

June 21, 2019

Texas Disposal Systems Landfill, Inc.
3016 FM 1327
Creedmoor, Texas, 78760

Dear Texas Disposal Systems Landfill, Inc. (TDSL):


Thank you for voicing your concerns in the protest submitted on May 14, 2019 in response to the City's RFI 1500 SLW6002 ("the RFI").

In order to receive a hearing on claims related to the RFI, an operator must comply with the protest procedures in Section 2.4 of the RFI and must state grounds of protest which are sufficient to proceed to a hearing. In accordance with Section 2.4.3, Austin Resource Recovery staff reviewed the claims in TDSL's protest and determined that the grounds for protest were not sufficient and the protest did not comply with the procedural requirements set forth in the RFI. The City considers this matter closed.

TDSL cannot receive any relief through the hearing process because TDSL has already qualified as an eligible vendor under the RFI. TDSL has also failed to comply with the protest procedures. Section 2.4.1 permits an operator to protest its own score, not the City's use of the RFI process, the City's RFI criteria, or the City's methods for measuring fulfillment of the RFI criteria. Therefore, review is not available for TDSL's protest against the RFI process, the City's Workforce Diversity criteria, or the City's Landfill Gas Beneficial Reuse criteria.

The only protest regarding TDSL's actual score pertains to records from the U.S. Occupational Safety and Health Administration (OSHA). Please find attached the OSHA records which address TDSL's claim that there have been no severe injuries at TDSL facilities for the past five years. OSHA records state that four injuries have occurred at the TSDL facility at 12200 Carl Road from 2015 to 2017. If TDSL believes that these injuries have been reported in error, TDSL should address these concerns to OSHA. Again, given that TDSL was successful in its submission, any adjustment to TDSL's scores would ultimately not affect the outcome of this process.

Kind regards,


Richard McHale, Interim Director
Austin Resource Recovery

Instructions to find injuries in OSHA Severe Injury Report:

1. Visit <https://www.osha.gov/severeinjury/>
2. Click on the "download data" button (an Excel file should download)
3. Select Column D (Employer) in Excel file and enable filter function
4. In filter, search by name (Texas Disposal Systems, Texas Landfill Management LLC, etc.), and check the box for all relevant names
5. Columns (E – I) may be used to verify applicable injuries
6. Injury descriptions are in column P (Final narrative)

ID	UPA	EventDate	Employer	Address1	Address2	City	State	Zip	Latitude	Longitude	Primary NAICS	Hospitalized	Amputation	Inspection	Final Narrative	Nature	NatureTitle	Part of Body	Part of Body Title	Event	EventTitle	Source	SourceTitle	Secondary Source	Secondary Source Title		
2015031573	972651	3/30/2015	TEXAS DISPOSAL SYSTEMS	12001 Mlcak Rd		SEALY	TEXAS	77474	29.77	-96.07	562998	1	0		An employee was on a service call, replacing a sensor on a fleet truck. He stood on a battery box, and put his right leg on a cylinder to help hold his balance. His hands were occupied with hand tools in a position above his head. His left foot slipped, putting all of his body weight on his right foot and resulting in a fracture below the knee.	111	Fractures	513	Lower leg(s)	40	Fall, slip, trip, unspecified	4821	Battery-vehicle				
2015118258	1035210	11/3/2015	Texas Disposal Systems	12200 Carl Road		CREEDMOOR	TEXAS	78610	30.1	-97.75	562998	1	0		An employee fell off of a garbage dumpster while trying to fix material that was sticking out of the top.	10	Traumatic injuries and disorders, unspecified	9999	Nonclassifiable	4332	Other fall to lower level 6 to 10 feet	2118	Tanks, bins, vats-nonconfined space				
2016087404	1123487	8/9/2016	Texas Disposal Systems	12200 Carl Rd		CREEDMOOR	TEXAS	78610	30.1	-97.75	562998	1	0		An employee was bitten by a copperhead snake while picking up loose material.	1960	Poisoning, toxic, noxious, or allergenic effect, unspecified	6	BODY SYSTEMS	1311	Stings and venomous bites	5141	Venomous snakes				
2016109938	1149049	10/21/2016	Texas Landfill Management LLC	12200 Carl Road		BUDA	TEXAS	78610	30.1	-97.75	562219	1	0		An employee was helping to move game animals when one of them charged the employee, collided with him, and knocked him to the ground. He sustained a fractured cervical vertebrae, sprained left hand, and a cut to the head that required stitches.	111	Fractures	20	Neck, except internal location of diseases or disorders	1329	Struck by animal, n.e.c.	5150	Mammals, unspecified				
2017010587	1175323	1/19/2017	Texas Disposal Systems	12001 Mlcak Rd		SEALY	TEXAS	77474	29.77	-96.07	562998	1	0		An employee was delivering a forklift when part of it broke off at the weld and the forklift fell 3 feet. The employee then hit his head on the bar support for the roll-over protection and suffered a laceration that required hospitalization.	132	Cuts, lacerations	10	Head, unspecified	2739	Nonroadway noncollision incident, n.e.c.	8621	Forklift, order picker, platform truck-powered				
2017076473	1241096	7/13/2017	Texas Disposal Systems	22201 Briar Cliff Drive		AUSTIN	TEXAS	78769	30.31	-97.69	562111	1	0		An employee suffered heat stress while dumping trash cans on a garbage truck, becoming lightheaded and losing consciousness. The employee then fell and struck their head on the truck frame, suffering a head laceration that required stitches. The employee was hospitalized.	132	Cuts, lacerations	10	Head, unspecified	424	Fall onto or against object on same level, n.e.c.	8424	Garbage, recycling, or refuse truck	9262	Heat-environmental		
2017121847	1292662	12/13/2017	Texas Landfill Management, L.L.C.	12200 Carl Road		CREEDMOOR	TEXAS	78610	30.1	-97.75	562212	0	1	1283219	An employee was attempting to repair a rock crusher. The employee's hand was on the crusher's belt when the machine energized. The belt then crushed and amputated the employee's right index fingertip. The machine was not locked/tagged out at the time.	1311	Amputations	4422	Fingertip(s)	6411	Caught in running equipment or machinery during maintenance, cleaning	3292	Compactors, crushers, pulverizers-earth, mineral				