

REQUESTING DEPARTMENT: Austin Resource Recovery (ARR)

SUBJECT: Approval of a landfill criteria matrix developed in response to the recommendation by the City Council Waste Management Policy Working Group.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: A fiscal note is not required.

PURCHASING LANGUAGE: N/A

PRIOR COUNCIL ACTION:

Council Resolution No. 20170323-055 formed the City Council Waste Management Policy Working Group “to examine waste management and biosolids policy issues and contracts, especially as they relate to organics and recycling.”

July 21, 2017 – City Council Waste Management Policy Working Group published recommendations (<http://austintexas.gov/workinggroup>).

FOR MORE INFORMATION CONTACT:

Richard McHale, ARR, 974-4301; or
Sam Angoori, ARR, 974-4313

BOARD AND COMMISSION ACTION:

November 8, 2017 – Zero Waste Advisory Commission (ZWAC) considered draft landfill criteria

January 10, 2018 – ZWAC considered draft landfill criteria

February 14, 2018 – ZWAC recommended that ARR staff enact an inclusive stakeholder process to further refine the draft landfill criteria, including consideration of several proposed changes.

September 6, 2018 - ZWAC considered landfill criteria.

MBE / WBE: N/A

Related Items: N/A

Additional Backup Information

This action seeks Council approval of a landfill criteria matrix to identify landfills eligible to receive either city-controlled municipal solid waste (MSW) or city-controlled construction and demolition (C&D) debris.

Subsequent City solicitations that include disposal of either MSW or C&D debris would require vendors to use only eligible landfills on the appropriate list (MSW or C&D).

BACKGROUND

During the fall of 2016 and spring of 2017, the City Council rejected a number of staff-recommended contracts in response to objections from the Zero Waste Advisory Commission and other stakeholders. In March 2017, Council approved Resolution No. 20170323-055 to form a Working Group to identify concerns from industry representatives, commissioners and citizen advocates.

At several public meetings in April and May, 2017, the Council Working Group considered public input on eight questions from city staff. On July 21, 2017, the Working Group issued its set of recommendations on those questions. Question 2 was, "Should materials be directed to or away from certain landfills in future solicitations?" The Working Group answered, "Yes, materials should be directed to or away from certain landfills through the use of a landfill criteria matrix that reflects Council's environmental priorities."

In addition, the Working Group recommended that staff develop landfill criteria "to include considerations such as: community impact and social equity, carbon footprint, amount and type of waste, existing levels of hazardous materials at landfill. Staff should prepare this matrix and it should come before the Council for approval before implementation."

PROCESS

Staff drafted and presented a landfill criteria matrix to the Zero Waste Advisory Commission (ZWAC) at the Nov. 8, 2017 and Jan. 10, 2018 meetings. At its Feb. 14, 2018 meeting, ZWAC approved a resolution recommending that ARR staff enact an inclusive stakeholder process to further refine the landfill criteria. The resolution also recommended changes in the staff-drafted criteria that should be included in the stakeholder input process.

From March through May of 2018, ARR hosted five public meetings for stakeholders led by an independent facilitator. ARR facilitated an additional public meeting conducted primarily for landfill operators. As a whole, participating stakeholders included:

- 60 individuals
- 26 individuals per meeting on average
- 6 stakeholder groups:
 - 13 haulers and landfill operators
 - 6 state, regional, or local government agencies
 - 1 university
 - 1 nonprofit
 - 4 engineering or consultant firms
 - 6 ZWAC members

These stakeholder meetings resulted in a set of draft criteria – some with general stakeholder consensus and others with limited support.

ARR staff used the stakeholder criteria as a starting point to develop the staff-recommended criteria. ARR staff evaluated each criterion based on whether it was specific and well defined,

measurable and objective, achievable, relevant to Council or ARR priorities, and current. This process involved gathering additional input from city departments (Equity Office, Office of Sustainability, Law Department, Corporate Purchasing, and Watershed Protection Department) and the Texas Commission on Environmental Quality.

Some stakeholder criteria were modified or omitted because they were not allowed by law, were standard industry practice, ambiguous, difficult to measure, or subjective. In addition, ARR refined some of the remaining criteria and developed a scope for its use in a Request for Information.

In September 2018, ZWAC considered the landfill criteria.

LANDFILL CRITERIA REQUEST FOR INFORMATION

Staff's proposed process is to utilize the landfill criteria matrix to identify landfills eligible to receive city-controlled MSW or C&D. Each potential landfill would submit the matrix information through a Request for Information (RFI).

In practice, the City of Austin would issue the RFI and receive the responses from landfill operators. Each landfill operator would receive a score based on the landfill operator's response to the RFI and publicly available information from local, state, or federal public agencies.

Based on the score, the City of Austin would develop two lists of landfills eligible to receive city-controlled waste – one for municipal solid waste (MSW) and one for construction and demolition (C&D) debris, which is less restricted.

City solicitations that include disposal of either MSW or C&D debris would require that vendors use only landfills eligible to accept the city-controlled waste. Once a solicitation closes, changes in the landfill score will not affect the contract.

The following table summarizes the draft criteria and proposed scoring.

Pts	Draft Criteria
Carbon Footprint	
18	Estimated landfill gas collection emissions *
2	Onsite use of carbon-free energy
5	Landfill gas beneficial use *
Environmental, Zero Waste, and Sustainability	
15	Permit compliance
10	Zero Waste / beneficial waste diversion
Operational Safety	
15	Safety record
10	Onsite fatalities or catastrophes
Community Impact and Social Equity	
10	Workforce diversity policy

15	Living wage and benefits
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* These criteria are not included in the criteria for disposal of C&D debris.

ZERO WASTE ADVISORY COMMISSION RECOMMENDATION

On September 6, 2018, the Commission voted XXX

STAFF RECOMMENDATION

Staff recommends adoption of the attached landfill criteria matrix to identify landfills eligible to receive either city-controlled municipal solid waste (MSW) or city-controlled construction and demolition (C&D) debris.

FISCAL IMPACT ASSESSMENT

Annually, the City of Austin will issue the RFI, process the responses, and develop the two lists of eligible landfills.



LANDFILL CRITERIA August 29, 2018

PURPOSE

The purpose of this Request for Information is to gather information from landfill operators for use in solicitations that include disposal of municipal solid waste (MSW) or construction and demolition (C&D) debris controlled by the city of Austin, such as contracts for hauling trash but not for disposal of residuals resulting from the processing of city-controlled recyclables or compostable material.

The intent is to minimize negative impacts and encourage positive impacts of landfills on climate change and other aspects of the environment, landfill employees, others that use landfills, and landfill neighbors.

SCOPE OF USE

The City will determine a Landfill Score for each landfill operator based on publicly available information from local, state, or federal public agencies and on the landfill operator's response to this Request for Information (RFI) using the criteria and measurements described below.

The Landfill Score will only apply to the landfill operations that would be disposing of municipal solid waste (MSW) or construction and demolition (C&D) debris as part of the City solicitation.

City solicitations that include disposal of MSW or C&D debris will only accept responses from landfill operators that have a Landfill Score submitted less than one year prior to the solicitation's closure date.

Landfills with a current Unsatisfactory compliance rating from the Texas Commission on Environmental Quality, an enforcement order, court order, consent decree, or criminal conviction related to EPA or TCEQ violations, or placed on the EPA's National Priority List (NPL) shall not be eligible to receive City controlled trash, waste, refuse, or debris until the violation is fully remediated and compliant with the EPA and TCEQ.

The City will use the Landfill Scores to develop a list of qualified landfills eligible to receive city-controlled municipal solid waste and city-controlled C&D debris. Landfill scores for the C&D landfill list would include the same criteria as the MSW landfill list except criteria 1a and 1c, which address landfill gas emissions. On each list, landfills with scores within 25 points of the highest scoring landfill would be qualified. An Invitation for Bid (IFB) for these services would restrict bidding to only qualified landfills.

The landfill criteria matrix for MSW disposal shall have a maximum score of 100 points. The landfill criteria matrix for C&D disposal shall have a maximum score of 80 points.

For criteria that don't apply to a particular landfill, (e.g., an out-of-state landfill subject to another state's landfill regulations), the ARR Director will determine alternative equivalent measures.

Once a solicitation closes, changes in the Landfill Score will not affect the contract.



Staff Landfill Criteria (MSW Disposal)

Objective?	Criteria		Description & Measure	Pts
	1 Carbon Footprint		INTENT: Minimize the generation of landfill gas and beneficially use what is produced in ways that replace carbon-based energy sources.	25
Y	1a	Estimated landfill gas collection emissions	<p>Description: The City will compile the most recent landfill gas emissions and total waste in place reported in the USEPA's Facility Level Information on Greenhouse Gases Tool (USEPA FLIGHT: See Notes, below) for all the active landfills listed by the Texas Commission on Environmental Quality in the Alamo Area Council of Governments, Capital Area Council of Governments, Houston-Galveston Area Council, and North Central Texas Council of Governments and group the landfills. (See Notes, below.)</p> <p>Measure: For purposes of this criterion, "normalized emissions" are equal to a landfill's annual Landfill Gas Emissions (mTCO₂e) divided by its total Waste In Place (metric tons), using the smaller value derived from using HH6 and HH8 calculation methods. The landfill operator will receive all of the available points if its landfill's normalized emissions are in the lowest third of the normalized emissions and half of the available points if its normalized emissions are in the middle third. An operator of a new landfill that is not required to report to USEPA FLIGHT will receive full credit but only in its first two years of operation.</p>	18
Y	1b	Onsite use of carbon-free energy	<p>Description: The landfill operator shall provide information on its use of carbon-free fuels, power, or energy for its landfill fleet or other uses separate from a landfill's on-site use of landfill gas. This includes but is not limited to solar, wind, hydrogen, or electric technology. Use of electric vehicles and carbon-free energy sources is preferred over carbon-based energy sources.</p> <p>Measure: The landfill operator will receive full credit for any carbon-free energy use at the landfill.</p>	5
Y	1c	Landfill gas beneficial use	<p>Description: The landfill operator shall provide information on its current uses of its landfill gas (LFG). This does not include waste-to-energy technologies, except for normally occurring landfill gas-to-energy, not including bioreaction. For example, the landfill operator could use LFG to produce electricity, fuel vehicles, space heating or it could be fed into a natural gas line for off-site use.</p> <p>Measure: The landfill operator will receive full credit for LFG beneficial use at the landfill. An operator of a new landfill that is not required to report to USEPA FLIGHT will receive full credit but only in its first two years of operation.</p>	2
	2 Environmental, Zero Waste, and Sustainability		INTENT: Minimize negative impacts to the environment and implement positive ones.	25
Y	2a	Permit compliance	<p>Description: The City will review the landfill's environmental Compliance History (based on records at the Texas Commission on Environmental Quality or other appropriate environmental regulatory agency). (See Notes, below.)</p> <p>Measure: The landfill operator will receive full credit for achieving a High Compliance rating for the most recent 5-year rating period. The landfill will receive no credit for a Satisfactory.</p>	15

Y	2b	Zero Waste / beneficial waste diversion	Description: The landfill operator shall submit a detailed list of activities that promote zero waste and waste diversion.	10
			Measure: The landfill operator will receive partial credit for each of up to five of the following onsite activities that reduce annual disposal of at least one ton of reusable, recyclable, compostable materials or products consistent with the Austin Resource Recovery Master Plan: 1. Large-scale drop-off or buy-back of source-separated products or materials for reuse or recycling 2. Large-scale grinding of landscape debris or wood scrap for non-fuel uses 3. Large-scale composting of organic materials 4. Reclamation from processing mixed construction or demolition debris for reuse or recycling 5. Reclamation of products or materials for reuse or recycling 6. Other activity diverting significant quantities for reuse, recycling, mulch, or composting	
3 Operational Safety			INTENT: Minimize the safety risk to the landfill's employees and others onsite.	25
Y	3a	Safety record	Description: The landfill operator shall provide information on its injury and illness incident rate for the past five years. The City will review the most recent Bureau of Labor Statistics (BLS) annual report of Occupational Injury and Illness Incidence Rates of by industry. (See Notes, below.)	10
			Measure: The landfill operator will receive full credit if its most recent incident rate is less than or equal to the total incidence rate for solid waste landfills nationwide in the most recent BLS report.	
Y	3b	Onsite fatalities or catastrophes	Description: The City will review OSHA's most recent Severe Injury Reports and OSHA's Fatality Inspection Data . (See Notes, below.)	15
			Measure: The landfill operator will receive full credit for having no severe injuries, fatalities, or catastrophes for the past five years.	
4 Community Impact and Social Equity			INTENT: Support and minimize harm to potentially impacted neighboring communities and provide equitable compensation and advancement opportunities.	25
Y	4a	Workforce diversity policy	Description: The landfill operator shall provide documentation affirmative hiring and diversity advancement policies.	10
			Measure: The landfill operator will receive all available points for providing documentation of affirmative hiring (including a Fair Chance hiring policy) and diversity advancement policies within the landfill operations.	
Y	4b	Living wage and benefits	Description: The landfill shall provide documentation on the number and percentage of all its full-time, non-exempt landfill employees earning at least the current living wage and receiving health care protection as set by the City for its contracts. (See Notes, below.)	10
			Measure 1: The landfill operator will receive credit if all of its full-time, non-exempt employees earn at least the current living wage and receive health care protection as set by the City for its contracts.	
Y			Measure 2: The landfill operator will receive credit for having either a collective bargaining or labor peace agreement.	5

NOTES:

Criteria 1a. The Facility Level Information on Greenhouse Gases Tool (USEPA FLIGHT ghgdata.epa.gov/ghgp/main.do) provides access to greenhouse gas data reported to EPA by large emitters, facilities that inject CO2 underground, and suppliers of products that result in GHG emissions when used in the United States. In general, facilities that directly emit 25,000 metric tons of carbon dioxide equivalent or more per year are required to submit annual reports to EPA.

Criteria 2a. TCEQ determines a compliance rating for each facility annually based on inspections and complaint investigations. Ratings are maintained on a 5 year rolling schedule and are classified as High, Satisfactory or Unsatisfactory with a numerical rating that fits into each of these compliance tiers. See www.tceq.texas.gov/compliance/enforcement/compliance-history.

Criteria 3a. See the Nonfatal injury and illness rates by industry published by the Bureau of Labor Statistics at www.bls.gov/iif for private industry solid waste landfills (NAICS 562212). Nationally, solid waste landfills reported an incidence rate for nonfatal occupational injuries and illnesses of 4.9 in 2016.

Criteria 3b. See OSHA's [Severe Injury Reports](http://www.osha.gov/severeinjury/index.html) at www.osha.gov/severeinjury/index.html and OSHA's [Fatality Inspection Data](http://www.osha.gov/dep/fatcat/dep_fatcat.html) at www.osha.gov/dep/fatcat/dep_fatcat.html.

Criteria 4b. The Austin City Council established a Living Wage for certain contractors by adopting Resolution No. 20160324-020 (www.austintexas.gov/edims/document.cfm?id=250908). The [Living Wage](#) for contracts executed during the city's current fiscal year per hour (www.austintexas.gov/faq/what-citys-living-wage). In addition, per a Supplemental Bid Document for Living Wage and Benefits, contractors must offer health insurance with optional family coverage for applicable Contractor employees.



Staff Landfill Criteria (C&D Disposal)

Objective?	Criteria		Description & Measure	Pts
	1 Carbon Footprint		INTENT: Minimize the generation of landfill gas and beneficially use what is produced in ways that replace carbon-based energy sources.	5
Y	1b	Onsite use of carbon-free energy	<p>Description: The landfill operator shall provide information on its use of carbon-free fuels, power, or energy for its landfill fleet or other uses separate from a landfill's on-site use of landfill gas. This includes but is not limited to solar, wind, hydrogen, or electric technology. Use of electric vehicles and carbon-free energy sources is preferred over carbon-based energy sources.</p> <p>Measure: The landfill operator will receive full credit for any carbon-free energy use at the landfill.</p>	5
	2 Environmental, Zero Waste, and Sustainability		INTENT: Minimize negative impacts to the environment and implement positive ones.	25
Y	2a	Permit compliance	<p>Description: The City will review the landfill's environmental Compliance History (based on records at the Texas Commission on Environmental Quality or other appropriate environmental regulatory agency). (See Notes, below.)</p> <p>Measure: The landfill operator will receive full credit for achieving a High Compliance rating for the most recent 5-year rating period. The landfill will receive no credit for a Satisfactory.</p>	15
Y	2b	Zero Waste / beneficial waste diversion	<p>Description: The landfill operator shall submit a detailed list of activities that promote zero waste and waste diversion.</p> <p>Measure: The landfill operator will receive partial credit for each up to five of the following onsite activities that each reduce annual disposal of at least one ton of reusable, recyclable, compostable materials or products consistent with the Austin Resource Recovery Master Plan:</p> <ol style="list-style-type: none"> 1. Large-scale drop-off or buy-back of source-separated products or materials for reuse or recycling 2. Large-scale grinding of landscape debris or wood scrap for non-fuel uses 3. Large-scale composting of organic materials 4. Reclamation from processing mixed construction or demolition debris for recycling 5. Reclamation of products or materials for reuse or recycling 6. Other activity diverting significant quantities for reuse, recycling, mulch, or composting 	10
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			Measure 1: The landfill operator will receive credit if all of its full-time, non-exempt employees earn at least the current living wage and receive health care protection as set by the City for its contracts.	
			Measure 2: The landfill operator will receive credit for having either a collective bargaining or labor peace agreement.	
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Criteria 1a. The Facility Level Information on Greenhouse Gases Tool (USEPA FLIGHT ghgdata.epa.gov/ghgp/main.do) provides access to greenhouse gas data reported to EPA by large emitters, facilities that inject CO2 underground, and suppliers of products that result in GHG emissions when used in the United States. In general, facilities that directly emit 25,000 metric tons of carbon dioxide equivalent or more per year are required to submit annual reports to EPA.

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Criteria 3a. See the Nonfatal injury and illness rates by industry published by the Bureau of Labor Statistics at www.bls.gov/iif for private industry solid waste landfills (NAICS 562212). Nationally, solid waste landfills reported an incidence rate for nonfatal occupational injuries and illnesses of 4.9 in 2016.

Criteria 3b. See OSHA's [Severe Injury Reports](http://www.osha.gov/severeinjury/index.html) at www.osha.gov/severeinjury/index.html and OSHA's [Fatality Inspection Data](http://www.osha.gov/dep/fatcat/dep_fatcat.html) at www.osha.gov/dep/fatcat/dep_fatcat.html.

Criteria 4b. The Austin City Council established a Living Wage for certain contractors by adopting Resolution No. 20160324-020 (www.austintexas.gov/edims/document.cfm?id=250908). The [Living Wage](#) for contracts executed during the city's current fiscal year per hour (www.austintexas.gov/faq/what-citys-living-wage). In addition, per a Supplemental Bid Document for Living Wage and Benefits, contractors must offer health insurance with optional family coverage for applicable Contractor employees.