



Zero Waste Advisory Commission

Regular Meeting Minutes October 12, 2016

The Zero Waste Advisory Commission convened in a regular meeting on October 12, 2016, in Council Chambers in City Hall in Austin, Texas.

CALL TO ORDER

Chair Acuna called the Commission Meeting to order at 6:37 p.m.

Board Members in Attendance: Gerry Acuna, Shana Joyce, Heather-Nicole Hoffman, Amanda Masino, Joshua Blaine, Kaiba White, Stacy Savage, Rick Rojo, Kendra Bones

Staff in attendance: Bob Gedert, Michael Sullivan, Erin Benoit, Jessica Frazier, Jessica King, Richard McHale, Lori Scott, Christine Whitney, Mary Fear, Aiden Cohen, Lisa Boatman, Jane Burazer, Judy Musgrove, James Bennett, Danielle Lord, Monica McCleur

1. CITIZEN COMMUNICATION: GENERAL

No members of the public signed up to speak on this item.

2. APPROVAL OF AUGUST AND SEPTEMBER 2016 MEETING MINUTES

A motion to approve the August minutes was made by Commissioner Hoffman and seconded by Commissioner Joyce.

The minutes from the August 10, 2016 meeting were approved unanimously. Commissioner Savage abstained; Commissioners Gattuso and Jampietro absent.

A motion to approve the September minutes was made by Commissioner Hoffman and seconded by Commissioner Joyce.

The minutes from the September 14, 2016 joint meeting of the ZWAC and Water Wastewater Commission were approved unanimously. Commissioner Savage abstained; Commissioners Gattuso and Jampietro absent.

ITEMS FOR DISCUSSION AND POSSIBLE ACTION

NEW BUSINESS

4b. Carts: contract for the purchase of residential garbage, recycling and organics carts.

No members of the public signed up to speak on this item. This item was taken up out of order.

Richard McHale, ARR presented the item and asked for a favorable recommendation from the Commission. Joyce asked if the amount was budgeted – Mr. McHale answered that it was.

Discussion ended and a motion was made by Commissioner White, with a second from Commissioner Savage, to recommend the agreement and the motion was unanimously approved 9-0-0-2 with Commissioners Gattuso and Jampietro absent.

5. STAFF BRIEFINGS

5a. Brownfields Program Update No members of the public signed up to speak on this item.

This item was taken up out of order. Christine Whitney, ARR, and Mary Fear, ARR, presented a slideshow on the item.

Commissioner Masino asked about the location of the majority of sites involved since 2014, to which Ms. Whitney responded that most were located in east Austin but that the whole city was eligible. Commissioner Savage noted a podcast on the Shades of Green show where the Brownfields program was featured.

Discussion ended and no action was taken on the item.

4. NEW BUSINESS

4a. URO Outreach: Contract to secure outreach services from multiple vendors for promotion and education regarding URO requirements.

No members of the public signed up to speak on this item. This item was taken up out of order.

Commissioner Savage was off dais and left the chamber at 6:48 pm when the item was introduced.

Aiden Cohen, ARR, introduced the item and asked the Commission for a favorable recommendation on the item.

Commissioner Blaine asked what was different about the current agreements than the one currently in use.

Mr. Cohen described variables of the contract. Commissioner Blaine asked about compliance with the URO and Mr. Cohen noted there would be an update on URO compliance at a future meeting that will further explore the issues and figures around compliance. Chair Acuna discussed how each company involved has work allocated to them under the agreement.

Commissioner Joyce asked if there was a financial need past 5 years. Mr. Cohen noted the phase-in periods that are upcoming which would affect smaller businesses and apartment properties.

Discussion ended and a motion was made by Commissioner White, with a second from Commissioner Bones, to recommend the agreement and the motion was unanimously approved 8-0-1-2 with Commissioner Savage recusing due to conflict of interest, and Commissioners Gattuso and Jiampietro absent.

5. OLD BUSINESS

3a. Update from Biosolids Working Group: Recommendation on zero waste policy considerations to be included in biosolids management planning.

Xx members of the public signed up to speak on this item.

Commissioner Masino gave an update on the working group that was recently formed where biosolids policy was considered and background on other meetings relevant to this item.

Commissioner Masino noted two separate Hornsby Bend tours were taken by Organics Committee members and described the series of meetings that followed:

On September 8th at the Organics Committee meeting, Austin Water department briefed members of the committee. Staff and stakeholders were present and we came up with a first draft of the recommendation.

At the September 14th joint meeting of the ZWAC and Water and Wastewater Commission, a joint working group was formed to study policy regarding biosolids management for contracts going forward.

At the working group meetings, items explored were noted as waste hierarchy; flow control; odor control; emergency application and notifications; plastics removal and screening. The work and discussion evolved to focus on goals, not to specify processes or get into details, such as size of screens involved in processing.

At the final meeting, stakeholders were not there due to an anti-lobbying complaint that had been made. Only staff and working group members were present at the last meeting. They considered the contracts involved and noted the group was unanimously in favor the policy, and the group was in favor of both related contracts if the Synagro contract would return to Council for extensions. On the Click agreement all were in favor with one abstention.

Bob Gedert, ARR, noted in clarification that there are policy considerations posted on the agenda, but the ZWAC is not posted to vote on the contracts involved. Mr. Gedert noted there are no efforts to “flow control” commercial stream materials not handled by the City. Mr. Gedert noted support for the policies brought forth by the working group.

Chair Acuna noted policy is important, and contract language is very important, as there could be management or philosophy changes occurring within departments and companies, and the guiding document is the contract with consequences detailed therein.

Mr. Gedert noted that the policy can guide the contract and he stands by the policies discussed on an environmental protection standpoint, and noted that the departments, ARR and AW are working closely and well together on issues related to environmental protection.

Chair Acuna agreed but expressed concern that policy and contract should work together, and one dictates the other.

Commissioner Blaine agreed with Chair Acuna, that the Commission should be discussing the contracts, that policy should have informed the original RFP, and that this way of doing it was backwards. Mr. Gedert noted that this Commission’s bylaws don’t warrant review of this type of contract, and Council requested that the Commission weigh in on the policies involved.

Jessica King, ARR, noted that the contracts involved do reflect the policy within the recommendation being considered now, and that the ZWAC Organics Committee created the draft that the working group built on.

Chair Acuna noted that he endorses looking at both items, policy and contract, and it is not his intention to hold up the contract involved.

Ms. King referenced the bylaws of ZWAC and the policies and contracts under their purview, and pointed out that other contracts fall under the purview of the Water and Wastewater Commission. Ms. King recalled that a process was laid out by Council for the two bodies to come together to develop policy considerations on biosolids management, and that this is what is posted on the ZWAC agenda for this meeting.

Chair Acuna noted that although he sensed disagreement from staff, he wants ratepayers to get best options and it is the responsibility of the Commission to examine the best possible options involved.

Commissioner Hoffman expressed to Chair Acuna that the work the working group did is consistent with what was directed and that working group members considered all input from stakeholders in their policy recommendations, and felt that this work was now being discharged by his comments. Chair Acuna responded that he felt they did a great job but there is more work to do, as in how to enforce the policy considerations in the future.

Commissioner Hoffman made a motion to approve policy recommendations from the working group, Commissioner Masino seconded the motion and asked that discussion of the recommendation begin.

Mr. Gedert noted that the Water and Wastewater Commission adopted the recommendation at their meeting as it was written at their meeting this evening and approved both related contracts.

The Commissioners discussed the wording of the recommendation.

Andrew Bosinger, Synagro, commended the working group on their process and asked that the contract be allowed to move forward by supporting the efforts of the working group.

The Commissioners discussed concerns about revenue and requested comments from speakers who had signed up to speak on the item.

Bob Gregory, Texas Disposal Systems (TDS), spoke on the item. Ryan Hobbs and Adam Gregory, TDS, donated their time to him. Mr. Gregory handed the Commission a document and addressed the Commission. Mr. Gregory noted resistance from staff to change language in the related contracts. He discussed time needed to take to make Dillo Dirt, and reasons needed for 3/8 inch screening within the process. Mr. Gregory noted the related agreement does not produce compost, but Class A biosolids. He referred to this being policy by RFP and by low bid and that the process is being rushed. Mr. Gregory noted flow control being involved in another contract that will be coming to the ZWAC at a future date.

Mr. Gregory asked that the ZWAC ask Council to terminate the related RFP and send it back for a bid process that meets policy to make policy guide the RFP and the bid.

Commissioner Blaine discussed composting time frame requirements and standards with Mr. Gregory. Mr. Gregory said that the current proposed agreements related to biosolids recommendation incentivize flow control.

Andrew Dobbs, Texas Campaign for the Environment, spoke on the item and stated that in the current process we are making policy after contracts comes out, in effect “building the plane as it goes down the runway”. He disagreed that the related contracts involved cannot be reviewed by the Commission. He noted that the items he had brought forward as changes to the contract were agreed to by the proposed contractor, and asked that all concerns be addressed explicitly in the contract. He said the most important thing is not to punish any party but to have environmental and public interest protections included in the contracts. He noted to review the recommendations and to pass policy changes as requested. He asked that items redacted in the related contracts be made public and that the Commission has the authority to make recommendations on the related contracts.

Nikelle Mead, attorney for Synagro, spoke on the item and noted disappointment with the delays being put forth on the item after the working groups had done work as directed. She noted objection to the ZWAC making a recommendation on a contract not posted on the agenda, and said another recommendation being proposed by Chair Acuna was not posted on the agenda and should not be considered at this meeting.

Chair Acuna apologized to Ms. Mead for not being aware that the Water and Wastewater Commission had the contract for review, but disagreed that the ZWAC should not be allowed to review and act on the contracts involved. Ms. Mead said it was inaccurate to state that the working group did not perform their duties as directed, and the contract was thoroughly vetted by the working group and members of both Commissions involved.

Commissioner Blaine asked why if the working group reviewed the contract, why the ZWAC did not. Ms. King noted the contract is under the purview of the Austin Water department within bylaws approved by Council. The working group received the contract as a courtesy copy and it is posted for review in the backup for the Water and Wastewater Commission. She noted that the ZWAC sees contracts that ARR directly funds as per the ZWAC bylaws. Chair Acuna noted frustration and apologized to the Commissioners for not specifically asking that the related contract be placed on the current ZWAC agenda.

The Commission continued discussion of policy variables and their impacts, as well as corrective actions mentioned within the proposed recommendation.

Paul Gregory, TDS was called to the dais by the Commission and discussed soil sampling.

Lisa Boatman, Austin Water, described the process of soil sampling results and methods.

Pam Racey, Synagro, discussed screening and noted that differences in screens size are not great. Ms. Racey noted Synagro only does compost, and due to supply and demand they have to have multiple outlets to sell it.

Ms. Burazer noted that Synagro has agreed to donate compost to City departments.

The Commissioners discussed sampling, screen sizing for various types of compost and related market variables.

Mr. Bosinger noted that single use compost is what got us to this point and it is best to include as many markets as possible in the market approach.

Commissioner Blaine noted concerns about not reviewing the contract and asked for an opposing viewpoint.

Chair Acuna noted the bylaws of the ZWAC. Mr. Gedert referenced the ZWAC bylaws Purpose and Duties Section C. and pointed out that most all of the language relates back to the Zero Waste plan, and that biosolids was not mentioned in the bylaws, noting that Council strives to avoid crossover of responsibilities through the language of the bylaws of boards and Commissions.

Commissioner White noted that other Commissions like EUC and RMC often receive the same RCA's, questioning if the division of oversight was uniformly applied. Mr. Gedert said it is a legitimate concern for ZWAC to weigh in on policy on this item from a perspective of zero waste, but that the biosolids contract falls under the purview of the Water/Wastewater Commission and believes that the intent of Council is for both Commissions to weigh in on these different aspects. Ms. Burazer noted that TDS did not bid on the contracts related to the recommendation.

Commission, staff, and members of the public discussed language of the proposed recommendation. Discussion included definitions of compost, stability of materials, storm hazards, and quality of life concerns. Mr. Dobbs said he didn't know how to address all of these variables without shutting off the ability to reach multiple markets. Trademark variables and other contract variables were discussed. The final version of a recommendation was reached and is noted here:

1. Biosolids management should honor the highest and best use hierarchy. The City will strive to treat all wastewater sludge to make compost that meets the United States Compost Council's definition of compost prior to final distribution.
2. Require production of compost that meets or exceeds United States Compost Council Seal of Test Assurance (STA) standards. STA samples shall be collected by independent third parties or City staff and tested by an independent third party.
3. Plastics shall be removed from all final products utilizing best management practices.
4. Under emergency conditions, land application of unscreened compost, Class A biosolids, or Class B biosolids may be made on a temporary basis.

A. Emergency conditions are defined as severe fire risk, other imminent threats to health and safety, or imminent risk of regulatory non-compliance that could not have reasonably been foreseen.

b. If time permits, plastics should still be predominately removed before land application.

c. Emergency application of these lower quality products shall extend only as long as necessary to alleviate emergency conditions.

5. Austin Water staff shall inform the City Council via a Corrective Action Memo within five business days of declaration of emergency conditions. The Memo shall specifically describe the procedure and timeline by which the contractor and staff plan to return to normal operations in the shortest possible timeframe.

6. Austin Water Operations will be conducted in a manner that will keep odors and pests to a minimum. Specific procedures for accomplishing this shall either be included in any contracts prior to final review by Commissions and Council or shall be brought to the Zero Waste Advisory Commission and Water Wastewater Commission within 90 days of the contract's execution.

7. All products produced using biosolids will be clearly labeled to inform the end user of that fact.

8. The Dillo Dirt trademark name and compost quality will remain in City of Austin control, regardless of who produces the product, and should be defined by prescriptive processing requirements determined by Austin Water staff.

9. Austin Water and Austin Resource Recovery should continue to vet and pilot new technologies and management strategies in line with active policies that will improve biosolids handling.

10. Austin Water and Austin Resource Recovery will continue to communicate with other City departments when contracts are being renewed or solicited to ensure any partnering opportunities are explored.

11. Bulking agents should be limited to by-products of other known activities and not include painted or chemically treated lumber, asbestos, or other contaminants inappropriate for compost products or land application.

12. Any contract that impacts these policies should come before the Zero Waste Advisory Commission, in addition to any other relevant Commissions, before they go to City Council for consideration of approval.

The motion to accept the policy recommendation that was made by Commissioner Hoffman, with Commissioner Masino seconding, was amended to include the changes noted. The motion as amended was unanimously approved 9-0-0-2 with Commissioners Gattuso and Jiampietro absent.

5. STAFF BRIEFINGS

b. Director's Report – Textiles Recycling, Budget Update, City Council Actions, Statistical Reports and Performance Measures

No members of the public signed up to speak on the item. The ARR Director provided a report and no action was taken by the Commission.

6. FUTURE AGENDA ITEMS

The following items were requested for inclusion on coming ZWAC agendas. Dumpster contract, C&D Committee update in January; Calendar of meetings for 2017 in November; Office of Performance Management update in November; Parks Recycling in January; URO Committee update in January; Discussion ended and no objection was made on inclusion of the items on future agendas.

ADJOURNMENT

A motion to adjourn the meeting was made by Commissioner Savage, seconded by Commissioner Joyce, and the meeting was adjourned by Chair Acuna at 9:39 pm to no objection.