

Indian River County, Florida  
Solid Waste Disposal District  
Board Memorandum

**Date:** July 1, 2021

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

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

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

**Subject:** Approval of Leachate Treatment Agreement with Indian River Sustainability Center

**Descriptions and Conditions:**

On May 18, 2021, the Indian River County (IRC) Solid Waste Disposal District (SWDD) Board approved staff recommendation and directed staff to negotiate and finalize a contract for a leachate treatment project between SWDD and the developers, consisting of Heartland Water Technology, Inc., Proximo Energy, and Indian River Eco District, LLC (dba "Indian River Sustainability Center, LLC" – "Company"). It was anticipated that a final agreement is to be approved by the SWDD Board at a future meeting. The recommendation also included a caveat that if staff is not successful in negotiating a final agreement with the Company within 60 days (by July 17, 2021) that staff proceed in issuing a Request for Proposal (RFP) for a leachate treatment project.

Both staff and the Company have been proceeding in good faith negotiations with an immediate meeting held on May 20<sup>th</sup> and then again on May 25<sup>th</sup>.

On June 8, 2021, staff requested SWDD Board consideration to pursue eligibility through the American Recovery Plan Act, which would have required a competitive procurement process of the leachate treatment project. However, the SWDD Board directed staff to continue to finalize a contract for a leachate treatment project between Indian River County SWDD and the Company, including the original 60 days for negotiations to be approved by the SWDD Board at a future meeting.

On June 18, 2021, the Company provided a draft "Wastewater Treatment Services Agreement" between SWDD and the Company. Staff held a conference call with the Company on June 24<sup>th</sup> to discuss and negotiate contractual terms, and provided comments back to the Company on June 29<sup>th</sup>. Final negotiations have continued in good faith and, due to urgency in scheduling this for Board approval prior to the expiration of the 60 days, staff is providing the attached agreement for Board approval, pending final legal approval.

**Analysis:**

The business and financial terms are as approved by the SWDD Board on May 18, 2021. This includes a \$300,000 fee to fund initial activities to build the Evaporation Plant. Staff recommends approval of the attached agreement with the Company.

**Funding:**

Funding for the SWDD leachate treatment project is budgeted and available in the Landfill-Other Contractual Services account in the SWDD Landfill Fund, which is funded from SWDD assessments and user fees, account number 41121734-033490.

On June 15, 2021, the SWDD Board approved \$260,000 from this account to fund the temporary offsite transportation and treatment of the concentrated leachate. An additional \$300,000 is needed to fund initial activities to build the Evaporation Plant. A future budget amendment may be necessary to cover any shortfalls.

Description	Account Number	Amount
Other Contractual Services (FY2020/21)	41121734-033490	\$300,000

**Recommendation:**

Solid Waste Disposal District (SWDD) staff recommends that its Board:

- a) Approve the Wastewater Treatment Services Agreement between Indian River County SWDD and Indian River Sustainability Center, LLC;
- b) Authorize the Chairman to sign upon approval of legal sufficiency by the County Attorney and receipt of insurance;
- c) Authorize the Budget Director to bring a budget amendment to the Board for approval at a future meeting to cover the funds for this project.

**Attachment (s):**

Wastewater Treatment Services Agreement