

**5-2-18 Austin Resource Recovery Landfill Criteria Matrix Stakeholder Meeting
Review revised draft landfill criteria matrix and scoring**

Mack Mandell: Mack Mandell, Waste Connections.

Chris Thomas: Chris Thomas, Waste Connections.

Steve Shannon: Steve Shannon, Waste Connections.

David Green: David Green, Green Group Holdings.

Alfonso Sifuentes: Alfonso Sifuentes, Green Group Holdings.

Daniel Rumsey: Daniel Rumsey, Waste Management.

Bubba Smith: Bubba Smith, Waste Management.

Adam Gregory: Adam Gregory with Texas Disposal Systems.

Ryan Hobbs: Ryan Hobbs, TDS.

Michael Mnoian: Michael Mnoian, Central Waste and Recycling.

Donna Gosh: Donna Gosh, Organics By Gosh.

Andy Andrasi: Andy Andrasi, Central Texas Refuse.

Josh Blaine: Josh Blaine, ZWAC.

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

Gerry Acuna: Gerry Acuna, ZWAC.

Kerry Getter: Kerry Getter, Balcones Resources.

Mark Nathan: Mark Nathan, TDS.

Bob Gregory: Bob Gregory, TDS.

Gary Newton: Gary Newton, Texas Disposal Systems.

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

Elizabeth Flores: Elizabeth Flores, ARR.

Gena McKinley: Gena McKinley, Austin Resource Recovery.

Woody Raine: Woody Raine, ARR.

Tina Bui: Tina Bui, ARR.

Richard McHale: Richard McHale, ARR.

Charles Shepphard: Charles Shepphard, AE.

Ravi Joseph: Ravi Joseph, Austin Energy.

Ken May: Ken May, CAPCOG.

Water Biel: Water Biel, Recon Services.

Ross Biel: Ross Biel, Recon Services.

John Hotaki: John Hotaki, Waste Management.

Forrest Tubb: Forrest Tubb, Waste Management.

Rajiv Patel: Rajiv Patel with GreenThink, here with TDS.

Jason McCombs: Jason McCombs, Austin Resource Recovery.

Susan Shultz: Okay, great. Also from the past meetings we've had notes, the summary notes from the past meetings and the last meeting that we had was on April 5th. Hopefully you've had a chance to read over those notes from the meeting. Were there any errors that you saw from those summary notes that you'd like to note at this time? Okay. Because there have been some revisions to the matrix as far as the language of the matrix, staff is going to come forward to tell us more about what those revisions are.

Woody Raine: I'm gonna move around up front... *(unclear)*

Susan Shultz: Sure.

Woody Raine: If you've got this version, it's very hard to read because of all the tracked changes, you can appreciate where we've come from and where we've gone to, but some of the things that we've added are not in red and I'll point those out. *(unclear)* ...new information for you, for... the other thing is the format of this is left to right. The column over here on the far left is consensus, that's based on the last meeting and the notes Susan provided at the last time indicates a level of consensus. All of this information, you might say is a little bit of guidance to staff in terms of how we've kind of rewritten some of these to satisfy some of the discussion that we've had. It might also govern some of our proposed points or weighting on some of these issues, so consensus was a factor on that. Another one was whether it was quantitative. This was whether there's a publicly available number out there and you can see at the bottom here, publicly available data sources, that basically corresponds to wherever there's a 'y' here. ... *(unclear)* ... staff didn't want to be in the position of being able to have... *(inaudible)* ...we want minimal subjectivity and this is a way to refer to publicly available information, actually allow the landfills to score themselves. So under the major criteria we've added in an intent to kind of capture what the purpose of that particular matrix criteria is, and then for every subcriteria you'll see a couple of items there. One is the description, and for the most part that's describing where that information will come from, either one of these publicly available data sources or from the landfill or from some other source of information. And then the measure would be how that criteria would, how the points would be determined. For the most part we tried to write them on, yes/no so the landfill would either naught that criteria, that subcriteria, or based on some numericals, you'll see that there's a couple of them... *(inaudible)*. And then over on the far right is the proposed weighting for each one of those. The concept here is, except for the first couple, the scoring would be such that the landfill would get all or nothing of those points.

David Green: So it's an all or nothing?

Woody Raine: Like the electoral system. But the idea is this is supposed to represent ultimately the Council's weighted, comparative value of that criteria *(inaudible)*... and so let me just discuss a little bit about it, how we came up with the logic on those points. Ideally, each one would have some publicly available information but that's not always the case... *(inaudible)*. But on the weighting, generally the ones that score higher meet one or more of following three items: they're a Council priority, like carbon footprint is one of the ones that they called out as a suggestion for one of the priorities; there might be a lot of stakeholder consensus, the subject was one that was supported by the stakeholder group; or that it might be quantitative, that it's easily measured. *(unclear)* ...actually I should have been pointing out that I have been referring to this handout that says 'ARR Staff Comments'. You can see here some of the data sources they are referring to: EPA landfill gas data, TCEQ complaints and compliance history databases, OSHA safety records, and the environmental justice screening data that EPA *(unclear)*. Any questions on that?

Kaiba White: Well, comment. I mean, are we digging in or general questions? I have a comment on the first carbon footprint section.

Female: What specific item?

Woody Raine: Okay. I think we'll defer that to the general discussion.

Kaiba White: Okay. Cool.

Andrew Dobbs: Looks like y'all put a lot of work into this and it's impressive. Thank you for your work.

Susan Shultz: Okay, so as far as how the group would like to approach this, whether you'd like to start sequentially or whether there's a particular area that is of major importance that you'd like start with? Sequentially? Is that okay with everybody? Okay. Carbon footprint. Maybe, are you guys ready to start with the scoring discussion or are there still some language discussion?

Chris Thomas: I think there's probably some additional language changes, so as we move through it we can have *(inaudible)* discussions.

Susan Shultz: Okay.

Chris Thomas: Whether it's an issue with the language or the way that it's weighted.

Susan Shultz: Okay. All right. Carbon footprint, there's some new language on the measure.

Kaiba White: Can I...?

Susan Shultz: Yes.

Kaiba White: Okay. So, I guess kind of a high-level comment is that I don't think that these scores, the proportion of these scores to each other I don't think is in line with the carbon impact of the two sections in that the methane should have a much greater weight. But I would...

Susan Shultz: Which one should have a much greater weight?

Kaiba White: 1A. But I really would suggest that instead of weighting these that these be numeric values that get a single summed number of carbon impact, like per ton disposed and that it's one number, so you don't have to weight the two sections, that they both are just, they'll be numeric values, unlike most of the rest of this.

Susan Shultz: Okay. We'll start with those one at a time. Yes?

Sam Angoori: Let's do a little bit of a process check here, hang on a second. We've got six commissioners, ZWAC commissioners.

Adam Gregory: Oh, we got a quorum. Gerry, get out of here. Just kidding.

Heather-Nicole Hoffman: All right, so who is our...

Josh Blaine: I have to leave early if you want to swap out at...

Gerry Acuna: When do you have to leave?

Josh Blaine: 11:50. We can split the difference.

Cathy Gattuso: Okay, I'll leave.

Gerry Acuna: Thank you.

Susan Shultz: Okay, so comments on 1A should be weighted more, even more, than it is currently?

David Green: Well nobody has carbon... I mean (*inaudible*), unless you're driving around in a golf cart, it's gonna be zero.

Adam Gregory: Like Kaiba said, the potential impact of these things are vastly different from each other so ten points on having golf carts, especially relative to how some very, very important categories down the line have been given very, very small points, I would certainly agree that the ten points there is kind of not really reflective of the potential impact.

Andrew Dobbs: Does anybody object to the idea of developing a single carbon impact number and then using that to like determine the score? And you can still weight it in the broader context. It would still just be a quarter of your total score is determined by this. It seems like that should be... is there anybody that objects to having a single...?

Mike Mnoian: 99% of it is going to come from the gas.

Kaiba White: Exactly.

Susan Shultz: Comments on that? On what Andrew just said?

Adam Gregory: I hate to do this but I think we need to maybe have a little more question about the specific number there. And we've been talking about the flight system, the flight report, and the implications of that and assuming it's going to be used, we've kind of been talking about the total emissions numbers from that report and that's what the engineer came to talk to us about. That's what we've been talking about. But really what it's saying is it's going to use the landfill gas collection efficiency number which is just one number, however. But it also says landfills not required to report to the EPA, Type IV and new Type I landfills, will receive full credit. Well, I believe once you start taking waste you are required to do the report, however it takes a long time to take enough waste to where you're required to have a landfill gas collection system. So would you be within two years, three years of a new landfill say when you're reporting this, but your landfill gas collection efficiency is necessarily zero because you don't have a collection system, are you getting zero points relative to another facility that has lots and lots and lots of waste. They've been way past their requirements. They've had to put in lots and lots and lots of wells and regardless of what the efficiency is, it's a number, but they're necessarily having much greater emissions than a landfill that would be getting zero points so there's still some, even assuming we use the flight, we're still dealing with some issues on just that number, landfill gas collection efficiency. And then there's the middle ground where you have a voluntary system where you're not required to do landfill gas collection but that percentage, the efficiency, the landfill gas collection efficiency, which is the figure they're proposing to use, might be lower because you've done a system that's not per requirements going over much larger areas with much larger waste in place. So I'm just pointing it out. Now that we're focusing on just the landfill gas collection efficiency, that brings up a whole other set of questions with new facilities versus old facilities versus voluntary gas collection versus gas collection done as part of corrective action. There's more questions to figure out a very fair and apples to apples comparison on that.

David Green: But see, most of the new landfills, when they get developed, they don't have to get put in the system because they don't generate enough gas to do so, so they shouldn't be penalized for not having a system because they're not generating enough gas. Once they hit that compliance point or some place in between they should, you know, their efficiency reading is still going to be lower as soon as they put that system in and the landfill continues to mature. So it's going to be a tough one to balance those points out.

Kaiba White: So what I'm suggesting really is just, is not in line with that way of thinking because there's no full compliance, it's just a number. It's what are you emitting. It doesn't matter that like what you're emitting is allowed or not allowed or in line with what you have to report and not report. You're still emitting. Whatever it is you're emitting, just put that number down and I think in that regard the scoring will have to be a little bit comparative. You know, what is the universe of landfills and what is their total emissions per ton accepted, I think would probably be the easiest way to normalize these numbers and then you don't have to have the discussion about whether or not... 'Oh, it's okay that they're emitting because they're a new landfill and they don't have to report,' 'they haven't met the threshold,' or all of that. It's just what are you emitting.

Adam Gregory: That would be more like what we've been talking about, thinking about total emissions which can be reported and calculated regardless of where you are, but the more I've paid attention to this because I've just been thinking about the flight model total, what they're asking for is a different thing than total emissions. They're asking for landfill gas collection efficiency so I would prefer, I think, like you say, it sounds crazy because I'm somewhat suggesting we use what I've been fighting against before, but the total emissions is much easier to do a comparative analysis than the landfill gas collection efficiency.

Andrew Dobbs: Now is this, forgive me for not having reviewed the flight model but is that something, is that a data point that's reflected in matters... is the total emissions number somehow either there or somewhere else publicly available? Okay. Because that's the other thing...

Adam Gregory: Yeah. The flight model's trying to get to that total emissions number and it uses, if you have a landfill gas collection, an estimated efficiency in calculating that.

Kaiba White: Well you still need that.

Adam Gregory: You've got to have it and it's part of the calculation, of course, but it would be better to use, to analyze the results rather than a factor within the calculation.

Andrew Dobbs: Does analyzing the results, I'm sorry, I know we had the engineer talk to us last time but I kind of spaced for a while, sorry, it was a long freaking meeting. But is that, are you saying it's a factor in the calculation, are you going to be okay with using that, like the total emissions that comes out of this as the metric here or are you suggesting that you have to find some other way to evaluate this?

Adam Gregory: Not necessarily, I just want to reiterate what the gentlemen told us and what we've been saying is that there are lots of variables and assumptions that go into this and depending on what incentives are out there, and like the guy said, some people want to calculate to show the most amount of gas for different reasons...

Susan Shultz: This is for the model, right?

Adam Gregory: Yes, the model. The model can say a lot of different things and certain entities can be motivated to have their model and there's always, there's parameters where it's reasonable and you're not making things up but things can change based on your activities, the installation of additional wells, and...

Susan Shultz: So what I'm hearing is a proposal to report just what is being emitted. And is that per acre, like you were saying, or per ton accepted, or how is that number...?

Bubba Smith: The whole goal here, that we don't want to miss, is we don't want to emit carbon. We want to protect the air quality. I mean, that's the goal. And total emissions will, that's a big part of it, and efficiency, too. So those both need to be weighed into it. But whether you're required to have a gas system, or collect gas or not, I mean, if you're not and you don't have a sufficient amount of gas wells or a very robust system, you're actually playing with fire. You don't want to wait until you have a problem. So whether you're required by law, you still need to be collecting the gas and protecting the air. So with that said, however we come up, decide what number to use, I say total emissions has to be a very large part of it and the scoring needs to be a very large part of the whole thing we're doing here. Because we're here to protect the environment and that's stuff that's happening right now we need to get ahold of.

David Green: If we went to the system you're talking about then you wouldn't have an all-or-nothing scoring system on this. It would be how would you take your concept and convert it to a score? Because this is based on...

Kaiba White: Yeah, I honestly don't have an answer for that other than looking at them side by side and having some sort of comparative analysis. Now maybe there's national data on this that we could look to, to see what best practices are and those emissions per ton. I haven't done that research but that might exist. That might be one way. So you can kind of get like this is your premium level system that's collecting as much as possible, you can maybe pull a score if you're that level and then have something else below that.

David Green: So it seems like there's like three concepts. It's total emissions, percentage collected, and then how do you convert that to scoring. Those are like the three things that I'm hearing.

Andrew Dobbs: The second one is less important than the first one.

Kaiba White: Yeah, I think all of that can... so you'll have whatever methane emissions are actually leaking out as methane emissions and then you'll have whatever's collected and let's say it's flared off. So that part of the emissions would be converted to CO₂, right, and then you convert the methane emissions to CO₂ equivalent, add those two numbers together, add it together with your CO₂ emissions from your onsite equipment and you have one CO₂ equivalent number for the landfill and I think it should be normalized per ton and then that overall number can be scored on this matrix.

Susan Shultz: Does anybody have concerns about that proposal?

Andrew Dobbs: I think it's going to be challenging but that's the correct model, I think, is how much carbon are you emitting on a normalized basis? What is your climate impact? That's what we're asking. This is a mechanism just laid out step by step way to do that. I think that it's going to be, I think that like you said, it's going to be challenging but I think that, I mean, the first two numbers are readily available right, like how much you're emitting and how much you're collecting. So A minus B, right, and then divide by total tonnage. That's a public number that's reported by these facilities. And then you have, and then I guess the one, the two tricky things are back-adding in the onsite equipment, which is not something that's reported right now as far as I understand it.

Kaiba White: Yeah, but surely they know how much fuel they're buying.

Andrew Dobbs: That's what you would do, but that's not a public number.

Kaiba White: No, but there's inventory. There's receipts. It should be pretty simple.

Adam Gregory: When you add equipment... I'm sorry.

Kerry Getter: Kerry Getter here, Balcones Resources. I am admittedly out of my element, here, but one of the things that strikes me in this discussion is that, again, we're talking about tiny differences and it seems to me that new people are being penalized. I quite frankly don't understand how, why shouldn't we talk about methane emissions for the previous five years if in section 2A, which we're coming to here in a moment, anybody that's new is being penalized for being new. Wouldn't it be more consistent to...

Kaiba White: How?

Bubba Smith: No, 'cause you're not really, your emissions will be very low unless I'm missing something. If you're a new landfill your emissions will be very low.

David Green: If you just did efficiency then...

Kerry Getter: I just want to make sure, the timeframes here need to be, we need to understand that there be some consistency applied here. That's all I'm suggesting.

Andrew Dobbs: I don't think that this would necessarily...

Kerry Getter: Because the new ones aren't going to have anything and the older ones are.

Andrew Dobbs: That's not going to add up to much in the way of emissions.

Kerry Getter: It appears here in 2A that anybody who is new is being penalized for being new.

Adam Gregory: For permit compliance? 2A?

Kaiba White: Can you explain how?

Susan Shultz: We'll get to 2A.

Andrew Dobbs: We're on 1A. Yeah, 1.

Kerry Getter: It says 2.

Andrew Dobbs: Well we're going by...

Kerry Getter: I know what you're talking about, I'm looking forward. I'm just talking about consistency and applying measurements of time. That's really all I'm talking about.

Gerry Acuna: You're suggesting having a five-year history on emissions.

Adam Gregory: I'd say we do lifetime emissions. The whole time.

Kerry Getter: I'd rather look at five-year history of emissions here. You're gonna have a five year...

Susan Shultz: Timeframe...

Kerry Getter: Penalty on 2A. That's all.

Bob Gregory: Hi, Bob Gregory with TDS. The criteria states 'landfills not required to report to EPA (example: Type IV landfills and new Type I landfills will receive full credit).' To the contrary, not only are they not losing points, they're gaining all 15 points.

Kaiba White: I'm suggesting that that not be the case.

Bob Gregory: I'm recommending that that not be the case, that they don't gain because they're new, and for that matter, EPA does not require C&D landfills not to report, but in Texas a Type IV landfill is bigger than a C&D landfill. It can take yard waste. It can take things that are well beyond what a construction and demolition landfill would be in some parts of the country. So once you get into this sort of thing, it can get very problematic. And in our case, with TDS, we have lots of employees and lots of equipment that operate onsite because we do so many diversion processes to divert waste, compost and recycle, and process waste onsite. Those units, the front-end loaders and things like that and diesel engines...

Susan Shultz: Are you talking about 1B?

Bob Gregory: I'm talking about 1A.

Susan Shultz: Okay.

Adam Gregory: The combination suggested...

Bob Gregory: We would generally, I'm speaking to the comment earlier, if we're going to weigh in the amount of equipment, emissions from equipment, we do so much diversion we have a lot more equipment running than we would if we were just compacting trash at the working face of the landfill.

Adam Gregory: So potentially we would be penalized to some degree for having more equipment...

Heather-Nicole Hoffman: Well, hopefully you're net positive on diversion. If you're diverting all that material...

Adam Gregory: Well, the points awarded for diversion are minuscule and that's something we'll get to...

Kaiba White: Doesn't it have an impact on this calculation?

Chris Thomas: It's just like the greenhouse gas emission, the carbon emitted from the vehicles isn't even going to change that number. It's going to be so low and the gas number so high...

Heather-Nicole Hoffman: You'd get a 1 out of 10. Everybody would get a 1 out of 10.

Chris Thomas: ... it doesn't even need to be there because it even ever change.

Heather-Nicole Hoffman: At this point. We're looking at 2A.

Chris Thomas: Even in a hundred years it isn't going to change.

Susan Shultz: Am I hearing consensus to move away from the efficiency?

Adam Gregory: Yes.

Bob Gregory: If I may, I'd just like to add to the comment made by Waste Connections was correct. We're in between. We're large enough to report but have no legal requirement to do the gas collection system until this year. So if they're using bi-reported numbers that was last year, and besides as City staff knows, the EPA gave an opportunity for this March 1st filing deadline to revise numbers. Numbers were revised probably by lots of the landfills. If they only go by what's online, and they're not reported yet online. It takes them a while to get it online. They're changing it in here from what the landfill reports that was reported to what is *already* reported. So if there was a scoring taken right now, in some cases the numbers would be inaccurate because the reporting numbers have opportunities for revision. And as the City's expert stated at the last meeting, the opportunities for variation are great. They literally can be ten times or stated alternately, 1/10th the emissions depending on the credits you take that are allowed within the numbers. So an over-reliance on those numbers, especially with 15 points, on the total diversion points for all the many millions of dollars and things that TDS has done to divert waste from landfill disposal, it's a total of 3 points. The numbers are just completely out of whack on that.

Susan Shultz: Okay. So if we move away from the efficiency, which is what I hear people want to do...

Chris Thomas: I think the efficiency's part of this.

Adam Gregory: It will always be a part of calculating.

Chris Thomas: How much do you produce and how much do you...

Bubba Smith: It's got to be both. It's part of the total deal.

Rajiv Patel: The efficiency will be baked into that total number and you actually don't need to subtract the amount of collected because the total emissions already does that.

Susan Shultz: It does?

Rajiv Patel: When you're reporting. Now, as Bobby was saying, the only issue with the total number of emissions is when you're, the efficiency's baked into that calculation it's all on how the facility determined that efficiency. Somebody may say we've got this many wells, each well covers this much acreage. Another site may say it covers less so then they'll assume a lower efficiency for the same amount of wells, for example.

Susan Shultz: So how do you come up with a calculation that's...

Kaiba White: What I'm suggesting, still, is that the total acreage which I assume is relational to the total tonnage should count. So in that regard, it is an efficiency, it's efficiency per area. So I'm not disagreeing with that. It's in here.

Rajiv Patel: Yeah, maybe it's just the wording. I think everyone here is probably meaning 'collection efficiency.' Whereas you're talking about the efficiency of emissions per acreage or emissions per tons accepted, or something like that.

Kaiba White: I guess my understanding of this calculation was that it did both. Is that not correct? Was that it did both, that it addressed how much was collected and how much is being produced.

Adam Gregory: The total emission number does...

Bubba Smith: But it's not tonnage collected, right, it's in place tonnage. So you're holding all your tonnage...

Kaiba White: Right. That's what it should be because it needs to be proportional.

Bubba Smith: Yep, exactly, yeah.

Rajiv Patel: The variability is on how each site determines their collection efficiency. 'Cause there's a lot of assumptions into that that a facility can play with, for lack of a better word.

Kaiba White: But we haven't come up with a better solution.

Adam Gregory: I don't think you get around that. I think we're establishing a very salient set of incentives for people that do a certain thing where they might have been incentivized to, or not incentivized to do anything, there's going to be an incentive now to make that calculation as opposed to just how you operate. So I think you can count on people to make it as beneficial to themselves as possible from now on.

Susan Shultz: Is that the wrong incentive then, it has to do with something for the carbon emissions?

Heather-Nicole Hoffman: Well if everyone's doing that, you're all on even field, right?

Adam Gregory: That's what I mean, yeah. It's human nature at that point so everyone's gonna have the same incentive.

Rajiv Patel: I mean, maybe it'll drive everybody to make the same assumptions.

Adam Gregory: Yeah, if you want to go, and that will probably even it out as opposed to having large variations and stuff from one site to another, or even it out as far as the quality of the comparison.

Susan Shultz: So is everybody in agreement with this proposal, then?

Adam Gregory: It would just, I think the proposal would be to instead of landfill gas collection efficiency be total emissions per the flight model.

Ryan Hobbs: Not minus amount.

Andrew Dobbs: (*inaudible*) It's an annual measure...

Bubba Smith: But annual tons accepted doesn't play into it. It's your total, what's inside your landfill.

David Green: The tons are already (*unclear*) ...how much you emit...

Andrew Dobbs: Normalizing it some way. Kaiba, you look like you still object to this somehow. Kaiba, do you still object to this?

Kaiba White: I guess, I have to say last time we were looking at this I actually brought up the document and had it in front of me and I don't have it in front of me right now, but I think that maybe everything here is fine minus the last line in 1A, and really my suggestion was not about changing this calculation so much as making this 1A and 1B a single number. Basically making them one item. However you have to do it to get to one emissions number, that said like maybe there's some other way to do it. I don't think the 15:10 ratio, though, makes sense.

Chris Thomas: I think you can with that 25 points, is to add all those emissions together and maybe if it helps, you guys have a lot of other stuff going on around the landfill that's not related to the landfill, 'cause you just report the use of the equipment that's on the landfill. You're talking about a number of different things. Your brush operation or your grinder, you don't want to put in the diesel fuel used for the brush because it's not really part of the landfill operations, so you would just report actual landfill equipment and not the other things you have onsite, and maybe that helps.

Andrew Dobbs: Is there meaningful difference between the different operators in terms of what the actual machinery used on the landfills...

Bubba Smith: Yes, my deal is, and I do not want to muddy up the water here but say one site's doing 4,000 tons a day. They got to have a lot more equipment running to handle that volume than a landfill doing 500 tons per day.

Kaiba White: So that calculation should be on a tons per day or tons per year or whatever.

Bubba Smith: That part of it.

Kaiba White: That part, and it has to be, right?

Bubba Smith: The landfill emissions part can't be on the daily intake.

Kaiba White: Right.

Andrew Dobbs: That's fine, I think what I'm getting at though is like, it seems to me that the difference, like if we're just talking about the landfill equipment. We're no longer talking about the golf carts and we're not talking about recycling stuff. I'm saying that there's not that much of a difference between what any of the facilities are using.

Bubba Smith: True.

Andrew Dobbs: So if that's the case then why not just wash that out?

Chris Thomas: And gas is so big, it's 98% of that number...

Andrew Dobbs: Yeah, so why don't you wash it out and say we're gonna take the flight total emissions number, we're gonna normalize it per ton, that's gonna be the number, your emissions number, and that's what we score you on. People who emit more get a worse score than if they emit less.

Kaiba White: I think we should, if they're all on equal footing then, I think like, why not leave it in there as a note for future improvements. This is an area that as equipment becomes available, you get some...

Andrew Dobbs: I get that. My only question is how do you calculate that? Where are the numbers that we calculate that? You're making them report their fuel, but once again are they gonna break out their fuel that's going to landfill vehicles versus the fuel that's going to the other vehicles, how do you actually measure that?

Kaiba White: Is this issue of a lot of other machinery not related to the landfill really, I don't know. I was assuming that by and large the fuel brought to the landfill site was used for landfill operations.

Josh Blaine: I think Heather-Nicole had a good point though, that if it does have a significant impact on the overall carbon footprint, a facility that's doing diversion, that's information. Because then it's like, 'Oh is this even for the benefit of climate protection?' It seems like it should be factored in. But the question I want to ask is related to what you just said, Adam. You said we're going to be incentivized to make this calculation in a certain way. I want to go back to Bubba, I appreciate you saying, our goal here is climate protection so what I want to know is, is this calculation going to incentivize landfills to do whatever the best practice is to reduce emissions, not just to calculate things in a certain way that doesn't really serve our purpose.

Adam Gregory: Well, see, I can't speak for them. We've always been focused on real, practical means of gas reduction. And prevention. Organics diversion beyond our permit requirements for daily cover and intermediate cover. These are all things that go into reduction of gas generation. So in real life, in practical terms, we do everything we can to go above and beyond to limit it. When it comes to doing the calculation that we report to EPA, we paid more attention to what we're doing on the ground than what the report says because you just estimate, you pick a number within the bounds of the margins that are reasonable because like they've said, the City's guys said, there's a vast array of variables that can go either way. You want them to be as accurate as possible but when it's so generalized you've got to throw a dart somewhere and I'm saying that within what is defensible based on the facts, this adds an incentive for that report to be as low as possible. No one's been, you know, coming to us judging us by the results of that report. We generally feel real good about getting judged by what we actually do and I've made this point ad nauseam on the problem with the flight model because it can be shown to be way up here, way down here, but I'm just saying that within that range, we will from now on with something like this, we'll all be incentivized to use the lowest defensible number. That's all I meant. I didn't mean, I assure you I was not referring to manipulating this to falsify anything.

Susan Shultz: In the past you had some flexibility because nobody was looking at that score for you.

Rajiv Patel: Right. (*inaudible*)

Susan Shultz: But now there's gonna be a different twist.

Bubba Smith: I don't agree with that.

Adam Gregory: What do not agree with Bubba?

Susan Shultz: Can we go back to the methodology though? Does anybody have a concern, I think what I was hearing, it may just be reflected already as it is but that it would be the total number of emissions reported and the flight model normalized per ton. Is it per ton or acreage? Does that make a difference?

Kaiba White: However the model does it. I think we should just stick with the model.

Chris Thomas: The emissions is already, the total emissions is already a calculation of tons. You're taking your tons and you're creating, okay here's how much emissions I have and then you're doing it by tons again. Dividing it by tons again. Doesn't seem to make a lot of sense.

Adam Gregory: Cause it uses the amount of tons...

Ryan Hobbs: To calculate the total emissions.

Chris Thomas: It uses the amount of tons in place to come up with emissions and then you're dividing...

Kaiba White: Right, that's what the model does right?

Andrew Dobbs: Let's stay with what we're trying to accomplish which is normalizing the number so that a place that's brand new but runs terribly, doesn't get an advantage over a legacy facility that's very large and running well, right. So I think the point is normalizing it, however the best way to do that is, that's fine. I think that in terms of backing out or adding in onsite stuff, I mean, I was looking at it after I made my last comment. We already had they were able to receive points equal to the percentage of points equal to the total energy of a landfill that is carbon free. Those are already nonpublic numbers that were gonna be used for that, right, that was already internal numbers used to do that. I think that metric, that's still the metric to determine how much non-carbon energy is being used by definition so we can weigh that in there somehow but it certainly shouldn't be the 3:2 that we have right now. Maybe like 20 points for the first one and 5 points for the second one.

Kaiba White: I would support that.

Gerry Acuna: I would too.

Andrew Dobbs: I'm gonna suggest changing it from 25 to something else in a minute, when we get down to the area to redistribute points but regardless, what I would say is start with a 4 to 1, and have 20:5 and have the 1A calculated as we just discussed. It would be calculated the same way but just reweighted. I think that's what we were talking about to accomplish the goals that we've set.

Susan Shultz: Okay. So, basically in 1A as far as the measure is concerned where it says 'the landfill shall receive the percentage of the points equal to landfill gas collection efficiency,' you want to change that to total number emitted, right?

Kaiba White: I don't think we need to change anything in that section except for the last line. Just cross it out.

Rajiv Patel: I think the only reason you'd want to change that landfill gas collection efficiency is cause gas collection efficiency really means something else.

Kaiba White: What does it mean?

Rajiv Patel: That's basically how much gas, how much gas is your gas collection system collecting. What percentage is your gas collection system collecting. That's an actual number that gets reported.

Adam Gregory: So if it was just...

Kaiba White: It's kind of a one step before that where you have the tons per ton or whatever.

Rajiv Patel: Right, so you kind of almost, I think what y'all are trying to say is total emissions per ton of waste collected or waste put in place.

Kaiba White: Yeah. Yes.

Rajiv Patel: And the only thing on that calculation, again, is take out that 'minus amount collected', 'cause that's already in the total.

Susan Shultz: Total number of emissions per ton collected?

Kaiba White: Ton in place.

Rajiv Patel: Yeah, per tons in place.

Andrew Dobbs: The language will say...

Rajiv Patel: Waste in place.

Andrew Dobbs: The language under here, measure under 1A would say, 'the landfill will receive the percentage of the points equal to the landfill's total emissions normalized by', and then however they want to normalize it. We'll leave that blank for staff to figure out the best way.

Adam Gregory: You've gotta figure out a way to calculate the points because what you were going for with landfill gas collection efficiency was the highest number and now with total emissions you're going for the lowest number and you can't just use it as a percentage of the available points anymore. That's what Kaiba, I think, was talking about in doing a comparative analysis.

Kaiba White: Right, but Dobbs has just made a proposal that I'm fine with. We just increase the points to 20 on 1A and take it down to 5 on 1B. Right? That's what you were suggesting?

David Green: I think it does, I don't know if we need to note it in there or whatever, but some of us, and TDS is a case specific, but it needs to be specific that it's landfill equipment only, that you're not penalizing someone for having a whole lot of property where they have a lot of other stuff going on.

Adam Gregory: Yeah, it should be equipment used for disposing, for covering, and yeah...

Bubba Smith: Y'all can break that out easily.

Susan Shultz: So two things before we move on, first, does anybody have a concern then with total number of emissions per tons of waste in place? Is everybody okay with that?

Andrew Dobbs: (*inaudible*) ...per tons of waste in place", if that's the best way to normalize then that's fine. I'm not sure, I haven't looked at all of the options.

Kaiba White: I think that's what the formula does so let's just stick with it.

Adam Gregory: But is that waste accepted and put in place annually or the total tons in place because if...

Bubba Smith: In your landfill.

Kaiba White: Total.

Chris Thomas: Total, because that's what calculates the emissions in the first place. You normalize it by how many tons you accept on an annual basis. That would be...

Adam Gregory: Yes, because that would be the older the landfill regardless if you had a huge number of tons in place, it would...

Susan Shultz: Add annually?

Adam Gregory: Annually.

Bubba Smith: Now wait a minute. Your whole landfill, all the waste in place is what's producing the gas.

Adam Gregory: I know and that goes into calculating the total emissions, but in order to equalize it somewhat, that uses history of tons in place.

Kaiba White: We care about that history.

Adam Gregory: Of course, and that's why it's in the total number, calculating the total emissions. But to do a divisor on that with the total in place, say a 60-year-old landfill could have millions and millions and millions of tons in place and that divides it down to a nothing number versus a newer landfill that's gonna have a few thousand tons in place...

Bubba Smith: But their emissions aren't going to be high.

Adam Gregory: Think about it in 10 years. They will have emissions without a collection system.

Andrew Dobbs: The thing is the more your emissions are, your denominator gets as big as your numerator. I think that this is how you normalize right, bigger landfills will have more tons in place...

Adam Gregory: Yeah, we're talking theoretically. I'll just reserve my final judgement until I can see it penciled out.

Kaiba White: I feel like at this point I'm getting into foggy territory here.

Bob Gregory: It's real foggy territory until we actually see some of these results. It's being changed quite a bit and we already talked about the variation...

Susan Shultz: Right, but you guys are the experts of the industry here. So as far as giving advice to staff or to the City as far as how it should be looked at and how it should be calculated, then this is your chance to give us some input on that.

Bob Gregory: And we're trying to do that. Under the heading of kind of garbage in, garbage out, it still starts with how you figure the total emissions per year. Because if there's a range of 1/10 to 10 times what the volume can be with the variables allowed now, and I talked about it in the last meeting earlier this year, the SWANA, the NWRA, which is the two national organizations for private and municipal landfills, the same company that the City uses for its expert. Waste Management, Republic Waste, they all agree that the numbers that EPA uses are far over estimated because they use old landfills in the northeast with much heavier rainfall, some without even liners that have a lot of infiltration...

Kaiba White: But you're not going to be compared to landfills in the northeast, so it really doesn't matter, right?

Bob Gregory: It does matter in that the numbers generated are ridiculously high.

Kaiba White: But they'll be the same ridiculously high for all of the local landfills, right?

Bob Gregory: But the local landfills, what I'm trying to say, have got the ability to call it for as much as 1/10th or 10 times the measure...

Kaiba White: Right, and you'll all have that same opportunity.

Bob Gregory: They've already reported not knowing that and not really caring. Some intentionally have reported high.

Kaiba White: If you were given the opportunity to rerun those numbers prior to this matrix going into effect would you be okay with this?

Bob Gregory: That's what I was leading to. I think if we're going to do this and we're to get out of the fog, we've got to have a criteria set that makes it an apples to apples comparison and by using published numbers that are on file now or are going to be posted this summer by EPA, with the huge variation there is in reporting, that's not an apples to apples comparison.

Susan Shultz: You're going to be given an opportunity to revise...

Bob Gregory: So I think we need to do, if you don't mind, what I think we need to do since we're getting so deep in this particularly in 15 points I think we need to come up with a criteria so the numbers run, so that people can see without any fog at all, and see what the numbers are producing and see whether it's reasonable.

Susan Shultz: Right, so does that capture this? Does that capture that number that you're talking about?

Bob Gregory: But again that number can vary dramatically, it can be 10 times to one landfill what that landfill could also report using allowed variables under EPA.

Susan Shultz: Right but now that you know it would be the lower number possible...

Bob Gregory: Well, I don't know it would be the lowest number possible because there's still a lot of variations that when you get to the point of being totally unrealistic about it and where you pass that line. I think there needs to be an apples to apples comparison of all the landfills that are a part of this.

Susan Shultz: How would you get that apples to apples?

Bob Gregory: It would be getting experts from these different landfill companies and the City together. Because the company the City uses, they were one of the leaders in developing this request to EPA to make the numbers that are the default numbers much, much lower and much more reasonable. Every single entity that has anything to do with a landfill signed on this same letter earlier this year asking EPA to do that. So it's not just the privates versus everybody else, and I don't know if the environmental groups weighed in on that or not. I don't know yet. It was just filed not long ago.

Susan Shultz: Okay.

Adam Gregory: I think what we're saying is we won't necessarily be able to identify if there could be absurd results until we actually see the results regardless of what we choose for the...

Susan Shultz: For the language?

Adam Gregory: Yeah.

Susan Shultz: Does the language today allow you to then refine what you would want to report? Does this, in other words, give you enough leeway to then as a group, as an industry...

Adam Gregory: We can go to calculate it but we don't know yet how the other folks are going to calculate it.

Chris Thomas: This is by far the most technical single item on the whole matrix and it's going to take a lot. We can't figure it out in this room. I know you probably could, but I can't. So my suggestion was go through this, move on, conceptually everybody's good it sounds like for the most part, kind of, with this and then we have another meeting with the landfill operators. Get their consultants in a room with the City and site down with our numbers and go through it, and just see how it works out and looks and we can all have some sort of a conversation.

Kaiba White: So, I, first of all, agree I think that we need more detailed information to really figure out what this formula should be for this matrix. I personally would like to be part of that conversation. I don't want to speak for anybody else

here. I think that it could just be the second meeting that we have scheduled later in the month and we get the consultant or whoever in here and is actually showing us on a PowerPoint or on a board or whatever the actual formula and a sample of how this works out. And some people might not want to sit around for that, fine, but I think it is necessary. So that's my two cents. I would just like to be a part of that.

Chris Thomas: Somebody could do it. Conceptually if a new landfill started last year and took this many tons, here's how much is generated, we could come up with a sample of a new landfill and what that would look like.

Mike Mnoian: Is there a common multiplier that all the landfills involved with this can use and then it's apples to apples? Like we emit X amount of emissions based on this multiplier number. Whatever that number is, 50%, 10%...

Adam Gregory: Calculation's got dozens of numbers...

Mike Mnoian: Oh, okay. I'm not in landfills.

Adam Gregory: That's what we're trying to do. Yeah.

Mike Mnoian: So is there a way to do it then with those dozens of numbers...

Adam Gregory: We hope so.

Mike Mnoian: Where they're all the same number for landfill A, B, C, D, and F?

Kaiba White: That's what this is.

Susan Shultz: I think we're going to agree to move on from that. Yes, do you have a comment?

Andy Andradi: So how are the 20 points going to be awarded? Or the portion of the 20 points?

Susan Shultz: Okay. Let's talk about that. Let's talk about the scoring. David, did you have a comment on the language?

David Green: Well, I have, it's related, and I'm still struggling with how do you actually get to what the score is? I still haven't inferred how that happens. This is related to our level of concern about it. This kind of threshold question. When will this matrix be used and how often does it have to be updated? You know, because, let's just fast forward here. There's really only three sites in the next three years that may be eligible for contracts with the City and let's just say it's 2022 and let's also assume 130 Environmental Park is now open. When we do this matrix, and is it updated annually? And how is it going to be used? Because this, is this going to be updated annually? And then how does a new facility, how does it get judged as we go through this? And I think just to be realistic about it, we have to address that. We are new. I don't want to be penalized because we're new. I don't want to be advantaged because we're new. I just want to figure out how to make sure that we are a viable option for the City to consider when they have new disposal RFPs or contracts that they want to put out. I could make a very credible argument when it comes to the carbon footprint, the City would be very well served to go to a brand-new facility. We have less of a carbon footprint than the other ones. So to normalize it doesn't seem fair. Why wouldn't the City want to go to a brand new facility? Because it has less of a carbon footprint. We should get a benefit. We shouldn't be penalized. We should get a benefit. I'm just kind of rambling but I do want to come back to, before this meeting is over is when will the first matrix be completed and how often does it have to be updated and resubmitted? Or are you just making it part of the RFQ? Like if the City has a contract that's coming out, you do an RFQ, fill out the matrix, and then you get a grade and then you do the RFP.

Chris Thomas: That was my assumption that every time something comes up you got a new matrix. If you got stuff to update, you update it. If you don't, it's the same thing. You can only update your emissions numbers once a year probably when you do that so everything else can be updated as things go and every time a bid comes up for the City you submit it.

Andy Andrasi: So in relation to that, so the City awards multiyear contracts. As an independent hauler, if we put a bid in under one set of assumptions based on the matrix and then next year something changes and the landfill we were working with is no longer on the list, how does that affect...?

Adam Gregory: There's not a list. It can't be pass/fail. There's gonna be a score.

Andy Andrasi: But would that dynamic change the destination?

Adam Gregory: It should not be able to dictate you to change what you're doing in any way. If you were awarded a contract where you've identified a particular facility and Council awarded that contract, I don't see this separate path or this criteria, whether what your score is, going from one thing to another, having any effect on your contract until it expires. I will make sure...

Andrew Dobbs: The intention... it's about deciding who gets a contract, not every single year we're going to change who we're contracting with...

Andy Andrasi: That's a dynamic thing...

Andrew Dobbs: Can we all agree that nobody wants that?

Kaiba White: I don't think anybody has proposed that, so...

Adam Gregory: It initially was by the staff as a pass/fail thing.

Susan Shultz: Okay, let's go back to the scoring then. I think we have a pretty good understanding about...

Tina Bui: If helpful, can we provide some commentary on this issue?

Adam Gregory: Yeah, please.

Tina Bui: Yeah, so originally we had talked about different alternatives like pass/fail. We at ARR, our approach is, we've been looking at this as potentially something we would use on an annual basis to certify or to evaluate, rather, on an annual basis. We have been talking to the Purchasing department and the Law department to get feedback about how this actually would be implemented and it is very challenging, obviously. We hear all these considerations that you are discussing and we have also been talking about them internally. We are not intending to penalize anyone new, old, this, that, etcetera. The goal is how do we make it as neutral as possible. And again, there are, what we think might make the most sense, would be some kind of annual evaluation that would be used in direct solicitations and plugged into some kind of solicitation of some sort. I will note that if we do something like that even on an annual basis that is still somewhat of an ongoing cycle and so also an issue that we will have to deal with, we in City management is how do we administer that, right? Like, for example, we've been using analogies internally like Austin Energy Green Building. They've got a whole staff of people that are constantly administering and evaluating do you get 1 star, 2 star, 3 star, 4 star, 5 stars. And so while potentially not as intense, that is also a consideration for us in terms of like every day administration and how this works. We are looking to you guys to help provide feedback that we will take and try to shape some kind of professional recommendation. It's a little open-ended, I think that's the challenging part of it because a lot of these questions you're posing without knowing the answer to that 5 million dollar question. We recognize that people's opinions may change, throughout, dependent on that. It's a little bit of the chicken and egg, what comes first. But again we are, Austin Resource Recovery, we are looking at some kind of annual evaluation system but we are also needing to balance that with the feedback that we hear from you guys, the feedback and commentary we get from Purchasing and Legal in terms of the actual implementability on everyday administration and management.

Mark Nathan: So Tina, what is the point in an annual evaluation versus the... (*inaudible*)

Tina Bui: I think part of it... that's a good question. There could be multiple solicitations, I think as Andy was pointing out there are solicitations ongoing all the time. If somebody falls off or somebody new comes online, it was just something we thought that...

Mark Nathan: Someone falls off of what?

Tina Bui: I guess, I feel like even in these conversations here it's come up before. Let's say somebody's rating changes or this and that but the contract is still in play for 5 years or 10 years, does that affect anything?

Andrew Dobbs: I mean like I think it's a really bad idea that we blow this whole process up if we bring that in, this idea that 'yeah we're going to sign a contract and then two years in we're gonna cancel it because...'

Adam Gregory: We won't participate in something like that. I don't think anybody would.

Tina Bui: I don't think that's necessarily what I'm saying but please take everything with a grain of salt because I think we're trying to figure this out together with you. These are not easy questions to answer and so even when we say this, so if I'm using language that sounds very strict and decided, I just want to emphasize again, we're still trying to figure it out too, this is not an easy fix.

Andrew Dobbs: It seems totally irrelevant to have a score for a facility that's not bidding on anything, right, like if this is used to inform City procurement, it's just like a trivial fact. Like, oh okay, so why not just do it... (*inaudible*) with bids, I mean that seems like the most logical answer. Like we're using this for procurement, when procurement processes come up that's when they will submit their scores and then we'll consider it. Now if there happens to be two or three bids in the course of a year or something like that...

Adam Gregory: There will be.

Andrew Dobbs: Yeah, there will be. They could use the same score for all of them...

Adam Gregory: That's fine. The score is just, the bidder is proposing for, and most times it's gonna be a hauler bidding on a contract to haul waste, and you have to identify what landfill you're going to use. That landfill is going to have a score from zero to 100 and that is simply information for the Council to consider when choosing to award a contract. Say if there's a ten dollar bid that is gonna use a landfill with a score of zero, and there's an 11 dollar bid that's using a landfill that scored 100, the Council can make that decision and it can weigh in on them. I'll go back to what I said in the very, very first meeting. The ultimate goal of this is to provide policymakers and decision makers with more information, not fewer choices. So there's already an infrastructure and a process with evaluating things per solicitation. I would encourage you to do it as just a simple part of each solicitation and the landfill can provide the information. If nothing's changed from one solicitation to the next and you are evaluated, you just say no change. And if there is...

Susan Shultz: So this is helpful, I think, discussion, but ultimately we're going to need to move on. I know these questions are certainly part of the input so...

Heather-Nicole Hoffman: One quick comment. Can we do an annual and then if there's a solicitation they can go to that landfill and say, 'Is there an update from the annual.' So that there's something on file and they don't have to hunt you down each time, or whatever it is, so that there is something on file and an incentive to update at least annually. Because we're going to have annual emissions changes, right?

Gerry Acuna: That could be something as simple as...

Heather-Nicole Hoffman: Any objections?

Gerry Acuna: Annually you report to the TCEQ.

Richard McHale: I think we probably need to have some type of hybrid system because you're not gonna want to use data from a landfill that's two years old and over the past year they have horrible compliance history. So we don't want to use old data but I understand the concern we don't want to do this on a regular basis, so...

Tina Bui: We agree.

Gerry Acuna: Can I make a comment here real quick guys, this is just gonna be part of the process. Obviously (*inaudible*) suggested pricing, that's part of it. This is basically telling staff where you guys intend take the material. There's a whole lot more to the RFP than just the landfill. It's an important part of it but that's (*inaudible*).

Chris Thomas: There's only two. There's price and this. The big question is how are those weighed together. If we can go through this and get this done, it all depends on how much this is weighed against price.

Adam Gregory: Well there's quality of service delivery on the hauling side. There's a lot of other things that go into it.

Susan Shultz: Before we go off on that can we get back to the scoring? What I heard was that 1A would be 20 and 1B would be 5. Is that still the proposal?

Kaiba White: Yes.

Susan Shultz: Okay.

Andy Andradi: So was the question ever answered how the points are going to be apportioned?

Susan Shultz: No. We're taking that up next.

Andrew Dobbs: Can we, is there any way that we can move on and get to other stuff and just flag that as a thing that needs to be addressed and then somebody, like maybe staff can... they did a really decent job on what we have before us, maybe they can put their heads together, come up with a proposal and bring it back to folks, and I don't know if we're meeting again or not. It'd be cool if we didn't. But not that I don't love you guys, but if we could figure out... (*inaudible*) trying to hammer out that issue right now...

Kaiba White: Yeah I think that's what we proposed.

Susan Shultz: So, the formula should be numbers? Or...?

Andy Andradi: No I'm just asking how you're going to be awarding x number to 20.

Chris Thomas: We may need to have a technical session and everybody come to it if you want, but the technical session is important for the detail.

Susan Shultz: Comment?

Bob Gregory: I would just like to throw out that I would strongly encourage us to wait until we've gone through all of these things to start talking about the points allocated. Because I don't know whether it's going to be a 200 point system or 100 point system. If it's a 100 point system, and if we were trying to decide on 15 or 10, here when we haven't even gotten to 1, 2, and 3 points that may be of serious concern to some. I think the percentage points by category should come after there's an awareness of what all the categories are.

(*inaudible*)

Adam Gregory: I'm saying in other words when you assign, when you change it from 15 to 20, you're necessarily diluting the importance of the remaining categories. So 15 was already the highest category...

Kaiba White: We took the 5 away from there.

Adam Gregory: I understand, but we're gonna discuss the fact that they did 2 and 3 points relative to the...

David Green: ...that's a percentage of value in this category, not necessarily the points itself. And then if we change things around then we kinda use that same ratio.

Richard McHale: One question.

Kaiba White: I have a suggestion. Oh, go ahead.

Richard McHale: Just one thing. Are y'all good with the categories, the total points. Not within the category, but the four main things.

Amanda Masino: The 25-25....

Kaiba White: It's a 100 point scale.

Richard McHale: Let's talk about that and then we can get into the details.

Susan Shultz: So as far as the categories, the four major categories, the carbon footprint, environmental, safety, and community impact. As far as the total points that those have been awarded or are proposed to be awarded...

Andrew Dobbs: We're talking about the top line, second measure?

Susan Shultz: Yes, the green line.

Andrew Dobbs: I think that the number 4 is too low and I would propose, I'm just gonna flag this, I don't think we necessarily deal with it today, it's more important for us to figure out where the controversies are right now rather than arguing all of them out, right this second. But I would propose taking 5 points from number 1, taking 25 down to 20, and 5 points from number 3 taking it from 25 down to 20, adding them to number 4. We have a 20 point category in 1, a 30 point category in 2, a 20 point category in 3, and a 30 point category in 4.

Kaiba White: Sorry Dobbs, but I'm not gonna support that. You can even them all out to 25 and I would support that.

Andrew Dobbs: I'm okay with that too. I'm not necessarily opposed to making them all equal, but I feel like the reason I said that is because some of these that we'll get to are like 2 points and 3 points when these are really serious things that have been like flagged by councilmembers and community members as key elements of the debate here. So I mean, like, the fact that you can sit there and screw people over on those and only lose 2 points, it's something that has to be taken seriously.

Adam Gregory: Absolutely, and to see the comparison when you've got 3 points versus 2 points and how you can say all the opposition from Council and history and all the hazardous waste can be made up by just a corrective action over here that's 8 points. The comparison of them, you've got in some of these, number 2 and number 3, you've got so many subcategories that it necessarily dilutes the amount of points you can apply to those and they become much less impactful to the criteria when they're incredibly important things.

Andrew Dobbs: And in fact I believe there's a lot of environmental justice advocates that would argue that we have a long history of taking these kind of, not necessarily abstract environmental categories but certain environmental categories and placing them over a traditional environmentalist route and making them more important than the actual direct impacts on communities of color, right, that's like the whole environmental justice movement's argument, protecting the solidators while people in east Austin are choking to death on gas fumes. I think that all those, I think that it's gonna be tough to fix it for sure but what we're seeing here is that same kind of thing where you can have a great gas system and capture all your gas and you get 15 points over here, but you're screwing your neighbors and acting in an irresponsible fashion and dumping on communities of color, and yeah you lose 2 or 3 points here and there. It reflects our priorities in this document in a way that I think will upset some of our allies and advocates.

Adam Gregory: Also landfill gas collection and stuff is weighted incredibly high whereas diversion activities, composting, diverting organics, and your practices, those are 3 points. So the old saying 'an ounce of prevention is worth a pound of cure,' we've turned that on its ear and say 'prevention is worth very, very little' but as long as you cure or attempt to cure what might be a horrible operation that emits incredible amounts, that is given a far greater amount of points over a facility that prevented those problems to begin with. So I'll say this, make a very blanket statement. The way these numbers are allocated is going to come up with an absolutely absurd result.

Susan Shultz: As far as just the main categories?

Adam Gregory: No, the subcategories, primarily. But they're part and parcel of each other.

David Green: I support the 25-25 – they should be equal.

Susan Shultz: Equal? Okay.

David Green: Because that was your question, right? What's the allocation? I would support that.

Susan Shultz: Any concerns with that?

Josh Blaine: I'm going to switch out with Cathy in a second here but I agree with what Dobbs said here, it does seem like one in the same weighting against a lot of what's motivated this whole conversation in the first place. And what I would be curious about, and I know the City in their budget, they had this pretty simple, like 'how much does this matter to you?' thing that people could slide along. If we made it simple like that with those four categories and really get it out to these communities who are most impacted and other groups who aren't here perhaps, who do have a lens like Dobbs was talking about. It can reflect, maybe we need to put this on its head and have a very different matrix that does reflect that more. I would feel better about what we come up with if we were able to have some kind of more robust but simple outreach effort. Because this is, as far as I'm concerned, this is the bread and butter of what we're doing here. How much these things matter?

Susan Shultz: For the landfill operator?

Josh Blaine: For the community. In terms of what these, how these things are scored. This whole thing is pointless if the main concern is 2 points out of 100.

Susan Shultz: Well but at this point it'd be 25. So it'd be a quarter of...

Josh Blaine: Well, to the point that I think that I made by so many other elements...

Kaiba White: I wonder if there's some of those subcategories, once we get to them, we might all agree are like maybe they're one point or maybe they're zero points, like maybe there are some of these that aren't as important or quantifiable as others.

Susan Shultz: The current proposal is to make it 25 points each. Does anybody have any concerns with that? Do we want to wait to talk about the subcategories first?

Amanda Masino: I think we want to decide on the big points first, which was just established.

Andrew Dobbs: I don't see any reason to object to 25 across the board.

Chris Thomas: Either way, whatever that ...

Alfonso Sifuentes: What about the possibility of moving some of the subcategories to maybe...*(inaudible)*

Andrew Dobbs: I think if there are opportunities to do that that should obviously be *(inaudible)*...

Susan Shultz: Okay, so what I'm hearing is equal weight for each category. Does anybody have any objection to that?

Chris Thomas: Not yet.

Adam Gregory: Not yet.

Susan Shultz: Okay. Do you want to go to 2 or do you want to start with another category?

Andrew Dobbs: Let's just do it.

Susan Shultz: All right, 2.

Andrew Dobbs: I think 2A has been done pretty well. We've had a lot of debate and discussion about this. I think if we want to weight current compliance against past compliance, I think this accomplishes that in a pretty objective way. I don't know if other people will think that, too.

Susan Shultz: We do have consensus on Number 1. Number 2?

Kaiba White: I have a question. On measure 1, I think I support this, I just want to make sure that there's clarity that essentially having an unsatisfactory rating is a disqualifying feature. Is that accurate?

Heather-Nicole Hoffman: I think it's zero out of 8.

Kaiba White: I guess, so we might do business with a landfill that has an unsatisfactory rating. Is that...?

Woody Raine: I don't think any of the landfills in the area have ever received that.

Kaiba White: Right.

Andrew Dobbs: That's hard to get.

Kaiba White: Okay.

Adam Gregory: We're talking about the TCEQ here.

Chris Thomas: This is saying right now you get zero points for having a satisfactory rating, which in most cases when they come out and do inspections, you either get satisfactory or unsatisfactory rating. So I think getting zero for having a satisfactory rating means you met all your permit compliance.

Kaiba White: Right.

Chris Thomas: You shouldn't get zero points for meeting...

Kaiba White: Well I actually think you should get zero points because that should be the bar and if you can't cross that bar, we shouldn't be doing business with you at all.

Heather-Nicole Hoffman: So you're saying you should get negative points if you're unsatisfactory?

Kaiba White: Not negative points, I think that should be a disqualifying feature.

Bubba Smith: So I guess what he's asking is, if you get a satisfactory rating, this says you get no points.

Kaiba White: Yeah and I guess I am kind of wondering, can we put a period after 'satisfactory' and then add 'having an unsatisfactory rating disqualifies you from this process.' We should not be doing business with facilities...

Andrew Dobbs: The level of messing around you've got to do to get an unsatisfactory...

Adam Gregory: Right, that's got to be up to the Council. Even in that situation in wouldn't want to put 100% power for the staff to disqualify anyone before it becomes a decision of the Council. I will be there with you telling Council you have no business doing business with an unsatisfactory facility. However, objectively speaking when we're talking about who decides whether they're disqualified.

Kaiba White: But there's all the time proposals that come in and they just don't meet the basic requirements of the RFP and so they're not even ranked, they're not even scored.

Andrew Dobbs: I think that goes with what you're saying. That seems like a part of the RFP, right, and in all RFPs it says you have to have a satisfactory or high compliance rating. Anybody with an unsatisfactory compliance rating does not qualify for bidding. I don't think that that's, I don't think anybody here has a problem with that.

Amanda Masino: Again, that belongs in the RFP, not the matrix.

Andrew Dobbs: Yeah.

Kaiba White: I'll leave it alone.

Andrew Dobbs: To her point, I like that idea of if you have a satisfactory rating and you don't get these points but if you have a higher rating you do, so that if everybody's at satisfactory because what you're saying is that's where most people are at, then it'll be easy to get that. That's the base level. If you get points for being beyond that and being at that high compliance level it will encourage people, and that's a pretty significant point level right there. That will encourage people to go out and like go above and beyond and call up TCEQ and ask what it's gonna take to get there.

Chris Thomas: I just don't think that somebody that gets satisfactory rating should get the same points as someone with unsatisfactory.

Andrew Dobbs: That's what we're saying.

Kaiba White: We agree. We're saying the landfill with an unsatisfactory rating we shouldn't even bother with the rest of this matrix, is what I'm saying.

Chris Thomas: They're gonna get zero points on this category for being unsatisfactory, but now you're weighting people with satisfactory rating the same as someone with unsatisfactory where most facilities in the state are in a satisfactory rating.

Adam Gregory: She was saying she would throw out the unsatisfactory people, period.

Kaiba White: It would be worse than zero points. It would be disqualification.

Bubba Smith: But what he's saying is that he's still gonna get a zero, or somebody would get a zero if they're satisfactory.

Susan Shultz: No, everybody will get a zero if you're satisfactory. You're only gonna get points if you're achieving above and beyond.

Ken May: Does anybody have any information on how often the TCEQ has given a high compliance rating? Has this ever happened?

Adam Gregory: TDS has a high compliance rating.

Bob Gregory: All the landfills have a high compliance rating. This is all on the Internet right now. You can pull 'em off today. I think every landfill in the county has a high compliance. So this is just a guaranteed 8 points.

Kaiba White: Then I would suggest that 8 points is too much.

Andy Andradi: I have a question, so the landfills submit these, the matrix, they get a score, whatever. Someone gets a 70, someone gets a 75. Does that mean the Council... what does that number mean?

Adam Gregory: It's information for the Council in making their decision. That's the only thing I'll participate in.

Susan Shultz: And you have other factors in the bid that will affect...

Adam Gregory: Of course, there's all sorts of other factors...

Heather-Nicole Hoffman: They don't have to take the highest rated?

Adam Gregory: They don't necessarily, it's their ability to subjectively evaluate and it's not an objective determination taken out of their hands.

Heather-Nicole Hoffman: I do have one question on that. Will Council see how they broke down the ratings? 'Cause I know sometimes we get things and you say, 'Oh well it was by the matrix' but we don't see which items they got dinged on or...

Gena McKinley: I assume so. The matrix itself will go to Council for approval, so they will vote on it and how they implement it and that's part of the...

Heather-Nicole Hoffman: But when a landfill fills it out will they see the actual...

Gena McKinley: I understand what you're asking, and I think that can be a recommendation to Council when the full matrix is provided it in addition to the score.

Heather-Nicole Hoffman: Okay. Yeah, cause then they can see.

Gena McKinley: (*inaudible*) ...set the parameters for how the matrix is to be used. They're simply helping to create one.

Heather-Nicole Hoffman: Okay. Thank you.

Susan Shultz: Okay. Measure 2.

Andrew Dobbs: If we do lower the first one we'll need to lower this one, but I think it's the same kind of thing.

Adam Gregory: I've got a language issue here. It says, 'Landfill shall receive full credit for achieving a high, *a* high compliance rating during its lifetime.' The way the words work, if you had one high compliance rating and the rest unsatisfactory you'd still get all those points. So does that mean maintaining a high compliance rating? Does it mean getting *one*? Does it mean getting the majority? That's ambiguous language there.

Heather-Nicole Hoffman: Well, keep in mind we have five points to take out of this category. So we could...

Bob Gregory: Again, I'll point out all the landfills in Travis County have a high rating beyond compliance as well, so this is another guaranteed five points for every landfill, which is the staff's desire to get every landfill qualified.

Donna Gosh: So why do we have Measure 1 and 2? Why not just...

Adam Gregory: If the TCEQ permit compliance rating is meaningless, then maybe we should try and evaluate past behavior in a different manner.

Bubba Smith: Yeah, and I know why. That's not gonna happen. You know what you're talking about, come on now.

Adam Gregory: If you're trying to whitewash the history of your facility, you're damn right I'm gonna fight you.

Kaiba White: Let's not do this today. Okay. So I am hearing that this TCEQ rating is not maybe as meaningful as we might all would hope it would be. It sounds like it's not very nuanced so I'm gonna suggest in order to get us to a 25 point total score in this category that we reduce 2A, Measure 1 to 3 points, 2A, Measure 2 to 2 points, and increase the Zero Waste 2C to 5 points. Wait, I'm still owed... I think to 6 points.

Adam Gregory: I think we still need to go higher on that.

Kaiba White: No, we only needed to reduce it by five, sorry, to six points. On 2C.

Adam Gregory: Why don't we take 2A, all the permit compliance down to 1 point and give it all to the diversion activities.

Susan Shultz: Okay, before we move on staff has a comment. Tina?

Tina Bui: Yes. Just for clarification on Measure 2, yes, the intention was supposed to be the landfill will receive credit for achieving a higher compliance rating *throughout*, so it wasn't just intended to be a singular rating. It was intended to be over the lifetime.

Susan Shultz: Maintain a high compliance over the lifetime?

Tina Bui: High, high, high, high, high.

Bob Gregory: That's problematic because it's only been instilled recently. It doesn't go back very many years.

Tina Bui: Okay, that's a good point.

Bob Gregory: You can't say lifetime. You can talk about during the time there has even been a rating system, or a rating system.

Tina Bui: Okay, that's a good point. Yes.

Susan Shultz: Does the group want to keep that criteria in or you just want to look at the last five years?

Kaiba White: I think... we've already had that discussion.

Chris Thomas: Do we need to have the two categories? Can you just say 'high compliance rating'?

Kaiba White: It's really important to some people that it's two categories.

David Green: How do you deal with a facility that's less than five years old? Full points?

Kaiba White: If they have high compliance.

Heather-Nicole Hoffman: No, they get zero. No credit for satisfactory...

David Green: We obviously don't have the certificate of being in high compliance, you have to be rated at all, so I'm just saying, this is an area again with a new facility, when you look at this, make sure we're not being penalized unfairly.

Kaiba White: That seems reasonable, but you'll get a rating like next year, right?

Heather-Nicole Hoffman: They're not open.

David Green: You'll have the most recent. But this gives an extra five points for something you did more than five years ago. Or that occurred more than five years ago.

Kaiba White: Well I'm suggesting that the 8 be reduced to 3 and that gives us back the 5 points we need to get down from 30, and we reduce the 5 to 2, and then down on 2C we give that extra 3 points to the Zero Waste efforts and make that 6.

Susan Shultz: Okay, so we'll hold off on that proposal. I've noted it down so that we can go through the rest of the 2. Any other concerns with the rest of the subcategories in 2?

Andrew Dobbs: One thing, there's one or two things I want to talk about. One, on 2C, I want to make sure that diversion doesn't include any kind of incineration technologies or anything like that. And the way that we can do that, that's easy I believe, is 'submit a detailed list of activities that promote zero waste and waste diversion in line with the City of Austin Zero Waste Master Plan,' because we have good definitions in that Master Plan for what counts as diversion and what doesn't. I want to make sure that we're not counting alternative daily cover as diversion, or, you know, waste to fuel.

Susan Shultz: Any concern with that added language?

Kaiba White: I support it.

Susan Shultz: So it's consistent, so you're talking about 2C?

Andrew Dobbs: Yeah, consistent, that's a good word. Yeah, like, 'submit a detailed list of activities that promote zero waste and waste diversion *consistent with the Austin Zero Waste Master Plan.*'

David Green: Do you show that there is no consensus on this point?

Susan Shultz: The first column is y, that's consensus.

David Green: I'm just gonna reiterate that I think it's unfair to not give credit for diversion activities that take place offsite when you have either your own facilities or an arrangement with somebody else, where recycling takes place or diversion takes place and it comes to the landfill. It shouldn't be just onsite.

Andrew Dobbs: It says 'Landfills are credited for on-site activities that reduce disposal'.

David Green: And so these are just examples 'such as', so it's not restrictive.

Kaiba White: Right. It says 'submit a detailed list of activities'.

Andrew Dobbs: Do we need to clarify the wording by adding in parentheses the words 'such as,' say, 'such as' parentheses 'but not limited to,' close parentheses. Citizen drop-off...

David Green: Okay, thank you.

Susan Shultz: Are you okay with that? 'Such as but not limited to'?

Adam Gregory: Yeah, that's fine.

Andrew Dobbs: As long as it's consistent with the Zero Waste Master Plan so that people aren't coming in here and saying, 'We're creating, you know, refuse-derived fuel, so give us points.'

Adam Gregory: Can someone tell me what the difference between 2C and 2D is? Or I mean an example of 2D, 'a detailed list of environmental sustainability practices?'

Andrew Dobbs: That's totally subjective too.

Ken May: These two, 2C and 2D do seem to be repeats of each other.

Adam Gregory: I would put all those 3 points in 2D back into 2C.

Andrew Dobbs: I'm good with that. I guess it could be like, this is like if you have a butterfly garden or I don't know, like...

Susan Shultz: So I'm hearing consensus to delete 2D? Are you suggesting to add any language in 2C?

Adam Gregory: I think 2C covers 2D and so...

Kaiba White: Well, I'm wondering, is there anything related to water runoff or something in that category that maybe we're not capturing? Like we're capturing carbon emissions...

Cathy Gattuso: I know there are sustainable practices you can do with rainwater recapture and using it, and that would be a sustainable practice.

Heather-Nicole Hoffman: But that's not waste related.

Adam Gregory: It was originally equated point wise with composting and reuse and citizen's drop-off and things like that.

Kaiba White: So maybe it's only a one value, but I'm wondering if maybe it should stay there.

Cathy Gattuso: I think it would be important if somebody had some sustainable things they were doing.

Kaiba White: Yeah.

Cathy Gattuso: Water runoff off a roof is the only thing I can think of.

Kaiba White: I'm thinking like water collecting in or on the landfill and where that goes...

Adam Gregory: That, to me, would be in 2F. I'm sorry.

Heather-Nicole Hoffman: That's the same thing she's saying.

Kaiba White: Oh, okay.

Adam Gregory: I would say that would be in 2F because you manage your runoff and stuff, that's all in the permit stuff and if you're going beyond...

Donna Gosh: The other sustainable practices you would do are gonna be a whole lot less than what 2C is.

Susan Shultz: Okay.

Daniel Rumsey: So what did we say, move 2 up to 2C and move 2D to 1?

Andrew Dobbs: I'm sorry, what is it?

Daniel Rumsey: We're just combining environmental and...

Kaiba White: I think we should leave 'em separate but reduce it to 1.

Susan Shultz: Reduce 2D to 1 is the proposal. Any concern with that?

Andrew Dobbs: Then combine it with 2C?

Susan Shultz: No, leave it separate.

Andrew Dobbs: That's fine. I will say going back though that 2B seems duplicative of everything we just spent an hour and a half talking about in 1. So why not like, rather than like trying to get landfill gas twice in here, why not just let 1 carry all the water for that and take those four points and put them somewhere else?

Adam Gregory: In 2E.

Donna Gosh: Because 2B got originally moved from 1 down and it has to do with something that may or may not ever happen.

Kaiba White: And I'm fine with moving it back up if you want to. I don't care.

Andrew Dobbs: What's the difference?

Kaiba White: Because now we're not doing what I proposed which was to have a single value anyway. The difference is what do you do with the gas once you collect it? Do you just burn it off and waste it in a flare or do you actually...

Andrew Dobbs: Is that not taken into account in the flight model?

Kaiba White: No, because either way you're producing CO₂ when you burn that gas. It's whether you're getting a beneficial use while you're producing CO₂ which has some value.

Daniel Rumsey: I think that's why we originally moved it down...

Kaiba White: Right, because I was trying to get us to one calculation but we're not doing that anyway, so I don't care where it goes.

Susan Shultz: So what's the consensus, leave it in?

Andrew Dobbs: That's fine.

Susan Shultz: Leave it in. Okay.

Adam Gregory: But should that be worth more than...

David Green: I don't know how a new facility would be able to really qualify for those four points.

Adam Gregory: You won't. In looking at the original numbers, weighting that above diversion activities seems...

Kaiba White: But we're not, we're adding points to...

Adam Gregory: I understand that. Should we reduce this 2B, also? And put it in 2E?

Kaiba White: Well, we already have five points to work with. We could put all five of those points into 2C.

Andrew Dobbs: You don't want to put all five in there.

Kaiba White: I'm not saying we should. I'm saying we have five points.

Andrew Dobbs: What I will say is, Gerry and I are sitting here talking, that 4 has a lot of sections that need more points. Like the 5 if we're gonna add there (*inaudible*) and let's remember also that this whole category, too, is down five points that we haven't taken out yet. Guys, we're talking about we're up five, remember that we took five points out of this entire section so what we've done...

Heather-Nicole Hoffman: She already took care of that in 2A.

Kaiba White: Yeah, I'm saying if people accept reducing 8 in 2A to 3, and then 5 to a 2, then we have not only dealt with the five points we have to give back, but we also have the usual 3 points.

Susan Shultz: Under the proposal you're down, you're at 23 according to my calculation in 2.

Kaiba White: Unless we move that into Zero Waste which is what I'm proposing.

Andrew Dobbs: Yeah, that's fine.

Susan Shultz: So you're saying make Zero Waste, 2C, 8 points?

Kaiba White: I had said 6 but now we have an additional 2 points but maybe somebody wants to put it somewhere else.

Andrew Dobbs: I would argue that we should put that in 2E and that's gonna be an argument. And I think that we should have that in a second. But before we do that, I think 2F looks great. My only concern with 2D has been that it's like, 'the landfill receives credit...', it's only down to one point. It doesn't really matter. That's fine. I won't argue on that.

Susan Shultz: So you're saying 2C, 8? Is that what you said, Kaiba?

Kaiba White: I had proposed 6.

Susan Shultz: There's 2 points that are out there if you want to award them to one of the categories.

Andrew Dobbs: Right now we're up to 6 on 2C with an extra 2 points that we're gonna decide where it goes.

Susan Shultz: Right, so right now as it stands...

Andrew Dobbs: And 2D is down to 1.

Susan Shultz: 2A, measure 1 is 3. Measure 2 is 2. 2B is 4 currently. 2C is proposed at 6. 2D is proposed at 1. 2E is currently at 4. And 2F is currently at 3.

Andrew Dobbs: And we have 2 extra points.

Donna Gosh: I would propose putting them in Zero Waste 'cause I mean that's one of the big pushes of the City, is diverting and getting to zero waste. That seems like...

Susan Shultz: So your proposal is to make 2C 8?

Donna Gosh: I would, cause that's a big push of the City.

Andrew Dobbs: I want to make the argument of why it should be in 2B, if I may.

Susan Shultz: Go ahead.

Andrew Dobbs: This is the thing that everybody argues with Waste Management about and so this is the whole hullabaloo we've had over and over again, and I'm just gonna make my case and then let everyone decide what they want to do here. The hazardous waste that is onsite there, pre-EPA stuff that they have, they go out of their way to tell us all the time that it's not their fault, it's not their responsibility, somebody else put it there, etcetera, etcetera, that's great. At some point, that waste is mobile, right, like we're seeing it, literally there's indications that it has moved underground into underground water and other soils in the area. Right? Mobile, high-hazard waste like that, is a CERCLA liability at some point, CERCLA being the Superfund law. Right? At some point somebody's gonna have to clean that up and it is gonna cost a lot of money. You know, the San Jacinto River waste pits in Houston was \$115 million dollars. Westlake Landfill in St. Louis right now run by Republic, is \$234 million dollars, or \$236. I don't think it's gonna be in those same ranges, but it's tens of millions of dollars. Okay? If it is not Waste Management's responsibility, if they find a way to get out of that, then what's going to happen is EPA is gonna come around and they're gonna start whacking it up among everyone that has waste in that facility, especially anybody that *knew* that this was a liability involved. And they're gonna come to the City of Austin and they're gonna say, 'Okay City of Austin, you threw this much waste in here, here's your bill for the cleanup.' And it's gonna be millions and millions of dollars, okay. This is just the law, okay. I'm saying that we should weight this factor two points more so that the City can accurately reflect, I still don't think it accurately reflects, but we can actually get a sense of the risk to the City by disposing in a facility that has such liabilities associated with it.

Kaiba White: And actually, I'm wondering why that language is crossed out here.

Susan Shultz: What, risk? As opposed to the existence?

Kaiba White: Yeah.

Amanda Masino: I guess that's not a description of what they're collecting, it's why. Right? The assessment of risk to the City.

Tina Bui: I think we were just trying to make it as objective as possible and assessing risk is a difficult thing. So we're open to your feedback.

Kaiba White: I would say legal risk is what Dobbs is talking about and so if that's the point of this, let's get some legal analysis on it and...

Adam Gregory: The City has determined that there is significant risk to owners and users of the site. That's been determined. That's been part of policy. And to me, when the prefatory statement on our directive here is to do things consistent with Council policy and then to assign four points to this issue is in no way consistent with Council policy.

Andrew Dobbs: And furthermore, if I could just say, I actually don't mind the change, to be honest, because I think assessing risk is one of those things that if we had 15 lawyers here we could get 18 different assessments, right, and depending on who's paying them. Like TDS' lawyers will say it's the end of the world if we put a dime of waste in here it's gonna blow up, and another attorney would say it's fine and there's nothing to see here folks. And everybody else would have something else. So I think an actual objective standard that's written there right now which is, if they've taken hazardous waste they don't get the points, and if they haven't then they do. You know, it's like...

Adam Gregory: If it exists in the facility, is what the term is, and we have a contradiction here with the language.

Daniel Rumsey: I agree with the second statement...

Adam Gregory: I know you do.

Daniel Rumsey: Industrial hazardous waste.

Susan Shultz: So the proposal here is to add two points to 2E.

Adam Gregory: I would add at least two points to 2E.

Andrew Dobbs: Let's clarify that the dispute here is that TDS in the past has accepted it but then removed it from the landfill.

Susan Shultz: We've had this discussion guys.

Adam Gregory: We haven't had this discussion. We haven't had this discussion. There was one instance where waste was mischaracterized to us as nonhazardous waste. And then we were informed that it was actually, that they had misled us and it was not. So that started a 13-year process for us to defend not only the integrity of our landfill but the integrity of environmental rules in this state. Had we not done that then any landfill could've accidentally put hazardous waste in their landfill and then retested it and said, 'Oh it's not hazardous.' There's a landfill here that would particularly useful for them if they dug up one little bit, tested it, and said it's not hazardous and then 'dilution is the solution to pollution.' TDS stopped that from happening. Texas Campaign for the Environment was involved too. Took 13 years. So in any instance where if you're going to try and take points away from TDS in this criteria for the Penske/Zenith incident, we just won't play ball 'cause that's nonsense.

Ryan Hobbs: Furthermore, it doesn't meet the charge of the Council Work Group recommendations which was the existing levels of hazardous material at the landfill.

Adam Gregory: Existing levels.

Ryan Hobbs: That's not what this measure says.

Adam Gregory: But it's cute. It's a really cute way to try and make TDS look as bad or worse than Waste Management. But it's nonsense.

Susan Shultz: So if you're going to look at some objective criteria, some objective numbers, because here it says public information... is there public information on this?

Adam Gregory: Ad nauseam.

Susan Shultz: Okay. On the existing levels?

Adam Gregory: Yes, ma'am.

Susan Shultz: Okay, any concerns with changing the language to 'existing levels'?

Kaiba White: We're talking about the measure language, right? Can we just get rid of the word 'accepted'?

Alfonso Sifuentes: Help me understand if I'm reading the sentence 'the City will review public information on the existence of industrial hazardous waste onsite.' How will you be awarded four points for 'the City will review'?

Andrew Dobbs: The measure is how we do that.

Susan Shultz: The measure will be, 'the landfill will receive credit for not having accepted industrial hazardous waste.'

Heather-Nicole Hoffman: So just having...

Bob Gregory: I certainly have objection to the language 'the landfill will receive credit for not having accepted industrial hazardous waste' particularly since it's been identified, by Waste Management and City staff that the goal is to give

them credit because then they didn't 'accept it' and they are contending that TDS did 'accept' something that was mischaracterized and then later removed.

Kaiba White: What if we got rid of the word 'accepted'?

Bob Gregory: But it's important, excuse me, if you don't mind. But it's important to note that Waste Management bought the stock of the company that owned the landfill. They bought it knowing it was a hazardous waste facility. It was industrial toxic waste that they themselves have called hazardous waste. They cannot state because they bought the stock of the company that they did not buy the liability. They received the waste by their buying of the company's stock that was responsible for it. So this is the big gorilla in the middle of the room. What all of this entire waste of time we've been going through is all about, is to try to give Waste Management points for this and take points away from us on other things so that we will be worse than or just as bad as Waste Management. That's the point of this exercise that we're going through. This is absolutely absurd to have this where they get credit by stating they didn't accept it.

Adam Gregory: Dad, exactly. We're taking out 'accepted' and the presence of waste is gonna penalize them.

Woody Raine: I'd like to correct that. The language here is, the description refers to 'the existence of' and it may be that the wording was improper in how the measure was written, and the measure is supposed to reflect existence as well.

Ryan Hobbs: Then let's change it.

Woody Raine: So we're looking for better wording on that.

Andrew Dobbs: Kaiba's idea is the most elegant.

Kaiba White: Just delete the word 'accepted.'

Susan Shultz: 'The landfill will receive credit for not having industrial hazardous waste.'

Andrew Dobbs: You can add 'onsite' just because it's nice to have that.

Kaiba White: Sure.

Adam Gregory: Sure.

Andrew Dobbs: I'm a writer so...

Kaiba White: Yeah, I know. Believe me I was like...

Andrew Dobbs: Are we adding 2 points there?

Susan Shultz: Hold on. Any concern with that with change of language? Okay. Now, as far as points.

Adam Gregory: Six is the minimum.

Ryan Hobbs: Six is not enough.

Daniel Rumsey: Six is just as much as Zero Waste.

Ken May: I agree with that. This whole driving force is zero waste.

Daniel Rumsey: And now we're talking about something...

Andrew Dobbs: Actually the whole driving force is more than that. We were in the Solid Waste Working Group with Council and there's actually multiple different things that are the driving forces here, including the existence of solid industrial waste onsite, and specifically identified by the Working Group.

Susan Shultz: As far as the weighting of the different subcategories then, do you want to make 2E the same weight as 2C?

Adam Gregory: I think, the fact is they're two different things. You're going to be awarded with six points for doing the zero waste. You're going to be penalized the six points for having large amounts of hazardous toxic waste in your deal. So I think, to me, the hazardous waste should be even higher than the zero waste. Zero waste should be very high. Because I don't think Waste Management... they can't just add, even if they added a nominal composting operation or a scrap metal operation or something. That does not erase the presence and the risk from the hazardous waste there. So you've got to look at them relative to each other, and the fact that they don't have diversion and they do have the hazardous waste, they should get...

Daniel Rumsey: We absolutely have diversion.

Kaiba White: Okay, if you just talked about the matrix without them...

Chris Thomas: Well it's important, it may even change the title to: Is this facility, ACL, yes or no? That'll just wipe the slate and say this is what we're talking about. Why don't we do that the same way we did the waste screening, you know, with compliance?

Susan Shultz: Okay, hold on guys. Don't talk over each other.

Chris Thomas: When we talked about compliance, we let that thing go to Council and that's their decision whether they want to use it or not. Not put it in a criteria where we're dealing with that. Just like we said, if you have an unsatisfactory rating, Council will decide whether they want to use you or not. Keep it completely out of this because we're never going to agree on this.

Andrew Dobbs: I think if we just flag it as a disagreement and we put this before the Council to decide how they want to decide it. It is important that we weigh this information.

Chris Thomas: I totally agree with you guys but I don't think you can do it in here and give it adequate enough points. If it's that big, if the City sees it as that big of a risk, then it's that big of a risk. But I mean it's just a tough one to put in there and assign points to between competitors. We're not going to be able to agree.

Alfonso Sifuentes: I'll make the argument that 2F should be weighed even more than 3 points. I mean, that's just as important.

Kaiba White: Yeah, what if, now am just reading that one again and 2D does seem like it fits into 2F. I was looking at it in comparison to 2C and it seems separate from that but it does seem like it could be merged with 2F. Yeah, I'm sorry I didn't totally read that before.

Susan Shultz: Okay, the goal here is to delete 2B and put the one point into 2F. So 2F would be 4.

Adam Gregory: I'm fine with that.

Susan Shultz: Any concern about that? Okay.

Heather-Nicole Hoffman: All right, so five minutes to handle two more categories.

Amanda Masino: What's the plan for the rest of this? Because we have five minutes left.

Gerry Acuna: We have another meeting scheduled, is that correct? Or tentatively scheduled...

Gena McKinley: We've identified another date. I believe it's May 14th.

Adam Gregory: I think we're gonna need it.

Andrew Dobbs: Is that a Council date?

Adam Gregory: No.

Andrew Dobbs: Oh, that's the 11th.

Adam Gregory: Council's the 10th and then there's not another Council until the 24th, I don't think.

Gena McKinley: The goal is ideally that we would wrap up the conversation and then present to ZWAC in June.

Adam Gregory: We got a lot of time if we don't have to get to ZWAC til June, so we can have at least one more meeting.

Heather-Nicole Hoffman: All right. 3A.

Susan Shultz: 3?

Ken May: 3A and 3D seem to ask the same thing and one way of reducing this would be to combine those two.

Adam Gregory: I'll talk in general about the 3 section and it goes back to kind of the equipment emissions. And that's comparing a landfill operation that just has three or four guys at a working face operating just the landfill versus an integrated facility with hundreds of employees onsite and that has implications. An integrated facility doing far more diversion with far more employees is much more likely to have a lost time injury or something like that than a landfill that does that. So I would want to, for safety reasons I would want to isolate that to disposal operate activities as well, just so you don't have potential penalization for expanded operations which are the point of what we're trying to do here. So would that be agreeable to folks, for have the landfill criteria matrix, the safety aspects apply to waste disposal activities?

Chris Thomas: You report your statistics and lost time to the state which is publicly available information.

Adam Gregory: And that's my...

Chris Thomas: You report it by facility...

Adam Gregory: I know and that's why, it leads me into my second concern where the OSHA report is likely gonna be for the entire permitted facility and any publicly available information is not gonna be sliced and diced to show the differentiation between operations. So I would do it with a report. Have it not just be evaluated from public information, have it reported but somehow verified as a portion of that report because I don't want it to just be take anyone's word for it, 'everyone was safe, 100%.' But you do, sometimes the public report can look at a much broader picture. So I'm trying to get apples to apples comparison.

Kaiba White: Are these numbers...?

Susan Shultz: Sorry, go ahead.

Kaiba White: I'm just wondering, I'm not familiar with how these numbers are reported. Are they generally reported just as raw numbers or some sort of percentage of workforce or workforce hours or...

Adam Gregory: There's different ones. You know there's worker's comp, multipliers, insurance stuff, there's different things. There's individual incidents can rise to a reporting requirement. Lost time injuries.

Chris Thomas: ...Hours of full facility work and how many lost time incidents you have. You report all that but in their case, you know, we have some combined operations as well where, you know, we may have a hauling company at a landfill and that gets reported altogether. So it wouldn't...

Susan Shultz: So your proposal is to divide that up?

Chris Thomas: You can do it it's just gonna take some custom reporting...

Adam Gregory: You'd have to do the reporting, rather than just have the staff go to the OSHA regulations cause then you don't know what scope that's looking at. I would make the safety self-reported with some verification.

Heather-Nicole Hoffman: How about OSHA with self-reported verification?

Bob Gregory: There is an opportunity to give an update or some reporting, some information from the staff or from the companies. 'Cause I think in the case of OSHA it's by the entity, the company, rather than by the facility because some facilities like in our case, the industrial park immediately adjacent is not part of the permitted boundary but the same entity, Texas Landfill Management, is operating on both so it reports as an entity for those. So I think we ought to try to get an apples to apples comparison, we should learn about how these would actually come out, where someone can play all kinds of games or you might not have access to the information at all. You may not have access to the information subset by an entity and it not relate to that specific landfill issue at all.

Chris Thomas: ...you've got a kind of a fatality or severe injury you have that there, but the whole point with calculating your rate is that it normalizes it for headcount by using the calculation, so you submit your hours and your lost time rate and all that, you do the calculation, you come up with an actual incident rate which is incidents times 200,000 divided by your hours, that comes up with incident rate. So the facility that has three employees is the same as a facility that has 20. So if I'm a facility that has 3... if you have 1 incident, you're going to have a higher incident rate than someone who has 200 employees.

Bob Gregory: You're assuming that the reporting is by location or by entity?

Chris Thomas: We report it by location but for me if you've got a bunch of people on a site running around, the safety of that site is what's important, not the specifics...

Susan Shultz: So is the concern that the OSHA reports doesn't go by site, it goes by company. Is that it?

Bob Gregory: I believe that is the case.

Heather-Nicole Hoffman: Then Waste Management would have the biggest issue because they have tons of facilities all over the country.

Adam Gregory: Well, Waste Management of Texas...

Chris Thomas: You guys submit one for the landfill. Right? You guys probably submit the OSHA 0300 log that you submit for the landfill, just like I've got one for Travis County Landfill, I've got one for the hauling company, and they're right on the same property. I submit two of them.

Bob Gregory: I understand but in our case there's 2,000 acres out there. There's an industrial park that's adjacent, not part of the same permitted. Same company runs some of operations on the facility...

Andrew Dobbs: Would you say that your rate of injury outside the landfill is higher?

Bob Gregory: I don't have a clue.

Andrew Dobbs: The point is, what I'm trying to get at. What we're trying to get at here is a company that actually takes care of its workers, right. So a company that, yeah you know, you have these other operations aren't at the landfill but people are getting hurt over there, we should take that into consideration. I'm not saying that y'all are doing that.

Bob Gregory: I think we ought to have some information. If Waste Management of Texas and theirs is all of Texas and one company is four facilities and one is one...

Andrew Dobbs: It should be by the facility I think, but...

Gena McKinley: Staff can review the data. Elizabeth is looking at it.

Adam Gregory: I don't think any of us have thought of the safety... I'm sorry. I apologize.

Andrew Dobbs: What'd you say, Gena?

Gena McKinley: Elizabeth is looking at the OSHA... there is an address.

Elizabeth Flores: What I'm seeing has an address at the site. So you can see the company and then addresses.

Ryan Hobbs: In our case, one address filters into a number of operations.

Andrew Dobbs: Right, so a rate of injury there. I'm saying that I get that you've got other operations on your landfill but why shouldn't we take into consideration, if, let's say, there's a waste company x, y, z, and they have a bunch of different operations too but their injury rate is really high. Should we say 'Oh well we're not gonna consider the fact that they're getting their workers injured because a lot of them weren't injured on the landfill'? I would say that that company is demonstrating that their commitment to safety is a problem versus a company that has a much lower rate. So why not consider the rate?

Kaiba White: Yeah.

Chris Thomas: The incident rate comes out at incident per 100 employees. So whether you have 3 or 1,000 onsite it's gonna come out to per 100 employees.

Susan Shultz: We're beyond the time.

Kerry Getter: Susan, I know you're trying to wrap this up. I wanted to express three concerns. And as someone who writes a check to several of these people in the room, totaling over 6 figures per month, I might add, and we're strictly in the recycling business and while I don't want what happens in this room to, I don't want us to suffer unintended consequences. So I'm going to talk about three things here real quick. One, back to my point related to the five-year rule, I hope that this body and ZWAC observes reciprocity there and where there's penalty there's also benefit. I would urge you all to look at granting points to companies who collect and process material under the guise of recycling when in fact it may sit at the site for tremendous amounts of time and is collected and not recycled. And I would also urge you to consider that any points awarded out of this to whatever landfill may be the ultimate winner, if you will, that that somehow doesn't affect our ability to bid on City contracts because what would be a natural next step would be that there would be points in an RFP related to recycling, and we may have a contract with a landfill that's meeting all the criteria but their points are two points less than someone else. And I don't want that to affect our business and our decisions. So those are the three things that I wanted to say because there's a tremendous amount of potential unintended consequences here.

Susan Shultz: Great. Thank you for your comments. Okay. I think we have a wrap up comment from staff?

Gena McKinley: Thank you for your time. It was our hope that this would be our last meeting today so for everyone we're going to basically be sending out a notice, but the meeting date that we had held was May 14th, which is a Monday from 10:30 to 12:30 and it will be at Terrazas library, which is where we were prior to this meeting.

Richard McHale: Waste Management had passed out some paperwork earlier so anyone who got here late and didn't get those...

Gena McKinley: And always you're welcome to reach out to staff if you have additional comments between now and then. We are continuing to work as a City organization with, as you heard Tina mention, the Purchasing department, the Law department. I know there's a lot of lingering questions about what happens after we get done with this part so we're trying to get all the answers to that. Also Austin Energy was here today, the Office of Sustainability and the Equity Office. So we are pulling in a lot of City partners behind the scenes also to get their input. So thank you for your time today.

Susan Shultz: Okay, great. Thank you.

Kaiba White: Thank you.