



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

February 14, 2024

NOTICE OF PERMIT

By-Email
chowerton@hcbcc.org

In the Matter of an
Application for Permit by:
Highlands County Board of County Commissioners
600 South Commerce Avenue
Sebring, Florida 33870

WACS # 74956
Class I Landfill, Highlands
County Solid Waste Center

Attention: Mr. Clinton Howerton

DEP File No: 0038570-036-SC-01

Enclosed is Permit Number 0038570-036-SC-01 to construct Class I Cells 5 and 7 at the Highlands County Solid Waste Management Center, issued pursuant to Section 403.061(14) and 403.707, Florida Statutes.

NOTICE OF RIGHTS

Judicial Review

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

EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Attachment(s):

Permit Nos. 0038570-036-SC-01

CERTIFICATE OF SERVICE

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

Robert Diefendorf, Highlands County Board of County Commissioners,

rdiefendorf@highlandsfl.gov

George Reinhart, P.E., Jones Edmunds, GReinhart@jonesedmunds.com

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

Carol Sawyer, P.E., Jones Edmunds, CSawyer@jonesedmunds.com

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

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

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

FILING AND ACKNOWLEDGMENT

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

Clerk

Date



FLORIDA DEPARTMENT OF Environmental Protection

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

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Permit Issued to:
Highlands County Board of County Commissioners
600 South Commerce Avenue
Sebring, Florida 33870

WACS Facility ID No.: 74956
Facility Name: Highlands County Solid Waste Management Center
12700 Arbuckle Creek Road
Sebring, Florida 33870

Contact Person:
Clinton Howerton, Jr., P.E., County Engineer
Highlands County
600 South Commerce Avenue, Sebring, Florida 33870
(863) 402-6877

Solid Waste Construction Permit – Class I Landfill
Construction Permit No.: 0038570-036-SC-01

Permit Issued: February 14, 2024
Permit Renewal Application Due Date: December 15, 2028
Permit Expires: February 14, 2029

Permitting Authority
Florida Department of Environmental Protection
Solid Waste Program & Permitting
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
850-245-8707

SECTION 1 - SUMMARY INFORMATION

A. Authorization

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

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

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

The Highlands County Solid Waste Management Center is located at 12700 Arbuckle Creek Road, Sebring, Florida 33870. The location of the approximate center of the Class I disposal area is at latitude 27 30' 38" N and longitude 81 18' 55" W, located in Section 22, Township 34 South and Range 30 East.

C. Facility Description

The Highlands County Solid Waste Management Center (HCSWMC) occupies a total area of 987 acres and includes a Class I landfill and gas recovery facility, an Agricultural Plastic Disposal Unit, and a Construction & Demolition (C&D) Debris Disposal facility. The Class I landfill has a total disposal area of 147 acres and approximately 36 acres have been already constructed. The Class I landfill is composed of Cell 1A (9.17 acres), Cell 1B (9.17 acres), and Cell 3 (18 acres). The Class I landfill has future plans for proposed expansion to Cells 2, 4, 6, and 8.

This permit authorizes the construction of Cells 5 and 7. Cells 5 and 7 comprise 17 acres each. The cells are designed with a double HDPE geomembrane liner system underlain by a geosynthetic clay liner including leachate collection and removal system and leachate detection system.

The C&D Debris Disposal facility is operated in accordance with Permit No. 0038570-032-SO-24 issued on January 30, 2019. The Agricultural Plastic Disposal Unit is operated in accordance with Permit No. 0038570-034-SO-08 issued November 25, 2019.

D. Appendices Made Part of This Permit

APPENDIX 1 - General Conditions

APPENDIX 2 – List of Approved Documents Incorporated into the Permit

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., and Rule 62-4.120, 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.

B. Construction Requirements

1. Construction authorized. This permit authorizes the construction of Class I Cells 5 and 7 as shown on the Cells 5 and 7 Landfill Expansion Drawings (Appendix 2, Document 2). This permit does not authorize landfill operation or closure.
2. General Construction Requirements. All construction shall be done in accordance with the approved design, drawings (Appendix 2, Document 2), CQA plan (Appendix D of Appendix 2, Document 1), and specifications (Appendix 2, Document 1). 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 (including anchor trenches), base grade and collection pipe slopes.
 - b. Results of testing of geosynthetic and soil components of the liner system.
 - c. As-built elevations for the leachate collection pipes and detection trenches (including elevations in the trenches and sumps).
 - d. Conformance test results, interface friction test results, as-built surveys, daily construction reports.
 - e. As-built drawings showing the geomembrane panel installation layout, locations of fabricated and field seams, type of seams, destructive sampling locations, locations of all repairs, panel designations, and location of GCL repairs larger than ½ roll width;
 - f. All geomembrane destructive test results;
 - g. An electronic submittal of all available photographs documenting all stages of the construction project. Each photograph shall include the camera date stamp;
 - h. Documentation that demonstrates that all leachate collection system piping has been video inspected and/or pressure cleaned. This documentation shall also detail all deficiencies discovered and corrective actions taken.
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 newly constructed Cell 5 or Cell 7 at the facility until one of the following has occurred: (1) the Department has stated in writing that it has no objection to the certification of construction completion; or (2) at least 30 days have passed since the certification was submitted and the Department has not responded in writing to the certification.

C. Operation Requirements

1. The Operation Requirements are described in Operation Permit No. 0038570-035-SO-01 and any subsequent modifications.

D. Water Quality Monitoring Requirements

1. The Water Quality Monitoring Requirements are described in Operation Permit No. 0038570-035-SO-01 and any subsequent modifications.

E. Gas Management System Requirements

1. The Gas Management System Requirements are described in Operation Permit No. 0038570-035-SO-01 and any subsequent modifications.

F. Financial Assurance and Cost Estimates

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

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 4548
Tallahassee, Florida 32399-2400

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) 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. 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 F.1. or to the following email address: Financial.Assurance.Working.Group@floridadep.gov.

G. Closure Requirements

Not Applicable

H. Long Term Care Requirements

Not Applicable

EXECUTION AND CLERKING

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FILING AND ACKNOWLEDGMENT

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

Clerk

Date

APPENDIX 1

General Conditions

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

- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of noncompliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
 - (c) The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit or a copy thereof shall be kept at the work site of the permitted activity.
12. The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:

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

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

APPENDIX 2

LIST OF APPROVED DOCUMENTS INCORPORATED BY REFERENCE

The application documents for the Class I Landfill Cells 5 and 7 Lateral and Vertical Expansion Substantial Construction Permit Modification and Intermediate Operations Permit Modification, submitted on June 5, 2023 through September 20, 2023 consist of the following:

Document 1 – Highlands County Solid Waste Management Center Class I Landfill Cells 5 and 7 Lateral and Vertical Expansion Substantial Construction Permit Modification and Intermediate Operations Permit Modification application, prepared by Jones Edmunds & Associates, Inc., signed and sealed by George Rinehart, P. E., dated and received June 5, 2023. A copy can be found at:

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.359039.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.359039.1]&[profile=Permitting_Authorization])

Document 2 – Drawing Set, Appendix A, dated May 2023, and received by the Department June 5, 2023.

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.359037.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.359037.1]&[profile=Permitting_Authorization])

Document 3 – Response to FDEP First Request for Additional Information, dated August 2023, prepared by Jones Edmunds & Associates, Inc., signed and sealed by George Rinehart, P. E., dated September 7, 2023, and received on September 8, 2023. A copy can be found at:

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=8.363610.1\]&\[profile=Permitting_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=8.363610.1]&[profile=Permitting_Authorization])