

Western Area Waste Alliance

Arredondo, Zepeda & Brunz LLC

Key Issues

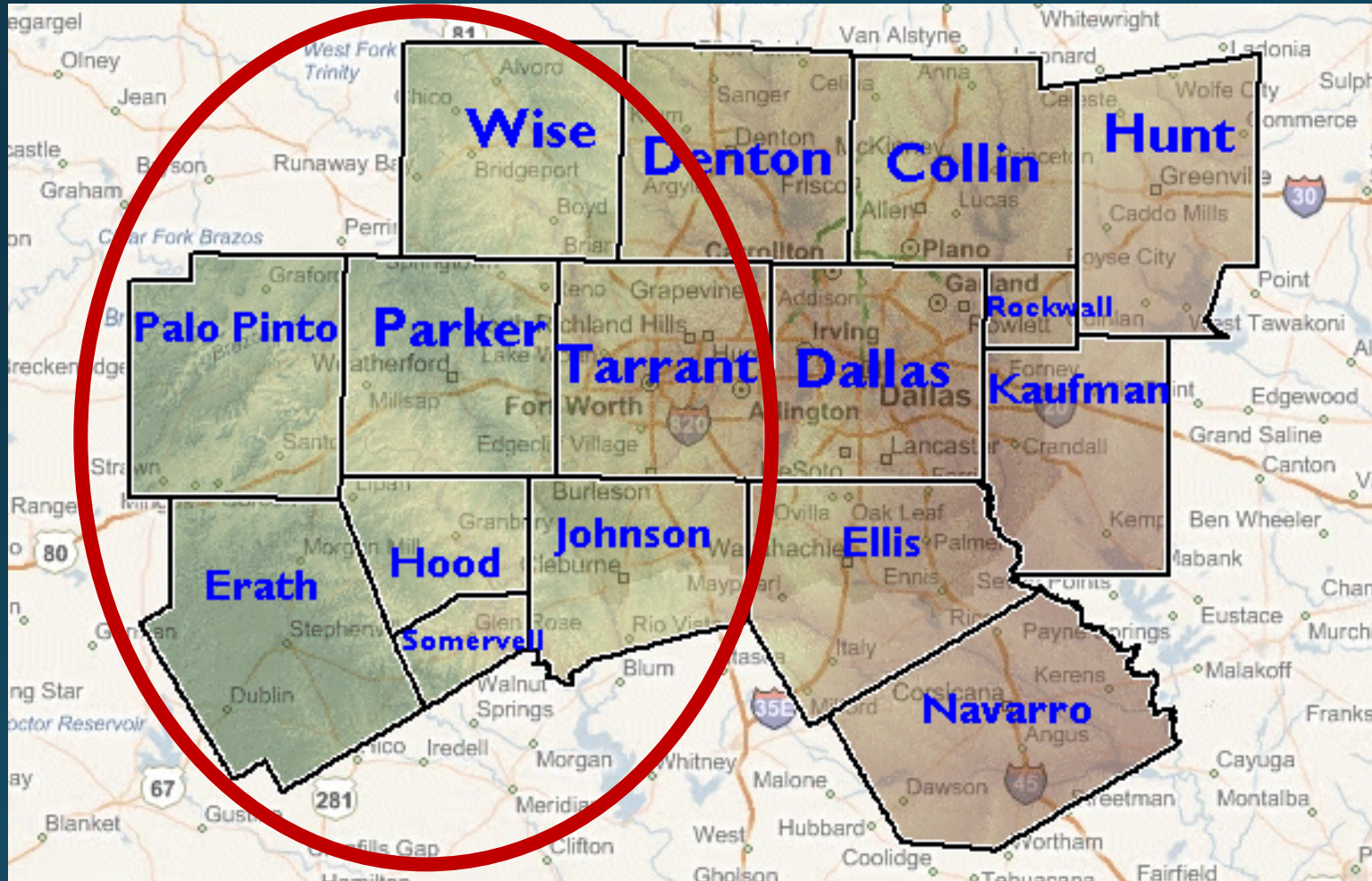
- Region continues to grow at an incredible pace
- Population & Economic Activity are increasing waste disposal needs
- Disposal capacity is approximately 30-35 years
- New landfill capacity generally runs 10-15 years for new site
- Other municipal solid waste options include transfer stations, recycling, composting and waste-to-energy
- Opportunities exist for cooperative actions

Straw Poll results from last meeting

- Landfill Sites (16)
- Illegal Dumping (11)
- Available Disposal Capacity (11)
- Transfer Stations (11)
- Tires (7)
- Commercial Collection Service (5)
- Waste-to-energy (5)

The image shows a close-up of a straw poll ballot sheet. The sheet is divided into columns and rows. The categories listed on the left side include: Illegal Dumping, Residential Collection Service, Commercial Collection Service, Available Disposal Capacity, Tires, Residential Recycling, Landfill Sites, Household Hazardous Waste, and Transfer Stations. The categories on the right side include: Waste-to-energy, Disaster Debris Management, Public Information, Citizen Conferences Stations, Composting, Brush Management, Contracts for Collection, Contracts for Disposal, Public Opposition, Cost of Disposal, and Food Waste Units. Handwritten numbers and symbols (such as stars, circles, and boxes) are placed next to the categories, indicating the results of the poll. For example, 'Landfill Sites' has a circled '1' and '16' written next to it. 'Illegal Dumping' has a star and '11' written next to it. 'Available Disposal Capacity' has a star and '11' written next to it. 'Transfer Stations' has a star and '11' written next to it. 'Tires' has '7' written next to it. 'Commercial Collection Service' has '5' written next to it. 'Waste-to-energy' has '5' written next to it. 'Residential Recycling' has '1' written next to it. 'Household Hazardous Waste' has '33' written next to it. 'Transfer Stations' has '23' written next to it. 'Public Opposition' has '11' written next to it. 'Cost of Disposal' has '11' written next to it. 'Food Waste Units' has '11' written next to it. 'Contracts for Collection' has '7' written next to it. 'Contracts for Disposal' has '3' written next to it. 'Brush Management' has '16' written next to it. 'Composting' has '21' written next to it. 'Citizen Conferences Stations' has '11' written next to it. 'Public Information' has '5' written next to it. 'Disaster Debris Management' has '11' written next to it. 'Waste-to-energy' has '11' written next to it. 'Illegal Dumping' has '3' written next to it. 'Residential Collection Service' has '1' written next to it. 'Commercial Collection Service' has '1' written next to it. 'Available Disposal Capacity' has '2' written next to it. 'Tires' has '2' written next to it. 'Residential Recycling' has '1' written next to it. 'Landfill Sites' has '1' written next to it. 'Household Hazardous Waste' has '1' written next to it. 'Transfer Stations' has '1' written next to it. 'Waste-to-energy' has '1' written next to it. 'Disaster Debris Management' has '1' written next to it. 'Public Information' has '1' written next to it. 'Citizen Conferences Stations' has '1' written next to it. 'Composting' has '1' written next to it. 'Brush Management' has '1' written next to it. 'Contracts for Collection' has '1' written next to it. 'Contracts for Disposal' has '1' written next to it. 'Public Opposition' has '1' written next to it. 'Cost of Disposal' has '1' written next to it. 'Food Waste Units' has '1' written next to it.

Western Region

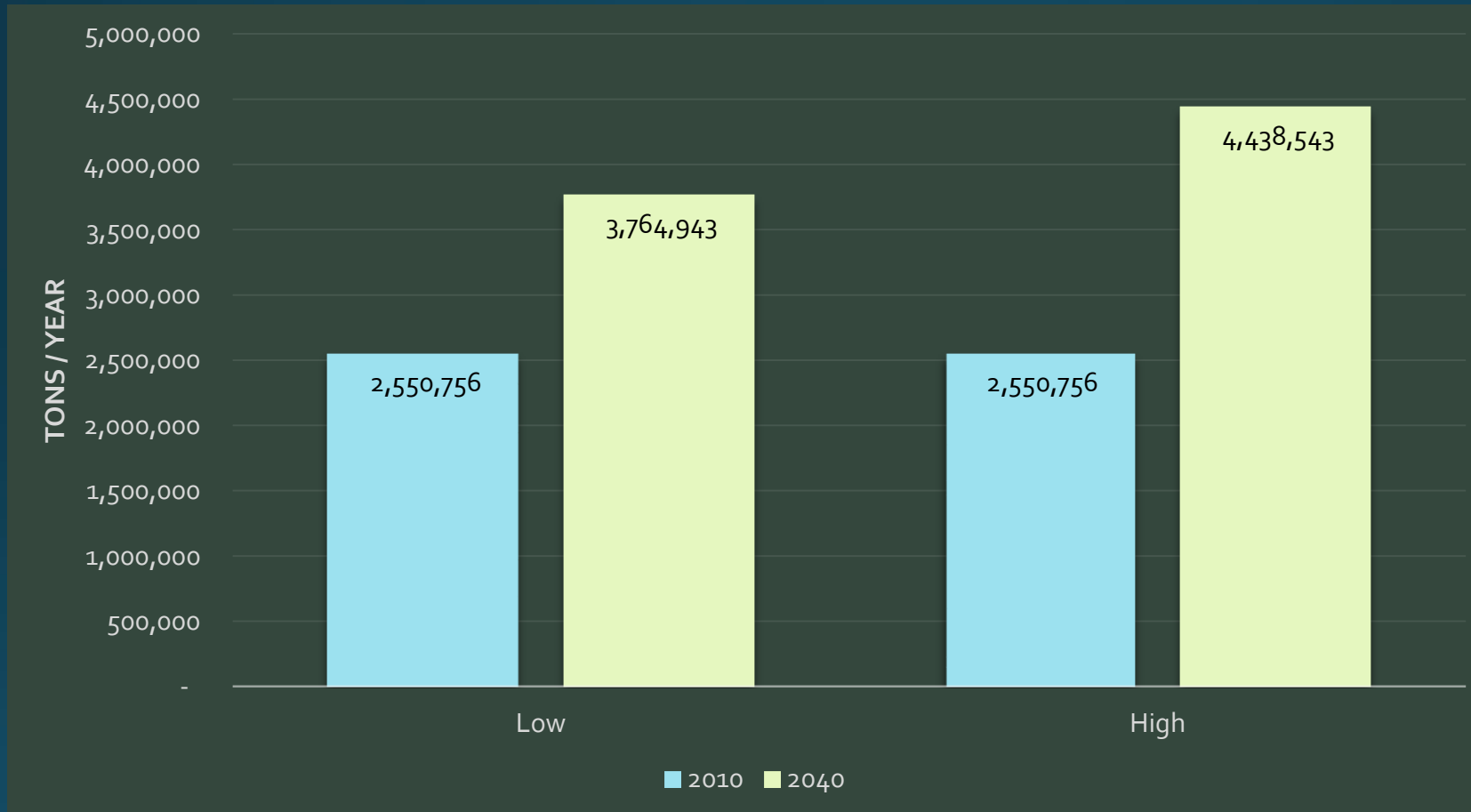


Wise
Tarrant
Parker
Palo Pinto
Erath
Hood
Somervell
Johnson

*Close to the size
of Connecticut*

3.95 million acres

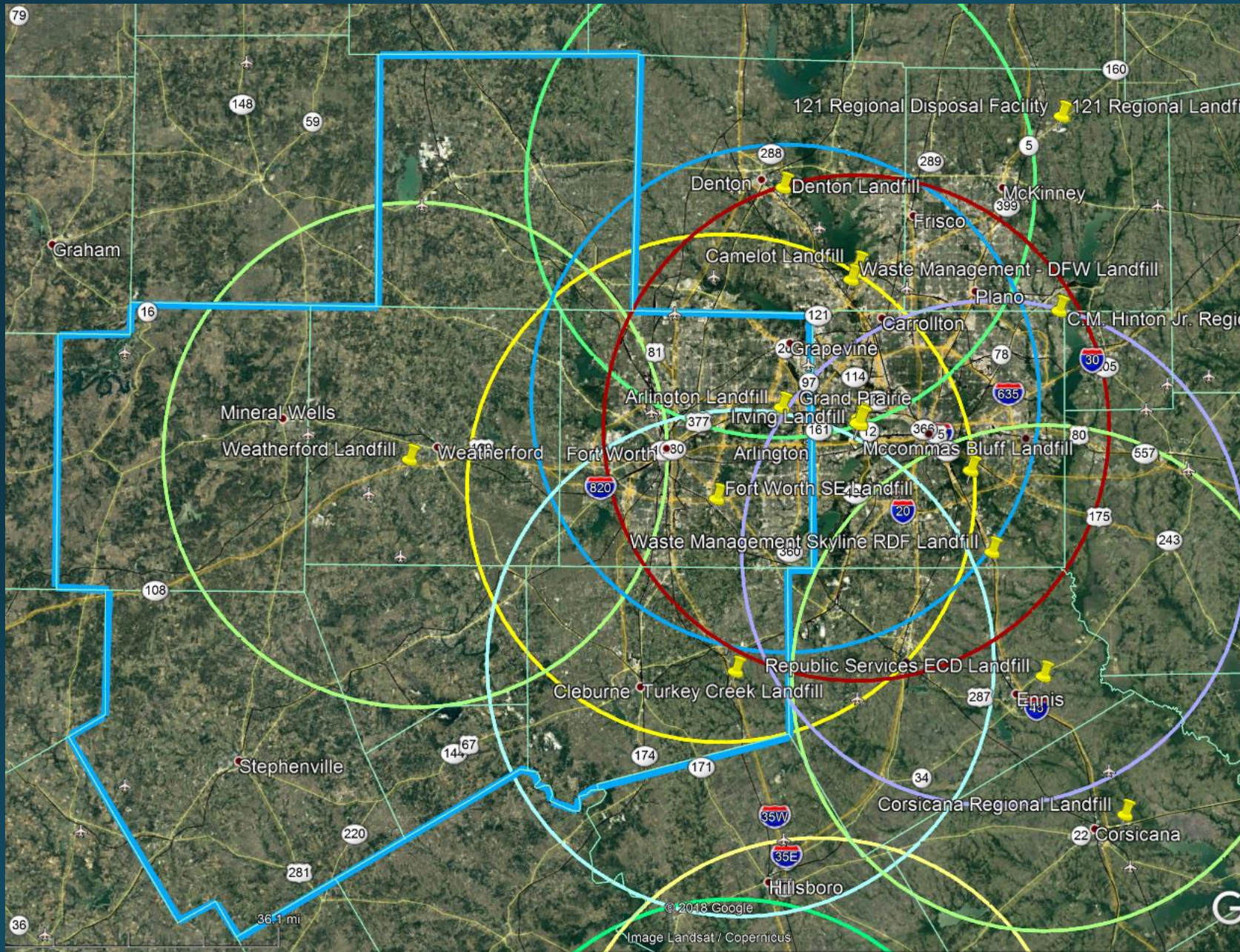
Projected Waste Disposal Quantities



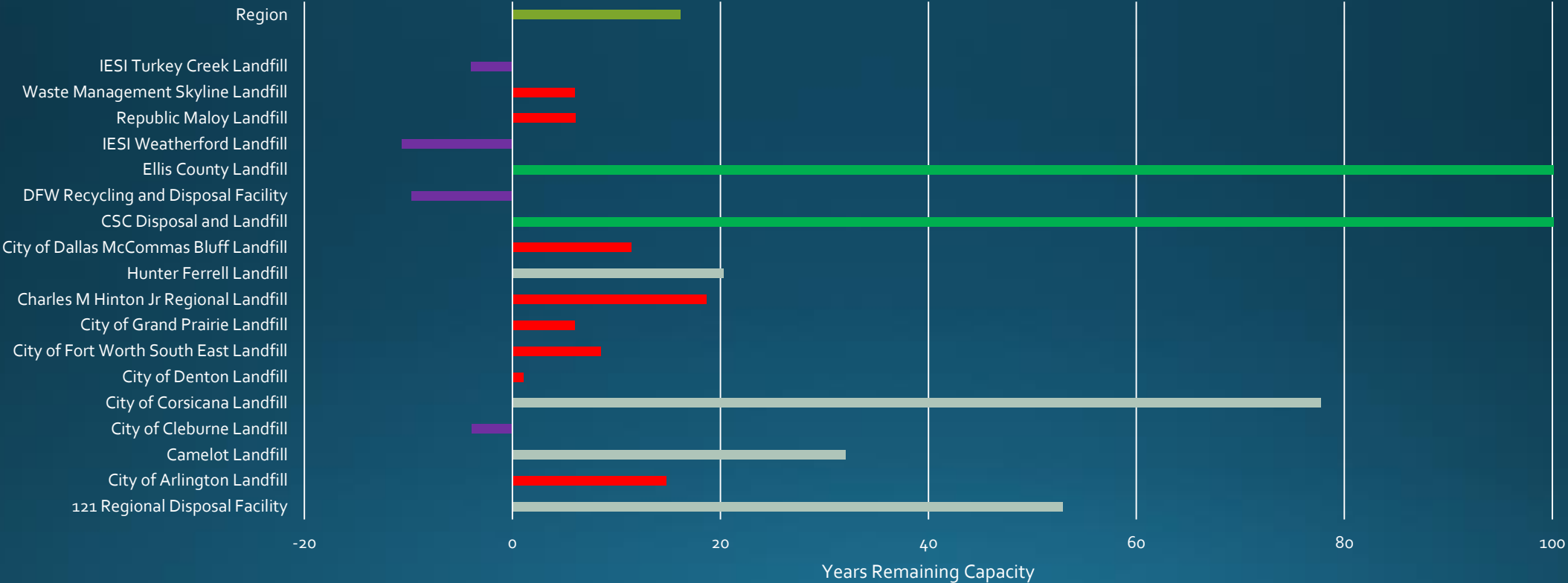
*Between 2018 - 2040
estimated total
disposal
74 to 83 million tons
of MSW.*

*Total CURRENT
disposal capacity in
Western
Area is 63 million
tons*

Landfills & 30 mile radius



NCTCOG Type I Regional Capacity 2030



Opportunities for Collaboration

Public / Private Partnerships

Public / Public Partnerships

- Planning Organization
- Contracts & Inter-local agreements
- Solid Waste Management Co-op
- Utility District
- Municipal Solid Waste Agency

Regionalization is not new



Household Hazardous Waste

Chemicals, detergents, petroleum products, pesticides, herbicides, and fertilizers are stormwater pollutants. Stormwater runoff enters storm drains during rain and discharges directly into the nearest body of water without any treatment to remove pollutants. This is unlike the sinks and toilets in your home that drain to a water reclamation plant for treatment. Responsible use and recycling of these wastes helps protect the quality of water sources for drinking and recreation.



The City of Fort Worth's award-winning regional collection programs help citizens of Fort Worth and participating cities dispose of household hazardous waste in a safe, responsible, no-hassle manner.

Environmental Collection Center



Pros & Cons of Collaborative Program

Pros	Cons
Efficiencies in facility development & operations	Loss of control
Reduced environmental impacts	Distances required to get to facilities
Increased available capital for projects	Public acceptance
Sufficient waste flow – economies of scale	
Greater flexibility	
Public Acceptance	

Key Issues

Organizational / Internal

- Purpose
- Membership / Representation
- Decision Making Process
- Funding
- Accountability

Project Related

- Waste Flow Control
- Status of Current Waste Contracts
- Permitting / Permit holder
- Financial Assurance
- Market Risks

Planning Organization



Internal

Purpose:

- Educate, Advocate and Develop regional sustainable policies and programs

Membership:

- Volunteers (Planners, Engineers, Architects, Elected Officials)
- Executive Committee
- Board of Directors
- Broad Membership
- Topic Specific Task Forces

Decision Making Process:

Generally Task Force driven process

Funding:

Primarily from membership dues and education event fees
Annual budget of approximately \$125,000

Accountability:

It is a volunteer organization – primary accountability is to its membership

Project Related

Waste Flow Control

- Not applicable

Status of Current Waste Contracts

- Not applicable

Permitting / Permit holder

- Not applicable

Financial Assurance

- Not applicable

Market Risks

- Not applicable

GDPC Examples



Events & Activities

- Annual Planning Retreat
- Monthly Breakfast Meetings with leaders in various fields presenting to Board
- Annual Luncheon with noted key note speaker
- Annual recognition "Urban Design Awards" for sustainable designs
- Policy statements & resolutions
- Press Releases on GDPC actions



Planning Organization – Best Southwest Partners



Internal

Purpose:

- Economic Development, Educate, Advocate and Develop regional growth and cooperative actions

Membership:

- 12 city partners and 18 other partners that include hospitals, colleges and universities, banks, utilities and other businesses, all interested in improving the quality of life in this region, thereby promoting economic development

Decision Making Process:

- Committees include Education, Tourism, Transportation, Health Care, Work Force Development, Marketing, Brand Development & Legislative

Funding:

- Primarily from membership dues and education event fees
- Annual budget unknown

Accountability:

- It is a volunteer organization – primary accountability is to its membership

Project

Waste Flow Control

- Not applicable

Status of Current Waste Contracts

- Not applicable

Permitting / Permit holder

- Not applicable

Financial Assurance

- Not applicable

Market Risks

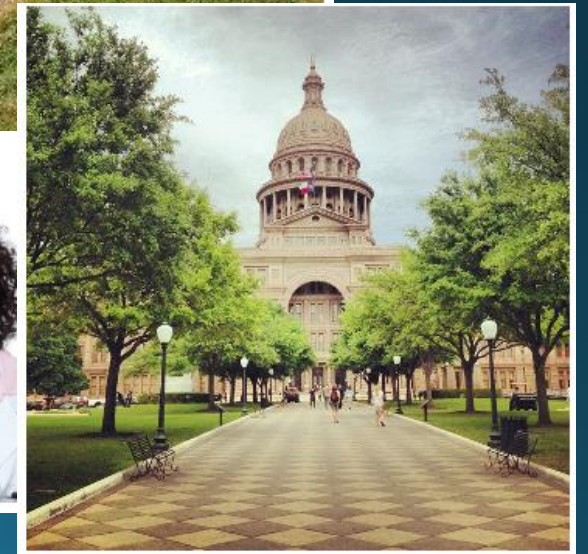
- Not applicable

BSW Examples



Events & Activities

- Best Southwest Partnership Magazine
- Scholarship Program
- Help to communicate and BSW city tourism-related events
- Bullet train – assessment of positive/negative effects of region and how to increase positive opportunities
- Provide updates and possible action items on pending and in-process transportation projects that directly or indirectly affect the region
- DART/STAR Discussions – continue information gathering/initial feasibility and hold meeting with Mayors (Mayor Knight)
- Identify and communicate possible existing resources and shared partnerships for addressing the healthcare needs
- Update BSW on pertinent legislative activity that affects the region; especially those related to our Core Initiatives



BSW Examples



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Brazos Valley Solid Waste Management Agency



College Station
operates its
Landfill

Bryan operates
its Landfill

Agree to operate one landfill –
share costs/benefits through
“BVSWMA” operated through
College Station (CS landfill
remains in operation / Bryan
landfill closes)

Cities disagree on operations –
sue each other

Resolution and creation of
BVSWMA Inc.

BVSWMA → BVSWMA Inc.

Inter-local agreement that transformed to public corporation



Internal

Purpose:

To provide solid waste disposal, composting and public information services to cities of College Station and Bryan (and surrounding cities)

Membership:

- Board comprised of members of College Station and Bryan, as well as a member from Grimes County where landfill is located
- Executive Director
- Operational Staff
- Initially just a branch of College Station cooperatively run between the two cities – now it is incorporated

Decision Making Process:

- Board of Directors approves actions – subject to consent of City Councils of Bryan and College Station
- Executive Director responsible for day-to-day operations
- Budget requires city approval

Facilities

Waste Flow Control

- Cities of College Station and Bryan commit to sending waste generated in their cities to the landfill
- Waste from around the region goes to their facility because there is no close competition

Status of Current Waste Contracts

- Part of agreement setting up BVSWMA that waste go to BVSWMA landfill
- Private sector waste goes there as there are no other options in the region (may have franchise agreements in cities)

Permitting / Permit holder

- BVSWMA Inc.

Financial Assurance

- College Station and Bryan have to show liabilities on their CAFRs

Market Risks

- BVSWMA maintains market risk on compost
- Biggest market risk is one city pulling out of the agreement and sending waste to another facility

Inter-local Agreement – BVSWMA Inc.

Inter-local agreement that transformed to public corporation



Internal

Funding:

- Tipping fees at the landfill and service charges for compost / mulching operation (internal tipping fee is \$20/ton – external tipping fee is \$26.69/ton)
- Total Budget in 2017 was \$8.9 million

Accountability:

- Fiscal and operational responsibilities primarily to Bryan and College Station
- Responsible to TCEQ for environmental compliance
- Accountable to Grimes County for operations in accordance with facility agreement

Is a Local Government Corporation a Governmental Entity?

MAYBE !

“...by providing that local-government corporations are “governmental units” performing governmental functions, and by imbuing them with “nature, purposes, and powers,” it is clear the legislature intended such corporations to be *separate and discrete political subdivisions* from those they act on behalf of and aid.” *Fort Bend County Toll Rd. Auth. v. Olivares*, 316 S.W.3d 114, 128 (Tex. App.—Houston [14th Dist.] 2010, no pet.

Source: **WHAT THE HECK IS A LOCAL GOVERNMENT CORPORATION AND WHY WOULD MY CITY EVER WANT TO CREATE ONE?**
KEVIN B. LAUGHLIN NICHOLS, JACKSON, DILLARD, HAGER & SMITH, LLP DALLAS, TEXAS

TASWA



Description

- The City has entered an agreement with the Cities of Denison and Gainesville and the Counties of Grayson and Cooke to form the Texoma Area Solid Waste Authority (TASWA). TASWA was organized in July 2000 for the purpose of aiding, assisting and acting on behalf of the participating entities in the financing, construction, ownership and operation of a Type I Municipal Solid Waste Landfill Facility.
- TASWA began operation of the landfill during fiscal year 2006. Under the terms of the agreement, TASWA established fees for the member Cities (Sherman, Denison and Gainesville), who have pledged to deliver a guaranteed annual tonnage to the landfill facility. The fees may be recalculated to include changes in debt service requirements or estimated operational and postclosure expenses. According to its operational plan, there will be no significant accumulation of equity in TASWA by the participating governments.

History

- 1995 – Start discussions
- 1996 – Hire firms to select landfill site – form Citizens Advisory Comm., Political Advisory Comm. And Technical Advisory Committee
- 1999 – Lawyers hired for permitting
- 1999 – Land purchased
- 1999 – Permitting begins
- 2001 – Permit filed
- 2003 – Contested Public Hearing (Jan – Oct)
- 2004 – Construction begins
- 2005 – Landfill opens

Kaufman County Environmental Coop



Description

- Formed in October of 1997, the Environmental Co-op (the Co-op) is the result of an ongoing effort by concerned officials and citizens of Kaufman County to take an active and positive stance on the problem of disposing of household wastes of an increasing population with increased concerns about the environment.
- The Co-op is a 501c(3), member-owned non-profit environmental business that specializes in setting up waste disposal programs in Kaufman County. With no landfills in the county and diminishing space in nearby landfills, the problem of municipal solid waste is getting more serious every day. The Co-op's primary focus is to provide education on issues such as solid waste reduction, composting, recycling and resource conservation.
- Their mission is the conservation of natural resources through education and management of all aspects of solid and hazardous waste, recycling, and overuse of resources.

From 1996-2012
\$1.8 million in grants
for 27 different
projects

Kaufman County



Purpose:

Provide education, reduce illegal dumping and expand recycling opportunities and operates a recycling processing facility

Membership:

County Government, Cities and private members

Decision Making Process:

Executive Board and Board of Directors with precinct-wide membership

Funding:

- Grants and payments from County and Cities
- Contracts with cities and counties for services
- Budget of \$250,000

Accountability:

Board of directors – County has input into Board membership as County funds approximately 1/3 of its budget

Waste Flow Control

No flow control – provide recycling processing services (approximately 1 million pounds per year)

Status of Current Waste Contracts

Coop has contracts with Cities & Counties

Relies on County or Cities sponsorship for some grants

Permitting / Permit holder

Cities or Counties for convenience stations

Financial Assurance

Not applicable

Market Risks

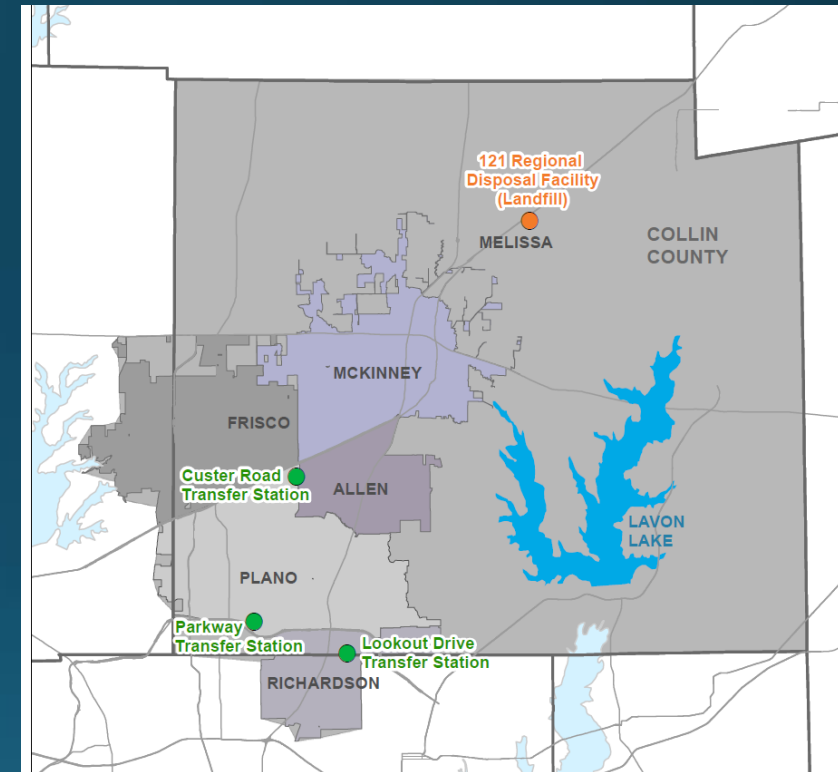
Co-op bears the risk of markets and flow to the facility

NTMWD



Description

- Provides landfill and transfer station services to cities of McKinney, Plano, Richardson, Frisco and Allen, Collin County and surrounding areas
- Cities pay for landfill budget based on tonnages disposed at facilities
- Three Transfer Stations
- One Landfill
- Composting Operation at Landfill



In 1956, the NTMWD served a population of 32,000 – Today, it's population is 1.6 million – Expected to grow to 2.5 million by 2040

NTMWD



Internal

Purpose: Provides transfer station, landfill disposal services and composting

Membership: Broad regional partnership – MSW is Plano, Richardson, Frisco, McKinney and Frisco

Decision Making Process:

- Staff management of facilities
- Community input through Solid Waste Committee
- Board has final decision over fiscal and operations

Set forth in operating contract. There is a NTMWD Board that must approve all actions. An advisory committee is in place to deal specifically with MSW issues.

Funding:

In 2015, Solid Waste generated \$30 million in gross revenues for solid waste management services

Accountability:

- Accountable to a Board of Directors comprised of appointed representatives from the 13 Member Cities we serve.

Facilities

Waste Flow Control

- Cities are obligated to send waste to NTMWD Landfill. They have franchise agreements that require haulers to take waste to NTMWD facility.

Status of Current Waste Contracts

- Cities have franchise agreements. Cities have undertaken a memorandum of understanding with the District related to future services and facilities. District contracts with city of Plano to operate a compost facility – Cities are part of this agreement as well.

Permitting / Permit holder

- NTMWD is the permit holder.

Financial Assurance

- District is responsible for financial assurance

Market Risks

- Budget is derived by evaluating total costs and allocating costs based on tons of waste sent to the landfill.

Special Districts

General Law Districts that Can Provide Municipal Solid Waste Services

Water Control and Improvement District (WCID)

- Created under Chapter 51 of the Texas Water Code
- Has the authority to tax, borrow, and issue bonds
- May include all or part of one or more counties, including any town, village, or municipal corporation, and may include other political subdivisions of the state or any defined district

Municipal Utility District (MUD)

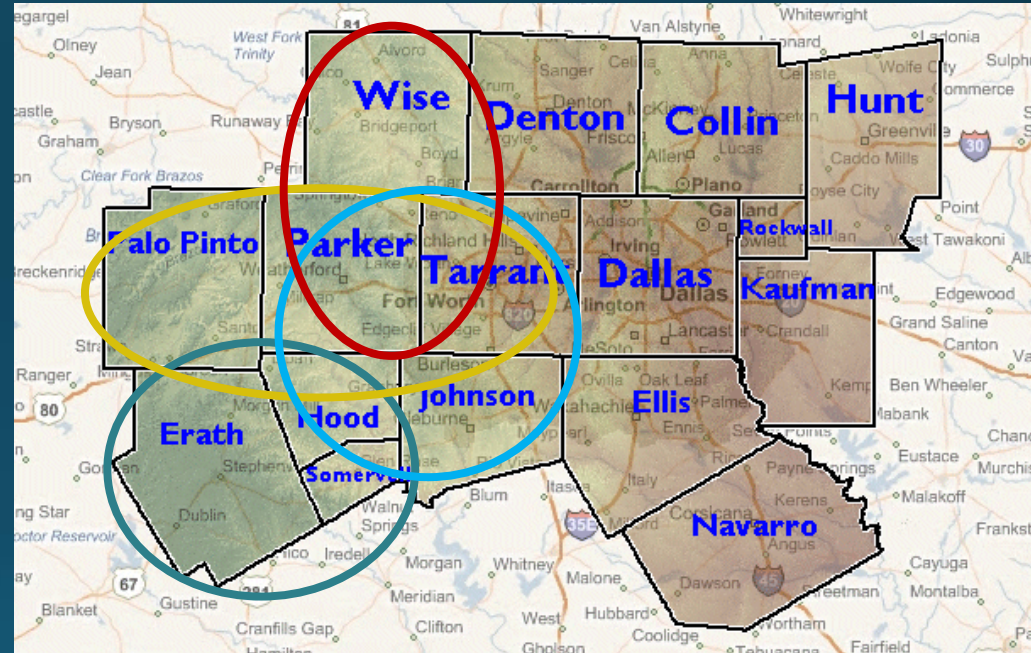
- Created under Chapter 54 of the Texas Water Code
- Has the authority to tax, borrow, and issue bonds
- May include all or part of any county or counties, including all or part of any cities of other public agencies

Special Utility District (SUD)

- Created under Chapter 65 of the Texas Water Code
- Lack the authority to tax, but can incur debt through bonds
- Customer-owned rural water supply corporations that have chosen to form governmental districts

Paths Forward

- Planning Group
 - Identify Common Needs
 - Evaluate Potential Sub Regions
 - Determine Goals of getting together
 - Inventory Resources
 - Capacity Monitoring
 - Consider expansion of public/private partnerships
 - Establish formal group



Potential Opportunities

- Cooperative agreements for marketing recycled materials
- Cooperative transfer station construction / operations
- Expansion of existing joint HHW management
- Guaranteed capacity at either TS or Landfills
- Cooperative policy making
- Joint Landfill Capacity Development
- Joint public / private partnerships for above options

