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WilCo landfill contractor files lawsuit trying to keep landfill financials secret

Williamson County's landfill contractor has filed a lawsuit against the Texas attorney general and Williamson County to try to suppress information about landfill financials which were sought by a citizen through a Public Information Request made to the county.

The request for information regarding the tipping fees being charged to commercial solid waste haulers using the landfill was filed by Kurt Johnson, Sr., a former Hutto resident who lives in Austin. The county refused to release the information within the prescribed, 10-day period.

The landfill contractor, Waste Management of Texas (WMI), filed an objection with the attorney general to keep the county from releasing the information. After the attorney general issued an opinion stating that the tipping fees should be released, based on Johnson's request, WMI filed the lawsuit.

Johnson said he submitted the public information request after analyzing general financial information about the landfill and determined that the total reported revenues and tonnage only made sense if the tipping fees charged to commercial haulers were unbelievably low.

"If those substantial discounts are really happening," Johnson said, "it's a problem not only because the landfill is a public asset owned by the county. It's also a major problem because WMI gets to charge any lowball rate it wants to its own hauling company for waste deposited in the county's landfill, creating a situation of self-dealing."

Johnson continued, "The fact that WMI can determine the charges to its own hauling company shows one of the major flaws in the landfill contract to which the county agreed back in March, and another major flaw is that WMI is trying to keep the financial information about a public landfill secret while no one representing the county is willing to step up and do anything about it."

According to WMI's lawsuit, the claim for non-release is being made based on the argument that the discounted tipping fees are "trade secrets."

"That argument would work if the county didn't own the landfill," Johnson said. "If WMI owned the landfill, then there would be no opening to even make the public information request." According to Johnson, both current Attorney General Greg Abbot and former Attorney General John Cornyn have issued previous opinions stating the the public has a right to obtain such information.

Johnson added, "It's going to be very interesting to see whether Precinct 4 Commissioner Ron Morrison—whose precinct is home to the landfill—is willing to stand up and be an advocate for having this information released to his constituents. It also will be interesting to see whether Morrison and other members of commissioners court are willing to accept accountability for the provision in the landfill contract which made this kind of self-dealing possible without public scrutiny."

Johnson said he is posting all the documents from the case at www.gismedia.com/agreement.