

4-5-18 Austin Resource Recovery Landfill Criteria Matrix Stakeholder Meeting (Scoring Methodology)

Susan Shultz: We will have a meeting on April 19th from 1-3 at the Twin Oaks library, and that will be the meeting where we get to review the work that you've done for these three meetings and see whether or not we've captured what you would like to have captured and make sure that the Advisory Commission and the City Council has the input that you would like them to have. And, for today, we're starting early so that there can be a discussion of the EPA model. I think it's 1A in particular that gave people some concern about what was possible, what was not possible, and what was already being recorded under that model. So, I think we have people here who can talk in more detail about that and give some clarification about what can be done on the 1A. So we will try to get through our meeting, as far as our agenda, by 12 and allow for that 30 minute discussion to happen starting at 12. So those of you who would like to participate in that are welcome to stay, of course, and to contribute. So, based on my notes from last meeting, we had some language that you all worked on and that we, hopefully is now being captured in the matrix. So we'll go through that. So first we'll go through introductions and then we'll start with looking at the matrix and then we'll, once we've gone through the criteria, we'll start with discussion of the scoring. So some of the discussion from the last two meetings have talked about, you know, how is that going to be scored, how is that going to be used, so we'll have that discussion today, and first we'll talk about the four categories and how those four categories should be weighed, and then we'll go into the subcategories, if that makes sense. Okay, why don't we start with introductions, starting right here.

Chris Thomas: Chris Thomas, Waste Connections.

Steve Shannon: Steve Shannon, Waste Connections.

Donna Gosh: Donna Gosh, Organics By Gosh.

Andy Andrasi: Andy Andrasi, Central Texas Refuse.

Gerry Acuna: Gerry Acuna, Zero Waste Advisory Commission.

Kaiba White: Kaiba White, ZWAC.

Andrew Dobbs: Andrew Dobbs, Texas Campaign for the Environment.

Adam Gregory: Adam Gregory with Texas Disposal Systems.

Ryan Hobbs: Ryan Hobbs, Texas Disposal Systems.

Michael Mnoian: Michael Mnoian, Central Waste and Recycling.

Alfonso Sifuentes: Alfonso Sifuentes, Green Group Holdings.

David Green: David Green, Green Group Holdings.

Daniel Rumsey: Daniel Rumsey, Waste Management.

Steve Jacobs: Steve Jacobs, Waste Management of Texas.

Gary Gauchi: Gary Gauchi, Republic Services.

Chris McCombs: Chris McCombs, Austin Resource Recovery.

Susan Shultz: Okay, back there?

Mark Nathan: Mark Nathan, TDS.

Gary Newton: Gary Newton, Texas Disposal Systems.

Bob Kier: Bob Keir, Robert S. Kier Consulting.

Bob Gregory: Bob Gregory, TDS.

Rajiv Patel: Rajiv Patel with GreenThink and I consult for TDS.

David Mezzacappa: David Mezzacappa, SCS Engineers.

Tim Champaque: Tim Champaque, Waste Management.

Susan Murray: Susan Murray.

Garrett Heathman: Garrett Heathman, TCEQ.

Ken May: Ken May, CAPCOG.

Woody Raine: Woody Raine, Austin Resource Recovery.

Kerry Getter: Kerry Getter, Balcones Recycling.

Richie Getter: Richie Getter, Balcones.

Cavian Merski: Cavian Merski, City of Austin Sustainability.

Tom Reilly: Tom Reilly, R3.

Tina Bui: Tina Bui, Austin Resource Recovery.

Selene Castillo: Selene Castillo, Austin Resource Recovery.

Emlea Chanslor: Emlea Chanslor, Austin Resource Recovery.

Elizabeth Flores: Elizabeth Flores, Austin Resource Recovery.

Gena McKinley: Gina McKinley, Austin Resource Recovery.

Richard McHale: Richard McHale, Austin Resource Recovery.

Emlea Chanslor: We made more copies of materials so I have an agenda... *(inaudible)*

Susan Shultz: Okay. So does everybody have a draft of the matrix? A copy of the draft. Okay, great. So other than refinement, I guess, on 1A, based on the conversation that will happen at noon, is there anything in particular or anything else that you would like to comment on 1A?

Andrew Dobbs: So, I'm sorry, I misunderstood. At noon is when we're going to start talking about these other things?

Susan Shultz: On the EPA model.

Andrew Dobbs: So this meeting is going longer than two hours?

Susan Shultz: Correct.

Andrew Dobbs: I wasn't... I didn't understand that from the emails that we received.

Susan Shultz: Yeah, the email said that the starting time was changed to 10 to allow for the 30-minute discussion of the EPA model starting at 12. The meeting will go from 10-12. Is there another comment on that? Am I wrong on that?

Richard McHale: I didn't...

Unknown Speaker: I thought it would run thirty minutes longer so it would be 10 to 12:30.

Susan Shultz: Right.

Andrew Dobbs: Awesome.

Susan Shultz: Problems with that? Do people need to leave at 12?

Gerry Acuna: Susan, is it possible to perhaps move that to 11:30 to accommodate you guys that...

Andrew Dobbs: I don't have to leave. I just don't want to spend an extra 30 minutes here.

Susan Shultz: We'll try to get through the agenda as soon as, as quickly as we can. Okay, 1B is the former 2B? I believe, and so that was moved up to the carbon footprint category and also there's some language changes in that, revisions in that. So please read through that, if you haven't already done so, and let's see whether people can agree that this is something that you can support as far as that criteria is concerned. So I'm also gonna seek consensus on as many of these criteria as possible. By consensus I mean something you can live with. We know that nothing's going to be perfect.

Steve Jacobs: I think I understand what we're trying to do, and I apologize, I wasn't at the prior meetings for several reasons, but are we talking about the actual landfill equipment, the material that moves the trash? Unless they've built one recently, there aren't any that don't run on diesel fuel or a combination of diesel and electric.

Andrew Dobbs: Well-covered ground at this point.

Kaiba White: Yes.

Steve Jacobs: Okay, so we're going to put something in here that can't be met.

Adam Gregory: It's aspirational.

Steve Jacobs: Okay, that's fine, just making sure you guys haven't found a wind powered bulldozer yet...

Adam Gregory: You haven't got the Tesla compactor yet? Y'all are behind.

Susan Shultz: The comments from prior meetings...

Steve Jacobs: Okay, I just wanted to clarify.

Susan Shultz: That's fine, that's fine. I think it's good for everybody to be on the same page. It was simply that there was not a lot being done in the industry on this, so that scoring-wise this might not weigh as heavily as that other criteria. Does that make sense? Okay. But anything about the language itself that you can't live with?

Steve Shannon: I have a question, ma'am.

Susan Shultz: Yes?

Steve Shannon: On 1B, help me understand what you mean by 'carbon free landfills shall receive additional points.' What do we mean by that? Anybody?

Adam Gregory: I would assume that it means that if in the event someone, a facility, had the ability to potentially to become, to use no carbon based fuels for energy, that there would be an extra bonus category?

Female: Is that reality?

Adam Gregory: That wasn't you Kaiba?

Kaiba White: That was in my language, but I mean, that was... the use of electric vehicles and carbon free energy sources preferred over, you know, but that is the point, I guess.

Donna Gosh: But isn't that kind of obvious?

Kaiba White: Yeah.

Female: So why do we have that sentence in there?

Susan Shultz: So it's consensus to take that sentence out? 'Carbon free landfills shall receive additional points.'

David Green: I don't remember us having a discussion about that topic at all the first meeting. Having a carbon free landfill? So I don't know where that language came from because we didn't discuss it at the first meeting.

Susan Shultz: All right, we'll take it out. Anybody have any concern about that?

Ken May: Can you reiterate what you're taking out?

Susan Shultz: That last sentence, well no, the sentence before last that says 'carbon free landfills shall receive additional points.'

Andrew Dobbs: It's just superfluous.

Susan Shultz: Everybody okay with that? All right, 2. Any concerns with 2A?

Ken May: How will this be addressed by a facility that does not have a five-year compliance history or a service provider that does not have a five-year compliance history in the state of Texas?

Susan Shultz: Okay, who wants to respond to that?

Richard McHale: I think the intent on that is to go ahead and give them full points if you didn't have a compliance history, that would apply to like a new landfill.

Andrew Dobbs: I mean I think that, yeah, that has problems because that ends up favoring new facilities over established facilities and in fact if they turn out to be bad then that can be really problematic, if we get into a long term contract. It seems like, can we like, make it an 'N/A' kind of category for those folks and then everything else, I don't know, I'm just trying to figure out a way to have it just be a null factor, it won't add a zero into the calculations but also won't give them the full points. It just won't be considered for those people.

Susan Shultz: So the proposal is not to count that, or not to evaluate that criteria until you have the five-year history?

Andrew Dobbs: That seems pretty reasonable.

David Green: Not if you're a new facility it doesn't sound reasonable.

Ken May: It doesn't sound like apples to apples.

Andrew Dobbs: Well, I mean...

David Green: You either have violations or you don't. So if you haven't, if you are just opening and you don't have any violations you should be given full credit. This should be considered on a negative basis not as a positive one, in my view.

Andrew Dobbs: Well, I mean, after the five years, if you don't have any violations then you'll get full credit. What I'm saying is like if you operate twenty years from now, when the facility is older, you won't want the new folks coming in and being able to get full credit just because they're brand new without any kind of operational history or anything else. We can take operations in other states or other locations into consideration if we want. We can see the compliance history from other states and other facilities that they've owned and operated if you'd like. I don't think that we have to do that but that's another alternative.

Richard McHale: Compliance histories are done annually so I don't know, do you have to wait a year to get your information?

Adam Gregory: I kind of agree that with permit compliance, unless there's a mark against you, then you should probably get all the points and if you've got a one year of compliance that should equal five years of compliance somehow. I don't have a problem with that issue I just, as long as the *last* sentence is included, then I'm fine with it.

Andrew Dobbs: Yeah and I think that Richard's point is well taken, it's one year, not five years that you have to wait. And the number of facilities that this would apply to, over the lifetime of this, I mean like how often are we opening up a new

facility? The last one was 20-some odd years ago so if once every 20 years for one year, you know, one facility like misses out on a few points. They'd probably be able to do all kinds of other good stuff because they're brand new. I just don't see that as being a huge hold up.

Adam Gregory: If you had 'up to five-year rolling' that would allow you to come in at one year, two year, three year, four year, and five year.

Susan Shultz: Right.

Gerry Acuna: So one from five years...

Susan Shultz: It does say 'on a five year rolling schedule'. So basically what I think what I'm hearing is that if you are a new facility and have a one year record then you're gonna get the same amount of points, and if you don't have any compliance issues, then you're gonna have the same amount of points as somebody who's on a five-year rolling schedule.

Steve Jacobs: I think the only way to be fair is to have everybody graded on a five-year rolling schedule and take out the last sentence.

Adam Gregory: I don't think we can do that.

Steve Jacobs: Certain people want to drag up stuff that's happened 16 or 17 or 18 years ago.

Adam Gregory: Well, certain conditions still exist today that have a great deal to do with the...

Steve Jacobs: What might those be? We have a very good five-year rolling compliance average, as do you, and I think that's a very fair, clear-cut approach to everybody, not just one site over another. Yes, the site in east Austin had issues years ago. They were corrected.

Adam Gregory: No.

Steve Jacobs: They were corrected. There are several TDS violations, not from the TCEQ but...

Susan Shultz: So how do you capture that if it's an ongoing compliance issue?

Steve Jacobs: It's an ongoing compliance issue in whose mind? We're all regulated by the TCEQ.

Susan Shultz: So wouldn't the ongoing compliance issue show up in the five-year rolling schedule?

Andrew Dobbs: Not if they're not being enforced. What we're saying is there are elements of these facilities operation that are not being reflected in current regulatory practices, that you can get a sense of from their lifetime violations and complaints. So that's what we're saying, you know. I get that... so that's what we're saying.

Susan Shultz: Okay. So is there any point in discussing it and seeing whether concerns can be addressed as far as trying to see if there's a way to all agree on this or is this going to be one where you don't agree on the language?

Adam Gregory: I doubt Steve and I will agree.

Susan Shultz: All right.

Adam Gregory: But I think...

Richard McHale: We also have this issue of greenhouse gas emissions. The facility's not going to have a system in place, so again, staff's intent is just to give them the points. So it's not just the compliance history but also the greenhouse gas emissions.

Andrew Dobbs: I think there's a way to do this where you... I don't think that any of them should be punished for these things, for being brand new. I don't think we should give them a zero. That doesn't make any sense. But I think 'N/A', in

other words, 'not applicable yet,' like it doesn't count either for or against them, and their score is calculated from the other data points that *are* relevant to them. That makes sense. I mean, because then we have, then they're being graded on the things that they have actually done, not the things that they haven't done, which is what it would be. If they're getting full points for compliance when they haven't actually demonstrated their compliance at that point, that's unfair, and that's also just inappropriate.

Susan Shultz: Okay, so what you're saying is...

Richard McHale: That's inaccurate. You're taking an average.

Ken May: That's the other side of the coin.

Gerry Acuna: So if we took an average, a percentage, I should say...

Andrew Dobbs: I could be sucking at math, that's a real possibility.

Gerry Acuna: ...in other words that would penalize them by excluding 5 points, 10 points, 30 points.

Adam Gregory: You would actually have to change the distribution of points for the remaining categories on a proportion and then...

Ken May: It seems practical and fair to consider a point system where you would penalize someone for a major violation. Everybody coming into this should have a level playing field with the knowledge that that is the intent, should they get a major violation they'd be penalized in the future. You've got service providers that buy landfills and if a service provider purchased a landfill that didn't have the best of compliance history, it's all of our hope that they'd come in and they'd do a better job. And the incentive would be to not lose points, instead of to be automatically given points, because you preexisted prior to an ordinance.

Unknown Speaker: Agreed.

Susan Shultz: Discussion? Other comments?

Andy Andradi: I have a question on the complaints. How, and I'm just not familiar with it, how does the TCEQ register complaints or how is that filed, reported? Is it just like a citizen writes in and says...

Richard McHale: They can do it online or on the website. That's one option. They can submit a complaint and be anonymous and at that point we will do an investigation and post the findings as to whether or not there was a violation at the time they went to visit the property.

Garrett Heathman (TCEQ): Complaints shouldn't affect the compliance history because a complaint has to first be investigated and if the complaint is found to be just then there might be a violation or something associated that could affect the compliance history, but, you know, a landfill that has 30 complaints but it's just a problematic landowner next to the landfill that has a problem with everything, they smell a flower, they think it's the landfill, then we might have to go out there and investigate that, but otherwise it won't show up on the compliance history unless it's actually an issue that is noncompliant.

Andrew Dobbs: I'm grateful that TCEQ has demonstrated that they're more concerned about neighboring landowners than the actual operations of landfills, but the fact of the matter is that the way the complaints are investigated is inadequate at this point. It does not reflect whether or not the actual nuisances exist. So that people can have odor issues, they can have light issues, noise issues, all kinds of problems with the actual operation of the facility next to them that's impacting their quality of life and their ability to enjoy their property. Right? And by the time the TCEQ comes out to look at it, if things have changed at all, right, the wind is blowing in a different direction, literally, then that complaint is marked as, 'Oh this was nonsense, there was nothing.' And so what I'm saying is that we need some sort of picture on, the question is, is this landfill causing problems for its neighbors? And I'm saying that violations are not a sufficient

measure of that question. Okay? And so I'm saying we don't have to weight them equally, right, we can break this out and weigh them in some sort of much lesser way, but it has to be reflected and it has to be taken into consideration.

Susan Shultz: So is that being captured in another part of the matrix?

Donna Gosh: It is, it would be in the community relations. Because if you have a bad relationship with your community, then that's gonna come out in that rating.

Andrew Dobbs: But can we get negative, can we dock points if we can go get letters from people who don't like them? Because right now they're just getting letters from, they're getting credit for letters of support. So if we can get letters from people around them who say, 'This place has been a real nuisance for us or has been a pain for us,' right, then do we get to dock points there?

Donna Gosh: I mean, who's not going to say that, though?

Gerry Acuna: You can get to the goal...

Donna Gosh: Sorry. It's still very subjective.

Gerry Acuna: The goal of this body...

Donna Gosh: Is to be objective.

Gerry Acuna: ... is to make the operators become more user friendly to the community. That's why we're sitting here. We're trying to figure out a way to make them a little bit more, part of the community. I think it's a hard thing to say 20 years ago sitting in these meetings with the folks in Northeast Austin, I can tell you it wasn't a good situation.

Andrew Dobbs: I talk to those people today. It's not a good situation today.

Gerry Acuna: Okay. So 20 years ago sitting at those meetings it was terrible and there were some issues. I am under the impression that they, and you help me, you talk to these people, but I'm under the impression that the solutions have been made to some of these issues that occurred way back 20 years ago. Not all of them. It's impossible to cure every single one of these challenges that they face. The goal of our group today is to figure out a way to award future contracts based on the groups that are, again, whose goal is to abide by the City of Austin's Master Plan. I mean, I agree with you.

Andrew Dobbs: Okay, well I have stated my position and I get that I'm the environmental guy at a table full of trash people but I will say is this is: this is our position. That the complaints need to be taken into consideration in this process. And that's just it. You're not going to convince us otherwise.

Andy Andrasi: Well but we have to make sure it's not just subjective, and that's the goal of all this.

Andrew Dobbs: Right. That's why complaints are an objective factor. You can like see the number of complaints that have been filed. It's like a number.

Steve Shannon: But they're not necessarily legitimate complaints. I've brought this up, Andrew, at the first meeting. This happens. People say here's a 100 bucks, I want you to make ten calls to TCEQ this morning. Those things happen, whether there's really a complaint or not. I remember back when we were doing the long range solid waste planning task force and there were allegations that people pulling their kids out of that school out there because of the landfills. I went and talked to the superintendent and the principal. They said, "I don't know what you're talking about, no one's ever taken their kids out of school because of this." Went across the street to the City of Austin fire department. "Y'all ever had any problems with these landfills?" No.

Adam Gregory: Steve...

Steve Shannon: So a lot of those allegations are not true.

Adam Gregory: It's amazing to try to rewrite history to say that those aren't problem facilities for over a long, long period of time. That's just, that's inappropriate for this setting because there's long, documented history that has nothing to do with your conversations with the principals.

Steve Shannon: I disagree with you and I think everybody heard what I said.

Adam Gregory: Okay, they did.

Susan Shultz: So let's talk about how we can, whether it's a criteria that needs to be captured and if it's appropriate to capture it here or to capture it in the community impact?

Bob Gregory: Are you speaking of 2A?

Adam Gregory: Are we still on 2A?

Susan Shultz: Yeah, compliance.

Andrew Dobbs: I'm saying that if we want an actual objective standard, that we have one in the fact that complaints are actually documented. There's a number of them. Whether or not we can...we can back them off, maybe we shouldn't value them as much as violations. I'll agree to that all day long, but that this is a reflection of how the neighbors feel about it.

Steve Jacobs: But Andrew how can you have an objective calculation on a subjective issue? I mean, I don't understand what you're trying to get to.

Andrew Dobbs: That's what a lot of social science is about.

Steven Jacobs: That doesn't make it right. Maybe you have where you list the complaints for information purposes only and not part of the scoring matrix. If there's an issue where it comes up and says this facility had 200 complaints, because I can go sit by somebody and speed dial all day long and say, 'Oh, their truck ran over my toe. Oh, I saw trash. Oh, I smelled something.' It's very subjective, it shouldn't count, but if I've got over 400 odor complaints coming in, that may be an issue. But what you're trying to do is take something that's subjective. The TCEQ program is not perfect, 'cause a lot of times we don't find out that there's a complaint until after the fact. It happens everywhere. They show up and do what they need to do. It's not perfect but it is consistent across the area. So that, to me, makes sense to score that. List the complaints if you want for informational purposes.

Susan Shultz: Okay.

Adam Gregory: I have a suggestion.

Susan Shultz: You had your hand up?

Bob Gregory: I did have my hand up, yes. Thank you. I thought we were beyond the discussion on the environmental related to the industrial toxic waste, from last week's discussion. If the position is of the group that we are going to start with a level playing field over the last five years and all past history will be forgotten because of the conditions that exist above ground, and not take into consideration the circumstances of the last 40 years, then we're totally going in two completely different directions with that. So I think you need to very quickly determine, if I may suggest, where that is. Does five years literally mean nothing will be considered prior to five years? Or is that just because there's five years of compliance history that's in place? Because the compliance with TCEQ standards is one thing. The City of Austin and Travis County both vehemently fought the TCEQ approving a permit that Waste Management said a portion of their landfill was actually the Travis County landfill. They never required Waste Management to take that out of the permit. It did move the point of compliance. Groundwater monitoring does not exist where that waste is. So to say that they're in compliance with a permit and the permit allows them to say part of their landfill is actually someone else's landfill, all of those are documented. If you throw away everything from five years back, you miss all of those huge amounts of documentation of the position of City Legal and Travis County Legal challenging them. And if you say, 'Well, they lost,

therefore it's over,' I don't think the County and at least the City department, obviously one department in the City may be happy to lose that, but I don't see how you can possibly ignore City Legal's position and County Legal's position on that and TCEQ just ignored it.

Gerry Acuna: We did address that.

Adam Gregory: We cannot – we will get to the toxic and hazardous waste – we cannot just go five years and ignore everything between here. The basis, the recommendation from the Working Group is explicit in doing this stuff consistent with previous Council priorities. There's a whole lot that has to do with Council's previous priorities that involve time greater than five years ago. So we'll insist on including that. I'll just go back to 2A. My suggestion would be to maintain the sentence where 'lifetime violations shall be taken into consideration in the scoring criteria' because those do have direct bearing on permit compliance. I would not just take out complaints, but I would require that complaints be included in the same, whenever you're submitting your letters of support, in that same stack has to be every one of the complaints.

Andrew Dobbs: I'm not against putting it there. What I do want to make sure is if there's going to be a factor in the decision making, let's make it a factor in the decision making. What counts is what's in the score. So, just having it on the side, "Oh, look at this too..." I don't think that that's, I think that that's a cop out. If you want to move it over to the community relations so they can be like, "Hey we got three letters from the neighborhood association saying how great we are, and here's all the complaints, so they can weigh it there." That's fine, it just has to be in there somewhere.

Adam Gregory: I'd like it to be in there and I'd like it to be scored. Absolutely.

Andrew Dobbs: Yeah that's what I'm saying.

Gerry Acuna: I think we did address that, just the long term history, if I'm not mistaken, is going to be given a less impact than the current five-year complaint history.

Kaiba White: Yeah, that's what we had the same discussion last meeting, and it's kind of the same tension, and that was where I think we landed in the middle. We said lifetime...

Gerry Acuna: The history's not going to go away.

Adam Gregory: Wherever we land, we will insist throughout the whole process that this is fully reflective of the Council and the City's priorities and past actions vis-à-vis conditions that still exist at these facilities.

Susan Shultz: Yes, but we can't even reach consensus on the...

Steve Jacobs: Conditions that existed prior to...

Adam Gregory: Exist.

Steve Jacobs: Conditions that existed prior to us buying the facility.

Adam Gregory: That is completely irrelevant.

Gerry Acuna: Let's keep moving forward.

Susan Shultz: Yeah, but to the extent that we can reach consensus on each of these, I think it would help so that you can see that, to make the matrix workable as much as possible and meaningful to you all...

Andrew Dobbs: Real quick, sorry to interrupt but I just want to make sure that it's clear that we are okay with moving complaints to the community relations section but that we insist, and there is no consensus with us on any position that does not include that as a scoring factor.

Susan Shultz: Okay.

Chris Thomas: I don't have a dog in the fight. I don't have a landfill here, but we use the landfills here. Complaints are linked to how many people built, essentially built around the landfill. That happens all over. I have ran and been involved in really crappy landfills out in the middle of nowhere and had zero complaints, and they had violations up the yang, when I'm going there to try to fix them. And I've operated facilities and been around facilities that were immaculate they just happened to have neighborhoods of 3 and 4,000 built around them. They get complaints all day long. Every day. Thousands of 'em. Just because they're there. Because they just happened to build around them so, actually talking about complaints is just so subjective and counting those is... you can't do it.

Andrew Dobbs: You're right, that's a very good point.

Chris Thomas: It can't happen.

Andrew Dobbs: But the subjects of the subjectivity are the citizens of Austin and the voters of the City Council and the constituents of, the constituents, so I think that their subjective experience of these facilities is actually a relevant thing.

Chris Thomas: It is. It's just that they've built around a landfill, in this case in Northeast Austin, you know, 30 years after it was there and now... and it's going to be gone eventually, 'cause they're running out of room, so it's eventually going to be gone. But you can't have those complaints count unless they are something that drives some sort of enforcement action or at least some sort of corrective action that's required by TCEQ or whatever. So it's obvious that we're not going to agree to that.

Susan Shultz: I think the issue is on the complaints and the subjectivity and the concern with that, I think, has been well voiced today. Does anybody have any objections then on 2A, on taking out complaints, and we will talk about complaints in 4C? And having that last sentence read, 'lifetime violations shall be taken into consideration in the scoring of the criteria.'

Steve Jacobs: We don't agree with that.

Susan Shultz: You don't agree with that, because of the lifetime?

Steve Jacobs: Correct.

Kaiba White: Even if it was weighted less than the five-year rolling average? 'Cause your colleague agreed to that last time. I mean that's what was agreed to last meeting so I think that...

Steve Jacobs: I think we're fine with that. I mean, they are what they are. They're there, they're history. We've dealt with them.

Chris Thomas: I would say you kind of have to look at what the complaint was, or what the issue was. If you had a compliance issue because you had windblown litter 15 years ago, would that count the same as if you did something else? That should be, that needs to be taken into consideration too, somehow, within this, the nature of the...

Adam Gregory: The scope of the violation should be considered, like whether or not you got the largest fine in the history of the TCEQ. That should go into that.

Susan Shultz: We are talking about violations now, so with the caveat that it will be scored less, then people are okay with that?

Gerry Acuna: I think we are in agreement. In fact, I think that was the agreement last week.

Susan Shultz: Okay, 2B was taken down in this criteria from 1 in the first category, but I believe that the language remains the same. Any concerns? Any objections to 2B?

Andrew Dobbs: Awesome.

Susan Shultz: Okay. 2C, this was something that we worked on, that you all worked on last meeting where 'onsite' was stricken and 'in that landfill' was added at the end of the sentence. With those revisions are there any objections to 2C?

Adam Gregory: I would, and I know we agreed on it but I think it would be better if instead of just striking 'onsite' and it was 'landfills are credited for activities,' it should be 'landfills are credited for *their* activities that reduce disposal' because I don't think it would be reasonable in any situation for you to say there's another company at another site that sometimes takes material and that should benefit my score in some way.

Susan Shultz: Any objections to that revision?

David Green: I have a clarification comment about it, because this was discussed at the first meeting and I thought we had a different outcome and there might have been some discussion last week that I missed so, the concept is this: most of the operations in this area go through a lifecycle. You pick it up at the curb, it gets taken someplace, it could go straight to a landfill and be disposed of or it could go to a transfer station and processing facility and then reloaded, put on a long-haul trailer and then taken to a landfill. And so, what I want to understand is what the group's position is on a situation where you have a landfill like ours will be where we have customers that we have arrangements with and waste is taken to a recycling and processing facility where items are removed, recycled, and then the residue comes to us for disposal. I feel like if that's an arrangement that we are a part of, that we should be getting credit under this scenario for encouraging the waste diversion goals and zero waste initiatives. I thought we agreed to that.

Andrew Dobbs: The 'their' actually captures that. Like, that's your activities, right? It's not that they are incidentally doing this and you're trying to claim it, it's that it's your agreement with them, right?

David Green: We have a transfer and disposal agreement with them.

Andrew Dobbs: Right, in your agreement that you have made as a company and taken the initiative on, is what has led to this diversion, correct? So that would then count, you'd be given the points under this as opposed to somebody else who just happens to have clients that are doing this on their own, saying, "Oh yeah we want that." That's why I say *their* activities here.

Kaiba White: So basically we're saying that policies count executively...

Andrew Dobbs: Right. That's why it's...

Kaiba White: You could use, add that word in there.

Adam Gregory: The policy can exist only on paper.

Susan Shultz: You're talking about actual contracts...

David Green: It could be a contract, it could be an arrangement, the point is that I just want to make sure that this language, as it's written now, doesn't require that the reduction or reuse or recycling has to take place at the landfill.

Andrew Dobbs: That's why we took out 'onsite', but we're adding 'their' so certainly the intention is, as I understand it at this point, is to be able to capture exactly what you're describing.

Adam Gregory: I will say just as a reminder, I don't think in any way should, say, a standalone landfill that just says, 'I have a contract with maybe Austin Wood or something and I may take some stuff there,' 'I have a contract with the TDS MRF or the Balcones MRF' or something, that should not go into calculating benefit for your site. This is about a facility, not a company, so...

David Green: That's why I'm trying to clarify, because I don't agree with that.

Ryan Hobbs: What would prevent a facility from going out and rounding up a bunch of contracts at the last minute and then claiming that we have all these arrangements for diversion in place?

Adam Gregory: Because that doesn't equal a facility that's invested in all sorts of co-located facilities, just to point to what other people have done separately and trying to equate that with diversion opportunity developed by the landfill operator.

Susan Shultz: Okay. Comment back there?

Ken May: I'd like to caution the group in consideration of the ordinance that you keep it apples to apples as much as possible, and a landfill that has diversion infrastructure onsite versus a landfill where the service provider uses subcontracts to divert solid waste from the landfill face should be equal in comparison. There are a lot of subcontractors that rely upon our large solid waste service providers to piggyback on their contracts to provide those solid waste diversion initiatives that help meet Austin's zero waste goals. You have the potential, and y'all keep referring to the word 'their', the word 'their' under 2C. I don't see it here...

Andrew Dobbs: No, we're saying, that's a suggested change.

Ken May: Okay. If this is all tied to the landfill, there are multiple service providers servicing that particular landfill. The fact that you own that landfill and the infrastructure on that landfill precludes you an advantage economically that the other subcontractor service providers cannot afford and theoretically that service provider would be able to reduce their services and win the contract based upon best cost available. The service providers that do not have the one-stop shop opportunity should not be penalized because they are, and when we do see this, they are using subcontracts to divert solid waste, scrap tire diversion, green waste diversion, landfills can get extra points for green waste from TCEQ as well. What landfill would not take advantage of the 15 cents, 20 cents diversion per ton? You don't want to set this up where you're closing the door on solid waste service industry opportunities because you'll see an increase in the cost of contracts not only in Austin, but in the surrounding area of Austin. Local governments from the ten counties around us will see increases in their cost of services if the result of an Austin ordinance is to create a preferred solid waste service provider that through some odd turn of events could turn into a sole source solid waste service provider.

Susan Shultz: So what you're saying is you shouldn't penalize landfill facilities that are otherwise diverting waste whether it be through their own facilities or through subcontracts?

Ken May: Yes, as long as they can document the diversion.

David Green: That's my point too. That's what I said.

Andrew Dobbs: I think everybody agrees.

Chris Thomas: I think one way to maybe get around this is to take a look at facilities and what they're actually doing to divert waste from the stream that's coming through the gate. Not all this other stuff that may be happening around. If a rich load of stuff comes through the gate, and you say go over here, I'm gonna sort it out, I'm gonna pull all the rich stuff out, that's great. Or if you have a facility that has, okay put your tires here, put your other stuff here, and have options for people to recycle because if you don't have those options it's going right in the landfill. You have to provide those options available. Now just because you have a single-stream MRF sitting on top of your landfill, you shouldn't get credit for that 'cause nobody's gonna come through there and just... it's either curbside or that. But if you're doing actually doing extra activities at your facility, which most of the landfills do have some sort of extra activity there, you should get credit for that.

Mike Mnoian: Maybe it's the working face of the landfill. Maybe that language needs to be in there.

Andrew Dobbs: The scoring here, and we should clarify this, the scoring should be about the percentage of waste diverted, not just the number of activities, right? Because then you're right, like, we've got a MRF around here and you know we've got this contract with so-and-so, Organics By Gosh or whatever, that shouldn't count. It should be this is the amount of waste that was picked up and this is the amount that we threw away and the difference is this percent. I get your point and I think you're right, it'd be cool to find a way to maybe weight that more, the onsite activities. But the point is that we want to reduce the amount of waste going into the landfill and we want to see how do we actually

capture that in here, that these companies, that these facilities over here, have taken steps that have concretely, documentedly reduced waste by this much.

Susan Shultz: Right.

Steve Jacobs: But I think the language you have in here does that.

Gerry Acuna: I have to agree with that.

Steve Jacobs: Because it opens it up for anything you divert...

Andrew Dobbs: As long as you clarify that it's the percentage of diversion...

Bob Gregory: I think both circumstances apply. The application where a transfer trailer comes in and the recyclables have already been removed from the waste and it enters the landfill, there's no economical basis to continue to do further reduction. It will go to the working face. I think that analogy applied. Also, the other analogy given by Waste Connections that to have diversion facilities onsite to encourage people to separate their loads so that they come in with a plan to get a lower rate. If they're onsite, they will bring it. Generally people go to the "dump", they want to get rid of something, to get rid of it. If they have to go to the landfill and drop part of it off, then drive some distance further to another location, and some distance further to another location, typically it'll all just go straight to the working face, I think as the Waste Connections representative represented. Having it onsite, I think, does encourage, I know does encourage people to divert particularly if they can get a lower rate for material that has value and it doesn't have to go to the working face. Beyond that, I think it's reasonable to at least give credit, bonus points, to a landfill that does offer those things onsite. So it's really a philosophy deal. Do we start off considering the landfill criteria matrix to be by a facility, not rather than other facilities they participate with and whether the basis, baseline, is no diversion options onsite but then get extra credit for when one does. I can't imagine we'd be penalized for having other options.

Susan Shultz: No, but from the Commission's perspective, isn't the goal basically that you want to see waste diversion, however they do it?

Gerry Acuna: That's correct.

Susan Shultz: Okay.

Chris Thomas: I wouldn't want to take a situation, I'm pretty sure your guys is a single stream facility right at the landfill, right?

Bob Gregory: We do.

Chris Thomas: You're taking stuff from all over. That's not really a diversion facility for the landfill tonnage. That's stuff from all your contracts from all over. You should get credit for that but if you have a citizen drop-off station for metal and all that, that's cool. That should be captured.

Susan Shultz: And that's going to be captured under 2C.

Adam Gregory: The difference in MRF and onsite landfill stuff is...

Bob Gregory: Let me point out, there is a circumstance where one hauler has split loads and they do haul a load to the MRF and trash to the landfill. That's unusual, but we do have a customer that has done that in the past. We also have a scrap metal yard on the landfill. It's being diverted now because they get paid for it.

Susan Shultz: All right, so I think we covered that and I think that...

Adam Gregory: I apologize for starting this can of worms with just a one word suggestion. But I still prefer the word 'their.'

Susan Shultz: I think it's helpful because I think all of you here want to make this as operational as possible and meaningful, so to the extent the discussion clarifies what this is intended to capture, then that's fine. We just don't want to get too bogged down. So right now it reads be 'landfills are credited for their activities that reduce disposal overall in that landfill.'

Andy Andrasi: I just want to clarify, this is... we're still talking about material generated by the City of Austin contracts, correct?

Mike Mnoian: Yes.

Andy Andrasi: Is there any way that this could in some way, 'cause someone mentioned 'ordinance', that this could expand beyond at some point to where the City is dictating...

Adam Gregory: I think you're, the way I view it, the only thing this affects, I think everybody agrees, the *only* thing this affects is contracts let by the City and waste under those things. However I think what you'd be proposing is not just what the facility would do with City waste, it's what the entire facility does with all streams of waste. So you're scored on the whole picture but all it applies to is, the only one that considers this, is the City. Is that, I think that's what we all agreed.

Andy Andrasi: That's where we are now but at some point in the future is this going to be the framework for...

Adam Gregory: I'll die on the hill with you and make sure it doesn't.

Susan Shultz: The charge for this stakeholder meeting anyway was contracts.

Andy Andrasi: I understand that.

Bob Gregory: Yes, it can.

Andy Andrasi: Well then as we move, and I'll wait I guess til 2E. But there's...

Susan Shultz: This particular matrix is for City managed contracts, right?

Ryan Hobbs: City generated and City managed...

Gerry Acuna: Based on your community involvement and your participation, if that makes any sense.

Andrew Dobbs: No it doesn't. The score that you're getting is the only going to be determined by whether or not, where your rank in your solicitations for City contracts.

Gerry Acuna: Absolutely. But the total pic... I mean if I set up a recycling facility for just a City contract and we don't get the contract and we shut it down...

Andrew Dobbs: That would be really foolish. That'd be a foolish investment.

Gerry Acuna: That's how silly, that's how silly it is. So we're grading the landfill, if I'm not mistaken here, for clarification, every one of these landfills has some sort of diversion currently set up. They may not be open to the public. They may not be accepting third party...

Andrew Dobbs: Then the more that they're diverting, the higher the score they'll get.

Gerry Acuna: Absolutely.

Andrew Dobbs: I doubt that anybody's going to change operations in a massive way just to clear this bar because the amount of material we're talking about is...

Gerry Acuna: So we're talking about the same thing, then.

Andrew Dobbs: Yeah, sure.

Gerry Acuna: It's their operations. Yeah, just do that.

Susan Shultz: Okay. I don't think there were any concerns with 2D, E, or F.

Adam Gregory: 2D, E, or F?

Susan Shultz: Right.

Andy Andradi: I have a question on E and the City would have to answer this. There's got to be material that they're generating that are hazardous that aren't going to an area landfill, so is this matrix going to apply to anywhere? I think I brought this up last week, but anywhere that we choose to go?

Richard McHale: You bring up a good point because of what you said plus we've become aware of a landfill that they use outside of the CAPCOG region for some City waste as well, so this would apply to them. So that's definitely an issue that we have interest in.

Andy Andradi: Well I was just bringing up the concept that not only with hazardous but conceivably any landfill in the area could not meet the criteria for the City to send material to and so the material's going to have to go somewhere.

Richard McHale: Our recommendation would be to have another category of landfill. We initially proposed Type I's and Type IV's, but perhaps we include a hazardous waste landfill.

Adam Gregory: This isn't about where to send the hazardous or industrial waste. It says, 'this criteria would assess the risk to the City, blah, blah, blah, based on the quantity and nature of hazardous and industrial materials existing onsite'.

Andrew Dobbs: So risk...

Andy Andradi: If it's a hazardous waste landfill, how do all these other criteria...

Andrew Dobbs: It's the risk.

Adam Gregory: If you are a hazardous waste landfill you're permitted and designed to manage hazardous waste. We're talking about the unlined, a not hazardous facility.

Andrew Dobbs: It says the risk. So if they're sending it to a permitted and correctly operated Type II facility, then there's no risk involved, right, because there's not going to be any liability associated to the facility. This is about...

Andy Andradi: My point is that Type II facility is going to have to meet all of the criteria in order to be acceptable.

Adam Gregory: This is not a pass-fail.

Andrew Dobbs: Remember that this is not... this is not a pass-fail. 'You have to clear these bars or we don't go with you.' This is a scoring mechanism so that we can weigh you against other competing facilities in light of other RFP considerations as well. So, no, it's not that they have to meet every single one of these. It's that if there's a competing facility that's doing these things better than them then they would maybe lose out, but if they're doing the best that they can then they have a really good chance of...

Adam Gregory: We agreed at the first meeting that this would be a scoring system that would not bind the hands of the Council. So if we're talking about a contract to manage hazardous waste that had to go to a Type II facility and they had no desire to participate in this at all, say they got a score of zero, they were the only option, still goes to Council and they explain why that we don't have a score on them but it's the only facility available for this stream and the Council awards it. This isn't something that's gonna bind the hands of Council and create crazy unintended consequences. That's why the consensus was, and we'll see how it shakes out when we get a final version, but that this is not a pass-fail, a numerical score and somewhat ranking just to give more information to councilmembers.

Steve Jacobs: How do you score this?

Adam Gregory: That's the next conversation.

Ryan Hobbs: That's the next meeting.

Susan Shultz: As soon as we get through the...

Daniel Rumsey: You can't give it much weight.

Adam Gregory: What, the hazardous? You can't give the hazardous material much weight? The assessment has already been done by the City and by their contractors.

Steve Jacobs: Yes, I understand all that, what it says here... 2F. Can I suggest we add the lifetime history to that as well, because we do it on the compliance history and maybe we put in here 'history of accepting unacceptable waste in the past.'

Chris Thomas: Which would be in the compliance history as well, right?

Steve Jacobs: Nah that wouldn't be in compliance history, because it would be outside of the five years.

David Green: Well if it's in the lifetime compliance history, it would show up in that, right?

Steve Jacobs: Well the issue that they're talking about for our facility won't show up in our compliance history. The issue I'm talking about for their facility won't show up in their compliance history.

Adam Gregory: What are you talking about Steve?

Steve Jacobs: Well, the Penske brouhaha that went on where you guys accepted...

Adam Gregory: We're damn proud of that whole situation.

Susan Shultz: Again, in the interest of moving forward in the evaluation as opposed to revisiting historic, it's one thing to do is on permitting, if that's going to be something that's going to affect compliance, but I think all these other criterion is sort of looking at real time and moving forward: What is the landfill doing and is this something that the City of Austin wants to promote and encourage?

Chris Thomas: I want to go back to 2E. Some things that I've kind of seen, and different ways to score these things across the country where you did have something that could be seen as a potential liability for a city or a county or someone that's going to use that facility that has some unaccepted waste that went in at some point in time, that they would address that in there but also in the scoring system there is ways to mitigate that through different contractual language or additional indemnification to the party that's bringing the material so, yeah, you might have taken some stuff 25 years ago but if you're willing to further indemnify whoever's going to bring the waste in, you can mitigate that score by offering additional coverage to that city or county.

Susan Shultz: So, is the proposal to add something to 2F?

Adam Gregory: There shouldn't be anything, there doesn't need to be anything added to 2F.

Steve Jacobs: I think there needs to be. We'll agree to disagree.

Susan Shultz: And the concern there...

Adam Gregory: Tell 'em what you'd like to add.

Steve Jacobs: I think you need to look at the historical records of accepting unacceptable waste, irregardless of how it was dealt with. I mean, nonconforming waste came into the landfill, it was buried, and it was dug up. And then a whole bunch of stuff, I mean, just throwing it out there for discussion.

Susan Shultz: What would you have the City do about that? How would you have the City consider that as far as evaluating a current landfill?

Steve Jacobs: I think they should be disqualified due to the EPA contact rule of hazardous waste, but that's just me. You can leave it exactly the way it is, it will not matter at this point.

Andrew Dobbs: All right, cool. Let's move on then.

Susan Shultz: So, what I'm hearing then, we leave section 2F as is.

Steve Jacobs: You can leave it exactly as it is. I have no objection to it.

Susan Shultz: Okay. All right. Okay, 3.

David Green: Can you clarify what 3A means with the new language that was added that 'points will only be awarded for exceeding permit...' there's a typo, it says 'permit' twice, I think. 'Permit requirements.' But, is there an example of where that would come into play when we're just talking about experience and qualifications as opposed to a permit condition?

Susan Shultz: And that language also exists for B, C, D, and E.

David Green: Right. I think in other cases it may be more relevant but in this one I'm trying to figure out why this language was added.

Andrew Dobbs: I mean, I suggested this language and I think I misunderstood where this existed in the regulatory process. As I understand it now, this isn't a part of permitting. This is the experience and qualifications, is that what you're saying?

David Green: Well there's informational aspects that are required as part of the permitting process, but how do you exceed the permit requirements? You either meet 'em or you don't. As it relates to these particular things, there are others where I could see where it might make a difference.

Andrew Dobbs: I get what you're saying. So, I'm not against striking that sentence in 3A. I'm also not against just striking this entire thing because, I mean, it's just like, I don't get, I mean I guess the City shouldn't be working with fly-by-night landfill operators, but I don't think that's a thing that really exists anymore.

Adam Gregory: There's decent barriers to entry.

(inaudible discussion)

Andrew Dobbs: I wouldn't be opposed to... I just don't see what it adds.

Susan Shultz: So, striking 3A?

Gerry Acuna: So what's the consensus of the operators?

David Green: I think you're only talking about 3 or... I don't think this is a distinguishing feature for what we're trying to accomplish here. That should be a minimum criteria.

Donna Gosh: Are y'all talking about 3A or 3 entirely?

Andrew Dobbs: No, no. 3A, which I mean, for a landfill, which is what this is about, I guess, no more fly-by-night landfill operators.

Susan Shultz: So strike 3A? Any objections to that?

Gerry Acuna: Strike it, please.

Susan Shultz: Okay.

Andrew Dobbs: And then in terms of 3B through E, these are, as I understand it, parts of permit requirements and so the point was we don't want just compliance to be the thing that you get the points for, or what we said last time, I think, is that there would be kind of like three levels, right? That there's like a level that you get for compliance, there's a lower level that you get for failures of compliance, which I guess it reflected elsewhere but can be reflected here too, and then there would be a level that is for exceeding, right? So that we make sure that we're not just giving full credit, so that somebody who's just doing the bare minimum to stay legal isn't getting the exact same points as somebody who's going above and beyond and doing innovative and exceptional work.

Chris Thomas: So, when you get a landfill permit your hours are kind of bound by your operating plan. You can't go, you can definitely go under, you can't go over unless you get a modification for that plan. So it's kind of one of those things, you're either doing it or you're not, and those operating hours are typically bound by how you got your permit so if you're saying that, 'Wow, this facility's great, it's open 24 hours', that's not a, I don't think somebody should get benefit for that.

Andrew Dobbs: That's 3F. Hold on, 3B, if we can talk about that real quick.

David Green: So talk about B. This is dealing with force majeure events, right? You're talking about what happens in the event of a weather event, a labor strike...

Adam Gregory: Don't forget pandemic outbreaks.

David Green: ...pandemic outbreaks... again, what are we trying to distinguish here between the three facilities that are really at play? I don't understand how, if there's a force majeure event and you can't open the facility because there's a war, there's an outbreak, there's a something, what are you trying to get us to say? How do we exceed a permit?

Adam Gregory: I would vote for striking 3B as well. There's not really a basis for it in the recommendation from Council. It's...

Susan Shultz: Is that something that you have to...

Andrew Dobbs: I'm not against that necessarily. I get that in these instances, it's a little bit like, as we start to dig a little bit I can see your point. On 3B, I'm not against that necessarily. I think that there are, in terms of safety, in particular, you can say okay there's a certain baseline that's expected and there are ways to certainly exceed that and to be more safe than just the minimum expectation. Same thing, potentially, with some of these other things.

Susan Shultz: Okay, so we have a consensus of striking 3B?

Andrew Dobbs: No, just the last sentence of 3B.

Susan Shultz: Okay. Any objection to striking that last sentence?

Andrew Dobbs: But the other thing is, the other idea here is that like, we're not going to go with a non-permitted facility, right. The City's not gonna say, 'Oh these guys, they don't have a permit yet but we're going to go out and just start dumping with them.' Not anymore at least. And so the point being that if it's already required in their permit, why are we scoring it in this matrix?

Chris Thomas: I'm just not sure what that even gets, this whole 3B even does.

David Green: This is like if we're not open because there's an event that occurs, what are we going to do with the waste?

Andrew Dobbs: It was staff that thought of this.

Adam Gregory: Generally in a contract you'll talk about contingencies separate from this facility criteria and generally a lot of times it says, if you can't accept it then you're on the hook for the price of the City taking it somewhere else, or

you have to haul it somewhere else at your cost. So it seems to me there's a number of vehicles separate from this criteria that address that contingency.

David Green: That's contract negotiations as opposed to a scoring.

Steve Jacobs: Realistically the whole 3 section could be removed.

Andrew Dobbs: No, I want to make sure that we're capturing onsite fatalities and catastrophes.

Steve Jacobs: Yeah, but that's, is there a score for that?

Andrew Dobbs: I mean you should get, like, negative three points for every person that died, or something like that.

David Green: But these are all negative scores, right? You're only getting, you get the score unless you're not safe, or your're not...

Andrew Dobbs: That's what we're supposed to be talking about in this meeting, is how we actually do that, but we're not...

Unknown Speaker: You're not going to get extra points if someone gives birth at the landfill.

Donna Gosh: But I think Adam made a good point, a lot of this is covered in other places in the submittal and so if there's something noteworthy, you can just put it in the other information. But it is covered when, you know, they do ask 'what are your contingency plans? Are you going to be open when the City wants to bring you material? You've got to be open x hours...' and I mean, if you're not a safe place and OSHA has an issue with you, then you're not gonna be open.

Susan Shultz: Are you saying that's covered in the contract?

Donna Gosh: What Adam was saying is that a lot of it is covered in the other part of the submittal and other areas, so it's kind of redundant in one sense.

Andrew Dobbs: I certainly think that 3B, I get the point now, looking at it a little bit closely, that yeah, that could go, I mean, like you were saying, I don't think that 3C should go, I think we should be giving people credit for exceeding... that was the whole point, not to do negative, to give people points for exceeding so I think that there can be safety procedures that exceed baselines. I do want to keep that. I think that the emergency procedures kind of goes with the general contingency, to be honest.

Chris Thomas: Safety, emergency procedures, and efforts to reduce and 3G – all that can be just one. It doesn't have to be... I think we talked about that last week. It doesn't have to be four different categories. Your safety program, you submit what you do and your records and your OSHA logs and all that, and that's part of that whole section, safety considerations.

Andrew Dobbs: 3F doesn't make any sense, I mean, like that's already in the contract. What are we trying to get at here, what are we rewarding people for? For operating more? Or less? I mean, like, I think that 3F can definitely be struck. What you're saying is like, if we take C, D and...

Chris Thomas: Really C, D, G, and H can all be one, just, and we can re-word it or combine the four things, and say your basic overall safety programs, records, all that stuff then is in one category, score it 100 points or something.

Adam Gregory: Yeah. I would change the name of 3 to 'Safety' and do C, D, G, and H. I mean...

Susan Schultz: C, D, G, and H. Okay.

Andrew Dobbs: Are you saying that you want these to be one factor?

Susan Schultz: Yes.

Chris Thomas: It's just one safety, just weigh it differently. They're really all part of your safety program and results.

Adam Gregory: I'm fine with them being separate, but...

Susan Schultz: Hold on, comment back there?

Bob Gregory: I think it's reasonable to have something under operational consideration regarding how the facility is operated in general from an impact on surrounding property owners and on the environment. If a landfill uses alternative daily cover, a tarp instead of soil, and there's odor problems caused by it, there should be some place...

Susan Schultz: Community impact is covered under 4.

Bob Gregory: Would that be under community impact, rather than operational considerations?

Andrew Dobbs: I think that like A, B, C would not be a bad thing to take into consideration. I feel like we're a ways down the line now. I feel like if there's impacts associated with these things then they would show up in one of these other sections.

Bob Gregory: Okay. To the extent that they would, then my concern would be, I wouldn't have the concern. Otherwise my concern in this area goes to just uncertainty of how scoring is done. Because sometimes if it is so up to the scorer, that they can throw in and give somebody a win on the whole thing just because there's a prejudice within the staff for or against a facility, I think that's problematic to any of us. We want to see an objective criteria.

Susan Schultz: Yeah. We want to get you to the scoring part so that you have some input there.

Andrew Dobbs: But in terms of, so where we were at, is getting this down to C, D, G, and H and that would be... and I think that keeping those as distinct lines makes sense so that we're not muddling these things. So that somebody who's doing really well with one and not so great with the others can't outperform somebody who's doing pretty well with all of them.

Susan Schultz: Last time there was some confusion about 3G.

Chris Thomas: I definitely think 3G is part of 3C because that's, your safety programs will cover your efforts to reduce exposure of toxics.

Amanda Masino: So the distinction that I appreciate it there's a set of the safety and so C, D, and G, there's a portion of that that's about worker safety, there's a portion of that that is about the physical environment of the landfill being a safe place to work, and those are not necessarily the same thing all of the time. So, I could see how these could be collapsed but I agree with Andrew that collapsing it to one item, it's going to be huge because it's gonna be training, reporting, instructions, investigations, lost time injury, worker's comp, so that whole 3C, plus D, detailed info on all the procedures, etc., plus a detailed report on the exposure to toxics. So I think that'll get...

Chris Thomas: Not that it makes any difference, but that's how every other contract is.

Andrew Dobbs: Do you mind, do you oppose having these broken down?

Chris Thomas: I don't oppose having them in there. It's just you have all these different things and you'll have to take something that you've already written and say, 'Oh and by the way in 3G, what we said in 3A applies to there and that's how we do it.' It just seems redundant.

Susan Schultz: The way we have it right now under 3 is that you're keeping the criteria and however you want to break it down. You can talk about that during the scoring. 3C, 3D, 3G, and 3H.

Andrew Dobbs: Yes.

Susan Schultz: Any objections to that?

Steve Jacobs: Are we leaving in the...

Susan Schultz: We're striking A and E.

Gerry Acuna: Correct.

Steve Jacobs: But are we leaving in 'points will only be awarded if you exceed the permit requirements'?

Andrew Dobbs: For those two I think that that's important.

Steve Jacobs: Well, but I, you know, which two are the ones that you think are important, Andrew?

Andrew Dobbs: C and D.

Steve Jacobs: What is the permit requirement for training?

Andrew Dobbs: There are other... I don't know if there's one for training, but there are safety requirements in the permit.

Chris Thomas: Very minimal.

Andrew Dobbs: So then I don't want them to, the point is I don't want just that to be, I don't want it to be like, 'Oh yeah we're compliant.'

Steve Jacobs: But if it's, if I submit my training plan and it's a color PowerPoint presentation and theirs is a video, who wins?

Andrew Dobbs: I don't know.

Steve Jacobs: I don't know what the baseline is, I guess.

Andrew Dobbs: I get what you're saying. I don't know how to answer that question specifically now, but I know that we need to find some sort of objective basis and I think everybody agrees on that.

Steve Jacobs: But I think if you take out the 'exceeding permit requirements' on all these it makes more sense, to my ears.

Chris Thomas: You can either do that or...

Steve Jacobs: And yes it'll be subjective to the reviewer, but it's going to be subjective...

Chris Thomas: You've covered these points in safety and emergency procedures and all that stuff, that's all covered. If you cover it, you're good. But your record is what – yeah, you covered it, but what is your actual safety record? What is your incident rate? Do you have any fatalities? And that's where the score goes up or down.

Andrew Dobbs: That makes sense, like I definitely want to find the numbers.

Chris Thomas: Each facility has to provide that.

Andrew Dobbs: Right, I'll cop to not knowing all of the minutiae of this stuff, right, of every bit of the regulatory issues.

Woody Raine: Are those numbers publicly available?

Chris Thomas: We have to submit our information every year, so it's been submitted. But you have to prepare it every year on your OSHA logs by facility, so you'll know what your incident rate is by facility and most companies get scored, but again that's the total company on your overall safety record. But if you just look at individual, if you just require the OSHA 0300 logs, you can calculate incident rates by facility. So, hey, it's great you have all these policies but what's your actual safety record? That's the one that goes up or down.

Susan Shultz: Okay.

David Green: It may also be very difficult to even quantify how you are exceeding certain safety standards depending on what they might be and all that kind of thing.

Andrew Dobbs: I mean if we want to change this around to say that we're looking at incidents, I mean, what it says in C right now, reporting inspections, investigations of lost time injuries, work comp record, safety record, which I think would go to the OSHA reports that you were talking about, and we want to look at these actual material numbers and say these people have these many people hurt and these people have this many. That's what we're counting and that wouldn't have anything to do with the permit.

David Green: Whether you exceed it or not, those are just the numbers.

Andrew Dobbs: Right, so I'm okay with that. I think then we're talking about a completely different way of looking at this than what I was understanding this to mean when it was first presented, however long ago that was.

Susan Shultz: Okay. We still want to capture that though, right?

Chris Thomas: The incident rate that you can calculate will equalize between a small facility and large facility. So you may have 300 employees or you may have ten, you can still have...

Susan Shultz: We need to move on guys. You're not going to have enough time on the scoring which is what you're saying is important.

Chris Thomas: Well I just want to make sure we get it done. We just want to get it done, not do it just to do it.

Susan Shultz: Yeah, and you're making progress. So we're keeping 3C, D, G, and H in the proposal now.

Andrew Dobbs: I know that we want to move on but I just want to make sure it's clear, there's several different material, like, specific objectives. I like the lost time injuries, the worker comp record, and then the incident rate. I think that those things are, or incident reports, or however you want to put it, those are the things that we want to look at. We want to look at the actual numbers, and not just one of them, but all of them.

Susan Shultz: Okay. Yeah. That's what I'm capturing here.

Andrew Dobbs: Okay. Excellent.

Donna Gosh: And remove that points may be awarded sentence.

(inaudible discussion)

Victoria Fikes: I had a quick question on 3F, with identifying hours and days...

Andrew Dobbs: We struck that.

Susan Shultz: We're keeping 3C, D, G, and H.

Victoria Fikes: Okay. Well then can I still ask a question about it, or no?

Donna Gosh: It's gone.

Andrew Dobbs: It's no longer going to be considered.

Victoria Fikes: Okay.

Susan Shultz: Do you want to put it back in? Is that your comment?

Victoria Fikes: I just have like a general question but if it's out, then it's out. I just wanted to know, I work for an independent hauler and so if a facility is open, if it says it opens at 7 a.m. for outside contractors, can the people that own the landfills or recycling facilities still operate before that time?

Andrew Dobbs: It's no longer an item so it wouldn't be relevant.

Chris Thomas: Generally your operating hours are bound by your permit. Not when you decide to open, but by your permit. You may be able allowed to be open for 24 hours but you may only operate from 6 to 6.

Susan Shultz: Great question. Thanks.

Andrew Dobbs: Thank you.

Susan Shultz: Okay, great. All right, 4. There was a lot of discussion last time on 4A and also we came to a resolution...

Adam Gregory: I would hope to remove that because of the difficulty in measuring it and comparing very small and diverse workforces already at the landfill, comparing them I find very difficult, but I know other people have things to say.

Andrew Dobbs: I thought we had done that. I thought this was reflective of a long discussion where we had decided what this was going to look like. I mean, I thought that we already had this discussion.

Chris Thomas: Yeah, I just don't know. Now we're to the point where how do you sum it up, how do you measure it? It's hard to do that.

David Green: This is just the facility level.

Kaiba White: Except for the executive staff.

David Green: So you're talking about ten people or less?

Kaiba White: Except for the executives. We talked about this.

David Green: The executives? Of the landfill?

Kaiba White: If the company has executives in another location. This is what we talked about.

Susan Shultz: Managing the people at the landfill? Is that what we're talking about?

Andrew Dobbs: No, that we want to know if like the company has opportunities for advancement. That's what this was all about. That yes, Waste Management's executive staff team in Houston matters in this thing. Same thing with, actually that's the only one I know where they're headquartered.

Donna Gosh: Why don't we just call it that then? Potential for advancement rather than diversity of workforce? Cause Adam's correct, measuring diversity is a very hard thing.

Amanda Masino: I'm very confused. What is difficult about calculating a percentage of employees?

Donna Gosh: Because your employees change constantly and so you're gonna be doing a new calculation probably every month, which is what Adam was saying last week.

Kaiba White: Well, it's a snapshot.

Amanda Masino: What if you could choose to do a snapshot for a month, or your annual, based on what you feel best reflects your commitment to, and practices relating to diversity and advancement? I mean, we can give you that flexibility, I imagine. If that's...

Donna Gosh: Adam will have to answer that.

Ken May: Points could be given to subcontracting with small business owners, HUBs, historically underutilized businesses, minority owned businesses, that's standard contracting practice in the state of Texas. They even award points for locally owned.

Gerry Acuna: You know I did mention that last time, but thank you, Ken.

Steve Jacobs: All right, so what did we decide?

Mike Mnoian: I think that's better than the diversity.

Gerry Acuna: For a public company it's tough.

Steve Jacobs: What's tough about it? I mean it's for the landfill management...

Amanda Masino: This is one where that's actually a number. There's been a lot of 'it's all subjective, it's all subjective.'

Andrew Dobbs: This is the number of people that are working at it, this many of them are white dudes, multiply and divide, and yeah, there's math.

Amanda Masino: Leave it. If you want to put in the local and support for minority owned you can also provide that information there. Great. There's an objective number and if you want to mitigate it with practices, great.

Ken May: And if they have policy in place, they get points.

Gerry Acuna: All right, so leave that?

Susan Shultz: Well, but to capture what you all talked about though, we need different language than what's right there in 4A. 4A just talks about racial and gender breakdown.

Amanda Masino: So adding information about local commitment to supporting local, minority, and woman owned...

Kaiba White: Although we had that kind of language in there last time and took it out because having policy doesn't mean...

Amanda Masino: Well it should probably weight differently.

Chris Thomas: Percentage of your cost allocation that you spend on a monthly basis to minority and women owned contractors is an easy one.

Amanda Masino: There you go.

Alfonso Sifuentes: Part of the discussion too, was defining minority, right? Because depending on what part of the county you're in, what's the minority there?

Susan Shultz: So is it the commitment to hiring HUBs? Is that what it is?

Andrew Dobbs: It seems like we're talking about different things. I think that...

(inaudible discussion)

Susan Shultz: Is this particular criterion intended to capture the fact that a particular company...

Andrew Dobbs: Staff came up with this. Richard, what's the intent here?

Richard McHale: The diversity of workforce?

Andrew Dobbs: Yes.

Richard McHale: To align with the Council priorities.

Adam Gregory: The term social equity within the recommendation? I guess that would be...

Richard McHale: Social equity...

Ken May: How well their workforce matched the living, census tract information or demographic information or the population of the community. Percentages of Caucasians, Hispanics, blacks in the workforce.

Adam Gregory: I'm gonna bring up, I hope this doesn't make this more difficult, but Andrew's talked about it a lot, the certain socioeconomic and racial areas, demographics of a particular landfill. Say, if a landfill was in a highly concentrated African American area...

Susan Shultz: Is that 4H?

Adam Gregory: I'm talking about diversity of workforce, but it combines. If you're there in that area where maybe it's a community that has had a lot of history with being dumped on maybe, but it's highly African American and resulting your workforce is highly African American, are you being penalized and rewarded at the same time?

Andrew Dobbs: I think the point that we had come to is that it's about advancement. Right?

Mike Mnoian: But that's policy.

Andrew Dobbs: No, it's about, it can actually be measured. You got this many people, this is what your workforce looks like at the level where they're actually like tromping around in the garbage. This is what it looks like at a management level, and this is what it looks like at the executive level. I mean you can tell, if there's big disparities there, then we would prefer to go with a company that doesn't have that.

Adam Gregory: Okay, how about, I mean, there's a difference between hourly and exempt or salaried employees and that could give you the objective look at advancement, potentially. If you had the breakdown of your hourly employees and then a breakdown of salaried employees by race and gender...

Andrew Dobbs: And executive staff I think, also.

Chris Thomas: Starting to look at the executive staff too, if you look at that it gets a lot more complicated if you look at it from a Waste Management, or our perspective where some people's executive staff are sitting in the same office as the landfill and you're not necessarily talking about the executive staff is not going to look the same as your current area. You may have... different demographics than a...

Andrew Dobbs: I don't want to go with the current area. I don't want to deal with that. That's not how I think we should do it. I think that we should look at like, are there disparities between the racial makeup based on the income level and power within the organization? That's a better way of doing this. If we're going to do this, which I think there's some value in this, then I think that looking at the advancement is what it's about. If everybody that's an hourly employee is black or brown and everybody that's at the board room back in wherever is white, then that's a problem. That's what we're saying is the problem.

Susan Shultz: Okay, so how about capturing it by saying 'the proposer will provide the racial and gender breakdown of staff, management, and executive staff as submitted by the facility by hourly and exempt'?

Donna Gosh: Is that doable, Adam?

Adam Gregory: I think so.

Steve Jacobs: It's doable, I just don't know, what does it accomplish?

Chris Thomas: Just give some information.

Steve Jacobs: I think the way it's worded in here right now works without changing it. When you add in the hourly workforce you can end up with the demographics...

Alfonso Sifuentes: Where's that dividing line between executive staff?

Steve Jacobs: People that shower after they finish their shift...

Susan Shultz: So do you want to keep it the way it is?

(inaudible discussion)

Andrew Dobbs: Hold on. Let's focus here. If we want to talk about hourly and exempt, I don't think there's anything wrong with that but ultimately what we're trying to get here is a measure of advancement and a measure of basically comparing tiers of the organization, of the company, not just at the facility. Starting at the facility, but then moving out to their leadership, right, and we want to compare that so that we can determine are they actually helping people build their careers or are they keeping black and brown folks at the lower level.

Mike Mnoian: I think if you're a company and you do this you're gonna open yourself up to certain things. Because you're going to have to go ask your workforce. You can't assume what they are, right? You can't do that nowadays. You can't assume because you're...

Andrew Dobbs: You have EOC requirements, don't you?

Mike Mnoian: Yeah, but you have to ask those questions.

Donna Gosh: They have the option to opt out...

Mike Mnoian: I think you can open yourself as a company up to certain things, especially if that person gets fired or something. They can make a comment like, 'Oh remember when you asked me these weird questions?' As a business owner, I don't really like to ask a lot of questions because you open yourself up.

Andrew Dobbs: This is stuff that's done in a lot of different industries in a lot of different ways. I don't think there's any mystery to this. There are means of, I'm sure, protecting yourself from liability there. You can give people the option to leave themselves unreported so they don't have to report it if they don't want to, and that can be taken into consideration as well. I don't think this is... this isn't uncharted territory here. This is actually very well charted territory.

Ken May: How would a facility that reported '100% other' compare to a one that met the current demographics of the neighborhood they reside in?

Andrew Dobbs: Remember that this is about advancement. So if everybody is 'other' at the one level and it's all white people at the level above that, then that's a problem. That's what we're looking at. If it's all other at all the levels, then I guess it washes out at that point and we'll...

Ken May: Everybody answer 'other.'

Alfonso Sifuentes: They're not white, they're peach colored.

Susan Shultz: So there's no consensus on this one.

Amanda Masino: I liked it as is, I'm fine with hourly/exempt, if we need to change the word 'diversity' to 'social equity and advancement' so everyone will be happy with it, that's fine too. I think that this should be fairly straightforward.

Chris Thomas: It's straightforward to review, it's just not straightforward to get.

Amanda Masino: That's why we're talking about that. Well, it sounds like there's a survey that does have the information and some people may not choose to answer and so you don't report those but you do report the people who do answer. And maybe if you want to you can share the number of unreported if you want to give a sense of how many didn't answer.

David Green: How do you deal with companies, again there's only 3 companies really here that are going to initially be probably involved in this. One's a publicly traded company, so you want to look at what their 40,000 employees diversity looks like?

Kaiba White: No.

Amanda Masino: No, no, no. We keep saying that. It's the local people working at the landfill.

David Green: And then who's the executives then?

Amanda Masino: And then the executives, the management team.

David Green: Who's the management? They have five layers of management.

Adam Gregory: I would say with management and executive, if we're trying to judge advancement, I would do company-wide exempt employees because you can advance, but hourly would be a specific facility and then as you advance, you can go company-wide and do a gender and race breakdown of exempt employees company-wide, and hourly employees at the facility. I mean, I think you could capture that information, or best guesses with as much information as you can get. I don't know.

Andrew Dobbs: Yeah, and you know what? If you can't do it then that's indicative in itself and like maybe these are points that you don't get and you have to make it up somewhere else.

Steve Jacobs: Yeah, but the workforce in California that works for Waste Management has no bearing at all on the local management, so I mean, I have issues with, you can look at the demographics of the local management team and you can look at the corporate senior management staff.

Andrew Dobbs: I'm okay with that too.

Steve Jacobs: And leave out, you know, because there's a lot of stuff in the middle that doesn't correlate. It just becomes cumbersome.

Andrew Dobbs: Right, I think the hourly and exempt at the site, or on some other local level, and then executives which are company-wide. I think that's perfectly fine. That reflects, does this facility give people a chance to build a career regardless of these other factors?

Susan Shultz: Okay, so to capture what you just said, 'hourly and exempt at the site and executives company-wide.' Are people okay with that?

David Green: Yes.

Susan Shultz: Alright, let's move on.

Adam Gregory: Give it a shot anyways.

Donna Gosh: Until next week and we'll rehash it all over again.

Gerry Acuna: On 4B, staff, can I ask you a clarifying question? On 4B? What is the living wage today in the City of Austin? Is it \$11.83?

Richard McHale: For a full time employee it's \$14 an hour. For temporary employees it went up in February to \$13.84 an hour.

Gerry Acuna: So \$14, basically.

Richard McHale: Now my understanding of it, and probably somebody in Purchasing might be able to answer this, but if there's an older contract I think, whatever the rates were at that time the contract went into effect basically...

Gerry Acuna: So now we're looking at future. So 14 is our number.

Chris Thomas: Richard is that total cost with benefits and everything included?

Richard McHale: I believe that's just the hourly rate.

Chris Thomas: How would you rate someone that maybe they got \$14 an hour, no benefits, no profit sharing, no 401k, no bonus program or anything on top of that?

Gerry Acuna: This states healthcare also.

Adam Gregory: The living wage is included in all the City contracts. Do we need it in here?

Andrew Dobbs: The thing is is that...

Donna Gosh: Well this is giving you, say Andy goes and bids on a City thing, he's got to say, 'Okay this is the landfill I'm using and then this is their score.' So this relates to that landfill score within, it doesn't relate to what he's paying his employees. Does that make sense?

Andrew Dobbs: Yeah, and furthermore, there may be landfills that don't have contracts with the City and so they're not being bound by this so like we would want to know, like exactly, let's say that Green Group's facility, they don't have any City contracts yet because they haven't come up, but Andy's hauling there and he's bidding on a contract, then we would want to know, is the landfill that you're taking this to paying a living wage of everybody there? If they say yes, they're not bound by that but they can get points for that. So it think it makes sense.

Donna Gosh: So whatever landfill that contractor is going to use, that landfill needs to pay a living wage at the time the contract is...

Adam Gregory: I would say that most of the regular employees will make well over the living wage and it's not an issue. However, you bring in temporary workers to pick up litter all the time, at certain times when you get wind in there and things like that, I guess...

Andrew Dobbs: You pay them less than the living wage?

Adam Gregory: What's that?

Andrew Dobbs: You pay them less than the living wage?

Adam Gregory: Well the market rate is generally much, much less than \$15 dollars an hour.

Donna Gosh: But those are not your regular employees.

Chris Thomas: Well with the temp companies we're paying over...

Adam Gregory: Yeah, with the markup...

Susan Shultz: Any concerns with or objections to 4C? We're taking out host agreements.

Andrew Dobbs: We went over that pretty well last time.

David Green: I'm sorry I wasn't here for that, but that's fine.

Susan Shultz: 4E?

Adam Gregory: I'm sorry, back, 'cause we took out complaints on 2A and we talked about moving complaints to the commitment to community relations and you're submitting your letters that you've solicited from folks. I think that should be balanced by the complaints.

Susan Shultz: So they should also supply the number of complaints?

Andrew Dobbs: And they can supply the... *(inaudible)*

Susan Shultz: Okay, so they should supply the number of complaints?

Chris Thomas: We're not going to have consensus on this, so again it's directly related to how many people moved in around them...

Andrew Dobbs: There's not consensus but we are saying this, that's a decision point...

Donna Gosh: There's a couple people saying yes and a couple people saying no, so just put it as a question mark.

Susan Shultz: Okay. 4E?

Chris Thomas: I'm not sure why that's in there. Does that matter?

Adam Gregory: Are we going to give more points for the landfill that accepts from the fewest counties? Is that the goal? Or, I mean...

Chris Thomas: I was asking you.

Bob Gregory: It's a real problem when this comes up because haulers that use various landfills, when they're asked by the landfill, 'tell us where this waste came from', almost unilaterally they will not tell you where it came from because they don't want you to know where their routes are, for that matter, and besides some county lines are unknown to people when they're out in an area picking up a route. They don't, they see it on a highway, where your entering one county and leaving another, but they don't know where that county is so if you, we could know what we collect but other haulers that haul to our landfill almost never will tell us where that waste is coming from, so really it's a best guesstimate.

Andrew Dobbs: I don't see any value to this. I think that we can just strike this.

Susan Shultz: Richard, did you have a comment?

Richard McHale: Staff's intent on this was in your annual report, landfills submit what counties they receive waste from. Now whether there's uncertainty about that, so be it, but that's what is getting reported. The intent on this was if waste is being imported from outside the region, it's filling up our Type I landfills quicker here, requiring us to build new landfills. So the preference would be for a landfills that do not accept waste from an outside area.

Chris Thomas: Those landfills that are also accepting waste from outside are also keeping the rates low for the residents inside the county, so there's kind of a give and take. The more volume you get in, the more rate stability you get.

Bob Gregory: My response to Mr. McHale's comment is Waste Management, the other company that has a Type I landfill in the area, has six landfills from Waco to San Antonio. In about 90 miles north of here and 90 miles south of here, within that area there are six landfills that they have that they operate or own and operate. So they have a lot of options to take it to. For us to take waste or accept waste from further out, that may help the City staff position of not using the TDS landfill but I don't see why we should be penalized because we only have one and they have six. You're right, it is on the annual report and it's an estimate of what that is. But if we're going to get accurate and we're gonna attest to it, we will not know if there's more counties, those are the ones we know of. There could be others.

Susan Shultz: What is helpful to capture here is the question.

Steve Jacobs: I think it's helpful to capture but I think it ought to be in the carbon footprint section. If you're running trucks from all over the place, yes it's your choice to bring your material to your landfill, you don't have to, that's a choice you make for your business reasons. What this means to this score sheet, I think it makes more sense in the carbon footprint section.

Donna Gosh: Except the carbon footprint is only for the facility. It has nothing to do with all of the trucks running around outside. You weren't here at the earlier meetings but we defined that carbon footprint only had to do with operations on the facility.

Kaiba White: And then a hauler contract would have its own carbon footprint associated with it.

Steve Jacobs: I apologize.

Donna Gosh: No, it's okay.

Susan Shultz: I think there's consensus in keeping 4E.

Andrew Dobbs: In keeping it?

Susan Shultz: Yes.

Andrew Dobbs: No, I think it's a wash. I really think that like...

Ryan Hobbs: The information is already accessible to staff.

Andrew Dobbs: I think that like, I just don't see this as being particularly relevant.

Susan Shultz: So, is the information being given to the City in some other report? Is that what I'm hearing?

Ryan Hobbs: The staff has access to that information already.

Susan Shultz: Okay. So consensus in taking it out?

Ryan Hobbs: Yes.

Steve Jacobs: I think if you leave it in and how you weight it is up to...

Andrew Dobbs: I'm okay, I'm honestly okay on either direction because I don't think it's going to be very relevant.

Bob Gregory: I recommend taking it out.

Adam Gregory: I vote for taking it out.

Steve Jacobs: We can't win a vote; there's more of them.

Adam Gregory: It's not a vote...

Unknown Speaker: I think it should be included.

Unknown Speaker: Leave it in.

Susan Shultz: All right, so no consensus. All right. 4E? We need to get to scoring pretty fast. Any other concerns with 4? Let me put it that way.

(inaudible discussion)

Andrew Dobbs: It does seem pointed but it's also, the thing is, is that City actions of that sort should have ongoing consequences.

Chris Thomas: Those are usually political decisions or political statements.

Adam Gregory: The Council said to do this per previous Council priorities. Those are, it is explicit to consider their past positions, and so their past position of opposition must be included.

Gerry Acuna: What are you discussing here?

Susan Shultz: 4E.

Adam Gregory: I'm insisting that 4E remain.

Andrew Dobbs: This is going to be one of those, we're not gonna...

Adam Gregory: I don't think we can *not* have this with, while staying consistent with the directive from Council.

Steve Jacobs: Shouldn't we also add in there any contract disputes, lawsuits that have been filed between the providers and the City and counties?

David Green: Previous litigation with the City seems like a legitimate thing.

Adam Gregory: Between the landfill and the City?

David Green: The provider or the company. If there's a history of litigation between a provider and the City, that would be something I think they would want to know.

Bob Gregory: Do you lose points when the federal judge says the City was wrong and forces them to remove what they did?

David Green: Who initiated that? It ought to be whether there's litigation or not, not the outcome.

Susan Shultz: Okay, so in evaluating a landfill, how is that helpful?

Adam Gregory: It's not. The opposition to the landfill is.

Andrew Dobbs: If the City says 'we don't want this facility to exist', right? 'We don't want this facility to exist.' That seems like it's a relevant question of whether or not we should be doing business with that facility. And it is a political decision, but this is a political body that's making this decision.

Chris Thomas: Politics change.

Andrew Dobbs: Hey, you know what? They can assess this, I mean, they can take this into account and assess it however they want. This is a score, they can get a recommendation from staff, and they can jump over and pick one of the other vendors if they want. So ultimately they can make this decision.

Susan Shultz: Okay, so no consensus on this one.

Amanda Masino: 4F? Yeah, could I ask staff for a little more clarity on...

Donna Gosh: Staff didn't do that one.

Amanda Masino: Okay.

Andrew Dobbs: I mean, I was the one who suggested that and the reason is because and I get that, like you can look at this from a couple different directions. But the reason that I was, the suggestion that I had here is about avoiding the creation of sacrifice zones, right? I think about southeast Dallas County, okay. If you take 45 up from Houston sometime into Dallas and you get into Dallas County and it's nothing but landfills and scrap metal yards and transfer stations and disposal facilities and it's that entire area, which has a lot of people living in it, has been sacrificed to, like I said, a sacrifice zone. Trying to avoid doing that. Now the alternative is do they want to distribute these so that everybody gets pollution in their neighborhood, or whatever, I mean that is the alternative, and I get that this is a tough question. But that was the idea here. It was about are we trying to concentrate all of our waste into one community.

Donna Gosh: But aren't there certain areas that you can't because of the aquifer recharge? So then it's really not a fair part, because you can't go do a landfill...

Andrew Dobbs: Well there's an entire continental United States over to the east of that, so, I mean there's plenty of...

Susan Shultz: Is this within the control of the landfill operator?

Andrew Dobbs: What?

Susan Shultz: Is this within the control of the landfill operator?

Andrew Dobbs: Where they operate? Yeah.

Susan Shultz: Yes, whether there's landfill operations operating in their geographic area.

Kaiba White: I just think this would be really difficult to compute.

Andrew Dobbs: I mean, who else... what do you think Amanda?

Amanda Masino: I think, I understand the intention is good, but I don't know how, number 1, how would the landfill in this concentrated area, like what would they do to prevent that other than stop operating, but they're already there. This seems to me to be a very important for the Zero Waste, and staff, and policy goals...

Andrew Dobbs: If you want to take this out that's fine, I was just trying to make sure that we don't end up with, like I said...

Chris Thomas: I'm looking at it from more of a contingency plan, like if somebody happens to have close landfills nearby. If the City contracts with one person and then all of a sudden something happens to that landfill, I mean, we have to do that all the time. We have to provide contingencies, and if we have four landfills that are somewhat close by we could then move that material. That's what I was looking at.

Andrew Dobbs: That's fine. If folks want to take it out, it was my suggestion...

Susan Shultz: Everyone's okay with striking it?

Andrew Dobbs: Yeah.

Susan Shultz: 4F is stricken. 4G.

Andrew Dobbs: I mean, we have the...

Donna Gosh: Is that covered in the other...?

Andrew Dobbs: No, it's not. Because wages and benefits are one of those things that when things change, they can go away unless you have a contract to protect them and a union to back that contract up. But none of the facilities here have unions, as I understand it, but if and when there's an opportunity to organize one, I would like for that facility to be, and I think that a lot of people on the Council would like for that facility, to be given some consideration.

Chris Thomas: Generally they're gonna organized to be a union because they're a bad operator, bad management, that's why you're going to start a union. So I don't think somebody should get bonus points for having poor management.

Andrew Dobbs: I think that's some really great logic.

Chris Thomas: That's 100% of the time we have union organization it's poor leadership so in a private industry that's just what happens. You have poor leadership you're gonna get a union.

Adam Gregory: It's the result of potentially abusing your employees, then... happy employees...

Andrew Dobbs: Well I'll tell you this, all the guys that are in management for these companies are probably not going to want to agree that up to this one, but I'm going to stick with this one, and I'm going to go to Council, most of whom have been endorsed by...

Gerry Acuna: We can leave that in and everybody's gonna get the same score basically.

Andrew Dobbs: As of right now.

Gerry Acuna: As of right now.

Andrew Dobbs: Now I did... there is also... yeah.

Susan Shultz: So any objection to 4G right now?

Steve Jacobs: I think 4G ought to go out. If it's not going to go out it ought to be limited to the facility in question.

Andrew Dobbs: It is to the facility in question. All I was saying, this is something that's well-tread ground.

Chris Thomas: I was thinking you were getting negative points for having a union, not positive.

Unknown Speaker: Right, it should be negative.

Susan Shultz: So 4G should be...

Andrew Dobbs: I wish that there were some workers here so they could see what management says when they're not in the room.

Susan Shultz: Any objections to revising 4G to specify 'at the facility'?

Donna Gosh: Everybody is saying take it out except for Andrew and ZWAC, I mean, everybody else said take it out.

Andrew Dobbs: Go ahead and mark that everybody else said 'take it out', but I'm gonna go to Council on this and I think that you'll find, and I think that typically they don't like to vote against the unions because the unions are organized very strongly in this city. So, and I'll bring in the unions with me if I need to.

Susan Shultz: All right.

Gerry Acuna: So the consensus is...

Woody Raine: When you first proposed it we researched it to see if it was in any City contract and we didn't find anything.

Gerry Acuna: All right so the consensus is to strike it, I'm assuming.

Andrew Dobbs: No, that's not the consensus.

Gerry Acuna: I'm talking besides you or me.

Susan Shultz: But yes, the rest of the stakeholders would like to strike it.

Andrew Dobbs: And Amanda, I'm sure. The people who aren't making their money off of this, for sure.

Susan Shultz: Okay, 4H. Any objection to 4H?

Andrew Dobbs: I mean this is the kind of thing that I think that Council is really actually wanting to know, with the social equity, I think that this is like, this is the key question: are we dumping on our communities of color or not?

Gerry Acuna: Well, Andrew, the reality is, I'm sorry, go ahead Ken.

Ken May: I was going to say that the demographics outside of Austin within our region are very different than the demographics within the City of Austin, and our landfills do reside, some of them, outside of the City of Austin, in particular the 130 Environmental Park. They have a split 50/50 demographic in their county, county-wide. This is not going to favor them when it's compared to the City of Austin demographics.

Andrew Dobbs: I think if the City of Austin is sending its waste outside of its boundaries to communities of color, yeah, that should be what is reflected here.

Susan Shultz: So should it be racial, ethnic and socioeconomic demographics of landfill location as compared to the neighboring area?

Andrew Dobbs: No, because the neighboring area is what we're looking at. That's what we're looking at. We're saying how would you compare the neighboring area to the neighboring area?

Adam Gregory: Would we take out 'as compared to City of Austin', because it seems the comparison would be the scorer's responsibility and if you're doing demographics, what's the range? How many miles?

Andrew Dobbs: The census tract. You can say the census tract where the landfill is located compared to the City of Austin's demographic, or the census tract from adjoining census tracts. This isn't a difficult thing to determine, the demographics of who lives in an area.

Susan Shultz: Right now it's the City of Austin...

Andrew Dobbs: The point of this is for us not to be sending our waste to communities of color and dumping on communities of color.

Chris Thomas: We're comparing to the City of Austin which is different than every other place in Texas.

Andrew Dobbs: Right, I'm saying that we don't go to a place that's more POC than... has more people of color...

Chris Thomas: Which is every place outside of the city limits of Austin, right? Essentially.

Andrew Dobbs: I mean, then we can compare facilities against each other. Right? I think that this is not a difficult thing.

Susan Shultz: The issue is does it make sense to keep in 'as compared to the City of Austin demographics' as opposed to like the surrounding areas?

Amanda Masino: We want a geographic box here of some kind that makes sense, right. We are talking about waste generated in the City of Austin and where it ends up.

Susan Shultz: So City of Austin demographics is what you want.

Amanda Masino: Right and that can be City of Austin, that can be Austin-Round Rock metropolitan standard area. There are U.S. census, and there are defined boxes for our area.

Susan Shultz: Okay.

Andrew Dobbs: So, yeah if you want to expand it out, I think the City of Austin is fine. I don't think there's any reason to not do that.

Steve Jacobs: Wouldn't it make more sense for the landfill to provide the demographics for their area and then the City does whatever they want with it? Compared to whatever you want? As opposed to us trying to figure out what we're comparing ourselves to?

Adam Gregory: Yeah, that was my point. My point was that we should just...

Steve Jacobs: We can't agree, so... I withdraw.

Ryan Hobbs: Let's agree on something there.

Adam Gregory: Even a broken clock's right twice a day.

Steve Jacobs: It depends on which one you're looking at.

Amanda Masino: You want this calculated for you, like staff would have a process to...

Steve Jacobs: I think what you do, the landfill has to provide the demographics for their area around their landfill and then whatever you guys do with it on the scoring, if you want to compare it with the metropolitan area, or City of Austin, downtown Austin, what you're going to find is you might have to keep your trash.

Susan Shultz: So your proposal is to strike City of Austin.

Andrew Dobbs: We know, Steve, you're playing catch-up today, but we've already said that this is not about excluding or disqualifying.

Steve Jacobs: But it is.

Andy Andrasi: So are you wanting to send the waste from the City of Austin to somewhere that has the same demographics as the City of Austin?

Andrew Dobbs: We're saying that we don't want to encourage, yeah, ideally it would be that we don't want to encourage disparities. Look, I mean like I realize that some of the people in this room...

Susan Shultz: It says 'as compared to the City of Austin demographics' so that it's up to the City of Austin to figure out how they want to evaluate that information.

Amanda Masino: Right.

Susan Shultz: Any objection to striking 'as compared to City of Austin demographics'?

Andrew Dobbs: Yes, yeah.

Unknown Speaker: For him, but we don't.

Gerry Acuna: I've asked staff – Richard, when was that? I believe a month ago or so to get a demographic of the various landfills and I was wondering if that was in the works. Compiling the demographics?

Andrew Dobbs: Literally a 30-minute project, tops.

Woody Raine: And it's changing. Gentrification is occurring as the City of Austin becomes more and more...

Gerry Acuna: So perhaps staff could provide that to us.

Donna Gosh: Can't that just be a criteria that is considered but it's not like the landfill has to submit anything on that but it's just like that will be considered? You know what I'm saying? Because the City people are going to know what the demographics are around the landfill and the City's going to know what the demographics are in the City of Austin, so you can just say put that on here as a criteria and then the City put in the information and...

Andrew Dobbs: It doesn't say who's submitting it, but I don't know why this is the criteria where we want the City to have to do the work for them. Like literally looking up census tracts is not hard. Right? I mean...

Donna Gosh: Right, but it's not your normal job.

Andrew Dobbs: The U.S. Census Bureau is the third party.

Susan Shultz: Is there any objection to providing this information?

David Green: For what radius around the facility? There's no definition of the radius around the facility.

Amanda Masino: That's actually, so why don't we put in 'census tract' in to be specific?

Andy Andrasi: So you're counting all of the City of Austin geographic boundaries versus a census tract that the landfill operates on?

Amanda Masino: Well if the complaint is that you...

Andy Andrasi: Or do you have an equal amount of geography around that landfill to correlate with...

Andrew Dobbs: We're comparing whether or not, look, there is a long history in this country...

Kaiba White: Can you...

Andy Andradi: Calm down.

Andrew Dobbs: No, I am a little bit upset because there is a long history in this country of waste being dumped on black and brown people. It has been well documented and well established. This City is trying to break with the history of racist oppression of people of color, and so what I'm saying is we want to know: are we perpetuating this? The place where we're sending our trash, is this a community that is predominantly black and brown people, or not? And if there's an opportunity to not perpetuate that system, then that's what we should be giving favor to in this thing. It's really simple. I know that we want to complicate it because we don't want to do it, right, but it's actually really simple. You look up the census tract of where the waste facility is located and then you look and you compare that to the City. Is it more black and brown than the City of Austin? Are we sending this to a community that is comparatively less white than ours? That is a really simple question to answer.

Susan Shultz: Just to the extent that we wanted clarification, so I think what I'm hearing is that we place location on the census tract? Are you okay with that? Landfill census tract? Any objection to that?

Andrew Dobbs: I'm sorry, what was this again?

Susan Shultz: Replacing location with census tract.

Andrew Dobbs: Yeah.

Amanda Masino: If it is a question, to try to... a lot of times you compare the overall to an area of impact. So we're saying the overall is the City of Austin. The area of impact is the landfill. So what's happening in City of Austin versus what's happening right there on the site. And one way, if you're concerned about the boundaries that are being drawn about the City and the landfill, is to just base it on U.S. census because those boxes have been drawn.

Donna Gosh: Are those boxes of the same size? Same number of miles or whatever?

Andrew Dobbs: They're done by population.

Amanda Masino: They're done by population and we're talking about impacting people, so that's why it's nice to use...

Donna Gosh: Densely populated area then that census box is going to be really big?

Amanda Masino: The box will be large.

Andrew Dobbs: The size isn't what matters, it's the population.

Donna Gosh: That's what I'm saying, she said that the populations of all the boxes are the same so if it's not a very populated area, that means it's gonna be more miles to cover so I don't know that that's really fair...

Andy Andradi: So Waste Management's landfill would be in the Austin tract.

Donna Gosh: It would be a small area and then other ones cover like a huge radius.

Amanda Masino: And we're comparing the people in the overall City of Austin boxes together with the landfill box, right?

Donna Gosh: But if your landfill is in an area that's not densely populated then you're going to have to look at each radius around them, which may not be fair.

Amanda Masino: It may or may not help you, honestly. There's a lot of calculations going in heads about is this going to look good or bad? I think everyone's gonna be in the same boat on this, honestly, when y'all start out, and which is part of it though, right, is learning how to assess something like this, and I think starting with census, because it's established, is a way to put language in that gives us a set of standards and a set of geography to deal with rather than asking y'all to say, 'Oh, well, this is our area versus this, that, and the other.' So I would think it would clarify to make a reference to the census tracts.

Woody Raine: In preparing the first draft of the criteria, the City actually looked at this criteria because it came from the Ethics office saying, 'Hey, look at the surrounding community', and one of the reasons we didn't consider it in that first draft was that when the landfills were initially, after the landfills, like I said, there's been a lot of development that has occurred around those landfills after they were sited there, and so the demographics are growing and changing through that course of time, and we felt like, do we look back at the... this might be a relative sort of criteria for locating a new landfill but how do you evaluate an existing landfill... *(inaudible)*

Andrew Dobbs: I mean the reason that, there's a reason why neighborhoods that have grown up around landfills are predominately African American and Latino and otherwise marginalized groups, right, it's because that's where we, I shouldn't have to explain that. The question is, at the point when we make a decision, what is our impact going to be? We can't predict what's going to happen in the future with 100% certainty. The question is, right now, are we sending our trash to communities of color? Are we sending our trash to be dumped on people who have been dumped on for centuries? So, I mean, I'm going to put that in there and I think that...

Susan Shultz: Generally is there any objection to including this information? Okay, is the issue, are you okay with census tract?

David Green: I don't honestly know what that is, so it's hard for me to react to it and with our facility being in Caldwell County which has got 30,000 people in the entire county, I don't know how big the geographic area would be. I don't know what it is.

Kaiba White: It's not that big, it's not a county.

Andrew Dobbs: It's more akin to like a neighborhood.

Gerry Acuna: A 5-mile radius, 10-mile radius.

David Green: Okay. I can relate to more of a radius area.

Andrew Dobbs: Like I said, it's equalized by population, so a census tract in downtown Manhattan is going to be a lot smaller than Caldwell County census tracts.

David Green: Yeah.

Andrew Dobbs: But this is not a bizarre or novel concept, this is basically how this is done. This is the standard issue way of comparing impacts of processes.

David Green: I'm just letting you know I don't know how big it is in our area so it's hard for me to feel how relevant it is.

Susan Shultz: Well thank you for your work on the language and staff will take that and bring it back in the fourth meeting. Now for the few minutes that we have left before we go to the EPA conversation, let's spend a few minutes and see whether on the four categories that we have in the matrix, the carbon footprint, the environmental, which now I think captures more of safety than operational considerations, so number 3 I'm calling 'Safety' right now.

Andrew Dobbs: Wait a second, it's already 12:02, wasn't the thing supposed to start at 12 here? It seems like the scoring is going to have to wait 'til the fourth meeting.

Gerry Acuna: I have to agree with Andrew. I think we should defer the actual scoring.

Adam Gregory: I think we're going to have to have another meeting.

Gerry Acuna: Yes, we are. We've discussed that.

Susan Shultz: So you don't want to address scoring at all?

Kaiba White: No.

Ryan Hobbs: It's too big of an issue.

Andrew Dobbs: It's not like it's going to be a brief conversation.

Kaiba White: I'm making myself late for another meeting to stay for this presentation, so I'd like to...

Gerry Acuna: Thank you. We can defer to the scoring.

David Green: Can I ask a question about the scoring process for next week? Are you going to, or two weeks, excuse me. Is staff going to be making a recommendation on how they think it should be scored? Are you coming to us with a suggested method of scoring or do you want us to have a, you know, you just want us to kind of make this up?

Chris Thomas: I would really like that. That would be a better start than...

Andrew Dobbs: Yeah 'cause if we just start from point zero we're just going to be at each other's throats.

David Green: I mean staff recommended the matrix and all the points in it so...

Gerry Acuna: We did discuss this and staff will bring some numbers, so you guys don't beat each other up.

Donna Gosh: So we'll just beat the staff up.

Bob Gregory: Send it ahead of time.

David Green: Send it to us before the meeting when we'll be more prepared.

Unknown Speaker: You have two weeks.

Adam Gregory: So staff can get us a draft, we can prepare, and then we can have some very productive time here instead of reacting and things like that.

Susan Schultz: Okay, whoever's going to make a short presentation on the EPA model.

Richard McHale: So we're going to talk about the landfill gas issue. There were some questions that were brought up the past couple of weeks about the methodology, how the EPA does it, so we asked a consultant that does work for the City of Austin at our FM 812 landfill to kind of give y'all, I guess we'll start out with just a brief overview of the methodology of how EPA gets the information and then whatever questions you have you can ask them. This is David Mezzacappa, he's with SCS Engineers, and I will turn the floor over to him.

David Mezzacappa: We just got through our reporting cycle so I can breathe a little bit now.

Ryan Hobbs: Can you go to the front?

David Mezzacappa: Yes, sure, I'll come to the front and I did bring a rule book so we can get into specifics. Good morning everybody. Let's see, so I think I'll start with kind of the end and then go back to the beginning, because when we report to EPA, every year we have to report by March 31st; we have been since 2010, and there's two numbers that get reported – there are a lot of numbers that get reported – but there's two final numbers and we pick which one of those two gets reported to EPA as *the* number for each landfill. It's up to us to decide. So let's start with what those two numbers generally are. The first number is kind of running a model with the waste history of the landfill; looking at precipitation and some other factors, figuring out what that landfill generates as far as greenhouse gases go. And then if there's a gas collection system we take that away from the mix, except for the little bit that's not destroyed in the flare. And then let some of it get eaten up in the cover on the way out as oxidation. So it's kind of what I call the frontward way of calculating it where we literally just do a model, see what's generated, take away what we document we've collected, and that's your number. Now sometimes that number can be distorted and then so there's a second way that we calculate it also. And that's, again, where we decide which one we report. The second way is that you look at your gas system, figure out about how much of the landfill that gas system covers, you know, since what you actually collect a lot of times is way better than some model that you're gonna run. And then you have some factors that EPA says that if you have a gas system that covers 90% of your waste, you know, then you can assume, you can back calculate how

much was probably there to start with. So, that's what I call the back calculation way. So, that's probably the most important thing, 'cause every landfill has to calculate it both ways and we decide which one to report.

Kaiba White: Can you just clarify on that? That last method, you're saying that you don't do the model, you just add up what is collected and...

David Mezzacappa: Right, the second way is independent of how much rainfall you get, it's independent of your waste history, it's independent of what kind of waste you have in your landfill because you're actually getting what you collect, so, but for a landfill that might have a very small percentage of the waste that's impacted with a gas system, you're only collecting a little bit. So maybe that number is distorted for your landfill, you know, it just depends. A lot of times when you calculate it both ways you can see one's obviously maybe not the one to report. So the second way is...

Rajiv Patel: And David, just to clarify on that second method, it also takes into account what your capture efficiency is of that flare or control device. That's where there ends up being quite a bit of gray area in the calculation because the way the EPA's equations are, if you don't know what your soil cover is, if you don't know how much acreage you have on a certain type of cover, or this or that, you can just fall over to the default of .75 capture, basically capturing 75% of your gas in those areas of landfill, so that can cause quite a bit of sway in what that version ends up giving you.

David Mezzacappa: Well if you have a gas system covering an area of your landfill and you have at least intermediate cover on that part, EPA's calculations let you assume that for that area of the landfill you collect about 75% of what's generated. If it's final cover, that's three feet or more of soil, you can assume 95%. If you don't have a gas system, of course 0%. So it's a system that EPA has used to actually look at what you collect to try and figure out what might be their number. For some landfills that's obviously a better answer than the other. Sometimes it's not real obvious, but for me, I report about 30 different sites, not just the City's, and for some it's one number, and for some I can tell it's obviously another. And not only does it allow for the collection efficiency, but when you enter the waste history you can take out your inerts, with some of them... there's three different ways you can enter your trash to do the model. You can just assume it all goes into one category. You can assume one that divides it into three categories, and you can assume the one that divides into, you know, seven or eight. So what we report to EPA does take into account rainfall, waste breakdown, collection efficiency. Of course again, it's into EPA categories, like I pointed out. But there are ways to try to reflect within that, you know. Like if you know your gas system covers a certain area, you know, it's the area that that gas system covers that you put into the numbers. So, I'm not saying it's perfect, obviously, but with getting to look at the two different ways you can report, and a lot of decisions you make when you enter in the numbers, you can try and get it to as close to as accurate as you think you can. So, and of course with gas systems, you have to report the number of wells you have, that doesn't go into the calculations, but it's one of the things you have to report. Landfill closure year, some other things like that. And then of course there's rules for calibrating your flow meters, measuring your methane once a month, so you're kind of tracking how much methane is in the gas system, and things like that. So. Yes sir.

Adam Gregory: The formulas, and maybe constants, and what's laid out by the EPA on how to do this, does that change from time to time?

David Mezzacappa: Yeah, every so often it does. Originally methane had to be measured once a week and it was getting pretty burdensome so some folks, I think an industry group, got together and showed EPA a lot of data that, you know, if you just did it once a month statistically it's insignificant, so they refined that to where methane went to once a month. They updated the oxidation factor for how much methane gets eaten up in the cover coming out, you know, because a lot of data was presented to them, you know, it used to be just 10% across the board, but they presented a lot of information so now it can go up to 35% if you have a good competent soil cover, so that was in 2013. I forget when methane went from weekly to monthly. So every so often. It has stayed the same the last two years. Every once in a while they refine it, when data is presented to them.

Adam Gregory: Okay. Is it in the process of changing currently, or now?

David Mezzacappa: I'm not aware of anything in front of them right now. I'm not 100% sure though.

Adam Gregory: Okay. Would you say that as they change these things, it's in an effort to be more reflective of reality?

David Mezzacappa: Yes, definitely. Definitely. A lot of times it's up to industry, I think, to bring things to EPA that, you know, where the regulations may be too... I mean, originally regulations were gonna force every landfill to get scales to

run their waste across. I remember in 2010, so enough people got together and, you know, and kind of showed EPA what the ramifications would be and they backed off on it.

Adam Gregory: Okay. So you would say that the incremental changes to how they've done in the past and likely will happen in the future, will all be beneficial as far as coming up with the most realistic figures.

David Mezzacappa: Yeah, I think it'll continue to get better once...

Adam Gregory: They're obviously estimates, but...

David Mezzacappa: Yeah, I just, oh go ahead.

Woody Raine: And you're referring to the numbers that are reported by EPA and then published on their facility level flight data.

David Mezzacappa: Right.

Woody Raine: And so the option 2 would be the numbers that are posted there on flight?

David Mezzacappa: Yeah, for sure. Whichever, I mean, they show you, you can pull up both numbers, and then you pull up which one the submitter decided to report as the one that is the official one, too. So you get all the numbers if you look it up. But for the one that goes in, that's kind of the official one I guess, the submitter decides which one.

Woody Raine: So if we're looking for an independent external source of data, that's where we could go? Should that be the ultimate or should we also invite landfills to submit other information that might modify that number?

David Mezzacappa: That would be up to y'all. It might be difficult to set another criteria with as much as this one has been through. You know, it would start to get pretty subjective, I mean, by measuring it, by going out and doing some surface scan or shooting lasers across the landfill, and some of the other stuff I've seen, it's kind of a nightmare honestly to try and get apples and apples.

Adam Gregory: So it can't be measured basically, unless you put a balloon around the whole thing.

David Mezzacappa: Well, you can do a surface scan, I guess. I don't know how you're going to quantify running a surface scan across it to an actual number.

Rajiv Patel: And, David, wouldn't you agree that even with the calculations, I mean, from my experience with the calculations and what we've done at TDS, you know, we've always historically taken a conservative approach to estimating our emissions so we overestimate because we know actual operations out at the landfill, and even just walking the surface of the landfill, I mean, you can't smell gas coming out, as if you would at another landfill. The equations that we use, there's enough constants and assumptions built into each of those constants... basically what these equations spit out is grossly overestimating what a landfill's generating. I mean, this is all landfills, not just the one I represent.

David Mezzacappa: Yeah, I guess it depends on what you decide to do. I've got... some clients prefer to push, you know, higher numbers, but most want the most accurate, and we do a lot of things, like we take the full oxidation of the cover, we make sure every scrap of inerts is not counted in the waste system...

Rajiv Patel: Right.

David Mezzacappa: ...and do things to try and get it as close to real as possible, so I guess it just depends. There's different ways you can do it to... I remember when it first came out in 2010 I asked some of my clients, 'do you want the most accurate or are you trying to do high so that you can show reductions later, or, you know, there's different trains of thought, but I mean, pretty much, it's settled pretty quickly on we just want the most accurate possible, so we've always been looking for how we can, like you say, when there's distortions in it, when you try and report...

Rajiv Patel: So when you're comparing different landfills you almost have to... that's why you can't just look at the numbers, because different landfills may have different approaches to how they're reporting their greenhouse gas emissions.

David Mezzacappa: Yeah, and you can see some of that in the numbers, like you can see how they decided to do the waste breakdown, and so I can go on and I can see that somebody didn't take out their inerts, or somebody did...

Rajiv Patel: Right.

David Mezzacappa: ...or what they're doing. You know, you can see hints if you look at the numbers...

Rajiv Patel: Right. And even the assumption on the capture is, I mean, what we've seen makes a huge difference, and if somebody just decides to use that default value it can significantly impact it in a good way, or a negative way, what those emissions are.

David Mezzacappa: Well yeah, depending on how big of an area your gas system influences would also do that, so, just because you have a gas system, I mean, you have to look at... and that's some of the biggest deals I have to deal with every year, because when I have to figure out the area that a gas system captures, it goes into these numbers, you know, every year, if I go to the landfill manager a lot of times I get a different number. I'm like, okay now this did not change, you know, 10 acres is, you know, so it's one of the ones as a consultant I have to really try and figure out and use best engineering practice for what the areas of influence is in my gas system.

Chris Thomas: Aren't those numbers, though, in the calculations, I don't remember, I dealt with this a long time ago, trying to be a little conservative because that number, that gas generation rate that you do, or capture rate, really kind of pushes your next level of requirements up to add additional wells to capture, so, it helps to be a little conservative, so you, it kind of forces the facility operators to get out ahead of their gas system emissions.

David Mezzacappa: Well the NSPS is like that. This is supposed to be more like an emissions inventory, it's supposed to be a little more realistic. NSPS you have to use the higher stuff, like the higher K value, and...

Rajiv Patel: Yeah the reason this one ends up being slightly more accurate than the NSPS calc is because it does factor in, both calculations factor in what a flare, or what a gas collection system is collecting, but again, it doesn't factor in fugitive losses from your wellheads, I mean, none of that stuff's incorporated. It's not an accurate number. I mean honestly. And unfortunately landfills are just an emission source where you can't really get an accurate number, so I think looking at just the emissions numbers that are reported without additional data is, you're doing a disservice probably to all of the landfills honestly.

Bob Gregory: It strikes me that if we're going to have a criteria... I'm sorry.

Adam Gregory: Let Kaiba go, she's been...

Bob Gregory: I apologize.

Kaiba White: Thanks. I'm wondering, you're talking about this discrepancy sometimes year to year, the number that you pulled as far as the area that is being collected from for a well. What if you like, in a simple way, describe the engineering of how that works.

David Mezzacappa: Yeah, and a lot of times, going into the calculations you have, you know, you have to report the area that has the gas system, the area that has a gas system with final cover, you know, area that's got waste in place, things like that, so, there's the very simple stuff like when the cell was built. There's obvious errors, you know sometimes I'll see, like the area of final cover went down let's say, so, area with final cover and a gas system. If they tell me it's 100 acres one year, and they tell me it's 80 acres the next year, you know, then I go back and I ask, 'Did you really lose 20 acres of final cover this year?' You know. As far as radius of influence of a gas system, so I have, let's say I have 60 wells, so how far out from that do I assume the gas system covers? That is a design factor that... there's two or three different ways you can calculate it. We're getting into gas system design here, but, generally we use the rule of thumb that, I want to say it's about two and a half times the well depth is the radius. Usually not over, certainly not over about 400 feet, or something like that. If it's energy use then we put it in as close as 100-150 feet apart. Generally, you know, I'd probably put a line about 300 feet away from my wells, 'cause usually they can pretty easily capture that without doing like a pump test, or something like that.

Rajiv Patel: So David, so that's a big, you know, that's one that's, you know, how much is your wells capturing. Clearly that's completely inexact. You know. So one landfill could claim much more coverage than they're really getting, and another might claim less than what they're actually getting.

David Mezzacappa: Oh, but, well yeah, but we check that. I mean, We don't just say, 'Well here's three wells so we're going to assume that [inaudible]. I guess none of my clients, we don't take it to that kind of extreme and I would say there's a bit of subjectivity into it, but it's not completely wild, or something...

Kaiba White: And so you basically assume that if there are wells that are spaced more than this 300-400 feet apart, then the space in between them, that's not being collected and that would count as fugitive emissions.

David Mezzacappa: Uh, yes. Yeah.

Kaiba White: Okay. Thanks.

David Mezzacappa: Yes sir.

Bob Gregory: Well therein lies the basis to have single criteria that everybody calculates it the same. Because in our case, if we have, with our 15 voluntary wells that are in Phase One, effective influence of 400 feet, we're fully collecting Phase One yet we figure 10%, we have figured in the past, 10% not 100%, 10% by those wells, so, I think we all want what is the most accurate. One can argue...

Kaiba White: You said that 70%.

Bob Gregory: ...one can argue, is the most accurate the highest figure of generation because we know we don't have a problem with odor, but yet I've not had a problem with reporting higher numbers until we get alleged by the City staff that we're the worst generator on the face of the earth. Now we start looking at 'are we really?' and how does that compare to the others? If we're gonna have a criteria...

David Mezzacappa: You are supposed to represent the area of waste that is collected by the gas system, not just, I mean...

Bob Gregory: I just boil it down to, if we're going to have a criteria here, there ought to be some basis of apples to apples comparison, the way it's calculated.

Kaiba White: So did you have that in the area that you assume there is collection happening, so within that 300 to 400 feet, whatever it be, assuming so many acres is being collected...

David Mezzacappa: The gas is flowing through the wells, yeah.

Kaiba White: And you're saying that you assume 90%.

Bob Gregory: We assume only 10% collection...

Rajiv Patel: And then within that 10%...

Bob Gregory: ...whereas that assumption would be closer to 100% of the collection.

Rajiv Patel: So there's two things at play...

Kaiba White: Do you assume 10% of the area or 10% of within...

Bob Gregory: 10% of gas collected.

Rajiv Patel: 10% of the area is being captured, or is what the influence of the wells are. And within that 10% then you apply another factor...

Kaiba White: And what's that factor?

Rajiv Patel: That depends on your cover, or, it could be 75%, it could be 65, or you just take the assumption...

Kaiba White: Okay.

Rajiv Patel: ...the default, which is 75.

Kaiba White: Okay.

Chris Thomas: What number would you use if you were going to compare two landfills? Maybe that's what we should have started off with.

Andrew Dobbs: Hey!

Bob Gregory: What was the question again?

Chris Thomas: What number would you use to compare two landfills, to represent...

David Mezzacappa: You would have to start with the number that the submitter pushed because you wouldn't have any insight on which one might be more distorted, you know, I said before I started at the beginning with the final two, and you'll see both, but you would certainly start there because we would presume they're pushing one that...

Chris Thomas: Well would an average of the two be better? To take an average of the two...

David Mezzacappa: I don't think so. Sometimes one of those number is crazy distorted. Like the one where you back calculated, you've only got like, again, if you've got a landfill that's older, and closed, and only has a few wells in it, and the thing makes you back calculate that, and extrapolate it across the whole landfill, you get some crazy number. So I wouldn't average.

Rajiv Patel: And David, and correct me if I'm wrong, but I think it just maybe two years ago was when they first allowed you to choose between the two equations. Before that it would just default to whichever was larger. So you had to go in retroactive...

David Mezzacappa: It's been a while since we've been able to push it. I think that was an argument that they had really early on, that they had to pick the highest and it went away pretty quickly.

Rajiv Patel: So you would have to go in and back update your calculation, your past years...

David Mezzacappa: But for the last three or four years I think we've decided...

Mike Mnoian: So, for our group, is there a way to objectively quantify that gas depending on landfill age. If the landfill is two years old, or fifty years old, how do you quantify that with that number?

David Mezzacappa: That's in the model, the first way you do it, where you put in the waste history and then take away what's collected. That assumes that a chunk of waste that went in 30 years ago isn't generating much gas anymore whereas a chunk of waste that went in last year is really hot. You know, it's kind of a curve thing, kind of like a landfill model...

Mike Mnoian: So does that mean the younger landfill has more or...?

David Mezzacappa: Well it depends on how much has gone in over the years I guess, really.

Rajiv Patel: Typically your younger one will have more because they won't be required to have a gas emission system.

Mike Mnoian: So they're being penalized.

Rajiv Patel: They're being penalized for being new.

Mike Mnoian: So that affects our group. You guys are gonna get busted. They're gonna get busted.

Kaiba White: You'd only be penalized if you didn't put the wells in, though.

Rajiv Patel: But they wouldn't be required to have wells. That's the thing.

Kaiba White: Right. This is about going beyond what is required.

Rajiv Patel: Right. Right.

Bob Gregory: TDS has a well, has a gas collection system that has been approved in 2017. It will be installed – this is beyond our 15 wells that were done voluntarily before – will be installed during this year. So I'm not sure at what point in time, let alone what calculation method is done, but I would think at any rate there's a basis to be consistent with it. And I'm not sure how that can be done since different landfills have different options and legitimately different circumstances, different types of waste and things, unless there is some evaluation done by someone, to do it on an apples to apples comparison. Otherwise you're right, it's wildly different. I'm talking about a hundred times different.

Adam Gregory: Hundred thousands of tons difference.

Rajiv Patel: Hundreds of thousands of metric tons of difference. Yeah, it could be that significant.

Adam Gregory: And I think that's what you were saying, you can get some wild numbers and it's better for people to choose. I think if we're adding this as a criteria that we're all gonna be cognizant of providing to the City, you might, it might be reasonable to assume that people are going to, at this point, make the decision to, within the regulations and the rules, try and come up with the most advantageous number. Or the lowest number.

David Mezzacappa: But just remember, some people might think the higher number is advantageous, it just depends.

Adam Gregory: But not in this criteria, not in this context.

David Mezzacappa: I mean if you're taking the EPA number, I wouldn't know, I mean, EPA does ask every once in a while, why did you push this number? But, not real often. You know we don't get too many comments as to which one we're pushing, but you know, pretty much every one we push, I try to do the one that's most accurate.

Bob Gregory: Are you familiar with the comments at SCA?

Adam Gregory: SCS.

Bob Gregory: SCS, I'm sorry, SWANA, NWRA, which is the old NSWMA, Waste Management, and Republic, just submitted, I mean, it's all of the people represented here, pretty much, every one of those associations, it was just presented in the last two weeks.

David Mezzacappa: On the greenhouse gases?

Bob Gregory: Yes.

David Mezzacappa: No. You know, a lot of that's Pat Sullivan and people on the west coast, and I'm not on the boards of any of that stuff.

Bob Gregory: Yeah. We'll provide it for you.

David Mezzacappa: I can get it, but I know they're always working to revise stuff, and I was kind of given parts of the NSPS comments they gave.

Bob Gregory: It's praising EPA for revising these to make them more realistic, because they were so wildly unrealistic and overestimating. And at the end of a very, very long process, Waste Management took the lead and the other entities signed on with Waste Management on it. So it's far and away different than what we have been discussing in this, of just taking whatever was reported, whether it was overly conservative one way or the other, high or low, so we'll make that available.

David Mezzacappa: Well when I was talking to Richard, Richard asked me to come out, he was asking just some questions about what we do to report, so a lot of that'll be up to y'all to decide what's the best way to do it, but that's just kind of what...

Daniel Rumsey: So in your professional opinion, what would be the best for establishing a criteria for this type of situation, for each landfill?

David Mezzacappa: Probably what is ultimately reported to EPA, but as far as from what I've heard, what year that is, and how y'all score it I don't know, but I would be hard pressed to... if you wanted to do something else, you'll just have

to think carefully about it and what you would add with it, you know, would you go out and do field testing, or surface scans, to see what's actually there.

Susan Schultz: And just to be clear, what's reported to EPA are both numbers, right? Both the model and...

David Mezzacappa: Yeah, you get way more than both those numbers, so, you get tons of numbers but you get one that the reporter actually pushes as the one that's more representative...

Susan Shultz: But you have to submit both, both the model and the default.

Woody Raine: David, is this referred to as the landfill gas collection efficiency? And if I understand it, that's another element that's on that EPA report...

David Mezzacappa: Yeah.

Woody Raine: Is that a calculated value? The difference between what's captured, what's captured divided by what's generated.

David Mezzacappa: Yeah, that depends on the area that the submitter says the gas system influences and then what type of cover it is, 'cause again, if it's final cover and you've got a gas system there, it's 95%... it's kind of a composite of what the numbers are probably across the whole landfill I assume.

Kaiba White: You just mentioned scanning to do a, kind of a check, but I thought you said the scanning didn't give an actual number.

David Mezzacappa: It doesn't give you... well it just tells you if you have a leak over, say, for NSPS rule, 500 parts per million, you just get an FID and you go over and check the competency of your cover to see how much you're collecting, or you're have a well field or how many hits you have.

Kaiba White: So it tells you...

David Mezzacappa: Well, it really more just gives you a qualitative that you've got a cover that's, you know, got lots of leaks through it and you're not capturing much, but yeah, that's expensive, I mean that's days of somebody in the field just doing that, so... I'm just saying that I've heard of that as another way in some jurisdictions, in California, and different places where you're going to levels 2, 3 and 4, they do that kind of stuff.

Steve Jacobs: Well it's a requirement. The NSPS likes to do it quarterly, which is what we do as well as some of the new rules, you have to monitor penetration through the cap, so anywhere a well comes up, and what that tells you is if there's anything escaping there, they have a protocol to fix it. We've been doing that...

Kaiba White: It seems like we should incorporate some of these more...

Steve Jacobs: I don't know where the TDS facility, I mean, and right now you're the only other landfill where they are in the NSPS process, nobody volunteers to go and... it's very expensive, there's a whole lot of paperwork involved. If it's something that the City wants to add, that's up to you.

Kaiba White: How expensive?

Steve Jacobs: You'd have to hire a consultant. I don't know...

David Mezzacappa: If our guys go out, it might take a big landfill four or five days, probably several thousand dollars a quarter, so maybe 2,000 bucks a quarter.

Steve Jacobs: They've recently changed it where you have to actually walk the facility, which now that it's snake season.

David Mezzacappa: Not only is it expensive, but if you find a leak then you have to move soil around to kind of fix it and things like that, so, I wouldn't put that on somebody.

Steve Jacobs: I can give you the actual numbers we're spending, if that would help you. It's not free, believe me.

Kaiba White: Yes.

Rajiv Patel: It sounds like, and this may be more for you guys over here, Andrew, and I didn't get your name.

Kaiba White: Kaiba.

Rajiv Patel: Kaiba, what y'all are trying to accomplish on 1A, really, is like you said, for landfills to proactively get gas collection in place. So kind of, you were asking, what's the professional opinion, like what really is the way to measure this? I think there's enough variation and assumptions that can be taken in the emission calculations to where you just can't look at that number. Because again, if you're a large landfill that's doing good work and is successful, you're inherently going to have larger emissions regardless of what you do. So really what you need to kind of ask maybe is, do you have gas collection? Yes or no? You know that's one question, and then 2. Is your gas collection covering your landfill acreage? You know, are you capturing that gas? If that's what you're trying to accomplish.

Steve Jacobs: But I think for the purpose of this criteria, is you go back to the EPA formulas, because they are consistent...

Rajiv Patel: The calculations are not consistent.

Steve Jacobs: Well the calculations are the calculations. You can provide data with exemptions of anything that you think you're doing better than anybody else. Add some more meat to it, but the baseline is EPA standard rules and procedures, and then modify it from there.

Rajiv Patel: Right. So, one of the things we'll do, obviously, we took a conservative approach on our emissions, now we'll go and refine them, and not, you know, not refine them to the point that we're making stuff up, but obviously you're just going to have to refine your calculations so you're giving the most accurate number.

David Mezzacappa: Maybe the City could, if they wanted to, ask for some backup data, or something. And I'm not saying new data, I'm saying if the City wanted to see the map of the gas collection system and the areas outlined, or something. I don't know...

Bob Gregory: I think it's pretty simple that we are going to use what the numbers reported to EPA in the past, and whatever has changed and reported in the past 5 years, 'cause there is an allowance for resubmitting those numbers. If we're going to do that, then there ought to be some apples to apples comparison if it's a calculation of emissions. If it's a calculation of meeting the requirements and putting in a gas collection system, at the point in time you're required to, and getting extra points if you do something early on, then that makes sense. But a brand new landfill starting out, they're not going to have a gas collection system for 15 or 20 years, unless they've got massive amounts of sludge, or something else coming in, and even still it'd probably be 10 years before it would ever happen. So they can't be held responsible. In our case, we were right on the cusp of having it, and we reported the highest numbers that we could report. We come back and change those to realistic numbers, the EPA will accept it, then the numbers are a fraction of what they are because it's still within the range allowed. So is it a "gotcha" that TDS reported high numbers and they're gonna say 'Okay, good, that'll offset the hazardous waste over here on this other deal.' If it's all about what we reported, it's going to be reported differently, there's no question. And Green Group is not going to be reporting for 10 years, or 15, or 20.

Susan Schultz: We're running out of time.

Kaiba White: That doesn't mean they can't put the wells in.

Bob Gregory: In our case we put 15 wells in early, totally voluntary. We're putting wells in in Phase One this summer. Phase Two, we're still filling up to those levels, so...

Susan Schultz: We're going to be kicked out for the next meeting.

Adam Gregory: Yes, you can be proactive.

Bob Gregory: And we are proactive. We have been.

Susan Schultz: Okay, we'll see you on April 19th.