




Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney 
DATE: June 14, 2017
SUBJECT: Florida Department of Environmental Protection Domestic Wastewater Facility Permit for Sunbreak Farms

BACKGROUND.

On May 11, 2017, the Florida Department of Environmental Protection (the "Department") issued the attached Notice of Intent to Issue Permit for a Domestic Wastewater Facility Permit for Sunbreak Farms, LLC located in Indian River County and St. Lucie County. Indian River County (the "County") had until Monday, June 12, 2017, to file a petition for administrative hearing. On May 31, 2017, County staff met with representatives from Sunbreak Farms, LLC to discuss the proposed facility. On June 9, 2017, Stan Boling, County Community Development Director, sent a letter to Sunbreak Farms, LLC requesting confirmation concerning a number of issues pertaining to the proposed facility. The letter is attached.

County staff did not file a petition for administrative hearing, but instead submitted the attached letter to the Department raising various concerns with the proposed facility. St. Lucie County did file a petition for administrative hearing, which is also attached. It is my understanding that St. Lucie County has requested that the matter not be immediately forwarded to the Division of Administrative Hearings, in order to allow time for St. Lucie County staff to work with Sunbreak Farms, LLC to resolve outstanding issues. Jill Grimaldi with CDM Smith has prepared the attached memorandum raising various issues concerning the application for the Domestic Wastewater Facility Permit for Sunbreak Farms, LLC.

I would like to seek guidance from the Indian River County Board of County Commissioners (the "Board") as to whether the Board would like to intervene in the St. Lucie County petition. I have reached out to counsel for St. Lucie County who has expressed that there is no objection to Indian River County intervening in the matter.

FUNDING.

Funding for any costs of intervening will be provided by a budget amendment from General Fund/Reserve for Contingency to General Fund/County Attorney/Legal Services (00110214-033110).

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RECOMMENDATION.

The County Attorney's Office recommends that the Chair allow for public comment on this matter and then have the Board vote whether to authorize the County Attorney's Office to move to intervene in the St. Lucie County petition.

ATTACHMENT(S).

Notice of Intent to Issue Permit
Letter from Stan Boling to Toby Overdorf, dated June 9, 2017
Letter from Jason Brown to Florida Department of Environmental Protection, dated June 12, 2017
St. Lucie County Petition for Administrative Hearings
Memorandum from Jill Grimaldi, to Katherine Barbieri, dated May 16, 2017