

**Indian River County, Florida  
Solid Waste Disposal District  
Board Memorandum**

**Date:** May 25, 2022  
**To:** Jason E. Brown, County Administrator  
**From:** Sean C. Lieske, Director of Utility Services  
**Prepared By:** Himanshu H. Mehta, PE, Managing Director, Solid Waste Disposal District  
**Subject:** Site Access Agreement with Indian River Sustainability Center

**Descriptions and Conditions:**

On July 13, 2021, the Indian River County (IRC) Solid Waste Disposal District (SWDD) Board approved the Wastewater Treatment Agreement between SWDD and Indian River Sustainability Center, LLC (IRSC), which consists of Heartland Water Technology, Inc. (Heartland); Proximo Energy (Proximo); and Indian River Eco District, LLC (IRED). This agreement is for the design, construction, and operation of a 30,000 gallon per day evaporation plant to treat the landfill leachate on-site rather than sending it to the IRC West Regional Wastewater Treatment Plant (WRWWTP).

On December 14, 2021, the SWDD Board approved Amendment No. 1 to the Wastewater Treatment Agreement related to the division of responsibilities and a credit to SWDD.

As part of the original Agreement, SWDD agreed to provide an easement and access to the evaporation plant site during the term of the agreement. As part of the financing process undertaken by IRSC, the attached Site Access Agreement along with the associated legal sketches and easement descriptions, has been negotiated with IRSC for SWDD Board approval.

**Analysis:**

Both SWDD staff and IRSC agree to formalize the Site Access Agreement with the primary summary below:

1. From and after the effective date, and continuing until the earlier of the termination of the Treatment Agreement but not later than twenty (20) years from the commercial operation date of the project as defined in the treatment agreement, SWDD grants to operator the right to access and to conduct all activities necessary to perform its obligations and to enjoy any rights it may have under the treatment agreement, including but not limited to the operation, maintenance, service, repair, and removal of the project in accordance with the terms and provisions of the treatment agreement, including, without limitation, access from 6:00AM to 6:00PM daily and off-hours with adherence to SWDD's site access protocols.

Staff recommends approval of the Site Access Agreement.

**Funding:**

There is no funding associated with the granting of the Site Access Agreement.

**Recommendation:**

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

- a) Approve the Site Access Agreement between SWDD and Indian River Sustainability Center, LLC.
- b) Authorize the Chairman to execute the same, as presented.
- c) Authorize the County Attorney's Office to record the executed Easement.

**Attachment (s):**

Site Access Agreement