



Overview of Governance Structures for a Regional Solid Waste Management System

WORKING GROUP MEETING – MAY 11, 2020

MISSION

TAC Project 1

- ▶ (1) Investigate Florida Solid Waste Districts with the following governance structures and report back findings
 - ▶ Interlocal Agreement
 - ▶ Independent Special District
 - ▶ Dependent Special District
- ▶ (2) Provide a comparison between the types of governance
- ▶ (3) Identify future needs and challenges to be considered in the creation of a regional solid waste system

INTRODUCTIONS

Subcommittee A

(Chair Ralph Trapani- Miramar)

Interlocal Agreement Based Districts
Independent Special District

Subcommittee B

(Chair Leigh Ann Henderson- Wilton Manors)

Dependent Special District

INTRODUCTIONS

Subcommittee C

(Chair Phillip Holste- Davie)

Future Needs and Challenges

Subcommittee D

(Chair Alex Tergis- Coconut Creek)

Analysis of all Governance Structures



EXISTING GOVERNANCE STRUCTURES FOR SOLID WASTE IN FLORIDA

GOVERNANCE OVERVIEW – Available Governance Structures



- ▶ (1) Interlocal Agreement Based Structure (“ILA”)
- ▶ (2) Independent Special District
- ▶ (3) Dependent Special District

GOVERNANCE OVERVIEW – Available Governance Structures



- ▶ **(1) Interlocal Agreement Based Structure (“ILA”)**
- ▶ (2) Independent Special District
- ▶ (3) Dependent Special District

GOVERNANCE OVERVIEW –

Broward County

Quick statistics (2017)

1,323 square miles

Population: 1,873,970

Total Tons: 3,889,119

Recycled Tons: 1,291,545 (33%)

Renewable Energy Tons: 499,443 (13%)



Broward County

Current Infrastructure:

Broward County Landfill (210 tpd)

Class I (County)

▶ \$50.00/ton

Monarch Hill Landfill (3500 tpd) Class I (Private)

Renewable Energy Facility (2250 tpd)

Wheelabrator (Private)

▶ \$45.86/ton

▶ Accepts Out of County waste

Recovered Material Facilities (Private)

Wheelabrator South Broward Ash Monofill

Transfer Stations

3 Drop Off Centers (County)

1 Closed Landfill Site



GOVERNANCE OVERVIEW – ILA



AUCILLA AREA
SOLID WASTE ADMINISTRATION

Service Area

Dixie County

Madison County

Jefferson County

Taylor County



Quick statistics (2017)

Square Miles:	3,449
Population:	73,190
Total Tons:	61,382
Recycled Tons:	8,690 (14%)



- ▶ **Date Established:** June 1, 1991

- ▶ **Governing Body:** One Commissioner from each County is appointed

- ▶ **Statutory Authority:**
 - ▶ FS 163.01 Florida Interlocal Cooperation Act of 1969
 - ▶ FS 403.706 Local government solid waste responsibilities



- ▶ **Catalyst:** Each County had been handling their own solid waste disposal by landfilling.

Regulatory changes requiring landfills to be lined created common interest among 17 neighboring counties.

3 separate Solid Waste Authorities were created to meet the needs, including the Aucilla Area Solid Waste Administration.

ILA



AUCILLA AREA
SOLID WASTE ADMINISTRATION

Current Infrastructure:

Class I & Class III Landfill (221 tpd)
(Public)

- ▶ \$43.00/ton
- ▶ Accepts "Out of Region" Waste

Future Plans:

Estimated 50 years of life remaining

Reserves established for a landfill gas capture project to be developed

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- ▶ **Annual Revenues:** \$2.47 MM FY19/20
- ▶ **Funding Mechanism:** Tipping Fees
- ▶ **Rebates:** Approximately \$500,000 annually paid back to member Counties as earnings exceed expenses



- ▶ **Flow Control:** YES

- ▶ **Capabilities:** Acquisition of real property
Issue debt
Set rates, fees and charges
Grant franchises
Cannot directly levy non-ad valorem assessments
but can be levied by individual counties

GOVERNANCE OVERVIEW – ILA



**NEW RIVER SOLID
WASTE ASSOCIATION**

Service Area

Baker County

Bradford County

Union County



Quick statistics (2017)

Square Miles:	1,139
Population:	70,780
Total Tons:	60,281
Recycled Tons:	13,691 (23%)



- ▶ **Date Established:** July 5, 1988

- ▶ **Governing Body:** Two Commissioners from each County are appointed
Board elects officers for one-year terms

- ▶ **Statutory Authority:**
 - ▶ FS 163.01 Florida Interlocal Cooperation Act of 1969
 - ▶ FS 403.706 Local government solid waste responsibilities



- ▶ **Catalyst:** Each County had been handling their own solid waste disposal by landfilling.

Regulatory changes requiring landfills to be lined created common interest among 17 neighboring counties.

3 separate Solid Waste Authorities were created to meet the needs, including the New River Solid Waste Association.

ILA

Current Infrastructure:

Class I Landfill (800 tpd) (Public)

- ▶ \$42/ton Union and Bradford County (includes County surcharge)
- ▶ \$28.50/ton Tip Fee Baker County
- ▶ Accepts “Out of Region” Waste
 - ▶ Alachua County (\$28.50/ton)
 - ▶ Gilchrist County (\$28.50/ton)
 - ▶ Levy County (\$28.50/ton)

19 Drop Off Centers (Public)

Future Plans:

Landfill Gas-to-Energy planned
December 2020; 50 Years Airspace

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**NEW RIVER SOLID
WASTE ASSOCIATION**





- ▶ **Annual Revenues:** \$9.39 MM 2018
- ▶ **Funding Mechanism:** Tipping Fees



- ▶ **Flow Control:** YES
- ▶ Capabilities:
 - Acquisition of Real Property
 - Issue Debt
 - Set rates, fees and charges
 - Grant franchises
 - Counties are required to provide necessary funding for the District

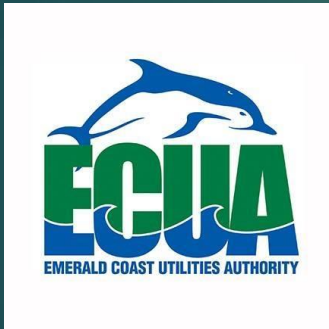
GOVERNANCE OVERVIEW – Available Governance Structures



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- ▶ (1) Interlocal Agreement Based Structure (“ILA”)
- ▶ **(2) Independent Special District**
- ▶ (3) Dependent Special District

GOVERNANCE OVERVIEW – Independent Special District



Service Area

Escambia County
Portion of Santa
Rosa County

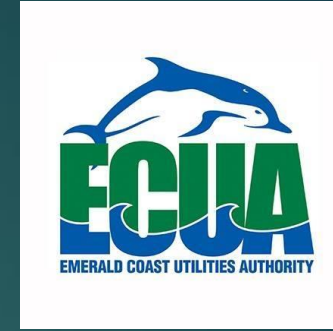
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Quick statistics (2017)

Square Miles:	875
Population:	313,512
Total Tons:	744,001
Recycled Tons:	362,067 (49%)
Renewable Energy Tons:	25,877 (3%)

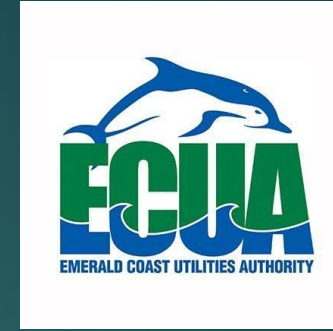
Independent Special District



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- ▶ **Date Established:** 1981 (Solid Waste Management 1992)
- ▶ **Governing Body:** Five elected Board members- One per voting district
Staggered four-year terms
- ▶ **Statutory Authority:**
Special Act of Florida 81-376

Independent Special District



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- ▶ **Catalyst:** In 1992, the Governor signed an Executive Order to charge the ECUA with solid waste collections
- ▶ **Oversight:** Citizens' Advisory Committee (12 members) serves as an advisory board to the ECUA Governing Board- meet monthly

Independent Special District

Current Infrastructure:

Class I Landfill (600 tpd) (Public)

- ▶ \$45.06/ton

1 Drop Off Center (Public)

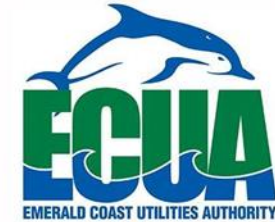
Material Recovery Facility (2016- P³)

- ▶ Accepts from New Orleans, LA

- ▶ Accepts from Tallahassee, FL

Composting Facility (Public)

Future Plans: Improvements to their Material Recovery Facility to include robotic sorters by 2021



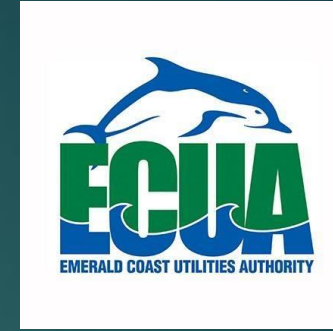
Independent Special District



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- ▶ **Annual Revenues:** \$37.5 MM 2020
- ▶ **Funding Mechanism:** Residential Rate Collection
 - ▶ Loans for capital
 - ▶

Independent Special District



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- ▶ **Flow Control:** YES
- ▶ **Capabilities:** Acquisition of Real Property
Issue Debt
Set rates, fees and charges
Grant franchises
Waste collection activities
No Ad-Valorem Authority- County level capability only

GOVERNANCE OVERVIEW – Available Governance Structures



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- ▶ (1) Interlocal Agreement Based Structure (“ILA”)
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GOVERNANCE OVERVIEW – DEPENDENT SPECIAL DISTRICT

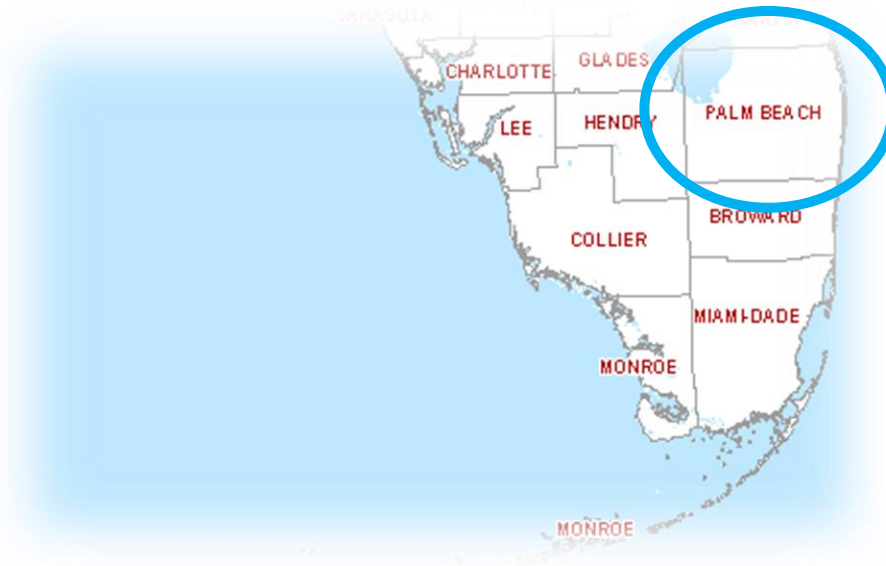


Service Area

Palm Beach County

Quick statistics (2017)

Square Miles:	2,383
Population:	1,411,246
Total Tons:	3,447,795
Recycled Tons:	1,558,716 (45%)
Renewable Energy Tons:	840,706 (24%)



Dependent Special District



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- ▶ **Date Established:** 1975
- ▶ **Governing Body:** All Seven County Commissioners
Board elects officers for one-year terms
- ▶ **Statutory Authority:**
Palm Beach County Solid Waste Act
Chapter 2001-331 Laws of Florida, as amended

Dependent Special District



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- ▶ **Catalyst:** Solution to address the many open dump sites throughout the County
- ▶ **Oversight:** SWA Citizens' Advisory Committee (11 members) serves as an advisory board to the SWA Governing Board
 - ▶ 7 members are appointed by the Governing Board Commissioners to represent each district, 4 members at large.

Dependent Special District



- ▶ **Flow Control:** YES (Economic and Contractual)
- ▶ **Capabilities:**
 - Acquisition of Real Property
 - Issue Debt
 - Set rates, fees and charges
 - Grant franchises
 - Waste collection activities
 - Can levy ad valorem tax not to exceed 1 mill on the dollar

Dependent Special District

- ▶ **Current Infrastructure:**
- ▶ Renewable Energy Facilities #1 and #2 (P³)
 - ▶ \$42/ton
 - ▶ \$138/ton Out of County
- ▶ North County Class I Landfill Complex
- ▶ Recovered Materials Processing Center (P³)
- ▶ Biosolids Processing Facility- 600 tpd (P³)
- ▶ 6 Transfer Stations (Public)
- ▶ 7 Household Hazardous Waste/Recycling Centers (Public)
- ▶ 4 Closed Landfill Sites

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Dependent Special District



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▶ **Start Up Funding:**

- ▶ Improvement Revenue Bonds (Balance 824MM 2016)
- ▶ Initial 420MM in bonds issued in 1984 and 1987

Non-ad valorem assessment began in 1990 to meet debt service obligation

- ▶ Assessment has 2 components:
 - ▶ Waste Disposal for all improved properties
 - ▶ Waste Collection for all residential properties in the unincorporated areas

Dependent Special District



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- ▶ **Annual Revenues:**

- ▶ \$307.35 MM FY2020

- ▶ **Funding Mechanism:**

- ▶ \$208 MM Special Assessment (68%)

- ▶ \$40 MM Tipping Fees (13%)

- ▶ \$37 MM Electricity Sales (12%)

- ▶ \$8 MM Recycling Revenues (3%)

Net Revenues must equal 110% of the annual debt service

Dependent Special District



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Renewable Energy Facilities

Dependent Special District



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Waste to Energy #1

- ▶ Constructed in 1989 and refurbished in 2011
- ▶ Designed to process 2,000 MSW tons per day (tpd)
- ▶ Power generated enough to power more than 28,000 homes
- ▶ Achieves 60% volume reduction in weight versus landfilling

Waste to Energy #2

- ▶ Began accepting waste in 2015
- ▶ Processes 3,000 MSW tons per day (tpd)
- ▶ Power generated enough to power more than 44,000 homes
- ▶ Achieves 90% volume reduction in weight versus landfilling



FUTURE NEEDS AND PLANNING CONSIDERATIONS

FUTURE NEEDS AND PLANNING CONSIDERATIONS

- ▶ (1) Facilities
- ▶ (2) Programs
- ▶ (3) Finances and Flow Control
- ▶ (4) Challenges



FUTURE NEEDS AND PLANNING CONSIDERATIONS

▶ **(1) Facilities**

- ▶ (2) Programs
- ▶ (3) Finances and Flow Control
- ▶ (4) Challenges



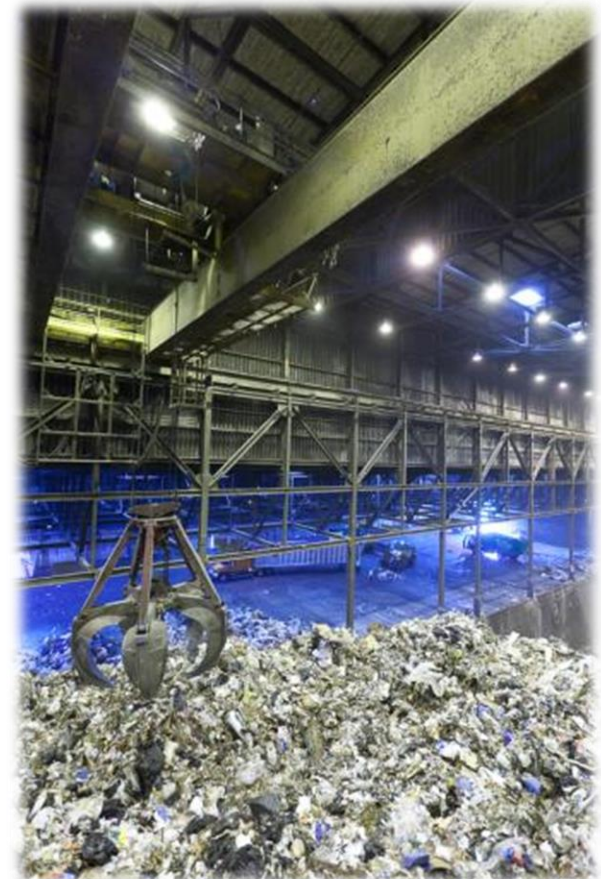
FUTURE NEEDS- FACILITIES



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Waste-to-Energy

- ▶ Prioritize as the solid waste disposal option for District
- ▶ Pursue long-term contract with Wheelabrator
 - ▶ Commitment to accept all District waste
- ▶ Evaluate expansion requirements for short and long-term County needs
- ▶ Develop contingency plan for MSW disposal to supplement incinerator operations



FUTURE NEEDS- FACILITIES



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Recovered Materials Processing Facility (RMPF)

- ▶ In concurrence with the Arcadis Study, development of a RMPF is a top priority
- ▶ Evaluate development of facility that can manage residential single and dual stream deliveries and support commercial recycling
- ▶ Consider co-location of enhanced processing (glass processing, shredding of expanded polystyrene foam, etc.) to improve marketability and value of recovered product



FUTURE NEEDS- FACILITIES



Landfills

- ▶ Evaluate remaining permitted airspace of ash monofill and Broward County Landfill and develop long-term strategy
- ▶ Evaluate mining of monofill ash and investigate potential market for monofill ash to be used in concrete, aggregate, fill, etc.
- ▶ Consider co-location of other facilities at Broward County Landfill site (HHW, C & D facility, RMPF)
- ▶ Evaluate a zero waste/zero landfill goal
- ▶ Evaluate disposal options for non-processable waste





Transfer Stations



- ▶ Evaluate construction of transfer stations to support movement of waste materials between District facilities
- ▶ Evaluate existing public property, including Alpha 250, for transfer station use
- ▶ Prioritize development of one or more transfer stations for immediate use to improve capture and flow of recyclables and other materials (C & D, bulk, yard waste, etc.)
- ▶ Establish conveyance locations geographically to minimize travel distances and time (operational impacts)



Composting Facilities

- ▶ Further investigate current composting technologies implemented in the Southeast US on a large scale
- ▶ Develop waste reduction programs to minimize the volume of food waste
- ▶ Consider opportunities for regional composting facilities with Miami-Dade and Palm Beach Counties



Household Hazardous Waste Processing Facilities

- ▶ Consider co-location of HHW receiving stations at facilities throughout the County
- ▶ Examine utilization of existing Broward County HHW infrastructure



FUTURE NEEDS- FACILITIES



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Evaluate Available Land/Property for Solid Waste Uses

- ▶ Alpha 250
 - ▶ Retain ownership
 - ▶ Evaluate for use as a transfer station site for processing other materials
- ▶ Identify other publicly and privately-owned property that is suitable for District facilities

FUTURE NEEDS AND PLANNING CONSIDERATIONS

- ▶ (1) Facilities
- ▶ **(2) Programs**
- ▶ (3) Finances and Flow Control
- ▶ (4) Challenges



FUTURE NEEDS- PROGRAMS



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Immediate District Programs

- ▶ MSW Processing and Disposal
- ▶ Residential and Commercial Recycling
- ▶ Construction & Demolition (C & D) Debris Processing and Recycling
- ▶ Bulk Trash Processing and Recycling
- ▶ Household Hazardous Waste & Electronics Processing
- ▶ Districtwide Education and Outreach

FUTURE NEEDS- PROGRAMS



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Future District Programs

- ▶ Yard Waste Recycling
- ▶ Composting
- ▶ Bio-Solids Processing (Sludge)
- ▶ Zero Waste/Waste Reduction Goals and Programs
- ▶ Disaster Debris Processing and Disposal
- ▶ Adopt-a-Street
- ▶ Other Programs

FUTURE NEEDS AND PLANNING CONSIDERATIONS

- ▶ (1) Facilities
- ▶ (2) Programs
- ▶ **(3) Finances and
Flow Control**
- ▶ (4) Challenges



FINANCE & FLOW CONTROL



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- ▶ Flow Control
 - ▶ Contractual Flow Control (Delivery of Materials)
 - ▶ Economic Flow Control (Non Ad-Valorem Assessments)
- ▶ Processing & Disposal Fees for MSW, C & D Debris and Other Materials
- ▶ Issuance and Repayment of Debt
- ▶ Facility Closure and Long-Term Maintenance Costs
- ▶ Start-Up Financing

FUTURE NEEDS AND PLANNING CONSIDERATIONS

- ▶ (1) Facilities
- ▶ (2) Programs
- ▶ (3) Finances and Flow Control
- ▶ **(4) Challenges**



CHALLENGES



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- ▶ Assembling District Property (Direct Ownership, Lease/License, P³)
- ▶ Processing and Marketing of Recyclables
 - ▶ Quality of Materials Processed
 - ▶ Market Uncertainty
 - ▶ Costs vs Benefits of Enhanced Processing (i.e., private sector profit motive vs public sector long-term sustainability goals)
- ▶ Contamination of Recyclables
(Public Education + Enforcement= Behavioral Change)

CHALLENGES



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- ▶ Mandatory Commercial & Multi-Family Recycling
- ▶ Mandatory Processing & Recycling of C & D Debris, Bulk Waste, Yard Waste and Hazardous Materials
- ▶ Geographic Accessibility of District Facilities for All Municipalities
- ▶ Developing Strategic Partnerships with Private Sector and Non-Profit Entities

CHALLENGES



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- ▶ Determining Whether Public Ownership and/or Operation of Each Facility is Critical
- ▶ Determining how the District will use County Facilities (e.g. Broward County Landfill, HHW/Transfer Stations etc.)
- ▶ Building in Flexibility to Incorporate Future Technologies
- ▶ Gaining Municipal Participation with Limited Information about Future Costs
- ▶ Creating and Implementing District's Strategic Environmental Sustainability Goals (Sustainability Action Plan)

GOVERNANCE STRUCTURE COMPARISON



ILA- POINTS TO CONSIDER



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- ▶ Can establish separate legal entity possessing common powers
 - ▶ Commission
 - ▶ Board
 - ▶ Council
- ▶ Can incur debts, liabilities and obligations that do not affect participants
- ▶ Can acquire, own, construct, improve, operate and manage public facilities relating to a governmental function or purpose

ILA- POINTS TO CONSIDER



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- ▶ Has all powers to finance, own, operate and manage public facilities, including setting rates, charges and fees
- ▶ Can sell or finance all or a portion of such facilities
- ▶ Can levy special assessments and use revenues to pay off bond obligations
- ▶ Participants can drop out or choose not to renew as determined by the ILA

INDEPENDENT SPECIAL DISTRICT- POINTS TO CONSIDER



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- ▶ Created to carry out a specific function in a specific geographical area and is **NOT** controlled by a County or City
- ▶ Florida State Legislature creates by special act and enumerates:
 - ▶ Requirements and mission
 - ▶ Financing methods
 - ▶ Governing body composition
 - ▶ Procedures for setting bonds
- ▶ Powers established by Florida State Legislature based on the charter as approved by Special Act

INDEPENDENT SPECIAL DISTRICT- POINTS TO CONSIDER



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- ▶ State retains significant oversight
 - ▶ Required submittal of annual reports
 - ▶ Subject to legislative auditing committee
- ▶ State through approval and/or amendment of the charter may authorize assessments through ad valorem or non-ad valorem taxes
 - ▶ Millage would not count against 10 mill cap of local government
- ▶ Special Act determines how board members are selected, terms, etc.

DEPENDENT SPECIAL DISTRICT- POINTS TO CONSIDER



63

- ▶ Created to carry out a specific function in a specific geographical area
- ▶ May be created by Florida State Legislature (Special Act) or by County ordinance
 - ▶ Creation by ordinance requires approval of affected municipalities
- ▶ Any tax assessments must be added to the millage of the County (cannot exceed the 10 mill cap)

DEPENDENT SPECIAL DISTRICT- POINTS TO CONSIDER



64

- ▶ Regarding the requisite control over the district, the controlling entity's governing board must:
 - ▶ (i) be identical to that of the district;
 - ▶ (ii) have control over the membership of the district's governing board; and/or
 - ▶ (iii) have control over the district's budget.

Any one of these criteria is sufficient. See Section 189.012(2), Florida Statutes.

Governance Structure Comparison



	ILA	Independent Special District	Dependent Special District
Local control	✓	X	✓
Retention of all common powers	✓	X	X
Power to levy special assessments	✓	✓	✓
Taxing authority	X	✓	✓
Entire County is bound to the agreement	X	✓	X

Governance Structure Comparison



	ILA	Independent Special District	Dependent Special District
Created by Florida Legislature	X	✓	X
State oversight	X	✓	X
Tax millage counts against millage caps of participating government	X	X	✓
Municipality participation optional	✓	X	✓
Could provide ability to opt in	✓	X	✓
Could provide ability to drop out	✓	X	X



CONCLUSION AND NEXT STEPS