

The WilCo Coalition News

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Late Edition

MORRISON'S RESPONSE TO LANDFILL QUESTIONS AVOIDS KEY ISSUES AND REVEALS VERY LITTLE

When members of the Williamson County (WC) commissioners court approved the landfill operating agreement with Waste Management of Texas (WMI) on March 2, citizens feared that the parties to the contract would revert to *business as usual* and fail to live up to effecting good public policy.

Precinct 4 Commissioner Ron Morrison has been invited but has refused to attend the last five meetings of the Hutto Citizens Group to discuss the landfill. In early May, he responded to a list of questions submitted by Jason Wirth, a member of the Hutto City Council, but the response glossed over major issues and avoided answering key questions.

In addition to Morrison's inadequate written response, the only other response Wirth received was from Precinct 1 Commissioner Lisa Birkman, who offered to privately discuss the questions. But Wirth reported at a meeting of the Hutto Citizens Group on May 5 that he wanted the county's response *on the record* and in writing. In his memo, Wirth summarized the major, pending issues in six questions, which are further explained by this newsletter along with Morrison's response so readers can appreciate the context. *(Editor's note: Morrison did not respond to each question specifically but instead provided a general narrative which glossed over several issues, making it more difficult to associate his response to the individual questions. Morrison's two-page response is provided at the end of this newsletter.*

Wirth wrote: *The contract calls for the Hutto ISD and the City of Hutto to benefit from landfill revenues based on two percent of landfill receipts, with the county determining how the money will be spent. How will that financial benefit be calculated, with particular reference to whether ALL landfill receipts will be used in the calculation, and whether discounted rates (for commercial haulers) will be grossed up to the retail rate in making the calculation. What is the estimate for the initial contribution to this fund, and what are the calculations supporting that estimate?*

This benefit, according to the contract, is not in cash to the Hutto community, but it rather goes to a fund controlled by the county for things like parks and other public amenities which the county already should be providing from park bond funds. Nonetheless, the key element of the question has to do

with landfill finances, a sore subject because of the repeated efforts of WC to obscure the discounted tipping fees for commercial haulers (especially WMI's own hauling company) from public view. Although the contract is by no means clear on this point, according to Morrison's response, the two percent benefit for Hutto will be based on two percent of the landfill's gross receipts, with discounted rates being grossed up to the equivalent of the retail rate for purposes of the two percent calculation. But Morrison provided no estimate regarding how much annual revenue this provision would generate for the benefit of Hutto. Also left hanging is the long-standing question regarding whether the use of the fund (for parks, or some other amenity) will replace funding the county otherwise and ordinarily would provide from its park bond revenues.

Wirth wrote: *The contract calls for a 1,000-foot buffer zone along FM 1660 while also saying that the buffer zone will not reduce the landfill's capacity. How is this contradiction resolved without sacrificing the full, buffer effect of the 1,000-foot buffer zone?*

It is a contradiction of physics, geometry, basic arithmetic and logic itself to say that having a 1,000-foot buffer zone will not reduce the capacity of the landfill. While the county was negotiating the contract with WMI, commissioner Valerie Covey was asked a couple of times via e-mail to explain the meaning of this provision and the apparent contradiction. No response was received. In an inadequate response to the questions asked by a member of the Hutto Citizens Group, Connie Watson, the WC public information representative, provided a graphic drawing of the landfill footprint without explaining the discrepancy while saying that the answer somehow is found in the graphic. In his response, Morrison completely glosses over this question by saying, "In developing the new site plan, one provision of the new contract is that no disposal of waste can take place within 1,000 feet of FM 1660 without prior approval of Williamson County Commissioners Court." That still doesn't answer the question which asks how the buffer zone can exist at all without reducing the landfill capacity. The only obvious answer is that commissioners court will be obligated to approve use of the buffer zone for burying solid waste, or that the court will later seek to increase the height of the landfill to offset the loss of the bufferzone, but Morrison obfuscates that fact and won't admit to the reality that the contract provision has compromised establishing the 1,000-foot buffer zone. It's becoming more and more clear that by ducking the question, the county has no intention of holding the line for having WMI maintain the full value of this buffer zone. A real answer is still awaited.

Wirth wrote: *The contract calls for a county employee (whose salary is funded by Waste Management) to monitor all landfill operations for various compliance issues. Has a job description for that position (including minimum qualifications) been approved by commissioners court? Has anyone been hired? If not not, what is the reason for the delay?*

Morrison's response: " ... we are working on preparing a request for qualifications for a landfill monitor. This would be a contract position to monitor landfill operations. The request for qualifications will be posted and

applications will be accepted, then someone will be selected for that contract position, hopefully by the beginning of this summer.”

The landfill contract was signed some 11 weeks ago, and it is clear from Morrison's response that he has done nothing toward implementing this key provision of the contract. Why is the implementation of this provision being dragged out so slowly?

Wirth wrote: *The contract calls for a master site plan to be developed for the landfill within a year of signing the contract this past March. Will there be public meetings to receive input from the public regarding the structuring of that site plan? If not, why not?*

Morrison's answer: “ ... a master site plan will be developed for the landfill. Public input will be sought on the master site plan.”

Morrison's response ducks the question regarding whether there will be public meetings to discuss structuring the site plan. And he doesn't even commit to a process of reasonable dialogue about the process—only that citizens will provide “input”. The absence of real discussion has been a longstanding problem with regard to landfill issues, including the process by which the present contract was devised. “Input” is not the same as having a seat at the table with real two-way dialogue and compromise.

Wirth wrote: *The contract calls for provisions involving improvements in recycling. What are the statistics involving recycling since the new contract was signed in March of this year?*

Prior to approval of the landfill contract on March 2, much lip service was given to the importance of recycling at the landfill. And the contract appears to support a strong recycling program even though the provisions, for the most part, are toothless regarding enforcement. Prior to approval of the contract, WMI mounted a significant public relations effort and even moved equipment onto the landfill site for the stated purpose of recycling shingles and brush and construction and demolition (C&D) debris. A recent article in *Community Impact* newspaper by Beth Wade stated that some 500 tons of C&D per day, plus 100 tons of shingles, were being recycled. However, at the regular meeting of the Hutto Citizens Group on May 5, Mahlon Arnett reported that he had been given a tour of the landfill by Linda Rife of WMI the previous week, and (according to Arnett) the shingle processing unit was not operational and several large piles of shingles were being stored on-site. Arnett said it also appeared that there was no significant recycling of brush and C&D. Some three weeks before Arnett's tour, Jeff Maurice, chairman of the HCG's Landfill Committee, sent the following memo to Morrison:

Ron, an article in the recent Community Impact News prompted a couple of questions. Could you please provide answers to the following questions? (1) Of the approximately 500 tons of construction and demolition debris that arrives at the landfill daily, how many tons are actually being recycled currently? (2) Is the shingle pilot recycling project fully up and

running? If so, how many tons of shingles are actually being recycled under that program currently?

Morrison didn't respond to Maurice's questions. In his response to Wirth, he wrote: "... work is in progress to expand the recycling efforts at the landfill. Waste Management will be taking over the day-to-day operation of the Recycling Center effective 90 days after the signing of the contract, so we have no responsive information at this time regarding statistics of the recycling center improvements. We are pleased that Waste Management will continue to take many recyclable items at no fee for Williamson County residents and will be accepting additional items at the Recycling Center. They also are installing additional equipment for shingle recycling and hope to have that function operational in the next 30 to 60 days. When it is fully operational, it could remove 100 tons of shingles per day from the landfill!" (*Editor's note: Observe the exclamation point.*)

What is missing from this recycling synopsis provided by Morrison is any program to decrease the volume of waste that goes into the landfill by reducing the solid waste stream. In essence, the only components for better recycling are: (1) whatever people take to the Recycle Center on their own, and (2) whatever volume might come in as shingles, up to 100 tons per day. The reference to "100 tons" of shingles per day is a blue-sky projection. First of all, Waste Management's (WMI) experimental recycling program was supposed to be in operation in September of 2008, but apparently technical problems stalled the program, and it appears that WMI still has not been able to get the process to work. And the projection that 100 tons of shingles per day will be recycled is unrealistic on its face. If total solid waste received were to be 200 tons per day, that volume would amount to some 600,000 tons per year (far above the current volume), which would mean that *half the volume would be due to shingles*. The ratio is out of whack, and Morrison has some real explaining to do regarding these numbers.

In addition, Morrison mentions nothing about recycling brush and composition-and-demolition materials. Have the county and WMI given up on recycling these materials. Why does Morrison not address this issue in his response? The disposition of the brush and C&D on the site is important. Is WMI merely landfilling the brush and C&D by using some of it for waste cover and shoring up the sides of the landfill area above-ground? These questions must be answered for full disclosure of the landfill operation.

Bottom line: Despite the lofty rhetoric from Morrison about his commitment to recycling, it appears to be clear that effectively nothing on recycling has been done at the landfill since the contract was signed, nor even in the past two years.

Wirth wrote: *It appears that bird activity over the landfill has picked up considerably in mid-to-late April. Is Waste Management using daily soil cover for the landfill operation, or is it using alternate daily cover except for weekends?*

In Morrison's response, he writes, “ ... let me assure you that Waste Management has used and continues to use daily soil cover at the landfill. No alternate daily cover has been used.

A telltale sign that the landfill is not being managed properly, especially with regard to the application of daily cover, is the presence of birds swarming over the site. A report to Morrison regarding the bird swarms has been made, but he has not responded. In addition, this report (from Linda Wilson, who lives near the landfill) regarding bird activity was submitted to the WCPPC on May 13:

I can verify that we do have a bird and worse buzzard problem. I live just down the road from the landfill at the corner of CR 130 and CR 131 and go up and down the road at least 6-8 times a day if not more. The buzzards have started to hang around our back pasture and for some reason seem to be interested in our Purple Martins. I see the buzzards practically everyday. What I also don't like are the trucks that go up and down the road with their trash and debris in the back on their way to the dump and the crap falls off on our street. As the temperatures get warmer the smell is horrendous.

If WMI is actually using daily soil cover properly, then something else is causing this bird problem and needs to be corrected. Has the use of daily soil cover been objectively verified, or is Morrison simply accepting such a statement by WMI without questioning it? The county (especially Judge Gattis) and WMI were insistent that alternate daily cover be included in the contract and the expansion permit. Morrison now wants to “assure” the public that it is not being used. That seems a bit inconsistent. However, we will strictly hold him at his word that alternate daily cover is not being used.

In light of all these questions, the inadequate response by Morrison and other county officials falls far short of minimally-adequate disclosure. The problem is further exacerbated by the fact that Morrison refuses to meet face-to-face with citizens in an open, group session.

After Morrison repeatedly failed to attend any of the HCG's twice-monthly meetings in March and April, HCG member Jerry Tidwell summed up the problem as part of his invitation to Morrison to attend the HCG's May 5 meeting. In an e-mail to Morrison dated May 2, Tidwell wrote:

Once again I personally want to invite you to attend the upcoming meeting on Tuesday, May 5, at 6:30 p.m. (at the) Hutto Lutheran Church Parish Hall in Hutto, Texas. An Agenda for the meeting is attached for your review. As you can see, there are several items on the agenda that could use valuable input from you as our elected county official representing Hutto and Precinct 4 registered voters. As a fellow Republican, I have made various attempts for you to meet with the HCG and have not received any positive response. With the next election cycle rapidly approaching, it should be in your best interest to meet with your constituents and not become known as the candidate not wishing to address the voters. This is an opportunity for you to show your leadership

qualities to get an advantage over any other possible candidates that may wish to challenge you.

Morrison didn't answer Tidwell's e-mail. Like Birkman, he has offered to meet privately with citizens individually, but he won't make a public appearance to discuss the subject (which media could attend).

And so, at this point, citizens await adequate answers from county officials involving the promises and pledges regarding the virtues of the new landfill contract. Morrison's very limited response certainly falls short.

THE NOT-SO-TRUE, SWORN TESTIMONY ABOUT THE COUNTY'S POSITION ON PENDING LANDFILL LEGISLATION IN A SENATE COMMITTEE

On April 21, the Texas Senate's Committee on Natural Resources took testimony on SB 2235, a bill which would define a landfill "Operator" as being the same as the landfill's permittee. The legislation is important for Williamson County because it would remove any doubt regarding the county being in control of the landfill (as opposed to the contractor, who could be argued as being "in charge" of the landfill if named as the "operator" on the permit). Throughout the processing of the county's (1405-B) application to expand the landfill, both in venues at the Texas Commission on Environmental Quality and the State Office of Administrative Hearing, members of the WC commissioners court sought to assert that the county is in charge of the landfill. Nonetheless, the county's lawyers in those proceedings consented to having TCEQ name the contractor (WMI) as the "operator" on the finalized permit. SB 2235, if it becomes law, would solve that issue. However, an interesting situation developed on April 21 when the bill was heard in the Senate committee in the form of testimony offered by a representative of WMI.

In testifying against the bill, WMI's Chris Macomb provided a sworn, verbal statement (which is now archived in the official state video of the hearing) which asserted that Williamson County was opposed to the passage of SB 2235. Subsequently, a member of the HCG submitted an open records request to Williamson County asking for documents pertaining to the county's position on the bill, and the response to the request was that the county possessed no such documents (and therefore had not taken a position). In a telephone conversation on the afternoon of April 21, Morrison also stated that the county, to his knowledge, had not taken a position on the bill.

And so, given the presence of the smoking-gun evidence that a representative of WMI apparently misrepresented the position of the county in sworn testimony, what are Williamson County officials going to do about that? Will they at least issue a statement refuting Macomb's sworn statement? Will they ask WMI for an explanation and make any response public? Or will they just try to let it go, without even looking into whether such an action by WMI amounts to a default involving the landfill contract?

(Breaking news note: SB 2235 passed the full Senate on May 8 by a vote of 29-1 and has moved to the House where it has been assigned to the Environmental Affairs committee.)

HERE'S WHAT YOU GET FOR YOUR MILLION-DOLLAR PUBLIC RELATIONS CONTRACT

In mid-March and late April, Williamson County rolled out a public relations process involving its road program, with “open house” displays at precinct locations and then a grand scenario open house in Georgetown on April 16. The presentation was orchestrated by Martin & Salinas (M&S), the public relations firm that has a million-dollar PR contract with the county to promote its road-building program.

At the open house for Precinct 4 held on March 31 in Taylor, member of the HCG and the WCPPG noticed some problems with the maps. The map showing the route of the realigned FM 1660 showed the roadway going right over the top of the landfill. And the population density map for both 2009 and 2035 (projected) showed Hutto (east of FM 685) having a population density less than Taylor and roughly equal to extreme rural areas of the county, including areas around Thrall and Granger in the east and northeast portions of the county (depicted as 750 people per square mile). Since Hutto has a current population roughly equal to Taylor but an area within its corporate limits far less than Taylor, the maps and statistics appeared to be greatly in error. A further major problem was found in the fact that the map of population projection for the year 2035 showed Hutto with no increase in density at all east of FM 685 (including the area where Morrison's county office is located).

When citizens pointed out the errors at the March 31 open house, the county's consultants admitted that the FM 1660 alignment over the top of the landfill was wrong. (That problem was corrected on the same map which later appeared at the subsequent April 16 open house.) But left uncorrected at the April 16 open house was the map showing the incorrect population density (both current and projected) for Hutto.

Linda Rife, the representative for M&S, explained that the population density colors on the map were driven by computer software which utilized census data, but something obviously was wrong with the methodology as well as the result generated. Rife admitted as much and said that between March 31 (when the error was pointed out) and April 16 (the subsequent and final open house) a solution to the software problem hadn't been found. (Citizens suggested that at the very least a magic marker could be used to fix the color coding and show the presence of Hutto.)

What is especially tragic about this entire matter is that county officials have made no effort to insist that the information be corrected by the consultants, and the criticism is especially true for Morrison, who should be very familiar with the area because of where his office is located and the fact that his precinct is involved.

A major question raised by such blatant errors involving documentation pertains to the quality of long-range planning for roads in the context of such out-of-touch demographics. Hutto citizens pointed out on both March 31 and April 16 that it is precisely these kinds of demographic errors which lead to bad public policy decisions involving the location of major, new electric transmission facilities and the expansion of the county landfill. With such major errors in the mix regarding demographics, it's obvious that bad decisions involving transmission lines, landfill facilities and roads can result.

It appears that a million dollars doesn't go very far these days in terms of the quality of work.

Alternatives exist for T. Don Hutto

Editor's note: The imprisonment of women and children at the T. Don Hutto prison facility in Taylor continues to be a moral, legal and administrative problem. On August 31, federal court oversight of the facility to insure that previous abuses don't return ceases. On April 16, Kurt Johnson II, a community coordinator for the WCPPC, carried a protest sign at the Williamson County courthouse which read: "Gattis should make pizza and not imprison women and children." In a conversation Johnson had with County Judge Dan Gattis in the courthouse rotunda, Gattis referred the issue regarding cessation of federal oversight to the county attorney's office and wouldn't discuss the matter further. It later was learned that the county's position on the matter is that safeguards are contained in new guidelines adopted by Immigrations and Customs Enforcement (ICE), but that position is disputed by lawyers for the imprisoned women and children who say that the guidelines are merely advisory and not enforceable. The controversy continues.

There will be another vigil for T. Don Hutto on Saturday, May 16, organized by a San Antonio group (one of many groups involved in this issue). The vigil will begin at noon with a gathering at Heritage Square in downtown Taylor, followed by a march to the prison.

By Jane L. Van Praag

On Tuesday March 28, Diana Maldonado passed her fourth bill, HB 1789, which allows Taylor (and other cities with a comparable size) to use an already-collected hotel occupancy tax to promote local tourism. "This legislation is significant to the continued growth and success of the City of Taylor," City Manager Jim Dunaway, said, adding, "I appreciate Representative Maldonado's deep interest in Taylor and Eastern Williamson County, and her diligence in working with us to pass this legislation to increase tourism and economic development to our city."

Some new plans for the funds include construction of shade structures and an expansion of seating at various venues, additional restrooms, and new sports fields and courts. The city will also consider

expanding some of the hike-and-bike trails as well as updating several sport surfaces and their lighting structures.

This good news leads me to believe it's time for the Taylor residents who oppose the use of the T. Don Hutto prison to imprison women and children to start urging the city council to look into refurbishing that empty nursing home fronting north TX HWY 95 so that it can contract with the county and the Texas Department of Human Services (instead of the Corrections Corporation of North America (CCA)). At whatever point the ICE imprisonment program for immigrants exits T. Don Hutto, CCA and the City of Taylor will have a huge useless building it will probably want to sell, perhaps for cents on the dollar. With some renovation, that facility could become Taylor's first community center...it would be centrally located and within easy walking distance for residents who don't have private transportation. Surely the best way to improve Taylor's tourism, as well as to expand its economic development, is for it to lose its image as a prison town.

Of course, such redirection of Taylor's future is not my original idea; it came from the Taylor residents themselves early-on in our opposition to T. Don Hutto. I'm just thinking that this new law enables citizens and Taylor to further bring about these changes. My suggestion is that all of us should start formulating a plan on how we can help our Taylor citizens accomplish these goals. Once the idea is formally introduced, I pledge to do my part in attempting to persuade Williamson County commissioners to act on this better idea.

Meanwhile, we can continue to make our case that incarceration does much harm and no good, plus we can hope the Obama Administration, in addressing all immigrant issues, will close down TDH and similar facilities across the nation. That too will leave CCA with a big ol' building it will need to sell.