



Zero Waste Advisory Commission

Regular Meeting Minutes January 14, 2015

The Zero Waste Advisory Commission convened in a regular meeting on January 14, 2015, at Council Chambers in Austin, Texas.

Chair Rick Cofer called the Commission Meeting to order at 6:31p.m.

Board Members in Attendance: Rick Cofer, Cathy Gattuso, Dave Sullivan, Faye Kazi, Jeff Paine, Jose Valera, and Kendra Bones

Staff in attendance: Bob Gedert, Tammie Williamson, Michael Sullivan, Ron Romero, Donald Hardee, Jessica King, Richard McHale, Jessica Frazier, Aiden Cohen, Amy Slagle, Gena McKinley, Richard Avila, Tom Gleason, Erin Benoit

1. CITIZEN COMMUNICATION

One citizen signed up to speak during the opportunity for citizen communication.

Carlos Leon described how he attended two ARR recycling presentations, complimented the staff on their presentation, and suggested improvements for future presentations.

2. APPROVAL OF NOVEMBER 2014 MEETING MINUTES

Minutes for the regular meeting of November 12, 2014 were adopted unanimously.

Chair Rick Cofer extended thanks to former Commissioners Mariel and Hering and welcomed new Commissioners Kendra Bones and Jose Valera.

3. NEW BUSINESS

a. Discussion and Action - Proposed Recommendation No. 20150114-003a: Single Use Bag Ordinance Study

One citizen signed up to speak on this item.

Andrew Dobbs, Texas Campaign for the Environment and Austin Zero Waste Alliance, commented on the urgent need for data that will inform enforcement of the ordinance and back up and substantiate its intended goals. Mr. Dobbs stated his support for an independent audit. He called the proposed study an opportunity to look at peer cities and other "KAB type" non-profits for comparison. Mr. Dobbs suggested a review of MRF operations, waste audits, as well as anecdotal data, in order to compare residential and commercial material loads from Austin to residential and commercial loads from other cities without similar ordinances. Mr. Dobbs mentioned reports could be reviewed monthly.

Bob Gedert, ARR, recognized the urgent need for this study and agreed with the intent of the proposed recommendation. To avoid a perception of bias, Mr. Gedert discussed contracting out the analysis and projected it could be available by April.

Commissioner Sullivan had exception with some language in the SUBO document, and requested that “estimate” be used in place of “determine” due to the inexact nature of estimation procedures regarding this type of material. Andrew Dobbs took the podium to continue the discussion, and agreed with the change in wording. Commissioner Sullivan referenced supposed anecdotal complaints from the local business community regarding losses in revenue due to people shopping elsewhere following the SUBO implementation, and stated that if information could be gathered exploring that complaint, it would be relevant to the study. Commissioner Sullivan then suggested adding a statement to the proposed item that reads “be it further resolved that the ARR staff will assess any changes in retail sales that may be tied to the SUBO.”

Chair Cofer noted that he would also like to edit the proposed language to change the final “be it resolved” statement of the proposed recommendation from an October 2015 report due date to a report due no later than May 1st, 2015.

Commissioner Sullivan made a motion to approve the document with the discussed changes, with Commissioner Kazi second. The motion was unanimously approved with all seven Commissioners present on the dais.

b. Discussion- Proposed Recommendation No. 20150114-003b: Universal Recycling Ordinance Enforcement and Rules

Two citizens signed up to speak on this item. Eric Goff donated his time to Andrew Dobbs.

Commissioner Cofer encouraged “robust” discussion on how enforcement of URO is being conducted now and how this might be enhanced.

Bob Gedert, ARR, explained that ARR staff is enforcing the URO based on current rules but that this is not meeting stakeholder expectations. Mr. Gedert explained that the reason for this disconnect is the differences existing between a complaint-driven process and more proactive and enhanced enforcement. Mr. Gedert noted that proactive enforcement is not part of the existing rules, so any direction received from this discussion would likely necessitate a change in the rules. Mr. Gedert stated that he seeks to clarify what’s currently being done, and come back with changes to the rules and ordinances in February ZWAC meeting to expand the discussion.

Andrew Dobbs, Texas Campaign for the Environment and Austin Zero Waste Alliance, thanked ARR for their input and disagreed with the idea that URO enforcement is not complaint-driven. He noted that the SOP says enforcement can occur without complaints by staff observation. Mr. Dobbs went on to comment on the rules section stating that properties that have not filed annual diversion plan should automatically trigger enforcement. Mr. Dobbs states that this is the minimum qualification for a “good faith effort” otherwise the SOP is not being followed. Mr. Dobbs noted that a good faith effort is defined within the SOP but questioned whether it is being communicated to properties around the city. Mr. Dobbs described why allowing valet service for recycling is important and encouraged changing the ordinance to reflect this. Mr. Dobbs emphasized the importance of shortening the implementation period for the ordinance.

Mr. Gedert asked ARR's Aiden Cohen to address some of the issues raised and to describe ARR's process of enforcement. Mr. Cohen explained how complaints could come in multiple ways and that there are currently approximately twelve properties referred to Austin Code Department, three of which have been resolved, as well as eighty-five properties that are currently non-compliant but have not yet been referred to ACD. Mr. Cohen stated that ARR is moving as fast as possible to allow those impacted to make changes in order to comply with the ordinance. Mr. Cohen explained that the purpose of a "good faith effort" is to allow properties sufficient time to make meaningful efforts to become compliant, and explained there are a number of unique circumstances which create complications, primarily compliance conflict with other City codes. Mr. Cohen explained that ARR staff interprets "valet" service as referring to the actual recycling *container* involved, and therefore if a property is offering valet trash service, they must offer valet recycling within 25 feet of the trash container, otherwise they are not in compliance with the ordinance. Mr. Cohen explained that staff had not been made aware of this particular issue, but would like to know which properties are not in compliance so staff can follow up with them and address the matter, as the City does have tools to enforce in this area.

Commissioner Paine asked if the bulk of the problem with non-compliance is due to issues with complying with other City ordinances, or with other common issues. Mr. Cohen responded that approximately just under 60 businesses have no recycling plan, but added at the end of 2014, 96% of affected properties had filed a recycling plan. Mr. Cohen went on to explain that many of those non-compliant were had filed in 2013, did not reapply in 2014, but have now begun the compliance process. Mr. Cohen described how ARR has made significant changes to annual diversion plans procedures by using a Cloud-based annual diversion plan tool. Jessica King, ARR, explained that this ADP system has been streamlined and online since October 1, 2014, but that it has taken staff time to educate users on application and form submission processes, as the system is significantly different from previous forms, but should become easier next year as updates occur.

Commissioner Paine and Mr. Cohen discussed enforcement and timelines of when letters are sent and types of reasons for non-compliance. Mr. Cohen stated that the goal is not to get people up to code, but to implement effective recycling programs.

Mr. Gedert added that this discussion involves a mix of properties, including multi-family properties and commercial businesses, as well as management of the current workflow and being prepared for the next influx of affected properties. Mr. Gedert stated his concern regarding staff resources, in that if expectations of enforcing the URO are not being met, the City needs to know what resources are needed to keep up with implementation. Mr. Gedert explained that ACD is working to determine resources needed as part of planning for next fiscal year budget.

Commissioner Gattuso explained that because these are business owners, they should know how to follow the ordinance, and asked how many times these businesses need to be asked to comply and whether they are exhibiting good faith efforts. She describes that the goal should be to implement the ordinance, not give business owners another chance. Jessica King, ARR, and Commissioner Gattuso discussed following the SOP, whether additional steps are required, and the difficulties of getting notices to the correct person. Commissioner Gattuso commented that there is a need to look at these issues further.

Commissioner Paine explained that it seems staff is doing what needs to be done, but not as fast as some would like. He expressed interest in minimizing employee hours per business and asked if this recommendation will bring desired results in that regard.

Chair Cofer asked Bob Gedert, ARR, to speak to this point. Mr. Gedert explained, by his practical experience, that it can take time to communicate and ascertain the correct recipient of the notification letter, noting that there are four steps before the matter is referred to ACD and that if the criticism is that ARR spends too much staff time on this, then the process to streamline this would require a code change.

Regarding the question of how to validate whether there is 100% compliance, Mr. Gedert stated that annual reports are a starting point but not a full measurement tool. In current rules structure it's assumed there is compliance until there is a complaint. To establish definitions of compliance, we need new rules. Mr. Gedert stated that he'd like to come back in February to address these concerns.

Commissioner Gattuso asked whether independent contract workers could assist staff. Commissioner Sullivan gave a reminder that there is a URO sub-committee that should meet and discuss the issues before the next ZWAC meeting.

Commissioner Kazi inquired about percent of cases reported by staff observation versus by 3rd party. Mr. Cohen responded that staff observation relates to "no plan filed" which comprise approximately 75% of total, with the remainder being complaints from other parties.

Commissioner Paine and Mr. Gedert discussed how many of the large apartment complexes have not called 311 to make reports and that the City is working to educate about the requirements. Chair Cofer acknowledged the work that staff has done but thinks the structure of compliance may need to be adjusted. Mr. Dobbs asked for compliance, stating that the vast majority of properties will comply after the 1st letter is sent therefore the 2nd notification needs to be removed entirely. Mr. Dobbs stated that the solution for increased compliance is a change in the rules, and asked that this be added to a future agenda.

c. Discussion - Construction and Demolition Ordinance Committee Annual Report

No citizens signed up to speak on this item.

Commissioner Sullivan discussed the report. He explained that ZWAC had agreed on the schedule to form the C&D ordinance then City Council approved it on December 11, 2014. This year, the committee will work on writing an ordinance which overlaps section of code another committee uses. Commissioner Kazi complimented Woody Raine on his role on the committee.

d. Discussion - Universal Recycling Ordinance Committee Annual Report

No citizens signed up to speak on this item.

Commissioner Gattuso discussed the report. The ZWAC commission voted on May 14, 2014 to approve the ordinance with a modification to the organics diversion timeline from 2 to 3 years. In June 2014, City Council adopted the ordinance with the amendments.

e. Discussion and Action - ZWAC Internal Annual Report

No citizens signed up to speak on this item.

Chair Cofer recommended reviewing the report, paying special attention to section 3: Goals and Objectives for the next calendar year. He suggested that commissioners notify staff liaison Michael Sullivan if they have any objections. Chair Cofer asked if there was any objection to postpone action on this item until February ZWAC meeting. No objections were made. This item was postponed to the February 11, 2015 meeting.

f. Discussion and Action - Committees and Workgroups Renewals

No citizens signed up to speak on this item.

Commissioner Sullivan suggested the C&D demolition committee be renamed as CMMOC (Construction and Materials Management Ordinance Committee). It was later decided that this committee continue as the C&D ordinance committee for ease of referencing it.

Chair Cofer suggested renaming the URO “Phase 2” committee to simply, the URO Committee and to change phase two recommendations to reflect simply “develop recommendations”.

Mr. Gedert reminded the commissioners of the parameters of rules for committees and workgroups.

Commissioner Gattuso stated that she would like to maintain the Producer Responsibility workgroup. She asked Mr. Andrew Dobbs, Texas Campaign for the Environment and Zero Waste Alliance, to continue working on this committee as well, and he agreed. Commissioner Gattuso will continue to serve and Commissioner Kendra Bones will chair.

Commissioners discussed making the Food Waste Reduction and Recovery Workgroup a committee. It was decided that it should be a committee and will be called the Organics Management Committee. Commissioner Valera volunteered to chair. Commissioners Paine and Gattuso will continue service on the committee. The question of whether non-commissioners are allowed to be on committee was made. Mr. Gedert will check with City Clerk’s office. Eric Goff, Compost Peddlers, stated that he would like to continue as an advocate for it.

Commissioner Gattuso explained that the Communications and Community Engagement workgroup has fulfilled its mission and is no longer necessary. She complimented ARR staff member Emlea Chanslor in her efforts to improve communication and education through this workgroup.

Chair Cofer suggested that the ARR Facilities workgroup remain as it is.

Commissioner Bones accepted the role of liaison to the City Of Austin Sustainability Office as suggested by current liaison Gattuso.

Commissioner Cofer outlined and reviewed all decisions and changes made to the committees and workgroup. A motion was made by Commissioner Kazi, seconded by Commissioner Gattuso to make the aforementioned amendments to the committees and workgroups of the Zero Waste Advisory Commission. With all 7 commissioners present on the dais, the motion passed unanimously.

4. STAFF BRIEFINGS

a. Billing Reconciliation Update

No citizens signed up to speak on this item.

Jessica Frazier, ARR, presented an overview of COA’s billing system data structure, and noted that ARR is working on a reconciliation process to identify addresses recently added to the system by Austin Energy who need ARR services added. Ms. Frazier explained that the potential revenue of back billing these properties would not cover the cost of the staff time required do so. Ms. Frazier explained the reconciliation process that will prevent future issues.

b. Director’s Report – Travis County Interlocal Agreement Update, Organics Pilot & City-Wide Expansion, URO Enforcement Enhancement, Staff Hires and Promotions, Current and Upcoming Job Postings, Statistical Reports and Performance Measures

Two citizens signed up to speak on this agenda item; both passed.

Mr. Gedert welcomed Commissioners Bones and Valera and pointed out the annual update on coordination with Travis County on zero waste issues.

Mr. Gedert explained the Organics pilot issues, concerns, and successes, noting that his goal is to come next month with recommendations and rule changes. In regard to URO enforcement, Eric Goff, Compost Peddlers, remarked that he appreciated Mr. Gedert's work so far, and suggested the pilot include cleaning containers as well. Commissioner Cofer stated that it is imperative that we exceed 40% diversion rate this year. Mr. Gedert explained how staff is working on how to increase diversion rate and mentioned a study pending to measure commercial as well as private sectors. Commissioner Cofer asked for international recycling markets comparison in the coming year. Chair Cofer mentioned retirement of Mr. Vidal Maldonado, ARR Litter Abatement Division Manager.

Vice Chair Kazi asked that future council items be mentioned in next Director's Report.

FUTURE AGENDA ITEMS

Commissioner Gattuso asked Eric Goff to give a presentation on his role with Compost Peddlers.

Safety Update – Chair Cofer asked to add this back on the future items.

Downtown Recycling Container Audit – Chair Cofer asked to add this back on the future items.

STAR ratings- Mr. Gedert noted that Sustainability Office will include this with their next update.

Bad Debt Collection

USBCD/Yale Diversion Report

Austin Community Climate Plan

Recycling Economic Development Program Update

Community Satisfaction Survey

Mattress Recycling

Green Purchasing

Commissioner Cofer suggested the Coordination of URO committee meeting via email or Doodle-poll with staff liaison, Michael Sullivan.

Chair Cofer adjourned the meeting at 8:12p.m.without objection.