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July 12, 2020

Mr. Tim Bahr, P.G., Director
Division of Waste Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Sent electronically to: SWPP@FloridaDEP.gov

RE: Comments and Suggested Edits for Proposed Coal Combustion Residuals Rule Chapter 62-701, Florida Administrative Code

Dear Mr. Bahr:

Thank you for the Rule Workshop held by the Department on June 26, 2020, on the subject rulemaking effort and the very helpful information that was shared during that Workshop. As was requested, the following comments and edits are provided for your consideration on the proposed rules and other changes to Chapter 62-701, Florida Administrative Code (F.A.C.). These comments are my own as an interested party and not on behalf of any other organization.

Comments on Proposed Changes Related to the Coal Combustion Residuals (CCR) Rules 62-701.804 and 62-701.805, F.A.C. – Draft Version Released June 11, 2020:

1. On lines 17 to 20, the proposal has been made to delete subsection 62-701.220(4), F.A.C. I agree this language would no longer apply to CCR landfills and CCR surface impoundments after the Department adopts proposed Rules 62-701.804 and 62-701.805, F.A.C. However, this subsection was added after the Department in 1996 repealed Rule 62-701.720, F.A.C. relating to Industrial Solid Waste Disposal. That repealed rule, which was added on January 6, 1993, required all new industrial waste disposal facilities to comply with the Class I landfill requirements after January 6, 1995. However, it allowed an affected industry to submit, by July 6, 1994, a request that alternate requirements apply to waste streams at its facility. It also required the affected industry to include an analysis of its wastes streams and operational procedures that demonstrated the Class I landfill standards were not appropriate. The CCR facilities in Florida submitted such a request and demonstration, and alternate standards were allowed by the Department. In addition, requests and demonstrations were made by the Florida Pulp and Paper Association (that included nine mills) and CYTEC Industries in Milton, Florida. The Department also granted these requests, and I will attach copies of the Department's response letters for them. Since these additional industries may have concerns about removing this subsection, I suggest it not be deleted but a clarifying sentence be added at the end of it to read as follows:

(4) In accordance with former Rule 62-701.720, F.A.C., several persons or organizations requested approval of alternate requirements for certain industrial operations. Written determinations made by the Department prior to December 23, 1996, in response to such requests remain in effect even though Rule 62-701.720, F.A.C., has been repealed, until and unless the Department takes action to modify such determinations through rulemaking. <u>This subsection shall not apply to facilities subject to the provisions of Rules 62-701.804 and 62-701.805, F.A.C.</u>

2. On lines 29 to30, a sentence is proposed for addition to the end of subsection 62-701.310(1), F.A.C., that reads, "[t]his section shall not apply to facilities subject to the provisions of Rules 62-701.804 and 62-701.805, F.A.C." I suggest the word "section" be replaced by "Rule." In this case, the Department is taking the position that Rule 62-701.310, F.A.C., shall not be available to CCR facilities.

3. On line 142, paragraph 62-701.805(8)(c), F.A.C., has a small typo. Instead of "40 CFR 102(g)," it should read "40 CFR 257.102(g)."

4. On line 147, paragraph 62-701.805(8)(d), F.A.C., has a small typo. Instead of "62-701.699(8)," it should read "62-701.600(8)."

Suggested Edits or Amendments to Other Portions of Chapter 62-701, F.A.C.

1. The cross-reference in subparagraph 62-701.430(1)(c)7., F.A.C., was not changed during earlier amendments to the chapter. It currently reads, "62-701.340(3)(c)" and should read "62-701.340(2)(b)."

2. Paragraph 62-701.500(7)(c), F.A.C., states that waste slopes should be "no greater than" three feet horizontal to one foot vertical rise. The language should be "not steeper than," as in paragraph 62-701.600(3)(e), F.A.C., rather than "no greater than." A four-to-one slope is "greater than" a three-to-one slope but less steep and not a problem. A two-to-one slope, of course, is steeper and a potential problem.

3. Paragraph 62-701.730(7)(b), F.A.C., also has the same error as paragraph 62-701.500(7)(c), F.A.C. The language should be changed from "no greater than" to "not steeper than."

4. Again, in paragraph 62-701.730(9)(b), F.A.C., the language should be changed from "no greater than" to "not steeper than."

5. In paragraph 62-701.730(9)(f), F.A.C., a cross-reference was not changed during earlier amendments to the chapter. Instead of reading, "documents required in paragraph (d) of this subsection" it should read, "documents required in paragraph (e) of this subsection."

6. Paragraph 62-701.500(8)(a), F.A.C., states "[t]he landfill operator is responsible for leachate level monitoring." This language was added on January 6, 1993, when the Department adopted standards for leachate surface impoundments and leachate tanks. To clarify where leachate monitoring is required, it is recommended this paragraph be amended to read:

   (a) The landfill operator is responsible for leachate level monitoring <u>at permitted leachate tanks and leachate surface impoundments and also leachate sumps if required in a Department permit</u>.

Thank you for the opportunity to provide you with these comments. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

Richard B. Tedder, P.E.

Attachments

cc: Kim Walker
El Kromhout

Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

November 21, 1994

Mr. John H. Millican
Executive Director
Florida Pulp & Paper Association
Post Office Box 6507
Tallahassee, Florida 32314-6507

Dear Mr. Millican:

The Department has received the Request for Alternate Solid Waste Requirements For the Florida Pulp & Paper Industry which was submitted to us on October 27, 1994 in accordance with the provisions of Rule 62-701.720(3), Florida Administrative Code (F.A.C.). The Department has determined that this submittal generally includes the information specified in Rule 62-701.720(4), F.A.C., and therefore the provisions of Rule 62-701.720(1), F.A.C., shall not apply to the industrial operations covered by your report.

After we have finished reviewing this report we will provide comments to you, and may request additional information. Upon determination that your application is complete, the Department intends to initiate rulemaking in order to set standards for the construction, operation and closure of solid waste disposal facilities at industrial operations. At that time, it may be helpful to schedule a meeting to discuss the Department's comments in more detail and to discuss the rulemaking schedule. Until this rulemaking is complete, you should be aware that the Department will continue to evaluate any applications for industrial waste disposal units on a case-by-case basis, and will require the applicant to provide reasonable assurance that such units will not cause pollution in violation of Department water quality standards.

Thank you for your timely submittal of this information. We will contact you as soon as our completeness review is concluded.

Sincerely,

Mary Jean Yon, Administrator
Solid Waste Section

MJY/lr

cc: Phil Coram
Chris McGuire
Tom Moody
Mike Fitzsimmons

FYI - RT 800

Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

December 6, 1994

Mr. K.N. Sharitz, Manager
CYTEC Industries, Inc.
Santa Rosa Plant
1801 Cyanamid Road
Milton, Florida 32571

Dear Mr. Sharitz:

The Department has received your Request for General Approval of Alternate Landfill Requirements for Non-Toxic Acrylic Synthetic Fiber Production Operations which was submitted to us on July 5, 1994 in accordance with the provisions of Rule 62-701.720(3), Florida Administrative Code (F.A.C.). The Department has determined that this submittal generally includes the information specified in Rule 62-701.720(4), F.A.C., and therefor the provisions of Rule 62-701.720(1), F.A.C., shall not apply to the industrial operation covered by your report.

After we have finished reviewing this report we will provide comments to you, and may request additional information. Upon determination that your application is complete, the Department intends to initiate rulemaking in order to set standards for the construction, operation and closure of solid waste disposal facilities at industrial operations. At that time, it may be helpful to schedule a meeting to discuss the Department's comments in more detail and to discuss the rulemaking schedule. Until this rulemaking is complete, you should be aware that the Department will continue to evaluate any applications for industrial waste disposal units on a case-by-case basis, and will require the applicant to provide reasonable assurance that such units will not cause pollution in violation of Department water quality standards. You should also be aware that the Department may elect not to initiate rulemaking that would address the concerns of CYTEC Industries, since you have informed us that your operation is unique in this state. In such a case the Department will treat your submittal as a Request for Alternate Procedures for an individual facility and will address disposal requirements by order instead of by rule.

Thank you for your timely submittal of this information. We will contact you as soon as our completeness review is concluded.

Sincerely,

Mary Jean Yon, Administrator
Solid Waste Section

MJY/lr

cc: Phil Coram
Chris McGuire
Tom Moody