

Item 4: OLD BUSINESS a. Council Working Group – Landfill Criteria update and resolution

Gerry Acuna: Alright guys. The next item of business is Item 4A, which is really not, it's not... this is the item, literally, that pretty much will answer the question, or be one of the components that answers the question of future contracts within the City of Austin. I mean, here we've kicked this proverbial can down the street for quite some time on landfill issues, landfill questions – is this on? – anyway, we've kicked the can down the road for quite a long time on the landfill issues, not to mention the Anti-Lobby ordinance, and that really is putting a financial impact on the department. We've got contracts that literally need to be let, in fact I'm going to allow staff to discuss that, but there's quite a few contracts that are coming to... and until we as a group can sit down and resolve this landfill issue, as well as the Anti-Lobby ordinance question, we're gonna be stuck here. And the only people that pay the price are the ratepayers of this community, of which I think all of us are ratepayers. My goal is to move this item forward, the landfill criteria issue. Staff, would you like to speak to this item?

Sam Angoori: Good evening, Sam Angoori, Austin Resource Recovery. First of all, Happy Valentine's Day and I love being here tonight. So, this item as you all know, we've discussed it for a while and we started almost about a year ago, that we put about 8 questions in front of Council and this is one of them. And we brought some items to you in November and then in January, and so it's been about almost 90 days of commenting period. And at this point, as you mentioned, it's going to cost us a lot more if we continue on this path and not make a decision. Staff has put some information together, you have it in front of you and we have received comments from a lot of the stakeholders and all those comments are included in your packet. So at this point we could discuss the resolution to move forward to make a recommendation or advise your Council, and I'm also open to any other suggestions that Mr. Chair may have or you all may have.

Gerry Acuna: Any questions for the Director? I'm gonna hold off on my comments. We have five speakers that signed up and I'd like to get their thoughts before we address this further.

Sam Angoori: Absolutely, and Mr. Chair, I don't know if your microphone is on or not but I hardly can hear you.

Gerry Acuna: Hello? Hello? Thank you, Sam. Alright, let's see, we've got as I said five speakers here. We have Gay Erwin, Jim Nias, Andrew Dobbs, Adam Gregory, and then Steve Shannon.

Gay Erwin: Good evening. Can you hear me? I have a soft voice.

Gerry Acuna: Yes. Yours is working.

Gay Erwin: Thank you very much. Appreciate the opportunity to read a letter that's been signed by six companies, solid waste companies, that do contracts with the City of Austin and have a central Texas presence, and then I'll be happy to give you copies. This is to the members of the ZWAC:

'We support a transparent procurement process for solid waste municipal contracts. Competitively bid waste collection, transportation, and disposal contracts are the most effective procedure for the City of Austin to elicit and accept a fair bid. This process results in competitive pricing and innovative solutions for the City. We believe the City should vigorously encourage competition among companies offering waste disposal services to obtain the most economically viable solutions for its residents. In keeping the competitive process amongst TCEQ, and you all know that's the Texas Commission on Environment Quality permitted landfills, the City insulates itself from being strong armed or leveraged by one particular vendor. City officials have an obligation to guarantee residents that all City procurements have a transparent, fair and level playing field for all competitors. The TCEQ has stringent requirements for landfill operations and it would be inadvisable to ignore the expertise and guidance of the TCEQ and fail to consider all their permitted landfills within Central Texas. We appreciate your consideration of our comments for the Draft Landfill Criteria.' And this is signed by Modesto Dominguez, General Manager for Republic Services, Steve Jacobs, Director of Disposal Operations with Waste Management, Chris Thomas, Division Vice President of Waste Communications (she misspoke, should have said Connections), Kerry Getter, CEO of Balcones Resources, Phil Gosh, CEO of Organics By Gosh, and Alfonso Sifuentes, Senior Project Manager with the Green Group. And if I can, I'd like to give you copies for handouts. Is that alright?

Gerry Acuna: Oh please. Thank you.

Gay Erwin: Thank you.

Gerry Acuna: Alright Commissioners. Any questions or comments for Ms. Erwin? Alright hearing no questions or comments the next speaker. Mr. Nias.

Jim Nias: Thank you Mr. Chair, Jim Nias again. I don't have much to add to what Gay Erwin just said, but I noted that the Chair made mention of the fact that everybody on the Commission is a ratepayer. I'm a ratepayer too, I live right over here in Travis Heights. And there are a lot of worthwhile things that you're trying to pursue here, but I think, don't lose sight of a truly competitive process, that's important to all of us, I mean a truly competitive process. But that's really all I wanted to say, and to keep things fair, and weigh that factor along with everything else in an appropriate fashion. Thank you very much.

Gerry Acuna: Thank you. Any comments or questions? Alright folks, Andrew Dobbs, followed by Adam Gregory and then Steve Shannon.

Andrew Dobbs: Hey y'all, Andrew Dobbs, Texas Campaign for the Environment. Wanted to start out by reminding everybody that for all the talk of economical decisions and whatnot, this is the Zero Waste Advisory Commission. This City has adopted a zero waste policy that reflects the definition of zero waste as adopted by the Zero Waste International Alliance which says, 'Zero waste is a goal is ethical, economical, efficient and visionary to guide people in changing their lifestyles and practices to emulate sustainable natural cycles where all discarded materials are designed to become resources for others to use. Zero waste means designing and managing products and processes to systematically avoid any and eliminate any, the volume and toxicity of waste and materials; conserve and recover all of the resources, not bury or burn them. Implementing zero waste will eliminate all discharges, All discharges to land, water or air that are a threat to planetary, human, animal or plant health.' Okay. So that is the guiding vision here. It's not just about saving money, it's not just about finding a place for the trash. I know that's going to come as a surprise to well-heeled lobbyists for multi-national trash corporations that make their money dumping on communities. Okay? For the rest of us, we have to have a higher standard than those people. And because those lobbyists oftentimes become the commissioners of the TCEQ, and then the commissioners and top staff of the TCEQ become those lobbyists. The TCEQ regulations are not sufficient for our community because our community has set and expects higher standards than what we have. So that is what we're hoping that you'll adopt. If we're going to talk about this more, let's talk about it more, but that's the goal. Not just how do we save the most money, how do we find a place to put the trash. How do we find a place to put the trash that reflects our values. It's a little thing. And these criteria here, I don't see them excluding, I don't see them favoring one company or the other. I can go through the companies around here and say some of them score okay on some of these, some of them score really screwy on some of them, some of them score bad on all of them, some of them score fine. Right? Let's use the process. I have suggested a number of changes. I read that definition so I'm not going to get to go through all of them. The ones I want to highlight, though, have to do with justice. With racial and economic justice. If the claim is, that considering racial and economic justice issues in our decision making will cost us money, then the implication, the necessary implication is that we are saving money by enacting racial and economic injustice. Are you okay with that? If you are, then I'm sorry that you got appointed to this commission because I don't think you reflect the values of the people that appointed you, cuz I know the people that appointed you and they don't feel that way. If you believe that we should reverse the historic injustices of this community, then this is a little tiny opportunity to do that. I would recommend that you recommend to Council the matrix that's been adopted plus the changes that I have sent you and I have put before you. This would reduce the subjectivity of the standards as they stand now. This would add those racial and economic justice metrics and other important metrics, and would make sure that we're not using waste-to-energy and things, and that we're clearly setting a higher bar than the one set by our State environmental agency which is captive to _____ interests. I'm happy to answer any questions.

Gerry Acuna: Any comments, questions? Thank you, Mr. Dobbs.

Andrew Dobbs: Thank you.

Gerry Acuna: Adam Gregory. Steve Shannon.

Adam Gregory: Good evening, Adam Gregory. I'm proud to represent Texas Disposal Systems and I've got some points to talk to you about today. Now I would not ever take the, assume the same motivations or reasoning

behind some of my competitors that are asking, that are opposing this action. I want to give you some context. This came about from several instances where the Council chose not to award contracts requested by the staff due to the use of particular facilities. Now after the Work Group they've given us the directive to create a criteria. What the staff has come up with is not what anybody asked for. What the staff has come up with is a great deal of subjectivity with far more questions than answers. What the staff has come up with, I believe, is jumping the shark from what they were intended to do. We stand ready to work with the other landfill operators and the staff and with the ZWAC to come up with a system that works for all parties and that works toward the ends talked about by Mr. Dobbs, because I agree with everything he said. However, the 'how we create that' is very, very important. And those answers just aren't available yet. Mr. Angoori mentioned having a comment period. They posted a criteria and asked for comments. We've given comments twice on this. It's a situation where the staff accepts comments, and ignores some, and accepts some. What they want is not a sufficient public process for this type of ordinance. This ordinance can end up affecting a great deal of haulers, a few landfill operators, potentially everybody in the city as the costs filter down. We have not had a sufficient stakeholder process similar to the other types of ordinances that effect large groups of constituents, like the URO or the C&D ordinance. We had lengthy amounts of meetings, and I'm not claiming there need to be a lot of meetings, but what staff has proposed here is not ready by any means to be recommended to Council. If Council adopted this, I don't know that any of the landfill operators would even participate in this process. We need to find a process and a means of accomplishing the goals that Mr. Dobbs laid out that everybody agrees to and that is feasible, and that the City staff is capable of even conducting. Right now we are not there. I would please ask you not to recommend the current version of staff's criteria to the Council. I would please ask you, if you take any action, to direct staff to work with us to see if we can come up with something that works and come back to you at a certain date because right now I don't think we have something that is going to work. And I know something about it, I hope you'll appreciate that position. So, I have different motivations and different reasonings than some of the people that are against it, but I'm against where we are right now. I'm on Mr. Dobbs side with the theory behind what we want to accomplish here, but I will remain worried about the authority we're giving staff in such a subjective manner without even knowing how it's going to work. So I ask you for more process. I'm happy to answer any questions.

Joshua Blaine: I'm hearing that you agree with Mr. Dobbs regarding his sort of broad perspective on it. What are your thoughts on the specific recommendations that TCE put forth on the criteria.

Adam Gregory: To tell you truth I haven't had an opportunity to go through them. The way he described them was an effort to reduce subjectivity. That's exactly the type of effort I would take towards changing this. And staff will say they've tried to do so. I believe that it's chocked full of subjectivity that I don't know that ARR staff is even capable of evaluating and putting on there. We wanted a criteria for a certain reason, nobody wants a fresh start with a new director coming on, if one comes on, with a new City Manager, no one wants a fresh start with the relationship between the community, the stakeholders and the staff, than me. No one wants it more than me. But the first step in that restart is not going to be transitioning huge amounts of power from Council to staff in an entirely subjective manner, that we don't even know the answers to 90 percent of our questions. At least give us the opportunity to get in a room and hash out what's happening, what we're willing to do, and how we're willing to get there.

Gerry Acuna: Thank you Mr. Gregory.

Adam Gregory: Thank you.

Gerry Acuna: Steve Shannon.

Steve Shannon: Good evening Chair, members of the Commission. I'm Steve Shannon with Waste Connections and I'm here tonight on behalf of the National Waste and Recycling Association. I have a letter that I'd like to read to you but I'd like to pass out a copy of it to you before I do that. Obviously this is a serious matter. In this letter the Texas chapter of the National Waste and Recycling Association, the legislative committee, voted unanimously to send this letter to the City, the copy you see was addressed to Mr. Acuna, it was also sent to the new City Manager Mr. Konk, Mrs. Hart, Mr. Angoori, so I will read this. 'The Texas chapter of the National Waste and Recycling Association is concerned about the City's landfill criteria that the Austin Resource Recovery department has recently developed. While NWRA supports ARR and the City's efforts toward a zero waste community, it is our

opinion that these criteria are not conducive to fair and open competition within the solid waste market. The criteria as they are currently written result in a situation that excludes the majority of central Texas landfills. NWRA supports a transparent procurement process. Waste management contracts that are subject to competitive bidding are the most effective procedure for the City to illicit fair and comparable bids which in turn result in competitive pricing and the opportunity for the City to take advantage of innovative solutions. Further, in encouraging fair and just competition the City has the opportunity to obtain the most economically viable solution for its residents. The Texas Commission on Environmental Quality adheres to the EPA's stringent requirements for landfill operations and management. Infraction free TCEQ permitted landfills are the most prudent way to ensure that the City's waste is being handled responsibly, efficiently, and economically. NWRA therefore encourages ARR and the City to heed the TCEQ's expertise and guidance by expanding the landfill criteria to all permitted landfills within central Texas while simultaneously eliminating items from the criteria that omit the majority of them. Respectfully, John Seals, the Chairman. I'd be pleased to answer any questions.

Gerry Acuna: Thank you Steve. Any questions for Steve Shannon?

Kaiba White: Thank you for your comments. You mentioned that these draft criteria would exclude the majority of central Texas landfills. Can you elaborate on that?

Steve Shannon: The way it's been interpreted is that the way some of these are written and taken in their total, cumulative, that it eliminates the majority of the landfills in central Texas for consideration to receive the City's waste.

Kaiba White: I guess I'm just wondering if there are some particular criteria that you can point to. I think that would be helpful to this process.

Steven Shannon: I am not in a position to elaborate on that except to say that that is the position of a national organization that has the best expertise in the nation in all aspects of this industry, and their conclusion is it is the way that it is written is not fair and that it will exclude the majority of the potential disposal facilities in Central Texas from consideration to receive waste from City contracts.

Kaiba White: Is that your opinion as well?

Steven Shannon: Yes.

Kaiba White: Okay. Thank you.

Gerry Acuna: Any other comments? Thank you.

Steven Shannon: Thank you.

Gerry Acuna: This is a tongue-in-cheek comment here, but it seems that we have the lamb and the lion coming together concerning this item here and here we are at a crossroads, and I've had a chance to discuss this challenging issue that really is going to affect the community for many, many years to come. What we have strived for up here and, as a community we have strived for Zero Waste. Our goal is well documented. It's called the Master Plan. This is something that we worked on. We are, again, continuing down this road. There are challenges with that. We have faced challenges along this road. A lot of potholes. We have an opportunity now to work together as a Commission to bring this issue to a close. Again, this issue affects many, many different items here, many different contracts. Every contract associated with the City. That waste and recycling has to go someplace. I think this is an opportunity for us to make sure that the place that this is going to, is going to be something that literally meets the City's goals and its criteria. How do we get there? Well, I have to agree, I think that perhaps a gathering of stakeholders. Stakeholders representing each of the landfills, number one, the haulers, and us... get together and we discuss this. We discuss this item, we come up with a game plan that is, in my personal opinion, one that literally will eliminate, I can't say eliminate, will greatly minimize the challenges that we face when we let contracts. We let a contract, it's inevitable there could possibly be a protest to that based on one issue or another and most of the issues that are challenged come from this landfill criteria that's before you. This is an opportunity for us to get the stakeholders together in a room to develop their own objective testing or matrix, evaluation matrix, whatever you want to call it, so that at the end of the day when a contract is let, this City knows, this City is comfortable that the people that are submitting their RFPs, RFIs, their proposals meet the City's stringent environmental requirements and concerns. To me, that is my goal, is to be consistent

with what we passed ten years ago. Having said that, that Master document will currently be reviewed. I mean, is that correct? We're going to be looking at the Master Plan. What's changed in the last ten years? Well, I can tell you: a lot has changed. Do we need to change some of the strategies that we currently employ? Who knows? We'll find out. But tonight guys, we have an opportunity, in my personal opinion, to at least minimize the challenge and the issues with this landfill question that comes around and will not stop coming around, ever. We have a chance to address that. I submitted a Resolution and I hope that you had a chance to review this. And the Resolution, obviously the 'Whereas' cover why we're here and the 'Therefore' at the very bottom of this is asking that, again, we get together as a group, as a responsible group that understands that whatever transpires in these stakeholder meetings is something that we all agree to. Nobody's going to be 100% happy, plain and simple. That's life. But if the vast majority of us can agree, in a room, together as responsible parties on what we believe and perceive to be the final landfill criteria, that we're going to grade each of these facilities, then I think at that point we've made a great big step. And again, we have minimized, in my personal opinion, issues arising when it's time to let contracts. Those are my two cents, guys. Any other comments from Commissioners?

Melissa Rothrock: I was just kind of interested, too, to know which of these items for the criteria was some of the most egregious or challenging for the contracts to abide by. I think that would be kind of, you know, very good to know in order to have an accurate vote on it.

Gerry Acuna: Staff, you want to come up and help address some of these issues? Sam? Richard?

Richard McHale: Richard McHale, Assistant Director for Austin Resource Recovery. Your question was which were the most contentious items? Just from comments I've seen, a lot of them dealt with the landfill gas issues and social equity issues. I think you'd have to ask the individual stakeholders which issues they find most contentious, 'cause they may vary from company to company.

Gerry Acuna: Thank you, Richard. Again, the goal here to quit kicking the can down the road. To pick it up and do something with it. Hopefully recycle it. Nonetheless, do something with it. Before you is a Resolution that I believe will start this process.

Joshua Blaine: I do have some general comments but because you brought in your Resolution up, I just want to understand what specifically what you're trying to communicate here, Gerry. The Resolution is recommending that an 'evaluation matrix'. Can you explain? How does that differ from what we're looking at? Or, what do you mean exactly by the 'evaluation matrix'?

Gerry Acuna: You know, here we've got, correct me if I'm wrong, please. I think we have two Type I landfills and a Type IV currently within this region that the City actually uses. We have one coming online within the next couple of years. What I want to see us do is be able to make sure that these landfills that are going to be proposing City work, City contracts, are consistently on the same page with us on our Master Plan goals. Zero Waste. Now this matrix, this evaluation matrix, which I'm hoping is more objective than subjective, is a way to evaluate each one of these facilities. At the end of the day, you get a grade and this grade is literally used to tell you or me whether we are eligible. Whether we're meeting the City's goals and criterias and therefore eligible to bid on future City work. I want to make sure that, again, whoever's... well that's part of it, obviously that's more subjective than objective. I want to make this more black and white so that we can literally get the stakeholders together to determine their own fate, their own future. And I think in doing so at that point we've, I'm hoping, minimized any issues in the future with this. But that's the goal that I put forth in this Resolution.

Joshua Blaine: I definitely support that sentiment and I feel pretty strongly that this is a really important issue for this Commission. As far as I'm concerned, this is what 10-1 was about. That's why I'm sitting up here. Councilmember Houston appointed me specifically around this issue of social justice related to the landfill in District 1 and up until she was elected, there wasn't anybody specific looking out for the constituents who were impacted by the behaviors of that landfill and other communities that live around landfills. So I take this very seriously and think that it's really important that the Commission think about, as Andrew Dobbs said, our Zero Waste goals and not necessarily worry as much about the economic impact, because our job is to think about Zero Waste and represent our constituents and be the voice of those who are having to live with the impacts of those practices. So, I would definitely want this to be done well. I'm curious why so many of the... it's curious that a lot of the landfills and corporations, I guess except for TDS, are just generally opposed. I would love to see specifics.

Kind of to Commissioner White's question, what specifically eliminates most of the facilities? Because I think what ideally this would do is it would ask those facilities to step up and meet those criteria, not eliminate them from competition. I don't see this as undermining competition. It's asking the competition to step up. It's raising the bar. And I think that as a City, as a community, we do have higher standards than TCEQ for the reasons that have already been stated, that they're well known to be very favorable towards industry, very favorable towards those who have their own personal profit and interests in mind and not the interests of the community. So I think it is an important effort that we make to have higher standards and instead of fighting industry, I think it would be in everybody's best interest if we could all sit at the table, including community organizations like TCE, and I'm sure there are other community organizations that would want to be involved and find something that works for everybody, including the landfills because we do need a place to put our trash and if it becomes really difficult maybe that will also motivate us to produce less of it, which is the ultimate goal, of course.

Gerry Acuna: Let me comment on your statement there. I, again, being an old soul and the guy who's been up here for a while, I can tell you that this is an issue... this Commission has always had a great concern for the landfill situation in northeast Austin. Always. There was a pile of documentation that was submitted with this agenda and in there there is history that will explain how this Commission has reacted to the challenges of the northeast neighbors. We've supported that. Back to this Resolution, my goal is this Resolution absolutely does what you want it to do, and that's make these landfills pick up their game. If their game isn't of the caliber that we believe is complementary to the City's Master Plan Zero Waste goals, then they have an opportunity. Their opportunity is to either pick up their game or the City will not be participating with them in any contracts. The opportunity is there. To reach Zero Waste you need everybody involved here. How do you get everybody involved? Well, you make us all play by the same rules. We all understand what the goal is here. How do we get there? Well, this criteria sets forth or will set forth the rules, and if you choose to abide by those rules, then you can play. That's my goal here, is to make sure that we clean up what's going on in northeast Austin. Make sure we keep what's going on in south Austin wonderful. We want to make sure that we basically do what we're responsible for doing and that's literally hitting our goal of Zero Waste. We're a little ways away from that so this is, again, an opportunity for us to at least begin this process in a fair and equitable way, I hope. Commissioner White?

Kaiba White: So, I'm taking a look at your language here and it's not clear to me. Are you suggesting that we start over or that there is additional process to modify what has already been constructed?

Gerry Acuna: Good point. Good question. Actually, my goal is to take what we have on the table, to look at this. We have a starting point. We've got a starting point. There is some other suggested items that can be looked at. We need to start looking at this and we can look at this... I think the timetable... Sam, can you come up here? Or Richard? The timetable that I would hope as a Commission that we would spend on this or with the stakeholders, I should say. The stakeholders, the staff, and this Commission, my timetable would be to have this completed by May so that this can come back to us at our May, what is that, May 9th?

Sam Angoori: Sam Angoori. I'm hoping that we can go through the process, have things done by middle of April. That gives us maybe a week or so to... that gives us a couple of months to work on this. An additional couple months and then give us a week or so to put this together, review it, and then post it a few days before the May 9th ZWAC meeting. Come back and report back to you about the discussion that's gonna happen from now until then.

Gerry Acuna: Commissioner White.

Kaiba White: So am I hearing you right in that you plan to do some sort of stakeholder process regardless?

Sam Angoori: Yeah, so what I'm hoping for is maybe to have one member of the Commission, one staff member, maybe one member from each of the landfill owners to come together, sit around a table, and go through this item that you have in front of you and look at it and see whether we want to look at this as a pass-fail or whether we want to assign points to it to have some kind of scoring, some kind of evaluation matrix for this.

Kaiba White: So, I appreciate that you want to get additional input, for sure, but will you just describe... it seems like very unbalanced process to me...

Sam Angoori: Okay.

Kaiba White: ...that is driven by the companies that are going to be subject to this scoring matrix. Right? And we are all stakeholders, as I think we've all recognized, we're all ratepayers, we all live here in the City or nearby, so if you're gonna have additional process I would just urge you to not have it be 90% those subject to the criteria because they may have largely a view and I'm sure they won't agree on anything but, or everything, but you know, they may lean in one direction and maybe the community at-large or at least certain segments of it might lean in another direction. So, I think we can do this right here in an open process which I kind of favor, but if you're going to go in the direction of additional stakeholder meetings, I would just say try to include more people.

Sam Angoori: I appreciate that, but I'm also open to suggestions. You know, if y'all have any different suggestions, let's...

Gerry Acuna: Correct.

Sam Angoori: ...let's look at that. What I really want to happen is that we at some point, we have to make a decision, we cannot continue with this. It's been a year already and going another five months, six months... it just doesn't work for me. I have to operate. I have to move on.

Kaiba White: Totally agree with you on that one.

Gerry Acuna: That is the goal of this Commission, to quit kicking that can. You know, Commissioner White, good point. We do need the input of the people who are going to be responsible for this and that's literally the landfill operators. But we also need to make sure that this is a balanced process where the stakeholders, the people that have strived to get us to this Zero Waste goal are also included in the process. I believe that these meetings, again, we are trying to formulate a process here and the discussion that you and I and Richard have had is literally, have a process in which we have literally the understanding of the landfills, what their concerns are, what the haulers concerns are that have to bring the material to these respective landfills, and then us as a group making sure that the criteria that is being addressed and that is of concern to them, is of similar concern to us. In other words, we're all on the same page and as I stated earlier, we're not all going to be happy but the goal is in a document called the Master Plan and everybody can look at that and read that and know that this is the goal that this Commission and the City has adopted. So that's a good starting point. Commissioner White.

Kaiba White: Yeah, I agree with all that. I guess I'm wondering if there are specific concerns, like you said, identify what those concerns are, why that shouldn't be done here in a public forum as opposed to...

Gerry Acuna: We would be here all month. We have meetings...

Kaiba White: Right... and I agree. We do have all these comments. I guess I'm wondering why we can't just go through... I mean, at some point maybe it's more efficient to just go through them as a Commission and say well, this concern holds water, this one doesn't, here's our recommendations. I just... I sometimes feel like things come here, or come to a commission, and then they go into a stakeholder process and you don't really know what goes on there. Something happens with some group of people and then it comes back into the public eye and decisions have been made but you don't necessarily know why.

Gerry Acuna: That's a fair statement. I have to say this: in order for us to get beyond this suspicious stage that we have... I mean, one operator looking at another operator looking at a hauler versus the staff... in order for us to get beyond this, we almost need a reboot. And the reboot is allowing us to get together as mature, responsible adults with an understanding that this is the document that we're looking to accomplish. If we don't begin this process I can tell you, and this is my personal opinion, of having spent many years with this, that we'll probably go down tomorrow and we'll have a contentious future when it comes to contracts. I'm trying to minimize, if not eliminate, the future issues we have when a contract is let. If we all know the rules, if we all know where we're coming from, if you were part of processing the rules, putting them together, then you're minimizing that issue from occurring. And how do we do that? Well, let's get going as a team together. Commissioner White then Commissioner...

Heather-Nicole Hoffman: Sorry, it seems like the problem is someone has to ultimately make the decisions and whomever that is, everyone else does not trust. That's the process we've gone through now. We've had stakeholder meetings between the Working Group. We've had input from us, from the community, from the haulers. They've tried to adapt all of this into this statement. As you said, nobody's going to be happy. That's the

case right now. Not everybody is happy. But they have to make a decision, and it has to go forward at some point. Right now it's staff that's making the final decision as to what's going in here? Who's going to make it otherwise?

Joshua Blaine: TCE has submitted some recommendations...

Gerry Acuna: Yeah, no... we're all going to be a part of this process. And then the document will come back to you...

Heather-Nicole Hoffman: Things have been adjusted... we've seen comments and staff has made some adjustments here and there, and there are more comments and where does it stop, and at what point do we trust staff, or at what point do we take that decision away from staff and have someone else make the decision as to what's going in here?

Gerry Acuna: No, we trust staff. But at this stage in the game, and please correct me if I'm wrong, correct me if I'm wrong. Everybody is looking for a reboot here. Again, my earlier comment, you have the lion and the lamb agreeing that this is probably a non-starter. Now, I'm tired of having these groups come to us... I get frustrated having them come to us when something doesn't go the way we want it and opposing it. If we get these guys all together for once, determine this... the process I envision is staff taking the lead in this. Staff is responsible for presenting what comes out of this group. You and I participate in this with them. At the end of the day, the document comes back to us probably looking just the same and we do it. At that stage we've eliminated, I hope, or minimized any dissent or any reason, as you and I have discussed already, any potential conflicts with future RFPs. We'll know who is responsible and who is able to work on these. Commissioner Masino.

Amanda Masino: Yeah, I have a set of concerns and I think it intersects with this idea of a continued stakeholder process. And so I'm glad that you're looking for input on that. This seems very necessary to me. I've found it very disappointing to experience such pushback against something that should be increasing the objectivity of this process and what I heard from the folks here today is that that is a general concern. That some of the objection is about areas that are perceived to be, at this point in the language, too subjective. So what... as far as how that relates to the stakeholder process, I think it's important that what happens between now and May 9th not just include ZWAC and staff and the landfill and the haulers, but specific segments with other interests. Environmental interests, community health, those sort of broader Zero Waste people need to be at the table, too.

Sam Angoori: Okay.

Amanda Masino: And the other thing I feel very strongly about is that you need some people at the table who don't have a financial stake and who actually don't have a political stake either. So whether that's bringing in an egghead like me but not; my counterpart who knows all about waste from UT, who isn't beholden to anyone. An academic or researcher. Someone who knows how you make social equity and racial justice, how you take numbers about demographics and turn that into a scoring matrix. Those people are out there. They have done this a thousand times. And we don't have to reinvent looking at socioeconomic stats around the landfill and coming up with a matrix. They've done it. They've published papers on it and we have the University of Texas here. So pulling in some of those people, I think, will help add a layer of objectivity to this that is, I think needed and should help to dispel some of the concern that this language is really about favoring one company over another. So that would be my strong recommendation about the process going forward.

Gerry Acuna: I would certainly accept that. That is, we have discussed this and that is a wonderful inclusion to this and it's necessary, actually.

Sam Angoori: I heard Commissioner Masino volunteer to be on that.

Amanda Masino: No, no. My counterpart. My counterpart at UT, whoever that is.

Gerry Acuna: Nonetheless, again, this is open Commissioners. This is a Resolution that is out there and I would like for us to, if there's further discussion then continue it. If not, then I'll welcome any kind of motion on accepting it and presenting it and starting the process.

Amanda Masino: Could we make a friendly amendment about...

Gerry Acuna: Absolutely.

Amanda Masino: ...further recommend that an inclusive stakeholder process be carried out between now and when the criteria are brought back before ZWAC.

Gerry Acuna: Okay. Let's iron out the actual timeline here because that's important. I think the timeline is what, you want to say mid-April or...

Sam Angoori: I was hoping that would be done by mid-April. And that would give us a little bit of time to compile all of the information and review them post them and come back here by May 9th.

Gerry Acuna: You know, here I guess...

Sam Angoori: Do you think it's enough time or...?

Gerry Acuna: Well actually I was hoping for, again, just another couple weeks in there. You're talking about having to discuss this with a person not here willing to volunteer to do this. So, I would hope to get the okay from some third party who would be willing to come here and give us their input on these issues. I'm hoping maybe an extra couple of weeks. Maybe a May 1st deadline. Whereas staff can be compiling this as it's presented... you compile this stuff and then at the end we have this document in our packages come May that we can review.

Sam Angoori: Okay.

Gerry Acuna: I mean, those are my thoughts. Guys, any...?

Heather-Nicole Hoffman: Our next meeting is April 11th.

Gerry Acuna: Correct, but that's way too soon for this to be published. I mean, that's...

Sam Angoori: I want to have enough time to put everything together and publish it so that you all have it before the meeting. You have a chance to review it and of course we'll report back on May 9th.

Joshua Blaine: I guess I'm a little conflicted. I tend to lean a little bit towards what Commissioner White said earlier which is here we are, we've got a lot of the stakeholders in the room, we've got a lot of ideas in front of us. Why can't we start to discuss it right now, right here? We don't really have much else on our agenda. Having gone through the Policy Working Group with the Council last year, it was clear to me that yeah, there are limitations to that format when you've got... I mean, I'm also alarmed that so many of these companies are just straight up opposed without saying specifically what they are for or even a willingness to work with us on this. It's just, "We oppose it." So I don't have a lot of hope that getting them in a room will accomplish something that we're all happy with. So I think us being on this Commission and having this forum will allow us to really craft it the way this Commission wants it rather than this industry that really just doesn't like what we're doing, it sounds like. I don't hear any specifics or willingness to work on it. Now, if anybody is willing to say something different than what we heard earlier I'm happy to hear it. But that's what I heard. So my feeling is we've got a lot of specifics from TCE, why not move to incorporate those into what staff has already done and then if there's discussion around those specifics let's have it and let's get out of here tonight with a little bit more work done instead of just saying let's let other people do this work for us at some other time and see if it's done in two months, which to me sounds unrealistic.

Gerry Acuna: I don't think that us getting together as a group with a specific topic in mind, which is this landfill criteria, is not doing our job. I think it is doing our job. And this is the open process that is directly addressing the concerns... Commissioner Masino's suggestion here. That in itself could be an invaluable tool that is used.

Joshua Blaine: I think it's a great idea and I think we can accomplish getting that voice in the room by inviting them to the next meeting or having them submit comments.

Amanda Masino: Sure.

Joshua Blaine: The same way others have submitted comments.

Gerry Acuna: So there we are. We're still looking at a process that is not going to be resolved this evening.

Joshua Blaine: I'm not suggesting we resolve it. I'm just saying we've got some stuff to work with, we might as well work on it and move forward.

Gerry Acuna: Correct. And as I stated, this is a starting point and there will be some additions obviously that will come too that are included in this. Now I hear, I heard from the speakers within the industry and again, please correct me if I'm wrong here, every one of these guys, these were an issue. And back to your point, different issues, why they oppose this. Once and for all, if we get everybody together again, there are no more excuses, there are no more reasons. This is what we have come up with. We've got some third party information from outside of this group, from outside of staff, from outside of the haulers, from outside of the landfill guys, that literally can give us something that again, is more objective, that we can point to that, 'No, you're not meeting the goals of this community.' 'Yes, you are.' We need that. And again, Commissioner Blaine, I've seen us up here for years and years and years coming back to the same question and it's time for us to resolve this. Let them sit in a room, in my personal opinion, and help design what they are going to be graded on. We, in turn, design what we believe is necessary in this document and we, again, post this, pass this, present this, and guys, no more excuses. This is it. That's how I personally feel having been here, having seen this process year after year. It's time to hopefully remedy this somehow, some way. The way it's written today, I don't think anybody out there is in agreement with it and for us to try to sit here and wordsmith that overnight, or just tonight, it may be overnight, is probably not going to be conducive to a sound document being presented. And that's my feel on this and I, again, there's a Resolution... I would love to be able to move forward. Commissioner White.

Kaiba White: I know we've, we seem to have focused a lot on the businesses opposed to this but we did hear from TCE that they supported this with changes. So I'm wondering if, maybe we can't address all of these tonight but if there are some of these that we can address to direct, if there are additional stakeholder meetings or whatever, like we could do something with some of these. You know, we have a little not even full piece of paper here. It seems like we could address some of these issues potentially.

Amanda Masino: So which ones?

Kaiba White: You know, I guess that just depends on where there's consensus. We could...

Gerry Acuna: Let me ask a question to staff too. This is absolutely important here. Before we begin this process if we're going to begin this. We have a challenge facing us in the future. Staff has been tasked with conducting an affordability study and that is probably something that you were going to address in your Director's Report, but we have an affordability study that Council has asked that we conduct. That affordability study is asking that we look at where we sit. Are we above or below this 50% threshold within our region? Is that correct? And, again, what we are trying to do tonight with the landfill criteria being one of the items, what we're trying to do here is make sure that the future considers affordability in its issue. Affordably balanced with community concerns, environmental issues is what we need to be looking at here. Is staff prepared this evening to look at the financial questions that may arise from some of our suggested criteria? And I'm gonna say probably not. Listen folks, for us to try to get this done this evening may be hasty. There's a lot of it already documented here. There's some good stuff already written. We can literally sit here tonight and we can outline the things that we believe are necessary and then we can continue this process by allowing staff to get with the stakeholders to look at what we as a Commission believe are important issues and present that and let them look at what we submit. Is that... are their thoughts consistent with what we believe are the goals of this Commission and the goals of the City? We can at least start that process.

Joshua Blaine: I think in that spirit I would like to make a motion that we encourage staff or recommend that staff adopts TCE's recommendations that have already been made because they're specific, they're moving away from subjectivity which I heard two of the stakeholders express tonight, and everybody else who's opposed it hasn't given any specifics and I think we all seem to agree up here that we want to move forward to have criteria that establishes a higher standard for landfills. So, I would like to make a motion that we integrate these TCE recommendations into the current draft that staff is working with. Not trying to say we're figuring this out tonight. It's the end of the conversation but let's get it into the draft and put it on the table as what we're looking at. That was a motion.

Gerry Acuna: So is the motion to include this into this process?

Joshua Blaine: Indeed.

Gerry Acuna: Okay. So the motion is to use this as your basis, is that correct?

Joshua Blaine: Yeah.

Gerry Acuna: Alright. Do you have a copy of this?

Sam Angoori: I'm not sure what you're looking at.

Gerry Acuna: Okay. This is... these are some... Andrew, do you have some copies?

Sam Angoori: I have that.

Gerry Acuna: Okay. So, Commissioner Blaine moves that we adopt the submittal by TCE as part of the City's landfill criteria matrix. Is that correct? And we begin the discussion, or future discussions, with this as the basis for those discussions. Is that correct so far?

Kaiba White: I'll second that but I would like to make a friendly amendment.

Heather-Nicole Hoffman: [inaudible]

Kaiba White: I would like to make a friendly amendment specifically about Section 2B which has to do with onsite use of alternative fuels. I would just like to add one point onto here that additional points will be given for carbon-free energy sources as opposed to carbon based energy sources. 'Cause right now as it reads they all seem to be equally scored.

Gerry Acuna: So let me get the procedures correct. Did you second it?

Kaiba White: Yes.

Gerry Acuna: Okay. We have a second. Commissioner White. And then a friendly amendment...

Joshua Blaine: So just so I understand it, you're saying in regards to... it says, "includes but not limited to propane, CNG, LNG..." In that sentence you want to... you're saying incentivize or give greater weight to the non-carbon? Yeah, that's a friendly amendment.

Kaiba White: Great. Thank you.

Gerry Acuna: Okay.

Cathy Gattuso: Then maybe I'd like to make another friendly amendment and that would be that staff, when you do integrate these suggestions, that you also refer back to the Master Plan to show how they relate to that.

Sam Angoori: I didn't hear the last part.

Cathy Gattuso: How they relate to the Master Plan. Where in the Master Plan. Because this is why we're doing this is my understanding. TCE's recommendations are what the Master Plan offers us and what we're going by.

Gerry Acuna: Okay, Commissioner Blaine, did you hear that?

Joshua Blaine: Yeah, refer back to the Master Plan.

Gerry Acuna: Is that acceptable?

Joshua Blaine: Yeah. I suppose. It feels kind of like a given as part of the process, but if you want to state it explicitly.

Cathy Gattuso: Well, I want to make sure, it is a given, but I want to make sure that it's known and it's obvious to everyone that there is a reason we're doing this. It goes back to that. It's not trying to minimize any group or take away competition in the City or anything, it's just these are our goals and this is what we work on with this Board, this Commission.

Sam Angoori: So what I'm hearing is the recommendation that you were talking about added to the document to the draft criteria and I certainly would put in front of it where it refers to the Master Plan, 'and also recommend by the Commission.'

Gerry Acuna: Correct. Now...

Sam Angoori: Because obviously... you know, what you have in front of you is basically a compilation of all the comments that we've receive so far. I mentioned last time we agreed with some, we disagreed with some, and we agreed partially to others. So we've responded to those comments, and earlier Commissioner Hoffman was mentioning that or mentioned that we cannot continue to have responses after responses. Anything that I put as a response to the new comments that I received to the new responses, somebody else is going to come up with something and it's going to go forever, and that's not going to happen.

Gerry Acuna: No, that's what we don't want to happen actually.

Sam Angoori: Right.

Gerry Acuna: We want to stop that.

Sam Angoori: Exactly.

Gerry Acuna: We want to eliminate that from occurring again. Having said that, we can, your motion, we can add that motion to this agenda, just paste it as a 'Therefore'. The criteria here set out, based on what you've already documented, can be added to this. The 'Whereas' are literally everything that we discussed prior. The 'Therefore's', again, are the opportunity for us to solve this dilemma, this challenge. We can put those amendments onto this Resolution and present that and go. That's a thought, Commissioner Blaine.

Joshua Blaine: Yeah, I think that's friendly. Let me just make sure I'm understanding this, that basically we would say, 'Therefore we recommend that the existing criteria with the addition of the TCE recommendations be the starting point for this stakeholder process'?

Gerry Acuna: That would be part of the 'Therefore's', yes.

Joshua Blaine: Yeah. That makes sense to me. It's just a more thorough motion or Resolution I suppose, given all of your 'Whereas' here. Anybody else have thoughts on that?

Heather-Nicole Hoffman: Well, as part of discussion, I would like us to go through these specifically...

Joshua Blaine: Sure. Yep. That's the idea.

Heather-Nicole Hoffman: Also, so are we allowed to have comment from the floor as part of our discussion if a motion is...

Gerry Acuna: We can ask questions of anyone.

Joshua Blaine: We can invite folks up. Sure.

Heather-Nicole Hoffman: Okay, yeah. So if we can ask for input on some of these that we know are issues for industry as we go through... fair enough?

Gerry Acuna: Yeah.

Sam Angoori: Can I ask you all a question?

Joshua Blaine: Go ahead.

Sam Angoori: Are you all thinking about possibly reviewing this entire draft criteria with the comments that have been made by stakeholders and come back in March and go through each one of those? Is that what you all are thinking?

Gerry Acuna: Actually I think what we're wanting to do is look over the additions and not so much the presented material.

Sam Angoori: Okay.

Heather-Nicole Hoffman: Yeah, I would say let's go through each of these presented by TCE since we are voting to amend them, have the staff amend them to the criteria that's in place. I'd just like to go through each one specifically. There might be some tweaks that we can make that will help make everyone happy... happier.

Gerry Acuna: Alright, you want to begin the process?

Heather-Nicole Hoffman: So as far as 1B. Any issues with that becoming pass-fail? Let's see, what was staff's response? I don't think there was anything about whether it be pass-fail or a scale, right?

Gerry Acuna: In fact that's probably our goal here is to get more objective than subjective.

Heather-Nicole Hoffman: So...

Gerry Acuna: I have no issue with that.

Heather-Nicole Hoffman: Okay.

Gerry Acuna: Anybody have an issue with that?

Heather-Nicole Hoffman: No.

Richard McHale: I'm sorry, was there a question for me?

Heather-Nicole Hoffman: This clarifying that 1B is pass-fail on the landfill energy... landfill gas energy use. There were no comments to that, right? Am I missing...?

Richard McHale: I don't believe we made any comments to that.

Heather-Nicole Hoffman: Okay. Just making that a pass-fail metric works for everyone?

Richard McHale: We're open to look at it.

Heather-Nicole Hoffman: Okay. Alright. Check.

Kaiba White: I just... to clarify, that would mean if they were not capturing their methane and using it for some beneficial purpose that they would not be considered, right? Are we reading that the same way?

Richard McHale: Well, I guess if we're all going to meet and discuss what that criteria is, at that point we'll decide...

Kaiba White: I guess I'm wondering if we are reading pass-fail in the same way. I think Dobbs might have...

Richard McHale: As in, pass: you're meeting the bar, fail: you're not meeting the...you're not at that level. Is that?

Kaiba White: I don't know.

Heather-Nicole Hoffman: And I guess the question is also, can they have so many, can they meet so many of the criteria and still pass or is it a...?

Gerry Acuna: Good question.

Joshua Blaine: I think I can clarify...

Heather-Nicole Hoffman: One ding and you're out.

Joshua Blaine: I think I can clarify, I'm guessing what Andrew Dobbs meant here, and correct me if I'm wrong, is that by saying this is a pass-fail criteria, you're not rewarding folks for generating more methane and using more energy because then you're basically rewarding higher methane production which just isn't what we're going for. What we haven't decided yet, which I'm guessing is a big conversation that we probably won't have tonight or not decide on, is whether if failing any of these things means you're out. I'm guessing that's not going to be the case but that's a conversation we need to have. But in this particular category, Commissioner White, if you aren't capturing it you would fail. Whether that means you are eliminated from... yeah, exactly. Is that correct?

Gerry Acuna: Pass-fail... God if this were based on one mark, we'll have no landfills.

Heather-Nicole Hoffman: Exactly.

Richard McHale: Gerry, can you talk into the mic? We can't hear you.

Gerry Acuna: I said if we base this on one fail, one 'no', then we will have no facilities to take our material to. That's not the case here. I think it should be based on a point system and we can, later on, after we review this, later on when the groups are meeting we can discuss what the point values are at that stage.

Heather-Nicole Hoffman: Okay.

Gerry Acuna: That's my thoughts here. Again, if we do this on one pass-fail, you're out.

Heather-Nicole Hoffman: Yeah, and that was the issue is for everybody.

Joshua Blaine: I don't think that's what we're talking about right now.

Kaiba White: I think my question was answered which is you either get the points for this or you don't, and I guess it'll remain to be seen if there's a certain number of categories that if you get zero points that eliminates you. Has that decision been made?

Richard McHale: That decision has not been made.

Kaiba White: Okay.

Heather-Nicole Hoffman: Alright.

Gerry Acuna: Alright, the next item here is, "Replace 2A or add lifetime violations and/or complaints."

Amanda Masino: Yeah, I had a question. Why five years?

Richard McHale: Because that's the length of time that TCEQ has their compliance history online. So they update it annually so you can go back for the past five years and see the compliance history for any facility.

Amanda Masino: What happens to it after five years?

Richard McHale: I'm sure there's historical records, there's historical records of violation but it's not, what the TCEQ does is they give a rating, a point rating, to their, for compliance history, and they base that on a five-year timeframe.

Amanda Masino: The number struck me, so I'm glad that TCE is pointing this out as a little arbitrary. You know, there are health impacts that last decades, but there can also be mitigating things in the way that landfills are run that happen within three years. You know? So I think that I'm concurring with TCE here and I wanted to comment to invite you to consider not... consider what that number's really about, and it's not just about short-term. It's about a trend of what's happened and also about what's in the site over decades affecting the community.

Richard McHale: Well what we tried to do is we tried to be as subjective as we can and that five years gave us a subjective number. Once we go beyond five years then you're going to add some objectivity into that measure.

Kaiba White: When you say objectivity, is that... why will it be, or subjectivity, why...

Richard McHale: Well, I guess Year 6 on, depending on how long the facility has been around, we're going to have to come up with some sort of formula or method or process to...

Kaiba White: Might I suggest visiting the lovely records room at TCEQ?

Richard McHale: Excuse me?

Kaiba White: There's a records room. I guess you might not have had the pleasure but...

Joshua Blaine: I think he's suggesting that...

Gerry Acuna: Actually guys...

Joshua Blaine: ...old complaints won't necessarily reflect current operations. Is that what you're saying?

Richard McHale: Excuse me? I didn't hear you.

Joshua Blaine: Old complaints might not be a fair reflection of current operations. Is that why it doesn't seem objective to you?

Richard McHale: Well, old complaints would not be factored into their compliance history. So in that sense we're looking at the five years because we'll see that compliance history number rating from TCEQ. Once we go beyond Year 6 and out, I don't know how we would do that. And then how do you also accommodate for a landfill that's been around for 20 years as opposed to one that may have been around for a shorter period of time. So there's a lot of other little issues there that we would have to address as well.

Gerry Acuna: Again, that's a very good point because at this stage, the operator that was there yesterday is a totally different operator than there is today who may be a responsible person wanting to meet our goals and our desires of Zero Waste, clean neighborhood, responsible companies. You know, here I am. Guys, in the packet that you were sent for this meeting there was a wonderful document with a lot of the old history on these landfills. It was documented in there. Some of the old violations. Some of the calls. I think if you look in the package you'll see. I'm talking about this right here. These volumes of stuff. There's some history in there of previous violations, concerns, these are studies that were done thirty years ago. 1993, 1992, 1995, 1996. And it covers the facilities. So I would encourage you to go back and look at the documentation and some of the questions would be answered in there.

Joshua Blaine: I'm not sure I'm following how that...

Gerry Acuna: In other words, her question was the history and whether some of these sites, the history is in there in the documentation that was submitted to us.

Joshua Blaine: Sure.

Gerry Acuna: The violations and I guess complaints, it's documented in there. So that would be a good idea or an indicator what some of the historic issues were with some of these facilities and have they been remedied, and if so, how.

Amanda Masino: Right, so to clarify why I wanted to bring this up, I guess it's... I don't think five year tells you everything. I don't think lifetime tells you everything for the reason you were describing and there are factors. So look at five, look at lifetime, and then you can have a predictable set of factors that would impact what's going forward so if the 20-year history is terrible but there was a significant change in management and new procedures and new testing and over the last five years, then you can account for that.

Gerry Acuna: Correct.

Amanda Masino: And I think that those, I guess I would be in favor of adding lifetime, not replacing, for that reason. Because I think you need the short term, the long term, and then a list of specific things that would make you consider those in comparison to each other.

Gerry Acuna: So how would you like to word that, then?

Amanda Masino: So that's not "replace 2A with add lifetime", I would argue that it's with 'or add', it says right now "replace 2A with 'or add lifetime.'" I'd be in favor of adding lifetime but not replacing the five year. You need short, you need long, and you need the way to compare them.

Heather-Nicole Hoffman: Then how are you going to score this?

Amanda Masino: How am I gonna?

Heather-Nicole Hoffman: How will this be scored?

Amanda Masino: I think that that's the work... the scoring... well, the scoring can get worked out as they continue to iron it out.

Gerry Acuna: Exactly.

Heather-Nicole Hoffman: Okay.

Gerry Acuna: Exactly. So I think that's a good addition.

Joshua Blaine: Sure.

Heather-Nicole Hoffman: Yeah.

Gerry Acuna: So you want to leave both in, or add one, leave the other.

Amanda Masino: I guess not replace, but "add lifetime violations."

Gerry Acuna: Alright guys. The next one is, Amend the final sentence of 2B to read, "This does not include waste-to-energy technologies except for normally occurring landfill gas-to-energy, not including induced bioreaction."

Heather-Nicole Hoffman: I think they had addressed that. Isn't that the typo in the last sentence?

Gerry Acuna: Commissioner, what are you looking at?

Heather-Nicole Hoffman: Page 14.

Gerry Acuna: Oh, that's... page 14?

Heather-Nicole Hoffman: Is that the right spot? Maybe it's not.

Gerry Acuna: No, that's...

Heather-Nicole Hoffman: Okay. Nevermind.

Kaiba White: It actually says, "This does not include waste incineration but it does include renewable energy." I'm wondering if we could get Mr. Dobbs to clarify what he was asking for here.

Joshua Blaine: Yeah, Andrew Dobbs, can you clarify that 'cause it looks like the language that is here seems to reflect you request, but...

Andrew Dobbs: Yeah, no, it does, unless they've changed it. This does not include waste incineration but it does include renewable energy. There are a number of technologies that are actually forms of waste incineration that the industry has rebranded as not incineration and they call them waste-to-energy and they call them renewable energy and there's all kinds of debate and discussion about what the means. Remember, who was here for advanced thermal recycling? I think that was when you were gone. Cathy was here. The guy came in here with advanced thermal recycling for incineration. But there's also things like gasification, okay? We're gonna heat the trash up really hot and separate out the gas from the solids and we're gonna burn the gas, okay? That's an incineration technology as far as we're concerned. But in the industry it may not be. So let's just say we're not going to use our trash to make energy except for this one instance of landfill gas-to-energy but then you have these situations where they will intentionally load the landfills up with organics and then hose them down to induce the creation of methane so they can capture more of it. None of that. Naturally occurring landfill gas-to-energy is fine. Any other waste-to-energy should not be counted under this. If you're using trash to make energy it's a problem.

Heather-Nicole Hoffman: Thank you.

Gerry Acuna: Commissioners?

Joshua Blaine: Thanks. Yeah, well, that clarifies it.

Gerry Acuna: Alright. Next item. "Clarify that 3A through 3E only add points for exceeding permit requirements."

Heather-Nicole Hoffman: I'm good with that.

Gerry Acuna: I'm good with that. Commissioners? Looks like a lot of nodding yes.

Heather-Nicole Hoffman: No objections.

Gerry Acuna: Alright. Next item. "Delete 4A or clarify that it only accounts for executives and management." I'm okay with that. Anybody else? Objections? Alright, "Eliminate the final sentence of 4C." Guys?

Kaiba White: I support that.

Amanda Masino: It's the additional community.

Gerry Acuna: Alright, guys.

Joshua Blaine: It seems pretty vague. I think the concern from community groups is that it would be an opportunity to sort of do a public PR dance of sorts. So I think unless we can get more specific around that, I would agree with that.

Gerry Acuna: You do or you don't?

Joshua Blaine: I would agree with that unless there's more specifics that could be offered. So maybe for now we could eliminate it.

Gerry Acuna: For now I agree with this, until we get more.

Heather-Nicole Hoffman: Is that going to be one of those subjective versus objective...

Gerry Acuna: That seems to be...

Heather-Nicole Hoffman: ...issues that's going to come up?

Joshua Blaine: I think that's subjective which is why they're probably asking to eliminate it.

Kaiba White: Just to be clear, I'm agreeing with eliminating it. I'm agreeing with the TCE recommendation.

Joshua Blaine: Yeah.

Gerry Acuna: Okay. That's his...

Joshua Blaine: Yeah.

Gerry Acuna: So, five letters or more you get a ten point add-on. Anyway, the next item. "Add history of City opposition."

Joshua Blaine: Uh-huh.

Gerry Acuna: You know guys, again, back to your comment, I have no problems with that at all, but back to the fact of the matter is we want to encourage people to become part of this group, become part of the goal and aspirations that we have here. An understanding of City opposition to me is good. It's actually in your documents too. If you want to look that over. It's in this. Submitted to us. That was something, again back to your earlier comment, that is exactly how we got started on this topic in 1999. Because of the history of those facilities. I don't have a problem. Anybody want to include for this or, do you want to include this?

Amanda Masino: History of the City? Include it, or...?

Gerry Acuna: Yes. I mean, your thoughts?

Amanda Masino: Similar...

Gerry Acuna: It needs change.

Amanda Masino: Yeah, I mean similar to the lifetime history, history of City opposition with consideration of recent, of more recent activity, I mean I think that that's... all the rest of these, there's very little...

Gerry Acuna: You know, I...

Amanda Masino: Yeah.

Gerry Acuna: Hey guys, let me, again, just some comments here. The demographics in those areas are still people. They're people living there, and they're people affected by every landfill here. Back in those, back 20, 30 years ago, we had an issue of which we addressed as a Commission, we addressed as a City. And I'm hoping that the operators of those facilities understand how serious that we, as a Commission, as a City, take the operation of facilities. I mean, this is important to us and to get down the road to the next level, I think that this probably should be looked at, but at the same time, and more importantly, have they adjusted? Have they, has the new management, new ownership, if there is new management or new ownership, have they actually answered the call that this community is looking for? So, I'm assuming that we want to keep that in there then? Is that...

Amanda Masino: Yes.

Gerry Acuna: ...alright. So the next item is add 'concentration of facilities'.

Kaiba White: Can we get clarification on that?

Gerry Acuna: TCE. Again, when I think... there's only one facility there that we're addressing and there's one facility south, or actually there's one and a half south, since we have a Type IV there.

Andrew Dobbs: Are you asking for clarification?

Gerry Acuna: Yeah, for clarification please.

Andrew Dobbs: Yeah, what I meant was... Andrew Dobbs, Texas Campaign for the Environment. What I meant was about making sure that we look and see, is this waste facility, you know, are there a bunch of other permitted waste facilities here? I think about like, Dallas, right? Like southeast Dallas near McCommas Bluff where like it's all waste facilities, you know, all around there. It's all a bunch of tire plants and everything else. So, how many of these are there? Now, it's funny because after I sent this I was like, well we have at least one operator that has a co-located, you know, MRF and, you know, organics operation, and another, if 130 opens up, they want to have a very similar kind of operation there, and so I wouldn't... I don't... I would hate for this to end up looking like people that are doing lots of different kinds of innovative things all at the same place are getting penalized whereas if somebody just has a dump, you know, clears the bar on this. It's about how many different waste operations are there in the same kind of area so that we're not creating sacrifice zones where we say this whole part of town is just where we put all our trash. Does that make sense?

Kaiba White: I like the sentiment. I am wondering, you know, would there be some sort of bright line of, you know, 'X' within so many square miles, or how do you do that?

Andrew Dobbs: I was under the impression that this was going to be a matrix with points assigned. And so that we would rank, and then there would be some sort of ranking afterwards, right? And maybe there's like some sort of cutoff or something like that, but that's definitely something that needs to be discussed. But what I'm saying is that, that should be like, how many other, how many other permitted waste facilities are there within, like how many current waste facilities are there in a square mile, or you could also do it by, like, what are the nearest waste facilities to this that's operated by a different operator? What's the nearest permitted waste facility to this that's permitted by somebody else, right? You start looking at it and it's right next door. And now you're start looking at those things. I'm rambling here a little bit because I don't know the answer to the exact question. What I would say is the end result that we should be looking for is how do we avoid concentrating all of our waste facilities in one area? If that makes sense.

Gerry Acuna: Okay. So...

Andrew Dobbs: And I think that staff can start to assess opportunities in that.

Gerry Acuna: Just a comment on that. You know, whether we are generating an organics program here versus a recycling facility here versus a landfill, they are all part of that umbrella at this one facility. They're all part of a facility. Let's go to north Austin, south Austin, and then southeast. You still have the same impact to the community. There's trucks coming down the streets. There is the volumes that are still being generated there. So I'm kind of trying to grasp what we're looking for here. I...

Andrew Dobbs: I think I just answered that.

Gerry Acuna: Yeah, I know. I'm trying ...

Andrew Dobbs: The difference between, say, what 130 is going to look like if it gets built and what TDS looks like right now versus southeast Dallas, right? It's pretty clear. Like there is one facility. They have lots of operations at the facility...

Gerry Acuna: Correct.

Andrew Dobbs: ... but it's a facility. The other is, there is an area of town that has been written off by the people that make decisions there. Like that's what we're trying to avoid.

Gerry Acuna: And I agree with that and I think it's important then to use a point system for something like this.

Andrew Dobbs: Sure. Everything should be a point system.

Gerry Acuna: That to me is very important for this. I have no problems with that.

Joshua Blaine: Yeah. I think we're all operating under the assumption that how these things are weighted, and weighted against one another is TBD. It's just, what are the things we want to make sure are on this scorecard?

Gerry Acuna: So the next item is add "labor piece/collective bargaining for employees". Mr. Dobbs, do you want to...? Excuse me.

Amanda Masino: No objection.

Heather-Nicole Hoffman: It's good.

Joshua Blaine: Similarly, I think it's good to have this on the table and consider it.

Gerry Acuna: Points. Alright. That's a go then. I'm taking it. And the last one here is 'add racial demographics versus City of Austin demographics.'

Amanda Masino: I've got a friendly amendment or a change I'd like for that. I think that needs to be 'racial, ethnic, and socioeconomic demographics' to give real granularity and real information.

Gerry Acuna: Well, there's none... we're set in this, so if you want to add that, Commissioners, is that...?

Amanda Masino: I'd like to add... I'd like to add that. 'Racial, ethnic, and socioeconomic' instead of just 'racial.'

Gerry Acuna: 'Racial, ethnic, and socioeconomic.' Alright guys, those are the additions.

Joshua Blaine: I did want to make a comment that, you know, we're kind of following TCE's lead on these specifics but I do also want to acknowledge that Central Texas Refuse, Green Group Holdings, TDS, y'all all did also did submit specific recommendations and I appreciate that. And I wonder if there are stakeholders who have comments on what we've just discussed, if the Commission would be open to hearing them.

Gerry Acuna: Absolutely, I mean that was my next question, is trying to at least balance out 'this' with 'this' so that we can get to the next stage, the next level, which is again, just a gathering or a group of the stakeholders here. Be it the landfills and the haulers.

Kaiba White: I'm just wondering if before we move on... I just want to make sure nobody had objection to the one other, well actually, the two other criteria, since we're discussing this list. I added one that was basically giving additional, giving more points for carbon-free energy sources as opposed to...

Gerry Acuna: I think...

Kaiba White: ...carbon-based and then...

Gerry Acuna: I thought we agreed to that.

Kaiba White: Okay. So that was a friendly amendment. I just wasn't sure if we were trying to discuss all those things.

Gerry Acuna: Correct. Yeah, that's part of this.

Amanda Masino: That was with 1B, right? That was 1B?

Kaiba White: 2B.

Gerry Acuna: 2B. Alright guys, any comments from the industry?

Adam Gregory: Sure, I'll make a few quick comments. Adam Gregory with Texas Disposal Systems. I want to say we don't have any problem with shifting the baseline based on TCE's recommendations as long as we're going to have a serious discussion. I think this discussion tonight is a perfect example of why we need to have more detailed give-and-take around a table discussions, as opposed to simply taking turns up here and maybe discussion amongst the Commission. I truly believe it is necessary to have significant give-and-take beyond just the comments that staff has taken from us and accepted some and ignored others to get to something that even has a hope of being a feasible way forward in this vein. Since we're talking specifics, I just wanted to generally indicate we're okay with shifting the baseline as long as we're having a discussion. If we're going to talk specifics, one, A. we've made the point numerous times about the inadequacy of using the EPA reporting formulas because they've been demonstrated to create a completely false picture of the emissions from the respective landfills in the area, and they don't take into consideration any of the unique, local characteristics that can make one landfill incredibly successful in limiting landfill gas emissions vis-a-vis another who may have had the largest fine in the history of the State for odors which come from landfill gas emissions. So that EPA measurement is incredibly problematic and we look forward to an opportunity to further explain that in the stakeholder process and again,

we're okay with shifting the baseline as long as we can get together and talk about something, because that's our hope.

Joshua Blaine: I've seen your documentation about that, but forgive me, I forget, do you have a recommended preferred way of measuring that that is more objective and fair for the whole...? I mean, this is something you'll discuss at the table, but...

Adam Gregory: These are the type of questions and there very well may be that the engineers have ways to calculate this better. All I know is that one is extremely deficient and we can see that from the absurd results that it produces.

Joshua Blaine: Sure. Thanks.

Gerry Acuna: Comments?

Kaiba White: Question.

Adam Gregory: Yes.

Kaiba White: I thought that the formula only was used if the landfill was not collecting the actual data. Is that correct?

Adam Gregory: I believe there are two options. But I believe the means of collecting that data is you have to have been alive long enough as a landfill to have installed enough equipment to recover gas to be able to make that measurement. It's not always a clear cut option of... you can do one or the other. I'm happy to discuss further the different things... the two different options but I can't say absolutely for sure that each landfill can just choose because it's a difficult thing to measure. It's a... given the results that come out of the EPA modeling option, it's a very difficult thing to model as well.

Kaiba White: Okay, so just so I understand, you're saying that it's possible that a landfill can't start collecting that data until it reaches a certain age?

Adam Gregory: I believe that's the case, yes ma'am.

Kaiba White: Okay.

Adam Gregory: And I'll get you more detail. I'm happy to get you a more detailed answer on that.

Kaiba White: That would be great. Thanks.

Adam Gregory: Yes, ma'am.

Kaiba White: And if there's anybody else in the room that has information on this topic I'd be interested to hear.

Gerry Acuna: And that is, again, something that would be addressed by the stakeholders and staff on that. Any other comments?

Adam Gregory: Thank you.

Gerry Acuna: Mr. Golf? Gosh. I'm sorry.

Phil Gosh: Good evening. I just had kind of a question. When is that northeast Austin landfill going to be closing? Don't they have a limited time?

Gerry Acuna: Northeast? The Giles Lane? I can't answer that. If there's a representative from Waste Management here perhaps they can answer that. I don't know. I...

Joshua Blaine: He said he had a couple comments. I heard him.

Gerry Acuna: Oh, come on up please. Yes.

James Smith: Good evening. My name's James Smith, District Manager for Waste Connections, I mean, Waste Management here in Central Texas. Would you like to ask some questions first or comments?

Gerry Acuna: Questions then comments.

James Smith: Volume... the life of a landfill is based on volumes and I can tell you right now, based on what the current volumes we have accepting right now, we have anywhere from 7-10 years of space left and there's no drop dead date.

Phil Gosh: Okay. Thank you.

Gerry Acuna: Would you...?

Phil Gosh: So, I'm not really a landfill guy but I'm a Zero Waste guy, and what is Zero Waste? The definition of Zero Waste is Zero Waste, right? So that means we don't throw anything away. Is that correct?

Gerry Acuna: That's the definition, yes.

Phil Gosh: Okay.

Gerry Acuna: We strive to reuse, reduce, recycle as much as possible.

Phil Gosh: So, just my question is in the purpose of keeping things healthy and life-giving in our community, it just seems like we spend a lot of energy on this and I'm just kind of wondering, you know, we got a landfill that's gonna close in I don't know, 5-10 years. We're moving towards Zero Waste trying to get everything going and we're having all this discussion over this. I'm just kinda wondering why.

Gerry Acuna: Well as much as I'd like to say, "You're right, they're dinosaurs," they'll probably be needed. And we have another facility that will be opening up, or I'm assuming that will be opening up soon in south Austin or southeast Austin, or not Austin I should say, southeast, is it Caldwell County? There. You know, Bubba, your facility, you mentioned 7-10 years of life left. Is that correct?

James Smith: Yes, based on the current volumes and whatever happens here with this little group will affect that also.

Gerry Acuna: Correct.

Phil Gosh: I had a question for Waste Management too, if I could. Are y'all interested in kind of doing what's needed for the City?

James Smith: Yes, that's gonna be part of my comments here.

Phil Gosh: Oh, okay. Okay cool.

Gerry Acuna: So Bubba, you want to... Phil, I'm sorry. Go ahead. Finish.

Phil Gosh: Well I'm basically... yeah.

Joshua Blaine: While Phil is up I had a question. I was actually a little surprised to see your name on the list of businesses opposed to this. Is that why? Just 'cause you thing we're wasting our time talking about this? Cause one of the landfills in question is closing soon or...?

Phil Gosh: Pretty much. It's like, you know, again, the question is what's healthy for our City. Right? And I'm all for collaboration and people working together, big and small, to make a difference, cause that's the only way we can do it. And then I see and hear all this stuff and I'm like going "Is this really helpful? Is this everybody working together?" Or, you know it just seems like there's a lot of undercurrent and it doesn't even, it just doesn't really seem healthy and true and right. It just seems off. And so when it came up, I don't know all the details of it but I do know, you know, "TCEQ this, TCEQ that", and I think at the end of the day that's who we stand, if we had TCEQ here would y'all tell them they're full of it too? I mean, I doubt it. So that's all I know. They're the standard out there and you know, what's... it just seems like a lot of... I'm not going to say it, but it just seems like a lot of waste.

Gerry Acuna: Organics. Yes.

Phil Gosh: Yeah. Manure. Lots of it.

Gerry Acuna: You know, Phil, I can understand your frustrations here but the fact is whether this facility closes in 7, 10 years, 20 years, there's still going to be others out there, and the purpose of doing this is to, again, be able to gauge how the others also participate and operate. I mean, that's the goal here, is to make sure that everything

is leading towards, as you say, Zero Waste. That was our goal ten years ago. We're not there yet. We're not close to being there. So in the interim period let's manage the facilities that we currently have very, very responsibly. I mean, there's people who live down the street from these facilities. So as a group, yes, I agree with you. Maybe in a perfect world our focus would be on the topic of diversion and how do we maximize that, which it should be today, actually, and it will be in the future. But right now we've got a challenge ahead of us making sure that anything that this community is disposing of is done in a responsible way. I mean, thank you for being part of the solution. That's important to us. That's important to me.

Phil Gosh: You're welcome. We're trying. But it just takes a lot of people to do it, and that's a group of people that said, you know, "Why are we doing this plan?" I mean let's just work together and go forward. But that's why everybody got together. It just feels like it's one-sided and it seems unfair and unjust and unhealthy, so...

Gerry Acuna: I appreciate that. Josh?

Joshua Blaine: Well that's been the argument of communities around landfills for decades. I think there are examples outside of Austin that show what happens when companies that own landfills aren't held accountable. And those examples show that the government and the regulators were not being held accountable either. And I think in the context of Zero Waste and diversion it's totally relevant to talk about how we manage our landfill waste because, as you said, it's part of our profile right now. We're not actually Zero Waste. We are sending things to the landfill and if we're not holding high standards for that then it's an externalized hidden cost and so I think if we hold a high standard for what happens with our trash then it can help us motivate to actually get to Zero Waste. If we find that it's really difficult to throw things away in an equitable way, that's probably going to be the case. And that's why we have a Zero Waste movement, right? Nobody wants trash in their backyard. Nobody does.

Phil Gosh: It's just the questions of the injustice. The questions about what happened forty years ago before the landfill was even there and then it's all thrown together. It's just a lot of, I don't know, it just doesn't feel right to me. It just seems unjust, or it just doesn't seem healthy. So if we can stay focused on what's beneficial for our future, I think that's smart and healthy. If we keep on that...

Gerry Acuna: Thank you. I appreciate it.

Phil Gosh: ...if we keep on that road and stay focused on how we can do it together.

Gerry Acuna: And that is the goal.

Joshua Blaine: I hope you can help rally your peers who signed that letter to come to the table and help be a part of this process in that spirit.

Phil Gosh: Oh, I'm sure they will, so... thank you.

Gerry Acuna: Thank you, Phil. Bubba?

James Smith: Back again, and I still work for Waste Management, by the way. [Laughter] You know, we probably haven't been as active, Waste Management, in this process and I guess a little bit of it is, I don't know what's happened... well, we all know, it's all documented what's happened thirty years ago. I've been here since 2002 and I can tell you this: the Austin Community Landfill is a state-of-the-art facility with no environmental issues. We've been... there's been missiles launched at us ever since I've been here by a group, couple of groups here tonight actually, that... it's not merited. I mean, we inherited, that's the Waste Management inherited an industrial waste unit, the infamous IWU, when they purchased that company... when they purchased that property. Again, it's a quarter of a mile where City of Austin waste has been dumped and is being dumped now, with what contracts we have. That area has caused no problems. It's been scrutinized. It's been investigated. It's been looked at; it's been kicked and stomped since 2002 since I've been here. We've been through permit expansion processes. It's been evaluated. It's been looked at. No issues. And I can tell you right now we will be a lot more involved than we have been. We were fine. Actually, if the landfill criteria, as it was before we added which were not bad... comments that the TCE added, we would have lived with that tonight. I would have said 'let's do it.' Because I feel we would have been at the top of the list in meeting that criteria. We're here to help, again. I want to make a couple of comments about emissions. That's a big part of this deal. Sometimes we feel like we're being penalized for capturing the methane that's there. I mean I think we're going a great justice. We're

using a source that's there. I mean, it's there, why not make electricity out of it and feed it back as green energy in the community. I think that's great. I think we, again, we have the most up to date, or I guess, the only gas system of that type with the companies that you'll look at. And a lot of darts have been thrown at TCEQ. I think they're experts. They can't be... they gotta be experts. That's who regulates all of us. The EPA. How come we say that their information is incorrect? We're all... that gas emissions... we're going to be happy to discuss that in the future and we'll have experts that can explain that a lot more, or a lot better than I or anybody else in this room can. I think it's a topic that really needs to be discussed. EPA, there's two methods. We're both... all the companies here are calculated on those two methods. There is talk about some companies do a much better job of managing organics that come into the landfill. There's still organics there. There's still being gas produced. What was done years ago, we might as well capture that gas. Again, I won't take any more time. I'll answer any questions but we're, Waste Management, is here to help the City of Austin meet its Zero Waste goals.

Gerry Acuna: Any questions? Comments? Commissioner Blaine.

Joshua Blaine: I do have a question. You said you would have had no problem with the criteria but you signed this letter that said you opposed it, did you not?

James Smith: Well, yes. We would rather leave here tonight saying we have three landfills to use in this community and I don't see how much why we've went through all this process. We have three great landfills in this community. Let's keep it a fair, competitive marketplace and let's move forward. You know, I suggest right now let's just all go home, take our wives out and husbands out to Valentine's night and let's use the three landfills we have right here and be a competitive marketplace. 'Cause there's no problems...

Joshua Blaine: Nobody's suggesting we don't use those three landfills. We're suggesting that those landfills meet the standards that reflect the values of our community.

James Smith: And we meet those standards and we'll be glad to work with the criteria that we as a group adopt. I have no problem with that at all.

Joshua Blaine: I'm still confused why you signed this letter then. What has changed since?

James Smith: We would rather not have criteria, again, and... 'cause we've proven by our track record in the last years that we're a landfill that you shouldn't have an issue to use, and that's what we opposed. If the group comes up with, "We want to do the criteria," we'll be a part of that group.

Joshua Blaine: I'm glad to hear you say that. I will make a comment though that there has been definitive evidence that that hazardous waste in your landfill poses a serious threat. I mean, it's been well documented. The City knows this. Everybody in this room knows this. It was before 2002.

James Smith: Okay.

Joshua Blaine: So what you said is maybe true...

James Smith: I can speak from 2002 until tonight.

Joshua Blaine: Yeah, well, in 1999 a different conclusion was drawn and nothing has changed in regards to what's there so I think it's important for that to be stated.

Gerry Acuna: You know, Commissioners, I had the ability to contact and talk to Amanda, and again I welcome all of us to go and visit these facilities.

Joshua Blaine: I've been and Bubba gave me a tour, and I do want to say that your waste-to-energy facility is very impressive and it is commendable that you're making use of the methane. And I don't mean to imply that the improvements you've made since you came aren't worthwhile, but I do think it's misleading to say that there's no evidence that there's never been any issues, 'cause there is evidence. But again, I'm glad to hear you say that you're willing to work with us.

James Smith: Okay. I'll leave it at that.

Gerry Acuna: Any comments? But I, again guys, I invite you to please go take a look at what we're talking about here. To be able to touch it, feel it, see it is important. This is literally what we're all talking about here, debating. Anyway. Bubba, thank you very much.

James Smith: Thanks.

Gerry Acuna: Any other comments from...? Andy Andrasi?

Andy Andrasi: Hello. Andy Andrasi, Central Texas Refuse. We are an independent hauler that does not have a landfill or an affiliation directly with a landfill and so our overriding concern is that whatever criteria is ultimately put into place, that it doesn't eliminate independent haulers from being able to bid on City contracts. So, if, theoretically, if we come down to one facility that can meet the criteria and we or any other independent hauler doesn't do business with that facility then we're shut out of being able to bid on City contracts. Likewise, theoretically, I guess all the landfills in the area could not meet criteria and then we'll have to look at exporting materials greater geographical distances which is going to be financial burdens on the City as well. So, overall, our concern is just making sure that whatever the criteria are, that it doesn't preclude those of us that do not own a landfill to be able to participate in the City process.

Gerry Acuna: Any comments?

Kaiba White: Thank you for your comments. I'm just wondering if you can clarify. You said that if you don't do business with a certain landfill, can you explain is that usually done in a contract where you have committed to take all of your waste to one location or another, or can you elaborate on how that might occur?

Andy Andrasi: Yes, there are agreements like that.

Kaiba White: Okay, and are they generally long-term?

Andy Andrasi: Yes.

Kaiba White: Thank you.

Andy Andrasi: A lot of it's based on volumes that we can generate. For us in particular, being one of the largest independents, we do get contractual agreements that help us with our business model.

Kaiba White: Can you speak to what the term... the timeline usually is on those kind of agreements?

Andy Andrasi: I actually don't know the length of term with it...

Kaiba White: Okay.

Andy Andrasi: ...but it's generally multi-year.

Kaiba White: Okay. Thanks.

Gerry Acuna: Commissioner Hoffman.

Heather-Nicole Hoffman: We've heard that there is a concern that if only one was... if it happened to be a hauler that has their own landfill, they could deny use of their landfill to all other contractors. Is that correct?

Andy Andrasi: Theoretically I believe that's true.

Heather-Nicole Hoffman: Yeah. So that is a concern. Okay. Thank you.

Gerry Acuna: Any other comments? Andy, thank you. Any other...?

Amanda Masino: Do we want to read back...

Gerry Acuna: Absolutely.

Amanda Masino: Josh's amendment has gotten complicated but I've been keeping notes. If we could read that back and I still want to introduce another friendly change, which was...

Gerry Acuna: Go ahead and introduce the change and we'll...

Amanda Masino: So Josh's further keeping the draft we have and adding as a recommendation, 'further recommend that staff incorporate the following changes into the matrix based on Texas Campaign for the Environment's recommendations presented to ZWAC on February 14th, 2018. Specifically: 1B should be a pass-fail metric. 2A should add lifetime violations and/or complaints. Amend the final sentence of 2B to "this does not include waste-to-energy technologies except for normally occurring landfill gas-to-energy, not including induced bioreaction." Item 2B should award additional points for carbon-free facilities. Clarify that 3A to 3E only add points for exceeding permit requirements. Delete 4A. Eliminate the final sentence of 4C. Add criteria and measures for history of City opposition, concentration of facilities, labor piece/collective bargaining for employees, and racial, ethnic, and socioeconomic demographics as compared to City of Austin demographics.' And Kaiba just gave me an edit. 2B, the sentence 'use of electric vehicles and carbon-free energy sources is preferred over carbon based energy sources.' Is that everything on...?

Joshua Blaine: Was it delete 4A or was it clarify that it's only for executives and management?

Amanda Masino: I don't know.

Joshua Blaine: I thought we had decided on the latter.

Gerry Acuna: No, I thought that was account executives and management.

Amanda Masino: So clarify?

Gerry Acuna: Clarify that it's...

Joshua Blaine: Yeah.

Amanda Masino: Okay.

Gerry Acuna: Management and executives.

Amanda Masino: Okay.

Gerry Acuna: Alright, guys. So, again, these are the additions to the submitted Resolution. Is that the understanding...

Joshua Blaine: Uh huh.

Gerry Acuna: ...of the Commission? Okay.

Kaiba White: Did we get the Master Plan thing in there?

Amanda Masino: Oh, yeah, what was the... considering the Master Plan or weighed against the Master Plan? Referencing the Master Plan?

Kaiba White: Referencing.

Joshua Blaine: I think that was made before we decided to marry it to this which I believe would address that but, Cathy, tell me if I'm wrong.

Cathy Gattuso: Where does it address that?

Joshua Blaine: 'Commitment to the City of Austin's Master Plan and Zero Waste goal.' I mean, it's in the first 'Therefore be it Resolved.'

Kaiba White: Okay.

Gerry Acuna: Alright. Alright guys, so we do have a Resolution that's been modified with agreed to additions.

Amanda Masino: I have the one about the process to read out.

Gerry Acuna: Okay then let's go ahead and read that one.

Amanda Masino: And then the other one is, 'further recommend that ARR staff enact an inclusive stakeholder process to further refine the landfill criteria matrix including staff, ZWAC members, and stakeholders from industry and environmental groups, health groups, and other community groups as well as independent researchers who can offer objective measures that embody subjective criteria.'

Kaiba White: Can we make somewhere in there just 'community members'?

Amanda Masino: Community members.

Kaiba White: So you don't have to be affiliated with a group.

Joshua Blaine: I appreciate you adding that in, Amanda.

Amanda Masino: Okay, so 'community groups and community members.'

Gerry Acuna: Okay.

Amanda Masino: Okay. That is all of it.

Gerry Acuna: Okay, that is a... I accept Josh's amendment and Kaiba's and Amanda's and Cathy's and ... you know, Heather's. Anybody who submitted an amendment to this Resolution, so be it agreed to. The Item is on the table. We can vote that. Call the Item now. All those in favor, raise your hand. All those opposed, raise your hand. Abstentions, raise your hand. Unanimous. Sam.

Sam Angoori: Sam Angoori. So, just so I understand, staff is gonna work with stakeholders and I still need maybe one or two from the Commissioners to be on that. You may want to talk to some, or if you want to volunteer now?

Gerry Acuna: I would volunteer.

Amanda Masino: I'd be happy to.

Gerry Acuna: Amanda and I. One more.

Joshua Blaine: Kaiba just raised her hand.

Gerry Acuna: Kaiba. Three.

Heather-Nicole Hoffman: I can be an alternate.

Gerry Acuna: Oaky, so one, two, three, alternate.

Kaiba White: Four doesn't make a quorum.

Amanda Masino: Okay.

Gerry Acuna: Alright, guys. Alright. So the goal here is to have something by May 1st.

Sam Angoori: Yes.

Gerry Acuna: Is that correct?

Sam Angoori: Yes.

Gerry Acuna: So it can be presented at our next meeting. Is that correct?

Heather-Nicole Hoffman: The timeline's right. It sounds like we really need to focus on coming up with some specifics and maybe some scales and things like that. Is that really our goal in this stakeholders meeting, trying to assign weights to these things to some degree?

Sam Angoori: I think that's a plan. I mean, for the first meeting I would suggest also including some haulers so that we can hear their side of the story and then move on with looking at the criteria. Looking at the criteria matrix and look at each one of those items and look at the comments. So we can, at the first meeting we can decide how we're going to move forward with that or have some kind of process in place.

Gerry Acuna: Correct. Can you come up with a guideline? Send us back a guideline, perhaps beginning of next week, on what you envision the timeline being? Who is meeting when and how, where, all that good stuff? This is a lot of work here in a very short window of time so I'd love to jump on this sooner than later, if we can.

Sam Angoori: There is something wrong with the microphone 'cause I cannot hear.

Gerry Acuna: Sorry. Hello?

Sam Angoori: I can hear from over there but over here can't hear much.

Gerry Acuna: Okay. Hello? Hello? Hello? Can staff put together a timeline that you can present to us that states what our objectives are, the groups that we're going to be meeting with, so that we can all get on course? There's a lot of work to be done here...

Sam Angoori: Sure.

Gerry Acuna: ...and there's not a whole lot of time to get it done so I was hoping the quicker we get moving the better on this.

Sam Angoori: We can draft some and send it to you.

Gerry Acuna: Great guys. That's it. Hey, you know what, Sam? This is your Director's Report.