



# Broward County

## Legislation Details (With Text)

**File #:** 21-1462      **Version:** 1

**Status:** Agenda Ready

**In control:** PUBLIC HEARING

**On agenda:** 9/21/2021      **Final action:** 9/21/2021

**Title:** MOTION TO ADOPT Resolution No. 2021-461 of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive franchise to Raider Environmental Services of Florida, Inc., for a five-year term to provide vessel oily waste removal services at Port Everglades; providing for franchise terms and conditions; and providing for severability and an effective date.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Resolution, 2. Exhibit 2 - Application, 3. Exhibit 3 - Resolution to Publish Notice of Public Hearing, 4. Exhibit 4 - Notice of Public Hearing, 5. Additional Material - Information

Date	Ver.	Action By	Action	Result
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### **Broward County Commission Regular Meeting**

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Business Administration

### Information

#### Requested Action

MOTION TO ADOPT Resolution No. 2021-461 of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive franchise to Raider Environmental Services of Florida, Inc., for a five-year term to provide vessel oily waste removal services at Port Everglades; providing for franchise terms and conditions; and providing for severability and an effective date.

#### Why Action is Necessary

Pursuant to Section 32.22 of the Broward County Administrative Code ("Administrative Code"), Broward County (the "County") must hold a public hearing prior to granting, renewing, placing on probation, suspending, or revoking a franchise.

#### What Action Accomplishes

Grants renewal of a nonexclusive franchise to Raider Environmental Services of Florida, Inc., for a five-year term to provide vessel oily waste removal services at Port Everglades.

#### Is this Action Goal Related

Yes

#### Previous Action Taken

Request to set Public Hearing was approved by the Broward County Board of County Commissioners on September 9, 2021 (Item No. 16).

### **Summary Explanation/Background**

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs."

Raider Environmental Services of Florida, Inc. ("Raider") has provided vessel oily waste removal services at Port Everglades under a series of approved franchise agreements since 2015. On September 10, 2019 (Item No. 32-PH), the Board granted renewal of a nonexclusive franchise to Raider to provide vessel oily waste removal services at Port Everglades for a one-year term, from October 27, 2019, through October 26, 2020, with an optional one-year extension that the Port Director was authorized to execute. On October 27, 2020, the Port Director approved the franchise renewal for an additional one-year term from October 27, 2020, through October 26, 2021. Raider has applied for renewal of the franchise.

Staff reviewed the vessel oily waste removal service franchise renewal application against the enumerated renewal criteria outlined in Chapter 32 of the Administrative Code. Staff's due diligence included, among other things: (a) corresponding with Raider's representative to clarify franchise requirements; (b) reviewing Raider's corporate status, resumes of executive staff, list of managerial personnel, business history/experience, litigation history, insurance certificate(s), financial documents and creditworthiness, discharge of previous financial obligations to the County, compliance with all franchise terms and conditions and established rules and regulations of the County, required licenses and certificates, company programs and policies, list of equipment to be used at Port Everglades, statement of activities and actions indicating that Raider has maintained a favorable service performance record in Port Everglades during the term of its prior franchise agreements; and (c) ensuring that Raider has promoted and developed growth in the business activities, projects, or facilities of Port Everglades. As addressed further below, staff also reviewed Raider's safety and environmental history and the infractions disclosed in Section Q of the application.

In Section Q of the application, Raider disclosed various environmental infractions at Raider's used oil processing facility in Opa Locka, Florida. The Miami-Dade County Department of Environmental Resources Management ("DERM") issued Raider a notice of violation on October 21, 2014, for unlawful industrial waste discharges containing oil and grease to the public sanitary sewer system; for transporting and disposing of liquid waste not included in the liquid waste transporter monthly reports; and for transporting radiator fluid. A Consent Agreement was executed by Raider and DERM on February 17, 2016, requiring the submittal of a Waste Characterization and Classification Plan and several modifications to the facility's discharge lines and containment systems. Raider paid \$18,579 in fines related to the violations. On October 18, 2018, DERM filed a complaint for injunctive relief, civil penalties, costs, and attorney fees in Miami-Dade County Court, alleging Raider's failure to comply with the Consent Agreement. On May 17, 2019, Raider signed a Settlement Agreement committing to the correction of all reported violations, completion of required modifications to the facility's sanitary discharge connections and containment systems, the installation of a private pump station and private force main, and the installation of a Global Positioning System ("GPS") system in all waste transporting vehicles. In addition, Raider paid \$141,840 in penalties, administrative costs, and attorney fees. DERM has indicated to Port staff that Raider completed most of the requirements of the Settlement Agreement, and on August 4, 2021, DERM sent a letter to Raider acknowledging Raider's submittal of documents for installing a GPS system in all waste transporting vehicles that

address this Settlement Agreement requirement. However, DERM is still awaiting verification that the GPS system has been installed and meeting the Settlement Agreement requirements. Raider has a current Waste Transporter License for Broward County, and none of the violations disclosed by Raider involved operations at Port Everglades.

Raider has agreed to comply with all franchise conditions outlined in Section 32.24 of the Administrative Code by submitting the signed franchise renewal application.

Based on the review of information provided in the franchise renewal application, staff recommends renewing the vessel oily waste removal service franchise. Per Section 32.19 of the Administrative Code, the County may grant vessel oily waste removal service franchises for any period of up to five years. Consistent with past practice, staff recommends renewing the franchise for a five-year term.

The complete application and supporting documents are on file in the Port Everglades Business Administration Division.

The Resolution to Publish Notice of Public Hearing and Notice of Public Hearing from the Request to Set Public Hearing agenda item approved by the Board on September 9, 2021 (Item No. 16), are attached as Exhibit 3 and Exhibit 4.

#### **Source of Additional Information**

Jorge Hernández, Director, Business Administration Division, Port Everglades Department, (954) 468-3501

Angela Osorno Belleme, Franchise Manager, Business Administration Division, Port Everglades Department, (954) 468-0112

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

Raider has paid the required annual fee of \$2,250 and will pay an additional \$9,000 in annual franchise fees over the franchise term, for a total of \$11,250.