



Environmental Services

Item 3. Recommendation to Postpone Flow Control Implementation

October 29, 2013



Recommendation

Postpone flow control 5 years

- Current implementation date September 1, 2014
- Proposed implementation date September 1, 2019



What is Flow Control?

- Flow control is a legal approach for the City to protect an investment in the disposal system
- Local governments direct the flow of solid waste in their jurisdiction to a publicly-owned landfill
 - Implemented via ordinance
- Based on 2007 U. S. Supreme Court case
- Local "government's important responsibilities" include protecting "the health, safety and welfare of its citizens"
 - Waste management is a public function, and local government has a "vital" role
 - Revenue generation is a recognized public benefit in the absence of discrimination
 - *United Haulers Association v. Oneida-Herkimer Solid Waste Management Authority*



Flow Control in El Paso

- August 24, 2010 – Revised Title 9.04 to incorporate flow control
 - Effective date September 1, 2011
- July 11, 2011 – Revised Title 9.04 to postpone flow control until September 1, 2014
- Other related events
 - Solid Waste Franchise Agreements: Effective September 1, 2011
 - Waste Exchange Agreement: Effective April 2012



Why Flow Control?

- Ensures that public health and the environment are protected through the proper disposal of waste
- Allows better planning to ensure sufficient landfill capacity
- Provides convenient access to disposal
- Provides cost effective disposal
- Ensures investment in landfills is recovered
- Increases revenue to the City
- Increases success of environmental programs
 - Recycling
 - Cash for Trash
 - Landfill-gas-to-energy
 - Composting
- Reduces illegal dumping through reporting and enforcement provisions



Why Postpone Flow Control?

- Crisis of regional landfill capacity averted
 - Camino Real Landfill (Sunland Park, NM) acquired 20 year permit from State of New Mexico
- Gives City time to acquire/develop solid waste landfill capacity
- Waste-to-energy technologies will increase over time
- Waste exchange agreement providing benefit (waste transportation cost savings) to City



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Questions?