



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3074, **Version:** 1

Subject:

Permission to authorize the Department Director to execute the attached settlement offer from the Florida Department of Environmental Protection (FDEP) Re: Department of Environmental Protection v. Sarno Road Landfill.

Fiscal Impact:

The penalties and reimbursement for expenses total \$1,250.00.

Dept/Office:

Solid Waste Management Department

Requested Action:

It is requested that the Board of County Commissioners authorize the Interim Department Director 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 vegetative waste processing operations at the Sarno Road Class III Landfill.

Summary Explanation and Background:

The Solid Waste Management Department operates a Class III landfill located at 3379 Sarno Road, Melbourne Florida. Operations at the Class III landfill include the processing of vegetative waste into mulch for use in weekly cover at the Class III landfill and transport to the Central Disposal Facility for use in daily cover at the Class I landfill. On April 15, 2021 FDEP sent the Department a letter in which they alleged their inspectors detected off-site odors for the date of March 3, 2021 that they attributed to the vegetative processing operations. On May 10, 2021 the Solid Waste Management Department submitted an odor control plan to the FDEP, describing the procedures that had been put in place to avoid offsite "objectionable odors". The FDEP agreed with the plan and issued a Short Form Consent Order on June 10, 2021.

The Florida Department of Environmental Protection found that the Department "failed to control objectional odors from traveling off site as a result of the storage of processed yard trash".

Based on the violation of the rules alleged by FDEP, they are "seeking \$1,000.00 in civil penalties and \$250.00 for cost and expenses" for a total of \$1,250.00. 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: