a very, very difficult thing to do in the context.

**Donna Gosh:** And by the time it's evaluated you have a different workforce.

**Adam Gregory:** Sure.

**Allen Schroeder:** It's almost better to report cases of discrimination than to go and try and capture diversity.

**Andrew Dobbs:** So I think that, I mean, real quick, with the edits that were made, where we're looking at leadership, like, management and executive staff, is there anybody that's opposed to this being there? Now there may be additional things that we look at, like local hire, so dragging those aside for right now, is there anybody that opposes what's there right now? Not that they're okay with it but that you oppose that and want that to be gone.

**Donna Gosh:** I don't understand the point if this is about the facility.

**Daniel Rumsey:** I mean if we're talking about landfill, you may have one landfill district manager and two ops managers. It's not like you have a team of 100 people running a landfill. It's a very small staff, so...

**Bubba Smith:** Like our management, really, is two people.

**Daniel Rumsey:** That's what I'm saying.

**Chris Thomas:** It's hard to evaluate if you're just looking at the higher level of executives... [inaudible]. Maybe leave it at that, or I've seen and I've responded to the RFPs where just the presence of a diversity program at a facility was enough to get a point or whatever scoring you get. And do you have a way, are you putting ads out in proper places, are you not just putting them online. You know, if you have a policy that will encourage diversity in the workforce. That's about as good as you can get. It is hard to put that stuff together for these proposals. I've seen RFPs that have done that, so that could be an option as well.

**Susan Shultz:** What about just then looking at diversity policies?

**Amanda Masino:** I hear a lot of this being talked about as 'instead of' and if the intent here is to capture, diversity of workforce is really about some sort of workforce equity which is what I'm hearing a lot of, then what about allowing for those things to be included? So, yes, proposer includes the staff management breakdown but if you have a two person executive management team you can also add, 'what is your income spread between management and workforce?'; 'do you hire local?'; 'what are your diversity and equity policies?', so that you can be in Item 2, so if you are in a situation where you have two people in management then you can talk about your broader equity initiatives, but I don't see it as being a replacement for getting that other information.

**Daniel Rumsey:** Yeah, and again, when you look at a hauling district, for example, when you've got every race, creed, color, it's very diversified and when you go to a landfill, especially if you're just looking at management, I mean, we

promote from within, so most of our management guys are guys that started at the landfill and move up in ranks. I mean, that's kind of the...

**Susan Shultz:** What about just submitting information then that shows the policy for diversity and the company or facility can provide whatever they think is going to be...

**Amanda Masino:** If we just ask for a policy we're just asking for guidelines and not actually what's going on. I do think we want to capture something about what's going on with the ability to add this other information as well about, again, local hires, promotion policies, whatever it might be that paints a picture of your workforce.

**Andrew Dobbs:** What if we take 4A and add something at the end of it like, so take exactly what it says and add something like, 'Proposer will provide a detailed racial breakdown of management and executive staff, that is submitted by the facility, as well as any diversity or equity policies or programs in place at the facility.'

**Susan Shultz:** So when you talk about management and executive staff, you're talking about at the facility, you're not talking about...

**Andrew Dobbs:** I mean like, what I would say is that I wouldn't mind looking at the company as a whole but I think that we have kind of established a sort of philosophy through this process that we really want to limit as much as we can to the facility. So I would be okay with taking it beyond that, I think that I'm also okay with, if it makes more sense, to limit it to the facility, right, so we say something like proposer will provide a detailed breakdown racial background of... you may want to edit it to sound better... management and executive staff at the facility and then you could strike out 'as submitted by facility' so it would say 'executive staff at the facility as well as any diversity or equity policies and programs in place there.'

**Donna Gosh:** You need to change the heading, though. It's not diversity of workforce anymore. It's diversity of management and staff. So that's really kind of misleading.

**Andrew Dobbs:** Okay that's fine.

**Donna Gosh:** Either that or make it diversity of workforce. I don't know why we're not. If we're looking at the entire whole facility and everything else, it seems like to me you would look at the diversity of the workforce in general, except it's like Adam was saying, that's hard to capture at any one point in time. So I don't know why we just don't take it out.

**Andrew Dobbs:** I turning to Amanda 'cause this is like literally her area.

**Amanda Masino:** Well, yeah, the equity issue is important and I...

**Donna Gosh:** Then make it "of the workforce" and just leave it at that.

**Amanda Masino:** Well, both pieces of information are important. Right? So it's not just saying the folks at the landfill are 30% African American, 12% Hispanic, and 50% women, right. It's knowing what's in each sectors because that speaks to, those numbers speak to, the company's culture for providing pathways for higher level employment that reflects the diversity of our...

**Donna Gosh:** So you want to know, like, their information and their position, is that what you're saying?

**Amanda Masino:** I'm saying that if you just give an overall number, you have 50% female in terms of people who work at this landfill. Fantastic. But is that 50% all on sorting? Or is that 50% across the board in your leadership? There's a big difference in salary and life...

**Donna Gosh:** So diversity, not title, but maybe their level.

**Amanda Masino:** Right, so then this is why I think the original item asked for staff, management, and executive staff because then you would know overall, and then how many in leadership. Because then it can tell you different things about equity policies...

**Adam Gregory:** I'll just point out that there will be a consideration of when information is proprietary on salaries for positions and things like, that and we can see through stuff and there could be employee poaching back on forth when you get...

**Susan Shultz:** So it's important to say something on diversity...

**Chris Thomas:** (*inaudible*) Yeah... that is complaint driven but you do have to annual or semiannual, every other year they'll do checks where you have to submit all that stuff to the federal government about positions male, female, race.

**Susan Shultz:** Are there already reports that exist that you have to submit that would be informational to this category?

**Chris Thomas:** It really depends on the size of the organization, like Waste Management probably churning those things out on an annual basis or faster than that. Same with us, so I don't know if...

**Adam Gregory:** I can't answer that, I don't know.

**Chris Thomas:** There are things out there. I just don't know if everybody's going to do it. They may never have to fill that out.

**Kaiba White:** What if this didn't ask for salary?

**Amanda Masino:** We don't want salary information. I think that got put into the discussion at some point, but it's definitely not in the item to start with, right?

**Susan Shultz:** So whether or not it meets living wage, right?

**Amanda Masino:** That's in the second one, but if these are in three big buckets right, staff, management, executive staff.

**Donna Gosh:** So you're going to put staff back in?

**Amanda Masino:** Yeah, because that's... right, so you can look at overall and then you can look at each category, because that's the question, that's what's going on.

**Donna Gosh:** That makes sense, if you put staff back in.

**Susan Shultz:** Anybody have an issue with putting staff back in?

**Andrew Dobbs:** So the kind of language I'm thinking here if we combine a lot of the things, proposal and then there's the double breakdown of the thing, I'll just read this. 'Proposer will provide a detailed breakdown of the racial and gender breakdown of staff, management, and executive staff' and the big question was 'at the facility', 'as well as any diversity and equity policies and programs in place there.'

**Donna Gosh:** Right.

**Andrew Dobbs:** Now, “at the facility” is the big question because should we be considering the executive staff of the company as a whole, and if we are going reflect mobility and opportunities for advancement then I think we do have to consider, maybe we consider staff and management at the facility but the executive staff has to be for the company.

**Donna Gosh:** I think that word ‘policies’ is so vague like y’all said before, anybody can say, ‘Oh, I have a policy’ but are they actually doing anything with it? So what does history show?

**Amanda Masino:** We used activities in the other thing, didn’t we?

**Donna Gosh:** Yes, we did.

**Amanda Masino:** If we use ‘activities’ it implies that something is actually going on.

**Andy Andrasi:** So how is it all going to be verified?

**Andrew Dobbs:** I mean, the thing is...

**Andy Andrasi:** Is staff going to be going in and looking?

*(inaudible discussion)*

**Andrew Dobbs:** We’re not counting on honesty.

**Andy Andrasi:** Right but how are you going to assign different weights to a scale of points between two entities that their diversity program is more robust than theirs. It seems like there’s subjectivity there.

*(inaudible)*

**Andy Andrasi:** Well I think it applies to other things as well.

**Andrew Dobbs:** It does. So we tried to reduce subjectivity as much as possible in this process. I would also say that maybe we do, that is a concern, I think maybe you get equal credit for the presence of anything is also a possibility. So then there’s problems with that. If you think that if we’re looking for something perfect, we’re not going to find it. But if we’re going to encourage the right kinds of behavior then...

**Susan Shultz:** Yeah, I think there needs to be an articulation of what the goal is and then how do you capture that goal in a way that’s measurable, right?

**Andrew Dobbs:** Right.

**Donna Gosh:** So maybe set maybe a marker for, does the City have some kind of goal that they’d like to see?

**Amanda Masino:** This is for the Equity Office, I think has guidelines.

**Donna Gosh:** So maybe we should get some guidelines and then use that when...

**Amanda Masino:** That’s exactly what...

**Donna Gosh:** And then think about the scoring next time, obviously.

**Andrew Dobbs:** Real quick, Tina.

**Tina Bui:** They didn’t give us very specific suggestions. They did have an equity tool that we looked at and I think that tool we can look at that deeper when we develop this. It went into more detail that, like we talked about, potentially

that when it comes time for more descriptively describe what... I don't have the document with me but we can dust that off and see if there are more elements that could provide a little more detail on this, but at a very high level, they did not prescribe to us what we should or shouldn't include.

**Susan Shultz:** And again, is it the issue company-wide or is the issue at that facility?

**Tina Bui:** We didn't go into that level of detail with them.

**Susan Shultz:** Okay. From industry, you guys want to weigh in on this or?

**Adam Gregory:** I think it's a big can of worms for this context, and I think it's an incredibly important issue, but the nuts and bolts of how you report it and how you evaluate it I'm having trouble wrapping my head around.

**Gerry Acuna:** Let me, real quick, every RFP that comes out, the City's diversity department, as a minority contractor it's frustrating when you don't see the opportunities that should be given to someone a minority contract... (*inaudible*) you know, the City has an option, a line item there, and it's up to staff to actually recommend whether or not there are minority participation opportunities out there. A lot of times that doesn't happen with the solid waste, within our industry, our department. I've seen that, I've noticed that. Back to the topic here about salaries and management, it's very difficult to identify a company the size of Waste Management and to use a company-wide matrix to determine they've got 1% or 10% minority management positions filled versus a local guy who's, I mean, probably 70% of their positions are filled by minorities in management positions. The point is, we're beating this horse, it's important, but the City's already got a, in every RFP there is an opportunity for minority participation at this level and Waste Management and Waste Connections and TDS, I mean, and Republic, you guys can opt to look into that and get an extra point or two. I mean, it's there. It's been there.

**Kaiba White:** But that's a separate question than whether or not people are advancing in the company, right? Like it wouldn't have to be a minority owned business to get points.

**Gerry Acuna:** Correct. So let's go back to that. We've been trying to solve this issue, we're beating this horse...

**Andrew Dobbs:** I thought we had something.

**Gerry Acuna:** Well, we have a start to something but we're going back and forth.

**Susan Shultz:** Right, as far as how you measure it...

**Gerry Acuna:** Exactly.

**Andrew Dobbs:** Okay. I mean I get that this things are difficult. I think that part of this is things that we're going to get to in the future, but I think that like the goal is we don't want... the City wants to give its business to companies that are providing concrete opportunities for advancement for people of color. Not minorities, because people of color are the majority in the state of Texas and globally, so, they want to provide an opportunity for people of color to advance, right? So that's what we're asking here is, are people of color advancing here or are they being kept at the bottom of the thing? It's really easy. We know that companies have different concrete measurable layers of advancement in their company and what is the diversity in each of these levels? It's really easy to compare.

**Kaiba White:** So maybe just get rid of the programs sentence. I think that's the subjective part of all this. What we had originally I think is just numbers and the numbers can be easily counted.

**Susan Shultz:** Okay, so do we keep 'at the facility'?

**Bubba Smith:** It needs to be at the facility.

**Kaiba White:** Well some of the executive staff, I mean, it may or may not be at the facility, right?

**Daniel Rumsey:** It might not be, yeah.

**Bubba Smith:** I know but how are you gonna compare a small company with our corporate, I mean, that's...

**Heather-Nicole Hoffman:** Percentages.

**Bubba Smith:** Okay, I'm just asking what does it cover but we're talking this whole time about facility, facility, facility, and now we're company-wide again. We need to pick. We can't pick and choose whether we go corporate or facility.

**Donna Gosh:** Why don't you say 'facility staff, management, and executive staff' and take out the 'as submitted by the facility' and then that way you're zeroing in again on the site.

**Susan Shultz:** I'm sorry, what was that last part?

**Kaiba White:** So what about executive staff that aren't going to be located at the site.

**Donna Gosh:** You're saying facility staff, management, and executive staff. So if they're the executive staff of the facility then it doesn't matter if they're there or...

**Susan Shultz:** What was that last proposal?

**Donna Gosh:** So, one, strike the second breakdown, 'cause I'm with Andrew, that's redundant. But 'the breakdown of the racial and gender staff', 'breakdown of the racial and gender facility staff, management, and executive staff,' period.

**Chris Thomas:** Couldn't you shorten it to say 'staff'? Isn't that everybody?

**Donna Gosh:** They want the breakdown in those three categories so that's what the three different ones are, the breakdown of the three different areas.

**Susan Shultz:** Are you okay with that?

**Unknown Speaker:** Shouldn't you also have owners, 'cause a lot of times the owners don't take a salary so they're...

**Kaiba White:** That will be dealt with in the Minority Owned Business category.

**Donna Gosh:** But you don't have the minority owned on this facility. This is not the RFP, this is just... so if you want to add Minority Owned you should add that as another category on here.

**Adam Gregory:** There aren't any minority owned landfills around here.

**Donna Gosh:** This is the landfill that will be used by whoever is submitting the RFP. The landfill may not be a part of the RFP.

**Amanda Masino:** Right.

**Kaiba White:** So maybe we could delete the word 'and' after management and then add 'and owners' after executive staff?

**Bubba Smith:** But who owns a corporation?



**Kaiba White:** Yeah that is...

*(inaudible discussion)*

**Adam Gregory:** You got to tell me how many men and women own the shares. It's a can of worms.

*(inaudible discussion)*

**Andrew Dobbs:** There's gonna be lots of nuts and bolts.

**Susan Shultz:** Okay, anything else on 4 in the four minutes that we have left?

**Andrew Dobbs:** Well, I think there's gonna be a whole lot of debate about a lot of these things.

**Susan Shultz:** So let's, can we highlight at least what the issues are so that people can prepare for the next time?

**Chris Thomas:** I'll just say, I hope I'm not letting you in on a secret but the absence or the inclusion of a host agreement is not something, a lot of times, that's up to the facility. A lot of time it happens when negotiating permits and negotiating things like that with the local community so just because someone negotiated a host agreement, I don't know if that should be a benefit unless it was voluntary... *(inaudible)* that's a hard one to add in there.

**Adam Gregory:** I would also encourage taking host agreements out because there's consideration involved in your kind of, it's a financial agreement, basically, and so letters of support from the community, great. Great. But the content of a contract you have with the City doesn't seem to be relevant because you're giving consideration for whatever comes back in there and so it's a financial arrangement.

**Susan Shultz:** Any concern with taking host agreements out?

**Alfonso Sifuentes:** I would disagree with taking it out. I don't think we should be penalized for having it because it's not only a financial component to it. There's other benefits to it.

**Chris Thomas:** I don't agree, you shouldn't be penalized, but I don't think you should get...

**Adam Gregory:** No, you shouldn't get penalized for having one, but if you've got one, let the community write a letter of support rather than the host agreement and they can describe things that are in the host agreement if they want, but the host agreement itself seems to...

**Alfonso Sifuentes:** If I'm reading it right, it's not merely host agreement, it's saying letters of support or host agreements...

**Andrew Dobbs:** Absolutely. Take out the host agreement part. Get those letters of support. We're still okay with that. It's about the host agreement itself. I think taking that out makes a lot of sense.

**Adam Gregory:** 'Cause it's possible that you could have a host agreement with someone but as time goes by they wouldn't be willing to write you a letter of support.

**Susan Shultz:** Sounds like letter of support is more of a criteria.

**Adam Gregory:** Sure.

**Susan Shultz:** All right.

**Chris Thomas:** I think that if that's not in there or we haven't talked about it yet, but (*inaudible*) community involvement...

**Andrew Dobbs:** We struck it because it was subjective.

**Chris Thomas:** What's subjective about donating something to local...

**Andrew Dobbs:** Because it... let me put it this way. It's an opportunity for greenwashing, right, where companies can go and do some sort of public engagement thing and then put that on there. If it was really good enough, I'm sure you'd be able to find a civic group to write a letter saying they liked it. This is an objective thing that we can actually measure.

**Susan Shultz:** Okay, the two minutes that we have left...

**Donna Gosh:** The letters are subjective. Yes, they are. The only thing that is objective is the host agreement which is the contract.

**Chris Thomas:** Which doesn't make it good or bad, it's just there.

**Donna Gosh:** Well some may not have one.

**Chris Thomas:** If you've donated or volunteered with an organization whether it's a building center or some kid's group or donate to local charities, we're talking about being involved and that's important to be part of that community. If you're gonna say that that doesn't matter and get them to write you a letter, we can get anybody to write you a letter.

**Donna Gosh:** Yeah.

**Andrew Dobbs:** It says neighboring civic groups or communities, I'm assuming communities, we may need to clarify that. But I'm talking about not just anybody writing the letter. I'm talking about an established organization that represents constituencies in the neighboring area of the facility saying, we like having a landfill here, right, if you can find that then let's do it.

**Kaiba White:** I think this is still really squishy. I'd almost support just deleting 4C.

**Andrew Dobbs:** I mean, we need to reflect in here somewhere, and we need to reflect the other side somewhere, right. Because the point is that there's a lot of landfills that are despised by the people that live around them, and there's some landfills out there that maybe people don't seem to mind. Every landfill operator I've ever met says that everybody in the neighborhood loves their facility, so I just want to find out if we need to have some sort of way of reflecting that.

**Donna Gosh:** The positive.

**Bubba Smith:** Yeah. I'm good with that.

**Adam Gregory:** Of course you can solicit, you're gonna ask for these letters but I mean...

**Susan Shultz:** They're still gonna be written by somebody who...

**Adam Gregory:** Written by somebody externally, yeah. I think there is a big difference in how, there can be huge differences in how you treat the community and are seen by the community and I think that's a worthwhile thing to evaluate.

**Susan Shultz:** Okay, any big other ticket items as far as just checking them off with concern?

**Bubba Smith:** 4D talks about landfills should list off counties it accepts waste from. I think we should add the volume of waste that comes from outside Travis County.

**Susan Shultz:** Okay, without discussion, other items that are gonna be a concern?

**Cavian Merski:** I think the, I'm with the Office of Sustainability, and I think the carbon footprint item needs to be addressed in more detail, probably, on how we're measuring. The fact is, landfill gas emissions are one of the largest sources of emissions in the community and the EPA standards are the best way to measure that we have right now. I realize there's some dissent against that, but I think you need to have a more deeper, technical conversation than what's being tossed around so I'd just like to keep that item unfinished or needing further discussion.

**Susan Shultz:** Okay. All right.

**Kaiba White:** And I think also what is going to be 1B will require some additional contemplation as to how that *(inaudible)*...

**Susan Shultz:** Okay.

**Gerry Acuna:** And that's next week?

**Susan Shultz:** Refine some of these, yes.

**Chris Thomas:** ...*(inaudible)* landfill so what's the... I missed the last meeting as to why that got added in here.

**Andrew Dobbs:** *(inaudible)*

**Chris Thomas:** It needs to be flagged.

**Adam Gregory:** It needs to be what?

**Bubba Smith:** Flagged.

**Adam Gregory:** Oh, for discussion. Sure.

**Susan Shultz:** Okay, without discussion? Yes, Woody?

**Woody Raine:** I'm not clear on 4F, the concentration of landfills within a *(inaudible)* whether that's a good thing or a bad thing...

**Bubba Smith:** You get more points for having more or what?

**Woody Raine:** *(inaudible)* And then 4H...

**Susan Shultz:** A little louder, Woody.

**Woody Raine:** On 4H, what we're comparing the demographics to.

**Susan Shultz:** Okay. Just a reminder for anyone who hasn't been to all the meetings, everything that is purple was added by the Zero Waste Advisory Commission. All the text in purple was added by ZWAC. Okay so next meeting we're gonna look at the language and then start the scoring as well. The next meeting will be Thursday, April 5<sup>th</sup> back at the Terrazas branch. Same time.

**Adam Gregory:** Thank you.