62-701.805 Coal Combustion Residuals Facility Permitting Requirements and Procedures.

(1) Location Restriction Requirements.

(a) New CCR landfills, existing CCR landfills, and lateral expansion of a CCR landfill. The location restriction requirement for existing CCR landfills is specified in 40 CFR 257.64. The location restrictions for the construction of new CCR landfills and any lateral expansions are those specified in 40 CFR 257.60, 257.61, 257.62, 257.63, and 257.64 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(b) New CCR surface impoundments, existing CCR surface impoundments, and lateral expansion of a CCR surface impoundment. The location restriction requirements for existing CCR surface impoundments, construction of new CCR surface impoundments, and any lateral expansions are those specified in 40 CFR 257.60, 257.61, 257.62, 257.63, and 257.64 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(2) Design Requirements.

(a) The design requirements for construction of new CCR landfills and any lateral expansions are those specified in 40 CFR 257.70 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(b) The design requirements for construction of new CCR surface impoundments or any lateral expansions are those specified in 40 CFR ~~257.71,~~ 257.72, ~~257.73~~ and 257.74 [as adopted by reference in subsection 62-701.804(3), F.A.C.]. The design requirements for existing CCR surface impoundments are those specified in 40 CFR 257.71 and 257.73 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(c) Requirement for Quality Assurance/Quality Control (QA/QC) Plans. For the construction of any new CCR landfill or CCR surface impoundment, any lateral expansions of a CCR landfill or surface impoundment, or retrofit of an existing CCR surface impoundment, a quality assurance/quality control plan ~~in accordance with subsections 62-701.400(7) and (8), F.A.C.,~~ must be provided for the construction of the liner system, leachate collection system, and the final cover system, as applicable.

1. The quality assurance/quality control plan shall provide personnel with adequate information to achieve continuous compliance with the construction requirements. The plan shall include or refer to specifications and construction methods that use established engineering practices to construct a liner system, leachate collection system or final cover system and provide for quality control testing procedures and sampling frequencies. Sampling and testing shall be conducted in the field by trained personnel during construction and after construction completion. Such personnel shall be under the direction of a construction quality assurance professional engineer, to assure compliance with the standards. The construction quality assurance professional engineer or their designee shall be on-site at all times during construction to monitor construction activities and shall be on-site to monitor off-loading of any geosynthetics to be used. Construction activities include the time during which a protective layer is installed over a geomembrane, to ensure that the placement techniques do not cause damage to the geomembrane.

2. Liner systems, leachate collection systems, and final cover systems shall be installed in accordance with a Department-approved construction quality assurance plan that includes the following elements:

a. Responsibility and authority of all organizations and key personnel involved in permitting, designing, constructing, and providing construction quality assurance of the waste disposal facility shall be described fully;

b. Minimum qualifications of the construction assurance quality professional engineer and supporting personnel shall be in the plan to demonstrate that they possess the training and experience necessary to fulfill their identified responsibilities;

c. Procedures and tests that will be used to monitor the installation of the liner system, leachate collection system, or final cover system components shall be described in detail;

d. The sampling activities, sample size, sample locations, frequency of testing, acceptance and rejection criteria, and plans for implementing corrective measures that may be necessary shall be described; and

e. Reporting requirements for construction quality assurance activities shall be described, including daily summary reports, observation data sheets, problem identification and corrective measures, and final documentation. All such documents shall be included in the final report which shall be forwarded to the Department.

f. For geosynthetic components:

(I) Unless otherwise approved by the Department, one destructive test sample shall be collected every 500 feet along the total length of the liner seams. If an electrical leak location survey method, or other equivalent non-destructive test method, is used to locate and repair leaks in the installed liner system, then one destructive test sample shall be collected every 1000 feet along the total length of the seams in the areas where this method is used.

(II) If an electrical leak location survey method, or other equivalent method is used to test the geomembrane(s) in the liner system, testing shall be conducted after placement of the soil drainage layer. The geomembrane liner leak location survey shall be performed using standard industry methods, and any leaks located shall be repaired and tested by methods approved by the Department. The results of the geomembrane liner leak location survey, including a description of the locations of any leaks detected and the repairs that were conducted on these leaks, shall be documented in a final report included with the completion of construction documents required in this subsection.

(III) A laboratory experienced in the testing of geosynthetics, independent of the liner manufacturer and installer, shall perform the required testing which must include, at a minimum, conformance testing for all geosynthetics and geocomposites, and testing of seam shear and peel strength for geomembranes.

g. For soil components:

(I) All required testing and analysis shall be conducted by a qualified soil testing laboratory and performed in accordance with generally accepted engineering procedures, such as those promulgated by ASTM International.

(II) Prior to soil component installation, an appropriate borrow source shall be located. Suitability of the soil construction materials from that source shall be determined in accordance with the following:

(A) A field exploration and laboratory testing program shall be conducted by an independent soil testing laboratory to document the horizontal and vertical extent and the homogeneity of the soil strata proposed for use as liner material. A sufficient number of index tests from each potential borrow stratum shall be performed to quantify the variability of the borrow materials and to document that the proposed borrow material complies with specifications. At a minimum, the index tests shall consist of percent fines, Atterberg limits and moisture content determinations.

(B) Sufficient laboratory hydraulic conductivity tests shall be conducted on samples representative of the range invariability of the proposed borrow source. For each such sample, test specimens shall be prepared and tested to cover the range of molding conditions (moisture content and dry density) required by project specifications. The hydraulic conductivity tests shall be conducted in triaxial type permeameters. The test specimens shall be consolidated under an isotropic consolidation stress no greater than 10 pounds per square inch and permeated with water under an adequate backpressure to achieve saturation of the test specimens. The inflow to and outflow from the specimens shall be monitored with time and the hydraulic conductivity calculated for each recorded flow increment. The test shall continue until steady state flow is achieved and relatively constant values of hydraulic conductivity are measured. The borrow source will only be considered suitable if the hydraulic conductivity of the material, as documented on laboratory test specimens, can be shown to meet the requirements of the project specifications at the 98 percent confidence level.

(III) Prior to full-scale installation, a field test section or test strip shall be constructed at the site above a prepared subbase. The test strip shall be considered acceptable if the measured hydraulic conductivities of undisturbed samples from the test strip meet the requirements of the project specifications at the 98 percent confidence level. If the test section fails to achieve the desired results, additional test sections shall be constructed in accordance with the following requirements:

(A) The test section shall be of sufficient size such that full-scale liner installation procedures can be duplicated within the test section;

(B) The test section shall be constructed using the same equipment for spreading, kneading and compaction and the same construction procedures (e.g., number of passes, moisture addition and homogenization, if needed) that are anticipated for use during full-scale installation;

(C) At a minimum, the test section shall be subject to the following field and laboratory testing requirements:

I. A minimum of five random samples of the soil construction material delivered to the site during test section installation shall be tested for moisture content, percent fines, and Atterberg limits;

II. At least five field density and moisture determinations shall be performed on each lift of the compacted test section;

III. Upon completion of the test section lift, the thickness of the lift shall be measured at a minimum of five random locations to check for thickness adequacy; and

IV. A minimum of five Shelby tube or drive cylinder samples shall be obtained from each lift of the test section for laboratory hydraulic conductivity testing. Laboratory hydraulic conductivity testing shall be conducted in triaxial type permeameters. The test specimens shall be consolidated under an isotropic consolidation stress no greater than 10 pounds per square inch and permeated with water under an adequate backpressure to achieve saturation of the test specimens. The inflow to and outflow from the specimens shall be monitored with time and the hydraulic conductivity calculated for each recorded flow increment. The test shall continue until steady state flow is achieved and relatively constant values of hydraulic conductivity are measured.

(IV) Full scale installation may begin only after completion of a successful test section. During construction, quality control testing shall be provided to document that the installed soil component conforms to project specifications. The testing frequencies for quality control testing are specified below; however, during construction of the first five acres, these frequencies shall be doubled. Samples shall be obtained from random locations selected by an independent soil testing laboratory. If there are indications of a change in product quality or construction procedures during construction, additional tests shall be performed to determine compliance.

(V) Field testing during installation. The following field tests shall be performed:

(A) Prior to the laying of the soil materials, the subbase shall be compacted to the specified density. Density tests shall be conducted at a minimum rate of two tests per acre;

(B) A minimum of two moisture content and field density determinations shall be conducted per acre per lift of the compacted liner. The degree of compaction shall be checked using the one-point field Proctor test or other appropriate test procedures; and

(C) A minimum of four thickness measurements shall be conducted per acre per lift of the compacted liner.

(VI) Laboratory testing during liner installation. The following laboratory tests shall be performed:

(A) Percent fines of the liner construction material shall be determined at a minimum frequency of two tests per ace per lift of installed liner;

(B) Atterberg Limits determinations shall be performed on one sample per acre per lift of installed liner; and

(C) Hydraulic conductivity testing of Shelby tube or drive cylinder samples of the compacted liner shall be performed at a minimum frequency of one test per acre per lift. Laboratory hydraulic conductivity tests shall be conducted in triaxial type permeameters. The test specimens shall be consolidated under an isotropic consolidation stress no greater than 10 pounds per square inch and permeated with water under an adequate backpressure to achieve saturation of the test specimens. The inflow to and outflow from the specimens shall be monitored with time and the hydraulic conductivity calculated for each recorded flow increment. The test shall continue until steady state flow is achieved and relatively constant values of hydraulic conductivity are measured.

(VII) If the test data from a liner section does not meet the requirements of the project specifications, additional random samples may be tested from that liner section. If such additional testing demonstrates that the thickness and hydraulic conductivity meet the requirements of the project specifications at the 95 percent confidence level, that liner section will be considered acceptable. If not, that liner section shall be reworked or reconstructed so that it does meet these requirements.

3. The professional engineer in charge of construction quality assurance shall provide a signed, sealed final report and record drawings to the Department stating that the liner system has been installed in substantial conformance with the plans and specifications. The report and drawings shall be submitted along with a certification of construction completion on Form 62-701.900(2) Certification of Construction Completion of a Solid Waste Management Facility, incorporated by reference in paragraph 62-701.320(9)(b), F.A.C.

(3) Operating Requirements.

(a) New CCR landfills, existing CCR landfills, and lateral expansion of a CCR landfill. The operating requirements for existing CCR landfills, construction of new CCR landfills and any lateral expansions are those specified in 40 CFR 257.80, 257.81, and 257.84, [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(b) New CCR surface impoundments, existing CCR surface impoundments, and lateral expansion of a CCR surface impoundment. The operating requirements for existing CCR surface impoundments, construction of new CCR surface impoundments, and any lateral expansions are those specified in 40 CFR 257.80; 257.82; and 257.83; [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(4) The requirements for inactive CCR surface impoundments are those specified in 40 CFR 257.100 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(5) The groundwater monitoring and corrective action requirements are those specified in 40 CFR 257.90, 257.91, 257.93, 257.94, 257.95, 257.96, 257.97, and 257.98 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(6) Requirements for retrofitting existing unlined CCR surface impoundments are those specified in 40 CFR 257.102(k), [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(7) Financial Assurance.

(a) For any CCR unit or units, closure cost estimate updates and financial mechanisms are required to be prepared for each unit and shall comply with the provisions of subsections 62-701.630(1) through (4), F.A.C., except that the costs shall be based upon compliance with Rules 62-701.804 and 62-701.805, F.A.C. For purposes of this subsection, references to “landfill” in subsections 62-701.630(1) through (4), F.A.C., shall mean CCR landfill or CCR surface impoundment.

(b) Local governments shall comply with the provisions of subsections 62-701.630(1) through (4) or 62-701.630(5), F.A.C., as applicable, to establish financial assurance for closure and post-closure.

(8) Closure and Post-closure Care.

(a) Closure or retrofit of existing, new and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.100(a) and 40 CFR 257.101 through 40 CFR 257.103 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(b) The owner or operator must close the CCR unit in accordance with a Department operating permit that includes a closure plan, or a closure permit issued by the Department. Prior to initiating closure of a CCR unit, the owner or operator must receive authorization from the Department using one of the following options:

1. The owner or operator may submit an application to the Department for a closure permit which shall include a closure plan on Form 62-701.900(37), Application to Construct, Operate, Modify, or Close a Coal Combustion Residuals (CCR) Unit or Units, effective date [DATE], hereby adopted and incorporated by reference. Copies of this form can be obtained from the Department’s website or by contacting the Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, or the form can be obtained at [http://www.flrules.org/Gateway/reference.asp?No=Ref-13340](https://www.flrules.org/Gateway/reference.asp?No=Ref-13340); or

2. If the CCR unit is operating under a CCR operating permit, the owner or operator may request a modification of the permit to address substantive changes in the closure plan, or the owner or operator may demonstrate that the closure plan in the existing operating permit includes sufficient detail to provide reasonable assurance of compliance with the provisions of this section.

(c) All required notices in 40 CFR 257.102(g), 40 CFR 257.102(h), and 40 CFR 257.102(i) [as adopted by reference in subsection 62-701.804(3), F.A.C.] must be provided to the Department per the timeframes in those rules.

(d) Upon completion of closure activities, a professional engineer registered in Florida shall prepare and submit a closure report to the Department, pursuant to 62-701.600(6), F.A.C. Upon approval by the Department in accordance with 62-701.600(8), F.A.C., closure will be deemed complete and the facility may begin the post-closure care period.

(e) Once closure activities have been completed, the owner or operator shall file a declaration to the public in the deed records in the office of the county clerk of the county in which the CCR unit is located. The declaration shall include a legal description of the property on which the CCR unit is located and a site plan specifying the area actually filled with CCR materials. The declaration shall also include a notice that any future owner or user of the site should consult with the Department prior to planning or initiating any activity involving the disturbance of the landfill cover, monitoring system, or other control structures. A certified copy of the recorded declaration shall be filed with the Department.

(f) Post-closure care for CCR units shall be conducted in accordance with 40 CFR 257.104 [as adopted by reference in subsection 62-701.804(3), F.A.C.] with the following exceptions and additions:

1. An owner or operator of an inactive surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(a) [as adopted by reference in subsection 62-701.804(3), F.A.C.] is subject to the post- closure care criteria in 40 CFR 257.104 [as adopted by reference in subsection 62-701.804(3), F.A.C.]. The post-closure care plan required pursuant to 40 CFR 257.104 [as adopted by reference in subsection 62-701.804(3), F.A.C.] must be approved by the Department prior to initiating post-closure care period.

2. Upon the completion of the post-closure care period specified in 40 CFR 257.104 [as adopted by reference in subsection 62-701.804(3), F.A.C.], the Department must provide approval that the post-closure care period has been completed.

3. The release of CCR units from post-closure care must be approved by the Department.

(g) This subsection does not apply to CCR units that commenced closure or post-closure care before [effective date of rule] in accordance with paragraph(8)(a), paragraph (8)(f), or pursuant to judicial order, judicially-approved consent decree, Department consent order, or other Department authorization. For purposes of this subsection, a CCR unit has commenced closure or post-closure care if the owner or operator has obtained the federal, state, or local approvals or permits necessary to begin physical construction related to closure or to begin post-closure care monitoring, and a continuous on-site physical construction program related to closure or actual post-closure care monitoring had begun prior to [effective date of rule].

(9) Alternative Closure Requirements. 40 CFR 257.103 contains the requirements that must be met by an owner or operator of a CCR unit subject to closure pursuant to 40 CFR 257.101(a), (b)(1), or (d) where the owner or operator of the CCR unit decides that the CCR unit needs to continue to receive CCR [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(10) Requirements for Recordkeeping, Notification and Posting of Information on the Internet.

(a) The recordkeeping requirements for CCR units are those specified in 40 CFR 257.105 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(b) The notification requirements for CCR units are those specified in 40 CFR 257.106 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(c) The publicly accessible internet site requirements for CCR units are those specified in 40 CFR 257.107 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

(d) All documents, plans, reports, and certifications required in 40 CFR 257.105 shall be submitted to the Department per the timeframes specified in 40 CFR 257.106.

(11) CCR Permit Procedures.

(a) No person shall construct, operate, maintain, modify, conduct corrective action on, ~~or~~ close, or perform post-closure at a CCR landfill or surface impoundment without a permit issued by the Department under this rule. This paragraph does not apply to CCR Units that have commenced closure or post-closure care before [effective date of rule] in accordance with paragraph 62-701.805(8)(g), F.A.C.

(b) CCR Permit Applications.

1. On or before the facility anniversary date and no later than one year after the effective date of this rule, owners and operators of all existing CCR units subject to Rule 62-701.804, F.A.C., are required to submit to the Department a permit application for these units. For the purposes of this subsection, the facility anniversary date shall be defined as the month and day of the most recent modification to the facility siting certification or relevant permit plus 180 days.

2. Owners and operators of new CCR units subject to Rule 62-701.804, F.A.C., must obtain a permit from the Department prior to the placement of coal combustion residual waste in the CCR unit.

3. A CCR permit application or permit renewal application shall be timely and sufficient. For existing CCR units, if the permit application is submitted on or before the anniversary date, it will be considered timely and sufficient. For CCR permit renewals, if the permit renewal application is submitted prior to 60 days before the permit expiration, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the existing permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or as otherwise provided in section 120.60, F.S.

(c) CCR Permit Application Requirements: A permit application for a CCR landfill or surface impoundment shall be submitted using Form 62-701.900(37), incorporated by reference in paragraph 62-701.805(8)(b), F.A.C., as applicable.

1. All applications shall include the information in paragraphs a. through g. of this subsection:

a. A letter of application transmittal with the applicable permit fee specified in Rule 62-701.805(12)(a), F.A.C., by check or money order, payable to the Department;

b. A detailed description of facility operations, all CCR units, and or/proposed CCR units included in the permit application;

c. A regional map or plan showing the project location in relation to major roadways and population centers, and a vicinity map or aerial photograph taken within one year preceding the application showing the facility site and relevant surface features located within 1000 feet of the facility;

d. A site plan, of a scale not greater than 200 feet to the inch, which shows the project location and identifies the existing or proposed CCR units, total acreage of the site and of the existing or proposed CCR units, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site and potable water wells on or within 500 feet of the site;

e. A boundary survey, legal description, and topographic survey of the property;

f. The financial assurance documentation required by subsection 62-701.805(7), F.A.C.; and

g. Documentation required by subsections 62-701.805(1) through 62-701.805(10), F.A.C., as applicable.

2. A minimum of one electronic copy of the application, engineering plans and reports, and all supporting information for the proposed construction, substantial modification, operation, corrective action, ~~or~~ closure, or post-closure care of a CCR unit shall be provided to the Department. The Department shall excuse the applicant from the requirements to submit an application electronically when the applicant files a request with the Department requesting to be excused from the electronic submission requirements due to technological hardship. If an applicant is excused from submitting an application electronically, then the applicant shall submit at least one paper copy of the entire application to the Department.

(d) Engineer of Record and Professional Certification: All engineering plans, reports, and information supporting the application shall be compiled by the engineer of record who shall be responsible for assurance that all technical components have been prepared under the direction and supervision and signed and sealed by the professional registered in Florida in each contributing technical discipline. The engineer of record’s signature and seal on the application shall assure that all appropriate technical professional disciplines have been employed in development of the application. The application shall provide that the engineer of record, or another qualified professional working under the supervision of the engineer of record, shall make periodic inspections during construction of the facility to ensure that design integrity is maintained.

(e) Identification Number. The Department shall assign an identification number to each facility that receives a permit for a CCR unit. The number shall be unique to that facility and shall remain assigned to that facility at all times. The identification number shall be used on all correspondence and records related to that facility.

(12) CCR Permit Application Fees and Terms.

(a) The following fees shall apply to permit applications for CCR landfills and surface impoundments.

1. Construction permit for each CCR landfill or surface impoundment, five-year term $10,000.00

2. Operation permit for each CCR landfill or surface impoundment, five-year term $10,000.00

3. Closure permit for each CCR landfill or surface impoundment, five-year term $ 7,500.00

(b) Fees for CCR permit modifications are the same as those in subsection 62-701.320(4), F.A.C.

(c) For a CCR landfill or surface impoundment that meets the requirements of sections 403.707(3)(c)1. and 403.707(3)(c)2., F.S., the CCR unit permits shall be issued for a period of up to ten years.

(d)~~(c)~~ Fees for permits to construct, operate, or close that are issued for periods longer than five years shall be calculated as follows: the fee listed in this section plus 20 percent of the fee listed in this section for each year over five years for which a permit is sought.

(13) CCR Permit Application Notice, Processing, Permit Issuance, Modification, and Renewal Procedures

(a) An applicant for a permit to construct, intermediately modify, or substantially modify a CCR unit shall publish and provide proof of publication to the Department of a notice of application in a newspaper of general circulation in the area where the facility will be located. This notice shall conform to the requirements of Rule 62-110.106, F.A.C., except that the notice shall be published within 14 days of submittal of a permit application to the Department.

(b) CCR permit applications shall be processed in accordance with the requirements in Rule 62-4.055, F.A.C.

(c)~~1.~~ CCR permits shall be issued in accordance with the requirements in Rule 62-4.070, and 62-701.320(3), F.A.C.

(d) Once an application for a CCR unit is complete, the Department shall prepare a draft permit or intent to deny the permit. All draft permits prepared by the Department under this section shall be publicly noticed, made available for public comment, and give notice of an opportunity for a public meeting The applicant shall publish and provide proof of publication to the Department of the draft permit notice in a newspaper of general circulation in the area where the facility will be located and the applicant’s publicly accessible CCR internet website as specified in 40 CFR 257.107 [as adopted by reference in subsection 62-701.804(3), F.A.C.].

1. Public notice of the preparation of the draft permit shall allow at least 30 days for public comment. During the public comment period any interested person may submit written comments on the draft permit and may request a public meeting, if no meeting has been scheduled. A request for public meeting shall be in writing and shall state the nature of the issues proposed to be raised in the meeting. All comments shall be considered by the Department in making the final decision.

2. All public notices issued under this section are prepared by the Department and shall at minimum contain the following information:

a. Name and address of the office processing the permit action for which the notice is being given;

b. Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

c. A brief description of the business conducted at the facility or activity described in the permit application or draft permit;

d. Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit and the application; and

e. A brief description of the comment procedures and the time and place of any public meeting that will be held, including a statement of procedures to request a meeting (unless a meeting has already been scheduled) and other procedures by which the public may participate in the final permit decision.

f. Any additional information considered necessary to fulfill the purpose of the notice.

3. Public notice of a public meeting shall be given at least 30 14 days before the meeting. Public notice of the meeting may be given at the same time as public notice of the draft permit, or the two notices may be combined.

a. The Department shall hold a public meeting in the area where the CCR Unit is located whenever it finds, on the basis of requests, a significant degree of public interest in a draft permit.

b. In addition to the general public notice described in subparagraph 62-701.805(13)(d)3., F.A.C., below, the public notice of a meeting under 62-701.805(13)(d)2., F.A.C., shall contain the following:

I. Reference to the date of any previous public notices relating to the permit;

II. Date, time, and place of the meeting; and

III. A brief description of the nature and purpose of the meeting, including the applicable rules and procedures.

(e). After the conclusion of the public comment period described in subparagraph 62-701.805(13)(d)1., F.A.C., a public meeting (if any) described in subparagraph 62-701.805(13)(d)2, F.A.C., and after all comments have been considered, the Department shall make a final decision on the permit application. The applicant shall publish public notice of the proposed agency action including the availability of an administrative hearing under Sections 120.569 and 120.57, F.S. and publish the notice on the applicant’s publicly accessible CCR internet website as specified in 40 CFR 257.107 [as adopted by reference in subsection 62-701.804(3), F.A.C.]. The public notice requirements for final CCR permits issued by the Department are specified in Rule 62-110.106, F.A.C.

~~2. The public notice requirements for CCR permits issued by the Department are specified in section 403.815, F.S., section 403.707, F.S., Rule 62-110.106, F.A.C., and Rule 62-701.320, F.A.C.~~

~~3. For a CCR landfill or surface impoundment that meets the requirements of 403.707(3)(c), F.S., the CCR permits shall be issued for a period of up to ten years.~~

(f)~~(c)~~ Modifications of Coal Combustion Residual Unit Permits.

1. Permits for CCR units shall be modified in accordance with the requirements of Rule 62-4.080, F.A.C.

2. A modification which does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and is not expected to lead to substantially different environmental impacts or will lessen the impacts of the original permit is considered a minor modification, the fee for which is set forth in paragraph 62-4.050(4)(s), F.A.C.

3. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification, the fee for which is set forth in subsection 62-4.050(7), F.A.C.

4. A modification which is reasonably expected to lead to substantially different environmental impacts, but which requires a less detailed review than does a substantial modification, is considered an intermediate modification, the fee for which is one-half of that required for a substantial modification.

5. The public notice requirements for CCR permits modified by the Department are specified ~~in section 403.815, F.S., section 403.707, F.S.,~~ Rule 62-110.106, F.A.C.~~, and Rule 62-701.320, F.A.C.~~

(g)~~(d)~~ Coal Combustion Residual Unit Permit Renewals

1. A renewal application shall be timely and sufficient. If the renewal application is submitted prior to sixty days before expiration of the existing permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the existing permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or as otherwise provided in section 120.60, F.S.

2. Applicants for permit renewal shall demonstrate how they will comply with any applicable new or revised laws or rules relating to construction, operation, or closure of CCR units. Closure plans shall be updated at least once every five years to reflect changes in closure design, long-term care requirements, and financial assurance requirements.

3. Facility information that was submitted to the Department to support the expiring permit, and which is still valid, does not need to be resubmitted for permit renewal. The permit renewal application shall list and reaffirm that the information is still valid.

(h)~~(e)~~ CCR Unit Permit Transfers.

1. Any person wishing to transfer a CCR unit permit shall submit such a request using Form 62-701.900(8), Permit Transfer Form, incorporated by reference in paragraph 62-701.320(11)(a), F.A.C. The form must be completed with the signatures of both the permittee and the proposed new permittee and submitted to the Department’s Solid Waste Section in Tallahassee.

2. A transfer of permit is required upon the sale or transfer of a facility. A transfer of permit is also required if a new or different person takes ownership or control of the facility. A transfer of permit is not required if the facility simply changes its name, although the permittee must notify the Department of such a change using Form 62-701.900(8). A transfer of permit is also not required solely as a result of the sale of stock or assets or a change of operating personnel, as long as ownership or control of the facility has not changed. A permittee may apply for a permit transfer prior to the sale or change of control of the facility, but the permit transfer shall not be effective prior to the sale or change of control.

3. The proposed new permittee shall provide reasonable assurance that it has the ability to comply with the conditions of the existing permit, that it either owns the property or has legal authorization from the property owner to use the site, and that it meets any financial assurance requirements of the permit or applicable rules.

4. Within 30 days of receipt of an application for permit transfer, the Department shall request additional information if the application is not complete. Within 30 days of receipt of a complete application, the Department shall either approve or deny the permit transfer. The Department’s determination shall be based solely on its evaluation of the requirements in subparagraphs ~~paragraphs~~ 1. ~~(a)~~ through 3. ~~(c)~~ above. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of a complete application, the transfer shall be deemed approved.

5. Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee seeking to transfer the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility. If the existing permittee is under a continuing obligation to perform corrective actions as a result of a Department enforcement action or consent order, the permit may not be transferred until the proposed new permittee agrees in writing to accept responsibility for performing such corrective actions.

6. If financial assurance for closure is required for the permit being transferred, the existing permittee shall maintain that financial assurance until the Department approval of the transfer is final. The proposed new permittee shall also provide financial assurance before the transfer is approved by the Department.

*Rulemaking Authority 403.061, 403.704, 403.707, 403.7125 FS. Law Implemented 403.702, 403.703, 403.704, 403.707, 403.7125 FS. History–New \_\_\_\_\_\_\_\_\_.*

62-701.900 Forms.

The forms used by the Department in the solid waste management program are adopted and incorporated by reference elsewhere in this chapter. The following list of forms is provided solely for convenience. Some of the form numbers may not be consecutive due to repeal or transfer of earlier forms. Copies of forms may be obtained from a local District Office; by contacting the Florida Department of Environmental Protection, Solid Waste Section, Mail Station #4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or at https://floridadep.gov/waste/content/forms-chapter-62-701-solid-waste-management-facilities.

(1) through (26) No change.

(27) Form 62-701.900(37), Application to Construct, Operate, Modify, or Close a Coal Combustion Residuals (CCR) Unit or Units, effective [DATE].

*Rulemaking Authority 403.704 FS. Law Implemented 403.707 FS. History–New 8-2-89, Amended 1-6-93, 5-19-94, Formerly 17-701.900, Amended 12-23-96, 4-23-97, 5-27-01, 1-6-10, 8-12-12, 2-15-15, 3-13-16, \_\_\_\_\_\_\_\_\_\_\_.*