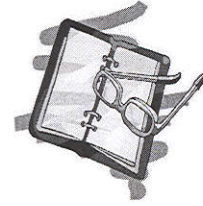


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one place.

Wednesday, May 18, 2005

County ready to enact landfill ordinance IESI would need variance under new rules

The city's proposed landfill deal with **IESI** – set for City Council approval on Thursday—is right in the crosshairs of Travis County's proposed landfill ordinance.

That ordinance, the culmination of almost three years of work with neighbors and landfill operators, is broken into two parts: how the county deals with existing operators and how it will deal with new and expanding sites.

The general consensus of county officials, after a long rehash of the landfill issue, is that the county has little legal ground to stand on when it comes to opposing landfills. And straight siting criteria gives the county little control over existing operators. Distance requirements have done nothing to stop **Waste Management Inc.** and **Browning-Ferris Industries**—considered to be problem operators by their neighbors—or even hinder the two landfill operators from proposing further expansion of their permits.

“We ran into somewhat of a logical log jam. You can look at any of these types of sites, and its really about the siting and the operational issues,” **Environmental Officer John Kuhl** told commissioners at yesterday's meeting. “You have the nuances of the prevailing winds and the tracts of land and the flood plains...What we decided was that it was better to just concentrate on those subject areas that are most important in our relationship to the landfill operators, such as odor, wind-blown litter, traffic... those types of things that make solid waste facilities not the best neighbors.”

The solution, as **County Judge Sam Biscoe** has suggested to commissioners in the last couple of weeks, is a two-pronged approach. The first strategy is a siting ordinance for new or expanding landfills that provides some distance between the landfills and receptors such as churches, water wells or homes, as well as exceptions for those who want variances from the ordinance.

Under the variance provisions, the operator would have to negotiate with the county over how the landfill will handle methane gas, internal buffer zones, odor control and soil cover. The county also sets conditions for environmentally sensitive design.

As an existing operator, IESI would fall under the variance provision. The landfill site backs up to a creek. An expansion would need a variance, County Judge Sam Biscoe

confirmed. **IESI Regional Vice President Jeff Peckham** noted that the Type I city and Type IV IESI landfill sites would be joined by an expansion. Refuse on the site would be limited to Type IV construction and development debris, he said.

Environmentalists already firmly oppose any variance at all. **Robin Schneider of Campaign for the Environment** said IESI has a long history of environmental violations, such as leachate flow into **Onion Creek** and high levels of methane gas off the site. Local residents have pictures of household trash on the IESI site and say that debris brought to the site is not thoroughly controlled.

Biscoe said he would take another week of comments on the ordinance, then post the ordinance for a 30-day review period. He also proposed a second strategy for existing landfills, specifically BFI and WMI. His strategy included:

1. BFI and WMI must close their northeast Travis County Type I landfills by a date-certain of June 1, 2015. BFI can accept Type IV waste until 2017;
2. Travis County will make relocation of BFI and WMI's Type I landfills its priority, up to and including acquiring new greenfield sites through condemnation. Once those sites are found and permitted, the two landfill operators must agree to relocate their Type I landfills immediately;
3. Travis County will emphasize and enforce compliance with applicable landfill operating standards, including the adoption of an ordinance for Type I and Type IV landfills;
4. Commissioners Court retains the right to oppose any permit expansion application based on performance at current landfill operations or demonstrated progress toward location and acquisition of greenfield sites; and
5. Commissioners Court will oppose any permit expansion application by Waste Management and approve a performance-based agreement with Browning-Ferris.

Bob Gregory of Texas Disposal System, who testified before the Court, argued the strategy for BFI and WMI put TDS at a disadvantage. Given the lag in the process, both BFI and WMI were ready to move forward with expansion permits, which would take them out of the reach of the new siting ordinance. On the other hand, TDS – which has a good operating record – kept its word to the county and held off on developing its own expansion permit. For that agreement, TDS will be one operator that will likely have to comply with the new expansion standards set out by the county.

Commissioners, however, said they needed to move forward with the process. The strategy for existing landfill operators passed on a final vote of 4-1, with **Commissioner Ron Davis** voting against the motion. Davis said he wanted more input from the neighborhood. When **Trek English** protested that she needed more time to review the latest document – re-drafted over lunch -- **Commissioner Gerald Daugherty** balked, saying that English had seen every item in the draft during negotiations that Biscoe facilitated between the neighbors and the landfill operators. **react**