

Agenda Report

Section: Unfinished Business

Item No.: I.2.

April 19, 2022

Subject:

Consideration of Solid Waste Management Department's Proposed Disposal Assessment Rates, Five-Year Capital Improvement Program and Financing Plan

Fiscal Impact:

Proposed Disposal Assessment Rates: Assessment revenue increase vary each year to provide necessary resources to fund operational, equipment costs and financing needed for the expansion of existing facilities as well as construction of new facilities.

Dept/Office:

Solid Waste Management Department

Requested Action:

It is requested that the Board of County Commissioners:

- Consider and discuss the Solid Waste Management Department's proposed Five-Year Capital Improvement Program (CIP), a financing plan for the CIP including associated proposed annual disposal assessment rates.
- Authorize staff to mail the required attached Public Hearing notice regarding consideration of proposed increases to the annual Solid Waste Disposal assessment;
- Authorize staff to research the most efficient financing method for the Solid Waste Management Department's CIP funding needs, including a third-party engineering study that is required for financing, and;
- Authorize the development, advertisement, and award of a competitive solicitation for printing and mailing services for a Notice of Public Hearing for proposed annual Solid Waste Disposal assessment rates. Authorize the County Manager to make minor but necessary modifications to the attached Public Hearing notice, and to execute the contract for those mailing services as approved by the County Attorney's Office and Purchasing Services; and
- Authorize the County Manager to approve all Budget Change Requests that may arise from the mailing competitive solicitation and for the third-party engineering study;

Summary Explanation and Background:

Due to the significant rise in operating, equipment, and construction costs, the Solid Waste Management Department is proposing to finance the next five-year Capital Improvement Program (CIP) through a combination of incremental increases to the annual non-ad valorem solid waste disposal assessment in addition to municipal financing. This is necessary in order to maintain solid waste disposal capacity in Brevard County and support solid waste disposal operations.

During the February 17, 2022 Budget Workshop, the Solid Waste Management Department presented its five-year CIP to the Board of County Commissioners. The presentation detailed

the increases in incoming solid waste and the increases in construction costs that necessitated an adjustment in both the construction schedule and the construction capital costs of the program. It was proposed that the five-year program would be financed through two means; 1) an increase of 20% in Fiscal Year 2022-2023 to the annual residential and commercial non-ad valorem disposal assessments along with indexing the assessment annually thereafter to the Consumer Price Index for Garbage and Trash (CPI G&T), to account for increasing operational and equipment costs and to replenish depleted capital reserves, and 2) municipal financing of \$65 million in 2022 and \$40 million in 2025 to finance Solid Waste Disposal System expansion costs. The February 17, 2022 presentation is included as an attachment to this report.

Since that workshop, and based on Board direction, additional adjustments and updates have been made to project costs and a revised proposed financing strategy has been formulated. Due to increased construction costs associated with land development, the cost of the initial development of the US192 Solid Waste Management Facility has been revised from \$55 million to \$75 million. It is anticipated that this will necessitate an increase in municipal financing necessary in 2022 from \$65 million to \$85 million to fund construction of US192, CDF Cell 2, and the Titusville Transfer Station. A third-party engineering study will be required for financing of this magnitude. As an approach to account for increased operational and equipment costs, an incremental increase in annual non-ad valorem disposal assessments is proposed. This would include a 9% increase in assessments in Fiscal Year 2022-2023, a 7% increase in Fiscal Year 2023-2024, a 5% increase in Fiscal Year 2024-2025, and annual indexing to the CPI G&T thereafter. A timeline of the five-year CIP and adjusted program costs and items for Board consideration are included as attachments to this report. It is also anticipated that the large amount and the cash flow timing associated with these projects will require significant staff effort as well as input from both the County's Bond Counsel and the Financial Advisor to appropriately develop the best action plan to accomplish the needed financing options.

At previous Board meetings, Solid Waste staff have shared with the Board the anticipated date that the Sarno Road Class III landfill will reach full design capacity and will no longer accept waste. Staff stated that this waste will be disposed at the Central Disposal Facility Class I landfill until such a time as a replacement landfill is available to accept Class III waste generated in the south portion of the County anticipated in January 2026. This additional influx of waste will significantly shorten the lifespan of CDF Class I, Cells 1 and 2. Due primarily to the increase in construction costs and increased incoming waste, there will not be enough funding to complete the construction of CDF Class I, Cell 2 in Fiscal Year 2022-2023 without a financing plan. CDF Cell 1 is currently anticipated to reach design capacity in April 2024. After this date, there will be no solid waste disposal capacity available in Brevard County. The nearest Class I landfill to Brevard County is the JED Landfill owned by Waste Connections, located in Holopaw, Osceola County. Transporting all solid waste generated in Brevard County to the JED Landfill would come at a substantially higher cost than the proposed CIP and would require significantly larger increases in the non-ad valorem disposal assessments. Copies of previous agenda reports citing the Sarno Road landfill reaching capacity are included as an attachment to this report.

Should the Board approve the proposed CIP and financing plan, notification to all improved property owners of a public hearing will be required. As required by Section 197.3632(4)(b), Florida Statutes, the County must adopt a non-ad valorem assessment roll at a public hearing if the assessment is increased beyond the rate previously authorized. A notice of hearing must be mailed by first-class United States mail to all improved property owners subject to the assessment at least 20 days prior to the public hearing.

Due to the number of improved properties in Brevard County, this task cannot be completed by

Solid Waste staff. The proposed schedule is for the selected contractor to mail notices in May 2022 for a public hearing that will be held during July 2022. A copy of the draft Invitation to Bid and Public Notice letter are included as attachments to this report.

Name of Contact: Thomas Mulligan, Interim Department Director

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Attachments:

- Summary Outline of Events, September 1991 through February 2022
- Previous Agenda Reports
- February 17, 2022 Budget Workshop presentation
- Timeline of Five-Year Capital Improvement Program
- Revised CIP Costs and Board Considerations
- 2021 Disposal Operating Costs and Proposed Assessment Increases
- Draft Invitation to Bid
- Draft Notice of Public Meeting

Clerk to the Board Instructions:

SUMMARY OUTLINE
September 10, 1991 – February 17, 2022

- **September 10, 1991- DESERET LANDFILL PROPERTY** - discussed & continued meeting 9-16-91.
- **September 16, 1991 - RESOLUTION #91-346 DECLARING THE NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY** - motion by Commissioner Senne, seconded by Commissioner Andreas, to adopt Resolution amending Resolutions 91-201, 91-153, and 88-437, declaring the necessity to acquire certain real property located in Brevard County for the placement, construction, operation and maintenance of Class I and III sanitary landfill facilities and other Solid Waste Management facilities on property described in Sections 19, 20, 29, 30, 31 and 32, Township 27S., Range 35E., lying north of SR 500 (U.S. 192) with separate necessary drainage and flowage easements; and amending those Resolutions of necessity adopted June 4, 1991. Motion carried and ordered unanimously.

Upon motion and vote, the meeting September 10, 1991 which was continued until September 16, 1991, was adjourned at 12:01 p.m.

- **September 19, 1991- JOINT STIPULATION AND AGREEMENT** - in the circuit court of the eighteenth judicial circuit, in and for Brevard County, Florida, Case No.: 90-5039-CA-J/C. Signed by attorneys Gregory L. Williams, Esquire (Smith & Williams, P.A., 712 South Oregon Avenue, Tampa, Florida 33606) for the Defendant, (Deseret property) Corporation of the President of the Church of Jesus Christ of Latter-day Saints and East Central Florida Services, Inc., and Gordon H. Harris, Esquire (Gray, Harris & Robinson, P.A., 201 E. Pine Street, Suite 1200, Post Office Box 3068, Orlando, Florida 328002-3068) for the Petitioner, Brevard County.
- **January 5, 1993 - APPROVAL, RE: AMENDMENT TO SOLID WASTE MANAGEMENT BUDGET** - motion by Commissioner Ellis, seconded by Commissioner Higgs, to place a 90-day stop work order on the South County Landfill project until the Board can determine if that is how it wants to proceed or not.
- **January 19, 1993 - AMENDMENT TO THE SOLID WASTE MANAGEMENT DEPARTMENT'S BUDGET** - discussion regarding south county landfill joint facility between Brevard and Osceola County. Motion carried and ordered; with Mr. Jenkins stating... returning to the Board second meeting in February 1993.
- **February 16, 1993 - APPROVAL, RE: FUNDING TO SET UP FIELD OFFICES ON PROPOSED SOUTH COUNTY LANDFILL SITE** - motion by Commissioner Schmitt-Kirwan, seconded by Commissioner Scarborough, to approve additional funding to set up a temporary field office on the South County landfill site. Motion carried and ordered

unanimously.

- **March 29, 1993 - AGREEMENT WITH DESERET RANCH, ET AL, RE: PROHIBITING USE OF INFORMATION EXCHANGED DURING NEGOTIATIONS** - Motion by Commissioner Schmitt-Kirwan, seconded by Commissioner Scarborough, to table agreement with Deseret Ranch, et al for prohibiting use of information exchanged during negotiations until April 13, 1993 Board Meeting. Motion carried and ordered; Commissioner Ellis voted nay.
- **April 13, 1993 - RESOLUTION, RE: SALE OF SOLID WASTE MANAGEMENT REVENUE BONDS, SERIES 1993** - no discussion regarding Deseret.
- **May 18, 1993 - FINANCIAL ACTIONS ON BIDS AND RESOLUTION, RE: SOLID WASTE MANAGEMENT SYSTEM REVENUE BONDS, SERIES 1993.** - no discussion regarding Deseret.
- **September 7, 1993 - DISCUSSION, RE: SOUTH COUNTY LANDFILL-** Motion by Commissioner Higgs, seconded by Commissioner Ellis, to direct staff to continue dialogue with Osceola County to further define terms under which it could work with Brevard County on a joint venture; and direct staff to prepare and RFT to solicit proposals from interested vendors to design, permit, construct and operate a solid waste disposal facility. Chairman Andreas called for a vote on the motion. Motion carried and ordered unanimously.
- **January 11, 1995 - WORKSHOP - INTRODUCTION AND DESCRIPTION OF THE EXISTING SOLID WASTE MANAGEMENT SYSTEM - SPECIFIC NEEDS OF THE SOUTH COUNTY SERVICE AREA- PROCUREMENT OPTIONS FOR THE SOUTH COUNTY SERVICE AREA- MANAGEMENT OF CONSTRUCTION AND DEMOLITION WASTE AND OTHER ISSUES.** Upon motion and vote, the workshop adjourned.
- **January 18, 1995 - DISCUSSION, RE: SOLID WASTE DISPOSAL - Brevard County Board of County Commissioners met in special session in a joint meeting with Osceola County Board of County Commissioners - SERVICES FOR PART OF SOUTH BREVARD COUNTY.** Meeting adjourned.
- **June 6, 1995 - WORKSHOP- STAFF REPORT, RE: ALTERNATIVES FOR MANAGEMENT OF CONSTRUCTION AND DEMOLITION DEBRIS- ACKNOWLEDGE SUPPLEMENTAL REPORT AND SCHEDULE WORKSHOP, RE: REGIONALIZATION AND WASTE TO ENERGY OPTIONS FOR JOINT OSCEOLA- BREVARD COUNTY SOLID WASTE DISPOSAL FACILITY.** Upon motion and vote, the meeting adjourned.

- **July 31, 1995 - DISCUSSION, RE: SOLID WASTE MANAGEMENT ISSUES** - construction and demolition debris - landfill mining - methane gas. Upon motion and vote, the meeting adjourned.
- **September 6, 1995 - STAFF REPORT, RE: ALTERNATIVES FOR MANAGEMENT OF CONSTRUCTION DEMOLITION DEBRIS** - chairman Higgs called for a vote on the motion to accept the report and discuss it in a workshop.

ACKNOWLEDGE SUPPLEMENTAL REPORT AND SCHEDULE WORKSHOP, RE: REGIONALIZATION AND WASTE TO ENERGY OPTIONS FOR JOINT OSCEOLA-

BREVARD COUNTY SOLID WASTE DISPOSAL FACILITY - motion by Commissioner Cook, seconded by Commissioner Scarborough, to acknowledge receipt of the Supplemental Report on Regionalization and Waste-to-Energy Options; and authorize the County Manager to schedule a workshop on a date convenient to all Commissioners. Motion carried and ordered unanimously.

- **October 24, 1995 - DISCUSSION, RE: PROPOSED SOUTH BREVARD LANDFILL.**
Upon motion and vote, the meeting adjourned.
- **November 14, 1995 - AMENDED JOINT STIPULATION AND AGREEMENT WITH THE CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, RE: EXTENDING USE OF PROPERTY BY DESERET CATTLE AND CITRUS - DISCUSSION, RE: ESTABLISHMENT OF HAZARDOUS WASTE DISPOSAL FACILITY AT SARNO LANDFILL.** Upon motion and vote, the meeting adjourned.
- **December 5, 1995 - CAPITAL IMPROVEMENTS PROGRAM (CIP) PRESENTATIONS**
-**Solid Waste Management Department.** Motion by Commissioner Higgs, seconded by Commissioner Scarborough, to accept the Solid Waste Management Department CIP. Motion carried and ordered unanimously.
- **March 8, 1996 - INTRODUCTION AND OVERVIEW, RE: BREVARD COUNTY SOLID WASTE MANAGEMENT DEPARTMENT - DISCUSSION, RE: RFP BASE PROPOSAL FOR SOLID WASTE DISPOSAL.** Upon motion and vote, the meeting adjourned.
- **May 21, 1996 - BOARD DETERMINATION, RE: WASTE MANAGEMENT, INC. OF FLORIDA'S REQUEST FOR PROPOSAL, FOR PROPOSAL# P-1-6-14, SOLID WASTE DISPOSAL SERVICES, SOUTH COUNTY SERVICE AREA** - motion by commissioner O'Brien, seconded by Commissioner Scarborough, to direct staff to place an item on the May 28, 1996 Agenda to look at all the options on how to proceed with solid waste disposal services in South County. Motion carried and ordered unanimously.

- **May 28, 1996 - ALTERNATIVES FOR PROCUREMENT, RE: SOLID WASTE DISPOSAL SERVICES** - motion by Commissioner Higgs, seconded by Commissioner O'Brien, to approve continuing with the RFP process and having the Selection Committee evaluate the proposals for procurement of solid waste disposal services. Chairman Cook called for a vote on the motion. Motion carried and ordered unanimously.
- **July 16, 1996 - APPROVAL OF SELECTION COMMITTEE RECOMMENDATIONS AND AUTHORIZE NEGOTIATIONS, RE: SOLID WASTE DISPOSAL SERVICES WITHIN SOUTH COUNTY SERVICE AREA** - motion by Commissioner Scarborough, seconded by Commissioner Ellis, to eliminate Sanifill's proposal for solid waste disposal services within the South County service area. Chairman Cook called for a vote on the motion. Motion carried and ordered unanimously.

Motion by Commissioner Scarborough, seconded by Commissioner O'Brien, to direct staff to seek the best deal from Chambers. Chairman Cook called for a vote on the motion. Motion carried and ordered unanimously.

Motion by Commissioner O'Brien, seconded by Commissioner Scarborough, to schedule a workshop on Solid Waste Disposal Services within South County Service Area to discuss the Chambers' proposal, use of Deseret property, and expansion of the Central Disposal Facility, including financial comparisons. Chairman Cook called for a vote on the motion. Motion carried and ordered unanimously.

- **September 17, 1996 - DISCUSSION, RE: SOLID WASTE DISPOSAL ALTERNATIVES - Current site at U.S. 192- Central Disposal Facility Expansion.** Upon motion and vote, the workshop adjourned.
- **October 8, 1996 - DISCUSSION, RE: SOLID WASTE DISPOSAL ALTERNATIVES - APPROVAL, RE: REGINANCING OF 1987 SOLID WASTE REVENUE BONDS.** Upon motion and vote, the meeting adjourned.
- **November 12, 1996 - PUBLIC HEARING, RE: RESOLUTION OF LEGAL ACTION IN PRINCE CONTRACTING CO., INC. v. BREVARD COUNTY - PERMISSION TO OBTAIN APPRAISALS AND NEGOTIATE PURCHASE, RE: REMAINING PARCELS ON ADAMSON ROAD CONTIGUOUS TO CENTRAL DISPOSAL FACILITY** - No discussion on Deseret. Upon motion and vote, the meeting adjourned.
- **November of 1997** - The County submitted an application of site plan approval and height variance to the City of Melbourne for a new Melbourne Transfer Station.
- **January 13, 1998** - Melbourne City Council approved the site plan for

the new Melbourne Transfer Station.

- **January 15, 1998 - LAND IN PALM BAY FOR SOLID WASTE**
- **January 26, 1998** - The Melbourne City Council approved the height variance for the new Melbourne Transfer Station. The site plan approval was valid for one year and could be extended by Council action for an additional year.
- **March 24, 1998 - APPROVAL, RE: AMENDMENT/JOINT STIPULATION AND SETTLEMENT BETWEEN BREVARD COUNTY AND CORPORATION OF THE PRESIDENT OF THE CHURCH OF THE LATTER DAY SAINTS-** motion by Commissioner Higgs, seconded by Commissioner Scarborough, to grant permission for the County Attorney to amend and execute modifications to the Joint Stipulation and Settlement Agreement between Brevard County and the Corporation of the President of the Church of Jesus Christ of Latter-Day Saints to continue Deseret Ranch's use of the proposed South County Solid Waste Management Facility site for the remainder of the Settlement Agreement's term at a rental rate of \$10.00 per acre per year. Motion carried and ordered unanimously.
- **January 20, 1999** - Mr. Richard D. Rabon, Solid Waste Director and Mr. Ron Beladi, WCG Engineer had a meeting in Melbourne Beach with Mr. Cochran and his son regarding the purchase of the 10-acre tract to the south of the Sarno Road Landfill footprint. Mr. Cochran and his son were told that the County would like to build a mulching facility there and possibly use it for future solid waste operations. Mr. Cochran and his son said they were willing to sell that property to the County and, if needed, other adjoining properties so long as the County planted some trees along their property boundary to hide the landfill. Permission was obtained that day to enter their property for the purpose of geotechnical evaluation.
- **February 19, 1999** - WCG was authorized by the County to provide engineering services for what was generally termed in the cover letter as the expansion of Sarno Road Landfill.
- **March 23, 1999** - The City Council extended the new Sarno Road Transfer Station site plan for an additional year.
- **August 27, 1999 -The** County acquired the 9.78-acre Cochran Tract to the south of the existing footprint of the Sarno Landfill. This land is located in-between two existing parcels of property, which has been owned by the County since 1948.
- **September 21, 1999** - WCG prepared and submitted an Environmental Resource Permit (ERP) application to the Florida Department of Environmental Protection for the Cochran tract and the other properties owned by the County for development of a yard waste mulching and

recycling area. During preparation of that ERP application and stormwater calculations, it was noticed that by mitigating the island in Pond B, the treatment capacity of this pond could be substantially increased. This in turn would eliminate the need for pond A. A memo on that subject dated November 17, 1999 was sent to the Brevard County Solid Waste Department. As a result, we were directed to schedule a meeting with the Florida Department of Environmental Protection to discuss mitigation of the wetland in pond B and horizontal expansion of Sarno Road Landfill into pond A and the south 35-acre area. The meeting with FDEP was held on December 13, 1999. We presented the County's potential plans for horizontal expansion of SRL; FDEP was receptive and did not find any problems with that plan and discussed their requirements for the permit application. Subsequently, WCG was directed by the County to include the pond B Island in the mitigation plan of the ERP.

- **October 1, 1999** - Grace & Radcliff provide design, permitting, and construction oversight for the construction of an office building for the Solid Waste Operations Division and a fuel storage and pumping island at the Central Disposal Facility.
- **October 18, 1999** - As part of the February 19, 1999 WCG Task, approval was obtained from the Florida Department of Environmental Protection to modify the existing Solid Waste Operation Permit to include the Cochran tract as part of the Sarno Disposal Facility's boundary.
- **May 23, 2000** - The Board of County Commissioners authorized the purchase of the 68-acre Forte Macauley/Gleason Tract.
- **July 19, 2000** - The Board of County Commissioners purchased the 68-acre Forte Macauley/Gleason Tract.
- **August 2000** - The wetland mitigation plan was approved August 2000 by SJRWMD and the USACOE; and the ERP was issued on August 15, 2000.
- **November 28, 2000** -The Melbourne City Council heard the County's request for renewal of the site plan approval for the new Melbourne Transfer Station. Due to the concerns expressed by the Fountainhead Homeowners Association, the item was tabled at the November 28th meeting and a tour of the Seminole County Transfer Station was scheduled with the City Council members.
- **January 9, 2001** - The Melbourne City Council granted approval of the site plan for the new Melbourne Transfer Station.

It is our understanding from City staff that the City routinely reviews the County's agenda package for items that might impact the City of Melbourne. Ms. Toland did a file review and prepared the following list of agenda items advertised by the Board of County Commissioners that relate to this issue.

1. August 27, 1996: Execution of Option Agreement, RE: Property Adjacent to the Sarno Landfill and Transfer Station.
 2. December 17, 1996: Board Approval, RE: Exercise Option to Purchase 22.67 Acres of Land Adjoining the Sarno Road Landfill and the Melbourne Transfer Station.
 3. September 15, 1998 - Task Order Number 97-03 between the County and HDR Engineering, Inc.'s Agreement for Replacement of the Melbourne Transfer Station.
 4. February 9, 1999: Board Permission, RE: Appraisals and Negotiating the Purchase of Land Adjacent to the Sarno Road Landfill for Expansion Purposes.
 5. July 6, 1999: Acquisition of Property, RE: 9.78 acres adjacent to the County's Sarno Road Landfill.
 6. May 23, 2000: Acquisition of 68.3 acres of land adjacent to the County's Sarno Road Landfill.
- **August 27, 2002** – The Board of County Commissioners directs Solid Waste Management Department staff to schedule a workshop to review all aspects of the Solid Waste program.
 - **July 8, 2003** – Solid Waste Management staff request that the Board of County Commissioners designate August 21, 2003 as the date for a Solid Waste workshop.
 - **August 21, 2003** – At the Solid Waste Workshop the Board of County Commissioners directed staff to prepare the following reports: 1) Evaluate the feasibility of hauling waste from the South Service Area of the County to an out-of-County facility; 2) Obtain an engineering study for permitting the Sarno Landfill northeast expansion area; 3) Conduct a Special Waste Management Facilities needs study, and; 4) Conduct a Determination of Need for a South Brevard Transfer Station.
 - **December 2, 2003** – The Board of County Commissioners was asked by the Solid Waste Management Department to consider approval of a new lease to Deseret Ranches of Florida. The term of the lease would be twenty years with two five-year extensions. The Board approved the lease, and the lease was entered into, spanning from December 2, 2003 to December 2, 2023 with two five-year extensions.
 - **May 10, 2005** – Solid Waste staff request that the Board select August 18, 2005 for an additional Solid Waste Workshop to discuss the results of the studies requested on August 21, 2003.
 - **August 18, 2005** – The Board of County Commissioners directs the Solid

Waste Management Department to investigate the development and cost of buildout of the US192 site. This includes the expected life of the facility, cost of development, and a comparison of cost versus shipping the waste to JED Landfill in Osceola County.

- **February 23, 2006** – The Board of County Commissioners directs the County staff to begin on-site investigations that may lead to development of a solid waste management facility at the US192 site. The purpose of these studies is to identify those areas of the site that can accommodate Class I and Class III solid waste.
- **November 11, 2006** – Solid Waste staff request the Board of County Commissioners determine the US192 landfill project to be in the public interest, to have an over-riding public benefit, and to waive land clearing and canopy replacement requirements. The Board agrees and approves.
- **March 8 and 18, 2008** – Solid Waste staff request the Board of County Commissioners execute Task Orders for JEA to redesign the sideslopes of the Sarno Road Class III Landfill to increase capacity and extend the life of the landfill by at least two additional years. This includes obtaining a Conditional Use Permit from the City of Melbourne for expansion of the landfill 10 acres to the north.
- **May 20, 2008** – Solid Waste staff request that the Board of County Commissioners execute a Task Order for Neel-Schaffer to design, prepare permit applications, and construction level design drawings for a new vegetative waste mulching facility at CDF. The new pad is necessary because the existing pad is in the footprint of South Landfill Cell One.
- **October 28, 2008** – Solid Waste staff request that the Board of County Commissioners execute a Task Order for JEA to prepare construction level design drawings, technical specifications, and the permit application necessary to construct the CDF South Landfill Cell One, extending the CDF Class I landfill capacity.
- **January 13, 2009** - Solid Waste staff request the Board of County Commissioners execute Task Orders for S2Li to perform a Biological Assessment and Wildlife Habitat Survey on the US192 site for submission to the Army Corps of Engineers and the United States Fish and Wildlife Service as part of the Environmental Resource Permit process.
- **April 6, 2010** - Solid Waste staff request the Board of County Commissioners execute a Task Order for Neel-Schaffer to prepare construction plans and technical specification and provide engineering oversight for the construction of stormwater system improvements to accommodate the expansion of the Sarno Road Landfill.
- **October 1, 2010** – Brevard County Pubic Works Department constructs a replacement vegetative waste processing pad to replace the previous pad located within the footprint of South Landfill Cell One.

- **April 5, 2011** - Solid Waste staff request the Board of County Commissioners execute a Task Order for Neel-Schaffer to provide permitting, design, and construction oversight services for the construction of a Vehicle Maintenance Building at CDF to replace the original one built in 1976.
- **May 24, 2011** – Solid Waste staff request the Board of County Commissioners to approve a settlement with Deseret Ranches that stipulates: 1) Buffers and vegetation to visually screen the landfill from US192; 2) Deseret can conduct inspection of the landfill and records; 3) A complaint procedure will be established; 4) Odor control and odor monitoring plans will be established, and; 5) These requirements will be included in the FDEP solid waste permit.
- **July 12, 2011** – Solid Waste staff request the Chair sign the supplemental settlement approved on May 24, 2011.
- **November 11, 2011** – The Board authorizes the solicitation of a Request for Information from firms offering new technology in the disposal of solid waste.
- **July 24, 2012** – Solid Waste staff request permission to solicit a Request for Proposals for the use of new technology in the disposal of solid waste.
- **November 23, 2012** – Solid Waste and Public Works staff request the Board of County Commissioners to allow the solicitation of bids and negotiate the purchase of wetland mitigation bank credits suitable for County projects, such as the St. John's Heritage Parkway and the US192 site.
- **March 4, 2014** - Solid Waste staff request the Board of County Commissioners approve a Task Order for CDM Smith to prepare permit applications, construction level drawings, and technical specifications for the construction of a new entranceway and scale-house for the Central Disposal Facility.
- **April 29, 2014** – Solid Waste staff request the Board of County Commissioners approve a Task Order for JEA to prepare solid waste permit application, construction level design drawings, and technical specifications for the construction of CDF South Landfill Cell One.
- **October 21, 2014** - Solid Waste staff request the Board of County Commissioners approve a Task Order for S2Li to prepare on-site wetland mitigation, wetland adaptive management, and site grading and drainage plans for submittal to FDEP and ACOE as part of the environmental resource permitting process. Solid Waste staff also requested the purchase of 59 additional wetland credits to add to the 75 credits that had been previously purchased in 2012.
- **February 17, 2015** – Solid Waste staff request the Board of County Commissioners approve a Task Order for JEA to provide engineering oversight and certification of the construction of CDF South Landfill Cell One.

- **July 7, 2015** - Solid Waste staff request the Board of County Commissioners approve a Task Order for CDM Smith to provide construction oversight and certification of the construction of a new entranceway and scale-house for the Central Disposal Facility.
- **November 21, 2016** – The Florida Department of Environmental Protection issues a construction and operation permit for Cell One of the Class III landfill at the US192 Solid Waste Management Facility.
- **February 7, 2017** – Deseret Ranch and Deer Park Ranch enter a Settlement Agreement with Brevard County. The Agreement allows for the construction of Phase I of the US192 Solid Waste Management Facility, which consists of a Class III landfill, while delaying consideration of construction of a Class I landfill to no earlier than 2036. The Agreement alters the procedures for Deseret to be notified to vacate the property that were included in the December 2003 Lease Agreement with Deseret Ranch.
- **February 6, 2018** - Solid Waste staff request the Board of County Commissioners authorize the Chair to execute the Conservation Easement and Resolution associated with the issuance of an Environmental Resource Permit for the development of Phase I of the US192 Solid Waste Management Facility.
- **April 13, 2018** – The Florida Department of Environmental Protection issues an Environmental Resource Permit for the construction of the US192 Solid Waste Management Facility.
- **March 15, 2019** – The Army Corps of Engineers issues the Environmental Resource Permit for the construction of the US192 Solid Waste Management Facility.
- **April 9, 2019** – The Board of County Commissioners directs Solid Waste staff to delay signature of the ACOE Environmental Resource Permit and investigate alternative technologies for the disposal of solid waste.
- **May 23, 2019** – Purchasing issues a Request for Proposals to identify suppliers of Solid Waste Conversion Facilities that have demonstrated experience at a commercial scale using input solid waste of similar characteristic to that generated in Brevard County. Proposal submission due date is identified as August 30, 2019.
- **July 9, 2019** – Solid Waste staff request the Board of County Commissioners provide direction on the signing of the ACOE Environmental Resource Permit and other direction regarding the disposal of Class III waste generated in the South County Service Area. The Board tabled the permit signature and directed Solid Waste staff to investigate options for Class III waste disposal other than the US192 facility.
- **August 13, 2019** – The Melbourne City Council approves a Conditional Use

Permit for a height variance, for an overall height of 81 feet, for the 10-acre expansion of the Sarno Road Class III Landfill. This allows the expansion area to blend in with the existing landfill and extends the life of the Class III landfill.

- **October 22, 2019** - Solid Waste staff request the Board of County Commissioners provide direction on the signing of the AOCE Environmental Resource Permit and other direction regarding the disposal of Class III waste generated in the South County Service Area. The Board tabled the item while awaiting additional information on Class III waste disposal options. The Board also rejected the single proposal submitted for the May 23 RFP for alternate solid waste technologies.
- **January 12, 2021** - Solid Waste staff request the Board of County Commissioners provide direction on the signing of the AOCE Environmental Resource Permit and other direction regarding the disposal of Class III waste generated in the South County Service Area. The Board authorizes Solid Waste to sign the ACOE Environmental Resource Permit and continue permitting, design, and technical specification preparation for the US192 Solid Waste Management Facility. Construction is not authorized.
- **March 1, 2021** – The City of Melbourne Community Development staff formally reject the Conditional Use Permit application submitted by Florida Recyclers of Brevard requesting a height variance to a total of 81 feet for their Construction and Demolition Debris landfill.
- **May 18, 2021** – Solid Waste staff request the Board of County Commissioners to authorize initiation of construction of the US192 Waste Processing Facility and to notify Deseret Ranch of upcoming commencement of construction within 120 days, as specified in the February 2017 Settlement Agreement between Brevard County and Deseret Ranch. The Board authorizes the notification and initiation of site development with the exception of construction of the scale-house and Class III landfill cell.
- **June 24, 2021** - The Florida Department of Environmental Protection issues an extension on the Solid Waste Class III Construction and Operation permit for the US192 site. New expiration date is June 24, 2026.
- **August 3, 2021** – Solid Waste staff request the Board of County Commissioners find it in the public interest to use the Road & Bridge construction division to provide construction services for the US192 roadway and facility entrance improvements. Use of R&B will shorten project time and save costs. The Board grants approval.
- **August 24, 2021** - Solid Waste staff request the Board of County Commissioners authorize full construction of the US192 Class III facility, including lifting any restrictions that were imposed by the Board during the May 18, 2021 meeting. The Board grants approval.
- **October 26, 2021** – Solid Waste staff request the Board of County

Commissioners authorize the competitive solicitation of bids for hauling of Class I waste from the Sarno Transfer Station to supplement County transfer fleet, and hauling of Class III waste from the Sarno Landfill when the landfill reaches full capacity and can no longer receive waste. The Board grants approval.

- **February 17, 2022** – Solid Waste staff present the Five-Year Capital Improvement Program to the Board of County Commissioners at the Budget Workshop. A 20% increase in annual disposal assessments to account for rising operational costs and municipal bonding to fund capacity expansion projects is proposed.



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RECEIVED

JAN 19 2021

*Solid Waste Management
Department*

January 13, 2021

M E M O R A N D U M

TO: Euripides Rodriguez, Solid Waste Management Director

RE: Item I.1., Staff Direction Regarding the U.S. Army Corp of Engineer Environmental Resource Permit Signature

The Board of County Commissioners, in regular session on January 12, 2021, directed staff to proceed with permitting for the US 192 site to be consistent with it being used as a landfill, but not to commence any construction activity; authorized the County Manager to waive any Policy and/or make any necessary Budget Change Requests; and if staff is unable to come to agreement with Florida Recyclers on a Workshop date before an additional burden is placed on County taxpayers, and after such time as Melbourne approves the variance, staff is directed to bring this back to the Board for consideration of whether to pursue construction at that point.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

cc: County Manager



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Unfinished Business

I.1.

1/12/2021

Subject:

Request the Board of County Commissioners to provide direction to staff regarding the US Army Corp of Engineer Environmental Resource Permit signature.

Fiscal Impact:

The fiscal impacts are detailed in the Report based on available options.

Dept/Office:

Solid Waste Management Department

Requested Action:

It is requested that the Board of County Commissioners provide direction to the Solid Waste Management Department about signing the US Army Corp of Engineer ERP Permit for the US192 Project or give other direction to the Department regarding the disposal of Class III materials in the south area of the county.

Summary Explanation and Background:

The Financial Responsibility & Long-Term Care Estimates report submitted to the Florida Department of Environmental Protection in August 2020 estimates that the Sarno Road Class III landfill will run out of disposal capacity in January 2023. In March 2019 the Solid Waste Management Department received the Environmental Resource Permit from the US Army Corps of Engineers for development of a Class III solid waste management facility at the US192 site. In April 2019 the Board of County Commissioners directed staff to delay signing of the permit and bring it back to the Board in 90 days. In July 2019 the Board tabled the matter pending receipt of additional information regarding the replacement of the Sarno Road Landfill including possible acquisition of the privately-owned Melbourne Landfill. In October 2019 additional information was provided to the Board, however the information was considered insufficient to formulate a decision regarding the Sarno Landfill, and the proposed US 192 Class III landfill.

Under Board direction staff have since collected additional property appraisals, environmental assessments, financial and economic data, and other information to assist in the Board's decision making for the next course of action. A detailed report regarding the Melbourne Landfill is attached. The Board had previously scheduled a Workshop to be held on January 21, 2021 to review all available information, to discuss options and provide staff needed direction regarding future Class III disposal. Based on the costs associated with possibly acquiring the privately-owned Melbourne Landfill as outlined in the report, as well as other information in the report, the possibility exists that the Board may be able to provide the needed direction based on this agenda report and cancel the workshop as it would no longer be needed.

To that end staff has outlined below various optional direction the Board could consider at this time:

Option 1) Proceed with final permitting activity and construction of the US 192 Class III landfill including signing and returning the Environmental Resource Permit culminating in the development of the US192 site. Previous economic analyses have demonstrated that development of the US192 site gives the longest lifespan and lowest cost-per-cubic-yard-of-capacity of all analyzed alternatives. The Board has previously expressed concern regarding the appearance of a landfill as tourists enter Brevard County from Osceola County. Prior to halting design activities related to the development of the US192 site, a landscape architect provided detailed depictions of the proposed landscaping design along US192, showing how the design layout blocks visibility of the landfill from US192. The landscape rendering includes the Class III landfill at full design capacity, which is 202 acres with a height of 311 feet above sea level. The proposed Cell One to be initially constructed is 28 acres with a maximum height of 106 feet above sea level (or about 81 feet high above existing ground surface). With the site frontage landscaping installed as part of the initial site development and infrastructure construction, further construction and operation of the Class III landfill would not be visible from US192. The Board may choose to move forward on this option, placing an overall 106-foot elevation restriction (81 feet above ground surface) on the entire Class III landfill construction which, will result in a life expectancy of about 35 years. This option would eliminate the need for the January 21, 2021 Board Workshop on Solid Waste.

Option 2) Redirect all Class III solid waste to the Central Disposal Facility.

While costlier than Option 1, when the Sarno Road Class III landfill reaches full capacity in 2023, redirect all Class III waste generated in the South Service Area to be disposed in a different location (not US192). If redirecting the waste to the Central Disposal Facility Class I landfill was performed utilizing the existing Sarno Road Transfer Station, the result would be an increased cost due to more wear-and-tear on the transfer station and associated fleet and equipment, a reduction in the lifespan of the Central Disposal Facility Class I landfill, an increase in queuing time at the Central Disposal Facility, and an increase in disposal costs. Redirecting Class III traffic directly to the Central Disposal Facility (rather than the transfer station) would result in lower maintenance costs for the County but would also result in higher costs and longer haul and queue times for individual commercial customers and residents and would still cause a shorter lifespan of the Class I landfill. This option would allow for the Solid Waste Workshop to be cancelled.

Option 3) Other direction by the Board.

Clerk to the Board Instructions:



Solid Waste Management Department

2725 Judge Fran Jamieson Way
Building A, Room 118
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

Date: January 6, 2021

To: Board of County Commissioners

Through: Frank Abbate, County Manager *[Signature]*

Through: John Denninghoff, Assistant County Manager
Development & Environmental Services Group *[Signature]*

From: Euripides Rodriguez, C.I.A., Director

Subject: Florida Recyclers Melbourne Landfill Update

The following information is provided consistent with Board direction concerning the potential purchase of the Florida Recyclers Melbourne Landfill which is located adjacent to the County's Class III Sarno Road Landfill. The potential purchase has been suggested as a possible strategy to extend the functional life of the County's Class III Sarno Road Landfill. The information is intended to provide contextual background information and to provide the latest technical and other pertinent information for consideration by the Board of County Commissioners.

The County recently updated our Financial Responsibility Closure & Long-Term Care Estimates as of August 2020. This report, prepared by Neel Schaefer, Inc., estimates the Sarno Road Landfill will run out of capacity in January 2023. The Sarno Road Landfill receives Class III materials from the south area of the county as well as yard waste, tires and metals and is now permitted to be at the maximum height possible. This maximum height can be achieved because on August 13, 2019, the City of Melbourne granted final approval of the County's requested height variance for the Sarno Road Landfill to reach a height of 104 feet elevation over sea level.

On April 9, 2019, the Board of County Commissioners directed staff to delay signing the US Army Corp Environmental Resource Permit for the US 192 site and bring it back to the Board. Staff brought it forward on July 9, 2019, on which date after some discussion the Board tabled the matter pending receipt of additional information to facilitate deciding on alternatives to replacing the County's Sarno Road Landfill. The additional information directed by the Board included completing an appraisal report and obtain an Environmental Assessment Report for the Florida Recyclers Melbourne Landfill. The Board also directed staff to prepare a report on the possibility of purchasing the Florida Recyclers Melbourne Landfill.

Staff brought the item back to the Board for further consideration on October 22, 2019 at which time there was also a presentation by Florida Recyclers offering to sell their Melbourne facility to the County. As a result of this meeting Staff was directed to address remaining concerns associated with the mulching and cost issues regarding Florida Recyclers and also bring back more information regarding the environmental study as well as a more rigorous analysis of the

option to purchase the private landfill including more information regarding the life expectancy of the County's existing landfill on Sarno Road.

Consistent with Board direction on October 22, 2019, staff has updated the information provided to the Board on July 9, 2019, received the environmental study for the Florida Recyclers site, updated the escrow analysis with the most current information and obtained a second appraisal regarding the Florida Recyclers property. Staff has also updated the life expectancy of the Sarno Road Landfill to facilitate the Board's decision making in this regard. The updated and new information follows.

Appraisals:

Last year Florida Recyclers gave the County an "Investment Value Consulting Report"¹ prepared by Compass Real Estate Consulting, Inc., Shawn E. Wilson, MAI regarding their landfill. Investment value is defined by the Dictionary of Real Estate Appraisal, Sixth Edition, 2015, page 121 as "the value of the property to a particular investor or class of investors based on the investor's specific requirements. Investment value may be different from market value because it depends on a set of investment criteria that are not necessarily typical of the market." The Investment value set by this report is \$8,416,000. As a note on page 12 of the report, Ms. Wilson states "Note that the market value of the landfill and business which currently operate on the site is not part of this analysis."

Staff requested an independent appraisal with the firm of Clayton, Roper & Marshall, Inc.² for the Florida Recyclers property. This appraisal was completed on August 26, 2019 and appraised the property at \$5,400,000 with a forty-foot height elevation limit (City of Melbourne height restriction).

A second appraisal was requested and after several firms declined the job, staff was able to contract with Pinel & Carpenter, Inc.³ in March, 2020. The appraisal was completed on October 9, 2020 for a valuation of \$2,700,000 with a forty-foot height elevation limit (City of Melbourne height restriction).

Based on the above valuations and appraisals the value range is quite significant with the average of Brevard County funded appraisals being \$4,050,000. How the privately held trust/escrow fund is handled in any transaction is a fundamental factor affecting the Florida Recyclers Landfill value. Additional information is needed regarding the trust/escrow fund and other factors that will affect the actual cash outlay before the County could begin utilizing the private Landfill if the County were to pursue purchasing the Florida Recyclers property. Information regarding these factors is included below.

Closure Trust/Escrow Fund:

The Financial Assurance or escrow impact is discussed in detail in the attached report. The Florida Recyclers Landfill is required to have a Closure Trust Fund which is intended to provide assurance that funds will be available to properly close the landfill at its end of life. This fund is

¹ The Investment Value Report dated May 25, 2018 is attached for reference.

² The appraisal from Clayton Roper & Marshall dated November 18, 2019 is attached for reference.

³ The appraisal from Pinel & Carpenter, Inc. dated October 9, 2020 is attached for reference.

similar in nature, but not in the method of calculating the yearly deposit, to the Escrow account used by the County (as a governmental agency) to close the Sarno Landfill at its end of life. Florida Recyclers makes a \$100,000 payment to the trust fund and if their income exceeds \$1,250,000 they are required to deposit 4% of the income exceeding \$1,250,000. This method of calculation, approved in an FDEP consent order is a negotiated settlement with FDEP and bears no relationship to the standard formula as required in the FDEP regulation for this purpose. Thereby in comparison to the calculation required to be followed by the County, the current private Closure Trust Fund is under funded by approximately \$2,094,081 based on the acreage of the landfill and the typical per acres cost of closure. If the County were to purchase the private landfill the regulatory expectation is that the County would establish a properly funded Escrow Account. As such, there is a financial impact to the County since we would have to make a deposit to compensate for the shortfall (approximately \$2,094,081) if the private Trust Fund is included in the land transfer to the County. However, the required deposit amount would increase to \$3,011,654 if Florida Recyclers were to maintain possession of the existing trust fund as their proposed selling price is structured. These amounts are approximations since the capacity of a landfill changes every day in any operating landfill.

There is another major cost that could affect the monetary outlay in this potential transaction. The Florida Recyclers site contains a high quantity of mulch. This mulch holds no economic value to the Solid Waste System. The cost of removing the mulch (loading, hauling and current disposal) from the site is estimated to be \$2,196,700, subject to final survey of the quantity of mulch. Additionally, it is currently unknown how much time and cost (additional hauling and disposal) will be involved with finding a final resting place for the mulch.

Environmental Conditions

On January 29, 2020 staff received the Phase I and Phase II Environmental Site Assessment Report from PPM Consultants. These reports revealed no evidence of recognized environmental conditions in connection with the property except for the following:

- Groundwater Cleanup Target Level (GCTL) exceedances in site monitoring wells. Per the most recent Florida Department of Environmental Protection review of the groundwater data, no regulatory action was requested to address the GCTL exceedances, only continued groundwater monitoring.
- Two of the three used-oil stained ground areas.
- The current diesel fueling area (aboveground storage tank at north property line and historic fueling and vehicle maintenance area).

These conditions noted above are not an area of major concern. However, in the process of obtaining the various samples and tests referenced above, the consultant also sampled surface water for PFAS presence at the Landfill's point of discharge. The test results did find evidence of the existence of PFOA at 0.0152 ug/L and PFOS at 0.0138 ug/L at the point of stormwater discharge for Florida Recyclers, as well as for the Sarno Road Landfill. Currently, FDEP and the EPA has not established a standard for PFAS. However, such a standard is expected in the future. Current provisional surface water screening levels for PFOA and PFOS are 0.015 ug/L and 0.004 ug/L respectively. The provisional cleanup target level for PFOA in groundwater is 0.07 ug/L. It is noted that in studies conducted statewide, there was evidence of the presence of this chemical in all landfills sampled. The concern regarding PFAS is more

an area of concern for unlined landfills such as the Melbourne and Sarno Road Landfills (the Cocoa Landfill (CDF) is lined).

Landfill Height:

The height that a landfill can be built as well as the slope and base area is a major factor that contributes to the calculation that results in the airspace available for use by the landfill. Airspace is a principal factor in the values and determination of the life expectancy of a landfill. The City of Melbourne granted the County a variance through Ordinance 2019-37, that allowed the Sarno Road Landfill to increase the height of the north expansion to 104 feet above sea level. This increased the life of this landfill to January 2023. This variance was granted under various conditions that Staff did not request, but were included at the request of the City. The two that have the most bearing being:

- The County shall, no later than December 31, 2024, submit a plan for the closure of the landfill, for such closure to occur on or before December 31, 2030, on which date the landfill shall be closed unless the County has applied for and received additional approval from the City before that date.
- Once the new US Highway 192 solid waste management facility is permitted and constructed, the county will halt all non-transfer station activities at the Sarno Road Landfill site and permanently close the landfill according to FDEP permits.

Florida Recyclers is currently requesting the City of Melbourne grant a height variance to increase the potential height of the Melbourne Landfill to 104 feet elevation. The City of Melbourne conducted an on-site visit to the property on November 9, 2020 and several issues were identified. The height application to the City was expected to be heard by the City's Planning & Zoning Board on November 19, 2020 but that hearing did not take place. The current application status is not known.

Observations:

With this background information we will proceed with observations relating to the potential purchase of Florida Recyclers Melbourne Landfill facility.

1. Depending on several factors, to some extent, the acquisition of this site would extend the life of the Sarno Road Landfill by:
 - a. 3 years – Without using the valley and without a height variance from the City of Melbourne.
 - b. 7 years – Using the valley and without the height variance from the City of Melbourne.
 - c. 10 years – Without using the valley and with a height variance from the City of Melbourne.
 - d. 19 years – Using the valley and with the height variance from the City of Melbourne.
2. In comparison, the US192 site has a projected life of 66 years.
3. The existing Florida Recyclers Landfill Trust Fund for closures is underfunded in comparison to our most recent closure projects. This shortfall would have to be accounted as an additional expense for the valuation of the Florida Recyclers property to fully evaluate and determine if a purchase is advisable. Since Florida Recyclers has

requested to keep the trust fund, as a part of their proposal, the County would be responsible for funding all of the required escrow after acquiring the property.

4. Using the valley as a landfill will eliminate one County stormwater pond and necessitate the creation of a replacement pond, plus the existing ditches would have to be regraded to convey the stormwater to the new pond. It would also eliminate the Florida Recyclers Landfill stormwater ditch to the south of the property which is part of their stormwater retention system. The engineers have estimated the cost of stormwater improvements at \$2,122,275.
5. While the environmental assessment performed for the County did not find existing issues it should be understood that the sampling and testing results do not assure that either there are no contaminants now nor do they assure that the Landfill could start producing measurable contaminant levels in the future. Thusly, the environmental impact of the Florida Recyclers Landfill is not clear but the County's purchase of this facility would mean assuming whatever the environmental risks the current owners have, including future potential environmental liability from PFAS contamination should pending regulation require remediation. Further, this situation is applicable regarding any other contaminants which although not detected at this point, should they be determined to exist in the future.
6. The appraisals of the Florida Recyclers site as performed for the County do not assume that a City of Melbourne height variance has been or will be granted. Should such a variance be granted the appraised value can be expected to go up.
7. The purchase of this property without a height variance, but using the valley, from the City of Melbourne would provide an additional 7 years of capacity. This capacity would come at a cost of \$11.00⁴ a cubic yard, for a single composite liner. This compares unfavorably with the cost of building Cell 1, which has a double composite liner, at the Central Disposal Facility of \$5.01⁵ a cubic yard (the cost per cubic yard decreases as other cells are built as the landfill can be built higher and the valleys in between the cells are filled). The same is true for the cost per cubic yard of \$4.88 which is the estimate for the first cell of US 192.
8. Assuming Florida Recyclers or, if purchased, the County, is granted a height variance, the cost to use Florida Recyclers property would decrease to \$4.88 per cubic yard (see footnote 4). However, note the following additional information.
9. The cost per cubic yard for all options mentioned above does not include the cost of a leachate collection and pre-treatment system, acquiring the "new" property, stormwater ponds or ditches, existing land, or any other construction cost not strictly related to the building of the liner. These costs would have to be added to arrive at a more rigorous cost estimate. (As a side note for clarification, the Central Disposal Facility also did not include the cost of a leachate tank because one is already in place.)
10. The City of Melbourne would have to approve any option regarding this site with the exception of using it as a stand-alone landfill (see the 3-year extension in 1.a. above).
11. There is an existing berm along Sarno Road that the City of Melbourne CUP required of Florida Recyclers. This berm resides in properties that belong to the City of Melbourne and Liberty Investments of Brevard, LLC. This is a pending issue which will impact the life expectancy and the costs of all options associated with acquiring the Florida Recyclers Landfill.

⁴ Cost presented are from a Jones Edmonds report from June 2018 is attached for reference

⁵ Actual 2016 cost from the construction of Cell 1 at the Central Disposal Facility

12. Time is critical and there are no assurances that the replacement option for the Sarno Road Landfill will be in place when it runs out of space. These delays could be in the negotiations to purchase the Melbourne Landfill, required City of Melbourne permits, construction delays, hurricanes and other similar issues.
13. An Invitation to Bid for the hauling and disposal of Class III waste generated from natural disasters was advertised by the County on November 12, 2020. Bid opening on December 10, 2020 showed three statements of No Bid. The inability to dispose of disaster related Class III debris elsewhere has the potential to greatly shorten the lifespan of the Sarno Road landfill in the event of a hurricane or other disaster.
14. Any option selected that increases the demand on the Cocoa Landfill (CDF) such as using a portion of it for Class III or other non-Class I needs will reduce the capacity and life expectancy of the CDF for Class I material disposal. This use results in accelerating the long term need to replace the Class I CDF with a new facility. The relative cost of Class I disposal is always higher than Class III material disposal. In effect, such a proposal reduces the benefit of the existing CDF to the rate payors.
15. In the event the County were to use the CDF for Class III disposal the life expectancy of the CDF would be reduced by 10 years.

The Florida Department of Environmental Protection (FDEP) has issued a draft consent order dated March, 2020. On this draft Consent Order FDEP listed four issues that resulted in the draft Consent Order being issued. On July 22, 2020, Florida Recyclers responded to the same by stating that the issues be treated as minor violations. The violations with Florida Recyclers responses to the same are listed below:

1. Objectionable odors were noted off-site beyond the property boundary.
 - a. They state that they are not the source of any off-site objectionable odors. They go on to state that there are other potential odor sources such as the Sarno Road Transfer Station, the Sarno Road Landfill and the dredge spoil site, all having the potential of generating odors⁶.
2. The facility did not have an all-weather access road, at least 20 feet wide, around the perimeter of the site.
 - a. In a letter from James E. Golden, P.G. from Grove Scientific & Engineering dated March 2, 2020⁷ it is stated that the road does exist.
3. The facility failed to ensure there were 50 feet fire breaks in the piles of processed and unprocessed material. This refers to the piles of mulch and vegetative debris located in the facility.
 - a. The letter from Mr. Golden states that additional 50-foot fire breaks have been cut through the mulch piles.
4. Processed materials have been stored on site for longer than 18 months.
 - a. The response states that FDEP can authorize a longer storage period.

These matters have not been resolved to our knowledge. The appraisals did not account for these matters and the cost of resolving them has not been included in any of the cost estimates. The perimeter road can have a financial impact on the purchase if the County were required to assume the responsibility of construction of the same. Further, installation of a

⁶ Source Jack Kirchenbaum response letter to FDEP, attached for reference

⁷ Letter from James Golden to FDEP is attached for reference

perimeter road may reduce the area of actual landfill thus reducing the life expectancy benefits coming to the County if the Melbourne Landfill were to be acquired.

Mulch

Florida Recyclers runs a yard waste business that converts the green waste into a commercially viable mulch and top soil. This mulch is kept in inventory at the site and would have no value to the County. In fact, the County currently pays to have our mulch hauled away and disposed of. We are estimating the cost of disposal for this mulch at \$2,196,700 based on our current contract rates. If the County were to acquire this property, one of the conditions should be that it is free of mulch and other organic materials such as composting. Not having this condition would add the \$2,196,700 to the cash needed to be able to use this property to construct a Class III landfill.

Financial Impacts

Purchasing the Melbourne Landfill from Florida Recyclers will have a major financial impact on the disposal system. The impact will come in three phases: the purchase of the landfill, the deposit to the escrow account, and the construction needed for the county to utilize the landfill. This impact on the escrow deposit will be from \$2,094,081 (with the trust fund turned over to the County) to \$3,011,654 (no trust monies). This estimate will be adjusted once a final survey is conducted. The most recent appraisals commissioned by the County varies from \$5,400,000 to \$2,700,000. These appraisals would need to be updated and can be expected to go up should a height variance be granted by the City of Melbourne. Construction estimates vary from \$14,145,481 to \$19,421,181 (includes removal of mulch), depending on the options available such as construction as a stand-alone landfill to using the valley as a landfill (with City of Melbourne permits). These items combined will cause an outflow of between \$18,939,562 to \$27,832,835. Also, the cost of construction of an All-Weather perimeter road around the Melbourne Landfill should FDEP require one is expected to add another \$700,000 to this cost and reduce the life expectancy of the facility at any allowable height and configuration (option 1a, 1b, 1c, or 1d). The reduced life expectancy has not been evaluated thus the needed rate charged to the rate payors has not been determined but it would increase relative to if the road is not required.

The Solid Waste CIP fund 4011 contains \$4,967,496 in CIP reserves for future capital expenditures and \$5,824,557 for the US 192 project for a total available of \$10,792,053. This funding balance does not take into consideration the \$25,000,000 expected to be needed for construction of Cell 2 in the Central Disposal Facility and other CIP Projects.

When money is borrowed for a project the life of the payback should not exceed the life of the project the borrowed money is used for. As such, any funds borrowed should not exceed the life of the asset being purchased. On the Florida Recyclers stand-alone option, the life of the asset would be expected to be three (3) years and the loan would have to be paid in three years or less. Using all of the funds available would require a loan of about \$8,000,000 which just the principal payment would be \$2,666,666 plus interest and it would require floating a bond for all related Cell 2 costs at the Central Disposal Facility. The maximum use of the asset would be filling in the valley and going to an elevation of 104 feet above sea level. This option would, as stated above, need the City of Melbourne approval and would result in a 19-

year life for the asset. The life of the asset would allow us to get bonds and the payback would be longer thus requiring a lower increase in the disposal assessment.

Summary

1. Appraisals – Vary from the Florida Recyclers Investment Value Consulting Report of \$8,416,000 to our appraisals of \$5,400,000 and \$2,700,000.
2. Escrow Deposit – The deposit is estimated at \$3,011,654 without the Florida Recyclers Trust Fund which they have proposed to keep.
3. Environmental Conditions – The presence of PFAS is a concern.
4. Land Fill Height – Florida Recyclers has not obtained a height increase from the City of Melbourne which greatly reduces the utility to the Disposal System.
5. Mulch – There is mulch present at the site that has no value to Brevard County. The estimate cost of disposal of the mulch is \$2,196,700 if the County were to purchase the property with the mulch on site.
6. Financial Impacts – The financial impacts vary from a low of \$18,939,562 (for a three-year life) to \$28,132,835 (for a 19-year life).
7. Additional immediate financial impacts of \$700,000 may be realized should FDEP require the construction of an All-Weather perimeter road. In this event the life cycle and rate expense to the rate payors would increase by an amount not yet identified due to the reduced life expectancy of the facility.
8. The FDEP draft consent order has additional cost implications for either Florida Recyclers or the County in the event the County completes a purchase.



RECEIVED

JUN 01 2021

*Solid Waste Management
Department*

May 19, 2021

MEMORANDUM

TO: Euri Rodriguez, Solid Waste Management Director

RE: Item I.1., Request to Authorize Initiation of Construction of the US 192 Class III Landfill Project and Notification of Deseret Ranch of Commencement of Construction

The Board of County Commissioners, in regular session on May 18, 2021, authorized the Solid Waste Management Department to construct turn lanes, put in stormwater, interior dirt road, berm, and a fence, and any other activities that are necessary in order to effectuate those directions, including wetland mitigation; authorized staff to provide notice to Deseret Ranches of Florida of the construction; directed staff to continue to explore the opportunity of purchase and to reasonably assist with any questions regarding height expansion; and directed staff to be helpful to American Recyclers if they can, and be receptive to any questions they may have of the County.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

cc: County Manager



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Unfinished Business

I.1.

5/18/2021

Subject:

Request the Board of County Commissioners to authorize initiation of construction of the US192 Class III Landfill Project and notification of Deseret Ranch of commencement of construction.

Fiscal Impact:

The fiscal impacts are detailed in the Report provided to the Board January 12, 2021 based on available options.

Dept/Office:

Solid Waste Management Department

Requested Action:

It is requested that the Board of County Commissioners authorize the Solid Waste Management Department to coordinate the initiation of construction on the US 192 Class III Landfill Project and provide Deseret Ranches of Florida the required notification of commencement of construction, or give other direction to the Department regarding the disposal of Class III materials generated in the south area of the county.

Summary Explanation and Background:

The Financial Responsibility & Long-Term Care Estimates report submitted to the Florida Department of Environmental Protection in August 2020 estimates that the Sarno Road Class III landfill will run out of disposal capacity in January 2023. In March 2019, the Solid Waste Management Department received the Environmental Resource Permit from the US Army Corps of Engineers for development of a Class III solid waste management facility at the US 192 site. In April 2019, the Board of County Commissioners directed staff to delay signing of the permit and bring it back to the Board in 90 days. In July 2019, the Board tabled the matter pending receipt of additional information regarding the replacement of the Sarno Road Landfill, including possible acquisition of the privately-owned Melbourne Landfill (AKA Florida Recyclers). In October 2019, additional information was provided to the Board, however, the information was considered insufficient to formulate a decision regarding the Sarno Road Landfill, and the proposed US 192 Class III landfill. Under Board direction staff collected additional property appraisals, environmental assessments, financial and economic data, and other information to assist in the Board's decision making for the next course of action. A detailed report regarding the Melbourne Landfill was attached to the Agenda for the January 12, 2021 Board meeting.

At that time the Board made determinations and gave Staff direction regarding these matters as follows:

1. Not to further consider possibly purchasing the Melbourne Landfill unless they obtained additional height authorization from the City of Melbourne.
2. Directed Staff to proceed with all remaining design and permitting efforts required in advance of initiating construction of the US 192 Class III Landfill including signing the US Army Corp of Engineers

federal permit.

3. Staff was directed to return for further Board direction prior to starting construction of the US 192 Class III Landfill under either of two conditions as follows:
 - a. The Melbourne Landfill obtained the referenced additional height authorizations from the City.
 - b. Staff determines further Board direction is needed in order to timely complete construction of the US 192 Class III Landfill prior to exhausting the remaining capacity at the Sarno Road Class III Landfill.

Since the January 12, 2021 meeting two things have occurred that may affect the Board's decision:

- On March 1, 2021 the City of Melbourne issued a letter reporting their determination that the Conditional Use Permit application from Florida Recyclers for a height variance on their C&D landfill is deficient (more detail is provided below).
- The Florida Department of Environmental Protection has increased visits to Florida Recyclers and the County's Sarno Road Class III landfill, and recently issued a Stipulated Penalty Letter to Florida Recyclers and a Warning Letter to the Solid Waste Management Department. The FDEP official stated that because they could not determine which facility was at fault for off-site odors, enforcement action was to be taken on both.

Based on the foregoing and the following information, staff is seeking Board direction regarding construction of the of the US 192 Class III Landfill.

Option 1: Construction of the US192 Solid Waste Management Facility

Initiation of Construction of the US192 Solid Waste Management Facility

The Solid Waste Management Department is requesting that the Board authorize staff to initiate commencement of construction activities on the US192 Project. The project has mainly been placed on hiatus since April 9, 2019 while Solid Waste staff have gathered all required data to assist the Board in their decision making. At that meeting, and in subsequent reports, information presented to the Board has consistently demonstrated that the development of the US192 property had the lowest cost per ton of waste capacity and the longest viable lifespan compared to all other identified options. This option, is expected to require an increased disposal assessment albeit the least increased amount as it is the least costly of all identified options. The January 12, 2021 direction by the Board to allow design and permitting activities on the US192 Project to continue, but not to commence construction activities, was predicated in part on awaiting the result of the Conditional Use Permit application by Florida Recyclers of Brevard to obtain a height variance. On March 1, 2021, the City of Melbourne Community Development issued a letter to MBV Engineering, Inc., representing Florida Recyclers of Brevard, stating that the January 19, 2021 resubmittal of their Conditional Use Permit application and Site Plan Review application have been determined to be deficient. The four-page list of deficiencies ends with the statement "Due to the number of comments identified with this submittal, staff cannot forecast public hearing dates." Any additional delays on addressing the disposal of Class III waste generated by the South County will only place more operational and financial burden on the Solid Waste Management Department, given the length of time required to construct and certify a landfill. The staff report dated January 5, 2021 is attached for convenient reference. The letter from the City of Melbourne is also included as an attachment.

On March 3, 2021 inspectors from the Florida Department of Environmental Protection (FDEP) investigated an odor complaint from a resident of the Westwood Condominium, located approximately 1,450 feet to the east of the Florida Recyclers of Brevard facility and 2,500 feet northeast of the Sarno Road Class III landfill. FDEP inspectors detected vegetative odors at the Westwood Condominium and on New York Avenue and a similar odor was also detected at both Florida Recyclers and the vegetative processing area of the Sarno Road Class III landfill. On March 26, one of the FDEP inspectors notified Solid Waste staff by e-mail that because the off-

site odors were detected at both the Florida Recyclers facility and the vegetative processing area of the Class III landfill and one facility could not be ruled out as a source, both facilities were receiving enforcement action. A Warning Letter was issued to Solid Waste on April 15, 2021 and staff held an enforcement teleconference with FDEP on April 20, 2021. In that teleconference, the FDEP stated that the fine for the odor violation was going to be \$1,250.00. However, the FDEP gave Solid Waste 30 days to come up with a solution for vegetative odors. If in 30 days a viable solution is found, a short-form Consent Order will be issued with the stipulated fine. If a viable solution is not found, a long-form Consent Order will be issued that includes the stipulated fine and increasing penalties for additional odor violations. Delays in obtaining a Conditional Use permit aside, the purchase and use of the Florida Recyclers facility would move the South County vegetative waste processing operations closer to the residents whose complaint activity to the FDEP for vegetative odor has significantly increased since December 2020. Construction of the US192 Project would include an area for vegetative waste processing and would be much less likely to be a source of odor complaints. The FDEP e-mail to Solid Waste staff, FDEP Warning Letter to Brevard County, FDEP Penalty Stipulation letter to Florida Recyclers, and follow-up e-mail from FDEP regarding enforcement are included as attachments.

Notification of Deseret Ranches of Florida

Staff has further evaluated the time frame required to obtain permits, obtain construction bids for the Landfill and to complete construction of the US 192 Class III Landfill as well as reviewed the settlement agreement with Deseret Ranches of Florida. Based on this evaluation staff projects that in order to maintain reasonable risk of exhausting the remaining capacity of the Sarno Road Class III Landfill before a replacement is ready at US 192 Board authorization for staff to proceed with timely construction activities in an efficient manner is needed for the US 192 Class III Landfill.

Associated with that general Construction authorization and in large part driving the requested action, Solid Waste staff are also requesting that the Board authorize the notification of Deseret Ranches of Florida of upcoming commencement of construction, as stipulated in Paragraph 11 of the February 2017 Settlement Agreement between Deseret Ranches of Florida, Deer Park Ranch, Ltd., and Brevard County. Paragraph 11 of the Settlement Agreement requires the County to provide written notice of commencement of construction to Deseret 120 days before the date when the County anticipates construction to start. Providing notice to Deseret by May 30, 2021 would give them more than 120 days to clear cattle operations out of the south portion of the property in preparation for construction to commence starting October 1, 2021. As required by Paragraph 10 of the Settlement Agreement, the first construction activity to commence shall be the installation of fencing to separate the north portion of the property, that will continue to be utilized by Deseret, from the south Phase I portion of the property. Construction activities following fencing installation will include, but are not limited to, US192 and entranceway improvements, frontage landscaping, stormwater and wetland construction, and scale-house and Class III Cell One construction. The February 2017 Settlement Agreement and a site plan layout of Phase I showing the location of the fence are included as an attachment.

Permits Obtained by Brevard County

FDEP Solid Waste Construction Permit
FDEP Solid Waste Operation Permit
FDEP Environmental Resource Permit
Army Corps of Engineers Environmental Resource Permit
Federal Aviation Administration Permits

Permits Applied for and Pending Approval

Florida Department of Transportation Driveway Improvement Permit
Florida Department of Transportation Drainage Connection Exemption

Applications Forthcoming

Brevard County Site Plan Approval
Florida Department of Environmental Protection NPDES permit (not needed for construction, only for

operation)

Option 2: Other direction by the Board

- a. Transport the Class III material to the Central Disposal Facility when the Sarno Landfill capacity is exhausted at a higher cost than Option 1 and more rapidly consuming the higher value Class I capacity.
- b. Transport the Class III material to neighboring facilities (the nearest one is located in Osceola County) when the Sarno Landfill capacity is exhausted, at a higher cost than Option 1 or 2a at current disposal costs and transport costs. This option provides the least County control over future expenses.
- c. Purchase the Florida Recyclers facility resulting in a higher cost than Option 1 or 2a or 2b based on current pricing and many other cost unknowns but importantly has significantly smaller capacity and shorter life expectancy than option 1.
- d. Other Board direction.

Attachments:

- January 5th, 2021 Report to the Board containing information obtained while investigating the potential acquisition of the Florida Recyclers (Melbourne Landfill) facility.
- City of Melbourne deficiency letter for the Florida Recyclers Conditional Use Permit application.
- FDEP Penalty Stipulation Letter to Florida Recyclers.
- FDEP Warning Letter to Solid Waste Management.
- FDEP e-mails to Solid Waste Management.
- Settlement Agreement between Brevard County and Deseret Ranches.
- US192 Project site layout showing separation fence.

Clerk to the Board Instructions:



August 4, 2021

MEMORANDUM

TO: Tom Mulligan, Interim Solid Waste Management Director

RE: Item H.2., Public Interest Determination for US 192 Roadway and Entrance Improvements for Additional Board-Approved Construction on the US 192 Property

The Board of County Commissioners, in regular session on August 3, 2021, determined that the US 192 roadway improvements and entranceway improvements, that are necessary for further construction on the US 192 Solid Waste Management Facility property, are in the public interest and have an over-riding public benefit in order to allow Brevard County Road and Bridge to perform the work.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell", is written over the typed name and title.

Kimberly Powell, Clerk to the Board

cc: Finance
Budget



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

8/3/2021

Subject:

Public Interest Determination Re: US192 Roadway and Entrance Improvements for additional Board-approved construction on the US192 property.

Fiscal Impact:

The fiscal impact is \$844,780.35 as detailed in the Road & Bridge Cost Quote.

Dept/Office:

Solid Waste Management Department

Requested Action:

It is requested that the Board of County Commissioners determine that the US192 roadway improvements and entranceway improvements, that are necessary for further construction on the US192 Solid Waste Management Facility property, are in the public interest and have an over-riding public benefit in order to allow Brevard County Road & Bridge perform the work.

Summary Explanation and Background:

On May 18, 2021 the Board authorized the Solid Waste Management Department to notify Deseret Ranch of upcoming construction and to initiate construction of the US192 Facility, excluding construction of the scale-house and the landfill cell. The August 2020 Financial Assurance report to FDEP stated that, based on aerial topography and historical waste disposal rates, the Sarno Road Class III Landfill would reach full capacity in January 2023. Using aerial topography flown in April 2021, combined with revised and updated rates of waste disposal, it has been estimated that the Sarno Landfill will now reach full capacity by October 2022.

Improvements to US192 and the facility entrance, along with installation of a fence to separate the north and south properties, are both necessary to be completed prior to any additional site construction. Currently, improvements to US192 and the solid waste facility entranceway are being scheduled to begin in August 2021. A fencing contractor is being procured and installation of the fence to separate the southern Phase I portion of the property from the northern portion is scheduled to begin in October 2021 with an anticipated completion in December 2021. Deseret Ranch was notified of upcoming construction activities on May 19, 2021, giving them more than the 120 days required to vacate the property as was stipulated in the 2017 Settlement Agreement. Completion of these two construction activities will allow for any additional Board-approved construction projects to occur on the property starting in 2022.

Due to the revised estimated date of the Sarno Landfill reaching full capacity, the Solid Waste Management Department is, in an effort to extend the life of the Sarno Landfill, diverting some Class III material from the Sarno Landfill to the Central Disposal Facility (CDF) instead. In order to minimize these costs, Solid Waste and its consultants are pursuing every reasonable effort to shorten the time frame needed to initiate the construction activities that were approved by the Board on May 18th. To that end, the Solid Waste Department is requesting that the Board find that the US192 roadway improvement project is in the public interest and has an over-riding public benefit so that the road construction can be performed by Brevard County Road & Bridge. Florida Statute 255.20(1)(c)9 states the Board may make this determination at a public hearing if public notice has been given at least 21 days prior to the meeting. Notice of the meeting was published in Florida Today on July 13, 2021. An engineer's estimate of cost has been provided by the consultant and a cost quote for construction services has been provided by Brevard County Public Works Road & Bridge Construction. The use of Road & Bridge will not require an increase in the number of Brevard County employees or an increase in capital expenditures for public facilities, equipment, or other public assets.

The use of Road & Bridge for this project has two advantages:

1) The project will be constructed in a shorter timeframe by avoiding the formal procurement process, which will eliminate about four months for preparation of bid documents, technical specifications, and construction plans, advertisement, contractor selection, and contract execution;

2) The project is expected to be less costly than utilizing the formal procurement process and bidding the work to private contractors. The formal procurement process would not only include the project construction costs as bid by a for-profit contractor, but also the engineering consultant costs to develop the plans and technical specifications for bidding. Road & Bridge estimates the project cost at \$844,780.35. The engineer's estimate of costs is \$910,736.78 for construction with an additional \$42,900.00 in technical specification, construction plan, and bid document preparation for a total project cost of \$953,636.78.

Permits Obtained by Brevard County

FDEP Solid Waste Construction Permit
FDEP Solid Waste Operation Permit
FDEP Environmental Resource Permit
Army Corps of Engineers Environmental Resource Permit
Federal Aviation Administration Permits

Permits Applied for and Pending Approval

Florida Department of Transportation Driveway Improvement Permit (July 2021)
Florida Department of Transportation Drainage Connection Exemption (July 2021)

Applications Forthcoming

Brevard County Site Plan Approval (August 2021)
FDEP NPDES Permit (not necessary for construction, just operation of constructed facility)

Attachments:

- Roadway Improvement Plans

- Road & Bridge Cost Quote
- Engineer's Estimate of Costs
- Florida Statute 255.20(1)(c)9

Clerk to the Board Instructions:



RECEIVED

August 25, 2021

AUG 30 2021

*Solid Waste Management
Department*

MEMORANDUM

TO: Tom Mulligan, Solid Waste Management Interim Director

RE: Item I.1., Authorize Full Construction of the US192 Solid Waste Management Facility, as a Class III Solid Waste Disposal Facility

The Board of County Commissioners, in regular session on August 24, 2021, authorized the Solid Waste Management Department to coordinate and proceed with all reasonable and prudent speed to start and complete construction of the US192 Solid Waste Management Facility, including the scale-house and first landfill cell; approved any Budget Change Requests that may arise from this project; and authorized bidding, award of contract, and execution of construction contracts by the Chair, of all aspects of construction of the project.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

cc: Central Services
County Manager
Finance
Budget



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Unfinished Business

I.1.

8/24/2021

Subject:

Request the Board of County Commissioners to authorize full construction of the US192 Solid Waste Management Facility, as a Class III solid waste disposal facility.

Fiscal Impact:

Estimated at \$35,000,000

\$5,000,000 is currently approved in FY2020-2021 Budget

\$20,000,000 anticipated in FY 2022-2023 Budget

\$10,000,000 anticipated in FY 2023-2024 Budget

Dept/Office:

Solid Waste Management Department

Requested Action:

It is requested that the Board of County Commissioners authorize the Solid Waste Management Department to coordinate and proceed with all reasonable and prudent speed to start and complete construction of the US192 Solid Waste Management Facility including the scale-house and first landfill cell. It is also requested that the Board approve any Budget Change Requests that may arise from this project and authorize bidding, award of contract, and execution of construction contracts by the Chair of all aspects of construction of the project.

Summary Explanation and Background:

Over the last two years during numerous meetings, the Board has considered various concerns and matters associated with the permitting and construction of the US192 Class III landfill. The two most recent such meetings were on January 12 and May 18 of this year. At the meeting on January 12, 2021, the Board authorized the Solid Waste Management Department to sign the Army Corps Environmental Resources Permit (ERP) and continue with permitting and design of the US192 Project, but did not authorize any construction activities. On May 18, 2021 the Board authorized the Solid Waste Management Department to notify Deseret Ranch of upcoming construction and to initiate construction of the US192 Facility, excluding construction of the scale-house and the class III landfill cell. Solid Waste sent notification to Deseret and the entire project design team are proceeding with preparation of final plans, and acquiring all associated required permits, to comply

with Board direction in both of the referenced meetings.

It was previously reported to the Board that, based on March 2020 aerial topography and historical waste disposal rates, the Sarno Road Class III Landfill would reach full capacity in January 2023. However, using aerial topography flown in April 2021, combined with revised and updated rates of waste disposal, the County's consultants have estimated that the Sarno Landfill can now be expected to reach full capacity by October 2022. When the Sarno landfill can no longer accept waste, the Sarno transfer station and Household Hazardous Waste Collection Center will both continue operations bringing Class I and Class III waste to the Central Disposal Facility (CDF) Class I facility.

In an effort to extend the life of the Sarno landfill, the Solid Waste Management Department is currently diverting selected Class III waste to the transfer station to be disposed at the Central Disposal Facility, and is preparing an Invitation to Bid for contracted waste hauling services to supplement the existing transfer fleet. Over the past 20 years, the Solid Waste Management Department has made multiple modifications to extend the life of the Sarno Class III landfill including, most recently, the aforementioned waste diversion.

Option 1: Construction of the US192 Solid Waste Management Facility Including Scale-House and Cell

As stated previously, the Sarno Road Class III Landfill is now anticipated to reach full capacity by October 2022. This engineering estimate does not consider any potential additional waste to be generated from a major storm during the 2021 or 2022 hurricane seasons. As such, the ability to construct a replacement Class III landfill to serve the south portion of the County has increased in urgency. The Solid Waste Management Department is requesting authorization from the Board of County Commissioners to include construction of the scale-house and first landfill cell to the construction activities previously authorized by the Board in May 2021. Currently, improvements to US192 and the solid waste facility entranceway are scheduled to begin in August 2021. A fencing contractor is being procured and installation of the fence to separate the southern Phase I portion of the property from the northern portion is scheduled to begin in October 2021 with completion expected to be in December 2021. Completion of these two construction activities will allow for all additional Phase I construction projects to occur on the property. Deseret Ranch was notified of upcoming construction activities on May 19, 2021, giving them more than the 120 days required to vacate the property as was stipulated in the 2017 Settlement Agreement.

Earthwork on the property, which includes dredging and filling, stormwater structures, piping, and ditching, is currently scheduled to begin in January 2022 and will last approximately 8 months. Utilities installation, including sewer, water, leachate force main and storage tanks, electric and fiber optics, is scheduled to begin in October 2022 and will last approximately 12 months. Scale-house and road construction is scheduled to begin in October 2022 and last approximately 12 months. Construction of the Class III landfill cell is scheduled to begin in February 2023 and last approximately 12 months. It is anticipated that the US192 Solid Waste Management Facility will be ready to accept Class III waste by January 2024. Staff and the consulting team are aggressively attempting to accelerate this schedule whenever and where ever reasonably possible. An example of this effort was recently approved by the Board to approve using Public Works Road and Bridge Construction to construct the driveway and other infrastructure for the landfill associated with improvements in US 192.

This schedule is recommended by staff because the efforts to extend the life of the Sarno Landfill by diverting some of the waste streams to the CDF Class I facility come at a cost to truck the material to the CDF, they are less effective use of the available and more costly Class I landfill space at the CDF, and the operation inside the Sarno transfer station is less efficient. These interim added expenses are costlier than the US192 facility will be when completed, as reported in earlier Board meetings.

To meet the schedule described above and to minimize the referenced costs, Board approval to proceed with construction is needed.

Permits Obtained by Brevard County

FDEP Solid Waste Construction Permit

FDEP Solid Waste Operation Permit

FDEP Environmental Resource Permit

Army Corps of Engineers Environmental Resource Permit

Federal Aviation Administration Permits

Florida Department of Transportation Drainage Connection Exemption

Permits Applied for and Pending Approval

Florida Department of Transportation Driveway Improvement Permit (August 2021)

Brevard County Site Plan Approval (October 2021)

Applications Forthcoming

FDEP NPDES Permit (not necessary for construction, just operation of constructed facility)

Option 2: Other direction by the Board.

Attachments:

March 23, 2019 Florida Recyclers Report

April 4, 2019 US192 Project History Report

January 5, 2021 Report to the Board containing information obtained while investigating the potential acquisition of the Florida Recyclers (Melbourne Landfill) facility

January 12, 2021 Cost Comparison Options

Clerk to the Board Instructions:



Solid Waste Management Department

2725 Judge Fran Jamieson Way

Building A, Room 118


Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS


Inter-Office Memo

DATE: April 4, 2019

TO: Board of County Commissioners

THROUGH Frank B. Abbate, County Manager 

THROUGH: John P. Denninghoff, Assistant County Manager
Development and Environmental Services Group 

FROM: Euripides Rodriguez, Department Director, CIA
Solid Waste Management Department 

SUBJECT: US 192 Future Landfill Site Project History Report

This project conceptually started in 1982 with a report which stated that while the existing solid waste disposal system was in mechanically good shape, an expensive program of rehabilitation, repair, replacement (RRR), and expansion would soon be needed to maintain the level of service. The option to identify and consider a south county waste facility was undertaken as such a facility would have postponed or eliminated some of the above referenced RRR projects. Early on in the process of evaluation, one plan of action that was pursued was to build a class I landfill. This plan however, evolved over the years as the project for a new facility has been postponed.

The Brevard County Solid Waste System has two different types of landfills, a Class I landfill located near the City of Cocoa and a Class III landfill located in the City of Melbourne. A Class I landfill is permitted to receive regular garbage (municipal solid waste or MSW) and Class III waste. A Class III landfill can only accept waste such as yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Florida Department of Environmental Protection (FDEP), that are not expected to produce leachate that poses a threat to public health or the environment.

Landfills have a limited life which is calculated in a manner that takes into consideration various factors. Landfill life is measured in terms of the cubic yards of volume remaining to the build out of the landfill to the FDEP approved design, and then converted to years of life. This calculation takes into consideration the estimated population projections and can be influenced by the state of the economy and any natural disasters that can use the remaining capacity at rates different than projected. These calculations are updated every year as part of the Financial Responsibility Closure and Long-Term Care Cost Estimates provided to FDEP. The estimated permitted life is less than one year for the Class I (Slurry Wall) landfill, five years for Cell 1 of the South Landfill at the Central Disposal Facility and either one year (without City of

Melbourne height variance) or four years (with height variance) for the Class III facility as of the report dated August 2018. The Class I facility has an expansion area that is estimated to add thirty more years of disposal capacity.

Sarno Road Landfill (Class III) is limited by FDEP permit and the FAA to a buildout height of 104 feet. The City of Melbourne currently limits the height of the Sarno Landfill to 40 feet in the northern expansion area. These limits restrict the life expectancy of the landfill. To avoid added costs associated with transporting waste to the Class I landfill or out of county, one option would be for the County to have a replacement Class III site built at least one year prior to the closure of the existing Sarno site. In order to stay within this timeline our staff met with the City of Melbourne staff on February 21, 2019 to inform them of our intension and to discuss the proper procedure to follow. After obtaining all the required engineering documentation staff will submit the request this month, City staff will present the variance request to the Council the following month. It is important to emphasize that it is not only the landfill that will run out of space, but the yard waste, tires and metal goods that are currently handled on the top of the landfill will no longer have the area necessary to process without the City height variance being granted. The area needed to process these materials is currently on the top of the landfill; these materials have to be moved continuously in order to finish the filling sequence. This has created an operational problem since the area to move the materials are constantly being diminished in size and containment berms have to be constructed with every move.

Alternative Site Studies

Throughout the years, several alternative site studies and various types of other studies have been undertaken regarding the US 192 Site, as well as studies for disposal alternatives for the South Brevard Service Area. As part of the current permitting requirement, the Department commissioned an updated alternative site study.

The types of constraints listed below were considered in the alternatives analysis undertaken and the current analysis. They have been grouped into several major categories, based on regulatory and other requirements:

1. FDEP Rules 62-701.300 and 62-701.320, F.A.C., collectively provide that a landfill may not be placed within the following areas:
 - Within 500 feet of an existing or approved potable water well or within 1,000 feet of a potable water well serving a community water supply system.
 - Within 200 feet of contiguous wetlands or contiguous surface waters, other than those constructed for the project.
 - Within 3,000 feet of a Class I surface water.
 - Within an area subject to frequent or periodic flooding.
 - Within a sinkhole-prone area.
 - Within any area open to public view from any major thoroughfare without proper screening.
2. Brevard County Land Use Requirements.

3. **Neighborhood Community Acceptability Requirements:** As a practical matter, a new landfill must be located in an area where its impacts on local residents are minimized. The following requirements were utilized to ensure that the practicable alternatives would have minimal impacts on neighboring areas:
- Landfill site should be in an area with a population density of ten or fewer persons per square mile.
 - Landfill site restricted to areas where surrounding land uses and planned uses are compatible.
 - Within any area open to public view from any major thoroughfare without proper screening.
4. **Economic Practicability Requirements.** A landfill must be located where its use is economical and practicable. Several requirements were imposed to assure that the site would be viable:
- The primary haul route must be a highway built to handle commercial truck traffic (trucks weighing 80,000 lbs.), and the landfill footprint must be within a reasonable distance from that highway. The primary haul route must be able to handle heavy truck traffic. Further, the haul route must be reasonably accessible to the landfill footprint. By minimizing the amount of new roadway that needs to be built to reach the landfill, the County can minimize the environmental impacts associated with the construction of an access road. Accordingly, the footprint of the landfill was restricted to being within three miles of major highways.
 - The site should minimize, to the extent feasible, the distance from the population to be served and the solid waste transfer stations in Brevard County. This criterion is intended to minimize fossil fuel use, wear and tear on roadways, the cost of hauling solid waste, air pollution from vehicles, and the number of homes and businesses that the trucks must pass.
5. **Environmental Practicability Criteria.**
- Adequate uplands (i.e., at least 600 contiguous acres in a simple configuration) must exist outside of the FEMA 100-year floodplain.
 - The footprint of the landfill (600 contiguous acres) must be outside of the 100-year flood zone (FEMA Zone AE).
 - Undisturbed uplands should be avoided.
 - Critical listed species' habitats should be avoided.
 - Areas within or immediately adjacent to county and state-owned conservation lands were eliminated. The specific requirement was that the landfill footprint be at least one mile from conservation lands.
 - Construction of the landfill should not impact a significant historical or archeological site.
 - The site should be more than five miles from any airport. Under FDEP Rule 62-701.320(13), F.A.C., an applicant must notify the FAA and the Florida Department of Transportation if a proposed solid waste management facility will be located within five miles of the end of an airport runway. Consistent with FAA Advisory Circular

150/5200-33, the FAA opposes the construction of Class I landfills within five miles of the end of an airport runway.

- Areas draining to Class I surface water. Class I surface waters are those used for public water supply. Areas within 3,000 feet of Class I surface waters were excluded from consideration.
- Site should be more than two miles from the coastline. This criterion was used to protect the economic and environmental values of coastal areas. It also protects the landfill against potential hurricane storm surges and extreme high winds.
- To further protect the environment, the site was required to have at least 1,000 contiguous acres (minimum 600 acres for the landfill footprint and support facilities). This acreage is minimal both in comparison to other landfills and in terms of Brevard County's preferences. The 1991 Alternatives Analysis was based on a minimum of 1,500 and maximum of 3,000-acre preference of upland habitat (e.g., pasture) where the landfill and supporting services could be developed without directly affecting valuable native uplands. A relatively large site provides a variety of environmental and practical benefits; such as, large on-site buffers, the ability to avoid wetlands and productive upland habitat, and the flexibility to create wetland mitigation areas on the site. Additional evaluations were conducted in 2009 and 2017. With each evaluation, the number of potential sites was reduced. In 1991, four sites were identified that meet all criteria; in 2009 only two sites were identified and one was already approved for a large residential development; in 2017 the same two sites were identified, with the US192 Site being the only County-owned undeveloped site.

The 2017 Alternatives Analysis, performed by Cardno, as part of the permitting process, concluded that the "U.S. 192 Property satisfied all of the screening criteria identified in the 1991 and 2009 Alternatives Analyses, including the FDEP criteria in Chapter 62-701, F.A.C., the Brevard County Land Use Requirements, the Social Acceptability Requirements, the Economic and Practicability Requirements, and the Environmental Criteria. In 2017, the U.S. 192 Property continues to meet those requirements, while all of the other potential sites continue to have one or more fatal flaws...No other site in Brevard County could be reasonably obtained, utilized, expanded or managed to fulfill the basic project purpose while having less adverse impact on wetland ecosystems."

Historical Summary:

The main events in the last twenty-five years regarding a future landfill site are listed below:

- November 30, 1983 - Barker, Osha & Anderson, Inc. (BOA) conducted an "Alternative Sites Evaluation of a South County Processing & Disposal Facility" that had, as a first selection, a site south of US 192 adjacent to the west line of Brevard County. Two years after that, the statute that administers the solid waste facilities was amended to prohibit the construction of a landfill within 3,000 feet of a class I surface water. This site was located within the prohibited distance and had to be eliminated from consideration.

- September 15, 1986 - In view of that prohibition, the study dated November 30, 1983 was updated to consider the new requirement and changed the selection to a site north of US 192 adjacent to the Osceola County line. This site (the current US 192 Site) was recommended by BOA for further evaluation.
- April 14, 1987 - BOA completed an updated Alternative Site Evaluation taking into consideration the impact of the rule changes. The conclusion of this study was that the current US 192 Site was the first "candidate" for a future south county solid waste facility.
- 1988 - The Solid Waste Management Department applied for a permit to build a Class III landfill at the US 192 Site. The Florida Department of Environmental Protection gave "Notice of Intent to Issue" (the permit); but, Brevard County withdrew the application. One reason was that Brevard County did not own the site at that time.
- June 1991 - BOA and Camp, Dresser & McKee, Inc. (CDM) conducted a (second) Alternative Site Study. After the publication of this study, the County started proceedings for the purchase of the US 192 Site. The property was purchased by a stipulated settlement with the owner, under threat of condemnation. Shortly after that, the engineering work started on permitting the site as a Class III landfill.
- January 5, 1993 - A Budget Change Request was sent to the Board to transfer monies from operating to capital to continue to pay for engineering services on the US 192 Project. After much discussion and a motion to stop the work for 90 days, a decision was made to table the item for two weeks.
- January 19, 1993 - The Budget Change Request was approved and discussion followed regarding entering into conversations with Deseret and Osceola County to establish a joint facility west of the current facility, with the understanding that if nothing was resolved, the County would go back to the original site. This motion was approved.
- January 18, 1995 - There was a joint meeting with the Osceola County Commission to discuss a regional approach to solid waste disposal; but, to the best of my knowledge, no decision was ever made on this idea. Sometime later Osceola County decided to approve the development of a private landfill to take care of their solid waste needs.
- January 9, 1996 - The Board of County Commissioners approved initiating a Request for Proposal regarding "Solid Waste Disposal Services within the South Brevard Disposal Area".
- May 21, 1996 through September 17, 1996 - The Board did not select any of the proposals submitted.
- October 8, 1996 - The Board directed the Solid Waste Management Department to work with Deseret on identifying a site suitable for exchange with the US 192 Site and for Deseret personnel to enter into conversations with Osceola County if a suitable site was identified. No suitable site was selected.
- 2005- 2006 - During various workshops, the Board received a presentation by the engineering firm of S2Li demonstrating a difference of \$100 million in a twenty-year period between developing the US 192 Site and shipping the waste to a facility located in Osceola County. The Board gave instruction to the Solid Waste Management Department to pursue the least costly option. As such, the development of the US 192 Site as a solid waste facility was pursued. The US 192 site was determined to be the lowest cost option at a savings of \$100,000,000 in comparison with taking the Class III waste to the JED landfill located in Osceola County.

- 2009 – As part of the permitting efforts, Entrix conducted an alternative Site Analysis and concluded that the best site for a solid waste facility in the south end of the county would be the US 192 Site.
- 2009 – Solid waste construction and operation permit and Environmental Resource Permit (ERP) applications for the US 192 Site submitted to FDEP.
- 2011 – The solid waste construction and operation permit for Cell 1 of the Class III landfill on the US 192 site was issued by the FDEP.
- 2014 – Biological Opinion issued by the US Fish and Wildlife Service which did not find any nesting Caracara and advised some restriction during construction to protect indigo snakes and caracaras if encountered during these activities.
- January 15, 2016 – FDEP issues Notice of Intent to Issue Environmental Resource Permit (ERP). However, the permit issuance is pending issuance of the Army Corps of Engineers ERP.
- March 3, 2016 – The Board conducted a Landfill and Budget Workshop. No motion was made in regards to the development of US 192.
- November 21, 2016 – FDEP renews the solid waste construction and operation permit for Cell 1 of the Class III landfill on the US192 Site.
- February 7, 2017 – A settlement Agreement is signed between Farmland Reserve, Inc. (DBA Deseret Ranches of Florida), Deer Park Ranch, Ltd. and Brevard County regarding Deseret and Deer Park's petition for an Administrative Hearing in which they challenged the Florida Department of Environmental Protection's decision to issue a Construction Permit and a Conceptual Permit to Brevard County. The following are relevant points in the agreement:
 1. The Florida Department of Environmental Protection issued a revised Construction Permit based on the agreement.
 2. The County committed to not seek a Class I landfill on the US 192 site before 2036 unless the Central Disposal Facility used the airspace. There are notifications that are required if this happens.
 3. The County committed to build a fence separating an area to the north of the property and continue to lease it to Deseret.
- In exchange for these and other commitments in the agreement, Deseret and Deer Park each agreed to not oppose the issuance of any permit regarding a construction of a Class III facility on the site.
- August 2017 – As part of the permitting process, Cardno, Inc. conducted an Alternative Analysis to reconsider potential alternative landfill sites. The analysis concluded that the US 192 Site is the only practicable alternative.
- August 22, 2018 – Final response to Request for Information submitted to the Army Corps of Engineers.
- March 15, 2019 – The Army Corps of Engineers issued a draft permit for US 192 and staff has 30 days in which to request changes in the draft permit. The draft has been reviewed by Staff and the consultants and no objections to the permit are deemed to be needed. The Army Corps permit next step is for staff to sign or execute the permit. No time constraints are associated with the signing by staff of the permit.
- Ongoing – Assuming the County executes the Army Corps permit, the next steps are to apply for a Florida Department of Transportation permit for the entrance, local permits and the FAA permit. These permits are not expected to be especially difficult to obtain and may require about six months. Once these permits are obtained the County could start site construction which is expected to take two years for the Class III landfill

Cost Incurred

In October 24, 1991 the county acquired the current US 192 site under the threat of condemnation at a cost of \$8,250,000 for the 2,980.38 acres. The following is a summary of the cost associated with the acquisition and the first attempt for permitting the site, along with the permitting efforts that have been undertaken.

Acquisition	\$ 8,250,000.00
Defendant Attorney Fees	1,080,098.00
County Attorney Fees	<u>717,608.51</u>
Initial Acquisition Cost	\$10,047,706.51
Initial Permitting Process	1,404,707.02
Current Permitting Process	<u>12,727,545.73</u>
Total Cost Incurred	\$24,179,959.26

Recent Developments

During the 2006 workshops with the Board of County Commissioners, the engineering consultants (S2L, Inc.) presented a report (see attached) titled: "Master Planning and Feasibility of the US 192 Site" dated February 3, 2006, which demonstrated a cost differential between developing the US 192 Site and sending the waste to the JED Landfill in Osceola was \$100,000,000 for a 25 year period of time (in favor of developing the US 192 Site).

On this basis, the Board at that time authorized the Solid Waste Management Department to seek the permits needed to develop the US 192 site. In 2009 a solid waste permit was applied for and the three requests for additional information have been received and responses were submitted. The solid waste permit was received From FDEP in 2011 and renewed in 2016. In addition, the FDEP has issued an initial Intent to Issue an ERP. The permit is contingent upon issuance of an ERP by the Army Corps of Engineers, which has issued a draft to the permit as of March 15, 2019.

Alternatives

Throughout the years the County has looked at various alternatives to the use of US192. The Central Disposal Facility was expanded and an expansion area was created to the south of the slurry wall landfill to serve the future needs for class I disposal. This area commenced receiving materials in cell 1 and with additional cells to be built in the future will serve as the main depository for municipal solid waste for an expected thirty years. The Sarno Road Transfer Station was replaced in 2004 to provide a collection point to deliver the municipal solid waste to the Central Disposal Facility. These additions to the system will take care of class 1 needs for several decades.

The Sarno Road Landfill, which serves as the depository for class III materials in the south area of the county, was redesigned and expanded. The road serving the landfill was moved to an area that allows improved use of the airspace. The terraces were eliminated and the

slopes were steepened to provide more airspace without affecting the footprint of the landfill. With the south class III airspace not sufficient to meet the timeline needed for the US 192 project, the stormwater system was redesigned. A stormwater lake to the north was greatly reduced in size by expanding the capacity of the lake in the south and redirecting the flow of stormwater to take advantage of the increase capacity. This allowed the landfill to expand its footprint to the north by ten acres. This area is limited to a height of 40 feet by the City of Melbourne. Staff received the draft application from our engineers on April 2, 2019 and will be applying for height variance and life extension from the City of Melbourne on April, 2019. The request for the variance is expected to be presented to the City of Melbourne Council during May. This height variance will give us about four more years of capacity.

In 2005 the Board reviewed a report examining the possibility of sending the materials to the JED Landfill in Osceola County and building a disposal site on the US192 property. This comparison was updated in 2016 and there was a difference between both options of approximately \$27,000,000 over a 25 year period with the US 192 being the less expensive option. This differential could be greater today because of the increase tonnage being received at the Sarno Road Landfill.

Also during 2016 Staff examined the option of the department hauling the class III materials to the Central Disposal Facility. At that time it was concluded the landfill at the Central Disposal Facility would lose about thirty percent of its life based on the tonnages being received at that time. A yard waste facility for the south end of the county would have to be constructed as well as a citizen drop-off center to keep the residents from having to use the transfer station to drop off their waste. This is a safety measure to avoid mixing commercial traffic with residential traffic. The transfer station would need to be "hardened" in order to receive a type of waste that is more abrasive than municipal solid waste. Transporting class III material would entail expanding our transportation fleet by at least six employees (depending on the waste stream), adding six over the road tractors (\$800,000) and an equivalent number of trailers with two additional spares (\$460,000). Other capital expenditures such as hardening the transfer station, building a yard waste area and a citizen drop off center would have to take into account the estimated tonnage, land available to be able to estimate the construction cost.

It is important to note that landfill life expectancy forecasts have been extremely inaccurate over time due to many variables that must be estimated in that process. Some of these variables are the economy, construction activity, and the number of and the severity of hurricanes. Thus, even when these estimates come from experienced consultants they often prove to be significantly "off", either high or low.

Staff has also presented to the Board via a Report the possibility of expanding Sarno through the purchase of the Florida Recyclers Landfill located to the north of our landfill. The report contains the details known up to this point regarding that alternative.

Additionally, the Board directed staff to develop a Request for Proposals regarding new technology that may help in the Sarno situation. We have contracted with an engineering firm that is preparing a draft request. This was received by staff on March 30, 2019 and will be reviewed in the next week. After proper review, including Board review of the draft RFP, staff will proceed to advertise for this technology.

In conclusion, the current status is that staff has obtained a construction permit from FDEP for class III landfill, the Environmental Resource Permit was submitted to FDEP and issuance is pending the USACOE's similar permit. The draft of this permit was received on March 15, 2019 and was reviewed by our engineers as well as our staff. The USACOE regulation allows us 30 days in which to submit changes to the draft, which staff does not have any changes, and there is no definite time in which staff has to sign the permit accepting the same unless the Board provides an alternative direction.

To ascertain the Board's interest in further discussion on the items discussed herein, the County Manager will be seeking Board direction during his report at the April 9th Board meeting on whether the Board would like an agenda item or Board workshop scheduled on this report.



RECEIVED

October 27, 2021

NOV 02 2021

*Solid Waste Management
Department*

MEMORANDUM

TO: Tom Mulligan, Solid Waste Management Director

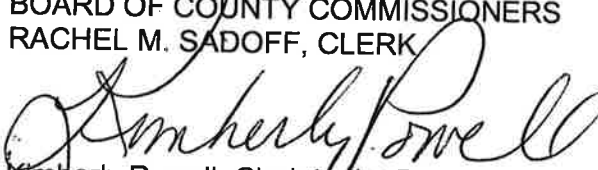
RE: Item F.11., Solid Waste Hauling Services for Class I and Class III Solid Waste from Sarno Road Transfer Station and the Sarno Road Class III Landfill to the Central Disposal Facility Competitive Solicitation and Contract

The Board of County Commissioners, in regular session on October 26, 2021, authorized you to develop, advertise, and award a competitive solicitation for Class I and Class III Solid Waste Hauling Services from Sarno Road Transfer Station and the Sarno Road Class III Landfill to the Central Disposal Facility; authorized the Chair to execute any subsequent contract(s), contract amendments, contract renewals, and any necessary contract extensions, upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services; and authorized the County Manager to approve any necessary Budget Change Requests.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/cld

cc: County Manager
County Attorney
Risk Management
Purchasing
Budget
Finance



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

ELIMINATING AMONGS OVER
A CERTAIN VOLUME? ←

F.11.

10/26/2021

Subject:

Solid Waste Hauling Services for Class I and Class III Solid Waste from Sarno Road Transfer Station and the Sarno Road Class III Landfill to the Central Disposal Facility Competitive Solicitation and Contract

PROBABLY
JUST WM

Fiscal Impact:

Approximately \$750,000.00 per year (will vary due to need and waste amounts)

Dept/Office:

Solid Waste Management Department

Requested Action:

It is requested that the Board of County Commissioners:

- Authorize the Solid Waste Management Department to develop, advertise, and award a competitive solicitation for Class I and Class III Solid Waste Hauling Services;
- Authorize the BoCC Chair to execute any subsequent contract(s), contract amendments, contract renewals, and any necessary contract extensions upon review and approval by the County Attorney's Office, Risk Management, and Purchasing Services;
- Authorize the County Manager to approve any necessary budget change requests.

Summary Explanation and Background:

In order to extend the life of the Sarno Road Landfill, select Class III waste is being diverted from disposal in the landfill and routed through the transfer station to be disposed at the Central Disposal Facility. In addition to the diverted Class III waste, there has been an approximately 10% increase in the volume of Class I waste being disposed at the Sarno Road Transfer Station from 2020 to 2021. This increase in waste requires a temporary expansion of the existing County transfer fleet through the use of a contracted waste hauler. The temporary use of a contracted waste hauler for Class I waste from the transfer station will account for the time between advertising a bid for the purchase of additional semi-trucks to expand the County transfer fleet and the receiving of those trucks for County use.

While a replacement Class III landfill is being constructed at the US192 Solid Waste Management Facility, there is a potential that the replacement landfill will not be available to receive waste before the Sarno Road Landfill reaches full capacity. Once the Sarno Road Landfill reaches full capacity, Class III waste brought to the facility will require transloading and hauling to the Central Disposal Facility. Due to the nature of the Class III/Construction and Demolition waste, the transfer station cannot be used for this transloading. Transloading will take place by transferring the Class III waste unloaded on the top deck of the landfill to the transfer trailers of the contracted waste hauler and hauling it to the Central Disposal Facility.

Based on the information above, it is requested the Board approve the requested actions Solid Waste

Hauling Services for Class I and Class III Solid Waste from Sarno Road Transfer Station and the Sarno Road Class III Landfill to the Central Disposal Facility.

Clerk to the Board Instructions:

None

collection point within seventy-two (72) hours of notice by the customer or the Director to the CONTRACTOR, excluding weekends and legal holidays.

The County's Solid Waste Disposal Facilities include:

- a) Central Disposal Facility (CDF), 2250 Adamson Road, Cocoa, FL
- b) Mockingbird Way Mulching Facility, 3600 South Street, Titusville, FL
- c) Titusville Transfer Station, 4366 South Street, Titusville, FL
- d) Sarno Road Transfer Station & Landfill, 3379 Sarno Road, Melbourne, FL

Additional facilities may be added or deleted at the discretion of the Director.

6. Rates for the collection of commercial special collection solid waste shall be negotiated between the customer and the CONTRACTOR.

7. The CONTRACTOR shall be prepared to provide all commercial containers required for the collection of solid waste within the service area and shall maintain such containers in a clean and operable condition including an acceptable appearance according to standards maintained from time to time by the Director. The CONTRACTOR shall provide at a minimum, containers of two (2), three (3), four (4), six (6) and eight (8) cubic yards for use as commercial containers.

8. The CONTRACTOR shall pick up and deliver to a solid waste disposal facility without charge to the COUNTY, all solid waste contained in up to twenty (20) garbage receptacles, placed by the COUNTY at roadsides within the subject collection area at least two (2) times per week, or more often if necessary to insure sanitary conditions. The COUNTY shall provide the CONTRACTOR, in writing, with the location of said garbage receptacles. The COUNTY reserves the right to increase said number of garbage receptacles by twenty percent (20%) without charge. The COUNTY shall have the right to use either the regular commercial type trash cans with covers or fifty-five (55) gallon cans, or both, for use by the public.

B. RECYCLING

1. CONTRACTOR is hereby granted an exclusive franchise to perform curbside recycling collection services for residentially zoned property within the service area.

2. The CONTRACTOR shall develop, with COUNTY approval, practical procedures and a collection schedule for the inclusion of all multi-family residences in the recycling program. Further, the CONTRACTOR shall assist the COUNTY in the implementation of Commercial Recycling Program, for commercial establishments and businesses.

3. The Commercial Recycling Program shall not be exclusive to the CONTRACTOR. Sections 403.7046 and 403.713, Florida Statutes, prohibit local governments from restricting the flow of recovered materials for recycling. The collection, transport, and disposal of certain recovered materials for recycling from commercial establishments and businesses shall be an "open market" and non-exclusive to the CONTRACTOR.

BREVARD COUNTY SOLID WASTE MANAGEMENT DEPARTMENT



FIVE YEAR CAPITAL IMPROVEMENT PROGRAM

- CAPITAL IMPROVEMENT PROJECTS
- EFFECTS OF GROWTH, INFLATION, AND CONSTRUCTION COSTS
- FUNDING NEEDS
- IMPACT OF THE CONSUMER PRICE INDEX ON DISPOSAL ASSESSMENT
- BOARD CONSIDERATIONS

Solid Waste Management Department: Disposal



In April 2021 the Solid Waste Management Department conducted a financial analysis for the Department's future budget/funding projections. The following five-year Capital Improvement Program projects were included in the analysis:

APRIL 2021 FORECAST

PROJECT	APRIL 2021 COST ESTIMATE
CDF Cell 1 Gas Header	\$2,000,000
CDF Gas System Expansion	\$2,000,000
US192 Facility	\$38,000,000
Titusville Transfer Station	\$10,400,000
CDF Cell 2	\$25,000,000
CDF Cell 3	\$30,000,000

Solid Waste Management Department: Disposal



UPDATED FORECAST, JANUARY 2022

- Capital Improvement Program project costs adjusted due to rising inflation and related construction cost increases.
- Schedule for CDF Cell 3 construction advanced from FY2027 to FY2025 due to:
 - Increase in incoming waste stream.
 - Anticipated impact of Sarno Road Landfill reaching full capacity by November 2022.

Solid Waste Management Department: Disposal



FIVE-YEAR CAPITAL IMPROVEMENT PROJECT FUNDING NEEDS

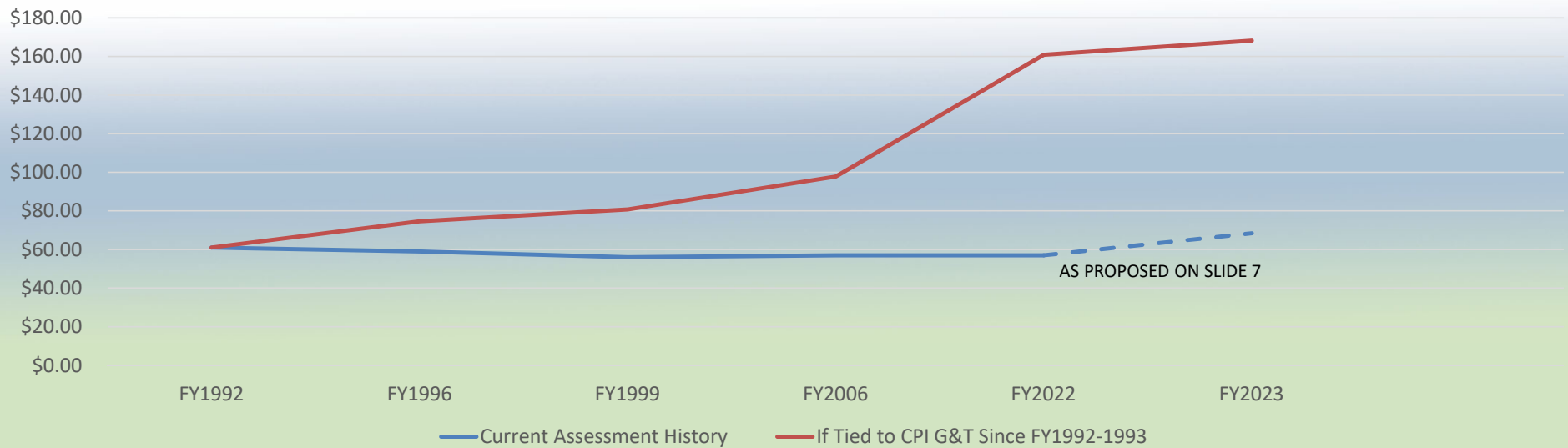
PROJECT	APRIL 2021 FORECAST	JANUARY 2022 FORECAST	AVAILABLE FUNDING FY2022	AVAILABLE FUNDING FY2023-2027	OUTSTANDING FUNDING NEEDED
CDF CELL 1 GAS HEADER	\$2.0M	\$1.55M *	\$1.55M	NA	NA
CDF GAS SYSTEM EXPANSION	\$2.0M	\$2.0M	\$0.0M	\$2.0M	\$0.0M
US192 FACILITY	\$38.0M	\$55.0M	\$3.0M	\$7.5M	\$44.5M
TITUSVILLE TRANSFER STATION	\$10.4M	\$12.0M	\$1.0M	\$2.0M	\$9.0M
CDF CELL 2	\$25.0M	\$34.0M	\$16.0M	\$0.0M	\$18.0M
CDF CELL 3	\$30.0M	\$43.0M	\$0.0M	\$9.5M	\$33.5M
TOTAL	\$107.4M	\$147.55M	\$21.55M	\$21.0M	\$105.0M
		+37.4%			

* \$450,000.00 expended for ongoing Cell 1 Gas Header construction project in FY2021

Solid Waste Management Department: Residential Disposal



IMPACT OF CPI G&T* ON DISPOSAL ASSESSMENT



* Consumer Price Index for Garbage & Trash

Solid Waste Management Department: Disposal



IMPACT OF CPI G&T ON DISPOSAL ASSESSMENT

Disposal Assessment	FY 1991-1992	FY 1995-1996	FY 1998-1999	FY 2005-2006	FY 2021-2022	FY 2022-2023
Residential	\$61.00	\$59.00	\$56.00	\$57.00	\$57.00	\$68.40*
Commercial	\$172.28	\$170.28	\$161.62	\$164.51	\$164.51	\$197.41*
		-3.28%	-5.08%	+1.79%	0%	+20%
<u>With CPI G&T Applied Annually Since FY 1992-1993</u>						
Residential	\$61.00	\$74.63	\$80.79	\$97.81	\$160.83	\$168.23
Commercial	\$172.28	\$210.76	\$228.16	\$276.24	\$454.23	\$475.12
		22.34%	8.25%	21.07%	64.43%	4.55%
*AS PROPOSED ON SLIDE 7 NOTE: TOTAL CHANGE IN CPI G&T FROM FY1993 THRU FY2022: 164%						

Solid Waste Management Department: Disposal



BOARD CONSIDERATION ITEMS

1. Residential and Commercial Disposal Assessment
 - a. Increase of 20%
 - Residential increase from \$57.00 to \$68.40
 - Commercial increase from \$164.51 to \$197.41
 - b. Tie future assessments to Consumer Price Index for Garbage & Trash
2. Authorize Staff to Research the Most Efficient Financing Method for Department's Outstanding CIP Funding Needs
 - a. FY2022: \$65M (US192, Titusville Transfer Station, CDF Cell 2)
 - b. FY2025: \$40M (CDF Cell 3)
3. Authorize Engineering Study Required for Financing

Solid Waste Management Department: Disposal



MARCH 2022

Request authorization
to solicit bids for
printing and mailing of
Public Hearing notices
and for required
engineering study.

MAY/JULY 2022

Public Hearing on solid
waste disposal
assessments.

APRIL/MAY 2022

Notice of Public
Hearing mailed to
Brevard County
residents.

TIMELINE OF 5-YEAR CAPITAL IMPROVEMENT PROGRAM

SOLID WASTE MANAGEMENT DEPARTMENT

CDF Cell 1	Date	Cost
Design and Permitting	9/1/2013	\$ 770,000.00
Construction Start	9/9/2015	\$ 19,854,000.00
Construction Complete	1/31/2017	
Lifespan	7 years	

CDF Cell 2	Date	Cost
Design and Permitting	3/27/2020	\$ 713,000.00
Construction Start	2/1/2022	\$ 34,000,000.00
Construction Complete	5/28/2023	
Lifespan	4.5 years	

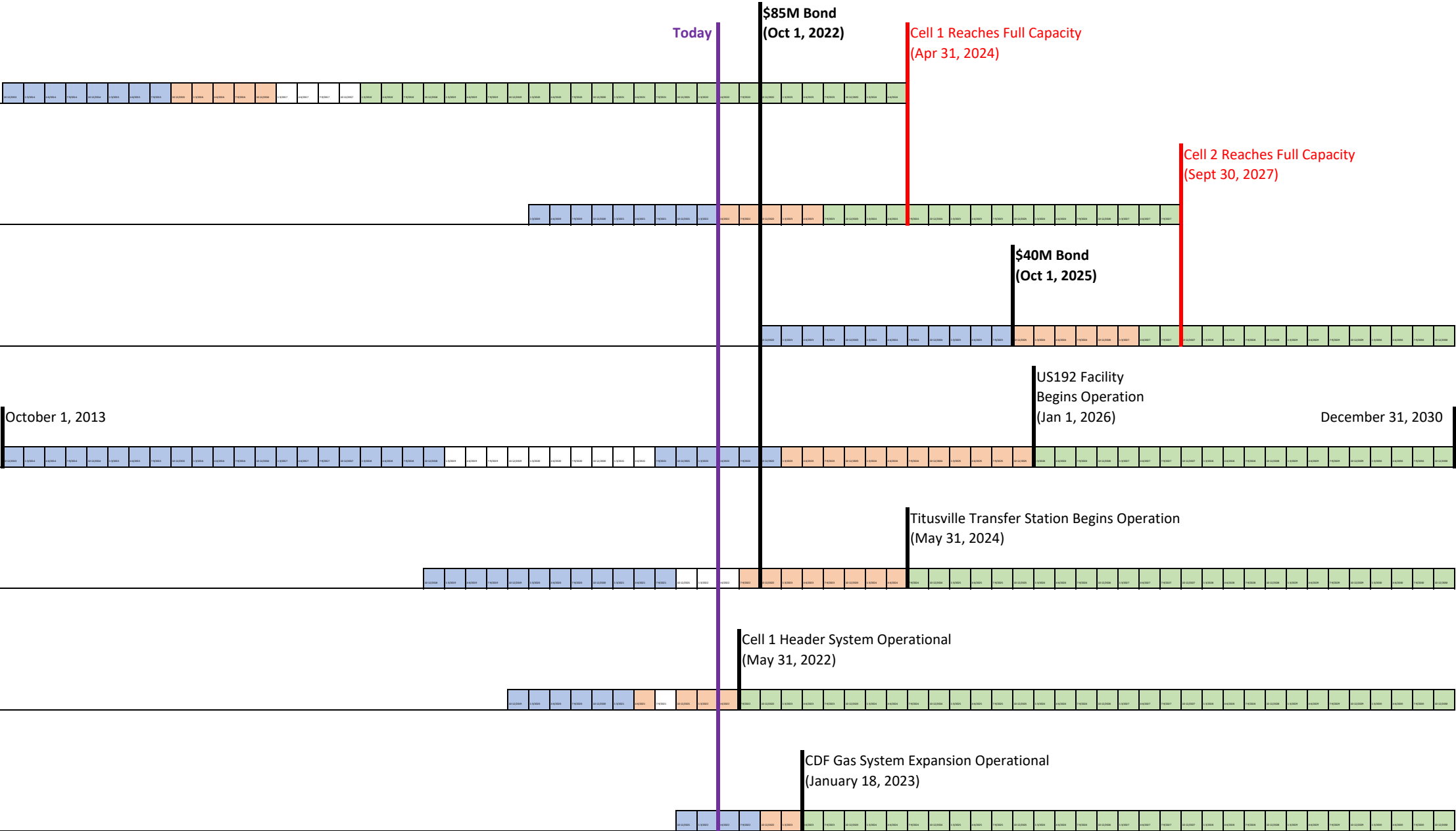
CDF Cell 3	Date	Cost
Design and Permitting	10/1/2022	\$ 1,000,000.00
Construction Start	10/1/2025	\$ 42,000,000.00
Construction Complete	4/1/2027	
Lifespan	9 years	

US192 Facility	Date	Cost
Design and Permitting	10/1/1995	\$ 4,000,000.00
Construction Start	1/1/2023	\$ 75,000,000.00
Construction Complete	12/31/2025	
Lifespan	10 years	

T-ville Transfer Station	Date	Cost
Design and Permitting	10/18/2018	\$ 250,000.00
Construction Start	9/1/2022	\$ 12,000,000.00
Construction Complete	5/31/2024	
Lifespan	40 years	

CDF Cell 1 Gas Header	Date	Cost
Design and Permitting	12/6/2019	\$ 100,000.00
Construction Start	6/1/2021	\$ 1,960,000.00
Construction Complete	5/31/2022	
Lifespan	30 years	

CDF Gas System Exp	Date	Cost
Design and Permitting	10/18/2021	\$ 130,000.00
Construction Start	10/1/2022	\$ 2,000,000.00
Construction Complete	1/18/2023	
Lifespan	30 years	



NOTE: Each square on the timeline represents a 3-month period of January - March, April - June, July - September, or October - December. Areas on timeline with no color indicate a pause in activity.

Solid Waste Management Department: Disposal

FIVE-YEAR CAPITAL IMPROVEMENT PROJECT FUNDING NEEDS

UPDATED MARCH 2022



PROJECT	APRIL 2021 FORECAST	MARCH 2022 FORECAST	AVAILABLE FUNDING FY2022	AVAILABLE FUNDING FY2023-2027	OUTSTANDING FUNDING NEEDED
CDF CELL 1 GAS HEADER	\$2.0M	\$1.55M	\$1.55M	NA	NA
CDF GAS SYSTEM EXPANSION	\$2.0M	\$2.0M	\$0.0M	\$2.0M	\$0.0M
US192 FACILITY	\$38.0M	\$75.0M	\$3.0M	\$14.0M	\$58.0M
TITUSVILLE TRANSFER STATION	\$10.4M	\$12.0M	\$1.0M	\$2.0M	\$9.0M
CDF CELL 2	\$25.0M	\$34.0M	\$16.0M	\$0.0M *	\$18.0M
CDF CELL 3	\$30.0M	\$43.0M	\$0.0M	\$3.0M	\$40.0M
TOTAL	\$107.4M	\$167.55M	\$21.55M	\$21.0M	\$125.0M
		+56%			

* Funds to complete CDF Cell 2 are needed in FY2022-2023

Solid Waste Management Department: Disposal

STAFF'S RECOMMENDED ACTIONS – UPDATED MARCH 2022



BOARD CONSIDERATION ITEMS

1. Residential and Commercial Annual Disposal Assessment
 - a. Increase of 9% in FY2023
 - Residential increase from \$57.00 to \$62.13 annually
 - Commercial increase from \$164.51 to \$179.32 annually
 - b. Increase of 7% in FY2024
 - Residential increase from \$62.13 to \$66.48 annually
 - Commercial increase from \$179.32 to \$191.87 annually
 - c. Increase of 5% in FY2025
 - Residential increase from \$66.48 to \$69.80 annually
 - Commercial increase from \$191.87 to \$201.46 annually
 - d. Annual index of assessments to Consumer Price Index for Garbage & Trash thereafter
2. Authorize Staff to Research the Most Efficient Financing Method for Department's Outstanding CIP Funding Needs
 - a. FY2022: \$85M (US192, Titusville Transfer Station, CDF Cell 2)
 - b. FY2025: \$40M (CDF Cell 3)
3. Authorize Engineering Study Required for Financing

Solid Waste Department Operating Costs for Disposal - 2021

Cost Center	Title	Expensed
351000	Titusville Transfer Station	\$ 398,377.42
351010	Sarno Transfer Station	\$ 888,948.69
351040	Transportation	\$ 1,182,331.92
351200	CDF Household Hazardous Waste	\$ 371,437.19
351210	Sarno Household Hazardous Waste	\$ 206,046.32
351300	CDF Yard Trash	\$ 532,696.82
351310	Sarno Yard Trash	\$ 1,907,620.02
351320	Mockingbird Mulching Facility	\$ 1,343,650.12
351400	Support Services (Environmental & Engineering)	\$ 648,178.85
352000	SW Administration	\$ 2,202,877.51
352001	Human Resources & Safety	\$ 135,143.26
352020	Facilities Maintenance	\$ 661,923.93
352060	Operations Division	\$ 390,961.15
352090	Fleet Maintenance	\$ 3,438,881.28
352120	Customer Service	\$ 369,825.09
352125	Recycling	\$ 172,979.25
740100	Transfers to Other Departments	\$ 1,324,351.22
<i>Subtotal without Landfill Operations</i>		\$ 16,176,230.04
352010	CDF Landfill Ops	\$ 3,198,910.24
352030	Sarno Landfill Ops	\$ 822,122.57
352040	US192 Site	\$ 325,000.00
<i>Total Disposal Operating Cost 2021</i>		\$ 20,522,262.85

2021 Solid Waste Disposed (tons)

Class III and C&D	400,175.00
MSW (garbage)	832,449.00
	1,232,624.00

Current Annual Assessment Per Residential Unit	\$ 57.00
Current Annual Assessment Per Commercial Unit	\$ 164.51

Annual Revenue from Residential Units (2021: 272,915.06 Units)	\$ 15,556,158.42
Annual Revenue from Commercial Units (2021: 56,740.15 Units)	<u>\$ 9,334,322.08</u>

Current Annual Revenue Generated from Assessments **\$ 24,890,480.50**

NOTE: Revenue not used directly for operations goes to capital outlay for equipment replacement, debt service, transfers to other departments, and other costs not shown.

Proposed Annual Assessment Per Residential Billing Unit FY2023 (9% increase)	\$ 62.13
Proposed Annual Assessment Per Commercial Billing Unit FY2023 (9% increase)	\$ 179.32

Proposed Annual Assessment Per Residential Billing Unit FY2024 (7% increase)	\$ 66.48
Proposed Annual Assessment Per Commercial Billing Unit FY2024 (7% increase)	\$ 191.87

Proposed Annual Assessment Per Residential Billing Unit FY2025 (5% increase)	\$ 69.80
Proposed Annual Assessment Per Commercial Billing Unit FY2025 (5% increase)	\$ 201.46

*******NOTICE TO PROPERTY OWNER*******

**Brevard County Board of County Commissioners
Solid Waste Management Department
2725 Judge Fran Jamieson Way, A118
Viera, Florida 32940**

Notice Date: May 27, 2022

John Doe
123 Main Street
Melbourne, Florida 32940

NOTICE OF HEARING ON PROPOSED BREVARD COUNTY SOLID WASTE DISPOSAL ASSESSMENT

Contacts: Brevard County Solid Waste Management Department: (321) 633-2042

Dear Property Owner,

The purpose of this letter is to notify you the County will consider a proposed adjustment to your current Solid Waste Disposal Assessment, included in your 2022 property tax bill or individual invoice, and the calculation for the Solid Waste Disposal Special Assessment on an annual basis going forward. The purpose of the Solid Waste Disposal Assessment is to maintain disposal capacity in Brevard County and support solid waste disposal services.

The Solid Waste Disposal Assessment is collected using the uniform method for the levy, collection, and enforcement of non-ad valorem assessments as set forth in Chapter 197, Florida Statutes. The Solid Waste Disposal Special Assessment is an existing non-ad valorem assessment that is annually assessed on all improved properties in Brevard County. Based upon the proposed adjustment of a 9% increase from the Fiscal Year 2022 disposal assessment, the total annual Solid Waste Disposal Assessment revenue to be collected for Fiscal Year 2022-2023 is estimated to be approximately \$27,123,340.00. Also proposed is a 7% increase in Fiscal Year 2023-2024 from the Fiscal Year 2022-2023 disposal assessment for an estimated revenue of \$29,394,870.00, a 5% increase in Fiscal Year 2024-2025 from the Fiscal Year 2023-2024 disposal assessment for an estimated revenue of \$31,265,660.00, and an annual increase thereafter to the Solid Waste Disposal Assessment equal to the Consumer Price Index for Garbage & Trash Collection in the U.S. city average, all urban consumers (CPI G&T, Series ID CUUR0000SEHG02) averaged from March through February. If approved, the proposed assessment for your property (see details below) starts in the fiscal year beginning October 1, 2022. For each fiscal year after Fiscal Year 2024-2025, the rate will increase by CPI G&T until such time that further action is considered by the Board of County Commissioners.

The amount of Solid Waste Disposal Assessment to be applied against each parcel is based on the property use code designated by the Property Appraiser, billing unit rate based on residential or commercial use, and the number of billing units assigned to the property based on property use.

Site Address or Legal Description:	123 Main Street Melbourne, Florida 32940
Parcel Identification Number:	26-36-XX-XX-X-XX
Tax Account Number:	26XXXXX
Property Use Code:	0110-SINGLE FAMILY RESIDENCE
Billing Unit Rate:	\$57.00
Billing Units within this Parcel:	1.0
Current Disposal Assessment:	\$57.00
Proposed Disposal Assessment FY2023:	\$62.13
Proposed Disposal Assessment FY2024:	\$66.48
Proposed Disposal Assessment FY2025:	\$69.80

	Current Annual Assessment	FY 2022-2023	FY2023-2024	FY2024-2025
Residential Billing Unit	\$57.00	\$62.13	\$66.48	\$69.80
Commercial Billing Unit	\$164.51	\$179.32	\$191.87	\$201.46

If approved by the Board of County Commissioners, the proposed Solid Waste Disposal Special Assessment will be reflected in your 2022 tax bill which is sent in November 2022.

Pursuant to Chapter 197, Florida Statutes, and at the direction of the Brevard County Board of County Commissioners, Notice is given that **the Board of County Commissioners will hold a public hearing at 5:00 p.m. on July 12, 2022** to consider the rates for the Brevard County Solid Waste Disposal Special Assessment. The hearing will be held in the Commission Board Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida 32940. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Board of County Commissioners at the above address within twenty (20) days of receiving this notice. The Solid Waste Disposal Special Assessment will continue annually at the rates established at this hearing until further action of the Brevard County Board of County Commissioners. The Solid Waste Disposal Special Assessment shall appear on the ad valorem tax bill 2022 that is mailed in November 2022 and will be collected by the Tax Collector, or by individual invoice.

Pursuant to Chapter 197, Florida Statutes, we are required to notify you that failure to pay the assessment will cause a tax certificate to be issued against your property and may result in loss of title.

*****THIS IS NOT A BILL*****