



MEMORANDUM

TO: Mayor and City Council

THRU: Spencer Cronk, City Manager

FROM: Sam Angoori, P.E., Interim Director
Austin Resource Recovery

DATE: November 09, 2018

SUBJECT: Landfill Criteria Matrix

The purpose of this memorandum is to provide an update on future solicitations for landfill trash services from the City of Austin. As a reminder, City controlled municipal solid waste contracts represent approximately 8% of the total waste disposed in the two local landfills (Austin Community Landfill and Texas Disposal Systems), largely through the residential landfill contract, Central Business District contract, and the city facilities contract.

A Council Waste Management Policy Working Group recommended that staff develop a landfill criteria matrix to include certain considerations of landfill operations. As a result, staff developed a matrix intended to ensure landfill operators competing for City contracts are adhering to best operational practices relating to carbon footprint, environment, safety, and community impact. The matrix was considered at the October 2018 Zero Waste Advisory Commission (ZWAC) where they voted to reject both stakeholder and staff matrices.

As you know, anything related to the landfill and solid waste operations has been controversial with several vocal competitors. Following that pattern, the landfill criteria has been contentious as well, as can be seen by ZWAC's rejection of any criteria. Therefore, in an attempt to keep the process moving toward a Council decision on subsequent contracts that will use landfill criteria matrix (and since this process is an administrative function prior the procurement process), City staff will develop and issue a Request for Information (RFI) seeking responsive data from landfill operators using the landfill criteria matrix we have developed thus far. Responses will be scored by a multi-departmental panel of City staff to develop a list of qualified landfills eligible to receive city-controlled municipal solid waste (MSW) as part of an unbiased City procurement process. We do not expect the controversy to go away with this path, but Council will now only be asked to weigh in when the first procurement is brought forward using the list of qualified landfills including the data the operators were required to submit to meet the criteria.

BACKGROUND

City Council rejected four staff-recommended contracts for solid waste and diversion, in response to objections from the Zero Waste Advisory Commission (ZWAC) and other stakeholders in the fall of 2016 and spring of 2017. In response, City Council approved Resolution No. 20170323-055, in March 2017, to form a Waste Management Policy Working Group to examine waste management and biosolids policy issues and contracts, especially as they relate to organics and recycling. This Working Group consisted of Council Members Alter, Garza, Kitchen, and Pool.

The Council Working Group considered public input on eight questions from city staff in four public meetings held in April and May of 2017. The results of these meetings were released in July 2017, as a set of Working Group recommendations to staff.

One of these recommendations was in response to the staff question, “Should materials be directed to or away from certain landfills in future solicitations?” The Council Working Group responded, “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.”

The Council Working Group recommended to staff to, “Direct waste diversion by criteria not by landfill. Per previous Council priorities and issues enumerated during the Waste Working Group’s meetings with stakeholders, staff should develop criteria for waste diversion 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.”

Travis County has two Type I (municipal solid waste) local landfills that serve the municipality. Waste Management operates The Austin Community Landfill, in Northeast Austin, off of Highway 290. Texas Disposal Systems operates the Texas Disposal System’s Landfill in Southeast Travis County, in Creedmoor, Texas.

Other regional landfill options include the Waste Management operated, Williamson County Landfill, but this landfill does not accept City of Austin landfill trash and would require Williamson County approval before accepting City of Austin trash. Additionally, a proposed new landfill operated by Green Group Holdings may be developed in Caldwell County, but the date of start of operations is not known at this time.

PROCESS

From March through May of 2018, ARR hosted five public meetings for stakeholders led by an independent facilitator. ARR facilitated one additional public technical meeting focused on landfill gas emissions. 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

Stakeholders were asked to discuss each criteria and determine if there was consensus to add, revise, or delete language, criteria, or scores. Stakeholders didn't reach consensus on 48% of measures in the criteria.

ARR staff evaluated each criterion based on whether it was specific, measurable, achievable, publically available, and relevant to Council or ARR priorities. Staff also gathered input from multiple 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 August 2018 staff released the staff recommended version of the matrix for public comment. Staff was able to accommodate some of the recommendations before presenting the landfill criteria matrix to ZWAC in October 2018.

NEXT STEPS

City staff will issue a Request for Information (RFI) to all permitted landfills in the state of Texas. Landfill operators will have 60 days to respond to the RFI.

Future Invitation for Bid's (IFB) would restrict bidding to haulers and processors utilizing only qualified landfills.

Using the information submitted in response to the RFI, staff will utilize the landfill criteria matrix to identify landfills eligible to receive city-controlled municipal solid waste. 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. All landfills in Texas and in other states would be eligible to respond to this RFI.

Based on the score, the City of Austin will develop two lists of landfills eligible to receive city-controlled waste – one for Type I landfills and one for Type IV landfills, which is less restricted.

City solicitations that include disposal of municipal solid waste, such as landfill trash hauling services for City facilities, will require that vendors use only landfills eligible to accept the city controlled waste. 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.



Staff Landfill Criteria (Type I)

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 Landfil 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>	10
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 three points for each of up to five of the following onsite activities that reduce annual disposal of at least one hundred tons of reusable, recyclable, compostable materials or products consistent with the Austin Resource Recovery Master Plan. An operator of a new landfill will receive credit for planned onsite activities with a waiver of annual disposal tonnage reduction, but only in its first year of operation:</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 	15

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			<ul style="list-style-type: none"> 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.	15
			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.	
	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.)	
Y			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.	10

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 (Type IV)

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>	10
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 three points for each up to five of the following onsite activities that each reduce annual disposal of at least one hundred tons of reusable, recyclable, compostable materials or products consistent with the Austin Resource Recovery Master Plan. An operator of a new landfill will receive credit for planned onsite activities with a waiver of annual disposal tonnage reduction, but only in its first year of operation:</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 	15
	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

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			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.	

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Y	4a	Workforce diversity policy	Description: The landfill operator shall provide documentation affirmative hiring and diversity advancement policies.	15
			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.	
	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.)	
Y			Measure: 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.	10

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.