

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

Date: April 4, 2023

To: Michael C. Zito, Interim County Administrator

From: Sean C. Lieske, Director of Utility Services

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

Subject: Amendment No. 2 to Wastewater Treatment 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 (Agreement) between SWDD and the Indian River Sustainability Center, LLC (IRSC). This agreement is for the design, construction, and operation of a 30,000 gallon per day (GPD) Wastewater Treatment Plant. On December 14, 2021, the SWDD Board approved Amendment No. 1 to the Agreement due to project changes that resulted in a credit of not-to-exceed \$240,000 from IRSC to SWDD to be applied after the Wastewater Treatment Plant is commissioned. On June 7, 2022, the SWDD Board approved the Site Access Agreement (SA Agreement) between SWDD and IRSC.

The purpose of this agenda item is to obtain SWDD Board approval of the Second Amendment to the Agreement that captures some changes requested by SWDD that adjusts the credit and allows a mechanism for capturing costs for some temporary fixes that SWDD has deployed. Also, this agenda item seeks to obtain SWDD Board approval for the Amended Site Access Agreement to update the boundaries of the project.

Analysis:

Both SWDD staff and IRSC agree to formalize the following changes in the attached Amendment No. 2 to the Wastewater Treatment Agreement and the First Amended and Restated Site Access Agreement:

1. SWDD staff requested assistance from IRSC for building permits, a natural gas commercial meter concrete pad, and Supervisory Control and Data Acquisition (SCADA) assistance as part of the project. This resulted in an additional cost of \$29,768.15, which will be applied against the credit of \$240,000, resulting in the remaining credit balance of \$210,231.85. The landfill gas system and pipeline to be utilized for the Wastewater Treatment Plant is currently being installed.
2. SWDD staff has also implemented some temporary measures with the storage of leachate utilizing above-ground storage frac tanks with associated pipeline and connections. Therefore, there was some engineering support by IRSC resulting in a cost of \$2,640, which, when applied, will bring the credit balance to \$207,591.85. We have also included future IRSC engineering, site

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support, and travel on a daily basis to be billed at cost. These costs will be covered under the remaining credit. If costs exceed this credit, then staff will request Board approval at a future meeting.

3. The original Site Access Agreement is being replaced with an updated site access agreement to capture the updated boundaries of the project site.

Staff recommends approval of Amendment No. 2 to the Wastewater Treatment Agreement and the First Amended and Restated Site Access Agreement.

Funding:

There is no funding required for this item.

Recommendation:

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

- a) Approve the Amendment No. 2 to Wastewater Treatment Services Agreement with Easement Documents between SWDD and Indian River Sustainability Center, LLC; and
- b) Approve the First Amended and Restated Site Access Agreement with Easement Documents between SWDD and Indian River Sustainability Center, LLC; and
- c) Authorize the Chairman to sign upon approval of legal sufficiency by the County Attorney.
- d) Authorize the County Attorney's Office to record the executed Easement.

Attachment(s):

Amendment No. 2 to Wastewater Treatment Services Agreement
First Amended and Restated Site Access Agreement with Easement Documents