



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

NOTICE OF PERMIT

June 2, 2022

E-mail

dwhitehead@leegov.com

In the Matter of an
Application for Permit by:
Mr. Douglas Whitehead
Lee County Solid Waste Department
10500 Buckingham Road
Fort Meyers, Florida, 33905

Lee/Hendry
WACS # 74766
Lee Hendry Regional Solid Waste Disposal
Facility

Attention: Mr. Douglas Whitehead

DEP File Nos: 0130719-024-SC-01

Enclosed is Permit Number 0130719-024-SC-01 to construct Phase III (Cells 11 and 12) and future Cells 13 through 18 at the Lee Hendry Regional Solid Waste Disposal Facility, issued pursuant to Section 403.061(14) and 403.707, Florida Statutes.

NOTICE OF RIGHTS

Judicial Review

Upon issuance of this final permit, any party to this order has the right to seek judicial review of it under Section 120.68, F.S. by the filing of a notice of appeal under Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days after this order is filed with the Clerk of the Department.

EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kimberly A.
Walker

Digitally signed by Kimberly A.
Walker
Date: 2022.06.02 13:18:11 -04'00'

Kimberly A. Walker, Program Administrator
Permitting and Compliance Assistance Program

Attachment(s):

1. Permit No. 0130719-024-SC-01

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Rebecca Rodriguez, P.E., Lee County	RRodriguez2@leegov.com
Linda Braam, Lee County	LBraam@leegov.com
Keith Howard, P.E., HDR	Keith.Howard@hdrinc.com
El Kromhout, P.G., FDEP	Elizabeth.Kromhout@FloridaDEP.gov
Renee Kwiat, FDEP	Renee.Kwiat@FloridaDEP.gov
Peter Latham, Latham, Luna, Eden and Beaudine	platham@lathamluna.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Tamela Starling
Clerk

6/2/2022
Date



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

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Shawn Hamilton
Secretary

Permit Issued to:

Lee County Solid Waste Division
10500 Buckingham Road
Fort Myers, Florida 33905
239-533-8000

WACS Facility ID No.: 74766
Lee/Hendry County Regional Solid Waste Disposal Facility
5500 Church Road
Felda, Hendry County, Florida

Contact Person:

Rebecca Rodriguez, P.E., Engineering Manager
10500 Buckingham Road
Fort Myers, Florida 33905
Rrodriguez2@leegov.com
239-533-8914

Solid Waste Construction Permit – Class I Landfill
Permit No.: 0130719-024-SC-01

Permit Issued: June 2, 2022
Permit Renewal Application Due Date: November 13, 2034
Permit Expires: January 14, 2035

Permitting Authority

Florida Department of Environmental Protection
Permitting and Compliance Assistance Program
2600 Blair Stone Road, MS 4565
Tallahassee, Florida 32399-2400
850-245-8707 (voice)
850-245-8803 (fax)

SECTION 1 - SUMMARY INFORMATION

A. Authorization

The permittee is hereby authorized to construct the facility described below in accordance with the specific and general conditions of this permit and any documents attached to this permit or specifically referenced in this permit and made a part of this permit.

This solid waste construction permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.) Chapters 62-4 and 62-701.

This permit does not relieve the permittee from complying with any other appropriate local zoning or land use ordinances or with any other laws, rules or ordinances. Receipt of any permits from the Department does not relieve the applicant from obtaining other federal, state, and local permits and/or modifications required by law, including those from other Sections within the Department or of the Water Management District.

B. Facility Location

Facility Location (main entrance): 5500 Church Road, Felda, Hendry County, Florida.

Location Coordinates: Section: 04, 09 & 16, Township: 45 S, Range: 28 E

Latitude: 26 33'27.0", Longitude 81 31'51.0"

C. Facility Description

The Lee/Hendry County Regional Solid Waste Disposal Facility is a Class I disposal facility consisting of Phase 1 (1A and 1B), having approximately 13.9 acres, Phase II having 25.59 acres, Phase III (Cells 11 and 12 consisting of 14.7 acres) and future Cells 13 through 18 consisting of 36.4 acres, for a combined total disposal area of 90.59 acres. The currently permitted Class I facility has an expected life of 24 years. Additional phases will be built in the future and will be incorporated by permit modification. The ash monofill and Class III landfill are authorized under separate permit.

D. Appendices Made Part of This Permit

APPENDIX 1 - General Conditions

APPENDIX 2 – Approved Application Documents

E. Attachments for Informational Purposes Only

ATTACHMENT 1 - Time Sensitive Action Chart

If any of the time deadlines in the Time Sensitive Action Chart are inconsistent with the time deadlines in the permit conditions, the time deadline in the permit condition shall be followed.

SECTION 2 - SPECIFIC CONDITIONS

A. Administrative Requirements

1. Documents Part of This Permit. The permit application **as revised in final form replaced or amended** in response to the Department's Request(s) for Additional Information are contained in the Department's files and are made a part of this permit. Those documents that make up the complete permit application are listed in APPENDIX 2.
2. Permit Modification. Any change to construction, operation, monitoring, or closure requirements of this permit may require a modification to this permit, in accordance with the provisions of Rule 62-701.320(4), F.A.C.
3. Permit Renewal. In order to ensure uninterrupted operation of this facility, a timely and sufficient permit renewal application must be submitted to the Department in accordance with Rule 62-701.320(10), F.A.C. A permit application submitted at least 61 days prior to the expiration of this permit is considered timely and sufficient.
4. Transfer of Permit or Name Change. In accordance with Rule 62-701.320(11), F.A.C., the Department must be notified by submitting Form 62-701.900(8) within 30 days: (a) of any sale or conveyance of the facility; (b) if a new or different person takes ownership or control of the facility; or (c) if the facility name or permittee's legal name is changed.
5. Air Construction Permit Requirements. This facility is authorized to operate under Title V permit No. 0510030-007-AV, which expires on March 6, 2024. For information regarding the Title V permit, contact the Division of Air Resource Management, Office of Permitting and Compliance, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400, (850) 717-9000.
6. Permit Fee Payments. The total permit fee required for this permit is \$26,000 for a 13-year permit. The applicant has elected to pay this fee in installments in accordance with Rule 62-701.315(13), F.A.C., and submitted \$10,000 with the permit application. No later than June 2, 2027 the Permittee shall submit an installment payment of \$10,000 to the Department and later than June 2, 2032 the Permittee shall submit an installment payment of \$6,000 to the Department. This fee is due the State regardless of whether the Permittee closes the facility, surrenders the permit, has the permit revoked, or transfers the permit before it expires. If the Permittee elects to transfer the permit, it must either pay the entirety of the fee due before submitting the application for transfer, or it must include with the transfer application a signed agreement from the proposed transferee to accept responsibility for the remainder of the permit fee due.

B. Construction Requirements

1. Construction authorized. This permit authorizes construction of Phase III (Cells 11 and 12 consisting of 14.7 acres) and future Cells 13 through 18 consisting of 36.4 acres as detailed in the approved application documents. APPENDIX 2, Document 1.

2. General Construction Requirements. All construction shall be done in accordance with the approved design, drawings, CQA plan, and specifications. The Department shall be notified before any changes, other than minor deviations, to the approved design are implemented in order to determine whether a permit modification is required.
3. Notifications. The Permittee shall notify the Department at least 10 days prior to the commencement of construction of the liner system.
4. Leachate System Flushing. The leachate system main corridor pipeline shall be water pressure cleaned or inspected by video recording after construction and prior to disposal of waste per Rule 62-701.500(8)(h), F.A.C.
5. Certification of Construction Completion. Upon completion of construction, the engineer of record shall certify to the Department in accordance with Rule 62-701.320(9)(b), F.A.C., that the permitted construction is complete and was done in substantial conformance with the approved construction plans except where minor deviations were necessary. All deviations shall be described in detail and the reasons therefore enumerated. The following documents shall be submitted along with the Certification:
 - a. The final report and record drawings showing that the liner system has been installed in substantial conformance with the plans and specifications for the liner system. The record drawings must include the results of the surveys of the liner, base grade and collection pipe slopes.
 - b. The final report showing the results of the geomembrane liner leak location survey, if applicable.
 - c. Results of testing of geosynthetics and soil components of the liner system.
 - d. Proof of flushing or video recording of the leachate collection system.
6. Construction Quality Assurance. The Construction Quality Assurance (CQA) Plan submitted with the permit application shall be followed for preparing the subgrade and installing and testing the liner system and related components. The CQA engineer or the engineer's designee shall be on-site at all times during construction of the liner system to monitor the construction activities including preparation of the sub-base, placement of the liner components and leachate collection system, and placement of the drainage and protective layer over the primary liner.
7. Approval of Certification. The permittee shall not begin using each newly constructed Class I disposal cell until one of the following has occurred: (1) the Department has stated in writing that it has no objection to the certification of construction completion; or (2) at least 30 days have passed since the certification was submitted and the Department has not responded in writing to the certification.

C. Operation Requirements

1. General Operation Requirements. The Permittee shall operate the landfill in accordance with Operation Permit Number 0130719-018-SO-01 as modified by Permit Modification Number 0130719-023-SO-MM and its successors.

2. Leachate Management. Leachate shall be managed in accordance with Operation Permit Number 0130719-018-SO-01 as modified by Permit Modification Number 0130719-023-SO-MM and its successors.

D. Water Quality Monitoring Requirements

Water quality monitoring requirements are included in Operation Permit Number 0130719-018-SO-01 as modified by Permit Modification Number 0130719-023-SO-MM and its successors.

E. Gas Management System Requirements

Landfill gas requirements are included in Operation Permit Number 0130719-018-SO-01 as modified by Permit Modification Number 0130719-023-SO-MM and its successors.

F. Financial Assurance and Cost Estimates

Financial Assurance requirements for the Cells 11-18 are included in Operation Permit Number 0130719-018-SO-01 as modified by Permit Modification Number 0130719-023-SO-MM and its successors.

G. Closure Requirements

Closure requirements for the Cells 11-18 are included in Operation Permit Number 0130719-018-SO-01 as modified by Permit Modification Number 0130719-023-SO-MM and its successors.

H. Post Closure Care Requirements

Post Closure Care requirements for the Cells 11-18 are included in Operation Permit Number 0130719-018-SO-01 as modified by Permit Modification Number 0130719-023-SO-MM and its successors.

EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Kimberly A.
Walker**

Digitally signed by Kimberly
A. Walker
Date: 2022.06.02 13:20:10
-04'00'

Kimberly A. Walker, Program Administrator
Permitting and Compliance Assistance Program

FILED, on this date, pursuant to Section 120.52, F.S. with the designated Department Clerk,
receipt of which is hereby acknowledged.

Tamela Starling
Clerk

6/2/2022
Date

APPENDIX 1 – General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.161, 403.727, or 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of rights, nor any infringement of federal, State, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - (a) A description of and cause of noncompliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit or a copy thereof shall be kept at the work site of the permitted activity.

12. The permittee shall comply with the following:

(a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.

(b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

(c) Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses.

13. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

APPENDIX 2 – Approved Application Documents

1. Application for Substantial Modification of Permit Number 0130719-018-SO-01 and New Construction Permit. Prepared by HDR Engineering Inc., dated January 21, 2022 and received January 24, 2022.

Oculus Link

[https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.334961.1\]&\[profile=Permitting_Authorization\]](https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.334961.1]&[profile=Permitting_Authorization])

2. Approved Operation Plan, dated April 2022, prepared by Jones Edmunds & Associates, Inc., and revised by HDR. Received on April 15, 2022.

Oculus Link:

[https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.338515.1\]&\[profile=Permitting_Authorization\]](https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.338515.1]&[profile=Permitting_Authorization])

ATTACHMENT 1 – Time Sensitive Action Chart		
Specific Condition	Submittal Due Date	Required Item
A.3	No later than November 13, 2034	Submit permit renewal application
A.4	Within 30 days of transfer of permit or name change	Form 62-701.900 (8)
B.3	At least 10 days prior to start of construction of the liner system	Notify the Department
B.5	Upon completion of construction	Submit the Certification of Construction Completion to the Department