

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

Date: November 30, 2023

To: Solid Waste Disposal District Board of Commissioners

Through: John A. Tikanich, Jr., County Administrator
Sean C. Lieske, Director of Utility Services
Himanshu H. Mehta, PE, Managing Director, Solid Waste Disposal District

From: Ronnie T. Jones, BSCE, A.M. ASCE, Assistant Managing Director

Subject: Authorization to provide LFG Easements on the Landfill Property

Descriptions and Conditions:

On February 5, 2019, the Indian River County (IRC) Solid Waste Disposal District (SWDD) Board directed staff to enter negotiations with the Indian River Eco District, LLC (IREDD) for their purchase of landfill gas (LFG) created at the County's landfill.

On July 16, 2019, the SWDD Board approved the Landfill Gas Agreement with IREDD wherein they purchase the LFG for the conversion to Renewable Natural Gas (RNG).

On July 14, 2020, the Board approved Amendment No. 1 to the Landfill Gas Agreement confirming IREDD's desire to pursue an RNG project and extend the LFG commencement date to September 30, 2021.

On May 18, 2021, the Board approved Amendment No. 2 to the Landfill Gas Agreement further clarifying the LFG commencement date.

On October 12, 2021, a presentation was made to the Board by IREDD to introduce Nopetro RNG, LLC, with whom they have formed a joint venture in order to form Nopetro Eco District, LLC, which will design, finance, build and operate the RNG facility on the IREDD property. On December 7, 2021, the SWDD Board approved the Consent to Assignment of the Landfill Gas Agreement from the Indian River Eco District, LLC, to Nopetro Eco District, LLC (NED).

On December 20, 2022, the Board approved Amendment No. 3 to the Landfill Gas Agreement confirming Nopetro Eco District, LLC (NED) desire to pursue an RNG project and extend the LFG commencement date to June 30, 2024.

On October 11, 2023, NED acquired 7.29 acres from IREDD on which to construct their Renewable Natural Gas (RNG) facility. This parcel acquisition has rendered the previous gas line easements between the SWDD and the IREDD property ineffective due to their location.

In an effort to continue to fulfill these obligations, the SWDD will provide the necessary easements for the construction, installation and maintenance of the LFG line between the SWDD Landfill and NED.

This agenda item requests Board authorization to provide the necessary Temporary Construction Easement and twenty-foot LFG easements on the landfill property.

Analysis:

The attached letter from the NED requesting LFG line easement(s) containing 49,566 or 1.14 acres streamlines the connection between the SWDD and NED for the RNG facility. The easement exhibits have been reviewed and found to be acceptable both by SWDD staff and by the County Surveyor.

The easement across the “C-5” canal is being granted based on prior approved permits by the Indian River Farms Water Control District to SWDD for the yard waste driveway and improvements which include utility sleeves for the placement of utilities including the LFG line.

Funding:

No funding is requested or required for this agenda item.

Recommendation:

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

- a) Approve the fifty-foot-wide temporary LFG construction easement and grant Nopetro Eco District, LLC the non-exclusive easement in accordance with the easement drawings.
- b) Approve the twenty-foot-wide sub-lateral “C-5” canal crossing LFG easement and grant Nopetro Eco District, LLC the non-exclusive easement in accordance with the easement drawings.
- c) Approve the twenty-foot-wide LFG easement and grant Nopetro Eco District, LLC the non-exclusive easement in accordance with the easement drawings.
- d) Direct the County Attorney’s Office to finalize the legal documents to record the approved non-exclusive easements.
- e) Authorize the Chairman to execute the final legal documents to effectuate the granting of the approved non-exclusive easements.

Attachment (s):

- 50-Foot Wide Temporary Easement
- 20-Foot Wide Sub-Lateral C-5 Canal Easement
- 20-Foot Wide Sub-Lateral LFG Easement
- Environmental Assessment