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Austin weighs landfill contract

Critics say it's risky to turn money-loser over to a private operator
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The generations of waste dumped in Austin's **landfill** has the facility sinking in red ink. Now Austin sees a way out from under the heaps by turning over operations of the FM 812 **landfill**, located in the shadow of Austin-Bergstrom International Airport, to a private company that runs another facility next door. The proposed contract with a subsidiary of Fort Worth-based IESI Corp. would mean taxpayers would not be responsible for the \$9 million necessary to close down the **landfill**, city officials say.

"It was the hope . . . to put the city in the best position of avoiding any costs ever," said Holly Noelke, a lawyer with the city's Law Department.

Extending at least 65 years, the contract calls for IESI and the city to expand the facility to make room for several more decades of capacity, from which the company will get most of the revenue.

Critics say the city is risking public safety and the environment at the expense of short-term economic gain. Pilots, environmentalists and the city's Solid Waste Advisory Commission have all lined up against the proposal, which may be decided by the City Council today.

The **landfill** started taking garbage about a half-century ago when there were no limits on what could be discarded nor standards for building and operating such facilities. The city took it over in 1973 and sent the bulk of the city's household waste to the site until 1999, when the airport opened.

Federal aviation regulations prohibited the city's **landfill** from taking the kind of waste that rots and provides a food source for birds, because birds would imperil planes. Limited to debris from construction and demolition sites, the facility started running a deficit.

The expanded facility would also be limited to debris.

The negotiated deal is intended to bring in revenue for the city, transfer the closure costs and reduce liability, according to city documents. The city and IESI estimate the value over the life of the contract to be about \$16.6 million in revenue and \$15.4 million in city costs avoided.

IESI officials did not respond to calls for comment.

Founded in 1995, the company operates 17 landfills in several states, including seven in Texas. It is the eighth largest nonhazardous solid waste company in the country.

Noelke, the city lawyer, said the proposed contract would be one of the toughest written by the city because it makes IESI responsible for the operations -- and liability -- of the combined 514-acre facility once the joint operation is approved by the Texas Commission on Environmental Quality.

"When they're responsible for everything, that means everything," Noelke said.

She added that the responsibility extends until its final closure, at least 30 years after the facility stops taking waste.

None of that provides any assurance to the opponents of the deal.

The council-appointed Solid Waste Advisory Commission unanimously opposed the contract last week with one member abstaining. Some of those same people have been asked by Council Member Betty Dunkerley to develop a long-term strategy for solid waste, and they say that plan needs to take form before a decades-long contract is signed.

Robin Schneider, executive director of the Texas Campaign for the Environment, said that expanding this facility is risky.

"It's an old **landfill**. It's failed already once in a major way, and it could fail again," said Schneider, who was referring to a 1991 collapse of the **landfill** into Onion Creek and Richard Moya Park to the north. "In an old **landfill**, you never know what might be in there."

That site could instead be used to recycle construction and demolition material, as was done with 80 percent of the construction waste at the City Hall, she said.

The Texas Aviation Association has joined the chorus with concerns that the number of birds circling the landfills will only increase with an expansion.

"You don't want birds and airplanes in the same traffic pattern because somebody's going to get hurt," said Jay Carpenter, president of the association. Birds can be sucked into a plane's engine and cause stalling.

Carpenter sent a letter to the Federal Aviation Administration last week requesting that the agency revoke the waiver allowing the city to operate a **landfill** so close to the airport.

The pilots' concerns have caught the attention of Lee Leffingwell, a former airline pilot and soon-to-be council member, who has asked the city to delay any action.

Federal data indicate that of the 180 bird strikes at Austin's airport since its opening, 10 have occurred near the runway by the landfills, said Jim Halbrook, the aviation public information officer. None of those collisions involved large birds, such as the turkey buzzards typically found near landfills.

An investigation by the Texas Commission on Environmental Quality completed in March determined that the landfills are not a significant source of birds in the area.

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