

From: Adam Gregory <agregory@texasdisposal.com>
Sent: Sunday, May 5, 2019 6:31 PM
To: Ryan Hobbs <rhobbs@texasdisposal.com>
Subject: May 8, 2019 ARR Director's Report to ZWAC

Dear Zero Waste Advisory Commissioners,

Having read the Director's Report for your May 8, 2019 meeting, specifically the updates on the Landfill Criteria Matrix (LCM), and the numerous upcoming solicitations, I felt compelled to share some concerns and provide an update on behalf of the Texas Disposal Systems family of companies. Specifically of concern is the apparent effort to secure approval of the LCM, after it has already been unilaterally implemented by staff and while the process is cloaked by Anti-Lobby restrictions that are imposed by incorporating this major policy decision within the purchasing process. The staff can impose these restrictions at any moment by issuing one or more of the solicitations noted.

You may recall that we were all made aware of staff's intent to proceed in this unprecedented fashion when the Agenda Item for Council consideration of the LCM on its own was [withdrawn by staff from the City Council's November 15, 2018 Agenda](#). You may also recall that this was done after this commission considered staff's LCM policy and [recommended that Council reject all versions of the LCM](#) due to staff's apparent refusal to include in the matrix those criteria deemed most important by Council, Commissioners and stakeholders. Apparently it was decided that staff could not allow the Council to consider the LCM and the ZWAC's recommendation to reject it, unless staff had first secured for itself the dubious authority to regulate and punish the speech of affected stakeholders, and until the implications of the LCM could be obscured by ancillary contracting and purchasing process issues. This is precisely [the practice that has plagued us over the last several years](#).

As I have [expressed to you several times](#), the LCM, as implemented by staff will almost certainly qualify as acceptable any landfill that responds. It will limit the City Council's options while simultaneously making it much more likely for problem landfill facilities to receive approval for the massive landfill expansions they are currently seeking. There are [eleven Type I & Type IV landfills within one hundred miles of City Hall](#), however only three facilities responded to the staff's LCM RFI. The City of Austin is in no danger of losing access to adequate disposal capacity, it should not sacrifice the official positions it has long held concerning the expansion of local problem landfill facilities or its Zero Waste goals. The Council should simply maintain its ability to exercise its own judgement regarding the City's use of landfill facilities.

While we are unaware of the results for the other responding facilities, Texas Disposal Systems Landfill (TDSL) has received notification from staff that we have been "qualified" to receive both Type I and Type IV waste controlled by the City. However, the scoring of the TDSL response has only confirmed for us the inadequacy and unfairness of the LCM, and accordingly we are protesting the scores we received from staff. As more information comes available will do our best as always to keep the Commission informed despite looming restrictions on our ability to communicate with you.

I hope that you will each reach out to your appointing Council Members and convey the ZWAC's position that the LCM is fatally flawed and should be rejected. I also respectfully suggest that an Agenda Item be posted on the next ZWAC agenda such that the complete results of the staff's LCM evaluations and

determinations can be considered and further specific action could be recommended by the Commission if you so choose. It is our hope that this Commission and Council will insist that policy issues be decided separately from the purchasing process, and so direct staff.

TDS remains hopeful that a renewed sense of trust can be established between staff and stakeholders. Thank you very much for your attention, and I look forward to addressing you further on Wednesday.

Respectfully,

Adam Gregory

Texas Disposal Systems