



**Chapter 62-701, Florida
Administrative Code (F.A.C.)
Rule Development Workshop
Standards for the Disposal of Coal
Combustion Residuals in Landfills and
Surface Impoundments**

June 26, 2020



Agenda

- 1. Introduction**
- 2. Review of proposed changes to Chapter 62-701**
- 3. Describe remaining steps in rulemaking process, as currently anticipated**
- 4. Receive Public comments on rulemaking**
- 5. Adjourn**



Introduction – DEP Staff

- **Tim Bahr, P.G. – Director, Division of Waste Management (DWM)**
- **Kim Walker – Program Administrator, Permitting and Compliance Assistance Program (PCAP)**
- **Elizabeth (El) Kromhout, P.G., Environmental Administrator, Solid Waste Section**
- **Ashanti McBride – Office of General Counsel**



Introduction – Purpose

In 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act was passed. The WIIN Act provides for state coal combustion residuals (CCR) permit programs. States may, but are not required to, develop and submit a CCR permit (“or other system of prior approval”) program to EPA for approval. In States that do not have an approved permit program (“non-participating States”), EPA must implement a permit program, “subject to the availability of appropriations specifically provided to carry out a program...”.

To provide the public and the regulated community with regulatory certainty and consistency for CCR units, the Division of Waste Management is currently in rule development to create two new rules which will adopt the requirements in 40 CFR Part 257.50 through 257.107, “Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments” into Chapter 62-701 Florida Administrative Code (F.A.C.), and establish the procedures by which Coal Combustion Residuals permits will be issued to facilities in Florida that are currently required to comply with the requirements in 40 CFR Part 257.50 through 257.107.



Housekeeping

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 - Your line will be muted and you will only be able to listen
- The webinar presentation is posted on the [Division of Waste Management Home page](#) - Rulemaking Underway – Chapter 62-701, F.A.C.
- Rule comments and questions may be submitted to: SWPP@FloridaDEP.gov

THIS WEBINAR IS BEING RECORDED



Introduction – Notice

The notice for this rule workshop was published in the Florida Administrative Register on June 11, 2020.



Review of Proposed Changes

Chapter 62-701, F.A.C.

- 62-701.220 General Applicability
- 62-701.310 Approval of Alternate Procedures and Requirements
- 62-701.804 Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments
- 62-701.805 Coal Combustion Residuals Facility Requirements and Permitting Procedures
- 62-701.900 Forms



Proposed Changes

62-701.220 General Applicability

- **62-701.220 (2) – Add CCR landfills and CCR surface impoundments**
- **62-701.220 (4) – Repeal alternate requirements for industrial operations**



Proposed Changes

62-701.310 Approval of Alternate Procedures and Requirements

- **62-701.310(1) – Note that this section does not apply to CCR landfills and CCR surface impoundments**



Proposed Changes

62-701.804 Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments

- **62-701.804 – adopts by reference the scope and purpose contained in 40 Code of Federal Regulations (CFR) 257.50 and 40 CFR 257.52 revised as of August 5, 2016**



Proposed Changes

62-701.805 Coal Combustion Residuals Facility Permitting Requirements and Procedures

- **62-701.805 – Establishes a permit process specific to CCR landfills and CCR surface impoundments**



Proposed Changes

62-701.900 Forms

- **62-701.900(27) Form 62.701(37),
Application to Construct, Operate,
Modify or Close a CCR Unit**

A scenic background image showing a sunset over a body of water. The sun is low on the horizon, creating a bright reflection on the water's surface. The sky is filled with soft, golden clouds. The overall mood is calm and serene.

Remaining Steps in Rulemaking Process

Fast Track Rule Adoption Timeline: Rule 62.701.804, F.A.C

- 1. Rule Development Workshop/Public Meeting – June 26, 2020**
 - **Comment Period: Two weeks, ends on July 13, 2020**
- 2. Approval by Secretary to file rule package**
- 3. Publish Notice of Intent to Adopt a Rule**
 - **14 days to file an objection with ERC**
 - **21 days to file written comments with DEP**
- 4. File rule package with Joint Administrative Procedures Committee**
- 5. File Rule for Adoption no more than 90 days after Notice of Proposed Rule. Earliest: Effective Date should coordinate with 62-701.805 [Since this is fast track rule can go into effect immediately, or on date of choice]**



Remaining Steps in Rulemaking Process

ERC Adoption Rule Timeline for 62-701.220, 310, 805, and 900, F.A.C.

- 1. Rule Development Workshop/Public Meeting: June 26, 2020**
 - Comment Period: 2 weeks, ends on July 13, 2020**
- 2. Approval by Secretary to file rule package**
- 3. Publish Notice of Proposed Rule (NOPR)**
 - Must file rule challenge within 21 days of NOPR**
 - 21 days to propose Lower Cost Regulatory Alternative**
- 4. File package with Joint Administrative Procedures Committee**
- 5. Publish ERC Meeting date in Florida Administrative Record (FAR)**
- 6. ERC Meeting - targeting September 30, 2020 or October 28, 2020**
 - Must file rule challenge within 10 days after ERC hearing**



Remaining Steps in Rulemaking Process

ERC Adoption Rule Timeline for 62-701.805, F.A.C. (cont'd)

File Certification Package: No less than 14 days after the ERC hearing or more than 45 days after adjournment of the final hearing on the rule, 21 days after material authorized to be submitted at the hearing, or 21 days after receipt of the transcript, if one is made, whichever is latest. Rule will be effective 20 days after submission.

EPA Approval

Concurrent with the rulemaking process DEP will develop and submit an application package to EPA for CCR Permit program approval.



Public Comments

Submit Comments by July 13, 2020 to
SWPP@FloridaDEP.gov



CONTACT INFORMATION

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