

ITEMS #57₍₃₎, 58₍₃₎, 59 & 60₍₂₎

ADDITIONAL MATERIAL
Public Hearing

JANUARY 28, 2025

SUBMITTED AT THE REQUEST OF
MAYOR BEAM FURR

From:
To:
Subject:
Date:

Subject: SWABC Request for Deferral of Monarch Hill Agenda Items

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Dear Mayor Furr, Vice Mayor Bogen, and Broward County Commissioners,

Attached is a letter from Michael J. Ryan, Chair of the Solid Waste Authority of Broward County (SWABC) Executive Committee, regarding four items on your January 28, 2025, agenda related to the proposed horizontal and vertical expansions of the Monarch Hill landfill (Agenda Items #57, #58, #59, and #60).

The SWABC Executive Committee respectfully requests the Broward County Commission to:

1. Defer any decisions on these items until the SWABC's Regional Solid Waste and Recycling Master Plan is completed. This will allow the Master Plan to provide a comprehensive analysis of public and private solid waste assets and strategies, ensuring alignment with long-term sustainability goals.
2. Alternatively, bifurcate the items and defer the horizontal expansion (LUPA) while considering the vertical expansion separately, pending further evaluation.

The letter outlines the importance of these deferrals to avoid potentially undermining the collaborative process established by the Interlocal Agreement and to ensure decisions are informed by the Master Plan's data-driven recommendations. Please note that the SWABC is not taking any position on the merits of the Agenda Items or whether or not they should ultimately be passed.

The SWABC remains committed to working with the Commission, municipal partners, and stakeholders to ensure sustainable and effective waste management strategies for Broward County. Please feel free to reach out if you have any questions or require additional information.

Best regards,

January 22, 2025

Re: January 28, 2025, County Commission Agenda Items:
#57; # 58; #59; and, #60 Related to Monarch Hill Landfill.

Dear Mayor Furr, Vice Mayor Bogen and Commissioners:

I am writing to you in my capacity as the Chair of the Executive Committee of the Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County, known as the Solid Waste Authority of Broward County ("SWABC"). At the request of the SWABC Executive Committee, I am directing this correspondence to you regarding four items on your January 28, 2025, Agenda, related to what is commonly described as the "Monarch Hill" landfill.

We greatly appreciate the cooperation and participation of Broward County in the SWABC, which has been a necessary foundational component of a partnership dedicated to creating a sustainable and resilient waste management system for today, tomorrow and future generations in Broward County. In addition, we know that meaningful cooperation and collaboration with our private partners in the solid waste industry are critical to our success. It is not an overstatement to characterize our work together as historic.

Executive Summary

With that spirit of cooperation, it is imperative that Broward County, as a signatory to the Interlocal Agreement ("ILA") which established the SWABC, pause any decision making regarding a critical solid waste asset prior to the expected completion of the solid waste Master Plan by the SWABC. As you know, this Master Plan is intended to be a comprehensive and long-term vision to manage solid waste through available and potential public and private solid waste assets as we work towards established goals, including potentially zero-waste strategies, for the next forty years. Decisions regarding available solid waste assets must be made in the context of the visionary effort of the SWABC.

There are four items on the January 28, 2025, Commission Agenda related to the Monarch Hill landfill. (#57, # 58, #59 and #60). In combination, these Agenda items seek a horizontal and a vertical expansion of the Monarch Hill landfill and also make a valuable concession to eliminate organic waste from the landfill beginning in 2027.

The Executive Committee does not take a position on the merits of the Agenda Items or whether passing these items would be in compliance with the Land Use Element, Solid Waste Element, Climate Change Element, and the Broward Municipal Services District Land Use Plan. However, approving at this time a horizontal and a vertical expansion of the Monarch Hill landfill may have a significant impact on the Master Plan which is intended to be a fully comprehensive analysis of how to best utilize available public and private solid waste assets and where to site potential future solid waste strategies.

As a result, the Executive Committee requests the Broward County Commission defer any decision on the subject pending items until completion of the solid waste Master Plan, or until there is consensus that the property at issue can be removed from further consideration for strategies other than landfill capacity. Alternatively, the Executive Committee requests that the

County Commission bifurcate the issues and at least defer the horizontal expansion of the Monarch Hill landfill.

Solid Waste Authority of Broward County

The SWABC is the legal entity created through an ILA signed by Broward County and twenty-eight municipalities to develop a coordinated, regional solid waste management and recycling Master Plan.¹ This collaborative effort underscores our collective commitment to transparent, comprehensive, data-driven, and community-focused decision-making process regarding solid waste management.

The Mission Statement of the ILA begins with every participating municipality and the County promising to “commit to working together collaboratively.” The purpose of this promised commitment is to develop and implement a long-term, environmentally sustainable, innovative and economically efficient plan and approach to reduction, reduction, recycling, reuse and disposal of waste generated in Broward County.

By entering into the ILA, the County and the municipalities agreed that the current solid waste management system in Broward County falls short in addressing the region’s long-term sustainability goals. Importantly, the ILA does not say the signatories will address “some of the waste generated” or that the signatories will commit to work together on “some matters related to waste disposal and not others”. The ILA represents a mutual promise to engage in a comprehensive collaboration to work together for the long-term public health, safety, and welfare of Broward residents and business community.

Through this historic collaborative effort, SWABC is working to address cross-jurisdictional inefficiencies with the assistance of solid waste and resource management experts to develop a Master Plan intended to meet the region’s solid waste management and recycling needs in an efficient, effective and comprehensive manner over the next forty years and beyond. The SWABC has been intensively evaluating existing solid waste management assets in both the public and private sector, as well as that which can be constructed and implemented. The focus of this intense effort is to provide the best opportunity for a long-term implementation of coordinated programs and services, proven and innovative technologies, regional collaborations, and effective public education campaigns to ensure sustainable and resilient solid waste management that meets or exceeds the State of Florida’s seventy-five percent recycling goal.

Governance of the SWABC

The SWABC governance is established in the ILA. The Governing Board is comprised of one representative from each signatory to the ILA. All participating municipalities and the County have a seat at the table to influence the solid waste plan being developed for the next forty years.

¹ The signatories to the ILA are: Broward County; Coconut Creek; Cooper City; Coral Springs; Dania Beach; Davie; Deerfield Beach; Fort Lauderdale; Hillsboro Beach; Hollywood; Lauderdale-By-The-Sea; Lauderdale Lakes; Lauderhill; Lazy Lake; Lighthouse Point; Margate; Miramar; North Lauderdale; Oakland Park; Parkland; Pembroke Park; Plantation; Sea Ranch Lakes; Southwest Ranches; Sunrise; Tamarac; West Park; Weston, and Wilton Manors.

The Executive Committee represents Broward County and a cross-section of the 28 municipal ILA signatories of the SWABC. The Governing Board, through a process of self-selection, chooses the ten (10) municipal representatives for the Executive Committee, with five members representing largest Municipal Parties by population; three members representing the middle third of Municipal Parties by population; and two members representing the smallest third of Municipal Parties by population. The County also has a full voting seat on both the Governing Board and the Executive Committee.

Solid Waste Facilities Across Broward County and The Master Plan

The Executive Committee has retained a solid waste consultant to develop the Master Plan.² The Executive Committee has been meeting at a rapid pace, having set an aggressive timeline to develop the Master Plan and then earn the commitment of the signatories to the Master Plan, including flow control principles, the infrastructure plan for the system, the economic model for the system, and sustained education and community engagement strategies to ensure successful implementation.

A draft of the Master Plan concepts is expected to be delivered to the Executive Committee in the coming weeks. The Executive Committee has scheduled a four-hour workshop specifically on the draft Master Plan for February 10, 2025. This workshop is in addition to the regularly scheduled monthly Executive Committee meeting. The Executive Committee is also already scheduling workshops for the month March, April and May in an intentional and dedicated effort to complete as quickly as possible the necessary predicates to the present a final Master Plan.

As a part of the process of developing the Master Plan, the SWABC has generated publicly available documents outlining the existing public and private solid waste facilities throughout Broward County, as well as those outside Broward County, upon which we presently or could rely upon for solid waste disposal. For instance, on December 19, 2024, the consultant retained by the SWABC, issued a “White Paper” entitled “Evaluate Existing Solid Disposal and Recycling Processes and Resources in Broward County”.

A crucial step in developing the Master Plan is the identification of solid waste infrastructure available through public and private solid waste assets which currently exist, including sites which are not currently utilized or are under-utilized for solid waste operations. This identification and evaluation is necessary to ensure the SWABC is maximizing the ability to meet the mission and goals established by the ILA.³

² The Consultant has completed a series of “White Papers” which are predicate to the policy decisions necessary to finalize the Master Plan: Task 2 - Evaluate Existing Solid Waste Disposal and Recycling Processes and Resources in Broward County (White Paper submitted on December 19, 2024); Task 5 - Regulatory Requirements and Policy Review (White Paper submitted on December 17, 2024) Task 8 - Education and Outreach (White Paper submitted on December 27, 2024); Task 9 - Identify Innovative and Future Technologies (Software & Hardware) (White Paper submitted on December 16, 2024).

³ When the solid waste consultant retained by SWABC was performing the Waste Characterization study, it was unable to evaluate the Monarch Hill landfill. As explained during the consultant’s presentation during the November 22, 2024, Executive Committee meeting, when the consultant

For instance, while not within the specific scope of the SWABC, after the termination of the previous Resource Recovery Board (“RRB”), a remaining property, which was owned by the RRB and in the inventory of assets for potential solid waste infrastructure, is a property identified as “Alpha 250”. This is a 25-acre parcel on Blount Road in Pompano Beach which is, as a result of a settlement agreement, beneficially owned by the former municipal members of the RRB. The public ownership of Alpha 250 has been cooperatively maintained for the specific purpose of potentially including that site in the expected Master Plan consideration and implementation.

Monarch Hill

The 500-acre Monarch Hill site in unincorporated Broward is bounded on the north by Wiles Road, on the south by Sample Road, on the east by Powerline Road and on the west by Florida’s Turnpike. When it was opened in a sparsely populated area in 1965, Coconut Creek was still two years away from incorporation.

Until 2015, there was a fully operational Waste-To-Energy (“WTE”) plant located on a current 24-acre site (roughly the same size as Alpha 250) which is the subject of a requested Land Use Plan Amendment (“LUPA”). That plant was closed in 2015 and dismantled in the years since, predicated on a claim that there was insufficient flow for the WTE plant. Prior to being closed and dismantled, that facility was commonly referred to as the North WTE Facility.

As of this date, that 24-acre parcel is the only approved site for a WTE plant, other than the site at the South WTE Facility located at 4400 South State Road 7, Fort Lauderdale, FL 33314. The South WTE Facility is currently owned and operated by WIN Waste Solutions, Inc.

In retrospect, the closure and dismantling of the North WTE Facility has impacted the available solid waste infrastructure and options for the SWABC Master Plan as well as the ability of the County to address existing flow capacity. The current South WTE Facility does not have the capacity to fully accept the large volume of available municipal solid waste generated in Broward County. The dismantling of the North WTE plant was justified, in part, based upon insufficient volume of municipal solid waste. Today, we have too much solid waste to be managed by the South WTE plant.

It has been reported to the SWABC Executive Committee that the South WTE Facility has an end-of-life lease issue that is presenting issues being considered by County. We have been informed that WIN Waste, as the operator, has directed correspondence to the County, indicating its desire to sell the facility thereby triggering certain County rights under the lease. The implications for the Master Plan have yet to be evaluated.

attempted to evaluate the characterization of waste streams being disposed at (including what could be diverted from) Monarch Hill, the logistics offered by the operator, according to the consultant, were too difficult to evaluate the waste characterization as was done successfully at other facilities in Broward County. Therefore, there has been no evaluation by the SWABC consultant as to the characterization of waste streams being disposed in the Monarch Hill landfill and what could be diverted. To date, there has been no independent evaluation of the waste characterization being disposed at the Monarch Hill landfill and what could be currently diverted.

The lack of collaboration, cooperation, and vision in 2015 as to existing solid waste assets and the lack of a collective commitment to a strategic solid waste policy at the time has further exacerbated the solid waste capacity crisis in Broward County, and we seek, through this correspondence, to avoid compounding that problem today.

Waste Management Requests In Summary

Waste Management, as outlined herein, is seeking horizontal expansion and vertical expansion of the Monarch Hill landfill capacity. The justification is that there is only six (6) to eight (8) years remaining capacity to accept municipal solid waste, even as reduced to certain solid waste commodity streams.

As reported to the SWABC Executive Committee, there have been on-going discussions and negotiations between Broward County and Waste Management. While we are grateful for the regular updates from County staff, our Executive Director was not invited to attend these discussions despite requests from Executive Committee members. As a result, we are unable to fully appreciate the discussions and negotiations, the considerations that have generated the current proposal and the comparative scope of concessions sought and being offered.

A representative of Waste Management sent to the County an October 16, 2024, letter which characterized the pending LUPA, zoning and ordinance requests from Waste Management as a “global solution to the disposal of construction and demolition debris and Class III waste (i.e. bulky waste, yard waste, etc.)” and that Waste Management pledged to the following:

- “No longer accept municipal solid waste at Monarch Hill – which accounts for much of its unpleasant odor – after the expiration of its present disposal contract with Pompano Beach on Sept. 30, 2027. Such waste could only be accepted during a declared federal, state or county State of Emergency.⁴
- Assume the cost to transport 35,000 tons per year of the county’s residential and commercial solid waste to alternate waste disposal sites until July 2, 2033.
- Pay a per ton “host fee” to the county for every ton of waste disposed of at Monarch Hill. For construction and demolition waste, \$3.50 per ton. For municipal solid waste from Broward, or waste of any nature shipped to Monarch Hill from outside of Broward, Waste Management will pay \$6 per ton. The host fee will be in effect for the life of the landfill.⁵
- Waste Management will continue to provide the use of its transfer station network at no charge to the county and participating communities for the transfer of waste to the alternate disposal facility. The company estimated that the value of this service is between \$2 million and \$2.5 million.

⁴ The SWABC supports the commitment to remove municipal solid waste and organics from the landfill.

⁵ The purpose of this “Host Fee”, according to the backup material, is to address a variety of economic issues facing Broward County, including to offset Broward County costs and obligations related to remediation and monitoring of closed or abandoned facilities located at Monarch Hill and to “offset potential costs of infrastructure improvements necessitated by the presence and use of the Waste Management Property.”

- Waste Management will make an “in-kind contribution” to the [SWABC’s] recycling education program for 10 years, beginning with \$500,000 in year one and decreasing gradually until a minimum contribution of \$150,000 annually is reached for the duration.⁶
- Waste Management’s new “a state-of-the-art” renewable energy recovery facility under construction at its landfill in Okeechobee, the alternate disposal facility, will capture methane gas generated by decomposing waste, purify it to pipeline gas quality, after which it will be pressurized and injected into a utility pipeline. The company “will then remove the gas from the utility pipelines at each of its hauling companies where it will be used to fuel refuse” garbage trucks “thus completing the recycling and circulatory loop.”
- If Broward chooses to “source separate and transport food waste and organics to the Okeechobee site in the future, Waste Management has agreed to restart the permitted composting facility at Okeechobee landfill and compost...at no incremental cost to the then current disposal rates.”
- At the county’s request, the company will hike its capacity commitment at the alternate disposal facility by 200,000 tons per year to 775,000 tons. And should the county decide to install a wastewater sludge dryer near Monarch Hill, [Waste Management] will agree to work cooperatively to deliver methane gas generated at Monarch Hill to the dryer facility as renewable energy.”

Waste Management made a presentation to the Executive Committee on October 25, 2024, regarding the requested LUPA, zoning change and ordinance change. In addition, the backup material for the upcoming Agenda Items outlines the various points of negotiation between Waste Management and the County.

Agenda Items At Issue

There are four Agenda items to be considered during the County’s January 28, 2025, Commission meeting to which this correspondence is directed: Items #57; # 58; #59; and, #60.

The four Agenda items can be summarized as follows: two items are LUPAs to the County’s Master Plan and the Broward Municipal District, intended to change the subject 24 acre site from electrical generation to industrial (thus allowing Waste Management to expand the horizontal footprint of the landfill); one separate item is seeking a zoning code change to increase the maximum height of Monarch Hill (thus allowing Waste Management to expand the vertical reach of the landfill to 350 feet); and, one separate item is to eliminate municipal organic solid waste above the 225 foot threshold so as to limit the type of additional waste streams.

In short, Waste Management is requesting a horizontal and a separate vertical expansion of the Monarch Hill landfill.

On October 18, 2022, Broward County Planning Council staff issued a report recommending against the expansion of Monarch Hill as requested through the LUPAs. The Broward County

⁶ While any assistance from our private partners in the mutually shared mission of educating the public is welcomed, the SWABC did not solicit nor was the SWABC directly engaged as part of the negotiations regarding a voluntary contribution by Waste Management to “[SWABC’s] recycling education program for 10 years, beginning with \$500,000 in year one and decreasing gradually until a minimum contribution of \$150,000 annually is reached for the duration.” t

Planning Council voted to deny the requested changes. The matter has not been brought back to the Broward County Planning Council for consideration since 2022.

There have been public objections to the Agenda items focused on whether or not the LUPAs and zoning change are inconsistent with County policy and objectives set forth in the Land Use Element, Solid Waste Element, Climate Change Element, and the Broward Municipal Services District Land Use Plan. According to news reports and presentations to the SWABC Executive Committee, there are additional objections focused on the need for further analysis of environmental impacts from additional vertical capacity being superimposed on the existing landfill infrastructure.

Waste Management has explained publicly that if these items do not pass, there will be no hurricane/storm debris accepted at Monarch Hill, it will dismantle the existing landfill gas-to-energy that currently generates power to 9,000 homes and that there will be significant costs imposed on Broward County residents.

SWABC Executive Committee Position Regarding the Four Pending Agenda Items

On January 17, 2025, the Executive Committee conducted its regularly scheduled public meeting. In attendance were at least one representative of Waste Management.

During the agenda item related to Monarch Hill, the Executive Committee voted to direct the Chair of the Executive Committee to send a letter to the Broward County Board of County Commissioners setting forth the position of the Executive Committee that the four (4) agenda items regarding Monarch Hill scheduled for the County's January 28, 2025, meeting be deferred. The lone dissenting vote was from Vice Chair of the Executive Committee Mayor Beam Furr, who is the County's representative to the Executive Committee and Governing Board of the SWABC.

Additionally, during the matter, a representative of Waste Management came forward to object to correspondence being directed to the County Commission seeking deferral of these items.

Foundational Principles of Solid Waste Decision Making

While we recognize the need for capacity planning to address Broward County's solid waste needs, decisions of this magnitude should not be made in isolation or ahead of the comprehensive framework being developed in the Master Plan. Several critical foundation principles support this position:

1. **Comprehensive Evaluation of Alternatives:** The Master Plan is being designed to evaluate all viable alternatives for waste management, including advanced recycling technologies, anaerobic digestion, composting, and modernized WTE solutions. Approving the LUPA and height variance at this stage could preclude or limit these alternatives before they are fully vetted.
2. **Consistency with Countywide Goals:** One of SWABC's mandates is to ensure that solid waste management decisions align with Broward County's broader sustainability, environmental, and economic objectives. Any decision to expand Monarch Hill prior to the adoption of the Master Plan risks being inconsistent with countywide priorities and future waste reduction targets.

3. Community Impacts: Expanding the landfill's footprint and increasing its height would exacerbate existing concerns related to odor, air quality, and visual impact for nearby communities. Coconut Creek, Deerfield Beach, and other municipalities have expressed strong opposition to the proposed expansions due to these adverse effects. Delaying the decision ensures that these concerns are addressed holistically in the context of the Master Plan.
4. Data-Driven Decision-Making: The Master Plan, supported by SCS Engineers, is being developed with extensive data collection, stakeholder input, and expert analysis. This data will provide the necessary context to evaluate how the Monarch Hill proposals fit into the county's long-term waste management strategies and whether alternative solutions could achieve similar or better outcomes with less impact.
5. Avoiding Piecemeal Planning: Decisions regarding major solid waste infrastructure assets like Monarch Hill should be made within the broader framework of a coordinated, countywide strategy. Acting on these proposals prematurely could undermine the integrity of the Master Plan process and set a precedent for ad hoc decision-making by other participants.

Request by the SWABC Executive Committee

As noted above, the Executive Committee has not been asked to and does not take a position on the factual or legal merits of the LUPA, or the compliance with Land Use Element, Solid Waste Element Climate Change Element, and the Broward Municipal Services District Land Use Plan. To be clear, the Executive Committee, for the purposes of this correspondence, does not take a position on the ultimate merits of the four agenda items.

Leaving aside the merits of the Agenda items but incorporating these aforementioned broad principles of decision making in this context, the SWABC Executive Committee requests deferral of these four Agenda items at this time to avoid potentially undermining the process established by the ILA.

1. For the County to pass the LUPA Agenda items would permanently remove the only parcel remaining in Broward County that is an approved location for a WTE facility. As noted above, we are told that the current South WTE Facility does not have the capacity to accept the volume of municipal solid waste currently being generated. So long as WTE technology that currently exists or may exist in the future remains a consideration for solid waste policy, removing this site from consideration for WTE undermines the comprehensive vision of the SWABC. Also as noted above, there is a potential contractual issue with the South WTE Facility, further supporting the need to prevent conversion of the existing property on the former North WTE Facility site from being removed from available WTE consideration. Approval would directly limit the ability of the SWABC to fully consider potential solid waste assets and strategies which could include current or future WTE technologies.
2. Leaving aside the WTE consideration, expanding horizontally the footprint of the landfill, eliminates this 24-acre parcel from consideration for other solid waste

strategies and will permanently preclude usages presently being considered by the SWABC. Again, to do so would be to undermine and circumvent the process established by the SWABC. There was a promise by all signatories to the ILA to commit themselves to a comprehensive and collaborative effort. Much like has been done for the Alpha 250 property, which is a 25-acre parcel, the existing site capacity and entitlements should be maintained until such time as there is an agreed Master Plan or there is consensus that the property at issue can be removed from further consideration for strategies other than landfill capacity.

3. While the SWABC does not take a position on the merits of the environmental concerns raised related to increasing the height of the landfill and the resulting impact on the existing landfill foundational infrastructure, there have been multiple points raised related to the impact on lining, groundwater and other environmental impacts. This is not directly a matter for the SWABC, though we are mindful that should such objections be well-founded, it could profoundly impact decision making by the SWABC on available and/or the necessity of other solid waste strategies.
4. As a result, the SWABC Executive Committee strongly recommends that the Broward County Commission defer any action on the Monarch Hill LUPA and vertical expansion request until completion of the solid waste Master Plan, or there is consensus that the property at issue can be removed from further consideration for strategies other than landfill capacity. This timeline will allow a meaningful evaluation of Monarch Hill's role within a unified countywide system, inclusion of the latest data, trends, recommendations in the decision-making process, and time for additional public engagement to ensure transparency and community buy-in.
5. One alternative is to bifurcate the issues of the individual horizontal and vertical expansion requests whereby the horizontal expansion sought by the LUPA be deferred to allow the SWABC Master Plan to be completed.

The Executive Committee is willing to work with County staff and Waste Management to establish a meaningful time frame for analysis for the highest-and-best use of the property in the context of the Master Plan, including potential WTE, composting, recyclable center or other strategies.

There is sufficient time to permit the Master Plan adoption process to proceed. It may be that the LUPA is ultimately acceptable in the context of the strategies being adopted. However, the SWABC Executive Committee requests these items be deferred at this stage.

No matter how these Agenda items are addressed by the County Commission, the SWABC remains committed to working collaboratively with Broward County, all municipalities (including those not presently participating in the SWABC), and all stakeholders to ensure that our decisions reflect the best interests of our residents, the business community and the environment. We are confident that the Master Plan will provide a roadmap for achieving these goals while balancing operational, environmental, and fiscal responsibilities.

We greatly appreciate your consideration of this request and look forward to continuing our partnership in creating a sustainable and resilient waste management system for our community.

Should you have any questions or require further information, please do not hesitate to contact me directly.

Best regards,

/s/ Michael J. Ryan

Michael J. Ryan
Chair, SWABC Executive Committee