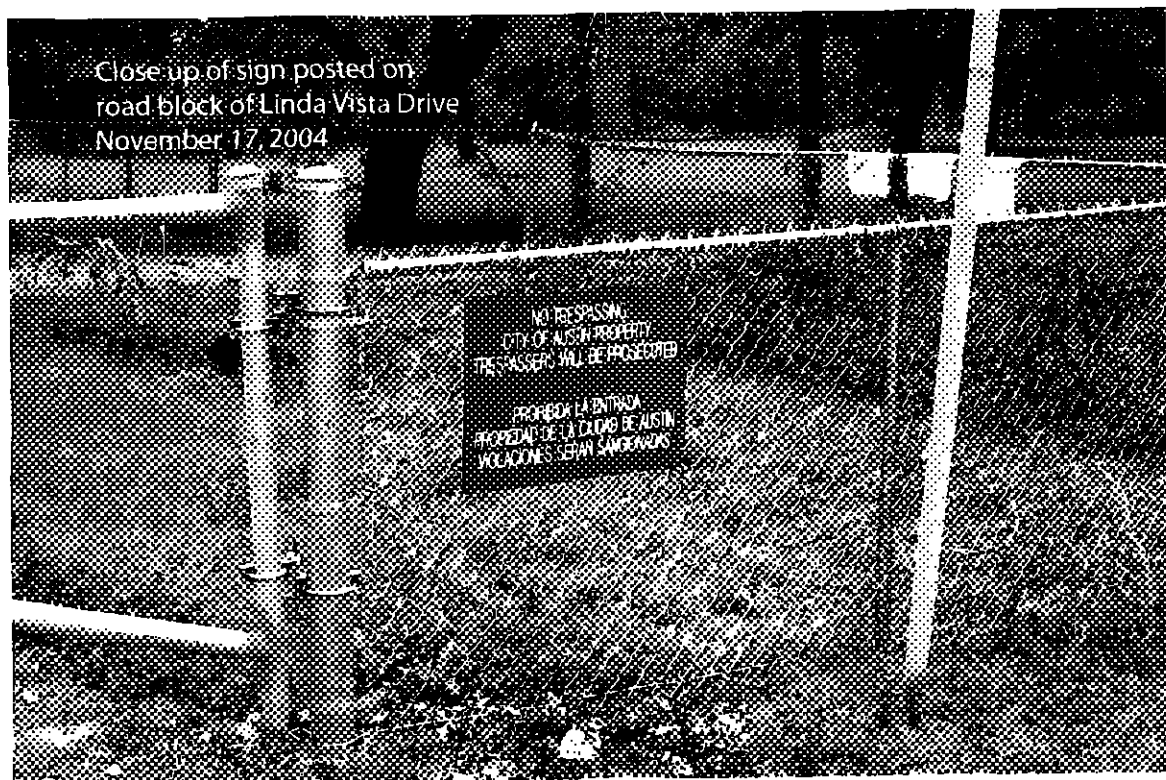
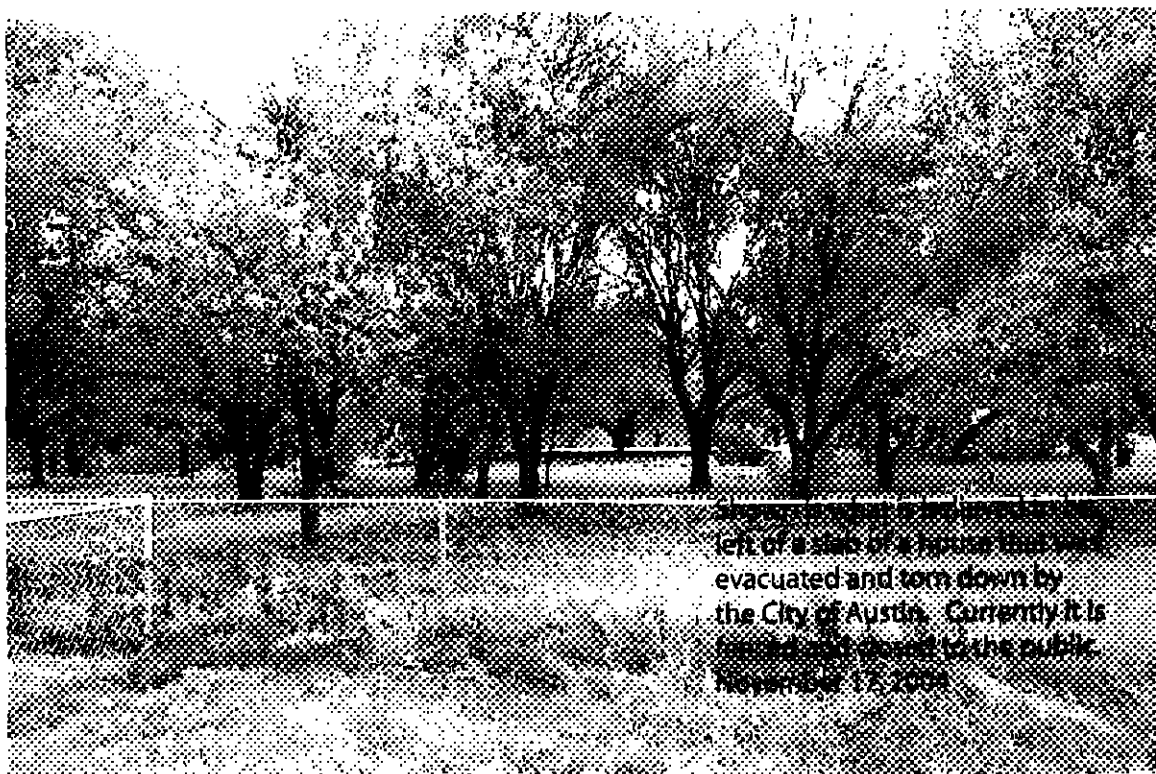


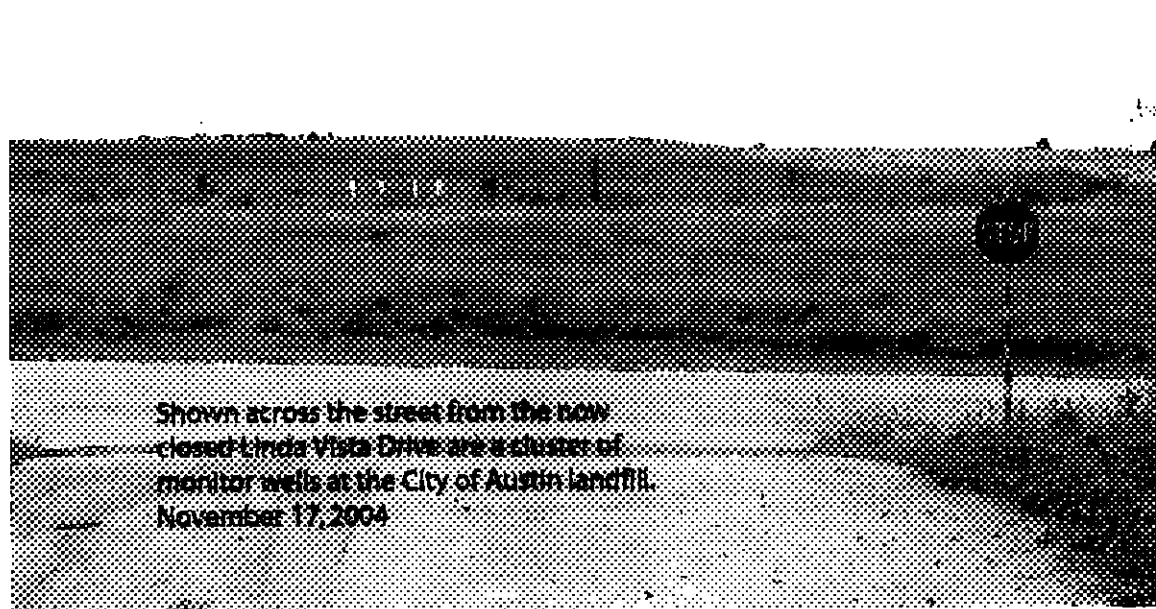
Linda Vista Drive, now closed to the public,
located directly across FM 973 from the City of
Austin landfill.
November 17, 2004



Close up of sign posted on
road block of Linda Vista Drive
November 17, 2004

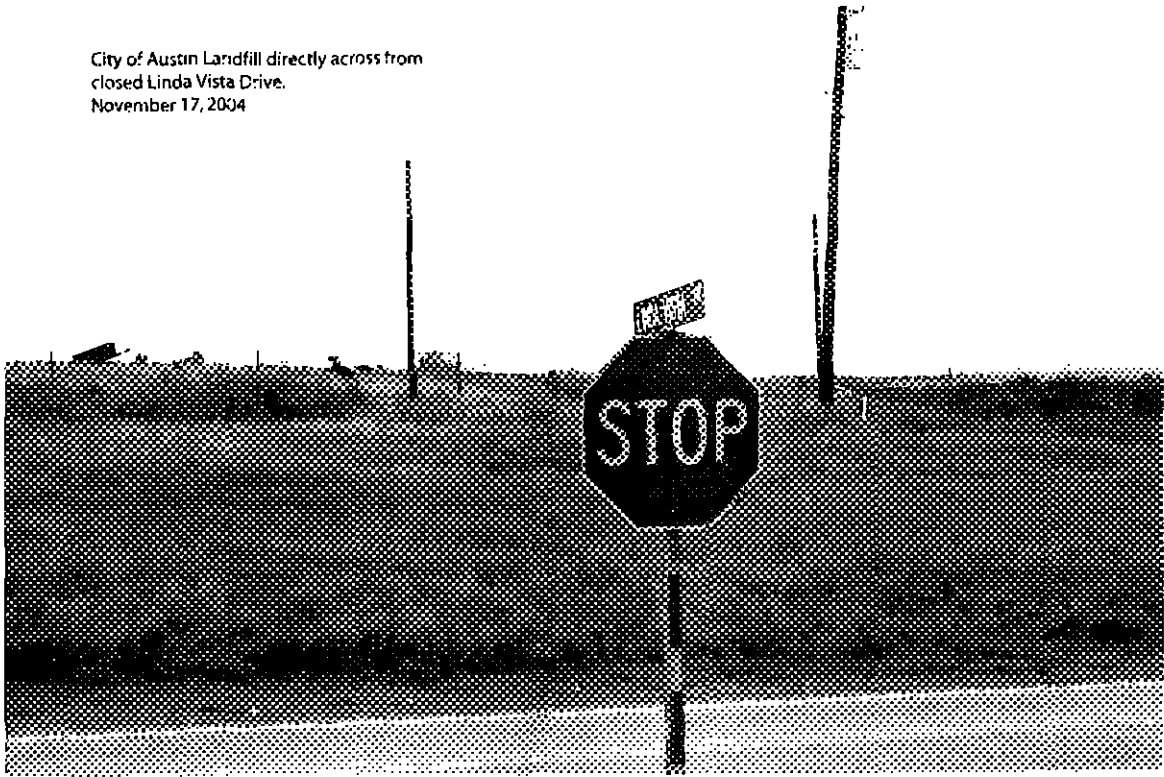


Shown is what is left of a house that was evacuated and torn down by the City of Austin. Currently it is fenced and closed to the public.
November 17, 2004



Shown across the street from the now closed Linda Vista Drive are a cluster of monitor wells at the City of Austin landfill.
November 17, 2004

City of Austin Landfill directly across from
closed Linda Vista Drive.
November 17, 2004



Austin City Council Meeting

October 28, 2004

MAYOR WYNN: There being a quorum present, at this time I'll call to order this meeting of the Austin city council. It is Thursday, October 28th, 2004, approximately 10 minutes after 10:00 in the morning. We are at the LCRA boardroom, Hancock Building, 3700 Lake Austin Boulevard. Council, without objection, I know although we're postponing this, we have the folks that are here from the group that I believe would be negotiated with on this contract. They might be here to perhaps answer questions. I would recognize Ms. Robin Schneider for a brief statement and make sure we're aware of the issues and the format by which we can get some questions answered before November 18th. Would you like to address this, Ms. Schneider? Please.

ROBIN SCHNEIDER: My name is Robin Schneider. I'm the director of Texas Campaign for the Environment and Austin resident. I want to thank you, first of all, for moving ahead with Dell and Goodwill on the computer-recycling program. That's a good program that will divert computers and peripherals from our landfills, incinerators or being exported to dirty recycling operations in developing countries. I wanted to address you because the item 35 is still on your agenda for executive session. So you will be hearing from staff including, I assume, Willie Rhodes, the head of the City Solid Waste Services about this issues. Before you hear the case from staff, I wanted to make sure you consider the big picture when it comes to privatizing the operations of our city landfill. Number one; there are problems at the City Landfill, grave problems. Number two, there are problems with the contractor that staff is urging you to negotiate with. And no. 3, and there's an opportunity to do something different that would be the right thing. The city landfill's problems partly stem from the fact it's about 50 years old. Most of it has no liner. Ground water monitoring wells show pollution. The city is not complying with state and federal law in terms of how it handles contaminated liquids. Explosive gases are migrating off site and have forced the city to buy some surrounding properties. Just last month excessive levels of methane were found in a monitoring well on the property. In 1991, a quarter million cubic yards of garbage, old garbage, not only fell into Onion Creek, but across Onion Creek into Travis County's Richard Moya Park. As a result, the city was supposed to fix the leachate problem with wells and drainage facilities. Today, more than ten years later, those facilities are still not completely operational. If such a collapse should happen again, now, that old garbage would be under the flight path of our city-owned airport and would attract birds that obviously are a problem in a flight path. There are problems with IESI, the contractor the city staff seems interested in negotiating with. Just last year, Solid Waste Services Director Willie Rhodes tried to get the city to sign a 65-year contract with IESI to run this landfill. That was pulled by staff off the agenda. IESI runs a dump next to the city's landfill. Again, it's under the flight path of the airport. There are birds almost every week at that airport, even though they are not supposed to be accepting household garbage. That garbage is not covered every weekend like it's supposed to be under the permit. We do not want a company that is not even paying its city fees for running garbage trucks on time and in full running our landfill. In fact, that fact makes them ineligible to even put a proposal in, but the city staff has accepted one. This is the mode of the business model of this company, IESI to buy or run landfills that are run by cities or closed by cities. In Seguin, the voters overturned city council action to sell their closed landfill to IESI. In Weatherford, we're working with a group that is working to oppose an expansion of a landfill that was owned by the City of Weatherford and now is owned and run by IESI. 3500 state -- Texans have written to oppose their expansion. And they are trying to do it illegally. They've increased the garbage there from 50 tons per day to over 600 tons per day. We don't want to turn our city operations over to a company like that. The alternative is to look at what you are already doing with city hall. You are recycling 70% of the construction waste at city hall is being recycled. That's what we need to be looking at. In the '80s, the City of Austin was looking and spending millions of dollars to build an incinerator to burn our garbage and the citizens organized and stopped that from happening like many fads of the '80s, that issue was put to rest. It's time to again put in place a new solid waste program for this century that will reduce the waste. Let's aim for zero waste, which is what other cities and countries are aiming for, to really reduce the waste. We might not get to zero, but let's get as close as we can. Let's not expand a city landfill with a private company that has a history of bad actions. I have some materials to hand out to you about IESI's operations.

MAYOR WYNN: Thank you.

ROBIN SCHNEIDER: So I would thank you for postponing it. I would say we need to postpone it a lot more to give full airing to this program. It shouldn't be a staff-run operation. Solid Waste Advisory Commission was unanimously opposed to Willie Rhodes negotiation of the contract with IESI. Thank you.

MAYOR WYNN: Thank you Ms. Schneider and again, we won't be taking action today. We will have a discussion in closed session pursuant to Section 551.071, the Open Meetings Act. Council, there are some folks from IESI here who would be available to answer questions if we had them, however, we're going to postpone the actual action and debate until November 18th. I want to thank you all for being here. So council, we have a motion and a second on the table to approve the consent agenda. Again, the pulled items are number 3 and number 5 and item 28 to be postponed...

THOMAS: Mayor –

MAYOR WYNN: ...to November 18th, 2004. Council Member, Thomas.

PECKHAM: I'm with IESI, may I --?

MAYOR WYNN: Yes, sir, you may. Welcome, sir.

PECKHAM: Good morning, my name is Jeff Peckham, the Regional Vice President for IESI. Certainly I want to address some of these comments that were made because they are inaccurate and IESI successfully owned and operated the Travis County Landfill for over four years and we have a zero compliance rating. The best compliance rating that you can get at our Travis County Landfill. We also have a zero compliance rating at our C and D Landfill in Fort Worth, Texas. These statements being made about IESI are very much wrong. IESI has never received a Notice of Violation or any enforcement action with the Travis County Landfill. Our landfill, as I mentioned, has the highest compliance rating history that you can receive. Our facility shares a common fence line with the City of Austin, and we have worked with the City of Austin to provide dirt in the past and they know how we operate our landfill. They are right next-door. And we're very proud of it and, as I said, the compliance rating, you can't get any better. For some reason, there is interest seeking to divert the Council's attention from the true issues at hand. Weatherford Landfill is not an expansion. We have full support of the City and the County in the project at Weatherford Landfill. We have never received a Notice of Violation at this site since we took it over. We have made significant improvements in this facility. And I just want to correct the record. IESI has entered into agreements with a number of municipalities across Texas and in other states regarding the operation of their former landfills. We routinely receive accolades and letters of support from these cities. I cite Iowa Park Buffalo Creek. The City awarded us business of the year and the landfill is right outside of town. The real issues before the City Council are what company presented the strongest proposal. Does the company have and own and operate a first-class landfill, which we do. And do other municipalities have favorable experiences working with the company as a partner, which they all do. As your staff has verified based on their due diligence, the City of Austin should consider entering into negotiations with IESI and awarding a contract to our company. I have here inspection reports. I have here our compliance history. I have here letters from the City and the County of Weatherford. We have Parker County, that supports what we're doing and how we do the job up there. And I just want to make sure that everybody gets a chance to see these. I'll leave some copies, but this is the facts. This is how we perform, not the way that these statements have been made. I want to point out that we are talking about a Type IV Landfill. Right here in Travis County. Which we operate a facility next door. The issue with birds is not an issue. And I just want to make sure that that's understood. And if there's any questions, I would be glad to answer them.

MAYOR WYNN: Thank you Mr. Peckham. Council Member Slusher. Again, we're going to remind everybody we're going to have this discussion again on the 18th. Council Member, go ahead.

SLUSHER: Why do you say the birds aren't an issue? Sir, sir, I had a question. Why do you say the birds aren't an issue?

PECKHAM: This is not a municipal solid waste landfill. It's not putrescible waste that goes into this site and it wouldn't be permitted by the state if it was an issue or concern of the airport.

SLUSHER: I did see a picture with some birds, some buzzards at the landfill.

PECKHAM: Well, I mean we do not have an issue and I don't think that there's been an issue at the landfill with birds and buzzards. I would like to have some substantiation. There's going to be birds, you know, anywhere, you

know, where there's brick and that type of material, but this is a C and D Type IV Landfill which is paper and wood and brick, and it's permitted by the state and we maintain that site according to the regulations and we are very proud of how we handle that site.

SLUSHER: Thank you. Mayor, can we get Mr. Rhodes just to say a few words? There were a lot of things said about the city landfill.

MAYOR WYNN: Sure. Mr. Rhodes, but again, we're going to have this discussion all over again on November 18th.

SLUSHER: I understand, but since there was a lot said, I would like to give him a chance to respond.

WILLIE RHODES: Mayor, Council. My name is Willie Rhodes, Director of Solid Waste Services for the City of Austin. I manage your landfill. I am proud to manage your landfill. Yes, it is an old landfill and yes, we do have some issues at the landfill, but we are working to take care of all the issues and address all the issues that are there. Some of the issues that she brought forth this morning, was there a collapse in 1991? Yes, it was. Did garbage enter into Onion Creek? Yes it did. As soon as it happened we took remediation action to reinforce the levy up there. We took care of this action to address this concern. Is there gas migrating off the site? As we informed council in 1997, we saw evidence of that. But since 2000, we have not seen any evidence of gas migrating off the landfill site and we informed council of that. Then we put in a gas recovery system at the landfill to handle the gas at the landfill. This system is recovering gas and it's also working with Austin Energy on converting some of the methane gas into energy for citizens of Austin. The leachate collection system. The leachate collection system has been designed and is in construction and will be operational close to the end of this year, first of next year. Each and every one of these projects have gone through the TNRCC at TCEQ permitting process to make sure we are handling this correctly so we are in compliance with TNRCC, we are not out of compliance. We have projects there we have to address and we are addressing each and every one of those issues and we are maintaining the landfill and operating the landfill correctly. If you have any questions, I'll take any direct questions.

MAYOR WYNN: Council Member McCracken.

MCCRACKEN: Mr. Rhodes, let me make sure I understand. This is a landfill just for construction material like lumber and brick?

WILLIE RHODES: Yes, Council Member, but a little history. Prior to the Austin Bergstrom international airport opening, we accepted putrescible waste at that landfill

MCCRACKEN: Is this landfill going to be landfill for brick and wood?

WILLIE RHODES: Construction and demolition landfill to date.

MCCRACKEN: Is there a low bidder other this?

WILLIE RHODES: It's not a bid, it's a request for proposal that was sent out and which the person offered the city the best proposal in this, Council Member. And we had an evaluation team; they evaluated the RFP put out with the criteria put out. I believe there were five points evaluated on. From that basis is why we have the recommendation to move forward with this.

MCCRACKEN: Thank you, Mr. Rhodes.

MAYOR WYNN: Thank you, Mr. Rhodes. Again, we'll have this -- we'll have some questions to answer between now and November 18 and have a full public discussion at that time. Again, we have a motion and second on the table to approve the consent agenda as read. Items number 3 is pulled for a presentation. Item 5 is pulled for -- to take up after executive session discussion. Further comments on the consent agenda? Hearing none, all those in favor please say aye. Opposed? Motion passes on a vote of 7-0. Thank you very much. I believe Council Member Alvarez now wanted to take up item number 3, a presentation from staff. Welcome, Ms. Edwards.

CITY OF AUSTIN, TEXAS

Purchasing Office

REQUEST FOR PROPOSAL (RFP)

Offer and Award Sheet

SOLICITATION NO: SA04300021

COMMODITY/SERVICE DESCRIPTION: MANAGEMENT AND
OPERATION OF CITY OF AUSTIN'S TYPE IV LANDFILL

DATE ISSUED: MARCH 15, 2004

REQUISITION NO.: 150G2C00579

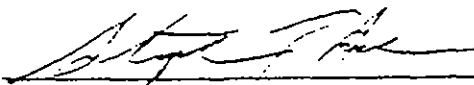
PRE-PROPOSAL CONFERENCE TIME AND DATE:
MARCH 25, 2004 @ 1:00 PM

LOCATION: CITY LANDFILL, 10108 FM 312, AUSTIN, TX

FOR CONTRACTUAL ISSUES CONTACT:

PROPOSAL DUE PRIOR TO: APRIL 15, 2004 @ 3:00 PM

COMPLIANCE PLAN DUE PRIOR TO: N/A


Stephen T. Aden, Supervising Senior Buyer
(512) 974-2021

PROPOSAL CLOSING TIME AND DATE:

FOR TECHNICAL ISSUES CONTACT:

LOCATION: 208 E. 9th STREET, TWO COMMODORE PLAZA
SUITE 15100, AUSTIN, TEXAS 78701

Hani Michel, P E Phone: (512) 974-1962

*** is the policy of the City of Austin to involve certified Minority Owned Business Enterprises (MBEs) and Woman Owned Business Enterprises (WBEs) in City contracting. MBE and WBE goals for this solicitation are contained in Section 0900.*

All Contractors and Subcontractors must be registered to do business with the City prior to award of a contract. Prime Contractors are responsible for ensuring that their Subcontractors are registered. Registration can be done through the City's on-line vendor registration system. Log onto <https://wailer.ci.austin.tx.us/austin/main.cfm?type=regn> and follow the directions

VER 47/06/0001

SA04300021

TEXAS DISPOSAL SYSTEMS, INC.

ATTN: DENNIS HODGES

208 E. 9th STREET

AUSTIN, TX

78701-1510

Signature of Person Authorized to Sign Proposal

FEDERAL TAX ID NO. _____

Phone No. () _____

Email Address _____

Signer's Name and Title: (please print or type)

Fax No. () _____

Date: _____

AWARD DOCUMENT

(This section for City of Austin only)

Date of Award:

Contract No.:

The above Proposal is accepted as to:

Dollar Value:

By: _____

PURCHASING OFFICE FOR CITY MANAGER

Table of Contents

SECTION NO.	TITLE	PAGES
0100, 0200, 0300	See http://www.ci.austin.tx.us/purchase/standard.htm	N/A
0400	SUPPLEMENTAL PURCHASE PROVISIONS	4
0500	SCOPE OF WORK	7
0505	ACCOUNTING FOR MUNICIPAL SOLID WASTE LANDFILL CLOSURE AND POST-CLOSURE CARE COSTS	12
0600	PROPOSAL PREPARATION INSTRUCTIONS & EVALUATION FACTORS	11
0700	NON-DISCRIMINATION CERTIFICATION	1
0800	AFFIDAVIT OF NON-COLLUSION, NON-CONFLICT OF INTEREST, AND ANTI-LOBBYING	1
0900NG	WMBE PROGRAM PACKAGE (with Availability List and Compliance Plan or No Goals Form)	1
1000	NO OFFER RESPONSE FORM	1

** All other Sections may be viewed at: http://waller.ci.austin.tx.us/purchase/collet_ads.cfm

RETURN FOLLOWING DOCUMENTS WITH PROPOSAL*

- Cover Page Offer and Award Sheet (IFB)
- Section 0700, Non-Discrimination Certification (HRC 0001)
- Section 0800, Proposer's Signed Affidavit of Non-Collusion, Non-Conflict of Interest, And Anti-Lobbying
- Section 0900, MBE/WBE Procurement Program Package (IFB), or No Goals Form
- Proposal Guarantee (if required)

* **See also** Section 0400, Supplemental Purchase Provisions, Section 0500, Scope of Work/Specification, and Section 0600, Proposal Preparation Instructions & Evaluation Factors, for additional documents that must be submitted with the Proposal.

NOTES:

INCORPORATION OF DOCUMENTS: As of March 22, 2000, three (3) Sections of the solicitation documents have been made available via the internet. These three sections: Section 0100, Standard Purchase Definitions; Section 0200, Standard Solicitation Instructions; and Section 0300, Standard Purchase Terms and Conditions are hereby incorporated into this solicitation by reference, with the same force and effect as if they were incorporated in full text. The full text versions of these Sections are available, on the internet at the following online address:

<http://www.ci.austin.tx.us/purchase/standard.htm>. Please select the appropriate set of documents for the type solicitation - i.e. Invitation for Bid (IFB), Request for Proposal (RFP), or Request for Quotations (RFQ).

If you do not have access to the internet, you may obtain a copy of these Sections from the City of Austin Purchasing Office at the below address. Please have the solicitation number available so that the staff can select the proper documents. These documents can be mailed, expressed mailed or faxed to you.

When sending a sealed Proposal and/or Compliance Plan, use the proper address for the type of service desired, as shown below.

P.O. Address for US Mail	Street Address for Hand Delivery or Courier Service
City of Austin	City of Austin
Purchasing Office	Purchasing Office
P.O. Box 1088	Two Commadore Plaza
Austin, Texas 78767-8845	206 E. 9th St. 15th floor, Suite 15.120
	Austin, Texas 78701
	Reception Phone: (512) 974-2500

Notes: Proposals (including Compliance Plans) that are not submitted in a sealed envelope or container will not be considered.

Unless authorized in the solicitation, telegraphic or facsimile Proposals will not be accepted.

**CITY OF AUSTIN
PURCHASING OFFICE
PROPOSAL PREPARATION INSTRUCTIONS AND EVALUATION FACTORS
SOLICITATION NUMBER: SA04300021**

1. GENERAL INFORMATION

A. Explanations, Clarifications, Amendments and Addenda

Nothing stated or discussed orally during any Q&A, pre-proposal conference, interview or other session shall alter, modify or change the requirements of the RFP. Only interpretations, explanations or clarifications of this RFP that are incorporated into a written amendment or addendum to this RFP issued by the City shall be considered by Contractors. All amendments or addenda will be distributed to each Person that registers with the Purchasing Office and requests a copy of all amendments to this RFP, but it shall be the responsibility of Contractors to make inquiries as to the addenda issued. All such amendments or addenda shall become a part of this RFP, and all Contractors shall be bound by such amendments or addenda. Each amendment or addendum issued will be on file in the Purchasing Office. Each Contractor must acknowledge its receipt of all amendments or addenda by completing, executing and submitting the appropriate Contractor Information form with its Proposal.

B. Ambiguity, Conflict or Errors in RFP

If a proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, it shall immediately notify the City of such error in writing and request modification or clarification of the document. The City will make modifications by issuing a written revision and will give written notice to all parties who have received the RFP from the City. If any conflicts arise between this RFP and any draft Contract(s) included with this RFP, the RFP shall be the controlling document at all times. The Contractor is responsible for clarifying any ambiguity, conflict, discrepancy, omission, or other error in the Request for Proposals prior to submitting the proposal or it shall be waived. Implied Requirements: Products and services that are not specifically requested in this RFP, but which are necessary to provide the functional capabilities proposed by the Contractor, shall be included in the proposal.

C. Information Provided By City

Information included in or provided with this RFP is provided solely for the convenience of the Contractors. NO REPRESENTATION OR WARRANTY OF ANY KIND IS MADE BY THE CITY AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION INCLUDED IN OR PROVIDED WITH THIS RFP. Contractors are solely responsible for conducting such independent due diligence investigations as may be necessary for the preparation of proposals. The City and its employees, consultants, agents and advisors are not responsible for the completeness or accuracy of any information distributed or made available, orally or in writing, during this procurement process.

D. Acceptance of RFP Terms and Conditions

Submission of a proposal shall constitute acknowledgment and acceptance of all the terms and conditions contained in this RFP applicable to the proposed service(s) unless exception to particular terms and conditions are expressed in writing in the proposal. The City is not obligated to agree to exceptions to the conditions of this RFP taken by any prospective Contractor, but reserves the right to negotiate modification of such noted exceptions.

E. Alterations Not Allowed

Once submitted, proposals in response to this RFP cannot be altered without the City's express written consent. Each and every term and condition of the proposal shall be irrevocable until the City

**CITY OF AUSTIN
PURCHASING OFFICE
PROPOSAL PREPARATION INSTRUCTIONS AND EVALUATION FACTORS
SOLICITATION NUMBER: SA04300021**

(Name of Proposer) has no unresolved notice of deficiency, notice of violation, notice of enforcement, administrative or civil penalty action, permit suspension or revocation proceeding or other local, state or federal enforcement action or proceeding pending as of the date of the submission of this response to the RFP.

Certification of Tax Status. Include and execute the following statement:

"(Name of Proposer) is not in arrears on any taxes or other payments to any agency of the City of Austin, Texas, the State of Texas, or the federal government as of the date of the submission of this response to the RFP".

- vii. **Contingency Plan.** Since Acts-Of-God, such as severe weather events, have a direct impact on landfill operations, a written contingency plan, addressing the proposer's arrangements to provide equipment and personnel, and to maintain uninterrupted service during mechanical breakdowns, natural disasters or other emergencies.

D. **Part IV - Project Management Structure:** Provide a general explanation and chart which specifies project leadership and reporting responsibilities; and interface the team with City project management and team personnel. If use of subcontractors is proposed, identify their placement in the primary management structure, and provide internal management description for each subcontractor.

E. **Part V - Prior Experience:** Proposers shall describe their firm's relevant experience regarding similar work performed, addressing each of the following elements:

- Location / jurisdiction;
- Duration of the program;
- Annual tonnage / cubic yard amounts by type;
- Number of employees;
- Types and density of equipment used;
- Problems in establishing and providing service;
- Experience in implementing changes;
- Actions taken to resolve problems;
- Experience in providing customer service;
- Average daily complaint rate (including missed collections); and
- Evidence of customer and jurisdiction satisfaction.

F. **Part VI - Personnel:** Include names and qualifications of all professional personnel who will be assigned to this project. State the primary work assigned to each person and the percentage of time each person will devote to this work. Identify key persons by name and title. Provide all resumes. Identify any / all outside advisors, such as environmental consultants, outside legal counsel, and others who are expected to work with the proposer in evaluating or negotiating an Agreement with the City.

G. **Part VII - Non-Collusion, Non-Conflict of Interest, and Anti-Lobbying:**

- i. Proposers, including their officers, owners, agents, representatives, subconsultants, employees, or parties in interest:

- (1) shall not in any way collude, conspire or agree, directly or indirectly, with any person, firm, corporation or other Proposer or potential Proposer in regard to the amount of their proposal or the terms or conditions of their proposal.

MAY 14, 2002



AUSTIN BERGSTROM INTERNATIONAL AIRPORT

BURLESON ROAD

TRAVIS COUNTY
MOYA PARK

U.S. GOVERNMENT

CITY OF AUSTIN LANDFILL

IESI LANDFILL

IESI OWNED LAND
(NOT PERMITTED)

FM 812

FM 973

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



Permit No. MSW- 1841 (Transferred)

Coordinates: N 30° 10.30' W 97° 40.65'

PERMIT FOR A MUNICIPAL SOLID WASTE FACILITY

Issued under provisions of the Texas Solid Waste Disposal Act, Chapter 361, Health and Safety Code and 30 Texas Administrative Code (TAC) Chapter 330

Permittee

ESB TX Landfill L.P.
6125 Airport Freeway, Suite 202
Halton City, Texas 76117

Site Owner

(Same as Permittee)

Legal Description of Site: The legal description, attached hereto, is hereby made a part of this permit.

Size and Location of Site: This site consists of 110.93 acres of land and is located southeast of Austin, south of Austin Bergstrom International Airport, 0.7 mile east of U.S. Highway 183 on F.M. 912, adjacent to and on the west side of the City of Austin Landfill, 1200 feet north of FM Road 912, in Travis County.

Operational Classification of Site: ~~Type IV~~ (Brush, construction/demolition waste and rubbish only.)

Waste Disposal Methods Used at Site: Area method of disposal with compaction of solid waste and cover with a minimum of six (6) inches of compacted earth not less often than once each week.

Description of Waste Materials Processed at Site: Solid waste under the regulatory jurisdiction of the Texas Natural Resource Conservation Commission, when disposed of or processed in accordance with 30 TAC Chapter 330.

Findings of Fact and Conclusions of Law: Attached hereto for reference.

Standard Protection: Acceptance of this permit constitutes an acknowledgment that the permittee will comply with all of the terms, provisions, conditions, limitations and other restrictions embodied in this permit; with 30 TAC Chapter 330; and with the pertinent laws of the State of Texas.

Special Provisions: See Attachment - "Special Provisions for Municipal Solid Waste Permit No. MSW-1841"

This permit will be valid until canceled or revoked by the Texas Natural Resource Conservation Commission or until the site is completely filled and rendered unusable, whichever occurs first.

APPROVED, ISSUED, AND EFFECTIVE in accordance with 30 Texas Administrative Code Chapter 330.

ISSUED DATE:

DEC 18 2000

A handwritten signature in black ink, appearing to read "Jeffrey A. Dute".

For the Commission

MODIFICATION TO
MUNICIPAL SOLID WASTE PERMIT N^o MSW-1841

Travis County Landfill, Travis County

Municipal Solid Waste Permit No. MSW-1841 is hereby modified as follows:

Description of Change:

Change the currently permitted hours of operation from 7:00 a.m. to 7:00 p.m., Monday through Saturday, at the above referenced facility to 6:00 a.m. to 7:00 p.m., Monday through Saturday. Along with this, per the permitted Site Operating Plan, the gate will normally be closed to the public at 6:00 p.m. in order that landfill personnel may apply cover material, clean up after the day's activities, repair roads, etc.

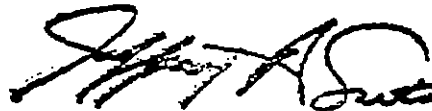
Permit Sections Revised:
Site Operating Plan

This modification is a part of Permit No. MSW-1841 and should be attached thereto.

APPROVED, ISSUED, AND EFFECTIVE in accordance with 30 Texas Administrative Code Section 305.70(i).

ISSUED DATE:

AUG 28 2000



For the Commission

PART IV
SITE OPERATING PLAN
§330.57 AND §330.114

TRAVIS COUNTY LANDFILL
TNRCC PERMIT NO. MSW-1841

operated by:

IESI TX Corporation



prepared by:

JFK GROUP, INC.

JUNE 14, 2000

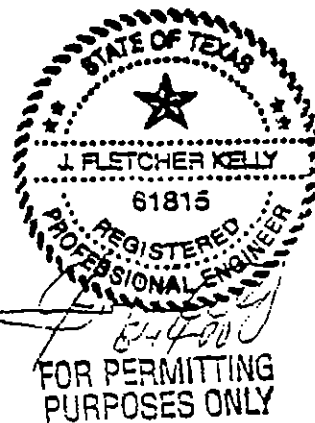


TABLE OF CONTENTS

Introduction	1
Personnel	1
Equipment	1
Record Keeping	2
Security, Screening and Safety	2
Hours of Operation	3
Sequence of Site Development	3
Fill Operations	4
Fire Prevention and Control	4
Control of Special Wastes	4
Control of Windblown Material	5
Vector Control	5
Dewatering of Excavations	5
Dust and Mud Control	5
Odor Control	6
Placing and Compact Refuse	6
Landfill Cover	6
Cover Application Log	6
Ponded Water	6
Soil and Liner Quality Control Plan	7
Groundwater Monitoring	7
Salvaging and Scavenging	7
Methane Monitoring	7
Posting of Site Rules	8
Materials Along the Route to the Site	8
Protection of On-Site Utilities and Easements	8
Wet Weather Operations	8
Closure of Site	8
Inspections	9
Compliance with Operations Standards for the Site	9
Landfill Markers and Benchmark	9
Site Grid Marker System	10
 Waste Stream Quality Control Plan	
Introduction	A-1
Acceptance of Enclosed Container/Vehicles	A-1
Responsibilities of Gate Attendant	A-2
Responsibilities of Equipment Operator	A-2
Disposal of Unacceptable Materials	A-2
Entrance Signs	A-3



FOR PERMITTING PURPOSES ONLY

SITE OPERATING PLAN TRAVIS COUNTY LANDFILL

Introduction

This Site Operating Plan (Plan) has been prepared to fulfill the requirements of 30 TAC §330.57 and §330.114, and to provide guidance for the Travis County Landfill management and operating personnel in day-to-day operations of the site. This Plan is consistent with the engineer's design for this site. The site is designed as a Type IV Municipal Solid Waste Landfill.

Personnel

The staff recommended initially for this landfill consists of four (4) full-time employees:

- 1 - Site Supervisor
- 1 - Equipment Operator
- 1 - Gate Attendant
- 1 - Laborer

The site supervisor will have experience both in landfill operations and operation/maintenance of heavy equipment. The site supervisor will hold a Class A Letter of Competency or a Provisional Class A Letter of Competency or will be required to demonstrate that he/she has had substantial employment and educational training emphasizing landfill management and operations.

The equipment operator will be an experienced heavy equipment operator knowledgeable in landfill operations. Duties will include working face monitor, compacting waste, applying cover as needed, maintaining site roads, grade control, equipment operation, equipment maintenance and trench excavation. Trench excavation may also be contracted to an outside contractor.

The gate attendant's duties include general traffic direction, control of unauthorized vehicles entering the landfill, levying of charges or tickets to all vehicles, inspection of loads for unauthorized materials and collection of transporter trip tickets, as required.

The laborer will work under the direct supervision of the equipment operator and/or the site supervisor. Duties will be assigned as required to maintain the site's compliance with TNRCC regulations and permit conditions.

A foreman will be appointed to oversee operations in the landfill and act as assistant supervisor in the supervisor's absence. Either the site supervisor or the foreman will be on-site at least 75% of the time.

Equipment

Initial on-site equipment will consist of the following:

- | | |
|---|--------------------------------|
| 1 - Track-type Dozer or equivalent | 1 - Water Truck |
| 1 - Solid Waste Compactor or equivalent | 1 - Motorized Pan Soil Scraper |
| 1 - Motor-grader or equivalent | or equivalent |

The following safety rules are recommended:

All landfill personnel will wear safety shoes and leather gloves.

All landfill personnel will be furnished with hard hats, dust protectors, hearing protectors, and safety glasses if they wish to wear them.

In the interest of safety, children under the age of twelve (12) must remain in a vehicle while it is being unloaded.

Maintain at least six feet between unloading vehicles at the working face.

Hours of Operation

The hours of operation for this landfill will be from 7:00 a.m. to 7:00 p.m. Monday thru Saturday. The gate will normally be closed to the public at 6:00 p.m., in order that landfill personnel may apply cover material, clean up after the day's activities, repair roads, etc.

Sequence of Site Development

Prior to opening of the site for the deposition of solid waste the following construction will occur:

- (1) Construct paved site entrance road;
- (2) Construct ticket station;
- (3) Construct all-weather road to Trench 1;
- (4) Excavate a portion of Trench 1 (Trench 1A) and provide sidewall liners along the south and west walls to comply with SLQCP requirements;
- (5) Install site signs;
- (6) Construct site fencing as needed;
- (7) Install site grid markers in vicinity of disposal areas; and
- (8) Install monitor wells and obtain background samples.

After the site construction is sufficiently complete to allow disposal operations to proceed, the site personnel will be given pre-opening training as needed and a pre-opening inspection by the TNRCC will be requested.

After the site opens, trenches will be excavated in numerical order. Prior to excavation of Trench 7, the Bergstrom access road and the Capitol Company water line will be relocated. Prior to beginning fill operations in the eastern portion of Trench 3, the Channel B stormwater diversion will be installed. Special effort will be taken to minimize ponding of water in Trench 8 and later in Trench 9 by maximizing use of uphill diversions during the filling operation. After Trench 9 is filled, revegetation and drainage facilities should be completed in that portion of the landfill.

Prior to excavation of Trench 17, the Channel A stormwater diversion will be installed. In the central and south portion of the landfill, it will be necessary to relocate all-weather haul roads as fill progresses.

Interior sidewall liners will be installed along the south and west walls for Trench 1. All or portions of the interior sidewall liners in Trench 1 may be removed during the excavation of Trench 21. The operator should exercise care not to disturb the certified insitu and/or recompacted clay bottom liner in Trench 1 when removing the sidewall liner.

Fill Operations

The site will be operated using the area fill method with excavation proceeding ahead of the fill in a continuous trench fashion. Trenches will be filled in numerical order.

Below ground filling will be accomplished in one lift (twenty foot maximum height) wherever possible. Successive trench heights should have a lift height of 5 to 10 feet with consistent heights being used throughout each portion of the landfill. Intermediate top slopes should have approximately 4% slope to minimize infiltration of rainfall into the waste trenches.

Trucks will generally drive over the previously filled trench and discharge their loads at the top of the working face. The compactor will then push the waste down the working face, compacting previously placed waste as it goes. This will result in the maximum compaction possible and will allow further compaction by the trucks as initial settlement occurs. The working face will be maintained at approximately a 4:1 slope. The site operator will periodically verify that adequate passes are being made over the waste to obtain maximum compaction of the waste.

The unloading pad will be delineated to produce the smallest practical working face. Safety will be an important consideration in the amount of area allocated for unloading. A minimum spacing of 14 feet per truck should be used in the unloading area. Adequate maneuvering room (approximately 100 feet) will be provided in the unloading area.

Fire Prevention and Control

Soil will be used to smother fires when possible. An earthen stockpile will be maintained within 2,500 feet of the working face for fire fighting. The earthen stockpile will be sized to cover the entire working face or active disposal area. In addition, a water truck is available for fire fighting purposes. All landfill equipment will be equipped with fire extinguishers in the cab.

The site will be served by the Pilot Knob Volunteer Fire Department. The City of Austin Fire Department and other local county fire departments are available, should assistance be required in fighting fires on the site. Should a fire occur, contact the fire department and then attempt to control or extinguish the fire. All fires should be reported to the site supervisor or foreman.

Control of Special Wastes

All vehicles entering the site will be inspected to insure that no special waste or prohibited items are unloaded at this facility. The landfill will accept only Type IV waste, consisting of construction waste, demolition debris, brush, and rubbish that are free from unauthorized waste.

The following waste will not be accepted at the site:

- Putrescible waste (garbage)
- Radioactive waste
- Class I Industrial nonhazardous waste
- Class II Industrial nonhazardous waste
- Regulated hazardous waste
- PCB waste
- Vacuum truck waste

Infectious or pathological wastes,
Septic tank waste
Friable asbestos
Dead animals or slaughterhouse waste

The gate attendant, equipment operator and laborer will be familiar with the "Waste Stream Quality Control Plan" and the TNRCC regulations regarding unauthorized wastes. The equipment operator and/or laborer will be on duty at all times when waste is unloaded to see that no unacceptable material is incorporated into the working face.

Control of Windblown Material

Temporary portable fences may be erected around active fill areas as needed to control windblown material. These fences will be cleaned at least weekly or as needed to prevent the escape of windblown material.

Immediate placement and compaction of waste after it is unloaded will help to minimize the volume of windblown material. During windy periods, the site supervisor and operators will make every effort to choose unloading areas which are less susceptible to wind effects.

Vector Control

Conditions favorable to the production of vectors will be minimized through compaction and covering procedures. The lack of putrescible wastes at this site should also minimize the attraction of vectors. Approved pesticides will be employed for vector control, when necessary.

Dewatering of Excavations

The subsurface soils investigation conducted at the site indicates that the quantity of groundwater at the site is limited and occurs in isolated pockets in joint planes and drying cracks in the clays and shales in the southern part of the site and in pockets of sand and gravel layers overlying the clays in the northern portion of the site. The base grading plan is laid out to allow any water which is intercepted to be drained out without adversely affecting excavation or sidewall liner construction, where required. The site has applied for a National Pollution Discharge Elimination System (NPDES) Multi Sector Stormwater Permit. Uncontaminated water can be drained or pumped from the excavation and discharged off-site. Contaminated water will not be discharged from the site without specific written authorization.

Dust and Mud Control

During periods of dry weather, the non-paved site roadways will require intermittent blading and watering to maintain trafficability and provide dust control.

During wet weather, all-weather unloading pads will be used to minimize the amount of mud the trucks are in contact with. After leaving the unloading area, the trucks will travel over an all-weather road to the ticket station and the paved site access road to F.M. 812. This length and type of roadway should minimize the amount of mud tracked onto F.M. 812.

Odor Control

Cover provided as a part of the ongoing fill operations should be adequate to control odors at the site. The lack of putrescible waste in the site will minimize odor production potential. Any ponded water at the site will be controlled to avoid its becoming an odor nuisance.

Placing and Compacting Refuse

The size of the open working face will be limited to the width required to accommodate one day's waste generation. In order to meet this criteria and also accommodate the anticipated vehicular traffic generation, the daily working face is anticipated to be approximately eighty feet wide. The waste will be evenly placed, spread, and then compacted (using the landfill compactor) in layers not to exceed approximately two feet in depth. Approximately two of these layers will be required each day. A 4:1 (horizontal to vertical) slope will be maintained on the working face.

Landfill Cover

A compacted cover layer six inches thick will be applied over waste fill not less than weekly. Cover applied at the top surface and interim aerial lifts may exceed the standard six inch thickness to promote trafficability. Areas of fill which have not reached completion grade and are not expected to receive additional waste for a period of 180 days or more will be covered with an additional six inches of soil to form an intermediate cover. Weekly and intermediate cover will consist of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste.

Cover will be provided on the working face as necessary to control windblown material and at least weekly prior to closing on the weekend. During rainy periods the working face will be covered daily to minimize the infiltration of rainfall into the waste. Cover operations will be conducted during operating hours as space is available for placing the cover material without conflicting with vehicle unloading, solid waste placement and compaction.

As the proposed waste elevation in each area of the fill is reached, a minimum of two (2) feet of well-compacted clay (SC or CL) material will be placed over the compacted area. At least six inches of final cover material composed of topsoil capable of maintaining grass will be placed over the compacted clay cover. If CH clay material is used for final cover, 12 inches of topsoil must be provided (over a minimum of 18 inches of CH material) to insure vegetative establishment. After these areas are filled, they should be prepared for seeding or sprigging with appropriate grasses. Final cover on side slopes will vary from 6 feet thick at the toe to 2.5 feet thick at the top as depicted on sheet 4 of Attachment 3. The side slope final cover will be constructed as berms as fill progresses to visually screen the disposal area.

Cover Application Log

A log will be maintained at the site showing dates and volumes for excavation including source area, dates and volumes of cover including a description of the type cover and designating the area covered.

Ponded Water

The ponding of water over waste on the municipal solid waste landfill (MSWLF) unit, regardless of its origin, will be prevented. Ponded water that occurs in the active portion of a MSWLF unit

WASTE STREAM QUALITY CONTROL PLAN TRAVIS COUNTY LANDFILL

Introduction

The landfill will accept only Type IV waste including:

- Construction waste
- Demolition debris
- Brush and landscape waste
- Rubbish that is free from unacceptable waste

Unacceptable wastes include the following:

Putrescible waste (garbage)

- Radioactive waste
- Class I Industrial nonhazardous waste
- Class II Industrial nonhazardous waste
- Regulated hazardous waste
- PCB waste
- Vacuum truck waste
- Infectious or pathological waste
- Septic tank waste
- Friable asbestos
- Dead animals or slaughterhouse waste

Waste delivered in enclosed vehicles or enclosed containers can only be accepted if all the conditions set forth in the below section entitled "Acceptance of Enclosed Containers/Vehicles" are met. For clarification, loads which are tarped or covered to prevent loss of waste material en route to the landfill will not be considered enclosed if the tarp or cover can be removed for inspection of the load.

Acceptance of Enclosed Containers/Vehicles

Waste in enclosed containers or enclosed vehicles will not be accepted except as per §330.135. Each enclosed container or enclosed vehicle will have all required approvals and/or permits from the executive director in accordance with §330.32.

Enclosed containers or enclosed vehicles will only be accepted at their designated time and on their specified day. A TNRCC inspector will be on-site and must witness the unloading process to ensure that no putrescible waste or household waste is present. Any waste considered unacceptable by the inspector will be removed from the working face and subsequently from the site.

Each transporter delivering waste in enclosed containers or enclosed vehicles will, prior to discharge, provide the landfill operator with a transporter trip ticket for the route he/she is delivering. Trip tickets will be maintained in the operating record.

If a transporter fails to comply with all required rules and regulations, their authorization may be revoked by the TNRCC and landfill management.

If waste in enclosed vehicles are accepted at the landfill that are not exempted as per the following paragraph, the landfill will participate in the TNRCC funding program to monitor these activities. The executive director will determine the approximated annual cost for implementing and maintaining the surveillance and enforcement of all activities associated with the acceptance of enclosed containers or enclosed vehicles at Type IV landfills.

Stationary compactors permitted in accordance with §330.25 and municipal transporter routes permitted in accordance with §330.32 are exempt from the above detailed requirements. However, the landfill operation will obtain a hauler trip ticket from the transporter for the municipal transporter route or stationary compactor, as appropriate, prior to allowing discharge of the waste material. These trip tickets will be maintained in the operating record.

Responsibilities of Gate Attendant

The major responsibilities of the gate attendant are to verify that all incoming waste is acceptable for disposal in a Type IV Landfill, obtain necessary documentation regarding the hauler and waste source, advise haulers of site rules, and levy landfill fees and surcharges as appropriate.

The gate attendant will reject all loads containing regulated hazardous wastes, infectious wastes or Class I industrial nonhazardous waste. Other loads may be rejected if it is not practical to selectively remove unacceptable materials.

Responsibilities of Equipment Operator

The equipment operator or his designee is one of the landfill's main contacts with the customers. He must inspect each load as it is discharged at or near the working face to verify that unacceptable materials are not contained in the load.

If unacceptable materials are discovered the equipment operator will take the following steps:

- (1) Isolate the waste.
- (2) Discuss the matter with the customer, explaining the site rules concerning acceptable materials. At the same time arrangements will be made for either the customer or site personnel to remove the unacceptable material from the unloading area.
- (3) Verify that unacceptable materials are either loaded back on the offender's vehicle or placed in waste containers on-site for later removal to an approved disposal site.
- (4) Complete a unacceptable material report identifying the customer, waste description, volume, waste source, vehicle and other pertinent comments for the landfill files.
- (5) Verify that unacceptable materials placed in collection bins are removed from the site within the prescribed time limit (24 hours maximum).

Disposal of Unacceptable Materials

A waste container will be located near the working face and at the ticket station for deposit of small quantities of putrescible waste or other unacceptable wastes that are removed from loads at the gate or from the unloading area. The waste containers will be picked up daily by a commercial hauler and disposed of in a Type I Landfill. The hauler will be required to supply a record of each disposal to the landfill.

<<Prev Rule

Texas Administrative Code

Next Rule>>

TITLE 30**ENVIRONMENTAL QUALITY****PART 1****TEXAS COMMISSION ON ENVIRONMENTAL QUALITY****CHAPTER 330****MUNICIPAL SOLID WASTE****SUBCHAPTER F****OPERATIONAL STANDARDS FOR SOLID WASTE LAND DISPOSAL SITES****RULE §330.133****Landfill Cover**

(a) Daily cover. ~~All landfills, with the exception of Type IV landfills, shall provide six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste at the end of each operating day~~ to control disease vectors, fires, odors, windblown litter or waste, and scavenging, unless the executive director requires a more frequent interval to control disease vectors, fires, odors, windblown litter or waste, and scavenging. Landfills that operate on a 24-hour basis shall cover the working face or active disposal area at least once every 24 hours. All Type IV facilities shall follow the requirements of this subsection except the rate of cover shall be no less than weekly, unless the commission approves another schedule.

(b) Intermediate cover. All areas that have received waste but will be inactive for longer than 180 days shall provide intermediate cover. This intermediate cover shall be an additional six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste for a total of not less than 12 inches of cover. The intermediate cover shall be graded to prevent ponding of water. Run-off from areas which have received intermediate cover shall not be considered as having come into contact with the working face or leachate for the purpose of §330.55(b)(5) of this title (relating to Contaminated Water Treatment).

(c) Alternative material daily cover. Alternative material daily cover (ADC) may be allowed by permit provision or by modification in accordance with §305.70 of this title (relating to Municipal Solid Waste Class I Modifications).

(1) An ADC operating plan shall be included in the site development plan that includes the following:

(A) a description and thickness of the alternative material to be used;

(B) its effect on vectors, fires, odors, and windblown litter and waste;

(C) the operational methods to be utilized at the site when using this alternative material;

(D) chemical composition of the material and the Material Safety Data Sheet(s) for the alternative material; and

(E) any other pertinent characteristic, feature, or other factors related to the use of this alternative material.

(2) A status report on the ADC shall be submitted on a quarterly basis to the executive director describing the effectiveness of the alternative material, any problems that may have occurred, and corrective actions required as a result of such problems. If no problems occur within four consecutive quarters of use, status reports will no longer be required.

(3) ADC shall not be allowed when the landfill is closed for a period greater than 24 hours, unless the executive director approves an alternative length of time.

(d) Temporary waiver. The executive director may grant a temporary waiver from the requirements of subsections (a)-(c) of this section if the owner/operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical.

(e) Final cover. Final cover for the landfill shall be in accordance with the site closure plan.

(f) Erosion of cover. Erosion of final or intermediate cover shall be repaired promptly by restoring the cover material, grading, compacting, and seeding it as necessary. Such periodic inspections and restorations are required during the entire operational life and for the post-closure maintenance period.

(g) Cover log. Each landfill shall keep a cover application log on site readily available for inspection by commission representatives and authorized agents or employees of local governments having jurisdiction. This log shall specify the date cover (no exposed waste) was accomplished, how it was accomplished, and the last area covered. This applies to daily, intermediate, and alternate daily cover. For final cover, this log shall specify the area covered, the date cover was applied, and the thickness applied that date. Each entry shall be certified by the signature of the on-site supervisor that the work was accomplished as so stated in the log.

Source Note: The provisions of this §330.133 adopted to be effective October 9, 1993, 18 TexReg 4023.

Home Page Previous Page

[List of Titles](#)

[Back to List](#)

[HOME](#) | [TEXAS REGISTER](#) | [TEXAS ADMINISTRATIVE CODE](#) | [OPEN MEETINGS](#) | [HELP](#) |

LOC I-BSM <u>110.3</u>	APP CRS 353°	Rwy Idg 12248 TDZE 496 Apt Elev 542
----------------------------------	------------------------	--

ILS RWY 35L

AUSTIN-BERGSTROM INTL (AUS)

Simultaneous approach authorized with runway 35R.
For inoperative MALSR, increase ILS Cat E visibility to RVR 4000, and LOC Cat E visibility to 1¾ mile.

MALSR
AS $\frac{1}{2}$

MISSED APPROACH: Climb to 1000, then climbing left turn to 3000 via CWK VORTAC R-222 to GARDS Int/CWK 29.2 DME and hold.

ATIS 124.4	AUSTIN APP CON 118.8 317.65 (355°-175°) 119.0 370.85 (176°-354°)
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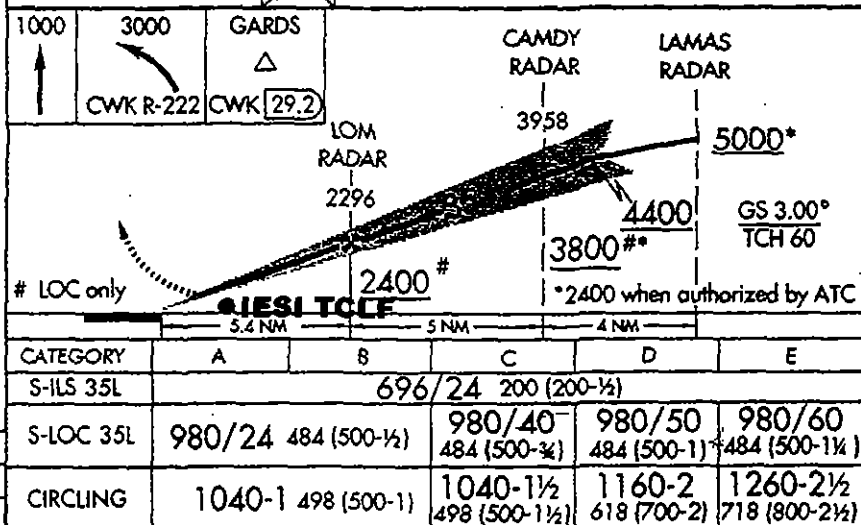
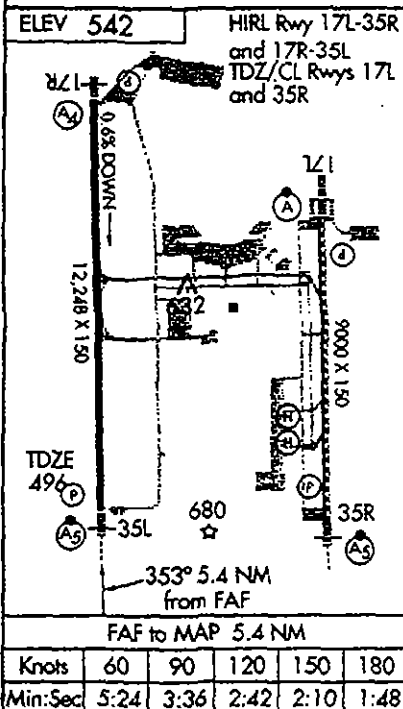
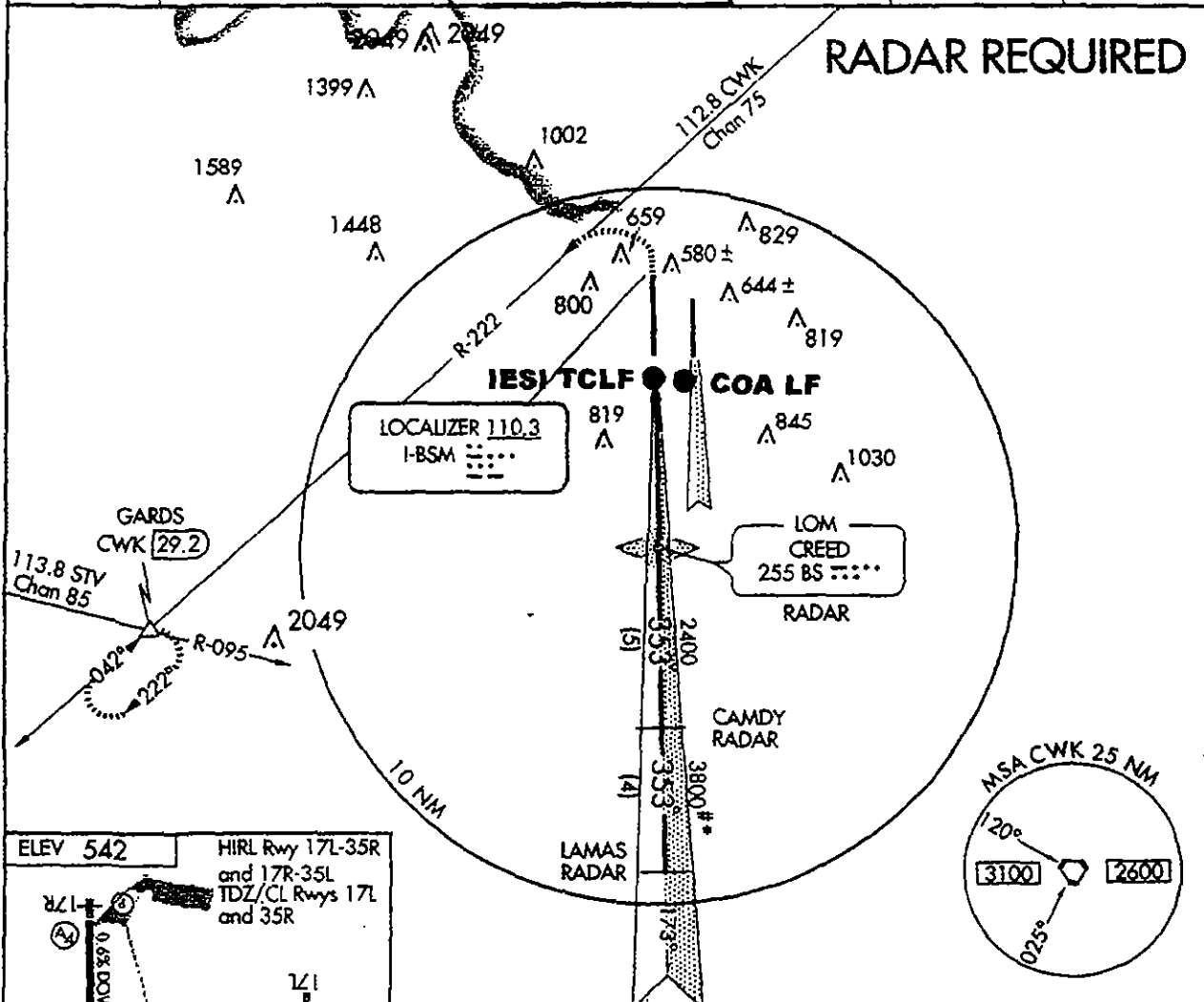
AUSTIN TOWER
121.0 281.5 (EAST)
118.225 254.25 (WEST)

GND CON	
121.9	348.6

CLNC DEL
125.5 263.0

UNICOM
122.95

RADAR REQUIRED



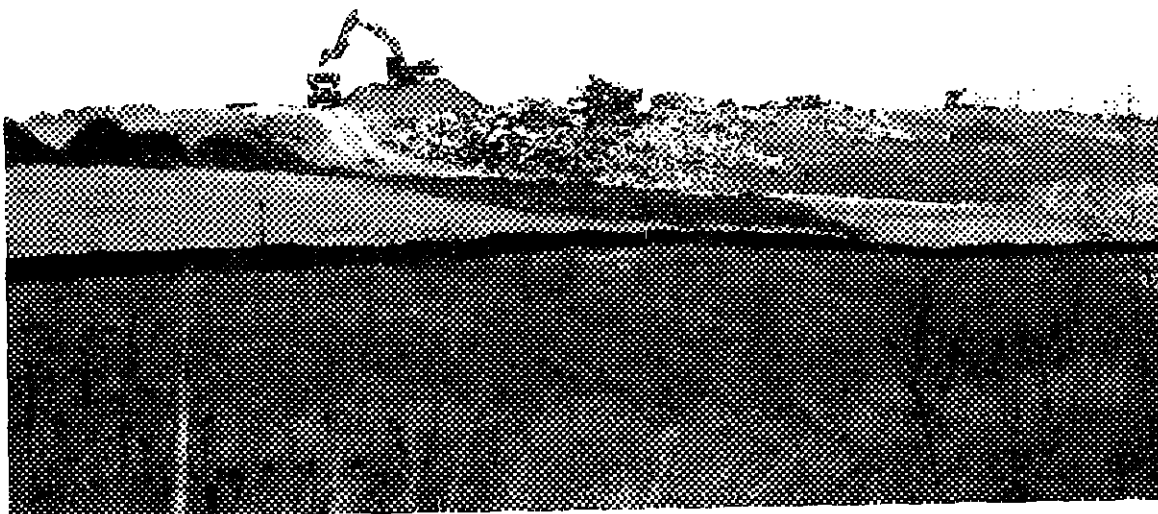
AUSTIN, TEXAS
Amdt 2 04218

AUSTIN-BERGSTROM INTL (AUS)
ILS RWY 35L

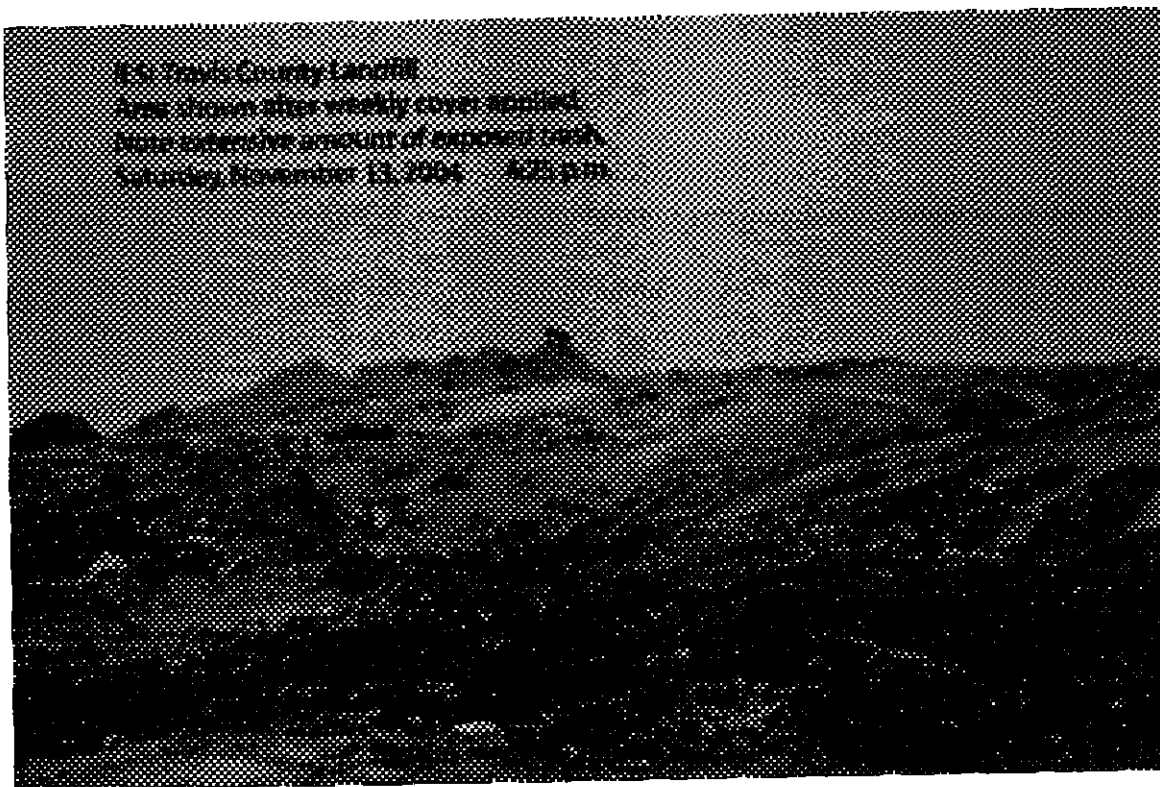
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SC-3, 5 AUG 2004

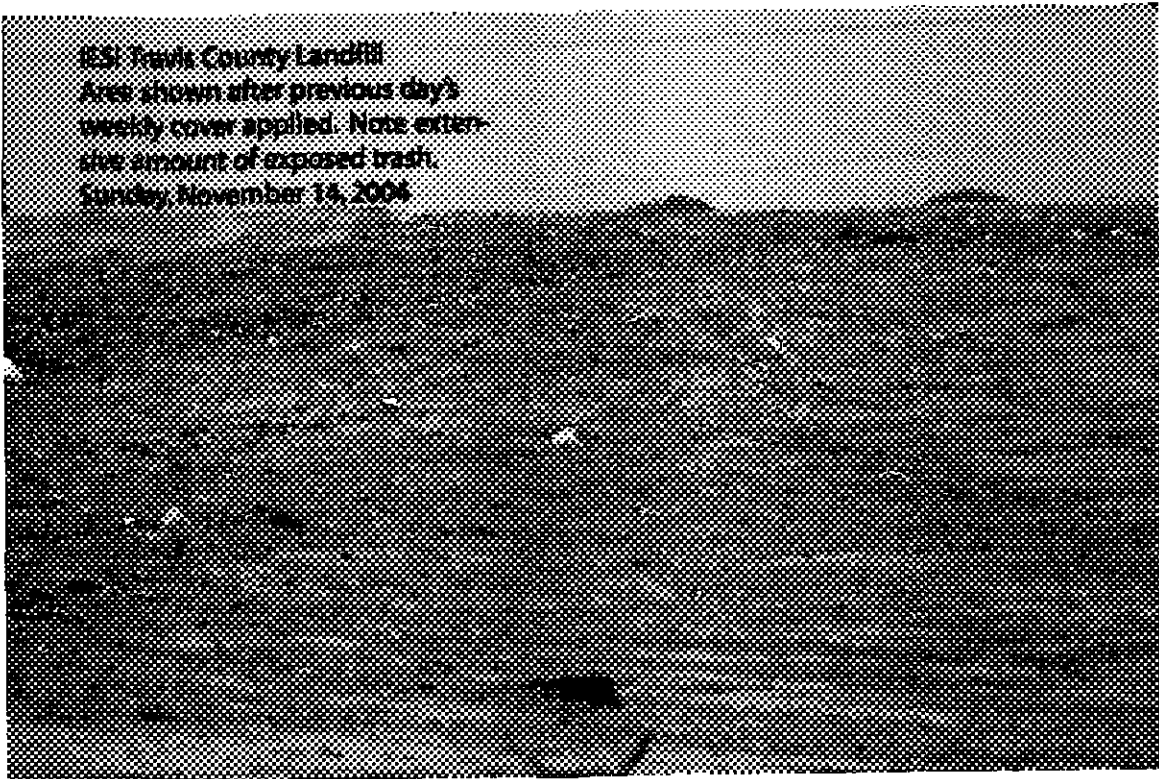
IESI Travis County Landfill
Applying weekly cover per permit
requirements.
Saturday, November 13, 2004 11:23 a.m.



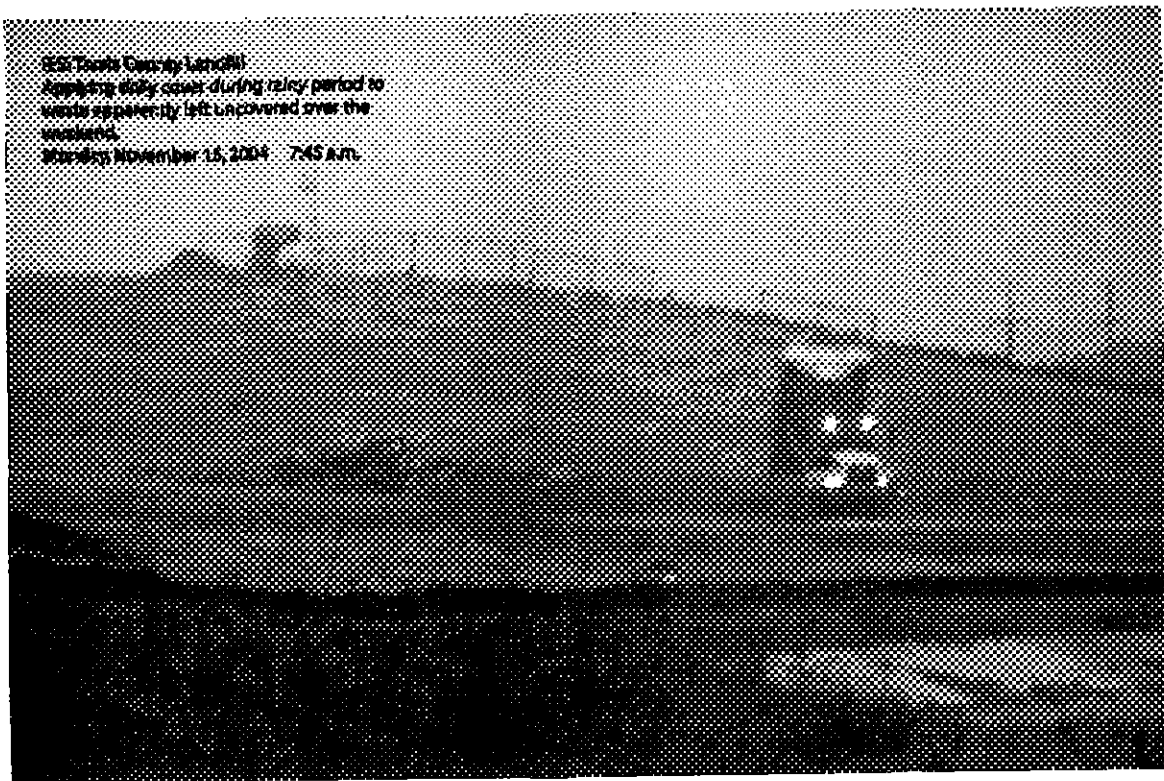
IESI Travis County Landfill
Area shown after weekly cover applied.
Note extensive amount of exposed trash.
Saturday, November 13, 2004 4:25 p.m.



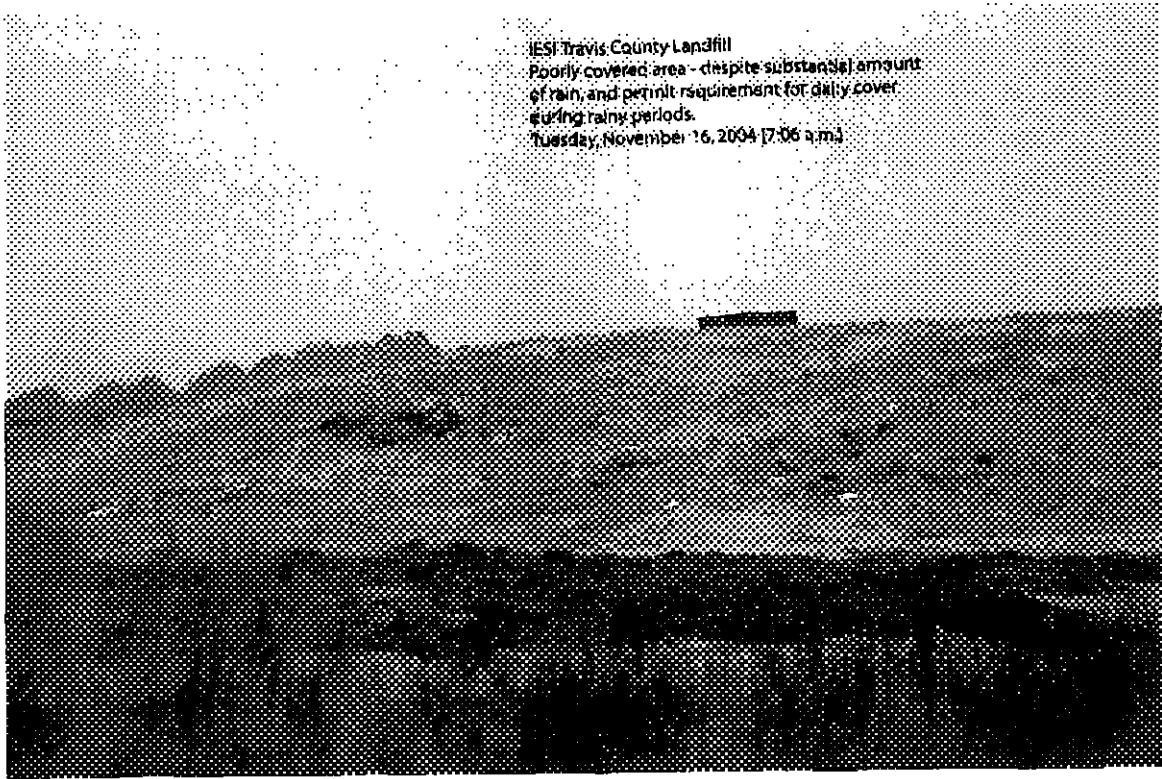
IES: Travis County Landfill
Area shown after previous day's
weekly cover applied. Note exten-
sive amount of exposed trash.
Sunday, November 14, 2004



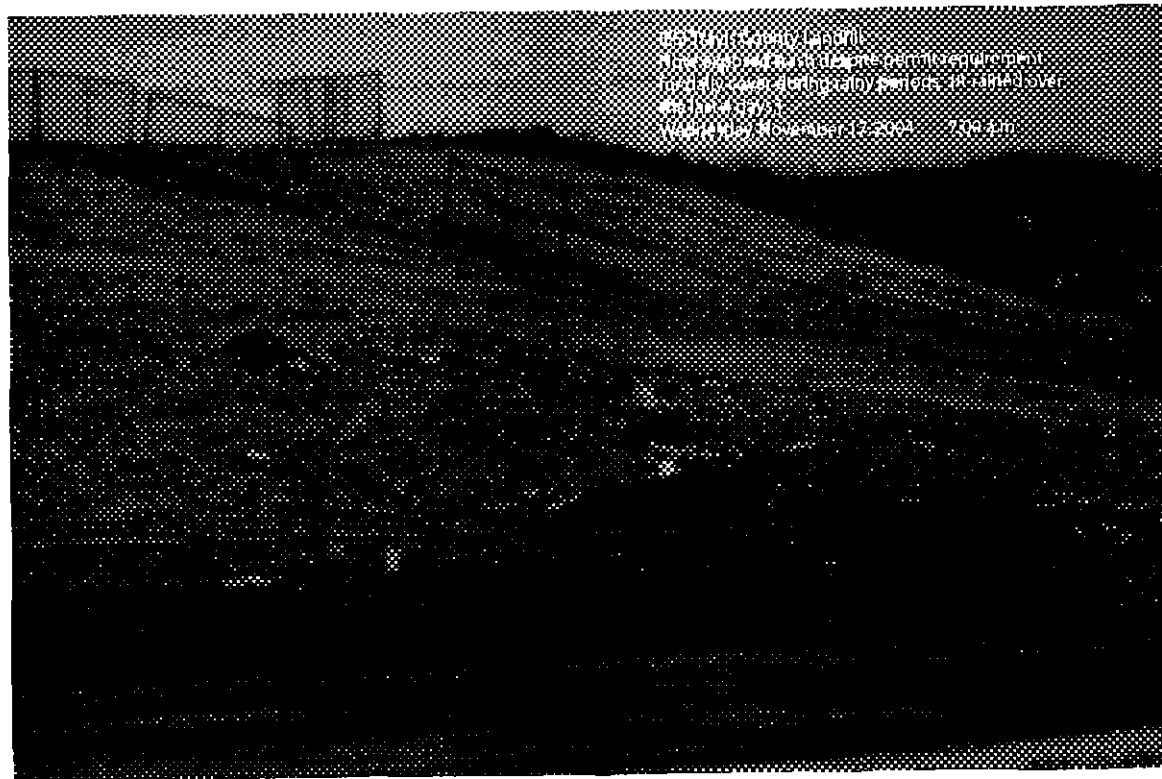
IES: Travis County Landfill
Applying daily cover during rainy period to
waste apparently left uncovered over the
weekend.
Monday, November 15, 2004 7:45 A.M.



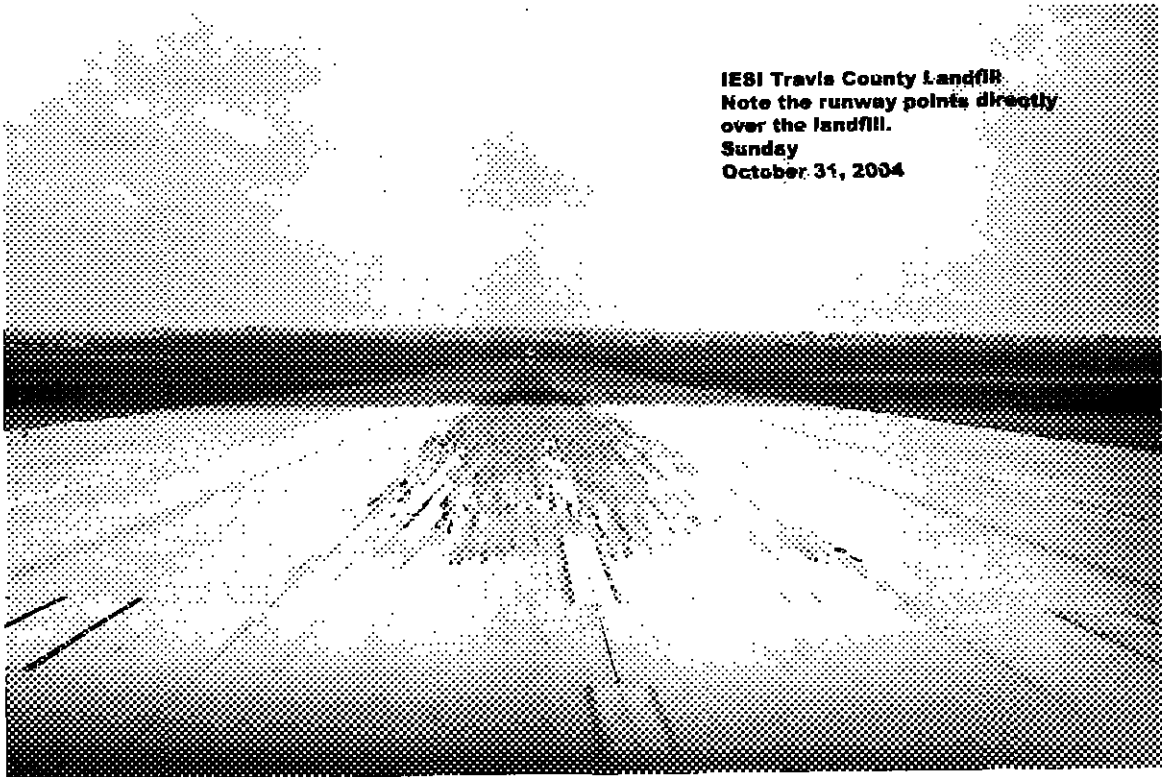
IESI Travis County Landfill
Poorly covered area - despite substantial amount
of rain, and permit requirement for daily cover
during rainy periods.
Tuesday, November 16, 2004 (7:06 a.m.)



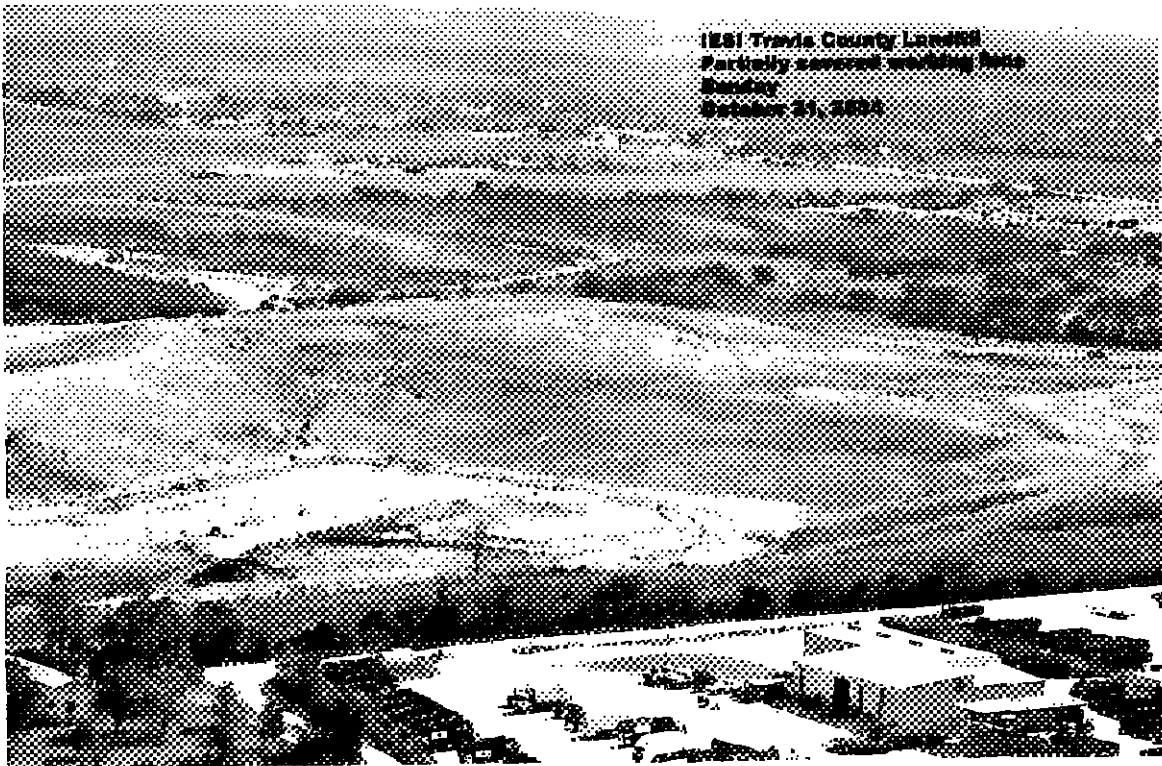
IESI Travis County Landfill
Area exposed to elements permit requirement
for daily cover during rainy periods. (A) (B) (C) (D) (E)
Wednesday, November 17, 2004 (7:59 a.m.)

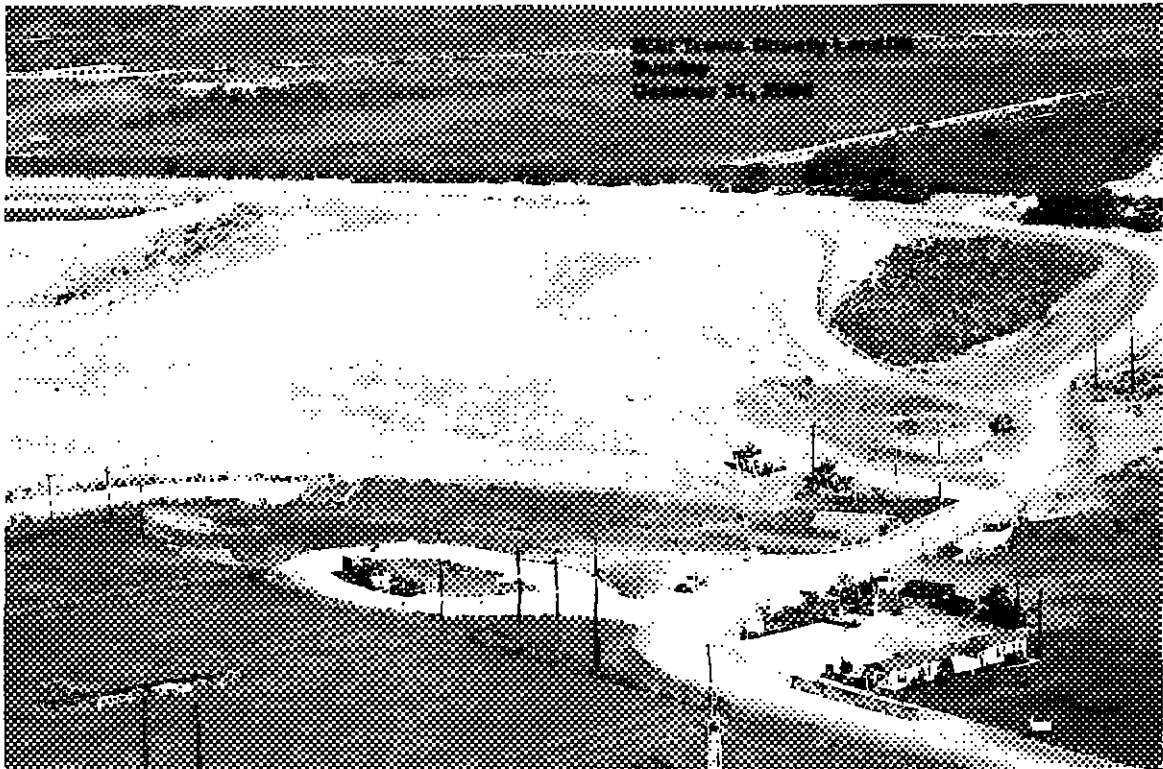


IESI Travis County Landfill
Note the runway points directly
over the landfill.
Sunday
October 31, 2004



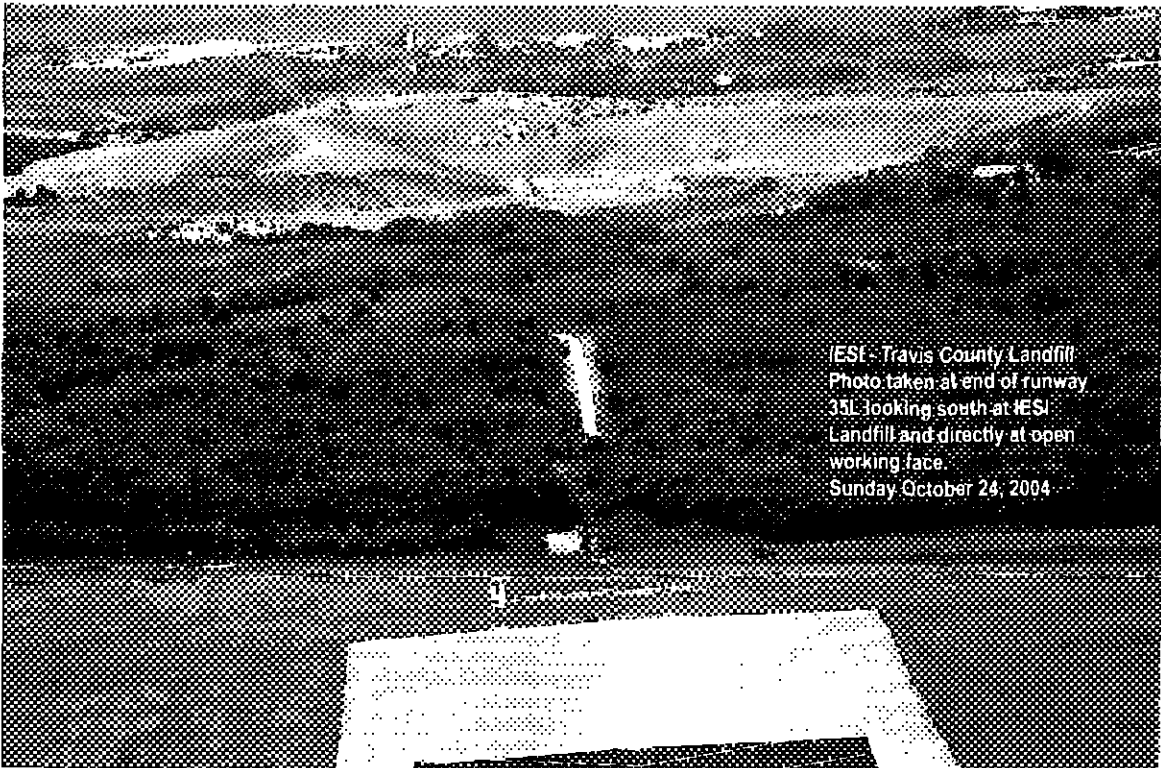
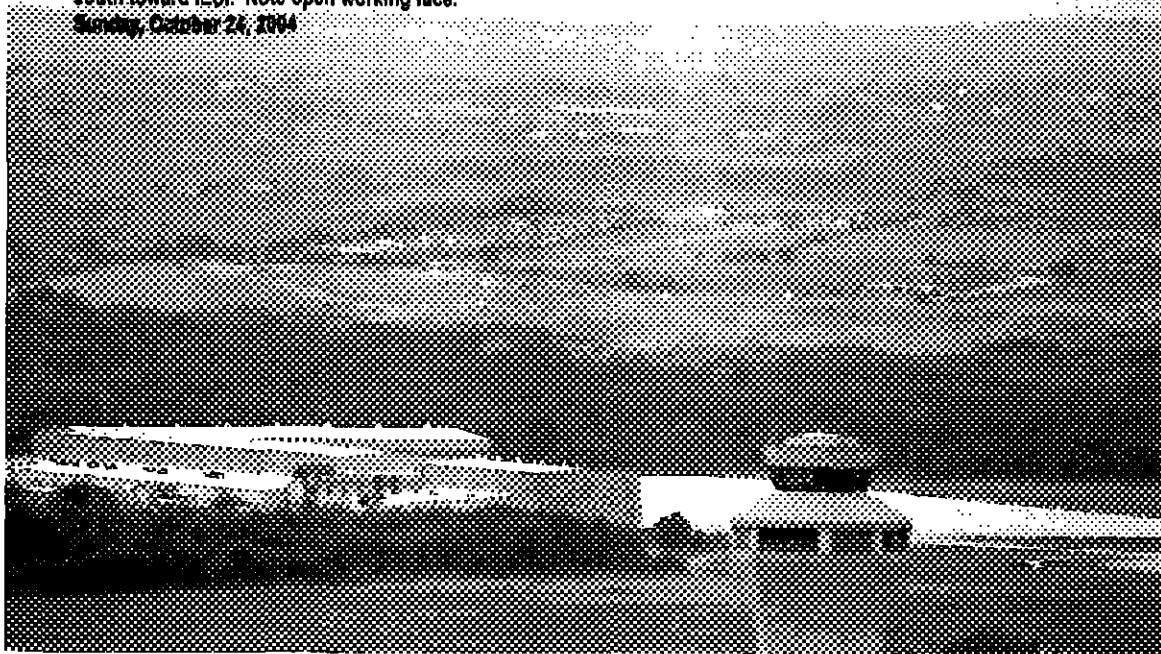
IESI Travis County Landfill
Partially covered working area
Sunday
October 31, 2004





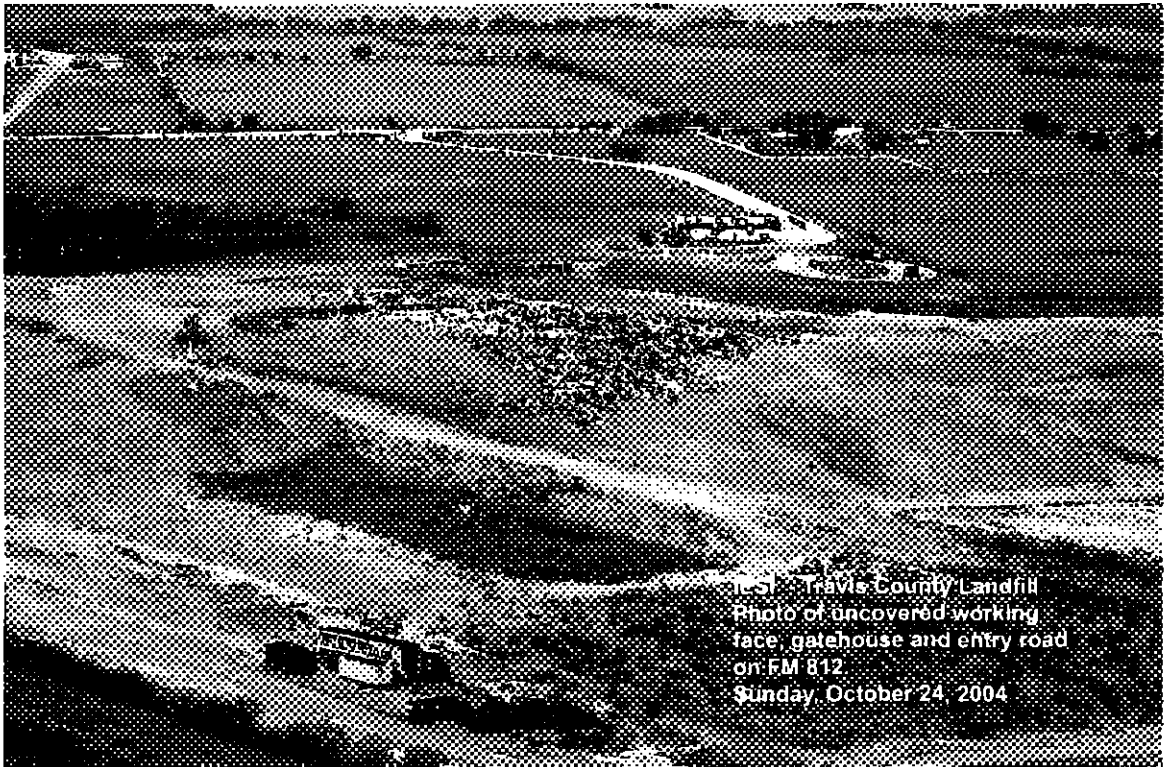


IESI Travis County Landfill
Photo taken near airport control tower looking
south toward IESI. Note open working face.
Sunday, October 24, 2004

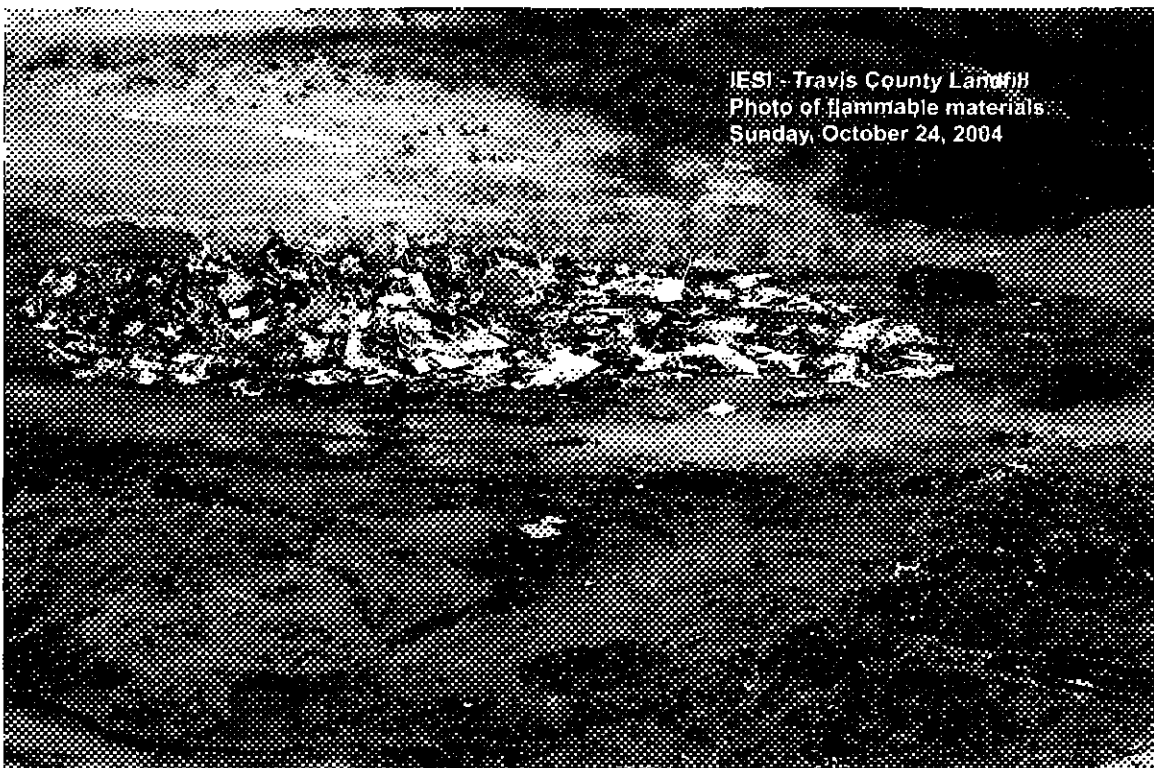


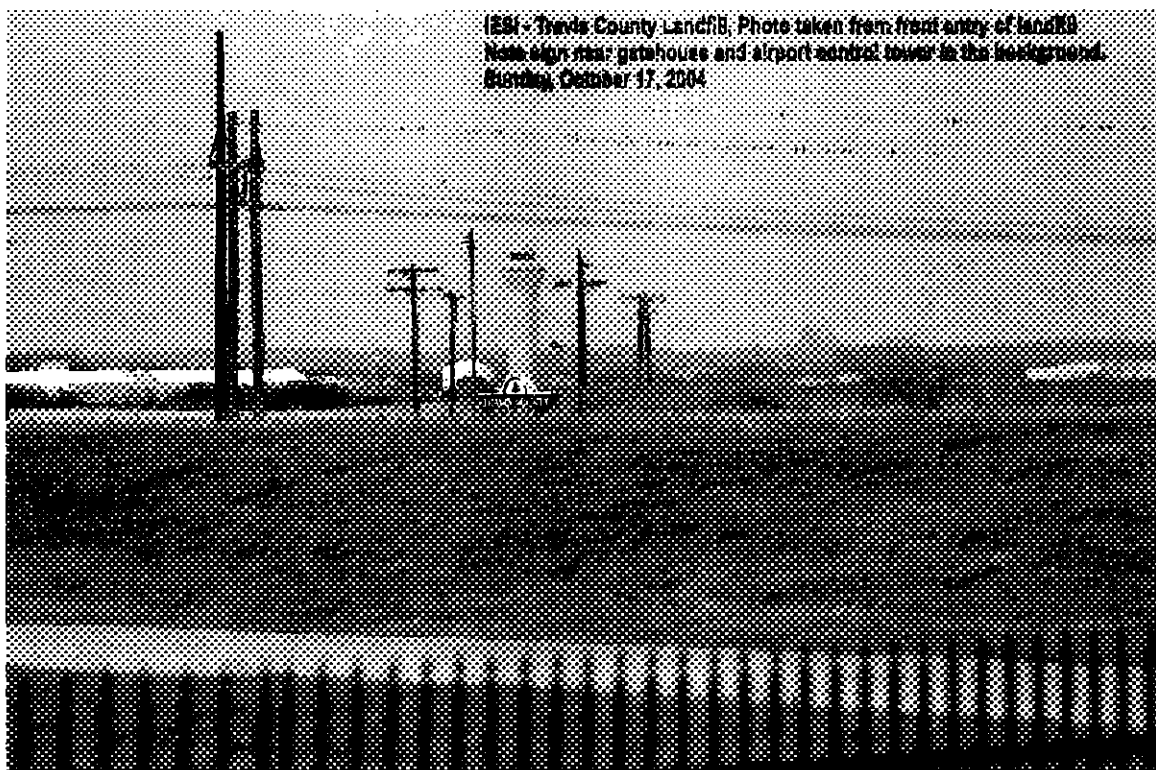
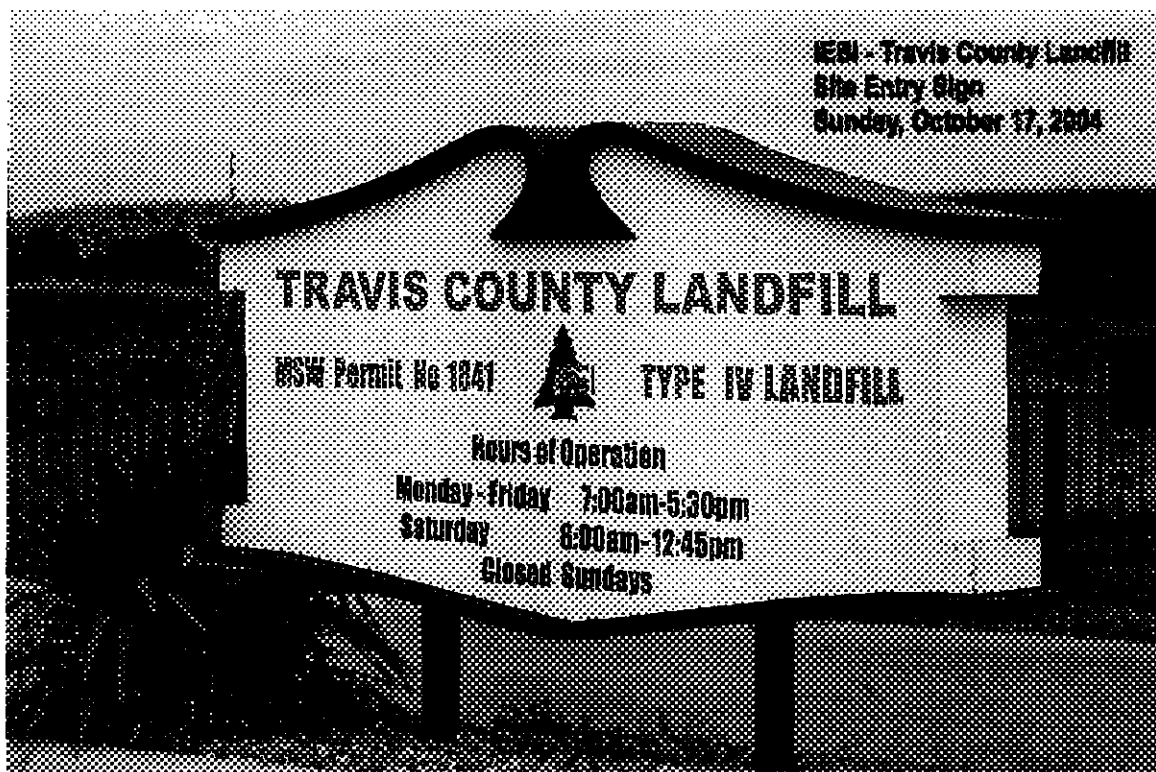
IESI - Travis County Landfill
Photo taken at end of runway
35L looking south at IESI
Landfill and directly at open
working face.
Sunday October 24, 2004

IESI - Travis County Landfill
Photo of uncovered working
face taken from public roadway
on west side of landfill. Note
barracks on working face.
Sunday, October 24, 2004



IESI - Travis County Landfill
Photo of uncovered working
face, gatehouse and entry road
on FM 812.
Sunday, October 24, 2004



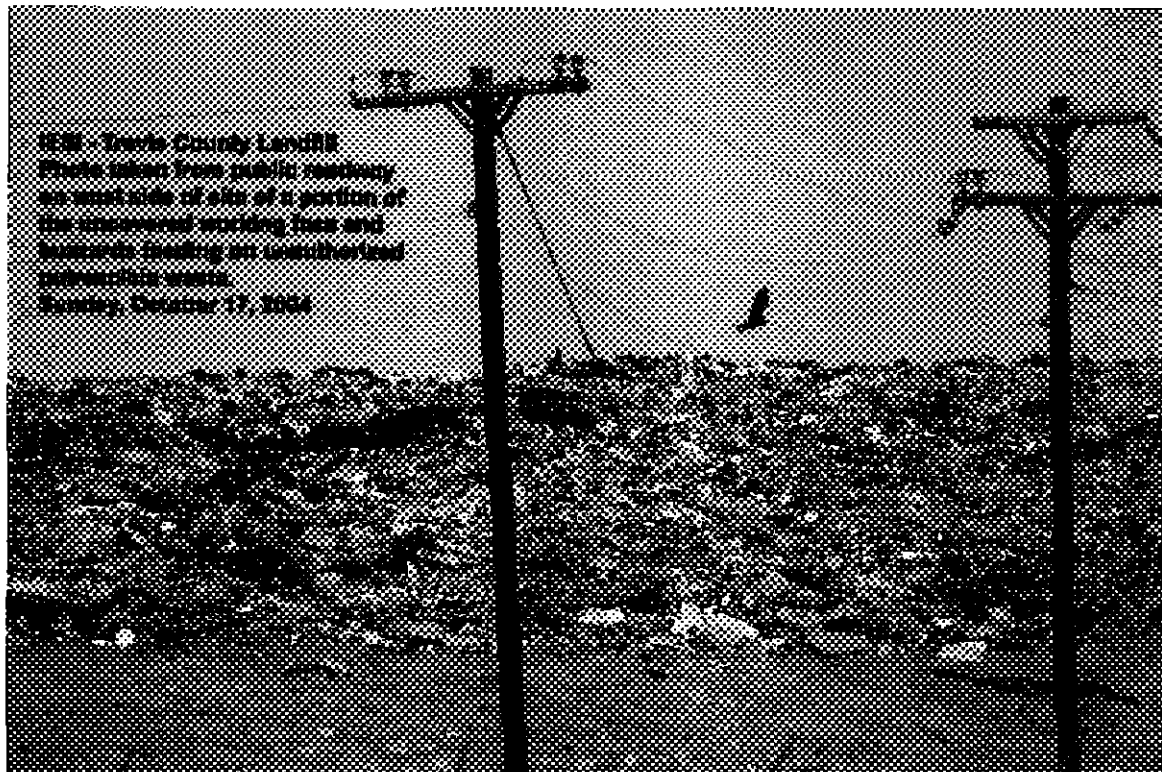


IESI - Travis County Landfill
Photo taken from front entry of
motorized parking lot and has
trash clogging over the landfill. In
airport with runway approach.
Sunday, October 17, 2004

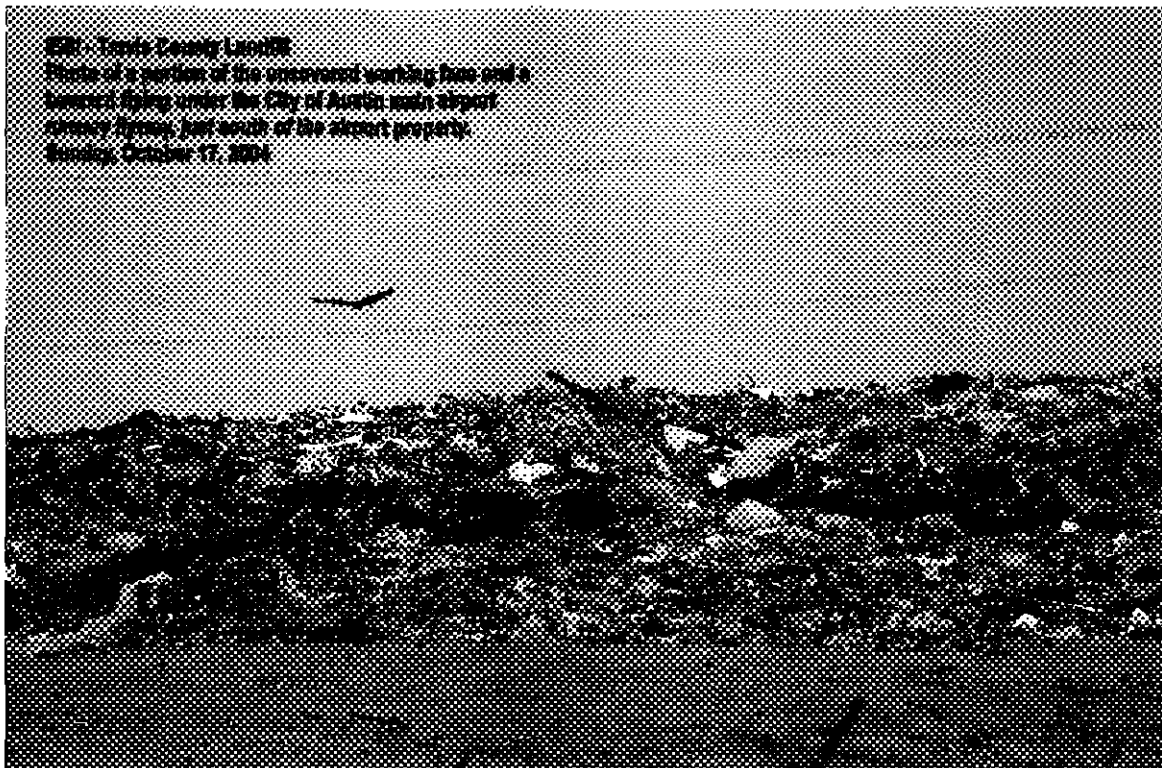


IESI - Travis County Landfill
Photo of uncovered working face taken from
public roadway on west side of landfill. City
electric utility facility in foreground.
Sunday, October 17, 2004

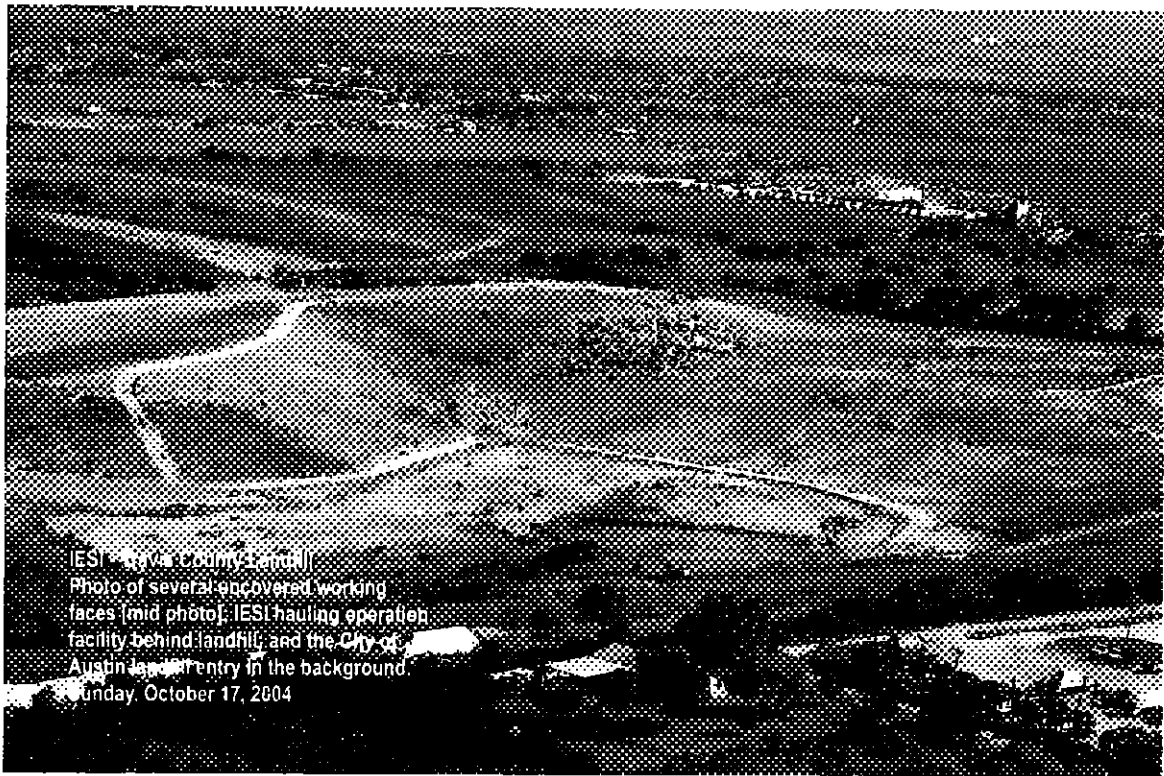




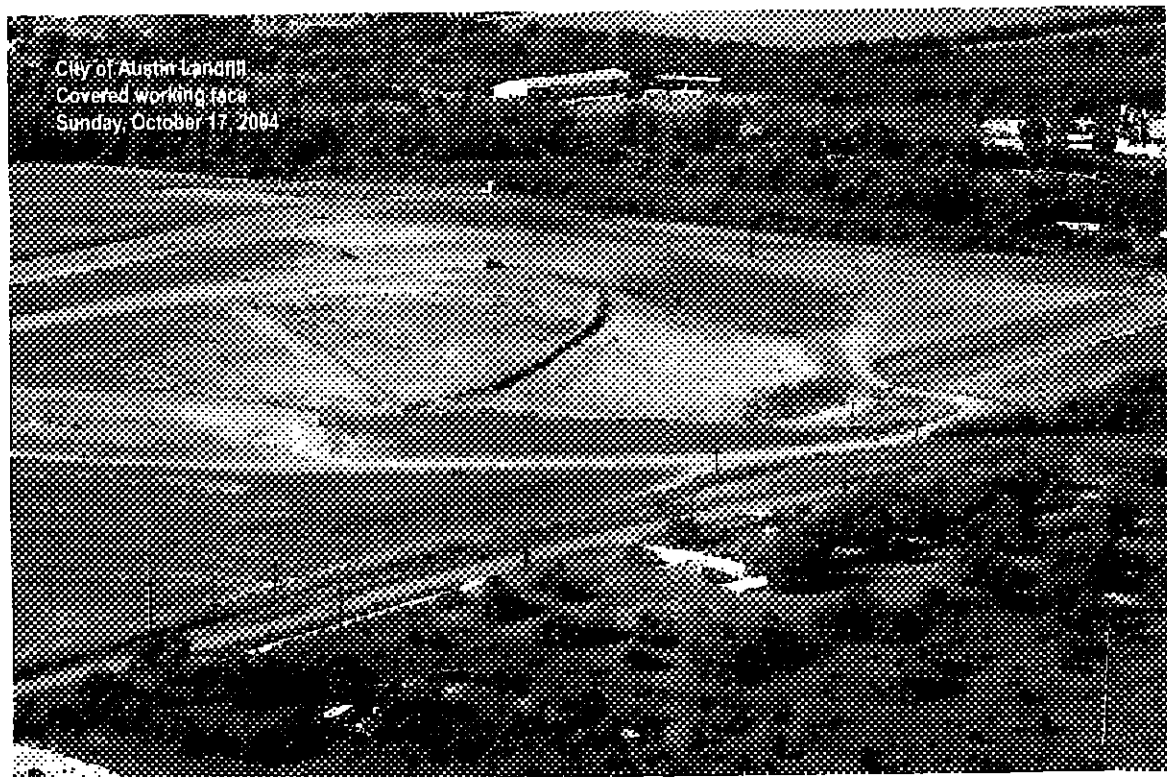
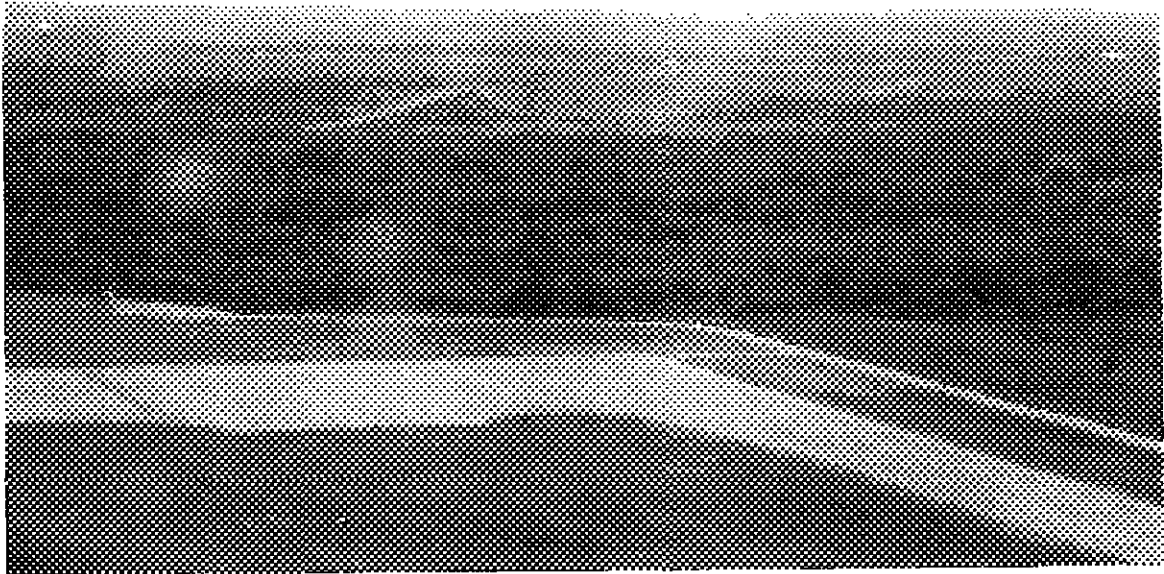
1501 - Travis County Landfill
 Photo taken from public roadway
 on west side of site of a portion of
 the unexcavated working face and
 towards finding an unauthorized
 excavation waste.
 Sunday, October 17, 2004



1502 - Travis County Landfill
 Photo of a portion of the unexcavated working face and a
 toward finding under the City of Austin main airport
 runway system, just south of the airport property.
 Sunday, October 17, 2004



A view of the City of Austin landfill and Moya Park from
Austin Bergstrom International Airport east runway.
Sunday, October 17, 2004





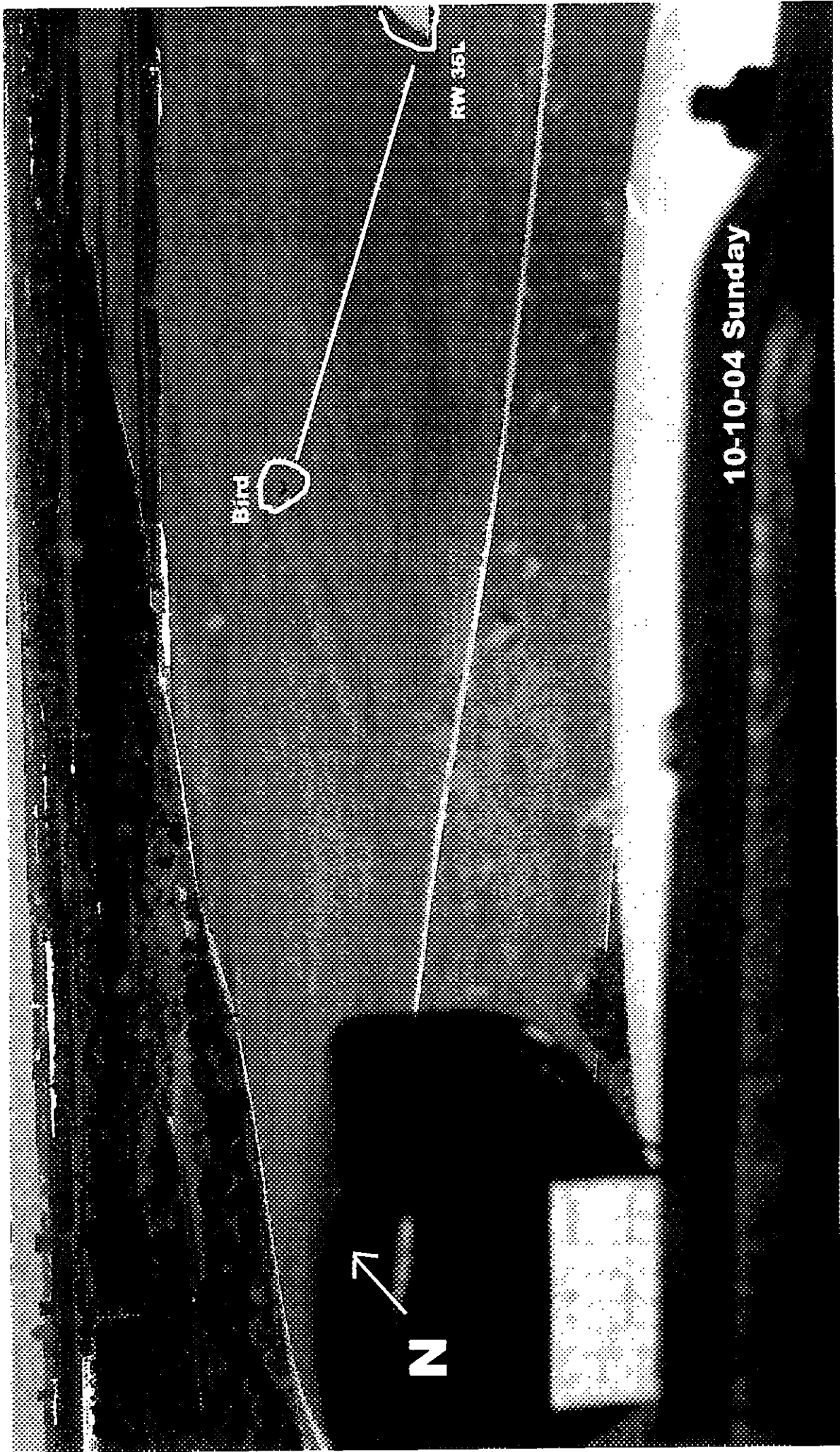
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10/10/04 - Sunday

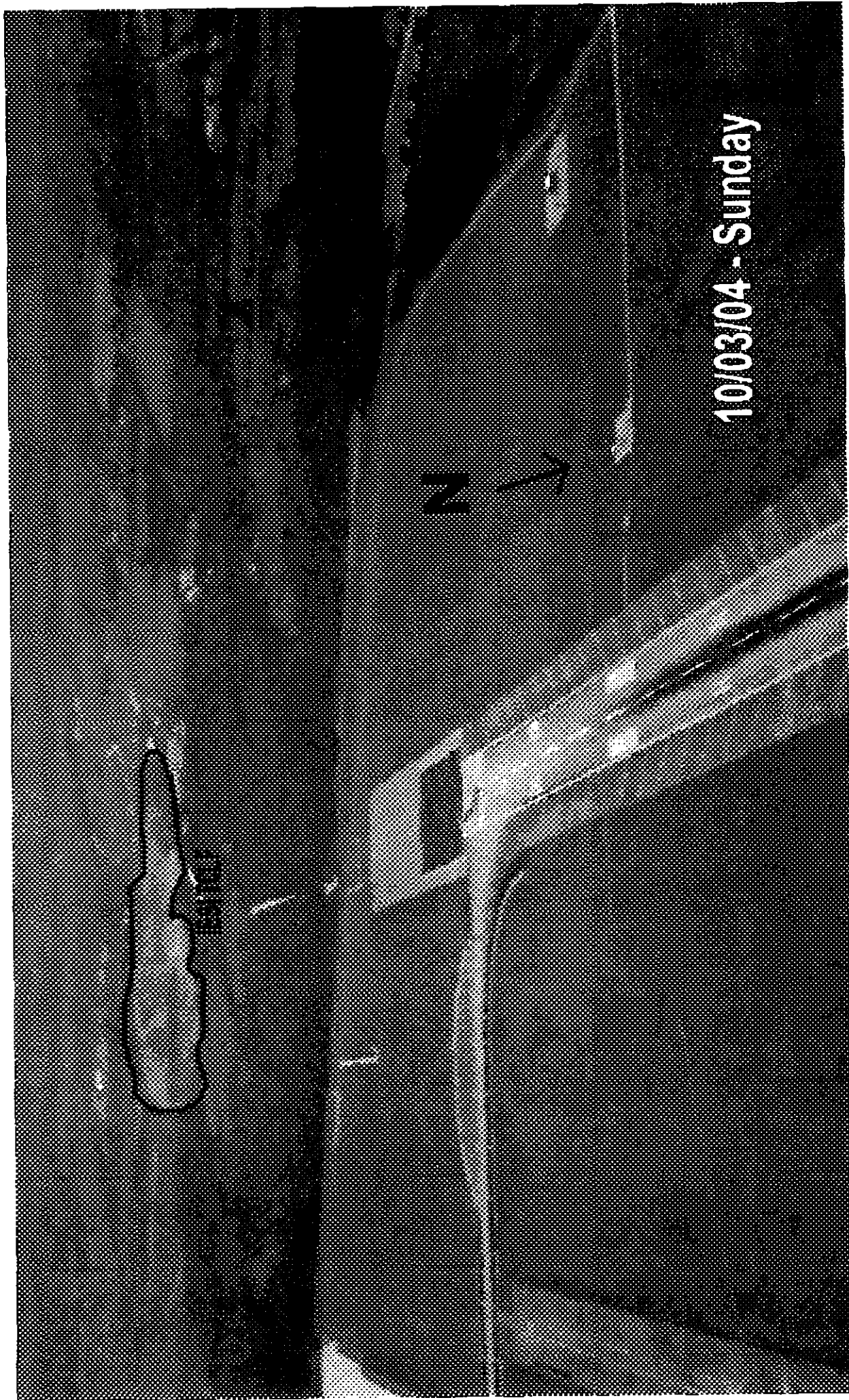


Flammable Materials

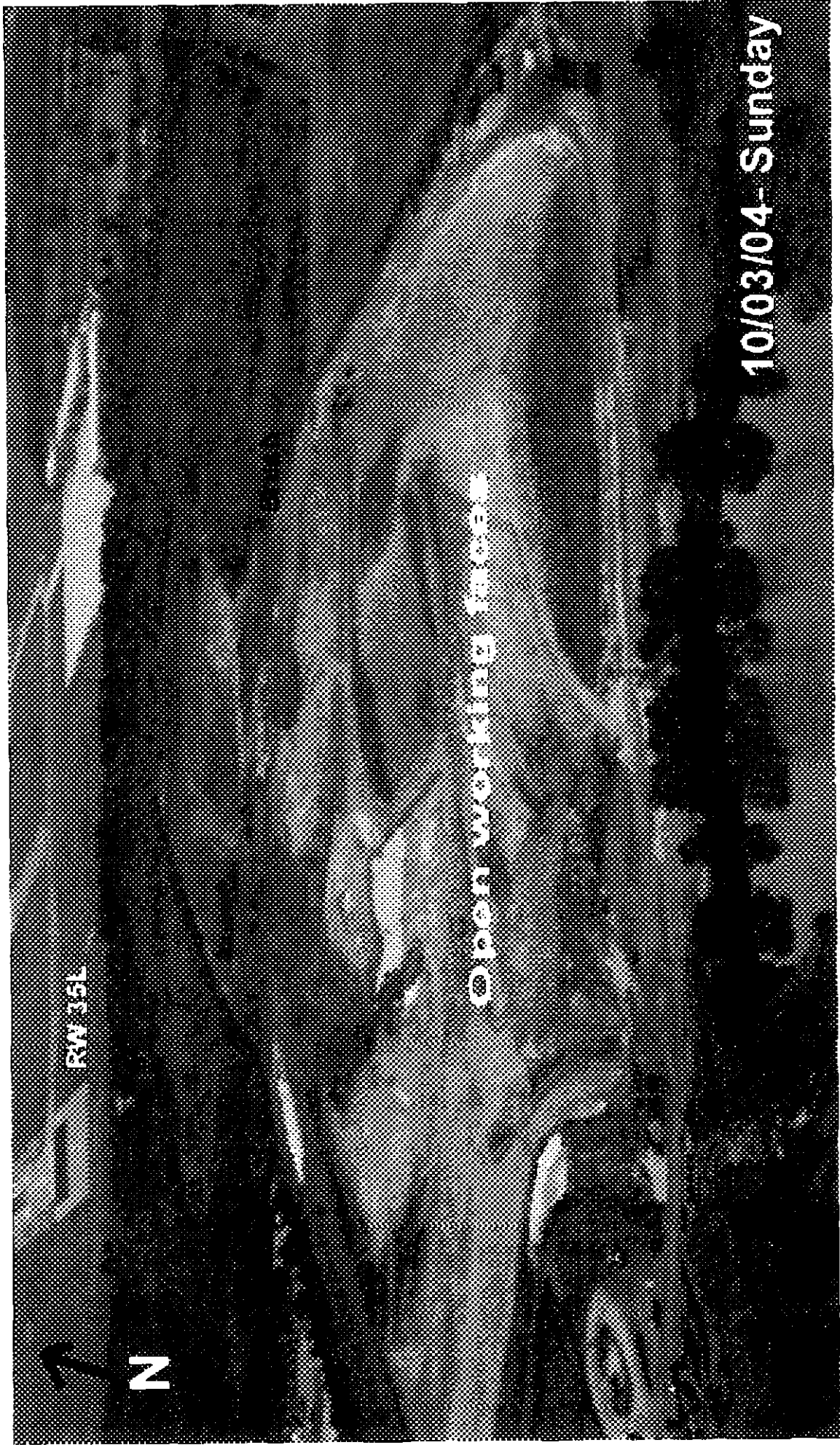
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10-10-04 Sunday



10/03/04 - Sunday



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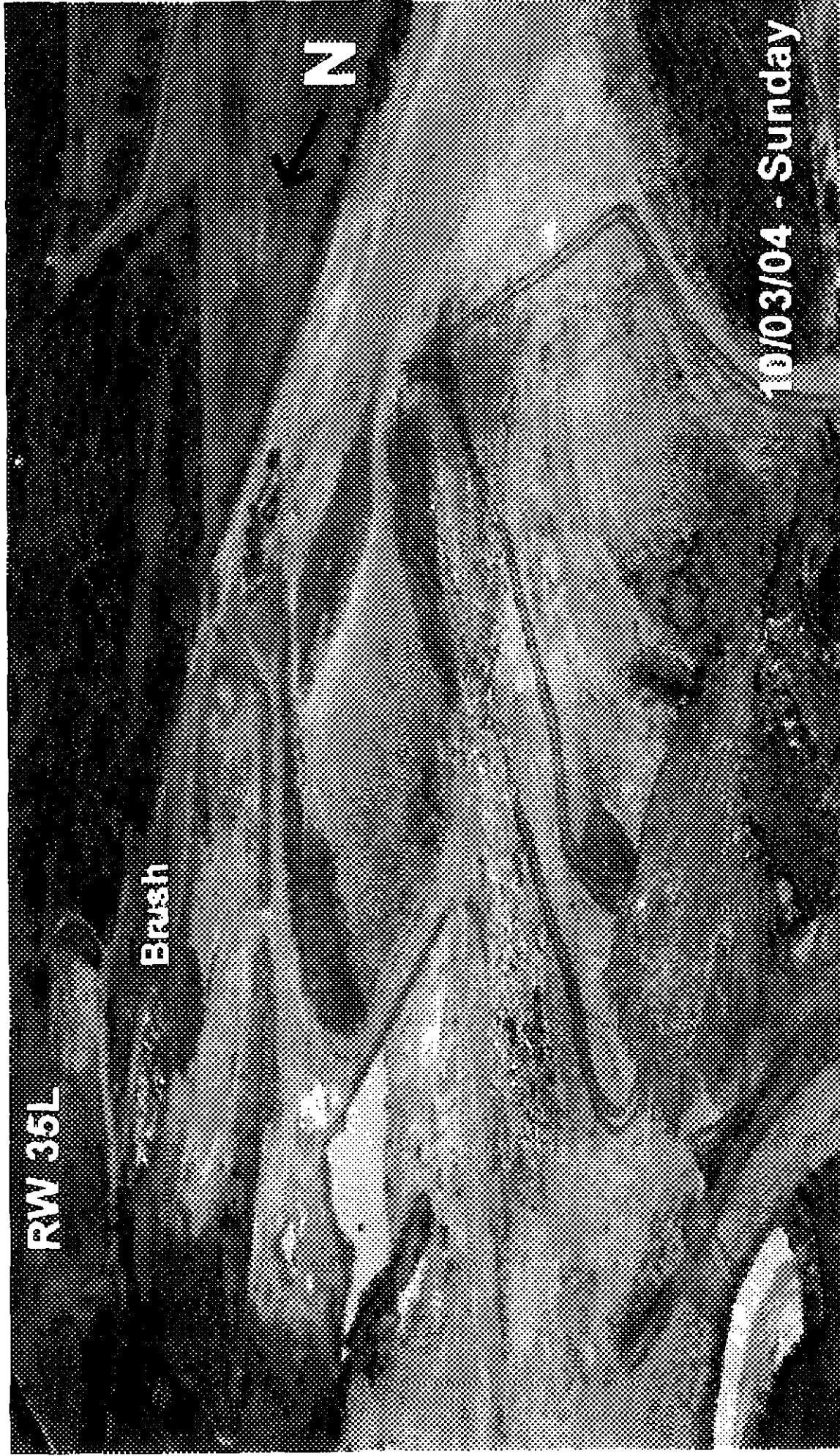
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10/03/04 Sunday

RW 35L

Open Working Faces

09/26/04 - Sunday



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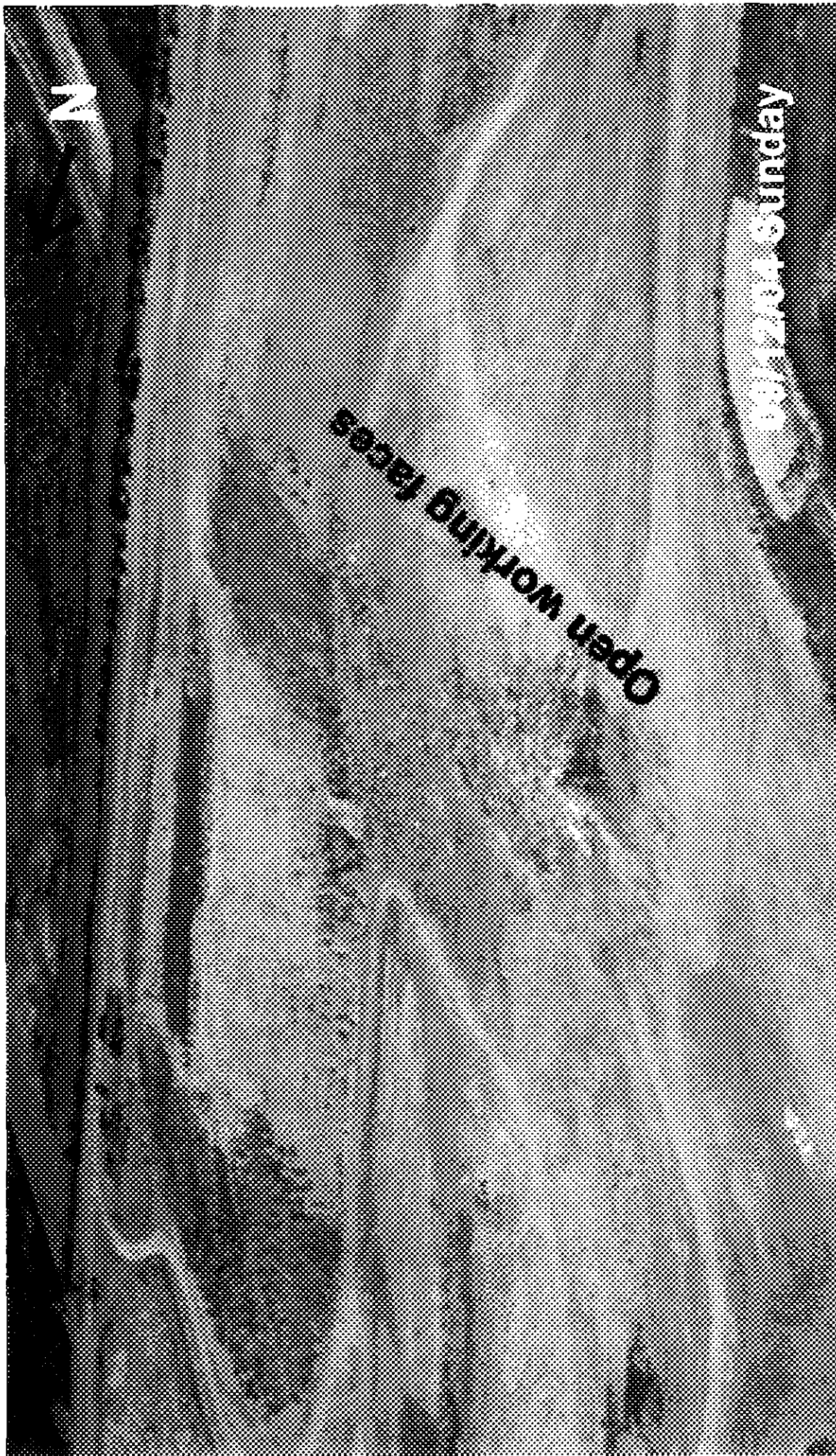
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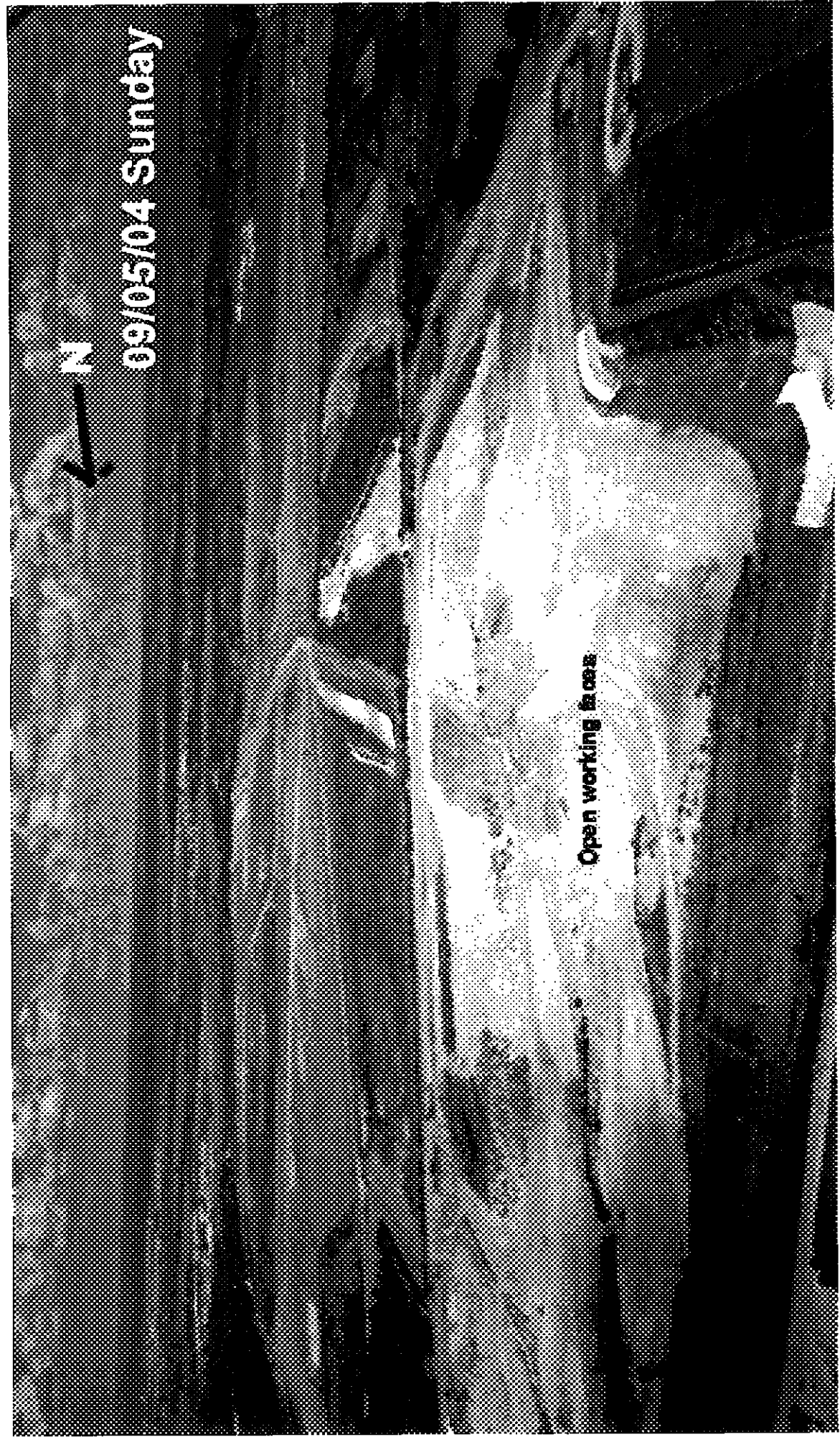
09/12/04 Sunday



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09/12/04 Sunday

Open working faces



← N

09/05/04 Sunday

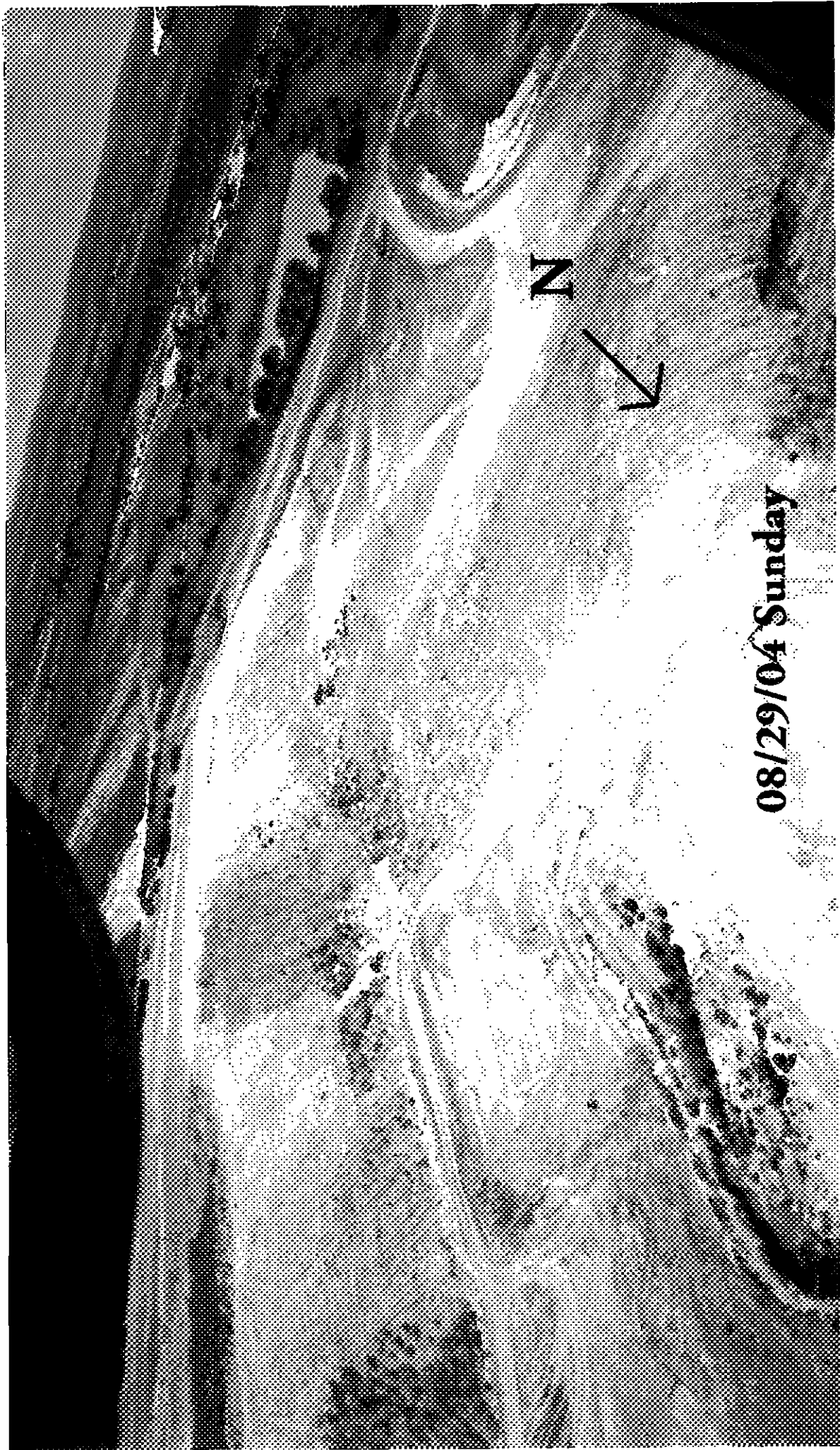
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09/05/04 Sunday



08/29/04 Sunday

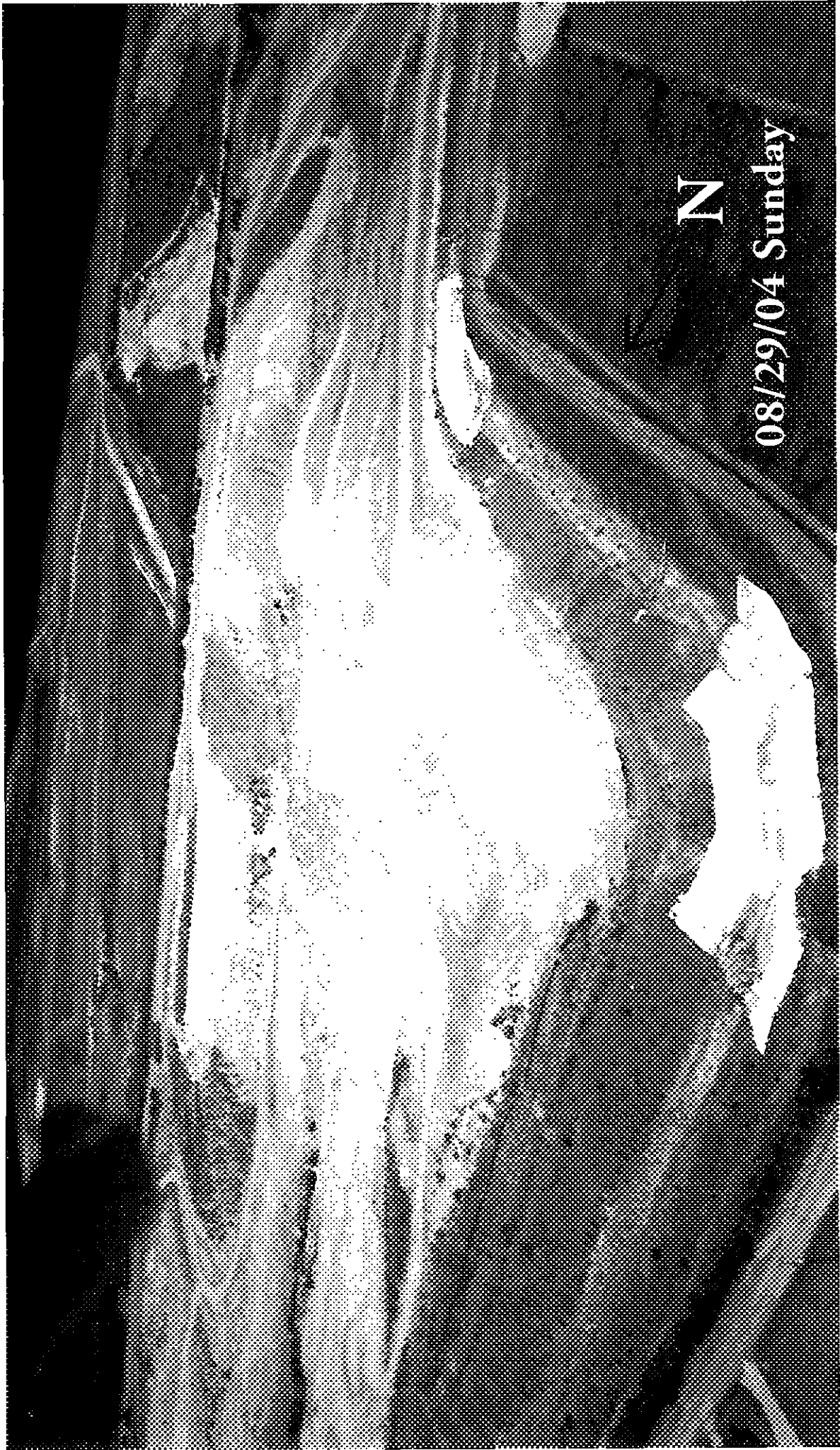
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08/29/04 Sunday



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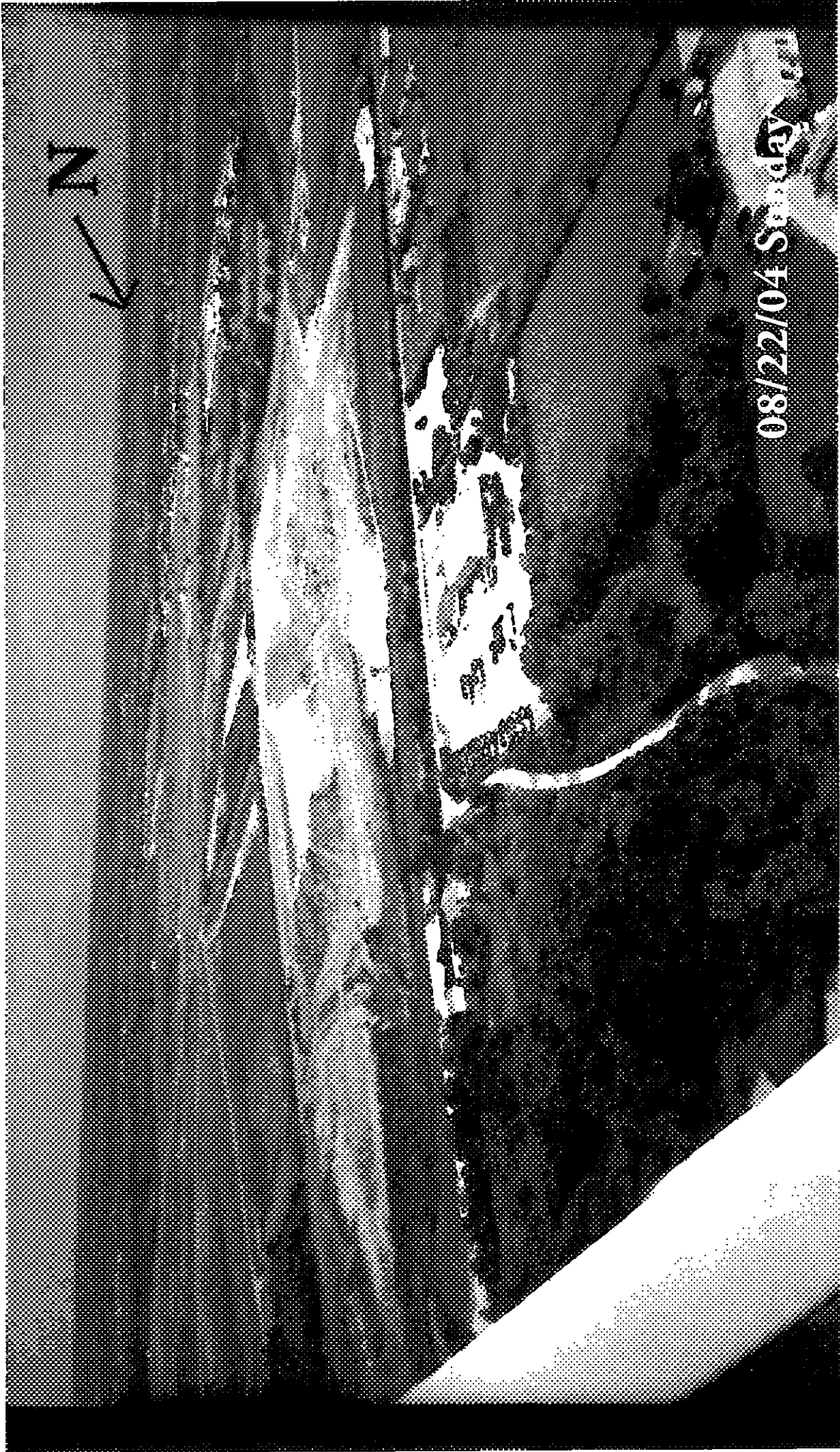
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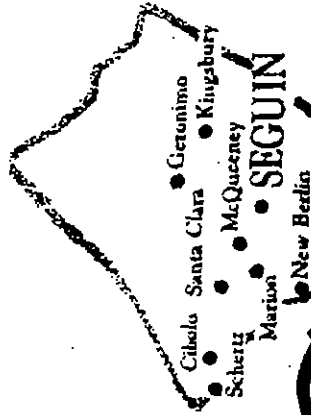


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08/22/04 Sunday



08-22-04 Sunday



Julicy Jello
Combine juice, Jello to
make creative desserts; Pg. 3



Bulldog football
Marion releases schedule
for football season; Pg. 5



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Landfill sale sparks petition drive

By CHRIS LYKINS
Staff Writer

The city of Seguin could soon be facing an election over the City Council's recent decision to sell its Stagecoach Landfill to IEST after a group opposed to the sale presented the city secretary with a petition asking for a referendum on the issue.

At its recent meeting, the council voted 5-3 to sell the landfill and transfer the permit for the landfill to IEST for \$3.9 million in

direct payments over the first 12 years along with royalties that officials say could push the city's total to \$6 million.

The petition item appears on the City Council agenda for its special meeting on Thursday at 5:30 p.m. as "Presentation of petition for referendum concerning Stagecoach Landfill pursuant to City Charter." City Secretary Kathy Contreras and City Attorney Angela Noble are listed to speak on the issue.

The petition was filed under

Article 8 of the charter, which states that "Qualified voters of the City of Seguin may require that any ordinance or resolution, with the exceptions levying taxes, appropriating money or authorizing the issuance of either tax or revenue bonds, whether original or re-funding, passed by the city council be submitted to the voters of the city for approval or disapproval by submitting a petition for this purpose within 30 days after final passage of said ordinance or resolution, or within 30 days after its publication."

Later the charter outlines the options after the petition is presented to the City Council. "Thereupon the city council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote ... Pending the holding of such an election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the

qualified voters vote in favor of retaining such ordinance or resolution."

Members of the group opposed to the sale said they feel confident they have enough signatures to meet the standards for referendum and that the request is in compliance with the city charter.

"We think at this point the City Council has to either act to rescind their action or put it to a vote," said Robin Dwyer who op-

See PETITION, Pg. 2

Petition calls for referendum

Con't'd. from Pg. 1

posed the sale before the council at its recent meeting. "They can't do anything else until that happens."

Councilman Rodger Weyel, who vigorously opposed the sale and was one of three councilmembers who voted against it, was part of the group that presented the petition to the city secretary along with Kitty Keller, Dwyer and Patrick Nitsch.

Weyel again said he felt the issue was rushed through council for a decision when an emergency didn't exist concerning the landfill. He also said the council wasn't given information the Texas Natural Resource Conservation Commission was looking for concerning the landfill. He said the council's decision drove the petition drive for the referendum.

"They said it was only affecting the people outside the city," Weyel said. "How come is it then that within five days we got 565 signatures — in five days — with very little effort and more people knowing about it and knowing that it would be a regional landfill."

Keller said the petition drive started out small but grew.

"It started out with a small group that was going around the neighborhoods and it has grown steadily," Keller said. "As people found out about it started snow-

balling." She said that most people were eager to sign and some asked for petition forms to collect signatures as well. She also said that the group would continue to collect signatures.

Mayor Mark Stautzenberger said the petition issue would be turned over to Noble in order to insure that the city follows the law and the charter. Noble said on Monday afternoon that she is reviewing the issue and would be issuing an opinion.

Stautzenberger said if the referendum moves forward he hoped the council would not rescind its action but put the issue to the voters for a decision.

"Part of it will rely on educating the voters as to what this proposal means to them," Stautzenberger said. "Hopefully, they will see this as a positive move on the city's part to sell this landfill and turn over the liability that exists out there and turn it into an asset from which we can gain some revenues and make a positive out of it. I think we can make this as negative as we want it to be, or if we can uphold what five members of council voted to do — if we can uphold that — we can make it a positive."

Both Weyel and Stautzenberger said that they couldn't remember a referendum ever being brought before council for action.

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Solid Waste Digest: Western Edition, September, 2001, Laws & Rules, Page 2.

Seguin Landfill Sale Threatened By Appeals Court Ruling

(TEXAS) The proposed sale of an old Seguin landfill to a major waste management company suffered another setback recently when the Fourth Court of Appeals upheld a trial court ruling calling for a referendum on the deal.

The ruling threatened a \$3.9 million contract between the city and Haltom City-based IESI Texas Corporation for the 93-acre property about six miles from Seguin.

The city signed a contract with IESI in May 2000 for the purchase of the Stagecoach Road Landfill and the city's municipal solid waste permit. But days after the contract was signed, a group of local residents filed a petition calling for a referendum on the sale. The City Council met in a private session soon after and rejected the petition on the advice of its attorney, who said voiding the contract would violate state and federal laws pertaining to the impairment of contracts and the establishment of retroactive laws.

But a group of opponents filed suit in district court calling for either a repeal of the sale or a submission of the matter for a popular vote. The group won a victory against a growing number of legal opponents, including six city council members named in the suit and attorneys representing IESI, the Texas Municipal League, and the Texas City Attorneys Association.

In an opinion written by Justice Sarah B. Duncan, the Fourth Court of Appeals said that the sale of the landfill was a legislative act by the city council and therefore subject to a referendum.

"The council members contend the trial court erred in denying their motion for summary judgement and in granting the citizens' motion because the subject matter of the petition is not legislative in nature. We disagree," Justice Duncan wrote.

The appellate court did not agree with an argument presented by the city that the landfill contract was an administrative act on behalf of the city.

"The ordinance at issue in this case authorizes a permanent, uniquely policy-oriented act--the sale of 93 acres of city-owned land that was once used as a landfill...The ordinance is thus not routine, nor is it the implementation of a previously-enacted law," Duncan wrote.

Among the arguments presented by other groups in favor of the landfill sale was one that said the Texas Local Government Code prohibited the sale of land by a city from being subject to the referendum process. In an opinion that addressed that issue, the appellate court pointed to the fact that the city "did not move for summary judgement on this ground and it is therefore waived."

The second defeat in as many court appearances may cause Seguin to reconsider its intention to fight for the sale. Options for the city include accepting the ruling and either reversing the sale of the landfill or putting the matter to a referendum; requesting a hearing before the entire Fourth Court of Appeals; or appealing to

the Texas Supreme Court.

For more information, contact the Seguin City Council, (830) 379-3212.

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Seguin voters reject sale of landfill

By Bill O'Connell

Gazette-Enterprise

Published November 07, 2001

SEGUIN — Forget about it.

City residents overwhelmingly rejected a proposed sale of the Stagecoach Road Landfill on Tuesday.

"I am delighted with the outcome," said Seguin City Councilwoman Betty Ann Matthies, who opposed the sale of the landfill to IESI TX Corporation since it was proposed last year.

The Texas-based company first took an interest in buying the site in 1999 and it signed a multi-million dollar deal with the city in May 2000 to buy the landfill.

A divided council rejected a petition by residents calling for a referendum on the sale, and the decision prompted a lawsuit that eventually forced the city to allow voters to have the final say in the matter.

The proposed sale was resoundingly defeated in a referendum that some proponents of the sale have said would serve as the last word on the landfill debate.

"I'm very disappointed," said IESI Vice President Tom Brown, who was in New York late Tuesday when the unofficial election results were released. "I still think the Seguin taxpayers have lost in this election."

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Nearly 69 percent of voters cast ballots against the sale of the nearly 100-acre property six miles west of the city limits. The landfill was closed in 1993 after federal guidelines were tightened, and it was deemed unfeasible to upgrade the site.

In voting against the landfill sale, voters turned their backs on a contract that would have paid the city a minimum of \$3.9 million for the landfill and the municipal solid waste permit the city currently holds.

Some estimates put the payout to Seguin as high as \$8 million in royalties based on projections regarding the amount of waste that could be dumped at the facility.

City leaders made a list of projects that included improvements to city streets and a new fire station that could be funded by the financial windfall the landfill was expected to provide.

"I feel like the sale would have been good for the city, but if it's not what residents want then we'll have to get the money from someplace else. A lot of those things will have to be delayed," Councilman Ronnie Humphrey said.

Opinions were divided as the referendum results were made public as to what would happen next in the landfill controversy.

IESI has said it spent about \$1 million in engineering and preparation of the city landfill since 1999, and not even company officials would say in the wake of Tuesday's vote if it intended to get its money back through litigation or some other means.

"I think it's too early to speculate at this point. We've invested a lot of money in that site," Brown said.

Tuesday's outcome also does not prevent the city from trying to sell the landfill again to IESI or any other private company. Opponents of the landfill sale have called upon the city to permanently close the landfill and relinquish its permit or at least give voters the opportunity to decide the fate of what some

consider a potential environmental hazard and a threat to property values in the surrounding area.

"Hopefully this council will abide by the will of the people," Matthies said.

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Published on Friday, April 30, 2004 1:51 PM CDT

Landfill expansion questioned by officials

By Jennifer Acosta-Scott/Democrat Reporter

State environmental officials have questioned the planned expansion of a Weatherford garbage dump, which could delay or halt the project.

A March 17 memo between two employees of the Texas Commission on Environmental Quality suggests that Fort Worth-based IESI's petition to expand the Weatherford Landfill on Old Brock Road is improper. In the memo, TCEQ engineer Karen Cleveland says the petition raises several "issues of concern" that should be addressed before the expansion is approved.

IESI has requested that TCEQ process the 22-acre expansion as a "permit modification," an approval process that is relatively short and does not require a public hearing. However, Cleveland's memo says that IESI may have to petition for a more complex "major amendment" to the dump's permit because the landfill never completed its Subtitle D upgrade. Subtitle D is the common name for a set of standards passed in 1993 that toughened landfill regulations, requiring that dumps be lined and nearby groundwater be monitored, among other things.

Cleveland wrote that the Weatherford Landfill's Subtitle D upgrade was "conditionally approved," but never finalized. State law requires landfills to petition TCEQ for a major amendment to the facility's permit if they have not implemented Subtitle D standards by May 19, 2003. Since that deadline was not met, Cleveland said, IESI should apply for an amendment rather than a modification.

Cleveland's memo also says that IESI is seeking to increase the depth and total disposal capacity of the landfill, two changes which require a major amendment. Several parts of the landfill's plan are also inadequate for the planned expansion, Cleveland said, noting that excavation grades and contour plans were not finalized for the dump's east disposal area.

Kraig Kahler, director of utilities for the city of Weatherford, said the landfill implemented Subtitle D standards in 1999, when the city still owned the facility. Minutes from the city's March 19, 1999, utility board meeting show that the city awarded a contract for \$336,212 to Big D Lining Systems Company of Midland to complete the Subtitle D upgrade.

Cleveland said she didn't know why TCEQ's records on the upgrade differed from those of the city. She said her assertions were based on letters between the agency and city officials regarding Subtitle D plans.

"There's correspondence that indicates [the upgrade was incomplete]," Cleveland said.

IESI district manager Bob Kneis did not return phone calls Wednesday or Thursday. Kneis has previously said

that IESI is within its rights to carry out the 22-acre expansion and that the company plans to do a much larger expansion in a few years.

Weatherford sold the landfill to IESI in May 2003 for \$4.9 million. The city also receives \$2 for every ton of waste deposited in the landfill. It will receive \$3 per ton once the expansion is complete.

Though the dump is outside the Weatherford city limits, it falls within the city's extraterritorial jurisdiction, a small swath of land over which the city has authority. The city's purchase agreement with IESI states that the city "will not unreasonably oppose" IESI's future efforts to expand the landfill.

Commissioner Charles Akin said county officials cannot do anything to stop the landfill from getting bigger.

"Counties simply do not have enough authority in these matters to be a benefit to the local citizens," Akin said. "The state's just not granted us that authority."

IESI's plans to expand the dump have raised the ire of environmentalists and nearby residents, who fear a bigger dump will cause problems for the surrounding area. Robin Schneider, executive director of the Texas Campaign for the Environment, said her organization plans to take action if TCEQ gives IESI the go-ahead.

"We will file a motion to overturn the decision if they approve it," Schneider said. "I think the neighbors will be joining us, if not beating us to the punch."

Terry McDaniel, who is coordinating residents' efforts to oppose the landfill, said he's not sure what action the group will take if the landfill expansion is approved. While the neighbors' ultimate goal is to halt the project altogether, McDaniel said he's not sure that will be possible.

"I don't think anybody's just going to throw up their hands and walk away," said McDaniel, who lives east of the city. "Right now, we're trying to resolve it between us and get on with our lives."

McDaniel said neighbors are meeting with IESI officials Thursday to discuss their concerns about the expansion. Odor, excessive runoff and property values are their main worries, he said.

TCEQ commissioners are expected to make a decision on IESI's application for expansion in late May.

You may contact reporter Jennifer Acosta-Scott by e-mail at wdreporter2@yahoo.com, or by phone at (817) 594-7447, ext. 228.

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Published on Tuesday, September 21, 2004 4:06 PM CDT

Landfill owners may pay royalties

By Jennifer Acosta-Scott/Democrat Reporter

County officials are planning discussions with landfill company IESI, in an attempt to recoup past and future damages related to its operation and expansion of the Weatherford landfill.

County Judge Mark Riley said officials from IESI would probably come to a commissioners' court meeting in early October to discuss the possibility of paying the county for road damages incurred by its vehicles. Commissioners have voiced concerns about roads near the landfill in western Parker County, which they say are being worn away by heavy garbage trucks.

Riley said the county is also asking IESI for royalties on the waste it deposits into the landfill. The city of Weatherford, who sold IESI the landfill in May 2003, receives \$2 per ton of garbage.

"It's a sizable amount of money," Riley said.

Commissioners became concerned about the landfill in April, when an environmental organization began protesting IESI's plans to expand the dump. Upon purchasing the dump, IESI turned it into a regional facility, serving Parker, Hood, Tarrant and Erath counties. Riley said the change was "more than the community bought into."

Commissioner Charles Akin said IESI has been cooperative during past discussions and willing to listen to concerns from residents and government officials. Akin also said that it was better that the IESI expand in its current location, rather than opening a new one elsewhere.

"No one wants it, but it has to go somewhere," Akin said.

Riley said most residents around the landfill have been satisfied with IESI's response to their concerns.

In other business, emergency management director Brad Cathey presented commissioners with a preliminary copy of the county's Hazard Mitigation Action Plan. The plan, which must be submitted to the Federal Emergency Management Agency by Nov. 1, details the possible hazards in Parker County and suggests ways to prevent them from endangering the public welfare.

they said Parker County must submit the plan to receive federal disaster funds.

"It helps the county by replacing bridges and roads in disasters," Cathey said. "Our citizens would always be eligible for any kind of money."

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About TCE

UPDATE:

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On September 23, 2004 the TCEQ has sent a notice that IESI's application is "meets all statutory and regulatory requirements." Public comments must be submitted by October 15th.

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Historically, the garbage dump laws and rules in Texas are weak and powerful landfill companies have lobbied to keep them that way. State law does require companies to notify the public of any sizeable expansion at old and new dumps. Unfortunately, the staff at the state environmental agency (the Texas Commission on Environmental Quality



– or TCEQ) has failed to enforce the laws and rules in some cases. More recently, the three Commissioners who make the final decisions for the agency are taking a more active role on trash issues.

IESI, a fast growing landfill corporation, bought and took over operations of the City of Weatherford Landfill in Weatherford just west of the D/FW Metroplex. IESI turned the operation is lobbying the TCEQ to allow a sizeable expansion **without a permit amendment which would require full notice** to the public. They applied for approval in 60 to 120 days – not the normal process that usually takes a year.

If the approval to expand this landfill without meeting the standards is granted, it will set an ugly precedent of allowing the landfill operators in Texas to cut corners at the expense of public health and the right of the public to participate in the process.

Your help is needed to lend support to the TCEQ to enforce the new standards and to make sure that IESI is a good neighbor and follows the law. Please write letters to the TCEQ and IESI to make sure this approval is not granted.

Write letters to the three Commissioners of the state environmental agency:

Kathleen Hartnett White, Chairman
Commissioner Larry Soward
Commissioner Ralph Marquez

Texas Commission on Environmental Quality
P.O. Box 13087
Austin TX 78711

Suggested points to make:

1. IESI should be required to file a permit amendment, not a permit modification to expand their landfill or a dangerous precedent will be set.
2. The permit amendment process gives the state environmental agency and the public the ability to review the full impact of this landfill on the community and the environment.
3. Thank you for your active role on landfill issues in Texas.
4. Please respond to my comments in writing.

Call or write to your Parker County State Representative and your State Senator:

State Senator Craig Estes
P.O. Box 12068
Austin, Texas 78711
phone: (940) 689-0191
Wichita Falls main district
office

State Representative Phil King
P.O. Box 2910
Austin, Texas 78768
phone: 596-4796 Weatherford office

Suggested points to make:

1. Please support the landfill neighbors in their efforts to protect their private property rights.
2. IESI should be required to file a permit amendment, not a permit modification to expand their landfill or a dangerous precedent will be set.
3. Please respond to my comments in writing.

Make these two calls

You can also call the Parker County Judge Mark Riley and your County Commissioner:
Parker County Judge Mark Riley 598-6148 (represents the entire county)
Commissioner Precinct 1 Danny Choate 220-7218
Commissioner Precinct 2 Joe Brinkley 594-4022
Commissioner Precinct 3 Charles Akin 594-0371
Commissioner Precinct 4 Jim Webster 596-0004

Suggested points to make:

1. Please support the landfill neighbors in their efforts to protect their

private property rights.

2. IESI should be required to file a permit amendment, not a permit modification to expand their landfill or a dangerous precedent will be set.
3. Please respond to my comments in writing.

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