



August 31, 2018

To: The City of Austin Resource Recovery Department, the Austin City Council, the Zero Waste Advisory Commission and the various City of Austin Departments:

Waste Connections, the third largest solid waste services provider in North America submits these comments to the City of Austin in regard to the Draft Landfill Criteria Matrix issued on 8-13-18.

Our position is if a landfill is in compliance with the TCEQ regulations it should have valid right to receive waste material from any jurisdiction provided that the waste material is acceptable under the terms and requirements of its permit.

However, if the City is determined to invoke evaluative criteria in its evaluation of bids and proposals that may be submitted to collect and dispose of municipal solid wastes and/or construction and demolition debris we would like to ensure the criteria remains objective. During the stakeholder meetings there were very few items that received consensus among the group. We commend the staff for submitting this latest document as it provides the most objective draft we have seen as part of the work group. There are a few key items that still need to clarification and/or removal from the draft. Our comments are included below for you review:

- 1) If the solicitation is for collection of City controlled wastes a receiving disposal, recycling or composting facility will be an inherent part of that service. How will the City measure the non-collection and non-price portion of the contractor's bid in relation to the landfill portion of the bid? In other words, what percent of the overall scoring will be attributed to landfill criteria and what portions to price and other considerations?
- 2) This is the first time we have ever seen a matrix for C&D facilities as it was never part of the stakeholder meetings. A solicitation for Construction and Demolition Debris collection and disposal may receive a response that indicates the receiving disposal facility is either an MSW (Type 1) or C&D (Type IV) facility that have different potential scoring ceilings; one at 100 points and the other at 80 points. Given that C&D debris may be deposited in a Type 1 facility, and that facility has gas generation and gas management considerations, how will the respective responses be scored if one is to deposit the waste in a Type 1 facility (100 points) and another is to deposit the waste in a Type IV facility (80 points)?
- 3) A landfill that is capturing landfill gas and producing energy should not be penalized.
- 4) The matrix (Item 2) proposes that only a facility that receives a High Compliance rating from TCEQ will be awarded 100% of the potential points but no points for a facility that has a Satisfactory Compliance rating. A facility that has a Satisfactory Compliance rating should receive at least one-half of the potential points as a Satisfactory Rating indicates a high level of achievement and maintenance in regard to the applicable operating and environmental regulations.
- 5) The matrix (Item 3) indicates that full credit will be given to facilities that demonstrate an injury or illness incident rate equal to or less than the industry average and full credit will be given to facilities that have had no severe injuries, fatalities or catastrophes in the past five years. The matrix does not indicate that any points may be credited to facilities that may have a higher



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incident rate but that have a thorough and persistently applied safety training and documentation program. Points should be allocated for maintaining a rigorous safety program.

- 6) The scoring matrix should not include any points or requirements for collective bargaining or labor peace agreements. This is a flagrant and intrusive overreach in to industrial labor relations. Texas is a right to work State. An individual has the choice to work or not under the terms and conditions offered by an employer. Currently, less than 11% of workers in the U.S. are members of a union. This represents a consistent decline from 20% in 1983 which indicates that employer/employee relations are improving and the need for union representation is unnecessary and/or that unions are failing to represent their members effectively.

Respectfully submitted;

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Austin, Texas