

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

Date: July 1, 2020

To: Jason E. Brown, County Administrator

From: Arjuna Weragoda, PE, Capital Projects Manager, Utility Services
(In lieu of Vincent Burke, PE, Director of Utility Services)

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

Subject: Amendment No. 1 to Landfill Gas Agreement with Indian River EcoDistrict

Descriptions and Conditions:

On July 16, 2019, the Indian River County (IRC) Solid Waste Disposal District (SWDD) Board approved an agreement with the Indian River Eco-District, LLC (IRED) for a Landfill Gas (LFG) to Energy Project, wherein they purchase the LFG for producing electricity and/or Renewable Natural Gas (RNG).

The initial term of the LFG agreement is for 20 years following the LFG commencement date, and there are two consecutive 10-year renewal terms included in the agreement. The LFG Commencement Date was one year from the effective date of the agreement, which is one year from July 16, 2019, or July 15, 2020. Otherwise, SWDD can issue a written notice to IRED electing to terminate the agreement within six months unless Force Majeure events, or the acts or omission of SWDD, allow for a cure. If IRED is able to commence within the six months, then the agreement does not terminate.

IRED submitted a request for an extension of the LFG commencement date from July 15, 2020, to September 30, 2021, based on their desire to pursue a RNG project.

On May 19, 2020, the SWDD Board approved IRED's request to 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.

Analysis:

The attached Amendment No. 1 to the LFG Agreement has been prepared to incorporate the changes approved by the Board, and they have been accepted by IRED. Specifically, the Amendment includes an increase from 225 standard cubic feet per minute (SCFM) to 350 SCFM for the use of landfill gas for a potential leachate project and reduces the cure period to three months.

Staff recommends approval of Amendment No. 1 to LFG Agreement.

Funding:

At this time, there are no funding implications for this Landfill Gas to Energy Project.

Recommendation:

Staff recommends the Solid Waste Disposal District Board approve the following:

- a) Approve Amendment No. 1 to the Landfill Gas Agreement with the Indian River Eco-District, LLC.
- b) Authorize the Chairman to execute the same, as presented.

Attachments:

- 1. Amendment No. 1 to the LFG Agreement