

From: [Samuel S. Goren](#)
To: [Bonilla, Jonathan](#); [Rogers, Debra](#); [Fernandez, Gabriel](#)
Cc: [Dodge, Charles](#); [Michael Cirullo](#); [Klahr, Julie \(gorencherof.com\)](#); [Jacob G. Horowitz](#); [Brian J. Sherman](#); [Paul Hernandez \(Lawyer\)](#)
Subject: FW: Invitation to Participate in Chapter 164 Proceedings Regarding Potential Expansion of Monarch Hill Landfill
Date: Monday, April 7, 2025 1:52:18 PM

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Jonathan,

Greetings.

Below is the attached back-up for the inquiry from the Broward County Attorney on behalf of Broward County on this Ch. 164, FS matter affecting the Monarch Hill Landfill.

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From: Fairclough, Gillian <GFAIRCLOUGH@broward.org>

Sent: Friday, April 4, 2025 2:17 PM

To: TPyburn@coconutcreek.net; kmehaffey@coconutcreek.net; Jacob G. Horowitz <JHorowitz@gorencherof.com>; jhearn@coralsprings.org; switacre@coralsprings.org; adunkiel@coralsprings.gov; Eve A. Boutsis <eboutsis@daniabeachfl.gov>; Allan Weinthal <aweinthal@davie-fl.gov>; psherwin@davie-fl.gov; asoroka@wsh-law.com; dspence@fortlauderdale.gov; jmerino@hallandalebeachfl.gov; cao@hallandalebeachfl.gov; Donald J. Doody <DDoody@gorencherof.com>; Damaris Henlon <DHENLON@hollywoodfl.org>; STrevarthen@wsh-law.com; elegantner@wsh-law.com; SCalloway@shutts.com; cityattorney@laudershill-fl.gov; Pamala Ryan <pamala@ottinotlawpa.com>; Michael D. Cirullo, Jr. <MCirullo@gorencherof.com>; David N. Tolces <DTolces@wsh-law.com>; cityatty@margatefl.com; bnorris@apnwplaw.com; Samuel S. Goren <SGoren@gorencherof.com>; Donald J. Doody <DDoody@gorencherof.com>; asoroka@wsh-law.com; Town Attorney <townattorney@tppfl.gov>; Jacob G. Horowitz <JHorowitz@gorencherof.com>; Samuel S. Goren <SGoren@gorencherof.com>; Kerry L. Ezrol <KEzrol@gorencherof.com>; Mark.Berman@copbfl.com; Tracy.Lyons@copbfl.com; Donald J. Doody <DDoody@gorencherof.com>; Kpoliakoff@govlawgroup.com; Tmoss@sunrisefl.gov; CityAttorney@sunrisefl.gov; Hans Ottinot <hans@ottinotlawpa.com>; Pamala Ryan <pamala@ottinotlawpa.com>; bnorris@apnwplaw.com; Jamie Cole <JCole@wsh-law.com>; Kerry L. Ezrol <KEzrol@gorencherof.com>

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Subject: Invitation to Participate in Chapter 164 Proceedings Regarding Potential Expansion of Monarch Hill Landfill

Dear Colleagues,

First, happy Friday and I hope you have a wonderful weekend. If you have a team in the Final Four, good luck.

As you know, on February 25, 2025, the Broward County Commission approved several ordinances that are necessary steps to Waste Management expanding the Monarch Hill landfill, which expansion is still conditioned upon receipt of several regulatory approvals including environmental and land use permits. The potential expansion is projected to increase the landfill's remaining useful life from about 6 years to 22 years, providing local, longer-term capacity for disposal of Class III waste such as construction and demolition debris and storm debris. Without this longer-term capacity, and absent far more meaningful (and expensive) recycling, much of this waste would have to be shipped out of the County, with our residents bearing the added transportation costs.

To address impacts resulting from the potential expansion, and in the hope doing so would result in a favorable decision by the County Commission, Waste Management committed to provide a number of financial and other benefits including: (i) payment of a significant per ton host charge, with the proceeds thereof usable only to address impacts of the expansion or to otherwise benefit our regional solid waste disposal and recycling system; (ii) additional capacity commitments which, among other things, enabled the County to negotiate another option to extend the Wheelabrator/WinWaste disposal agreement, on favorable terms, beyond the current July 2028 expiration and until July 2033; and (iii) with limited exceptions, a 2027 cessation of municipal solid waste disposal (i.e., the waste most likely to create odor problems) in Monarch Hill (something we believe has long been sought by Coconut Creek; the cessation was delayed until 2027 because Waste Management has contractual commitments with Broward municipalities to accept municipal solid waste until that time).

Coconut Creek and Deerfield Beach oppose the landfill expansion and have initiated Chapter 164 proceedings and litigation against the County (described in a bit more detail below).

While the County is statutorily obligated to ensure adequate solid waste disposal capacity exists for all County residents (incorporated and unincorporated), solid waste disposal is a municipal function. The County provides that function only for the unincorporated area, which represents under 1% of the total County population. Thus, 99% of the benefits flowing from the expansion of Monarch Hill, including 99% of the benefits resulting from Waste Management's voluntarily undertaken commitments, would logically benefit municipalities and their residents. Additionally, resolution of the dispute regarding the Monarch Hill expansion could impact how the County-owned landfill in southwestern Broward County (the contingency landfill) must be used, which could significantly impact residents of municipalities in that portion of the County. For these reasons, we believe your municipality's substantial interests may be affected by resolution of the pending conflicts with Coconut Creek and Deerfield Beach, and we therefore would like to ensure the County fully considers your municipality's interests as we consider ways to potentially resolve the conflicts.

Coconut Creek has filed a proceeding before DOAH to challenge one aspect of the potential expansion and has filed a lawsuit in Broward County Circuit Court to challenge another aspect. Deerfield Beach has voted to join in the Coconut Creek challenges. Those cities agree with the County's position that the circuit court litigation (but not the DOAH proceeding) must, at a minimum, be abated while the required Chapter 164 dispute resolution process is completed.

As the governmental entity initiating the Chapter 164 proceedings, Coconut Creek was statutorily required to notify any local government entities which, in its determination, may have substantial interests affected by resolution of the conflict. This notification is designed to enable other affected parties to participate in the dispute resolution proceedings.

Coconut Creek and Deerfield Beach are both represented in these matters by the same outside counsel, and neither municipality has elected to invite other municipalities to participate in the proceedings. They did, however, indicate they are not opposed to the County extending an invitation for other municipalities to participate.

The County and those two cities attended a preliminary, staff-level conflict assessment meeting, but decided to pause and continue the meeting to a later date for numerous reasons, including to potentially enable other municipalities to participate in the process. If your municipality wishes to participate in the Chapter 164 proceedings to protect your municipality's interests with regard to the expansion of the Monarch Hill landfill, please alert us so we can ensure the next conflict assessment meeting occurs on a date your municipality is available and at a location that can accommodate all participants. You are not required to participate, but we wanted to make sure you knew you were welcome to do so.

Enjoy your day and weekend. And, needless to say, Go Gators!

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