

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in special session on March 31, 2016 at 9:02 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Robin Fisher	Commissioner District 1	Present	
Jim Barfield	Chairman/Commissioner District 2	Present	
Trudie Infantini	Commissioner District 3	Present	
Curt Smith	Vice Chairman/Commissioner District 4	Present	
Andy Anderson	Commissioner District 5	Present	

PLEDGE OF ALLEGIANCE

Commissioner Smith led the assembly in the Pledge of Allegiance.

ITEM I., PRESENTATION, RE: LANDFILL

Stockton Whitten, County Manager, stated a lot of information will be presented to the Board today; the presentations are going to be condensed down; there is a lot of important information the Board has not seen before; and it is a good foundation for the discussion. He went on to say earlier in the week the Deseret Ranch was sent to the Board and he promised them an opportunity to present their case, or any information; he does not know if there are any environmentalist representing the environmental list to formally present; and those may just need to be taken as public comments.

Euri Rodriguez, Solid Waste Management Director, introduced David Dee, Attorney, who has been working on this project for the last 10 years by helping to ensure the correct steps are taken.

Mr. Dee stated Mr. Rodriguez and Debbie Lugar have been directing the County's efforts on the permitting of the U.S. 192 site; they have been assisted by five different groups of professionals; he identified some of them by asking them to stand; his firm rounds out the crew; he works on the environmental law issues; and he has permitted almost all of the waste facilities in Florida.

Mr. Rodriguez stated a Class I Landfill can accept Class I materials for regular garbage and Class III materials such as construction and demolition; Class III Landfill can only accept Class III material; it has less environmental protection to it, mainly because it is not assumed to affect the environment as much; in 1991 the Board purchased the current U.S. 192 site to address the needs for a future Solid Waste Management facility; currently the County needs to replace the Sarno Road Class III Landfill because it will be running out of space pretty soon; and the Florida Department of Environmental Protection (FDEP) has determined that the new facility can be built on the U.S. 192 site which is in compliance with applicable State standards. He went on to say the U.S. 192 site is extremely valuable; it is 3,000 acres, combined with the existing Central Disposal Facility is projected to take care of the County's solid waste for the next 60 years; and the site can also be used for a waste-to-energy facility, a recycling center, or other innovative technologies, in addition to a Class III Landfill. He inquired why build a new Landfill. He advised the Board of the Sarno Landfill (SRL) is expected to reach capacity in 2021 or 2023; the FDEP has a height restriction because of Federal Aviation Administration (FAA) of 102 or 104

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feet; Melbourne has a height limitation of 40 feet; and there is a difference, which is attributed to those two years. He noted at that time, Melbourne did not grant the County a height variance. He stated there are several things staff tried to extend the life of SRL more than what was originally projected; it had 4:1 slopes, and they were changed to 3.5:1; there were terraces, and they did away with terraces; where the main road was, it was occupying too much space inside the Landfill, and it was moved over to another place; they reconfigured the stormwater in order to allow a 10-acre expansion, which is filled in with concrete to ensure the ability to use it in other places; and the tonnage has decreased significantly through the years. He explained to the Board that staff had to go to the City of Melbourne regarding the 10 acres; the City told staff they would allow the expansion of the Landfill as long as the County continued to work on the 192 site; the information he just provided was given to him around eight years ago; and they have not approached the City of Melbourne for anything else. He pointed out the City did not want the County to expand the Landfill and were pretty anxious for the County to close it down. He stated the Landfill itself is being replaced; mostly construction and demolition inert materials; and there is no garbage taken to that Landfill. He went on to say the processing of the tires occur on top of the Landfill because there is no other place to process this material. He advised the white goods and metals are also processed on top of the Landfill, and staff is constantly having to move them; this is contrary to the Central Disposal Facility (CDF), which is the Landfill in Cocoa, and it has a dedicated area for this type of materials that does not have to be moved around; and they process the green waste, mainly yard waste and land clearing. He noted the County is not planning on replacing the Sarno Transfer Station, there is no need for it, it is a relatively new facility; the Sarno Household Hazardous Waste Facility is not going to be replaced; and the Class I Landfill, CDF is not being replaced at this time. He provided the Board with a map of where the U.S. 192 site is located; he stated the west side is defined by the border with Osceola County, the south side is defined by U.S. 192; the surrounding property owners are Farmland Reserve and Deer Park Ranch; and the zoning is Government Managed Land - High Intensity. He stated it is forested on the west side with open pastures to the east; and there is a Florida Gas transmission easement running east and west. He added, currently the property is used for Agricultural purposes, and with those purposes they use the ditches to flood or drain the property as needed; and the stormwater outfall is to the north of Lake Washington. He advised the Board there is 21 artesian wells; it is permitted to discharge over two billion gallons of water for the Floridan Aquifer each year; there were 287 million gallons of water discharged in 2015; and all but two aquifers will be plugged in the Phase 1 construction. He pointed out the cattle pen area is contaminated with arsenic; this contamination occurred in the past; the State of Florida required the cattle people to take care of pigs; and this area will be cleaned up to FDEP standards. He went on to say they divided this into two phases; the first phase is the one that was supposed to be replace the SRL; because of what is being done and permitting requirements, staff has to build all of the stormwater systems in the property; they have to create and enhance the wetlands on the site for mitigation purposes; an entrance road needs to be built; and scales and a scale house needs to be built. He stated Cell 1 of lined Class III Landfill is a multi-use area for green waste, metals, and tires; the area is for a temporary storage of storm debris; and the site will not be used for garbage or similar wastes during Phase I. He went on to say the Landfill itself is planned to be approximately 3,700 feet away from U.S. 192; forested areas next to U.S. 192 will be saved; additional landscaping will be place next to U.S. 192 in order to create the vegetated area; and approximately 98 percent of the forested wetlands on the site will be preserved. He added, Phase II is 25 to 30 years from now, the County will not use the site for Class I garbage disposal; future Boards can decide whether to develop the remainder of the site; and the site is designated for purposes that could be used for a recycling center, a waste to energy facility, or other innovative technology. He provided the Board with a picture of the U.S. 192 Site Master Plan Layout. He stated in 1983 Barker, Osha & Anderson, Inc. (BOA) conducted an Alternative Sites Evaluation for a South County Processing and Disposal Facility; a site south of U.S. 192, adjacent to Brevard County's western boundary, was recommended; two years later, the Florida Statutes governing solid waste landfills were amended to prohibit the construction of a landfill within 3,000 feet of a Class

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I surface water, used as drinking water; it was recommended the site be located within the prohibited distance; in light of the new Statutory prohibition, BOA recommended an alternative site for further evaluation; and the alternate site was north of U.S. 192 and adjacent to the Osceola County line. He noted in 1987 the BOA completed an updated Alternative Site Evaluation considering the impact of the rule changes; and the conclusion was that the current site should be the first candidate for a future south County solid waste facility. He stated in 1991 BOA and Camp, Dresser & McKee, Inc. (CDM) conducted a second Alternative Site Study; it was determined that the prime site for a future solid waste facility was contained approximately within the current U.S. 192 site; after the BOA/CDM study, the County initiated an eminent domain case, ultimately purchasing the U.S. 192 site from Deseret Ranches pursuant to a settlement agreement; and shortly afterwards, the County began the engineering work to obtain the permits for a Class III landfill on the site. He explained to the Board on January 19, 1993, the Board directed staff to enter into conversations with Deseret and Osceola County to establish a joint-facility, west of the current facility, with the understanding that if nothing was resolved, the County would go back to the original plan to develop U.S. 192. He went on to add in 1995 there was a joint-meeting between Brevard County Board of County Commissioners (BOCC) and Osceola County Board of County Commissioners; the Osceola County Commission later pursued an agreement with a private landfill in their county; the Board approved a Request for Proposals (RFP) for Solid Waste Disposal Services within the South Brevard disposal area; alternate landfill sites, inside and outside of the County, were solicited; and waste-to-energy was solicited as well. He advised May 21-September 17, 1996, the Board found no option that was better than U.S. 192; waste-to-energy was not proposed; an alternate site in Brevard County was rejected; and hauling to Okeechobee was rejected. He stated in 1996 Deseret claimed it had a better site that it would exchange for the U.S. 192 site; the Board directed staff to work with Deseret, rather than starting again on the U.S. 192 site; and Deseret subsequently failed to offer a suitable site. He pointed out during the 2005 through 2006 Workshops, the Board's consultants estimated that over 20 years it would cost approximately \$100 million more to haul the County's waste to Osceola County instead of using the U.S. 192 site; and the Board instructed staff to start the permitting process for the U.S. 192 site. He advised the Board in 2009 Cardno-Entrix conducted a third Alternative Site Analysis and concluded that the U.S. 192 site is the best; and in 2012 Solid Waste Department issued an RFP for new solid waste technologies. He provided the Board with various maps showing unsuitable areas for the Landfill.

Chairman Barfield inquired why the County needs a 3,000-acre site. Mr. Rodriguez replied the original program in the 1980's was to have two separate Class I Landfills; as time went along, that idea went away as the County started building transfer stations and modernizing some of the transfer stations; and the theory in solid waste was it did not need to be close to the population center if the garbage could be transferred in an economic, feasible way. He added, there needs to be enough buffer area so the Landfill itself would be pretty much invisible if a person got close to it; if a person does not see something, he or she does not think about it until it starts smelling; and then it is the County's fault. He noted if a Landfill is run properly, the neighbors generally are happy. He stated with a buffer there needs to mitigate; if the County mitigates on-site it is cheaper than mitigating off-site; and they had to buy enough land to mitigate on-site. He went on to say what was originally looked for was a site between 1,500 and 3,000 acres.

Commissioner Infantini inquired why the Board is discussing this; and she stated two days ago there was a heated discussion on how to restore the Lagoon to what it looked like 50 years ago, because of the Board's inaction over the years; and now the Board is looking at putting a Landfill in close proximity to the St. Johns River, which is 310 miles long and winds all through Florida, and the Board could do the same damage as it is trying to correct with the Lagoon. She inquired if it would be better to not put the Landfill in such close proximity to the St. Johns River and use the one in Osceola County. She pointed out this is one time she would not mind using

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someone else's stuff; she would much rather use Osceola County's Landfill rather than create one in Brevard County. Mr. Rodriguez replied this proposed landfill is further away from the bodies of water than the current landfills are; and at the end-of-the-day, it is a policy decision the Board has to make. Commissioner Infantini stated just because past Commissioners made a poor decision, it does not mean the current Board needs to duplicate it.

Chairman Barfield stated he really needs to see the presentation; he wants to know the history of what happened. Commissioner Infantini inquired if philosophically Chairman Barfield thinks there should be a landfill that closes. Chairman Barfield responded he wants to see what the science is first before he makes that decision.

Commissioner Anderson stated the transport to the Osceola County Landfill is \$100 million over 20 year's additional costs. Mr. Rodriguez advised that is correct. Commissioner Anderson inquired what the cost is to develop this site. Mr. Rodriguez replied around \$66 million; and he stated the initial cost to develop the site for the Cell I and including all of the facilities around it will be around \$21 million. Commissioner Anderson inquired if the \$66 million includes transporting. Mr. Rodriguez responded the Board at that time was that the citizens would come to the Landfill, the County would not be transporting. Commissioner Anderson stated there will be an inherent cost to construction companies that have to drive around 15 miles. Mr. Rodriguez stated in the options, the Board will see that one of the options being presented is going to be what happens if the County ships it out to CDF, and what happens if the County does nothing. Commissioner Anderson stated the real expense if the Board decides to contract with a private landfill in Osceola is \$35 million, not \$100 million at all. Mr. Rodriguez pointed out the prices have changed, and he will get to that and why the prices have changed. Commissioner Anderson stated he thought that was disingenuous of the consultant to say \$100 million because of not developing a certain site and there is a savings there.

Stockton Whitten, County Manager, stated what are coming up are the environmental issues; and these next series of slides will actually address Commissioner Infantini's questions.

Mr. Rodriguez stated the County already has completed extensive studies of the site; and the FDEP has completed its review of the County's Applications. He went on to say in 2005 to 2013 there were annual listed species surveys on site; in 2010 there was a Wildlife Management Plan; in 2014 there was a Biological Assessment for U.S. 192 Solid Waste Management Facility; and in 2014 there was a Biological Opinion issued by U.S. Fish and Wildlife Service. He noted staff obtained Solid Waste Construction and Operation Permit; the Administrative Hearing led to a settlement with Deseret Ranch; and FDEP gave Notice of Intent to issue the Environmental Resource Permits for wetland impacts and stormwater discharges. He added, the FDEP concluded the County's application complies with its rules and standards; the facility is not expected to cause violations of water quality standards; and application for U.S. Army Corps of Engineers (USACOE) wetlands permit was submitted. He advised the Board that USACOE consulted with U.S. Fish and Wildlife Services about potential impacts on wildlife; U.S. Fish and Wildlife Services issued its Biological Opinion and approved the Wildlife Conservation and Mitigation Plan; and the County purchased 134 wetlands mitigation bank credits as part of the mitigation for the project.

Chairman Barfield inquired if there has been any modeling done, and if it is part of the permitting to determine if there is a potential impact to the St. Johns River. Mr. Rodriguez replied affirmatively. Chairman Barfield inquired which permit is that. Mr. Rodriguez replied the Environmental Resource Permit that FDEP issued a notice of intent to issue. He noted this Landfill is contrary to any other Landfill the County has, it has liners on it, the current Landfills do not have liners except for the expansion area currently being built in Cocoa; it is new technology; and to this point in time, there has been no report of any Leachate escaping in these Landfills, and they have been in operation for a couple of decades already. He stated

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Farmland Reserves or Deseret, Deer Park, and some environmental groups have indicated their intentions to file petitions for an administrative hearing.

Mr. Rodriguez stated the land was bought for \$10 million plus; during the startup process in the 1990's in which the permitting process was begun, the County spent an additional \$1.4 million; since 2005 the County has spent an additional \$12 million; and the total project investment is \$23,314,067. He stated the environmental benefits of this are onsite preservation, creation and enhancement of wetlands for a net benefit to the environment; establishment of a State Conservation Easement over 877 acres onsite to protect wetlands and uplands; development of an Adaptive Management Plan to maintain wetlands, remove nuisance species, and optimize wildlife habitat onsite; plugging 19 artesian wells for a significant decrease in the amount of water discharged from the Floridian Aquifer; and cleanup of arsenic contaminated soils. He went on to add the alternatives are Option 1, to continue the development of U.S. 192; Option 2, to direct haul to Cocoa Landfill by the County's customers, and CDF to decrease its life by about 30 percent.

Commissioner Fisher inquired if there is a site in South Brevard County for a yard waste facility. Mr. Rodriguez replied there is only one site that would allow purchase and that is the site of 2,078 acres; it has a Conditional Use Permit from the City of Melbourne for a landfill; but it could be used for a yard waste facility. He pointed out if the landfill is built anywhere else, the County would have to build the infrastructure for it as well as a scale house. Commissioner Fisher inquired if there are any environmental issues on those 2,078 acres. Mr. Rodriguez replied yard waste does not create problems as far as the environment is concerned; there are several issues with yard wasting in which a buffer needs to be maintained on it; and that is when things are ground up, things are thrown out, and the dust has to be controlled.

Commissioner Anderson inquired on the County hauling, is that the County's trucks and employees. Mr. Rodriguez replied affirmatively. Commissioner Anderson inquired if the County has ever investigated the other waste companies transporting. Mr. Rodriguez replied not the waste companies; he stated there are companies out there that dedicate themselves to transporting for waste companies; they looked into it; and the County would be able to do it cheaper. He stated some companies do it privately when contacting it out and it is done on a per ton basis, so it would be paid for as needed; the more that is transported the more that is paid; there are pros/cons to either one; and if there is not the infrastructure to maintain these, it is better off not creating the infrastructure to begin with and to privatize it. Commissioner Anderson inquired how many vehicles the County has in operation. Mr. Rodriguez replied about 14 tractors and 29 trailers. Commissioner Anderson inquired if there are 14 tractors that run every day. Mr. Rodriguez responded approximately eight of them run every day on an average.

Mr. Rodriguez explained to the Board that Option 3 is for the County to haul to CDF; CDF will lose about 30 percent of its life; the life is around 25 to 30 years; it needs to build a yard waste facility; a citizen's drop off center needs to be built; and the Sarno Transfer Station needs to harden. He went on to add that Option 4 is where the waste is hauled out of the County; a yard waste facility needs to be built in this instance; there needs to be a citizens drop off center built; and the Sarno Transfer Station need to be hardened.

Chairman Barfield inquired what type of figure Mr. Rodriguez is talking about to build a yard waste facility, a drop off center, and to harden the Sarno Transfer Station. Mr. Rodriguez replied about \$4 million.

He stated Options 2a, 2b, 3, and 4, estimate are a risk of litigation and permitting; and the County could sell the U.S. 192 site and recover some or all of its past expenses that would be used in the construction of needed facilities. He noted with Option 4 it would have an increased cost for transportation and disposal; loss of control over County costs and technologies; and

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long-term capacity is likely to be less than the U.S. 192 site. He stated with this Option, the increase cost over 25 years for Class III waste is estimated to be approximately \$26,900,000, subject to no additional increases in tonnage or drastic fuel increases; and the cost increases over 20 years after the CDF Landfill closes is estimated to be approximately \$84,400,000. He stated waste to energy is not suitable for most Class III waste because it is not readily combustible; waste to energy is significantly more expensive than a landfill; and a waste to energy facility needs a landfill for the disposal of ash and materials that cannot be burned. He noted hauling to other counties will be more expensive than hauling to the J.E.D. Landfill in Osceola County, there will be loss of control over Brevard's costs and technology, and there is uncertain disposal capacity. He pointed out staff did a financial comparison of Option 1 versus Option 4; they looked at 25 years starting in 2022; the Landfill is calculated to last 60 years, but after 25 years there are so many variables and prices that every projection that is done is bound to be wrong; no consideration was given to Class I because there is CDF that would be available during this period of time; and the out-of-county disposal fee would start at \$18 a ton. He provided a slide showing the hauling distances from the County facilities to JED Landfill.

Commissioner Anderson inquired if there are any private funded available landfills in Volusia or Orange Counties. Mr. Rodriguez replied Orange County for Class C and D material there is. Commissioner Anderson stated the County could split it up, not everything would have to go to Osceola County if the County went that route; some of it can go to Orange or Seminole Counties. Mr. Rodriguez stated in Volusia County there is a private landfill.

Mr. Rodriguez stated staff did a projection for those 25 years; it would cost \$66,871,000 to develop the U.S. 192 site, plus the operating expenses for those 25 years; the option to the J.E.D. Landfill was \$93,838,000; and the difference would be approximately \$27 million. He stated there is a huge difference in projections done in 2006 and 2016; the cost of construction of that \$4 million is in this calculation; they found out in 2006 they were receiving almost 400,000 tons a year; and they are currently receiving 116,000 tons. He noted inflation is a lot less than what it was back then, so the inflation is different. He concluded by saying staff believes the U.S. 192 site is the best site; this is a policy decision of the Board; and staff will follow whatever recommendation the Board comes up with. He advised the Board the consultants are present to answer any technical questions the Board may have regarding the project.

Commissioner Anderson inquired sometime in the next couple of months could someone do a comparison if the Board were to split off to those other areas in Volusia, maybe Seminole, to take everything from SR 520 north to this other area, he would like to have it. Mr. Rodriguez replied affirmatively; and he stated the County purchased this property some time ago and have been setting on it for a very long time, for whatever reasons it has not been developed over time, but if this property cannot be developed as a landfill, the Solid Waste Department has no use for it at all; other Departments might have some use for it, but Solid Waste Management Department does not; he is not here to accumulate a lot of land; and it would be turned into a liquid asset.

Chairman Barfield inquired on Option 1, the \$66 million cost, is that just over time. Mr. Rodriguez replied that is over the 25 years, and it would be \$20 to \$22 million for construction.

Commissioner Fisher expressed his appreciation to staff for the presentation; he stated he would be cautious in depending on any other county for Brevard County's solid waste in the near future; it would be going down a slippery road with price fluctuations; and the hauling trash will never fully go away. He went on to add his position is to sell the property for the appraised value, but he would also look for someone to find another site if the current site did not work out; and there would be some huge costs to go out and acquire another site. He pointed out he

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would rather Brevard County handle its own solid waste instead of shoving it off to another county.

Mr. Rodriguez reminded the Board that the system is based on assessment fees; assessments are what drives it apart from a little portion received for the gate fees; there are reserves, but once those reserves dry up, the County would have to go out and try to increase the assessments; assessments when they are increased require notification to all the citizens; and staff has avoided that because inflation has been so low and they have been fortunate.

Commissioner Smith stated his position is along the lines of Commissioner Fisher's; he would love to be able to sell the property back to Deseret Ranch because he knows they want it and it fits with what they are doing out there; but the fact is, for 20 years the County has owned this; and going forward 20 years now, if the County does not have this, it has completely limited its options. He inquired if the Board wants to put its citizens in a bind for the next 60 years with a 'what if', or does it want to secure the costs going forward by possessing and owning its own property; and he would be in favor of keeping the property.

Chairman Barfield inquired if there is about five years left on the Sarno Landfill. Mr. Rodriguez replied the city council at that time said if the County continued to pursue the U.S. 192 site and it ran into difficulties in the permitting, they would grant a height variance; and the Board would be looking at either 2021 or 2023. Chairman Barfield stated on the CDF if the Board goes there after those five years, it would cut 30 percent of the life off of that one. Mr. Rodriguez advised it would give 17 to 20 years of capacity after the five years are up, so the Board would be looking at about 22 years. Chairman Barfield inquired when would the U.S. 192 be built and when the County would start using it. Mr. Rodriguez replied in use at 2022 approximately. He added, there would be a short period of time when both landfills would be in operation, as well as U.S. 192, because one of the things that have to be done is to be careful not to punch through the liner; and waste would be brought in a little bit at a time to build it up, which takes about six months. Chairman Barfield stated another question he has is regarding liabilities; and he inquired what the difference is the County has on its own landfill versus sending its stuff to another landfill. Christine Lepore, Assistant County Attorney, replied the County would still have liability as long as the County contributes to the waste stream; and the County actually has a case where there were contamination issues at a landfill in South Florida.

Commissioner Anderson stated it is a shared liability, where if something goes wrong with this and the County contaminates the St. Johns River, it is all on the County. Mr. Rodriguez pointed out it is all on the County because it controls the facility. Commissioner Anderson stated the fact-of-the-matter is there will be people watching that portion of the river very closely; and if one paint can rolls off of a trailer into the river, they will be after the County.

Commissioner Infantini stated the County has to be ever so careful not to puncture the liner, because it will have leakage; a few days ago the Board talked about the seepage of human waste going into the groundwater; and she inquired if the Board is not more worried about non-human waste going into the groundwater if the liner should be punctured. She went on to say the height restriction was placed by the City of Melbourne back when it was a whole different board, the FAA and the City of Melbourne; and she does not know if they have not been approached again to see if the height restriction can be changed before having this big discussion, because it may not be at capacity in five years, it may be 10 years; and it could completely change the dynamics of this discussion if the Board finds out it has so much extra time. Mr. Rodriguez explained to the Board he cannot predict the future, but he can tell the Board about the past; the SRL does not have a liner; there is no contamination coming from that site even though that site was used; it belonged to Eau Gallie and the City of Melbourne before it passed on the County; the current construction of it is just some pure dirt; and there is nothing underneath it. He stated when talking about a liner, that is an additional protection the County

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does not have currently; yes, the liner can be punched through; but it can also be repaired, because that is why there are so many people there to create this waste stream for selected waste for about 10 feet before putting a compactor on it.

Commissioner Fisher inquired how far is the SRL from the St. Johns River compared to the U.S. 192 site. Mr. Rodriguez replied he does not know the exact distance; but he does know that it is closer. Mr. Rodriguez provided a map to show the Board the proximity of the landfills to the St. Johns River.

DESERET RANCH

Frank Matthews, Law Firm of Hopping, Green, and Sam's, representing Farmland Reserves, stated they would like to give a brief presentation that would be inclusive of Don Whyte, Vice President of Deseret Ranch, Charles Lee with the Florida Audubon Society, and Billy Kempfer with the Brevard Branch of Deer Park Ranch, as the parties. He stated he appreciates the fact that the Board is revisiting this issue; obviously the decision have come forth in the 1990's deserve a second look and a critical assessment; they appreciate the Board conducting a Workshop to look at things that may have been looked at differently in the past; and many people are present to speak on carrying capacity, and options as well.

Don Whyte expressed his appreciation to the Board for the opportunity to discuss their concerns on the issue; the site of the Landfill was sold to the County under the threat of condemnation in the early 1990's; there was a negotiated outcome; and as part of that settlement, they have been able to graze the land and they have appreciated that. He went on to say the cattle grazing lease goes to 2023; there is a provision of two five-year extensions on that; and obviously that lease provides that if the Landfill was activated the lease would be terminated. He pointed out they enjoy operating this land as part of their cattle ranch; it is some of the most productive land they have in terms of growing grass and feeding the cattle onsite; they plan to challenge the permit on numerous environmental hydrological and geohydrology grounds; and they will do so in the appropriate proceeding. He noted they share the concerns raised by the environmental community; the Board will hear some of those from Charles Lee in his presentation about the St. Johns River and wildlife habitat diminishing; and while they expect that the exposure to the river could be managed, they think the consequences of doing any harm to the St. Johns River with it being a drinking water supply far outweigh any potential benefits. He stated they question this archaic technology; the fact this whole process has happened over the past 20 years, it is hard to believe with technological improvements they have in every other field of science that they have not had significant enhancements in how solid waste should be treated over that time period; and they are hopeful that the Board's consideration will put that in place. He provided a map to show where Deseret Ranch is located; he stated the notch in the grey area off of U.S. 192, which is in fact the Landfill site they are speaking of; they have operated the ranch since 1950; and they think they have been pretty good stewards of the property. He advised the Board they continue to work with the County; in fact, Governor Rick Scott asked them to serve on a task force to look at how transportation problems and issues could be solved in Central Florida; and this map is the task force's recommendation, which was unanimously adopted at that time. He pointed out concurrent with that effort, they worked on a sector plan on the part of their property in Osceola County, north of U.S. Highway 192, and that sector plan was approved by Osceola County and the State of Florida; and what the Board sees on this plan is that the majority of the land ownership they have on the eastern edge of the property, adjacent to Brevard County, is planned long-term for agriculture and conservation, and that property points right down to the site that this Landfill is, which is the dotted line site in the very southeast corner of the map. He stated they plan to operate that as the Ranch for the foreseeable future; the time period that was planned for in this sector plan was the next 65 years; and there are conservation easements and protections that would be placed on this property over time that would do that. He explained as the Board could

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see, they plan to operate the land as a cattle ranch for the foreseeable future, and as long as they can continue to do so, the land that is part of the site that the County owns would be part of that. He stated their request to the Board is pretty simple; they would like the County to take the time necessary to seriously consider a more modern and less impactful ways to deal with the solid waste issue; the Board is going to hear some of those things today; there are a lot of assumptions that go into those kinds of things that having a little bit more time to make sure that they are finely tuned would be great; and when they did their initial review of the study many years ago, they had one of their experts examine the financial analysis and he made several suggestions as to places that should be re-examined. He reiterated they stand ready right now to repurchase that site at appraised value, and bring it back into the Ranch and continue to operate it as a cattle ranch in the future for so long as that use is appropriate and makes sense. He noted at the very least, they would like to see that incorporated in the lease they already have; and in the event that the land is disposed of in any way, they should be granted first rights of refusal so they can be the buyer that acquires it. He advised the Board they have technical experts here today, and they stand ready to offer constructive suggestions. He stated they also have Michael Dennis from Breedlove, Dennis, and Associates who is a biologist and has worked for 30 years personally on this site. He stated he would like to turn the podium over to a couple of people who have been severely impacted by this, and who have strong feelings they would like to express today.

Charles Lee, Audubon Florida, asked Euri Rodriguez, Solid Waste Management Director, to put up the map that showed the Landfill site on the St. Johns River Floodplain that showed the 100-year Floodplain line and the relative distance to the river. He stated the Board does not have in front of it what the actual cost of a long-term contract for disposal of Class III waste or the disposal of any other kind of waste at the J.E.D. Landfill would be; the Board has had various attempts to construct an estimate of what that cost would be; and his principle recommendation to the Board with regard to landfill alternatives are that before the Board proceeds to make \$20 or \$30 million of additional investment in this U.S. 192 site, it ought to have a head-to-head comparison, not an estimate, on the basis of bids and a viable, binding contract that would tell the Board what the actual cost of using the J.E.D. Landfill would be. He noted the Board should think about the cost of construction being the last opportunity in this current window of time from now out to 2021 when the construction would take place; he inquired what the lost opportunity is within the County's budget to utilize that money for other things the County viably needs; and what it is doing is sinking a wad of capital into the construction of that site, and there are lost opportunity costs to what it could otherwise do with those valuable County revenues. He stated their belief is that as an environmental advocacy organization dealing not with this issue singularly in Brevard County, but looking at the solid waste issue where it affects the environment in a Statewide perspective, what is unfortunate is that they are not looking at regional solutions, but are looking at departmentalized jurisdictional boundary solutions; and when people fail to take into consideration the opportunity for regional solutions, a situation is created where every city or county that does this on their own, has their own startup costs, environmental permitting costs, and they all have to sink capital into something rather than collaborating in the most cost effective way. He advised the Board one of the pieces of the presentation heard from staff this morning is about the construction that they are asking the Board to proceed to permit on, on this site, it is not just going to be constructing the facilities necessary for a Class III construction and demolition landfill facility; the Board was told by staff that it will do all of the environmental mitigation for the entire site, all of the wetland mitigation for the entire site, including that which would be obligated if the Board were to proceed with the Class I landfill in the future, it would be eating all of those costs now upfront; and it is also constructing the entire stormwater system, including the stormwater system that would ultimately serve a Class I landfill, is being constructed right now in conjunction with the much smaller representation of a Class III landfill; and all of those costs are going in when the Board does not know whether this is where it will take its Class I disposal in the future. He pointed out what they think in the moderate term is the most important economic comparison, is the head-

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to-head cost per ton that it would cost the County to go to a landfill like J.E.D. Landfill on a pay as it goes basis without putting that big block of capital in the ground that the County would never get back, because once it has been committed to, it is locked into that site. He stated the County is not going to walk away from a Class I landfill in the future if it builds all of the infrastructure it needs to support it now; and clearly to proceed through the United States Army Corp of Engineers (USACOE) permitting, which is the next step if the FDEP permit is won, then it gets the distinction of being able to go on to the USACOE permitting in which the status of that permitting is deactivated at this point, it will have to be reactivated all over again, and they will require that the County also looks at the entire scope, not just a construction and demolition landfill, they will require it look at the entire scope for the Class I landfill in the future. He noted that is why staff has included all those construction costs up front even though their immediate needs is for the Class III landfill. He stated what he is trying to convey to the Board is being asked in a budgetary setting to ultimately swallow the whole thing right now in terms of the construction costs of the infrastructure that would remain in both the Class III and the Class I even though the only thing staff is suggesting to the Board there might be a need for is the Class III. He suggested paying as it goes rather than sinking money in the ground for something the County may not necessarily need. He stated the distances between the SRL and the St. Johns River in terms of feet or miles are the not the most significant thing, the question is interaction with the river and the Floodplain. He stated it is significant the County is using the 100-year Floodplain because the 100-year Floodplain is a poor indicator of what this river will actually do in a flood circumstance; the County is in an El Niño situation; by talking to the folks at the South Florida Water Management District about Lake Okeechobee and the discharges through the St. Lucy River, Cahulawassee River Estuaries, and looking at the weather events that have effected Florida bodies of water in the last five to 10 years, is not bound by 100-year events very much; people are seeing events easily in the 250-year class or the 500-year class that are taking place in terms of potential flood events; and he inquired where does that line go on that site in the 250-year or the 500-year flood. He stated if a landfill is placed on this site and it has a life expectancy of 50 years, that means it will be usable to place material on for 50 years; but its effective lifespan for the environment is perpetual, because there will always be that waste material on that site; he is not as concerned for the potential of the puncture of the liner; and he thinks the danger to the St. Johns River occurs because this site is being designed according to the 100-year Floodplain when realistically it is a site that will be there in perpetuity and it will have 250-year and 500-year events that will be effecting the site. He inquired when a liner is put under a landfill where does the Leachate go; he stated it does not disappear, it goes into the managed water system of that landfill; it gets treated if it is bad enough or it get sequestered, filtered through artificial wetlands; but the point is the Leachate does not go away. He urged the Board not to be lulled into the belief that this is a high and dry site isolated from the St. Johns River, because it is largely outside of the 100-year Floodplain; and the fact that the 100-year Floodplain inches into it and takes up the entire eastern boundary of the site is a warning as to what happens when an event exceeds the 100-year event. He advised the Central Florida Water Initiative has said they are going to move away from getting groundwater from the future water supplies to some extent and they are going to get more and more of the drinking water out of the St. Johns River; the St. Johns River Water Management District in calculating the availability of water from the St. Johns Rivers has taken into consideration a lot of factors; and one of the factors is sea level rise. He went on to say sea level rise is occurring for whatever reason; when the predictable sea level rise at the mouth of the St. Johns River and the numbers inch up, that effects the balance of freshwater and saltwater in the river; and all of that had to be taken into consideration for the calculus of how much water is available from the river was made. He stated one of the features of that calculus is the assumption based on sea level rise that over time the elevation of water in the St. Johns River is going to increase; and therefore, there may be three to five additional inches coming up. He noted he is not going to be critical of County staff for what they are doing in trying to mitigate this site; he thinks they are pursuing what one would pursue in the effort of getting a permit for the site; the environmental permitting questions do not answer the questions of whether this site should be here; and it only

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answers the question of whether this site can be argued to go through the various gates and check points in the law and reach an approval. He pointed out the fact the County can get a permit does not mean that the site is appropriate to plan for that kind of activity, it does not necessarily mean that a catastrophe caused by rising waters will not overrun a Leachate system and cause something to happen; and it just means someone got to the goal post in the permitting process and got the permit. He stated the citizens of Brevard County deserve better in this case; they think it is strategically the wrong place to put a landfill; and they suggested the Board has alternatives and a decent window of time to work on the alternatives. He concluded by saying they had a great process in Central Florida; as an environmental leader he started out skeptical of it, but it turned into a great process; he is sure the Board remembers the MyRegion process that everyone was involved in where there was an effort to pull together; and that went into the planning of the sector plan that was approved by Osceola County that Deseret Ranch applied for. He stated there were counties and cities talking to one another looking at their futures over the next 50 or more years and trying to decide how could they most effectively protect the environment, and plan for economic development; when thinking about the long-range future of Solid Waste Management, they should be talking in the regional context; and in addition to the proposal he asked that the County directs the County Manager to proceed to get the head-to-head comparison of costs with the J.E.D. Landfill and look at dollar per dollar costs of proceeding with the U.S. 192 site; and that the Board consider helping them activate a regional process along the lines of MyRegion effort to deal with the solid waste question from an inter-county and inter-governmental standpoint. He noted there are a lot of possibilities if Brevard County, Orange County, and the City of Orlando were all talking together about a future in which they share the costs and benefits of the most efficient kind of operation. He asked the Board to get a real cost estimate based on a contract from the J.E.D. Landfill, compare that to sinking costs in to U.S. 192, which they do not think is environmentally advisable; and to get together and go to the MyRegion table and talk about how to dialogue with all interested parties about the possibility of a long-term solution that affects the best interest of all parties.

Commissioner Smith inquired where the Curtis Stanton Power Plant sits regarding the St. Johns River. Mr. Lee replied it would be closer to the Econolatchee River than the St. Johns River; it is many miles west of the St. Johns River; and it is not in either of the Floodplains of the St. Johns River or the Econolatchee River. He stated north of that is the Orange County Landfill; he is using that as a discussion point in the regional context; there may be opportunity there; and they will never know if they do not get the region together on that. He stated this region's economy is being driven by things like the Orlando Airport and Disney; they think regionally about transportation; and they should be thinking regionally about solid waste.

Chairman Barfield stated if talking about waste to energy, the County will have about 20 percent that will be ash that needs to be disposed of somewhere; and it is worth the discussion. Mr. Lee pointed out having that adjacent to a landfill where the ash can be placed on the landfill is a wonderful landfill cover.

Commissioner Smith inquired if the Board put a waste to energy on the U.S. 192 site, they already have a site to put the ash. Mr. Rodriguez responded they have experts that can give the Board staff's point of view on these points; the landfill gas in Orange County is sent to that plant to be burned for electricity, so part of that is going on; one of the things that the Board is going to hear about is waste to energy how it increases the cost of disposal; and since Orange County does not have any flow control, he seriously doubts they will shoot themselves in the foot by raising their costs more than they are, because they would lose the garbage over to J.E.D. Landfill.

Commissioner Anderson stated the point is the County has not asked. Mr. Rodriguez noted they have not asked.

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Mr. Whitten stated he and Mr. Rodriguez met with the Osceola County Manager and their Solid Waste Director this week; they have had at least one regional discussion; they would like for the Board's consultant to respond to a number of things Mr. Lee said; and he was not aware that Mr. Lee's presentation was almost as extensive as staff's.

Billy Kempfer stated he does not have any scientific data to provide the Board; his family has been in Florida for many years; he is the fourth generation; and no one wants a landfill next to them. He went on to say the area they are talking about is called Ocean Prairie; by looking at the Floodplain, he has seen water there three times in his life; historically when Deer Park was a boom town, the mailman rowed a boat from about where Sam's is all the way to the County line; and he is not sure why they call it Ocean Prairie. He pointed out the tree line is still a mile west of the County line is where the edge of the prairie is; he assumes that has some historic significance; and that is some of the most productive land in the whole State other than these muck areas. He stated he hates to see it from an agricultural production standpoint taken out of production and put into development of any kind; he understands what the Board said that Brevard County needs to control its own waste; but maybe it does not have to be in Brevard County.

Mr. Rodriguez stated he keeps hearing about financial projections, and he does not know how much the Board knows about his background; he is an accountant and he has over 30 years in accounting; he was an editor for a newspaper; and he was the auditor for the Clerk of Courts for seven years. He stated he was the financial manager for Solid Waste for a long period of time; and he asked his boss to teach him about Solid Waste. He stated he thinks the financial projections are solid.

Commissioner Fisher inquired if this land was purchased with Solid Waste dollars. Mr. Rodriguez replied affirmatively. Commissioner Fisher inquired with the restrictions on funds, would that money have to go back to Solid Waste. Mr. Rodriguez replied affirmatively. Commissioner Fisher inquired if the County could sell the property and take those funds to use for something else. Mr. Rodriguez replied no; and he stated the entire Solid Waste would probably have to be dissolved.

Commissioner Infantini stated a point that was made is the County already has some costs of some \$23 million spent to develop this site, but in addition to that, there are two other costs that have not been factored in; the additional costs to continue on with the permitting process, which may or may not pay off; and the money the Board could obtain from selling the property. She stated there will be another \$20 million in costs to go forward with permitting, plus she does not know what could be taken in from selling the property; those monies could be used to defray the costs of hauling; that money will go back into the Solid Waste Department; and for the next 20 years, those funds could be used to defray the additional costs of transporting to the J.E.D. Landfill site. She went on to add by then technology will catch up and the County will not have all of the same problems it is running into now; and technology will eventually catch up and make the elimination of waste far more efficient than it currently is, which is projecting way too far into the future.

Mr. Rodriguez noted Marion County had a waterfront and they decided to export their garbage; they did it for a number of years; they ran out of money; and now they are deciding to expand their old landfill. He advised Lake County had a waste to energy plant operated by a private company; right now that plant is closed down; and they are exporting their garbage to another county. He went on to say there is not a solution that fits all.

David Dees stated the site is 3.8 miles from the main body of the St. Johns River; he understands the concerns about potential impacts on water quality and water supply systems in the future; that was an issue addressed five years ago when they were obtaining the solid waste

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permit for this facility; the Board needs to understand, right now they are only talking about development of the Class III landfill, which is primarily going to receive construction and demolition debris; and construction and demolition debris is comprised of things like concrete, steel, brick, and wood that are not expecting to cause Leachate or to be harmful to water quality. He went on to add in a Class III landfill it can take other things including carpet; Class III landfills are limited to materials that are not expected to cause harmful leachate; and that is why they do not take garbage and the types of materials that go into a Class I landfill. He stated the threat to groundwater and surface water is significantly reduced in a Class III landfill. He advised in this instance the Board's consultants designed the landfill to exceed the requirements FDEP established for the protection of groundwater; FDEP requires the County to demonstrate as part of the permit applicant that it meets water quality standards at the disposal site within 100 feet of the tow of the disposal site; and in this instance, the consultants filed a petition challenging the issuance of that solid waste permit. He pointed out their consultant did a very careful and detailed review of the County's application; he made numerous recommendations on how to improve the design, even though it was already better than what was required; and he made other recommendations. He noted the County consultants agreed to them; his attitude is if someone has a reasonable suggestion to make a project better for local government, it should be listened to; and those changes to the landfill design were incorporated into the permit that FDEP will now enforce. He stated it is his estimation at this point, based on his experience working on other facilities, the design of this facility is certainly as good if not better than any Class III landfill in the State of Florida. He stated Class III landfills are not expected to cause groundwater contamination; here there is going to be a row of detection wells within 50 feet of the tow of the landfill, so if there is any problem with Leachate leaking out of the landfill, it will be detected and they will take action to correct it; there is a 4,000-foot buffer between the edge of the landfill and the east side of the County's property; and there is 4,000 feet in order to control or address any contamination if it should occur. He stated he agreed with Mr. Lee when he says he does not expect a problem from groundwater contamination as a result of leakage out of the bottom of the landfill; that is the conclusion FDEP reached when they issued the permit; and it is apparently the conclusion that Deseret Ranch reached when they agreed and stipulated to the issuance of the permit. He stated regarding the concerns raised by Mr. Lee of global warming or because of climate change there will be more flooding on the property, that is a legitimate concern and it raises questions that no one can adequately address because he or she cannot know what will happen in the future; he did mention that sea level rise projections indicate three to five inch increases in sea level; that would be at the mouth of the St. Johns River hundreds of miles downstream; and he would be hard-pressed to believe it would be three to five inches. He pointed out there is a berm around the entire disposal area where the waste would be placed; that berm is 10 feet tall; and he has not heard anyone suggest that sea level will raise water levels in that whole area 10 feet above the current grade.

Commissioner Infantini inquired if the berm is made of plastic or dirt. Mr. Dees replied the plastic liner goes up to the crest of the berm, on the outside it is dirt. Commissioner Infantini stated when she owned property on the river, when the water rose and the water table increased, while her driveway was not flooded or her house was not under water, part of the property she owned for the last 25 years suddenly had water on it; and it would go through a dirt berm not a plastic berm.

Commissioner Anderson inquired if under the County's permits, it is doing the permitting necessary so that this landfill can accept Class I. Mr. Dees replied the County is putting in the infrastructure so that if 30 years from now the Board decides it wants to build a Class I landfill it can be done, but it is not being planned for today. Commissioner Anderson inquired if the Class III permits can be gone after and not the Class I. Mr. Dees responded no; and he stated the USACOE and the FDEP does not want it to piecemeal development. Commissioner Anderson inquired if the County had ever envisioned a Class I landfill; and he stated a Class III could have been applied for only, which would have been a lot easier and less costly. Mr. Dees replied

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affirmatively. Commissioner Anderson asked Mr. Rodriguez how long did he say it would be before Class I materials would ever be put on this site. Mr. Rodriguez replied 30 to 35 years from now. Commissioner Anderson noted any Board after this Board leaves could say it is done and to go ahead and ship garbage there. Mr. Rodriguez replied affirmatively; he stated at that point in time the County does not have a permit to build a Class I landfill, staff would have to come back to the Board to request permission to seek those permits; the construction permits are separate from the stormwater; that is talking about the landfill not the supporting structures; and in this case the permit is there for the supporting structures not to build a Class I landfill. Commissioner Anderson inquired if all of the permits are based on Class I disposal. Mr. Rodriguez replied they are based on building something in that area that will not let the water through; and he stated a parking lot could be put in that area. Commissioner Anderson stated he is still not there; he thinks Class I involves the nasty stuff that affects the environmental; and if the Board proceeds with just the Class III stuff, he may compromise, but as long as Class I is in place, he will not support it.

Commissioner Infantini concurred with Commissioner Anderson; she stated the Class I is what scares her; and when the Class III was highlighted, she started to not feel so uneasy about it. She noted it should be limited to a Class III landfill only.

Chairman Barfield inquired if what is being said is what the plan is, is to put in the infrastructure for Class I and Class III, but the County will only get the Class III permit. Mr. Dees replied 20 to 30 years from now someone could decide if waste energy needs to be built or a recycling center; and the Board is not making that decision today. Chairman Barfield stated that leaves options open, but the thing is the County cannot go to Class I without going through further permitting to do that.

Commissioner Infantini clarified for the public that the Board is planning on building a 100,000 square foot building, but there will only be 10 feet used now; but the Board wants to build it just in case the County possibly needs it for the future. She inquired if anyone sees something wrong with over building and over permitting so the County can have Class I and Class III, but it does not plan on ever using it. She noted the Board needs to slow down on its spending. She inquired why not build what the County needs instead of over building. Mr. Rodriguez replied when he talks about infrastructure he is talking about the stormwater ditches; there are no pipes or nothing built into the ground except to level the ground and to put more dirt on it; and that is it as far as that area of the landfill is concerned. He went on to say whether the Board decides to build a parking lot on there or a building or whatever, it would have to put additional infrastructure in there; the USACOE will decide at that point in time, that 30 years from now the County would potentially build a Class I landfill there, but the USACOE wanted the stormwater built; but this process the Board is going through now does not give it any authority, responsibility, permit, or anything of that nature to build a Class I landfill at that site.

Mr. Whitten stated the Board is not building a 100,000 foot house and only using 10 feet of it, is not what is being done here.

Commissioner Infantini inquired why Class I is even part of the discussion. Mr. Whitten pointed out eventually the County is going to need Class I; staff talked about the useful life of the Cocoa Landfill; but he will let the consultants go back through the permitting exercises.

Mr. Rodriguez stated the County is not permitting a Class I landfill; it is permitting and building a stormwater for the entire site because it is required to do that; they will not grant a permit without doing that for the Class III; and the permitting process as far as the solid waste is concerned, there is a permit for a cell. He went on to add the first cell of the Class III landfill there is not a permit for the entire landfill, just for the first cell; and if the Board wants to seek a Class III landfill, it will have to apply for another permit.

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Commissioner Fisher inquired if the infrastructure is designed the same when it comes to stormwater whether it is a Class I or a Class III landfill. Mr. Rodriguez replied no. Commissioner Fisher stated then it does not matter, the stormwater is the same design today.

Mr. Dees stated there will be changes for the Class I as areas get built out; there will be changes in the infrastructure in terms of adjusting the discharged elevations and stormwater ponds; but basically the stormwater ponds for a Class I landfill are the same as the ponds for a Class III landfill. He went on to say the access road, scale house, and the wetland mitigation will be the same.

Commissioner Infantini inquired what the piecemeal stuff Mr. Dees was talking about the permitting department did not want the County coming back and forth for. Mr. Rodriguez replied they will require that the ditches to be built now for the entire site, no matter what the Board decides to build.

Commissioner Anderson inquired who the planning contact is for the USACOE; and he asked staff to give him that contact information as soon as possible.

Mr. Dees stated the issue is impacts on water quality in the St. Johns River if it is going to be a regional water supply; he explained why they would not expect impacts to begin with; but if the Board wants to assume hypothetically that there is going to be leachate leaking from the Class III landfill on the site, it will have to flow down river 3.8 miles to get to the river, then it will go about one and one-third miles to get to Windsor, then it is two and one-half miles to get across the Lake, then it is a mile or more to get up to Lake Poinsett, and then it crosses Lake Poinsett to get to the nearest proposed intake structure for a water treatment; and this was debated five years ago when Deseret Ranch challenged the solid waste permit for the facility. He stated it is at a minimum of 10 miles, and the likelihood of having any adverse impact on the water treatment plant is virtually nil; but he cannot guarantee it.

Commissioner Anderson inquired what impacted the Leachate has to the groundwater and travel. Mr. Dees replied there will be groundwater monitoring wells within 50 feet of the tow of the landfill; and if problems were seen there, FDEP will require the County to clean up the contamination. He stated one of the other things that came up was that the County should get a cost proposal from the J.E.D. Landfill for the disposal of Brevard County's waste on a long-term basis; he represented Lake County in its competitive procurement process a few years ago when it was trying to find out where it could take its waste for the lowest cost; an RFP was issued; the J.E.D. Landfill issued a proposal; and it was \$19 per ton. He pointed out that is an excellent rate; Mr. Rodriguez used \$18, even lower than what was projected before; these are historically low numbers; and the economic analysis that have been done are based on several factors that tend to skew the numbers extremely low. He went on to say the cost of fuel is at an extremely low level; the amount of waste that is being generated is at a very low level; the inflation rate is at a very low level; and if any of those things go up at all in the future, the cost of going to the J.E.D. Landfill or another out of County site, will go up and be bigger than what has been projected. He stated there were questions about why not go to a regional waste energy facility; he does not want to steal CDM's thunder, but what they will tell the Board is that waste energy is more expensive than landfilling; he appreciates the fact that going to Orlando Utilities Commission (OUC) will allow the Board to eliminate power generation part of the facility; in his experience permitting waste energy facilities around the State has the lowest cost in the State of Florida is Pinellas County at \$40 per ton; and most of them are \$60 a ton or more. He noted if the County goes to J.E.D. Landfill, it is assuming \$18 just to be comparative, the lowest cost to energy is \$40; if the Board is prepared to spend the additional money per ton and pass that cost on to the residents, that is a policy choice; but there is a big financial impact associated with it. He advised the Board it leaves it vulnerable to increases in the cost of fuel, increases in the tipping fee of the facility, and it basically is the County giving up control of its destiny. He

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concluded by saying he spent a career working on solid waste projects; he has looked at a lot of sites for private developers and public communities; it is exceedingly difficult to find a suitable site; and as time has gone on it has become more difficult. He noted the last facility he tried to permit in Hardy County there were 600 people screaming bloody murder about putting in a new landfill facility, that facility died; most facilities die because local government approval cannot be gotten for zoning; in this instance, the County is 20 plus years past that; the tough decision has already been made to buy the site and zone it; and there are not a lot of residents in that area. He stated he appreciates Mr. Kempfer's situation; he is sure Brevard County will do everything it can to try to address his concerns; if the Board goes anywhere else in the County it will have a lot of upset homeowners; and the likelihood of finding another site in the County is somewhere close to zero. He stated to him the lost opportunity for the Board to consider is would it ever be able to find another site in the County; he believes the answer is no; it has an opportunity here to develop a site in compliance with environmental regulations; and if a better technology comes along for processing solid waste it can be adopted. He stated it is cheaper to own a landfill if it is in County; and he noted it would be 250,000 truck miles for one year for the Class III waste to haul to another facility.

Commissioner Infantini remarked it would be roughly 250,000 truck miles for one year. Mr. Dees stated yes for the Class III waste, and if it were to haul Class I waste it would triple because it would be three times as much waste. Commissioner Infantini stated if they took the Class I waste and it was 250,000 truck miles divided by four miles to the gallon, it is 62,500 gallons per year, at \$3 a gallon, which would be \$187,000 per year; and she inquired how many millions of dollars is going to be spent permitting this. She noted the County could pay to truck the stuff over there quite a few times for quite a few years at a huge cost savings; the permitting cost is so expensive; and they are forgetting the cost of money taken in from selling the land.

Commissioner Smith stated his perspective is that this is being constructed to Class I standards even though the County has no intention to have Class I, but this gives flexibility going out 60 years, the County controls its costs for 60 years; typically prices continue to rise and rise, and the costs have been locked in for 60 years; and it is like renting versus buying. He stated if the Board does not buy into continuing to finish this operation, the costs will continue to go up.

Commissioner Infantini stated a cost projection should be done based on variables of how much it would cost to ship the waste for 60 years compared to build and permit the site; and she pointed out the cost of selling the land could be used to defray the cost for the next 60 years.

Commissioner Fisher inquired if Deseret is offering to pay the appraised value of the land. Mr. Whyte replied that is what he has been authorized to offer. Commissioner Fisher inquired if Deseret is offering to reimburse the County for engineering fees. Mr. Whyte replied the appraised value of the land would be significantly greater than what the purchase price of the land is today; it would be hard pressed to say the County did not get reimbursed for those costs; and it would end up with a higher amount than what the County originally paid for the property. Commissioner Fisher inquired if Deseret would reimburse the County to buy an additional piece of property. Mr. Whyte replied no, he is not authorized to do that. Commissioner Fisher stated the problem is if the County goes to another site there is a new permitting fee, land cost fee, and development costs, which is going to be a lot higher than staying with the property; and he inquired why it would be in Brevard County's benefit. Mr. Whyte replied he thinks there have been other arguments that have been made today as to why the Board should consider other alternatives. Commissioner Fisher inquired if Deseret did take this land back would Deseret Ranch ever develop it or would it always stay a cattle ranch and would they put a conservation easement over the whole 3,000 acres. Mr. Whyte responded he is not sure the most prudent thing to do would be to put a conservation easement on the entire 3,000 acres, but if Commissioner Fisher is concerned what land use goes there, there are other ways to deal with that restriction. Commissioner Fisher stated all development generates additional runoff in the

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river, Lagoon, and stuff like that; and he wants to make sure Deseret is going to lock the 3,000 acres. Mr. Whyte advised he is not authorized to commit to that now, but if the Board made its proposal contingent on that, it could be dealt with in that manner. He stated they spent a lot of time on the specter plan, and it shows that there is a road that would come down at some point that would end up over the corner of this site; the planning has not been done to really know where that goes; and if on the other hand the road could curl down and hit U.S. 192 to the west of the site completely. Commissioner Fisher stated he was just wondering if they were ever going to develop the 3,000 acres. Mr. Whyte pointed out they would be buying it back to operate as a cattle ranch, that is the intention; and normally when they buy it back they get it back in the same state they gave it to the County, which is it was unrestricted in terms of what the land use would be on the site.

Mr. Lee stated they settled on the Class III permit with the County five years ago; they never settled on a Class I landfill on this property; and this Environmental Resource Permit (ERP) and 404 applications are for the impacts of a Class I, and a Class III landfill. Commissioner Fisher stated the County is trying to keep its options open. Mr. Lee noted the USACOE has not been involved for a year and one-half.

Mr. Whitten stated he did not want to get into a back and forth between Deseret and the County.

Mr. Dees stated Rick Cantrell worked with the FDEP for 38 years as a District Director running the whole program from Ft. Myers; he wants to explain that to the Board; and he also wants to explain to the Board about the USACOE issue.

Mr. Cantrell stated he has driven in airboats in the middle of Fellsmere in some of those water events Mr. Kempfer spoke about, and most of those are because a canal got plugged up; there are several different kinds of permitting that the County is dealing with; the State of Florida, not the USACOE regulating landfill's; if the Board were to fight a landfill on a piece of property that had no waters of the United States issues, it would never have to talk to the USACOE; and it would only talk to the USACOE if it were dredging or filling in waters of the United States including wetlands. He went on to say with the State of Florida, the County would need a landfill permit, the solid waste permit, which it has obtained for a Class III landfill, it has that permit in hand; to develop the overall site, the State of Florida and the USACOE are concerned about what is going to happen to that entire piece of property with respect to wetlands and water impacts, not necessarily what might be built on the uplands in the future that the County is going to create; and the ERP permit being discussed right now deals with the impacts of the physical structures that might be built, whether it is a housing development, a shopping mall, a parking garage, at some point in time the County will be filling wetlands and doing mitigation. He noted it is proposing to preserve as a conservation easement over 90 percent of the forested systems on this site; to say the County is locked into it having to be a Class I landfill in the future is not true; the County is proposing as a potential impact; and the County will need another permit from the State of Florida to build the Class I land fill, and that permit will be submitted to possible objections to people who do not want it built there. He pointed out both the USACOE and the FDEP does not want it to be piecemeal. He added with the ERP permit, the County would be putting into place the stormwater management structure for the overall campus of the project of which it only now has a permit of one cell of a Class III landfill; and any additional uses of that land would be subject to whatever permitting might be responsible at that time. He stated it would be locking in the stormwater management and ecosystem impacts with the ERP permit.

Commissioner Anderson stated he understands that; he is going to talk to the USACOE to see if the County just went after the Class III permit; and the Board is not talking about putting in a Class I landfill for 35 years, so he will let the Board in 35 years worry about that. He stated he is

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not getting a warm and fuzzy feeling; and he is not saying anyone is trying to deceive him, but he wants it to be proven.

Mr. Cantrell stated there is a half of one percent of a chance that in any given year that the water is going to reach that elevation.

Commissioner Smith stated he has spent a lot of time on this waterway from Lake Washington all the way down to the thick marsh, and it is totally dependent on rain events.

Mr. Whitten stated he knows Commissioner Anderson is leaving at 12:00 p.m. and the Chairman has a commitment this afternoon; the Board may want to go to the cards because the only thing staff has left is the waste to energy; and he needs the Board to see the changes made to the Resolution that was approved on Tuesday. He stated the Board may want to let the audience know what the Board is doing regarding the budget part of this workshop; and he noted the Board has a Workshop scheduled for April 21 for the budget presentation to.

ITEM V., PUBLIC COMMENTS

Tuck Ferrell stated they have a ranch on U.S. 192; one of the things he is concerned about is what this may look like; and he is wondering about the site amenity costs. He stated there is almost site blight where a person can see trash mountains; and that is what his family is concerned about. He stated when they have the trash mountains, there are buzzards and stuff like that; and it could be a problem with the glide path for the airport. He inquired if Disney would want this next door. He stated Lake Washington is their water source locally; and the Board needs to be very careful about this whole situation. He noted he has turned down trucks stops that wanted to go on his property, but he wants to keep Brevard County beautiful.

Commissioner Smith inquired what the distance is from U.S. 192 and the proposed landfill. Euri Rodriguez, Solid Waste Management Director, replied 3,700 feet, which is approximately three-quarters of a mile; part of the permitting calls for 600 feet of vegetative buffer; and that is part of the 3,700 feet. Commissioner Smith stated he is concerned about Mr. Kempfer.

Scott Morgan, City of West Melbourne City Manager, stated he would like to recommend to the Board to support staff's recommendation to proceed as it has been for 20 years; he worked for Orange County, California; and one of the smartest decisions it made many years ago was to buy a very large site for a landfill, and many years later having the then Commission going to the next cell. He added the next cell was very large and controversial; that will happen with any site; and these sites have more value over time over time.

Jim Zahl stated he has been in energy for the last eight years; he has heard a lot that makes sense today; he heard things that were not accurate; and one of the things was waste to energy is a lot more expensive than land filling. He pointed out that is completely untrue; he stated there is a huge value to garbage; his group has been talking to people in Jacksonville; Trail Bridge landfill is the highest land point in Florida; and it is over 350 feet high. He stated they are trying to take 1,000 of the 3,000 tons per day of Municipal Solid Waste (MSW) that is delivered to put it through a biorefinery process for renewable diesel; and if diesel prices do not come back they will probably do a natural gas because they have access to pipelines. He noted the County could probably see a lot of income and have positives come from this if it does not go forward with the landfill; and it could take a couple of hundred acres to create a renewable energy campus. He stated the renewable energy technology is commercially deployed operational, it is out there; some of the best in the world is being manufactured right now in the United States of America; and his group has Wall Street money behind them. He pointed out they are having a problem of getting garbage; and that is primarily because the waste managements of the world pretty much have it tied up. He advised in the Board's situation it

has the opportunity right now to probably convert this or keep this in farmland and take a small portion back to create some form of renewal energy compound that would carry the County into the next century. He advised the Board that he brought a generic piece of 70 pages from 2014 showing the state of the waste energy industry for the Board to look at what is out there to see better opportunities.

Chairman Barfield advised the budget presentation will not be able to be gone through today due to the landfill presentation taking a while; the budget presentation will be rescheduled; and he expressed his apology to the waste energy individuals who attended today for running out of time and their input is wanted to be heard.

ITEM VII.A. STOCKTON WHITTEN, COUNTY MANAGER, REPORT, RE: CHANGES TO RESOLUTION NO. 16-035, FOR THE PROTECTION OF THE INDIAN RIVER LAGOON

Stockton Whitten, County Manager, stated there is general public comments that needs to be heard; he informed the Board that this Item is for the authorization to change Resolution No. 16-035, for the protection of the Indian River Lagoon from the Tuesday, March 29, 2016, Regular meeting; the fourth paragraph was changed and now states Whereas, a high level of pollutants are present as a result of septic systems, excess fertilizer use, stormwater runoff and organic debris, collectively contributing to a bloom of brown algae; the sixth paragraph was changed and now states Whereas, muck, polluted groundwater and stormwater runoff are seriously impacting the health of the Indian River Lagoon; and the Now, Therefore was changed to the Indian River Lagoon one of the highest priorities in Brevard County.

ITEM VI. PROPOSAL BY KEITH WINSTEN, EXECUTIVE DIRECTOR OF BREVARD ZOO, RE: VISION FOR THE INDIAN RIVER LAGOON

The Board accepted the Vision for the Indian River Lagoon proposal submitted Keith Winsten, Executive Director of Brevard Zoo.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Anderson, Commissioner District 5
SECONDER:	Robin Fisher, Commissioner District 1
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ITEM V., PUBLIC COMMENTS

Stephanie Glysson, Progressive Waste, stated she invited the Board to discuss with her what could be brought to the table for a discussion today, but she had not heard from any one; and she invited the Board to come see their landfill, located 24 miles away from the U.S. 192 proposed site.

Chairman Barfield advised the remaining speaker cards are related to the budget.

ITEM VII.C., ROBIN FISHER, DISTRICT 1 COMMISSIONER, RE: REPORT

Commissioner Fisher asked Euri Rodriguez, Solid Waste Management Director, if there is some profit in brining stuff to the landfill. Mr. Rodriguez responded his operating cost currently with low tonnage is around \$10 to \$11 a ton; and the charge is \$23.66 a ton. Commissioner Fisher stated the County allowed other people to bring to the landfill is what. Mr. Rodriguez replied it would increase the revenues by decreasing the cost per ton and increasing the margin. Commissioner Fisher inquired if there is enough room to allow that to happen. Mr. Rodriguez

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responded 400,000 tons would require one additional person to handle it. Commissioner Fisher advised that he would like to see some profit margin going the other way of the County accepting some other entities waste. Mr. Rodriguez advised that would be a Board decision, not his.

Upon consensus, the meeting adjourned at 12:08 p.m.

ATTEST:

SCOTT ELLIS, CLERK

JIM BARFIELD, CHAIRMAN
BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS