

**LEE COUNTY, FLORIDA  
EMERGENCY RESOLUTION NO. 22-11-12**

**GULF COAST LANDFILL OPERATIONS  
(Pursuant to Section 252.38(3), Fla. Stat.)**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
LEE COUNTY, FLORIDA RELATING TO THE OPERATION OF THE  
GULF COAST LANDFILL OPERATIONS IN RESPONSE TO  
HURRICAN IAN.**

**WHEREAS**, Florida Governor, Ron DeSantis, issued Executive Order Number 22-219 on Saturday, September 24, 2022, declaring a State of Emergency for the State of Florida for sixty (60) days in anticipation of Hurricane Ian; and

**WHEREAS**, the Board of County Commissioners of Lee County, Florida declared a State of Local Emergency on September 26, 2022, in anticipation of the impacts of Hurricane Ian, Emergency Resolution No. 22-09-31, pursuant to Chapter 252, Florida Statutes and Lee County Ordinance 87-01; on October 3, 2022, the State of Local Emergency was extended pursuant to Lee County Ordinance 87-01, Emergency Resolution No. 22-10-02; on October 10, 2022, the State of Local Emergency was extended pursuant to Lee County Ordinance 87-01, Emergency Resolution No. 22-10-06; on October 17, 2022, the State of Local Emergency was extended pursuant to Lee County Ordinance 87-01, Emergency Resolution No. 22-10-07; on October 24, 2022, the State of Local Emergency was extended pursuant to Lee County Ordinance 87-01, Emergency Resolution No. 22-10-19; and on October 31, 2022, the State of Local Emergency was extended pursuant to Lee County Ordinance 87-01, Emergency Resolution No. 22-10-19 to continue post disaster recovery; and

**WHEREAS**, Florida Statutes Section 252.38(3)(a)(5) provides authority for political subdivisions to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

**WHEREAS**, Florida Statutes Section 252.38(3)(a)(5) provides authority for political subdivisions to waive the procedures and formalities otherwise required of political subdivisions pertaining to the performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

**WHEREAS**, In the aftermath of Hurricane Ian, there are millions of cubic yards of hurricane debris on the ground in Lee County, and

**WHEREAS**, Restoration following Hurricane Ian requires efficient and timely collection, transport, and a viable disposal solution for the millions of cubic yards of debris; and

**WHEREAS**, Lee County's current open disposal sites are operating beyond capacity with wait times approaching several hours for trucks to offload debris. This is delaying efficient debris removal in local neighborhoods; and

**WHEREAS**, the Gulf Coast Landfill has current solid waste and environmental permits for operation of the Landfill; and

**WHEREAS**, the operation of the Gulf Coast Landfill will provide for the rapid and orderly restoration and rehabilitation of property affected by Hurricane Ian because its location minimizes travel distance for debris-hauling trucks; and

**WHEREAS**, the operation of the Gulf Coast Landfill will permit the County to promptly and efficiently respond to and recover from the devastation of Hurricane Ian; and

**WHEREAS**, the operation of the Gulf Coast Landfill will provide an adequate response to preserve the health, safety, and welfare of persons and property affected by Hurricane Ian; and

**NOW, THEREFORE, IT IS RESOLVED** this 1<sup>st</sup> day of November 2022, that, notwithstanding any law or regulation to the contrary, the Gulf Coast Land Fill shall be immediately reopened for operation as a waste facility to provide for the rapid and orderly restoration and rehabilitation of Lee County property affected by Hurricane Ian.

The Lee County Manager, or his designee, is hereby authorized to complete all steps and take all actions necessary to open the Gulf Coast Land Fill for operation to receive storm debris from property affected by Hurricane Ian.

Operation of the facility will be limited as follows:

1. Opened for the limited purpose of receiving construction and demolition storm debris from Hurricane Ian only.
2. Operations shall terminate no later than 30 days from the expiration of the State of Local Emergency, or further Order of Lee County, Board of County Commissioners.
3. Operation of the facility will be conducted by Waste Management.
4. Vehicle access to the facility must utilize the current Gulf Coast Landfill access road off State Road 82 and may not utilize Gateway Boulevard.

5. Only construction and demolition storm debris from Hurricane Ian may be brought to the facility. No municipal solid waste may be taken to the facility.
6. Debris will be accepted during daylight hours only, 7 days a week.
7. Once operations cease, the facility will be capped and closed in accordance with all applicable County, State, and Federal requirements.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision to reopen the Gulf Coast Landfill, as authorized under §252.38, Florida Statutes.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By:   
Chair or Designee

ATTEST:  
KEVIN C. KARNES, CLERK

By:   
Deputy Clerk

11:30 A.M.  
(Time)

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY:

By:   
Office of the County Attorney

