

Indian River County, Florida  
Solid Waste Disposal District  
Board Memorandum

**Date:** November 23, 2021

**To:** Jason E. Brown, County Administrator

**From:** Matthew Jordan, Interim Director of Utility Services

**Prepared By:** Himanshu H. Mehta, PE, Managing Director, Solid Waste Disposal District

**Subject:** Consent to Assignment of Landfill Gas Agreement with Nopetro Eco District, LLC

**Descriptions and Conditions:**

On February 5, 2019, the Indian River County (IRC) Solid Waste Disposal District (SWDD) Board directed staff to enter negotiations with the Indian River Eco District, LLC (IREDD) for their purchase of landfill gas (LFG) created at the County's landfill. The SWDD Board agreed that the landfill-generated gas, which is currently being flared off, posed a potential health and safety risk, and that it could be better used for other purposes rather than flaring. On July 16, 2019, the SWDD Board approved the Landfill Gas Agreement with IREDD wherein they purchase the LFG for the production of electricity and/or conversion to Renewable Natural Gas (RNG).

On July 14, 2020, the Board approved Amendment No. 1 to the Landfill Gas Agreement confirming IREDD's desire to pursue an RNG project and extend the LFG commencement date to September 30, 2021, as well as to increase the landfill gas for a potential leachate project and to reduce the cure period from six months to three months for any further delay in the commencement date.

On May 18, 2021, the Board approved Amendment No. 2 to the Landfill Gas Agreement further clarifying the LFG commencement date and amended additional terms of the LFG agreement to include mutual targets to optimize the quantity and quality of the landfill gas to the financial benefit of both parties.

On October 12, 2021, a presentation was made to the Board by IREDD to introduce Nopetro RNG, LLC, with whom they have formed a joint venture in order to form Nopetro Eco District, LLC, which will design, finance, build and operate the RNG facility on the IREDD property.

As a result, IREDD has made a request for a consent to assignment of the LFG Agreement to this new joint venture.

**Analysis:**

The Landfill Gas Agreement included Article 16.11, which is a provision to allow assignment of the agreement. Staff supports the attached Consent to Assignment and recommends approval by the SWDD Board.

**Funding:**

No funding is requested in this agenda item, as this is a potential revenue project.

**Recommendation:**

Staff recommends that its Board approve the Consent to Assignment of the Landfill Gas Agreement from the Indian River Eco District, LLC, to Nopetro Eco District, LLC, and authorize the Chair to execute the same.

**Attachment:**

- 1) Consent to Assignment of the Landfill Gas Agreement