



# Overview of Governance Structures for a Regional Solid Waste Management System

WORKING GROUP MEETING – MAY 11, 2020

# MISSION

## TAC Project 1

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- ▶ (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

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## **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

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## **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

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

## 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

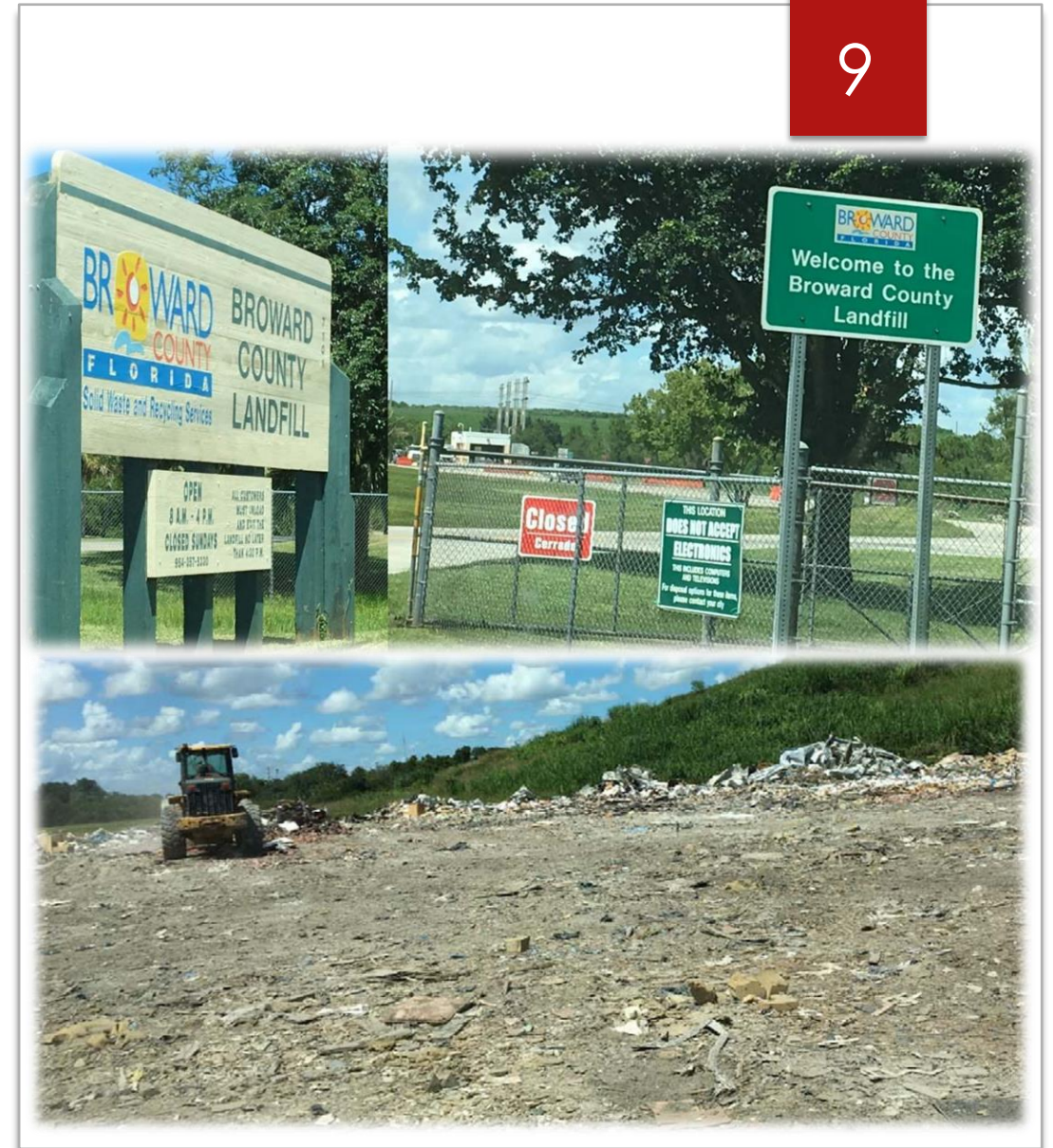
Recovered Material Facilities (Private)

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

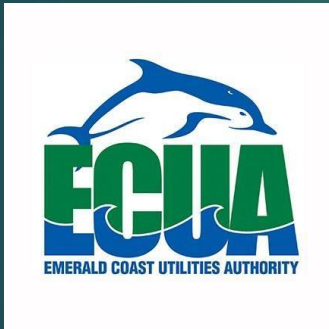
# GOVERNANCE OVERVIEW – Available Governance Structures



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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

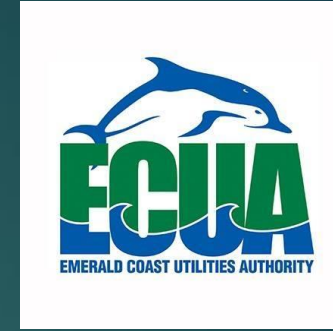
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### Quick statistics (2017)

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

# Independent Special District

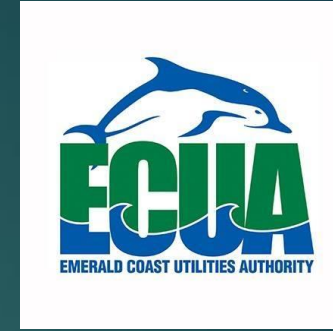


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- ▶ **Date Established:** 1981 (Solid Waste Management 1992)
- ▶ **Governing Body:** Five elected Board members- One per voting district  
Staggered four-year terms
- ▶ **Statutory Authority:**  
Special Act of Florida 81-376



# 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)

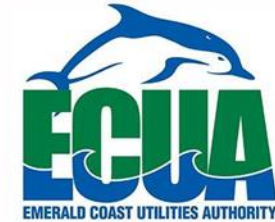
Material Recovery Facility (2016- P<sup>3</sup> )

- ▶ Accepts from New Orleans, LA

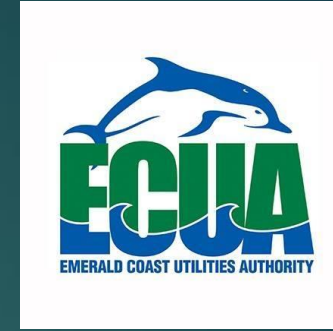
- ▶ Accepts from Tallahassee, FL

Composting Facility (Public)

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



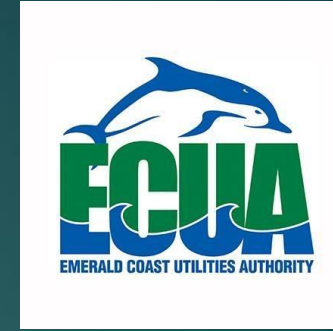
# Independent Special District



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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”)
- ▶ (2) Independent Special District
- ▶ **(3) Dependent Special District**

# GOVERNANCE OVERVIEW – DEPENDENT SPECIAL DISTRICT

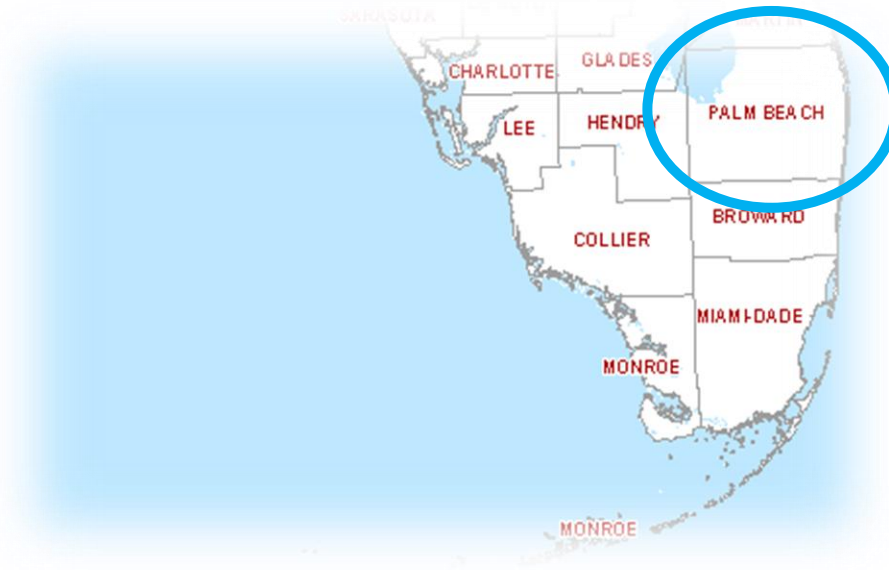


## Service Area

## 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



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- ▶ **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 (P<sup>3</sup>)
  - ▶ \$42/ton
  - ▶ \$138/ton Out of County
- ▶ North County Class I Landfill Complex
- ▶ Recovered Materials Processing Center (P<sup>3</sup>)
- ▶ Biosolids Processing Facility- 600 tpd (P<sup>3</sup>)
- ▶ 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



▶ **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

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- ▶ (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



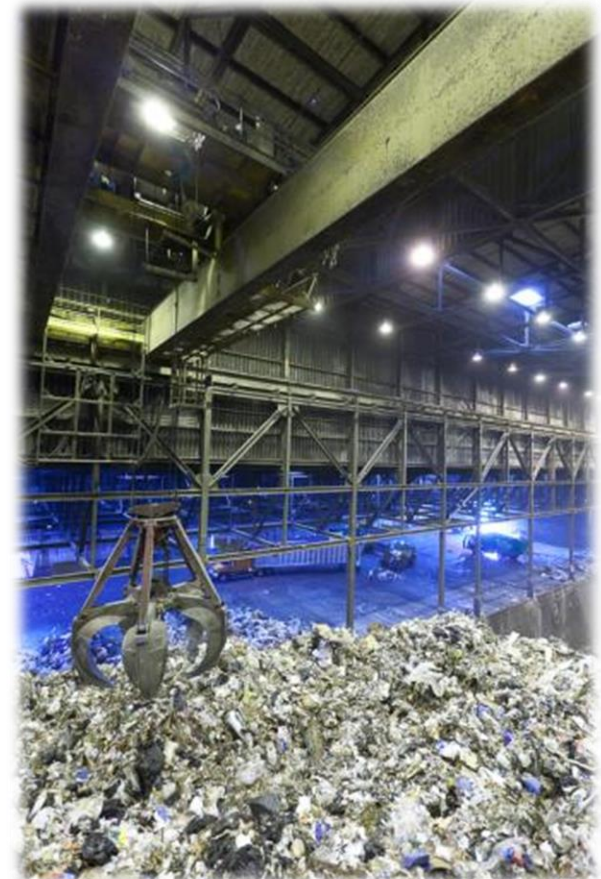
# FUTURE NEEDS- FACILITIES



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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, P<sup>3</sup>)
- ▶ 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



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- ▶ 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