



## **Zero Waste Advisory Commission**

## **Regular Meeting Minutes August 13, 2014**

The Zero Waste Advisory Commission convened in a regular meeting on August 13, 2014, at 505 Barton Springs Road, Room 325, in Austin, Texas.

Co-Chair Cathy Gattuso called the Commission Meeting to order at 6:33 p.m.

Board Members in Attendance:

Cathy Gattuso, Rachel Hering, Dave Sullivan, Faye Kazi.

Chair Rick Cofer and Commissioner Jeff Paine were absent.

Staff in attendance:

Bob Gedert, Jessica Edwards, Jessica King, Donald Hardee, Natacha Delusca, Richard McHale, Michael Sullivan, Tom Fulmer, Ron Romero, Gena McKinley, Marcus Elliot, Matthew Christianson, Richard Avila, William Manno.

### **1. CITIZEN COMMUNICATION**

No citizens signed up to speak during the opportunity for citizen communication.

### **2. APPROVAL OF JULY MEETING MINUTES**

Minutes for the regular meeting of July 9, 2014 were adopted unanimously with no objection.

### **3. OLD BUSINESS**

#### **Discussion and Action—Private Hauler Program: Proposed Revisions to Ordinance and Rules**

Three speakers signed up to speak on this agenda item.

Commissioner Mariel recused himself and was off dais for this topic.

Adam Gregory, Texas Disposal Systems, Ryan Hobbs donated time. Mr. Gregory commented that the ordinance does not reflect the status quo and handed the Commission a document showing suggested changes. Co-Chair Gattuso asked what had changed in the latest draft. Mr. Gregory answered by pointing out on the document he brought, that the changed text underlined in black is staff proposed changes- red underlined text is what ZWAC had requested and voted on previously, and text not underlined at all is the text of the original code.

Eric Goff, Compost Pedallers, inquired as to what transpired since this was last brought to ZWAC that would impact or change ZWAC's last vote. Bob Gedert, ARR Director, explained there was a vote in May on recommendations to Council and a review by Law since and that the vote was not acceptable to City Attorney based on technical legal implications. Mr. Gedert recognized Mr. Goff's concerns but said language was still lacking that approaches those concerns, and said Austin Code Department was there to answer anything related to the ordinance.

Commissioner Sullivan inquired as to why the Commission was voting again on §15-6-41, §15-6-54, §15-6-56 since it was voted on in May and why couldn't the Commission instead pass the language agreed upon in May meeting to City Council with §15-6-11 and §15-6-13 excised. Mr. Gedert replied that this could be done, cited minor cosmetic changes to §15-6-41, §15-6-54, §15-6-56 and said those could progress forward without ZWAC input, but that this latest review was meant to be a transparent action.

Commissioner Kazi asked specific issue was noted by the Law Department in their review. Mr. Gedert said the previous language did not address issues that Compost Pedallers brought up, and asked the Commission to adapt the hauler portion of the draft ordinance, but to continue to transparently discuss the "city service" network language in §15-6-11.

At 6:49 Commissioner Paine entered the room and was seated at the dais.

Commissioner Paine proposed the question of whether it is a logical practice to first make certain haulers technically illegal and then to address issues and violations as they arise with Austin Code Department. Marcus Elliot, ACD described process of adhering to intent of ordinance for safety, not to seek out violations on an ad hoc basis.

Commissioner Kazi asked if the flow of information is stopped by the Law Department, if City Council can't see ZWAC recommendations, are they being recognized, and how Law Department can prevent votes from proceeding to City Council. Mr. Gedert responded that the Law Department doesn't determine policy, but aims to align policy with city code and state law, and the existing policy language describes the services of the City but doesn't address private haulers.

Robin Schneider, Texas Campaign for the Environment, recommends that the ZWAC address the issue of allowing entrepreneurs to pick up items from homes and expressed displeasure that the Law Department didn't provide a solution. She advocates that ZWAC members mention to City Council that Law and ARR didn't do their jobs in getting a message to City Council.

Adam Gregory, Texas Disposal Systems, Andrew Hobbs donated time. Mr. Gregory stated that City Attorney and ARR have not been specific, have decided not to present prior ZWAC recommendations to City Council, and have wasted time and meetings on something City staff now says shouldn't have been discussed in first place. Mr. Gregory recommends that they change §15-6-11 and §15-6-13 to reflect changes made in the document he presented.

Commissioner Kazi makes a motion, second by Commissioner Paine, to vote on adopting previously voted-on ordinance draft from May ZWAC meeting, and amends the motion to include new cosmetic changes in current draft. The motion as amended was passed on a 5-0-1 vote, with Commissioner Mariel recused.

#### **4. Staff Briefings**

##### **a. Special Events Ordinance Update**

Two citizens signed up to speak on this agenda item.

Robin Schneider, TCFE, commented that the tiers the draft revisions cover aren't enough to cover lower tiered events and urges them to make the recommendation to include the lower tiers in proposed requirements.

William Manno, Corporate Special Events Manager, presented a slideshow on major revisions put forth since the first reading, not the entire ordinance. Gena McKinley, ARR, expanded discussion on requirements for recycling and diversion efforts at special events. Commissioners Sullivan and Mariel asked Mr. Manno to define the tiers and differences between tiers. Mr. Manno described them as referenced in the draft ordinance, and discussed City Council timetable for review, fees, staff requirements, and the amount of plans to evaluate annually by tiers.

Eric Goff, Compost Pedallers, signed up after discussion had begun, Co-Chair Gattuso allowed him to speak. Mr. Goff endorsed the effort and was pleased ARR was stepping up to plate to review and put a Zero Waste stamp on events, that it was good for Austin to lead on a national stage regarding this matter. Bob Gedert, ARR, agreed that Austin should lead in this area rather than follow, and endorsed the current draft ordinance as a good first step.

#### **b. FY2014-15 ARR Budget Proposal**

No citizens signed up to speak on this agenda item.

Bob Gedert, Austin Resource Recovery, presented a revisit of the budget forecast for FY 2014-15, data on past performance, fee increases, and metrics for FY 2013-13.

Mr. Gedert noted increased population growth in the city, austerity measures as exemplified in zero FTE additions, and no program growth in budget. Mr. Gedert noted disappointment in the current URO rollout and enforcement, saying that ARR's economics, financing, and staffing are currently geared toward the rules as written, which makes it complicated to meet the more robust expectations of an enhanced implementation.

Commissioner Paine agreed that he never sees overflow in recycling and more frequency would not be required and asked if counts represented households or individual people. Mr. Gedert clarified that 189,000 households is the correct number and discussed organics collection pilot. He noted that benchmarking for organics collections numbers are based on Seattle reporting but since Austin has different waste composition, ARR's upcoming waste composition study will help inform this.

Mr. Gedert noted consistent requests to use plastic bags for organics pilot, and he explained that ARR is looking at some possible biodegradable options, but composting providers can have issues with the composition of these.

Co-Chair Gattuso asked about numbers for trash pickup to be every other week. Mr. Gedert responded that TCEQ was the hurdle that needed to be overcome, but if ARR can capture city wide food waste, it can better prove viability of less frequent collection.

Co-Chair Gattuso offers an opportunity for the Commissioners to provide feedback to ARR on this non-voting item, and Mr. Gedert agrees.

Commissioner Mariel asks about specific URO enforcement methods. Jessica King, ARR, talked about properties affected by the ordinance, the time and expense of site visits for compliance and Zero Waste implementation, and noted that on average an on-site visit takes 1-2 hours with a report and evaluation

delivered afterward. This is usually from a proactive request and a full assessment using a zero waste approach can take another 1-2 hours, bringing time investment to 1-4 hours per property depending on size. Commissioner Mariel commented that reporting on the economic impact of aggressive enforcement would be a great thing to have.

Mr. Gedert discussed the path that happens before ACD gets an official complaint, which can require ample ARR staff time in the field on compliance checks prior to ACD referral. Mr. Gedert notes that it is a complaint driven process given current resources, which cannot meet the expectations of a robust program. The ideal would be site visits for all properties proactively, not in reaction to a complaint, which would require more resources and money.

Co-Chair Gattuso recommended the City Council pass this budget but with more resources allocated for enforcement of URO.

Commissioner Paine discussed rate structure for residential vs. commercial with ARR Division Manager Jessica Edwards, who noted that two years ago ARR lowered rates for commercial service as cost of service study didn't justify higher rates for commercial customers.

**c. Director's Report - Landfill Closure Update, Composting Voucher Program Update, Staff Hires and Promotions, Current and Upcoming Job Postings, Statistical Reports, and Performance Measures.**

No citizens signed up to speak on this agenda item.

Commissioner Paine remarked at the high amount of recyclable materials being thrown away. Mr. Gedert discussed how waste composition studies in the fall can help productively direct this concern, and clarify capture numbers and makeup of the stream more accurately. Commissioner Haring asked about contamination impacting numbers. Mr. Gedert described two components: mistakes of the public (garden hoses etc.) and MRF cross-contamination that can create residual impact on the numbers.

**5. FUTURE AGENDA ITEMS**

Co-Chair Gattuso asked to add mattress recycling and HHW hours and drop off times to a future agenda, and mentioned post-budget URO comprehensive discussions going forward. Commissioner Sullivan reminded all ZWAC members to submit commitment letters to the City Clerk. Commissioner Mariel invited all attendees to an event for the Austin Materials Marketplace on August 19.

**USBCSD/Yale Diversion Report - September**

**STAR Ratings Update - October**

**ETC Survey Briefing - October**

**Recycling Economic Development Program Update - November**

**Food Waste Collection Update - November**

Co-Chair Gattuso adjourned the meeting at 8:34 p.m. without objection.