

# Memo

**TO:** Todd Storti, Broward SWA  
**FROM:** Travis Barnes, RRS  
**DATE:** March 2, 2026  
**RE:** C&D Recycling Ordinance Methodology

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## Background

The Broward Solid Waste Authority (SWA) requested the SCS/RRS consultant team to develop a mandatory construction and demolition (C&D) debris recycling ordinance in furtherance of the goals outlined in the Solid Waste Master Plan to maximize waste diversion from disposal. C&D materials represent a substantial portion of the Broward County waste stream, and the Master Plan identified the need to evaluate ordinance-based strategies to improve diversion, enhance regulatory consistency, and support long-term system sustainability. The effort focused on assessing best practices from peer jurisdictions, industry standards, and applicable regulatory frameworks to inform the development of a C&D recycling ordinance. Findings from this research are intended to inform the Broward SWA and its member communities' decision-making, support ordinance development, and advance implementation planning consistent with the Master Plan's objectives.

## Research Methodology

This research employed a multi-pronged methodology to identify best practices for the development of a C&D recycling ordinance tailored to Broward County SWA needs. The approach combined comparative ordinance analysis, stakeholder engagement, regulatory review, and internal code assessment to ensure both feasibility and regulatory alignment.

Model municipal ordinances were identified and analyzed to establish best practice benchmarks. Jurisdictions were selected for their established C&D recycling programs and included: Lee County, Palm Beach SWA, San Francisco, San Jose, Boulder, Austin, and Seattle, among others. Ordinances were evaluated across key elements, including project valuation thresholds, exemptions, definitions, fee structures, enforcement language, and overall ordinance clarity. This comparative analysis provided a foundation for understanding effective policy design and common regulatory frameworks.

To supplement document review with practical insights, virtual meetings were conducted with representatives from Boulder, Austin, and Lee County. These discussions focused on implementation experiences, lessons learned, staffing requirements, enforcement challenges, success factors, and areas in which initial ordinance language required revision post-adoption. Lessons from these jurisdictions were used to guide recommendations applicable to Broward SWA's operational and administrative context. Consultant staff also attended a meeting of the Construction and Demolition Debris Recycling Association (CDRA) Legislative Committee to discuss aspects of the draft ordinance being provided for the Broward SWA, with feedback from representatives from municipalities and facilities on the committee being used to inform key aspects of the draft

ordinance requirements. Additionally, two meetings and follow up discussions were held with the Recycling Certification Institute (RCI), a recognized leader in the C&D recycling industry and the predominant third-party C&D facility certification body. RCI provided industry-specific perspectives on effective ordinance provisions, certification standards, recycling facility certification processes and costs, and common pitfalls to avoid when regulating and permitting C&D recycling facilities. These insights informed recommendations intended to balance regulatory oversight with industry viability and SWA's goal to increase recycling.

A targeted review of existing permitting processes was conducted across selected Broward municipalities, including Broward County, Fort Lauderdale, Hollywood, Plantation, and Sunrise. These jurisdictions were selected as a representative sample, as the project scope did not allow for analysis of all municipalities within the county. The review examined how current permitting frameworks might be affected by the proposed ordinance and identified opportunities to integrate new requirements without creating duplicative or conflicting approval processes. The consulting team will need more input from the cities comprising the SWA, as well as the SWA's legal counsel, and that of Broward County to help determine the best path towards implementing, administering, and enforcing the ordinance to ensure all legal requirements are sufficiently met.

Relevant Florida state statutes were reviewed to identify enabling authorities that support ordinance development, as well as any prohibiting or limiting statutes requiring consideration during drafting. This legal review ensured that proposed ordinance elements align with state law and avoid potential preemption or compliance issues. In parallel, Broward County municipal code provisions were reviewed and analyzed to identify sections requiring amendment, alignment, or modernization to support the proposed C&D recycling ordinance. This process also assessed opportunities for streamlining existing code language and improving consistency.

## Benchmarks

### THRESHOLD AND MINIMUM DIVERSION

Based on these findings, the project team recommends adopting valuation-based thresholds modeled after Lee County's framework, originally established in 2007, but adjusted for inflation to reflect current construction costs, while expanding coverage to include more construction and demolition project types. This approach is intended to avoid undue burden on small projects to balance concerns over economic equity and affordable housing, while ensuring that larger, higher-impact projects are captured, where meaningful gains in landfill and waste-to-energy diversion can be achieved through increased recycling and material recovery. To allow flexibility over time, thresholds are recommended to be maintained outside of the ordinance by administrative action of a municipal staff Designee, while clearly referencing minimum diversion and residual management requirements within the ordinance text to provide consistency and transparency.

In parallel, discussions with the Recycling Certification Institute (RCI) helped establish realistic expectations for facility performance. This approach provides a more equitable compliance pathway for facilities regardless of differences in scale, capital investment, equipment, or material acceptance capabilities, by focusing on a common set of standards to quantify and certify facility recycling rates. Codification of the RCI certification process also aligns with the Leadership in Energy and Environmental Design (LEED) v5 green building certification framework.

PROJECT VALUATION	THRESHOLD	DIVERSION RATE REQUIRED
New	< \$150,000	No
Demolition Full or Partial	< \$40,000	No
Alterations	< \$40,000	No
New	≥ \$150,000	Yes
Demolition Full or Partial	≥ \$40,000	Yes
Alterations	≥ \$40,000	Yes

JURISDICTION	THRESHOLD TRIGGER	FACILITY %	PROJECT %
Lee County	Residential/commercial > \$90k; Alter > \$10k	50%	50%
Austin	> 5,000 ft <sup>2</sup> new/remodel; all commercial demo	50%	50% or ≤ 2.5 lb./ft <sup>2</sup> landfilled
San Francisco	All projects that require a building or demo permit	65%	65-75%
Palm Beach SWA	Voluntary	50%	Voluntary
Boulder	Full deconstruction and new permits (no thresh.)	75%	75% deconstruction materials 100% new construction
San Jose	Residential alterations ≥ \$2,000 Non-residential alterations ≥ \$5,000 All demolitions (no minimum cost)	50%	50%
Seattle	Material specific for all C&D projects \$75k / 750 sq ft salvage triggers	Material based, all recyclable materials must be prevented from reaching landfill.	Variable (salvage assessment requirements)

## FEES/DEPOSITS/FINES

Based on these findings, the project team recommends establishing a dedicated fee structure designed specifically to deter non-compliance while remaining straightforward, predictable, and not overly burdensome. The proposed framework would operate independently from existing civil or criminal penalties, allowing participating municipalities to tailor enforcement directly to C&D recycling outcomes, except in the instance of willful violations of the ordinance's ban on direct hauling of C&D to disposal sites without first being processed at C&D facility. Fees would be structured primarily around construction and/or demolition project square footage, providing clarity and ease of administration, with the expectation that many projects would fall within the lowest fee tier due to limited remaining open development space and a greater prevalence of smaller-scale projects. Fees would be maintained outside of the ordinance to allow for adjustments over time as program needs evolve, recognizing that fee levels may need to be higher than those used in Lee County to establish compliance expectations in Broward County and avoid noncompliance of the Mandatory C&D Ordinance simply becoming the cost of doing business.

PROJECT SIZE (SQ FT)	DIVERSION NON-COMPLIANCE FEE	FEE DEADLINES
≤ 15,000	\$1,000	Covered Project Governing Jurisdiction
15,001-40,000	\$2,000	
40,001-75,000	\$3,000	
75,001-99,000	\$4,000	
> 99,001	\$5,000	

JURISDICTION	FEES
Lee County	\$100.00 Roofing \$300.00 Residential home \$500.00 Commercial less than ten thousand square feet \$1,000.00 Commercial between ten thousand square feet and one hundred thousand square feet \$5,000.00 Commercial greater than one hundred thousand square feet \$100.00 Residential alterations \$300.00 Commercial alterations \$300.00 Demolition value less than or equal to ten thousand dollars \$750.00 Demolition value greater than ten thousand dollars
Austin	Class C misdemeanor: Maximum fine: \$500 per offense
San Francisco	Civil fine: \$1,000 per day per violation
Palm Beach SWA	None: Voluntary
Boulder	Deposit = \$1.00 per square foot Minimum deposit = \$1,500 Non-refundable fee = \$219
San Jose	Deposit amount = \$0.25 per square foot Minimum deposit = \$600 Maximum deposit = \$30,000  Loss of deposit occurs if: <50% diversion is documented, or Documentation is not submitted
Seattle	Civil fine: Up to \$250 per violation (first offense) Up to \$500 per violation (repeat offenses)

## EXEMPTIONS

Based on our research, the project team recommends a targeted set of exemptions informed by a review of established practices in Lee County, San José, San Francisco, and Seattle, and calibrated to balance program effectiveness with practicality and equity. These include valuation-based exemptions to minimize impacts on small projects, exclusions for

hazardous and asbestos-containing materials, and materials not accepted by local processing facilities, such as painted materials. Exemptions are also recommended for hurricane response efforts and other emergency conditions where rapid cleanup is necessary to protect public health and safety. Finally, small projects requiring minimal work and/or no permits are proposed to be exempt to reduce impacts on homeowners and avoid unnecessary administrative burden.

## EXEMPTIONS

- Covered C&D Materials that are painted or have hazardous constituents.
- Valuations exempt as listed in the C&D Diversion Rate Sheet.
- Projects for which only a plumbing permit, electrical permit, or mechanical permit is required.
- Roofing projects that do not include removal of the existing roof.
- Demolition or construction required to protect public health or safety in an emergency, as determined by the Department Authority.
- Projects occurring during a declared state of emergency due to a natural disaster, for the period designated by Broward County.
- Work for which a building or demolition permit is not required.
- Projects where no structural building modifications are required.
- Asbestos-containing Covered C&D Material, refers to any material that contains more than 1% asbestos, as determined by a state-licensed licensed Asbestos Consultant or Asbestos Contractor, and is not intended for further use. This includes friable and nonfriable asbestos-containing materials as defined by Florida Statute § 469.001 and Florida Administrative Code Rule 62-257.200.
- Projects occurring as a result of damage from a fire, flood, or natural disaster.
- Projects involving the construction, alteration, or demolition of detached residential garages.

JURISDICTION	EXEMPTIONS
Lee County	New residential construction under \$90,000 New commercial construction under \$90,000 Residential alterations under \$10,000 Commercial alterations under \$10,000 Projects requiring only plumbing, electrical, or mechanical permits Roofing projects with no removal of existing roof Emergency work to protect public health or safety Hurricane damage repair permits (during specified time)
Austin	Construction projects under 5,000 square feet of new, added, or remodeled floor area Single-family residential demolition (non-commercial) Projects granted a hardship waiver due to lack of available recycling infrastructure or infeasibility Emergency demolition or repairs for public safety
San Francisco	Hazardous materials, universal waste, and asbestos-containing materials Clean soil, rock, and dredged material managed under separate permits are excluded from C&D diversion calculations No exemption based on project size, valuation, or residential status
Palm Beach SWA	None: Voluntary
Boulder	Interior-only remodeling projects (no structural deconstruction)

	Minor alterations that do not require a building permit Hazardous materials removed under state or federal law Projects granted an administrative exemption
San Jose	Residential alterations under \$2,000 valuation Non-residential alterations under \$5,000 valuation Roofing projects (special reduced requirements; partial exemptions apply depending on scope) Projects subject ONLY to plumbing, electrical, or mechanical permits CALGreen-only projects (deposit waived; CALGreen compliance required instead) No exemption for demolitions (all demolitions are covered)
Seattle	Emergency demolition required for public safety (e.g., fire, collapse) Hazardous, asbestos-containing, or lead-contaminated materials Materials not on the Director’s “readily recyclable” list (may be landfilled legally) Very small residential projects not required to submit a Waste Diversion Report unless specified by permit conditions

## Conclusion

In closing, the recommendations set forth in this memorandum are firmly grounded in a review of best-in-class model jurisdictions across the country and reflect proven approaches to improving construction and demolition debris diversion while maintaining regulatory clarity and administrative efficiency. Care was taken to ensure the proposed ordinance remains streamlined and practical for all Solid Waste Authority member communities, avoids unnecessary complexity, and does not impose undue burden on small-scale projects or routine residential work. At the same time, the framework prioritizes measurable sustainability outcomes by focusing on high-impact projects, clear compliance pathways, and alignment with established waste reduction and reuse goals. Collectively, these recommendations are designed to support Broward County SWA’s long-term environmental objectives while providing a balanced, equitable, and implementable ordinance that reflects industry best practices and regional needs.