



Speaker 1 - 04:40

It. Good morning everyone. Thank you for being here. Elise, can we have a roll call, please?



Speaker 2 - 06:25

Certainly.



Speaker 3 - 06:26

Chair Mead here. Vice Chair Horland, Member Newton. Thank you.



Speaker 1 - 06:35

Could we all stand for the pledge, please? Thank you. Our Executive Director, Sam is on the way. He is stuck in traffic.



Speaker 2 - 07:03

I'm online.



Speaker 4 - 07:04

He's online.



Speaker 1 - 07:05

There he is. Thank you, Sam. So we're going to go ahead with our public comments. Start off with John Casagrande.



Speaker 3 - 07:16

It.



Speaker 5 - 07:43

Good morning. My name is John Casagrande, Senior Vice President with Coastal Waste and Recycling. Thank you for this opportunity to speak today. Our main point today is simple. The Solid Waste Authority should not accept the assignment of the Global Agreement because the structure does not allow for fair and open competition across all the waste streams. The Authority was created to provide a sustainable solution for the county's disposal needs. The Global Agreement is not that answer. The Global Agreement groups yard waste, bulk waste, and construction and demolition debris into a single additional waste category. But there are very different materials. These are very different materials. C and D debris goes to material recovery facilities, MRFs, where they are recycled commodities are separated and reused. Yard waste is ground and mulched and reused. Bulk waste requires different permitting and handling. Processing differs by material.



Speaker 5 - 08:37

So should the procurement. Why would the Authority grant exclusive rights through the Global Agreement to a limited number of vendors for those waste streams before first issuing an RFP and receiving competitive pricing? What needs to occur is a bid process where qualified vendors submit a competitive pricing for each type of waste that your municipalities create. Additional waste cannot be used as a catch all category. Instead, the Authority should add separate C and D and bulk packages to its upcoming rfp, allowing qualified vendors to compete based on their individual capabilities and pricing. Separating the streams also opens up competition. When everything is bundled, there is only one provider that can realistically bid separate packages for C and D. Bulk and yard waste allow appropriately permitted facilities to compete on a very level playing field.



Speaker 5 - 09:28

It would also give the authority greater flexibility to evaluate alternatives and obtain competitive pricing for each material stream. Finally, a network of sites operated by several vendors who can cut costs, increase capacity and improve safety. Staff has already noted that the location and number of disposal facilities affect logistics and cost. CBD materials are heavy and expensive to haul, so sites closer to where materials are generated mean less time on the road. That lowers fuel costs, labor costs, reduces vehicles and road wear and puts fewer heavy trucks on Broward county streets and maintains a very competitive price. We respectfully ask the Authority to decline to accept the assignment of the Global Agreement, eliminate additional waste as a catch all category and produce C and D bulk and yard waste as separate streams and separate RFPs.

Speaker 5 - 10:17



Structure each solicitation so multiple qualified vendors and appropriately primitive facilities can compete for the specific materials they are equipped to process. Doing this will increase competition, provide a better opportunity, lower cost for participating immunosafalities, and advance the Authority's recycling and waste diversion goals. Thank you.



Speaker 1 - 10:39

Thank you, Mr. Casagrande. Next I have Mr. Louis DeVita.



Speaker 4 - 10:47

Louis DeVita, Florida Wastewater Recyclers Coalition. Good morning, Mr. Chairman, Madam Vice Chair, Ms. Smith Lalon, Mr. Deitch. Mr. Chairman, I respectfully request the documents I submitted be formally submitted and included as part of the official public record. Much has transpired since we last met, allowing for the solidifying of facts and documenting answers to questions and concerns. At the Aug. 21 executive committee governing board meeting, commissioner first said the commissioners at the Aug. 20 commission meeting passed page one motion to direct the County Attorney's office to draft a C and D ordinance in accordance with state law. Seven weeks later, no draft Commissioner fur at the Oakland Park Commission meeting prior to the vote to remain, members of the SWA said, quote, so now all C and D that has been processed will go into the landfill.



Speaker 4 - 11:44

That statement is fully supported by the Broward County Waste Management Monarch Hill Expansion agreement on page two. The key language Waste Management shall ensure that construction and demolition debris, segregated clean yard waste and white goods are processed for recycling before disposing of such wastes at the landfill. During the Aug. 21 executive committee governing board meeting, Commissioner Geller requested input from the SWA regarding yard waste compost. If the commission is requesting support information for yard waste composting, imagine the questions regarding C and D recycling. No municipality, their management employees need or welcome additional worker expenses. The ordinance will face challenges unless all interested and affected parties are fully informed. Mr. Chairman, I'm confused. At the August 21st executive committee governing board meeting, you said we need to get the builders and contractors input.



Speaker 4 - 12:46

The C and D workshop conducted by the C and d subcommittee on April 14th seven months ago was attended by MRF owners and operators, contractors holders and the ABC representing over 500 builders and contractors. The participants provided input, criticism, changes and compromises and determine the need for a simple, easily acceptable and enforceable agreement. They concluded a mandatory C and D recycling ordinance as provided by Florida statute should be adopted. The documents I provided will answer the questions and allow for all to fully support the mandatory C and D recycling ordinance. At the same meeting, you also said this committee and legal counsel were following a House bill session ended on March 13th. I monitor all the activities and interact through my colleagues at FDEP in the Legislature.



Speaker 4 - 13:43

The only bills I was aware of were Senate Bill 1196, waste to energy locations which failed and House Bill 1089, construction of waste facilities placed near Federally authorized Water Empowerment and Conversation Areas which also failed. Did I miss something on these legislations? I don't know of any other legislation that was out there that we should be watching and I would like to know on June 23rd I sent an email and requested distribution to all municipalities, TAC members, Governing Board and Executive Committee members to ensure all interests and parties are first. I did not see evidence of that distribution. Page three is the email. The question has been raised several times and I've addressed it How Mandatory CND recycling ordinance affects the municipalities and their enforcement. Page four is a summary of Broward County's municipal compliance.



Speaker 4 - 14:39

Page five, six and seven is the opinion on municipal enforcement of a Broward County Ordinance from Florida Attorney General James Office. These documents clarify no additional worker burden will be imposed on the municipalities. Page 8 It's imperative that the language in 403 707, which is also used in the Broward County Waste Management Agreement, where economically feasible. All C and D yard waste white goods must be recycled prior to disposal. Please note once again, Broward county is host to 10 FDEP permitted MRFs complying with the economically feasible clause. Page 7 Adopting the definition of construction and demolition debris is found in section 62701, Florida administrative code. While wordy defines what C and D is and will simplify understanding and enforcement, be advised any definition other than section 62701, Florida administrative code opens the door for interpretation and enforcement issues, defeating the goal.



Speaker 4 - 15:47

Mr. Deitsch from SCS and Mr. Barnes from RRS agreed at subsequent meetings that simplification was needed and enforcement at the landfill is the best and simplest option considering the action taken by the County Commission. It's time for this committee to provide its findings and recommend to the Executive Committee Governing Board to submit the findings and recommendations to the County Attorney and Commissioners to expedite this process and passage of this important ordinance. Thank you,.



Speaker 1 - 16:19

Thank you for your comments regarding the demolition and the Contractors Association. Mr. Carter and I have gone back and forth over the phone trying to get together and it's we haven't been able to establish a meeting date. Doesn't mean we haven't tried, but we haven't been able to free up each time. So I sense your frustration. I have it too. I have it too. There are a Contrary to what you might think there are a limited number of options that are available to us. It's a significant problem and it deserves all of our time and attention. And please don't think that we haven't been trying to find best methods to address the problem toward that end. Well, I think we'd better go into the meeting. Minutes. Meetings first.



Speaker 4 - 17:14

Before we do that, Mr. Chairman, if I may.



Speaker 1 - 17:17

Yes.



Speaker 4 - 17:20

The commissioners have already sent instructions to the county attorney to draw the ordinance. The ordinances should be drawn right now as we speak.



Speaker 1 - 17:33

We're going to address that.



Speaker 4 - 17:34

Okay.



Speaker 1 - 17:34

We're going to address.



Speaker 4 - 17:35

I'm sure.



Speaker 1 - 17:35

Okay. It's all right. Can I have a motion to approve the minutes?



Speaker 2 - 17:41

So move.



Speaker 1 - 17:42

I will second. All in favor? Aye. And thank you. Okay. With that, we will go right into Ms. Smith Lalo, who has been dealing with the proper people.



Speaker 3 - 17:57

Good morning, everyone.



Speaker 1 - 17:58

Good morning.



Speaker 3 - 18:01

We have. Our office has been doing quite extensive research on this. It is not a black and white cut and dry question. Although, you know, you can read a statute one way, you have other statutes that could be interpreted another way. We have gone through all of our extensive research, put a draft memorandum together. We are now working with the county because they have a. The county attorney's office has a number of questions and take issue with some of our conclusions. We are in the process of going through those and getting all those objections. Our.



Speaker 1 - 19:06

These.



Speaker 3 - 19:09

Points are more than just the authority to do certain things. It's how can we get to that point as well. So we can say, yes, you know, the statutes are clear, we have authority, but how that authority is going to be implemented and the point that it has to be, you know, economically feasible, there is some gray area within that. Economically feasible. Economically feasible to whom? And to put everything together. Now, I totally agree with your reading on the competing ordinances for Broward County. I don't think that's one of the issues. It's how to enforce these things. We've always had an issue with. With who's going to enforce this type of ordinance. Is it done at the local level by municipalities? Is it done by the county as a whole?



Speaker 3 - 20:35

And we have quite a few issues with going forward with one thing versus another. Like I said, we are putting together. They're putting together their points on our conclusions, and then we will sit down and discuss that before we will release, you know, our opinion. Just, you know, we're not. The SWA is not the ones doing these ordinances. It's other municipalities and counties. So just because, you know, we're going to have differing opinions, but we need to have some sort of approach that everybody can live with. So please just bear with us and. And give us some time to discuss these extensive legal questions with the county attorney's office.



Speaker 1 - 21:51

Thank you. Thank you, lori.



Speaker 3 - 21:54

Appreciate that.



Speaker 2 - 21:54

Mr. Chair May. Yes, thank you for that. Ms. Lawlessmith, can I ask you, and I know that you are taking this over now from Mr. Cole, how long has your engagement been on this? Cause I'm finding it hard to believe that it has been six, seven months that these discussions have been going on vigorously. I understand there are a lot of things that need to be worked out, but it continues to be a waste of my time and everybody else that comes here when we, you know, we have really nothing on, other than the update on the agenda to move forward. And I continue to clear my schedule.



Speaker 3 - 22:29

Because this is of the utmost importance. So where.



Speaker 2 - 22:32

Where do we stand? My understanding was I thought that you had something in hand that you were reviewing in the last week.



Speaker 3 - 22:40

Yes, yes, we have on our end, put everything together. And like I said, this was not a cut and dry. You know, look at one or two statutes. We analyzed quite a few different things. The, you know, preemption we organized, we reviewed not only that, but, you know, and the preemption is. Is an issue that the county brought up. So we looked at not only the explicit preemption, but implied preemption. There's different differing case law on all of that. We were requested as well to see whether or not The House Bill 803 has an impact one of the ways that we would like to enforce an ordinance of this type. 803 Is a brand new chapter. It does not affect, like you said, chapter 407.



Speaker 3 - 23:45

However, in the enforcement phase, if we want to do it by way of attaching it to, like the building permit, it 803 specifically gave us issues with using that type of process. We're not worried about the building permit. We're worried about how are we going to enforce the ordinance if we ban.



Speaker 4 - 24:23

I'm sorry, I apologize. If we ban direct disposal, which is what we've been saying from day one at the landfills. Mr. Deitch. Mr. Barnes agreed. The simplest solution from their standpoint as consultants is enforcement at the landfill if the landfill cannot take unprocessed material, which, by the way, Waste Management's landfill now cannot take unprocessed material at their landfill as part of their agreement for the expansion of Monarch Hill. So the question now is the Broward county landfill, which has been the Problem from day one. So if we ban direct disposal at the landfill, all the rest of the pieces fit together. Economically feasible doesn't enter into it because people have to go to a MRF to dispose of material. And there is no mrf, to the best of my knowledge, in the county, that charges more currently than the Broward county landfill charges.



Speaker 4 - 25:23

So economically feasible should not even become a question. Okay, so once again, enforcement at the landfill is the simplest solution. Everybody else is on board and it's done. Okay. As far as the municipalities getting involved, I gave you all the documentation as to why they have to comply, and there is no compliance. Once the hauler, Mr. Casagrande, said this at a recent meeting. The haulers are responsible. They have to bring the material to a MRF to get processed. Simple as that.



Speaker 3 - 25:56

It's not that simple because you may, you know, regulate it at the county landfill, but we have private providers as well. We have to look at this in total. I'm not here to debate this.



Speaker 4 - 26:18

Oh, no, I'm not trying to debate. I'm trying to understand.



Speaker 3 - 26:24

We were tasked with looking at specific questions, various scenarios. We went through each of those specific questions and scenarios, and one of the scenarios they asked us to look at was how can municipalities use code enforcement and the permitting process to help regulate and C and D isn't just one thing. You can define it. I mean, there's a whole different. It's a spectrum of stuff. Are we going to do what is economically feasible? And it's in the statute. So there is some debate as to what economically feasible is and to whom. So it's not black and white.



Speaker 6 - 27:32

I'll yield.



Speaker 4 - 27:33

I'll yield. I'll accept what you're saying and wait for the stuff to come out, and then we'll go from there. That's the best we can do at this point.



Speaker 3 - 27:38

There are a number of ways to do this, and were asked to look at the various different scenarios. So that's one of the reasons why it was taking as much time, because it isn't black and white and because the statute, frankly, is brand new. We don't know. There's no case law that says this is the right answer, this isn't the right answer. So we have to look at the degree of risk and how we need to read 803. Can we put in a request? And how can we do that without having the risk of it being. Of the ordinance being contested? And so that. That's why, you know, we're looking at every single thing. And in fact, you know, I am working on this with Jamie. It's not just one person.



Speaker 3 - 28:48

We have several people involved because were looking at it in so many different ways.



Speaker 1 - 28:55

Based on the fact that 803 stipulates that there must be some, excuse me, similarities across the board. I would think that it would make it easier, would it not?



Speaker 3 - 29:07

It depends. I mean, it's. And I don't want to, like, go into, you know, exactly what we have because we are still waiting to hear what all the objections the county attorney's office has to. They may not have any objections to that part of the memo, but I know they're very cautionary in saying what the county has the authority to do. It's not just the authority, but what practically can they do?



Speaker 1 - 29:50

So somebody has the authority.



Speaker 3 - 29:52

I understand and I can give my opinion, but they don't have to take it. The county attorney's office could. You know, that's why we litigate.



Speaker 2 - 30:07

Sure. And listen, Ms. Smith. Lala, no one's implying that this is not. I know we can say it's a simple fix. We've talked about a big, long hanging fruit. My frustration is I don't want to continue to come to a meeting when we don't have anything to take action on because I think it's a waste of everybody's time. So if you need more time to get these questions answered, I just, again, I'm not an attorney. I understand there's a lot to go.



Speaker 3 - 30:33

Through, but.



Speaker 2 - 30:37

It just seems like this back and forth has taken many months. And I would have expected we'd at least had a draft before for us by now.



Speaker 3 - 30:45

Yeah, well, like. Like I said, we have a draft prepared. It's just being reviewed now with the county attorney's office because they are very need. Would like to have input with respect to those.



Speaker 1 - 31:01

Can you share that with the board before it goes to the county, or is that.



Speaker 3 - 31:08

No, we're. We're going to set up meetings with the county attorney's office to go over each of their specific objections and go from there.



Speaker 1 - 31:23

And Mr. Deutsch, did you have anything that you wanted to add on to this?



Speaker 6 - 31:29

I mean, it may just be restating the obvious. We started with a white paper more than a year ago that sort of laid out the range of options were tasked looking at coming up with an appropriate ordinance and then an

implementation pathway. So where we've been stuck is the two pathways. One is each ILA member passes their own legislation and it becomes part of the permitting process. And there's been a lot of resistance to that. The other path is to simply ban direct disposal at the landfill. There is also resistance. So hopefully we can get clarity in terms of the county's feedback on the direct landfill prohibition and we can move this forward. We feel your pain. We feel like we're stagnating. We have put the commercial. The mandatory commercial recycling on hold while were focusing on this. And now it's magnified or amplified.



Speaker 6 - 32:36

So we're stuck in now on both sides. So I agree with you. Until there is clarity so that this committee subcommittee can make a recommendation to the executive committee and ultimately the governing board. I guess I'm looking for guidance whether you want us to pick up the pieces of the mandatory commercial recycling and try to carry that forward so that this committee is able to do its.



Speaker 1 - 33:01

I think that would be a good idea at this point. I do.



Speaker 2 - 33:05

When you say. When you say resistance, Daniel, you're saying from the county on both of those avenues. You're getting pushback from the county or resistance from somebody else.



Speaker 6 - 33:14

I'm gonna.



Speaker 5 - 33:15

Yeah.



Speaker 6 - 33:15

I don't wanna speak to anybody. My sense is that the ILA members, the municipal members, are resistant to the permanent pathway. And the county has their concerns about the direct ban. And we're waiting to hear their specific feedback on that.



Speaker 1 - 33:32

We've heard it from.



Speaker 6 - 33:33

From the municipal ILA members.



Speaker 3 - 33:36

Okay.



Speaker 6 - 33:36

Their concerns.



Speaker 2 - 33:37

And just to reiterate, I don't want to. I want the best product. Obviously, that's we've been talking about for quite some time. But I just don't want to continue, Mr.



Speaker 3 - 33:46

Chair. To schedule meetings if we don't have.



Speaker 2 - 33:48

Something concrete in front of us. That means that we don't have any meetings scheduled until we have something. Then I think that would be the most fair and respectful to everybody.



Speaker 3 - 33:59

Thank you.



Speaker 1 - 34:01

Yes.



Speaker 7 - 34:02

I'd like to just clarify on something that Daniel said that as far as the resistance, we are getting resistance from the. From the various municipalities and building departments on going forward with the. The call it. The Lee county approach before we've been talking about. And we're as far as resistance from the county. It's not really resistance. We're just seeking clarification from them. So we're looking at, you know. And that's what we're waiting on our legal team to get with their legal team. So it's really more clarification. So this. We're just in a hold pattern.



Speaker 1 - 34:39

Okay. Then I think just simple math says that it's going to be a lot easier to get one approval than it is to get 28 or 29, whatever the number is. So I think we've got to consider just the math of this thing. And I think Lee county proposal was a good thing for Lee County. They had. I think it's five cities in the county and I think two or three of those are very, very small. So it's. The comparison probably breaks down there. Okay. Is there anything on the commercial recycling, Daniel? Or is that just.



Speaker 6 - 35:16

Yes. So a suggestion. So sort of bring you back in time. In January, we prepared a fact sheet that was presented that identified sort of the contours of mandatory commercial recycling, the importance of it, where it has been

implemented elsewhere in Florida, even within Broward County. And where we. Sorry, where we left it was scheduling an industry day because there will be impacted parties with this legislation as well. So if it is the will of this committee, we can schedule a conversation or industry day where we can talk about what the recommended approach is so that we can get some feedback from that. I will tell you that you all live in the municipal world. A couple weeks from now is major statewide decision that I'm sure is capturing your attention and the attention of your administration.



Speaker 6 - 36:18

I would suggest that we wait until after that. That date because based on our experience, implementing this kind of ordinance does have an impact in terms of municipal operations. And we want to be clear eyed about that. While we believe it's the right policy direction, it isn't without additional burden on each municipality.



Speaker 2 - 36:42

No, I agree with that.



Speaker 3 - 36:42

I think we should wait.



Speaker 1 - 36:45

All right, thank you. Is there anything else for the good of. The good of the association not motion to adjourn? Second? Yeah, go get it. All right, shoot. I wanted to ask you before we adjourn, do we have any.



Speaker 4 - 37:22

Challenge takes two detangles.