



COMMISSION RECOMMENDATION

AIRPORT ADVISORY COMMISSION

Recommendation 20200529-001: Texas Regional Landfill Company Application

Whereas, it is the Airport Advisory Commission responsibility to review and make recommendations to the city council on aviation projects that the Department of Aviation proposes for the capital improvements program, proposed aviation grants, aviation contracts, annual operating budget and quality of services at Austin-Bergstrom International Airport (ABIA or Airport); and

Whereas, the quality of services provided by the Department of Aviation are linked to public perception of safety is an important to all air travelers, and past and future funding support for the Airport is partially dependent on successful wildlife hazard management; and

Whereas, according to the U.S. Federal Aviation Administration (FAA), wildlife strikes pose a significant safety risk to aircraft as evidenced during the past century as wildlife-aircraft strikes resulted in the loss of hundreds of lives worldwide. Consequently, the FAA, has mandated airports take measures to monitor, and if necessary, mitigate wildlife strike risks on and within the vicinity of an airport; and

Whereas, United States Congress has found that collisions between aircraft and birds have resulted in fatal accidents, landfills near airports pose a potential hazard to aircraft because they attract birds; and while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport is an appropriate minimum requirement for aviation safety; and

Whereas, The Texas Regional Landfill Company has submitted application for a permit to continue to operate and expand the landfill located less than 3,000 feet from the south boundary of the Airport in close proximity to an active runway; and

Whereas, in response to the FAA requirements for airport certification, the Airport has completed a Wildlife Hazard Survey and developed a comprehensive Wildlife Hazard Management Program, hired a Certified Airport Biologist and employed staff to specifically and continually address the threat of wildlife-aircraft strikes; and

Whereas, past records and staff observations have not shown an elevated the presence of wildlife vectors to cause major concern; and

Whereas, FAA may require owners or operators of landfills to (1) demonstrate that a municipal solid waste landfill (MSWLF) is designed and operated so as not to “pose a bird hazard to aircraft”; (2) place a copy of the demonstration in the MSWLF operating record, and (3) notify the State Director that it has been placed in the operating file; and

Whereas, the future expansion of the aviation safety and airport funding depend on proper land use of the area close to active runways at the Airport and the absolute wildlife hazard control of the users.

Now Therefore, Be It Resolved that the Airport Advisory Commission of the City of Austin formally request the Austin City Council firmly oppose granting a permit for Type IV Municipal Solid Waste Facility located at 9600 FM 812 and owned by Texas Regional Landfill Company, LP, a subsidiary of Waste Connections of Texas; unless the following conditions are part of the permit of Texas Commission on Environmental Quality (TCEQ) approval:

- 1) The Texas Regional Landfill Company, will ensure immediate response and remediation of landfill conditions that are or could attract wildlife, thereby creating a hazard to aviation.

- 2) The Texas Regional Landfill Company, LP, a subsidiary of Waste Connections of Texas, perform a Wildlife Hazard Survey and submit a Wildlife Hazard Management Plan for their site developed by a Certified Airport Biologist within six months for review by ABIA and approved by the Texas Commission on Environmental Quality.
- 3) Once approved and accepted by the Texas Commission on Environmental Quality, the Plan will become a condition of their permit.
- 4) Approval of the expansion of the facility be withheld pending the performance of the operator.
- 5) The operator will provide TCEQ and the airport demonstration that the site is being operated or designed so as not to pose a bird hazard to aircraft.
- 6) Additionally, the operator agrees to the following:
 - a. Provide the Airport Wildlife Hazard Management Team unrestricted access to their facility and attend an Airport Wildlife Hazard Working Group meeting along with other enterprises surrounding the Airport on a semi-annual basis.
 - b. Designate an employee to be trained on wildlife hazard management to oversee company day-to-day operations.
 - c. Provide an employee to participate as a team member in investigating of bird strike incidents (not necessarily attributed to a landfill facility hazard)

Date of Approval: May 29, 2020

Record of the vote: Approved on an 8-0-3 vote.

For: Eugene Sepulveda (D-3), Jeremy Hendricks (D-7), Scott Madole (D-8), Ernest Saulmon (D-10), Vicky Sepulveda (Mayor), Frank Maldonado (D-4), Wendy Todd Price (D-9), Brian Stoller (D-2)

Against: 0

Abstain: 0

Absent: Mike Rodriguez (D-5), Michael Watry (D-6), Billy Owens (D-1)

Attest: _____

Susana Carbajal
Executive Liaison
Department of Aviation