



# 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

June 4, 2024

## NOTICE OF PERMIT MODIFICATION

E-mail

[Rrodriguez2@leegov.com](mailto: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: 0130719-026-SO-MM

Pursuant to Sections 403.061(14) and 403.707, Florida Statutes, the Department hereby issues modification number 0130719-026-SO-MM. The following conditions of permit number 0130719-013-SO/01 and 0130719-014-SO/T3 are modified as follows:

<b>SPECIFIC CONDITIONS</b>	<b>FROM</b>	<b>TO</b>	<b>TYPE OF MODIFICATION</b>
Title Page	Existing	Amended	Addition of Permit Modification No. 0130719-026-SO-MM
1.C	Existing	Amended	Revised Facility Description
2.B.1	Existing	Amended	Updated to include Construction Permit No. 0130719-025-SC-T3.
2.B.5	Existing	Amended	Updated to include Cells 2 and 3 of the Class III Landfill
2.C.1	Existing	Amended	Updated to replace Operation Plan from September 2017 Document 5, to January 2024 Document 9
2.C.6.	Existing	Amended	Updated to reference Drawings FC1, FC2, and FC3 (Appendix 2, Document 8a) for final elevation
2.C.9.	Existing	Amended	Updated notification procedures.
2.C.11.f & g	Existing	Amended	Updated to reference intermediate permit modification (0130719-021-SO-IM)

2.E.1.	Existing	Amended	Revised Construction Requirements
2.E.2.	Existing	Amended	Revised Certification of Construction Completion requirements
2.G.2.	Existing	Amended	Updated to reference approved closure design plan (Appendix 2, Document 8 – Appendix D and Document 8a).
2.G.3.	Existing	Amended	Updated to reference approved closure design plan (Appendix 2, Document 8 – Appendix D).
Appendix 2	Existing	Amended	Addition of Document 8 - “Application for Construction Substantial Permit Modification and Operation Permit Minor Modification, prepared by Jones Edmunds for Lee County Solid Waste”, dated January 31, 2023
Appendix 2	Existing	Amended	Addition of Document 8(a) - “Appendix A1 – Permit Plans and Appendix A2 – Gas Collection and Control System Design”
Appendix 2	Existing	Amended	Addition of Document 9 - “9. Approved Operation Plan, January 2024”
Appendix 3	Existing	Amended	Updated Table 1. - Water Quality Monitoring Test Sites
Appendix 3	Existing	Amended	Updated Monitoring Well Location Map - Figure L.1.c(4)
Attachment 2	Existing	Amended	Addition of Permit Modification No. 0130719-026-SO-MM

Attached is Permit Number 0130719-013-SO/01 and 0130719-014-SO/T3 as modified by this Order. The attached permit replaces all previous permits and permit modifications for this facility.

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](mailto: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**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within **14** days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within **14** days of publication of the notice or within **14** days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (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 from the date this action 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. 0130719-013-SO/01 and 0130719-014-SO/T3 as modified by 0130719-026-SO-MM

**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](mailto:ADuBois@leegov.com)

Linda Braam, Lee County, [LBraam@leegov.com](mailto:LBraam@leegov.com)

Tobin McKnight, P.E., Jones Edmunds & Associates, [TMcKnight@jonesedmunds.com](mailto:TMcKnight@jonesedmunds.com)

Matthew Morse, P.E., Jones Edmunds & Associates, [MMorse@jonesedmunds.com](mailto:MMorse@jonesedmunds.com)

El Kromhout, P.G, FDEP PCAP Solid Waste Section, [Elizabeth.Kromhout@FloridaDEP.gov](mailto:Elizabeth.Kromhout@FloridaDEP.gov)

Alan Willett, P.G, FDEP PCAP Solid Waste Section, [Alan.Willett@FloridaDEP.gov](mailto: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](mailto:RRodriguez2@leegov.com)  
239-533-8000

## **Solid Waste Construction/Operation Permit – Landfill**

Permit Nos.: 0130719-013-SO/01 and 0130719-014-SO/T3  
Permit Modification No.: 0130719-019-SC-MM ~~and~~  
Permit Modification No.: 0130719-020-SO-MM ~~as modified by~~  
Permit Modification No.: 0130719-021-SO-IM  
Permit Modification No.: 0130719-026-SO-MM

Permit Issued: April 03, 2013  
Permit Renewal Application Due Date: January 03, 2033  
Permit Expires: April 03, 2033

### **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.: 0130719-013-SO/01  
FACILITY NAME: Lee/Hendry County Regional      0130719-014-SO/T3  
Solid Waste Disposal Facility      WACS ID NO.: 74766

## SECTION 1 - SUMMARY INFORMATION

### A. Authorization

The Permittee is hereby authorized to operate 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 Operation 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

Operate a Class I Ash Monofill having approximately 36.8 acres of total disposal area, with an average daily load of 693 tons per day under normal operating conditions and a Class III Landfill having approximately ~~62.3~~ 25.0 acres of total disposal area in Cells 1, 2, and 3, with an average daily load of 105 tons per day under normal operating conditions. Class III Cell 2 (19.0 acres) and Cell 3 (19.4 acres) construction is authorized in Construction Permit No. 0130719-025-SC-T3. The appropriate sections of the construction quality assurance document for the Ash Monofill have been revised to include criteria and methods for the use of crushed glass within the upper 12" of the liner protective layer for Cells 3, 4, and 5. Modification of the Ash Monofill also includes a reconfiguration of the leak detection system discharge for Cells 1 and 2 to direct the discharged leachate to the nearest leachate collection sump instead of directly to the leachate force main.

### D. Appendices Made Part of This Permit

APPENDIX 1 – General Conditions

APPENDIX 2 – Approved Application Documents

APPENDIX 3 – Water Quality Monitoring Plan

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### **E. Attachments for Informational Purposes Only**

ATTACHMENT 1 – Time Sensitive 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.

ATTACHMENT 2 – Facility Permit History

## **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
  - a. The landfill owner or operator is not required to obtain an air construction permit, unless landfill construction or any modification is subject to the prevention of significant deterioration (PSD) requirements of Chapter 62-212, F.A.C. A landfill for which construction or modification is subject to PSD requirements must make application to the Bureau of Air Regulation, Department of Environmental Protection, Mail Station 5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, for an air construction permit and must obtain such permit prior to beginning any construction or modification.
  - b. The landfill owner or operator is not required to obtain an air operating permit, unless the landfill is required to obtain a Title V Air Operating Permit (Title V Permit) pursuant to Section 403.0872, F.S. A landfill is required to obtain a Title V Permit if the landfill (or the total facility, if the landfill is contiguous to or part of a larger facility) has the potential to emit 10 tons per year (TPY) or more of any hazardous air pollutant, 25 TPY or more of any combination of hazardous air pollutants, or 100 TPY or more of any other regulated air pollutant. A landfill is also required to obtain a Title V Permit if the maximum design capacity, as defined in 40 CFR 60, Subpart WWW, is equal to or greater than 2.5 million

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megagrams or 2.5 million cubic meters. Title V Permits must be applied for in accordance with the timing and content requirements of Rule 62-204.800, F.A.C., and Chapter 62-213, F.A.C. Title V applications shall be submitted to the South District Air Program Administrator.

- c. The Permittee is required to comply with the requirements of 40 CFR 60, Subpart WWW and CC as adopted by reference in Rule 62-204.800, F.A.C. The Permittee may have to submit to the Division of Air Resource Management, Department of Environmental Protection, Mail Station 5500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, any amended design capacity report and any Non-Methane Organic Compound (NMOC) emission rate report, as applicable, pursuant to 40 CFR 6-.757(a)(3) and (b).

## **B. Construction Requirements**

1. Construction Authorized. Previous permit modifications contained revisions for the construction of expansion cells for the Ash Monofill in accordance with the revised Construction Quality Assurance Plan referenced in Appendix 2. Permit modification No. 0130719-019-SC authorizes modification of the leak detection system for Cells 1 and 2. Construction Permit No. 0130719-025-SC-T3 authorizes the construction of Class III cells, Cell 2 (19.0 acres) and Cell 3 (19.4 acres).
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. 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. 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 Cell 5 of the Ash Monofill and Cells 2 and 3 of the Class III Landfill until one of the following has occurred: (1) the



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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 Operating Requirements. The Permittee shall operate the Ash Monofill and the Class III landfill in accordance with the approved Operation Plan ~~January 2024 February 2019~~ (Appendix 2, Document 9 7). The Department shall be notified before any changes, other than minor deviations, to the approved Operation Plan are implemented in order to determine whether a permit modification is required.
2. Operation Plan. A copy of the approved Operation Plan, including the operating record as defined in Rule 62-701.500(3), F.A.C., shall be kept at Lee/Hendry Regional Solid Waste Facility office and shall be accessible to landfill operators. Operating record documents specified in Rule 62- 701.500(3), F.A.C., shall be kept at the Lee/Hendry Regional Solid Waste Disposal Facility or at the Lee County Solid Waste Division main office.
3. Authorized Waste Types. The facility is authorized to manage only the following waste types:
  - a. Waste types defined in Rule 62-701.200, F.A.C.:
    - 1) Class III Waste:
      - a) Construction and Demolition (C&D) Debris
      - b) Processed tires
      - c) Asbestos
      - d) Carpet
      - e) Cardboard
      - f) Paper
      - g) Glass
      - h) Plastic
      - i) Furniture other than appliances
      - j) Any other materials with the prior approval of the Department
    - 2) Class I Ash Monofill:
      - a) Lee County Solid Waste Resource Recovery Facility ash residue
      - b) Wastewater Treatment Plant Sludge (Biosolids) with a minimum of 12% solids
      - c) Non-hazardous contaminated soils from petroleum /other spills or contaminants
      - d) Other non-hazardous Class I wastes that are not otherwise prohibited in a Class I Landfill
4. Unauthorized Waste Types. The facility is not authorized to accept, process or dispose any waste types not listed in C.3. above. In addition, the facility is not authorized to accept, process or dispose:
  - a. Wastewater Treatment Plant Sludge, except for dewatered sludge (biosolids) in the ash monofill
  - b. Contaminated Soils from Petroleum Spill Cleanups, except in the ash monofill
  - c. Ash Residue, other than ash residue from the Lee County WTE Facility
  - d. Hazardous Wastes
  - e. PCBs (Liquid and Non-Liquid)

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- f. Bio-Medical Wastes
- g. Lead Acid Batteries
- h. Used Oil (As Liquid or Mixed with Other Solid Wastes)
- i. White Goods
- j. Whole Tires
- k. Non-Containerized Liquids

Any unauthorized waste inadvertently received by the facility shall be managed in accordance with the approved Operation Plan.

5. Waste Management and Handling

- a. Solid waste shall be formed into cells to construct horizontal lifts. The working face of the cell, and side grades above land surface, shall be at a slope no greater than three feet horizontal to one-foot vertical rise or as authorized by this Permit in accordance with the approved operation plan.
- b. No solid waste shall be disposed of outside of the permitted footprint of the solid waste disposal units.
- c. The sequence of waste filling shall be as specified in the approved Operation Plan.

6. Landfill Elevation. The final (maximum) elevation of the Class I Ash Monofill and Expansion Area shall not exceed 115.4 feet NGVD as shown on Drawing FC5 dated May 2013. The final (maximum) elevation of the Class III Landfill shall not exceed 132.0 feet NGVD as shown on Drawings FC1, FC2, and FC3 (Appendix 2, Document 8a) ~~dated May 2007~~.

7. Initial Waste Placement. The first layer of waste placed above the liner and leachate collection system shall be a minimum of four feet in compacted thickness and consist of selected wastes containing no large rigid objects that may damage the liner or leachate collection system.

- a. Cover Requirements - Class I Ash Monofill:
  - 1) Initial Cover: Ash residue or other suitable materials used for daily cover shall be sufficiently free of organics and other materials as to not attract rodents, flies or other vermin.
  - 2) Intermediate Cover: Minimum 12-inches thick of suitable materials.
- b. Class III Landfill:
  - 1) Initial Cover: Minimum of 6-inches thick of suitable materials.
  - 2) Intermediate Cover: Minimum 12-inches thick of suitable materials.

8. Erosion Control. Erosion control measures shall be employed to correct any erosion which exposes waste or causes malfunction of the storm water management system. Such measures shall be implemented within three days of occurrence. If the erosion cannot be corrected within seven days of occurrence, the landfill operator shall notify the Department and propose a correction schedule.

9. Contingency Plan and Notification of Emergencies. The Permittee shall notify the Department in accordance with the approved Contingency Plan included as Attachment 1 to the Operations Plan referenced in Appendix 2. Notification shall be made to the Solid Waste

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Section of DEP's South District Office at 239-344-5600 or at [SouthDistrict@dep.state.fl.us](mailto:SouthDistrict@dep.state.fl.us).  
Notification shall include pertinent information as to the cause of the problem and what corrective measures are being taken to prevent its reoccurrence.

10. Housekeeping. The facility shall be operated to control dust, vectors, litter and objectionable odors. If objectionable odors are confirmed beyond the landfill property boundary, the owner or operator shall comply with the gas management requirement in Section 2, Part E.
11. Leachate Management.
  - a. The Permittee shall operate the leachate management system (including the collection, removal, storage, and on-site disposal systems), and maintain the system as designed, so that leachate is not discharged from the system except as provided for in the Design Plan and Operation Plan.
  - b. Routine inspections and maintenance of the leachate management system shall be conducted in accordance with the schedule established in the Operation Plan.
  - c. The leachate collection pipes shall be cleaned, or video inspected at least once every five years. A summary of the results shall be submitted to the South District office as specified in Attachment 1, Time Sensitive Chart.
  - d. The Permittee shall record quantities of leachate collected by the leachate collection and removal system in gallons per day, shall record precipitation at the facility, and shall compare these measurements.
  - e. In 2017, a temporary above-grade 8-inch leachate force main was connected to the existing leachate discharge line at the Cells 1, 2, 3, and 4 leachate sumps of the Class I Ash Monofill to maximize removal of generated leachate to the leachate storage ponds (Appendix 2, Document 4, Attachment 3 Figures).
  - f. This intermediate permit modification (0130719-021-SO-IM) is for the construction and operation of a new below-grade leachate force main for the Class I Ash Monofill to serve as a permanent replacement of the temporary leachate force main. The proposed leachate force main has been designed to remove leachate from the Ash Monofill and transfer to the leachate storage ponds. The new force main is a 6-inch diameter dual containment HDPE pipe that will be manifolded into an 8-inch pipe at the connection of Cells 1 and 2 to Cells 3 through 5. The temporary 8-inch above-grade leachate force main installed in 2017 and the existing 4-inch below-grade double-walled force main will be abandoned.
  - g. This intermediate permit modification (0130719-021-SO-IM) also allows for completing maintenance activities on the leachate pumping system that serves the Class I Leachate Pond including up to changing pumps, motors, and/or suction piping to increase pumping flow rates to the leachate injection pond.
12. Spotters and Operators. This facility shall have the minimum number of spotters present when waste is accepted as specified in the operation plan, to be located as specified in the operation plan. A trained operator shall be on duty at the facility at all times when the landfill receives waste. Approved training courses can be found at the following web site: <http://www.treeo.ufl.edu/sw/>
13. Record Keeping Requirements.
  - a. Waste Quantity Records. Waste records shall be compiled monthly and shall be provided to the Department annually by February 1. This information shall be reported to the Department through the DEP Business Portal located at: <http://www.fldepportal.com/go>.

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- b. **Estimate of Remaining Life.** The Permittee shall submit the annual estimate of the remaining life and capacity annually by January 31, based on data as of December 31. The report is required by Rule 62- 701.500(13)(c), F.A.C. and must be submitted to the District Office and to:

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

14. **Hazardous Waste.** If any regulated hazardous wastes are discovered to be deposited at the facility, the facility operator shall promptly notify the Department, the person responsible for shipping the wastes to the facility, and the generator of the wastes, if known. The area where the wastes are deposited shall immediately be cordoned off from public access. If the generator or hauler cannot be identified, the facility operator shall assure the cleanup, transportation, and disposal of the waste at a permitted hazardous waste management facility. In the event that hazardous wastes are discovered they shall be managed in accordance with the procedures provided in facility Operation Plan.
15. **Stormwater.** Leachate shall not be discharged into the stormwater management system. Stormwater or other surface water which comes into contact with or mixes with the solid waste or leachate shall be considered leachate and is subject to the requirements of Rule 62-701.500(8), F.A.C.

#### **D. Water Quality Monitoring Requirements**

1. **Zone of Discharge.** The zone of discharge for this facility shall be a three-dimensional volume described as describe in Item 1.f of Appendix 3 – Water Quality Monitoring Plan attached to the permit. The Permittee shall ensure that Class G-II water quality standards will not be exceeded at the boundary of the zone of discharge, per Rule 62-520.420, F.A.C., and that ground water minimum criteria will not be exceeded outside the boundary of the zone of discharge, per Rule 62-701.320(17), F.A.C.
2. **Electronic Reporting.** Required water quality monitoring reports and all ground water and surface water analytical results shall be submitted electronically. Water quality monitoring reports shall be submitted in Adobe pdf format. The water quality data Electronic Data Deliverable (EDD) shall be provided to the Department in an electronic format consistent with requirements for importing the data into the Department's databases. Water quality monitoring reports shall be signed and sealed by a Florida registered professional geologist or professional engineer with experience in hydrogeological investigations and shall include the following:
- Cover letter;
  - Summary of exceedances and sampling problems, if any (e.g., variation from SOP field criteria);
  - Conclusions and recommendations;
  - Ground water contour maps;
  - Chain of custody forms;
  - Water levels, water elevation table;

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- g. Ground Water Monitoring Report Certification, using the appropriate Department form;
- h. Appropriate sampling information on Form FD 9000-24 (DEP-SOP- 001/01); and,
- i. Laboratory and Field EDDs and error logs, as applicable.

All submittals in response to this specific condition shall be sent to the District Office and to:

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

- 3. Water Quality Monitoring Plan. The Water Quality Monitoring Plan for this permit is included in APPENDIX 3.

### **E. Gas Management System Requirements**

- 1. Construction Requirements. All construction shall be done in accordance with the approved gas management system design, drawings, and specifications (Appendix 2, Document 8a). 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. ~~[No new gas construction activities are authorized by this permit.]~~
- 2. Certification of Construction Completion. After construction is completed 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 performed in substantial conformance with the approved construction plans except where minor deviations were necessary. All deviations shall be described and the reasons therefore enumerated.
- 3. Operational Requirements. Gas controls shall be operated and maintained so that they function as designed.
- 4. Monitoring Requirements. Monitoring for methane gas at the property boundary and within structures on the property shall be performed quarterly to determine the effectiveness of the gas migration controls. The gas monitoring results shall be reported as a percent of the lower explosive limit (LEL), calibrated to methane. The report shall be submitted to the Department under separate cover no later than 15 days after the end of the period in which the monitoring occurred.
- 5. Gas Remediation Plan. The facility shall be operated to prevent the concentration of combustible gases from exceeding 25% of the lower explosive limit in structures, excluding gas control or recovery components, and from exceeding the lower explosive limit at or beyond the property boundary. If either of these limits is exceeded then a gas remediation plan shall be designed and implemented in accordance with Rule 62-701.530(3)(a), F.A.C.
- 6. Odor Remediation Plan. The facility shall be operated to control objectionable odors. If objectionable odors are confirmed beyond the property boundary then upon notification by the Department the Permittee shall develop and implement an odor remediation plan in

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accordance with the requirements of Rule 62-701.530(3)(b), F.A.C.

#### **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.

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: [Solid.Waste.Financial.Coordinator@dep.state.fl.us](mailto:Solid.Waste.Financial.Coordinator@dep.state.fl.us).

#### **G. Closure Requirements**

1. Closure Permit Requirements. Prior to initiating closure of a solid waste disposal unit, or part of a solid waste disposal unit, the Permittee must receive authorization from the Department in one of the following manners. The Permittee may submit an application to the Department for a

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closure permit on Form 62-701.900(1), which application shall include a closure plan. If the landfill is operating under a Department permit, the Permittee may request a modification of the permit to address substantive changes in the closure plan, or the Permittee may demonstrate that the closure plan in the existing operation permit includes sufficient detail to provide reasonable assurance of compliance with the provisions for closure. The application or request for modification shall include an updated closure plan which is made up of the following:

- a. A closure design plan;
  - b. A closure operation plan;
  - c. A plan for long-term care; and,
  - d. A demonstration that proof of financial assurance for long-term care will be provided.
2. Closure Design. All closure construction shall be done in accordance with the approved closure design plan (Appendix 2, Document 8 – Appendix D and Document 8a). The Department shall be notified before any changes, other than minor deviations, to the approved closure design are implemented in order to determine whether a permit modification is required.
3. Closure Operation Plan. All closure shall be done in accordance with the approved closure operation plan (Appendix 2, Document 8 – Appendix D).
4. Certification of Closure Construction Completion. After closure construction has been completed, the engineer of record shall certify to the Department on Form 62-701.900(2) that the closure is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated.
5. List of Closed Units Not in Long-Term Care. There are currently no units in long-term care.

## **H. Long Term Care Requirements**

[There are currently no long-term care requirements for this facility.]

## **I. Twenty (20) Year Permit Period Requirements**

1. No later than April 03, 2018, April 03, 2023, and April 03, 2028; the Permittee shall submit a report to the Department that contains the following:
  - a. An updated closure plan to reflect changes in closure design, long-term care requirements, and financial assurance requirements.
  - b. A revised closure cost estimate, made by recalculating the total cost of closure and long-term care, in current dollars.
  - c. A demonstration that the leachate collection system has been water pressure cleaned or inspected by video recording.
  - d. An updated operation plan, if operational procedures have changed.
  - e. An updated site plan or topographic survey if current conditions at the facility are not reflected in the existing site plan.
2. The total permit fee required for this Permit is \$56,000.00. 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

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of \$14,000 with this application. No later than [~~April 03, 2018~~, April 03, 2023, and April 03, 2028] the Permittee shall submit to the Department an installment payment of this fee in the amount of \$14,000.00. This fee is due to 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.

Permit originally executed in Lee County, Florida. By Jon M. Inglehart, District Director, South District, State of Florida Department of Environmental Protection on April 3, 2013. Permit amended and executed in Leon County, by Mr. Tim Bahr, Compliance Assistance and Permitting Program Administrator, State of Florida Department of Environmental Protection on June 24, 2015.



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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 Permit; and
  - (c) Sample or monitor any substances or parameters at any location reasonably necessary to

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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.
  - (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

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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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7. Approved Operations Plan, February 2019, prepared by Jones Edmunds for Lee County Solid Waste, received by the Department on February 7, 2019.  
[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.291254.1\]&\[profile=Permitting\\_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.291254.1]&[profile=Permitting_Authorization])
  
8. 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])
  
9. 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])

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### APPENDIX 3 – Water Quality Monitoring Plan

1. **Water Quality Monitoring:** The following approved water quality monitoring program that has been established to meet the criteria set forth in Rule 62-701.510, F.A.C., shall be subject to the provisions of F.A.C Rules 62- 160, 62-302, 62-520, 62-522, 62-550, F.A.C., and the following Specific Conditions:
  - (a) The Background, Detection, and Piezometer test sites and Surface Water monitoring test site listed in Table 1 and displayed in Figure L.1 of this Appendix should be maintained throughout the design life of the landfill.
  - (b) All Background and Detection test sites referenced above shall be sampled semi-annually in March and September, and analyzed semi-annually in March and September for the parameters listed in Rule 62-701.510(7)(a), F.A.C. Piezometer test sites shall be sampled (measured) semi-annually in March and September for ground water elevations.
  - (c) The surface water monitoring location referenced above shall be sampled semi-annually in March and September, and analyzed semi- annually in March and September for the parameters listed in Rule 62-701.510(7)(b), F.A.C.
  - (d) The water quality monitoring reporting shall be made in accordance with Rule 62-701.510(8)(a), F.A.C., no later than sixty (60) days of the date the Permittee receives a complete report of analysis from the laboratory.
  - (e) The technical report required by Rule 62-701.510(8)(b), F.A.C., shall be submitted within ninety (90) days of completion of each two and one- half years (2-1/2) of monitoring.
  - (f) The boundary of the zone of discharge, pursuant to Rule 62-520, F.A.C., shall be no more than one hundred (100) feet each from the solid waste disposal units, or to the facility's property boundary, whichever is less. The boundary of the zone of discharge shall also not extend beyond the base of the water-table (unconfined) aquifer identified in the geotechnical/hydrogeological study of the construction permit application.

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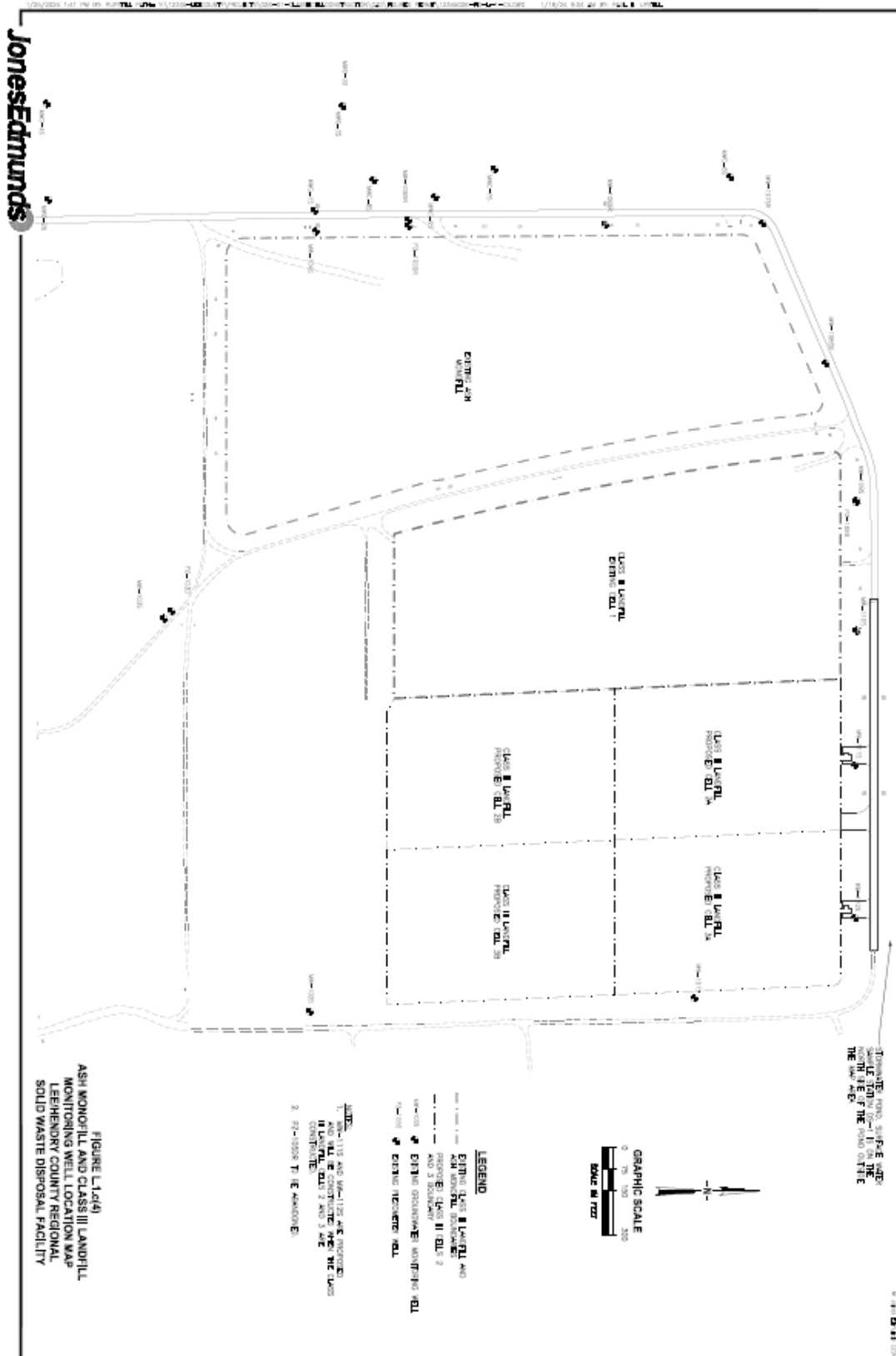
Table 1. Water Quality Monitoring Test Sites

Test Site Name	Test Site ID (WACS)	Well Type	Comments
MW-101S	23695	Background	
MW-102S	23696	Background	
MW-103S	23697	Background	
MW-104S	23698	Detection	
MW-105S	23699	Detection	Abandoned
MW-105SR	29533	Detection	Replacement for MW-105S
MW-106S	23700	Detection	Abandoned
MW-106SR	29534	Detection	Replacement for MW-106S
MW-107S	23701	Detection	Abandoned
MW-107SR	29535	Detection	Replacement for MW-107S
MW-108S	23702	Detection	Abandoned
MW-108SR	29536	Detection	Replacement for MW-108S
MW-109S	23703	Detection	
MW-110S	23704	Detection	
<u>MW-111S</u>			* <u>To be drilled during the construction of Class III Landfill Cell 2</u>
<u>MW-112S</u>			* <u>To be drilled during the construction of Class III Landfill Cell 3</u>
PZ-103D	23705	Piezometer	Water Levels only
PZ-105D	23706	Piezometer	Abandoned
PZ-105DR	29537	Piezometer	<del>Water Levels only,</del> Replacement for PZ-105D <u>Abandoned</u>
PZ-109D	23707	Piezometer	Water Levels only
DS-1	23712	Surface Water	Offsite Discharge

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Figure L.1.c(4): Monitoring Well Location Map





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ATTACHMENT 1 – Time Sensitive Action Chart

DATE	DESCRIPTION
Every 5 years	Submit reports in accordance with Specific Condition I.1.
Every 5 years	Submit \$14,000 for operation permit for the Class I Ash Monofill and the Class III Landfill in accordance with Specific Condition I.2.

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ATTACHMENT 2 – Ash Monofill and Class III Facility Permit History \*

DATE	DESCRIPTION
November 20, 2013	Permit 0130719-016-SC/00: Modifications made to allow for expansion of the Ash Monofill, update to Operation Plan, and updates to Appendix 3.
August 14, 2014	Permit 0130719-017-SC/MM: Modification made to allow for the use of subrounded to subangular gravel in the leachate collection trenches.
July 2, 2015	Permit 0130719-019-SC-MM: Modification made to allow the use of crushed glass in the top 12 inches of the 24-inch drainage and liner protection layer for cells 3, 4, and 5. The modification also authorizes the relocation of the leak detection system discharge for Cells 1 and 2 to the nearest leachate collection system riser instead of directly to the leachate force main.
October 4, 2017	Permit Modification No. 0130719-020-SO-MM: Modification to install a temporary above-grade leachate force main from the Class I Ash Monofill Cells 1, 2, 3, and 4 sumps to the leachate storage ponds.
February 19, 2019	Permit Modification No. 0130719-021-SO-IM: Modification to install a permanent 6-inch double-walled below-grade leachate force main from the Class I Ash Monofill Cells 1, 2, 3, 4 and 5 sumps to the leachate storage ponds.
<u>June 3, 2024</u>	<u>Permit Modification No. 0130719-026-SO-MM: Modification to include Class III Cells 2 and 3, update the operation plan.</u>

\*Since 0130719-013-SO/01 and 130719-014-SO/T3 were issued