

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 4, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to revise the Florida Statutes, to the extent necessary and appropriate, to facilitate the safe reuse of ash byproduct from waste-to-energy facilities; and urging the Florida Department of Environmental Protection to provide guidance, as may be appropriate, regarding possible reuse options for incinerator ash

Resolution No. R-256-25

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM (Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 4, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(11)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(11)
3-4-25

RESOLUTION NO. R-256-25

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REVISE THE FLORIDA STATUTES, TO THE EXTENT NECESSARY AND APPROPRIATE, TO FACILITATE THE SAFE REUSE OF ASH BYPRODUCT FROM WASTE-TO-ENERGY FACILITIES; AND URGING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PROVIDE GUIDANCE, AS MAY BE APPROPRIATE, REGARDING POSSIBLE REUSE OPTIONS FOR INCINERATOR ASH

WHEREAS, Miami-Dade County’s Resource Recovery Facility (“RRF”), was a waste-to-energy facility which incinerated municipal solid waste and produced electrical energy; and

WHEREAS, this burning of solid waste has resulted in ash byproduct that the County disposes of in a specially designated landfill; and

WHEREAS, section 403.7045(5), Florida Statutes, provides that, “[a]sh residue generated by a solid waste management facility from the burning of solid waste must be disposed of in a properly designed solid waste disposal area that complies with standards developed by the [Florida Department of Environmental Protection “FDEP”] for the disposal of such ash residue. [FDEP] shall work with solid waste management facilities that burn solid waste to identify and develop methods for recycling and reuse of ash residue or treated ash residue, and the department may allow such recycling or reuse by an applicant who demonstrates that no significant threat to public health will result and that applicable department standards and criteria will not be violated”; and

WHEREAS, such ash residue is highly regulated, and any proposed reuse of it should be safe and should follow all requirements as may be needed to protect public health; and

WHEREAS, various institutions, including the University of Florida, have researched the possibility for ash residue to be used as a substitute component in the creation of certain construction materials such as Portland cement and hot-mix asphalt pavement; and

WHEREAS, finding safe, alternative uses for ash residue could significantly benefit the County by, among other things, lessening the burden on certain landfills, and providing additional ways to recycle or reuse materials,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to revise the Florida Statutes, to the extent necessary and appropriate, to facilitate the safe reuse of incinerator ash from waste-to-energy facilities.

Section 2. Urges the Florida Department of Environmental Protection to provide guidance, as may be appropriate, regarding possible safe, alternative uses for incinerator ash.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Secretary of the Department of Environmental Protection, the Senate President, the House Speaker, the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the legislation described in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2025 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Juan Carlos Bermudez. It was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Oliver G. Gilbert, III	absent	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of March, 2025. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Luis M. Reyes