



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

June 3, 2024

NOTICE OF PERMIT

By-Email

Rrodriguez2@leegov.com

In the Matter of an
Application for Permit by:
Rebecca Rodriguez, P.E., Engineering Manager
Lee County Solid Waste Division
10500 Buckingham Road
Fort Myers, FL 33905

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

Attention: Ms. Rebecca Rodriguez

DEP File No: 0130719-025-SC-T3

Enclosed is Permit Number 0130719-025-SC-T3 to construct Cells 2 and 3 of the Class III Landfill, issued pursuant to Section 403.061(14) and 403.707, Florida Statutes.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap or marital status. Persons who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at 850-245-2118 or LEP@FloridaDEP.gov. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, 800-955-8771 (TDD) or 800-955-8770 (voice).

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, Program Administrator
Permitting and Compliance Assistance Program

Attachment(s):

1. Permit No. 0130719-025-SC-T3

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:

Angelina DuBois, Lee County, ADuBois@leegov.com

Linda Braam, Lee County, LBraam@leegov.com

Tobin McKnight, P.E., Jones Edmunds & Associates, TMcKnight@jonesedmunds.com

Matthew Morse, P.E., Jones Edmunds & Associates, MMorse@jonesedmunds.com

El Kromhout, P.G, FDEP PCAP Solid Waste Section, Elizabeth.Kromhout@FloridaDEP.gov

Alan Willett, P.G, FDEP PCAP Solid Waste Section, Alan.Willett@FloridaDEP.gov

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.

Clerk

Date



Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

Modified Permit Issued to:

Lee County Solid Waste Division
10500 Buckingham Road
Fort Myers, Florida 33905

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
Lee County Solid Waste Division
10500 Buckingham Road
Fort Myers, Florida 33905
RRodriguez2@leegov.com
239-533-8000

Solid Waste Construction Permit – Class III Landfill
Permit Nos.: 0130719-025-SC-T3

Permit Issued: June 3, 2024
Permit Renewal Application Due Date: April 3, 2044
Permit Expires: June 3, 2044

Permitting Authority

Florida Department of Environmental Protection
Tallahassee Office
2600 Blair Stone Road
Tallahassee, Florida 32399
850-245-8707
Fax 850-245-8811

PERMITTEE NAME: Lee County Solid Waste Division PERMIT NO.: 0130719-025-SC-T3
FACILITY NAME: Lee/Hendry County Regional
Solid Waste Disposal Facility WACS ID NO.: 74766

SECTION 1 - SUMMARY INFORMATION

A. Authorization

The Permittee is hereby authorized to construct the facilities 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, Florida Administrative Code 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° 34' 25.5", Longitude: 81° 31' 28.27"

C. Facility Description

The Class III Landfill will have approximately 62.3 acres of total disposal area. This permit authorizes the construction of Class III landfill Cells 2 and 3. Cell 2 will have approximately 19.0 acres and Cell 3 will have approximately 19.4 acres. The construction will be done in phases, with Cell 2A being constructed first, followed by Cells 2 B and 3 when needed.

D. Appendices Made Part of This Permit

APPENDIX 1 – General Conditions

APPENDIX 2 – Approved Application Documents

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.

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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. Permit Fee Payments. The total permit fee required for this permit is \$24,000 for a 20-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 a fee of \$6,000 with this application. No later than April 30, 2029, April 30, 2034, and April 30, 2039, the permittee shall submit to the Department an installment payment of this fee in the amount of \$6,000. 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 the construction of two Class III cells, Cell 2 (19.0 acres) and Cell 3 (19.4 acres), east of the active Class III Cell 1. Cell 2 construction will be done in phases with Cell 2A to commence first and Cell 2B and Cell 3 to follow.
2. General Construction Requirements. All construction shall be done in accordance with the approved design (Appendix 2, Document 1), drawings (Appendix 2, Document 1), CQA plan (Appendix 2, Document 1 – Appendix B), and technical specifications (Appendix 2, Document 1 – Appendix B). 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. 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

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record drawings must include the results of the surveys of the liner, base grade and collection pipe slopes.

- b. Results of testing of geosynthetic and soil components of the liner system.
4. 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 subbase, placement of the liner components and leachate collection system, and placement of the drainage and protective layer over the primary liner.
5. Approval of Certification. The permittee shall not begin using Cells 2 and 3 of the Class III Landfill 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

The Operation Requirements are included in Operation Permit No. 0130719-014-SO-T3 and associated modifications.

D. Water Quality Monitoring Requirements

The Water Quality Monitoring Requirements are included in Operation Permit No. 0130719-014-SO-T3 and associated modifications.

E. Gas Management System Requirements

The Gas Management System Requirements are included in Operation Permit No. 0130719-014-SO-T3 and associated modifications.

F. Financial Assurance and Cost Estimates

1. Financial Assurance Mechanism. The Permittee may not receive waste for disposal or storage in any disposal unit for which financial assurance has not been approved. Proof that the financial mechanisms are established and funded in accordance with Rule 62-701.630, F.A.C. shall be submitted to the Department at least sixty (60) days prior to the planned acceptance of solid waste in any disposal unit. When established, the Permittee shall maintain, in good standing, the financial assurance mechanisms. Supporting documentation and evidence of increases associated with cost estimate increases shall be submitted within the time frames specified in Rule 62-701.630, F.A.C.

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All submittals in response to this specific condition shall be sent to:

Florida Department of Environmental Protection
Financial Coordinator - Solid Waste Section
2600 Blair Stone Road, MS 4565
Tallahassee, Florida 32399-2400

And to:

Florida Department of Environmental Protection
South District Office
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33901

2. Cost Estimates.

- a. The Permittee shall submit closure cost estimates, including annual adjustments for inflation, in accordance with the requirements of Rule 62- 701.630(3) and (4), F.A.C., and 40 CFR Part 264.142(a) and .144(a) using Form 62-701.900(28).
- b. An owner or operator using an escrow account shall submit the annual inflation adjusted estimate(s) between July 1 and September 1. An owner or operator using a letter of credit, guarantee bond, performance bond, financial test, corporate guarantee, trust fund or insurance shall submit the inflation adjusted cost estimate(s) between January 1 and March 1.
- c. A cost estimate covering disposal units not previously covered by financial assurance mechanisms must be submitted prior to submitting financial assurance for such disposal units.
- d. All submittals in response to this specific condition shall be sent to the District Office and a copy to the address identified in Specific Condition 2.F.1. or to:
Financial.Assurance.Working,Group@floridadep.gov.

G. Closure Requirements

Not Applicable.

H. Long Term Care Requirements

Not Applicable.

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EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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.

Clerk

Date

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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, 403.727, or 403.859 through 403.861, F.S. 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 personal 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 the Permit.
4. This Permit conveys no title to land or water, does not constitute State recognition or acknowledgement 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 any order from the Department.
6. 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. Permittee, by accepting this Permit, specifically agrees to allow authorized Department personnel, upon presentation of credential 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 the conditions of the Permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this

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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 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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This Permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C, as applicable. The Permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.
12. This Permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This Permit also constitutes:
 - (a) Determination of Best Available Control Technology (BACT)
 - (b) Determination of Prevention of Significant Deterioration (PSD)
 - (c) Certification of compliance with State Water Quality Standards (Section 401, PL 92-500)
 - (d) Compliance with New Source Performance Standards
14. 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.

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- (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 this Permit, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit.
- (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.
15. 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.

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APPENDIX 2 – Approved Application Documents

1. Application for Construction Substantial Permit Modification and Operation Permit Minor Modification, prepared by Jones Edmunds for Lee County Solid Waste, dated January 31, 2023, and received by the Department February 1, 2024.
[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.367869.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.367869.1]&[profile=Permitting_Authorization])
 - (a) Appendix A1 – Permit Plans and Appendix A2 – Gas Collection and Control System Design
[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.368771.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.368771.1]&[profile=Permitting_Authorization])
2. Approved Operation Plan, January 2024
[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.372285.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.372285.1]&[profile=Permitting_Authorization])