



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 1608, **Version:** 1

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### **Subject:**

Permission to authorize the Department Director to execute the attached settlement offer from the Florida Department of Environmental Protection (FDEP) Re: Resolution of Dispute Sarno Road Transfer Station Odors.

### **Fiscal Impact:**

The penalties and reimbursement for expenses total \$750.00.

### **Dept/Office:**

Solid Waste Management Department

### **Requested Action:**

It is requested that the Board of County Commissioners authorize the Department Director (Euripides Rodriguez) to sign the settlement between the Florida Department of Environmental Protection (FDEP) and Brevard County to resolve a compliance dispute regarding odors attributed to the Sarno Transfer Station.

### **Summary Explanation and Background:**

The Solid Waste Management Department operates a transfer station located on Sarno Road that, as part of normal operating procedures, has a misting system that controls odors emanating from the garbage that is delivered to the Transfer Station. On March 17, 2020 FDEP sent the Department a letter in which they alleged their inspectors detected off-site odors for the dates of March 4, 5 and 12, 2020 that they attributed to the Sarno Road Transfer Station. The Department responded in a letter dated March 24, 2020 that on March 4 and 5, 2020 the winds were not in the direction of the locality in which they claimed to have detected the odors from the transfer station and actually they were downwind from the transfer station. Based on the direction of the winds, any odors would not have been emanating from the transfer station. On March 12, 2020 which is the remaining date of the alleged odors the inspectors were on New York Avenue about ½ mile distance from the transfer station with winds of 5 miles to calm during that period of time and the Melbourne Landfill operated by Florida Recyclers was located between the transfer station and the inspectors. On March 13, 2020 we found that two out of four zones in the misting system were not operating correctly. The supervisor on site immediately requested a work order to repair the misting system. Repairs were initiated on March 13 and completed by March 18, 2020.

The Florida Department of Environmental Protection found that the Department “failed to control objectional odors from traveling off site as a result of faulty chemical odor control equipment”.

Based on the violation of the rules alleged by FDEP, they are “seeking \$500 in civil penalties and \$250 for cost and expenses” for a total of \$750.00. By accepting FDEP’s offer the County:

- (1) certify that the person signing the documents is authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent ‘s right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent’s right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department’s (FDEP) right, if any, to recover emergency response related costs and expenses for this matter.

Accepting this offer does not constitute an admission of liability for this violation.

### **Clerk to the Board Instructions:**