



COAL COMBUSTION RESIDUALS (CCR)

FLORIDA PROGRAM STATUS

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Waste / Permitting and Compliance Assistance Program
Florida Department of Environmental Protection

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CCR FEDERAL RULE – A BRIEF HISTORY

40 CFR, Part 257 - effective on April 19, 2015:

- Established national criteria for the disposal of CCR in landfills and surface impoundments.
- CCR materials include fly ash, bottom ash, boiler slag and flue gas desulfurization (FGD) materials.

Water Infrastructure Improvements for the Nation Act (WIIN Act) - effective on December 31, 2016:

- Allows for EPA approval of State permitting programs for CCR units.
- Once approved, the State permit program operates “in lieu of” the federal CCR rule.
- Participation by states is optional.
- EPA will implement a permit program for “non-participating states”.



FDEP CCR APPROACH

Pursue rule making:

- Adopt federal rule by fast track (62-701.804, F.A.C.).
- Develop a CCR permitting program by standard rule making (62-701.805, F.A.C.).

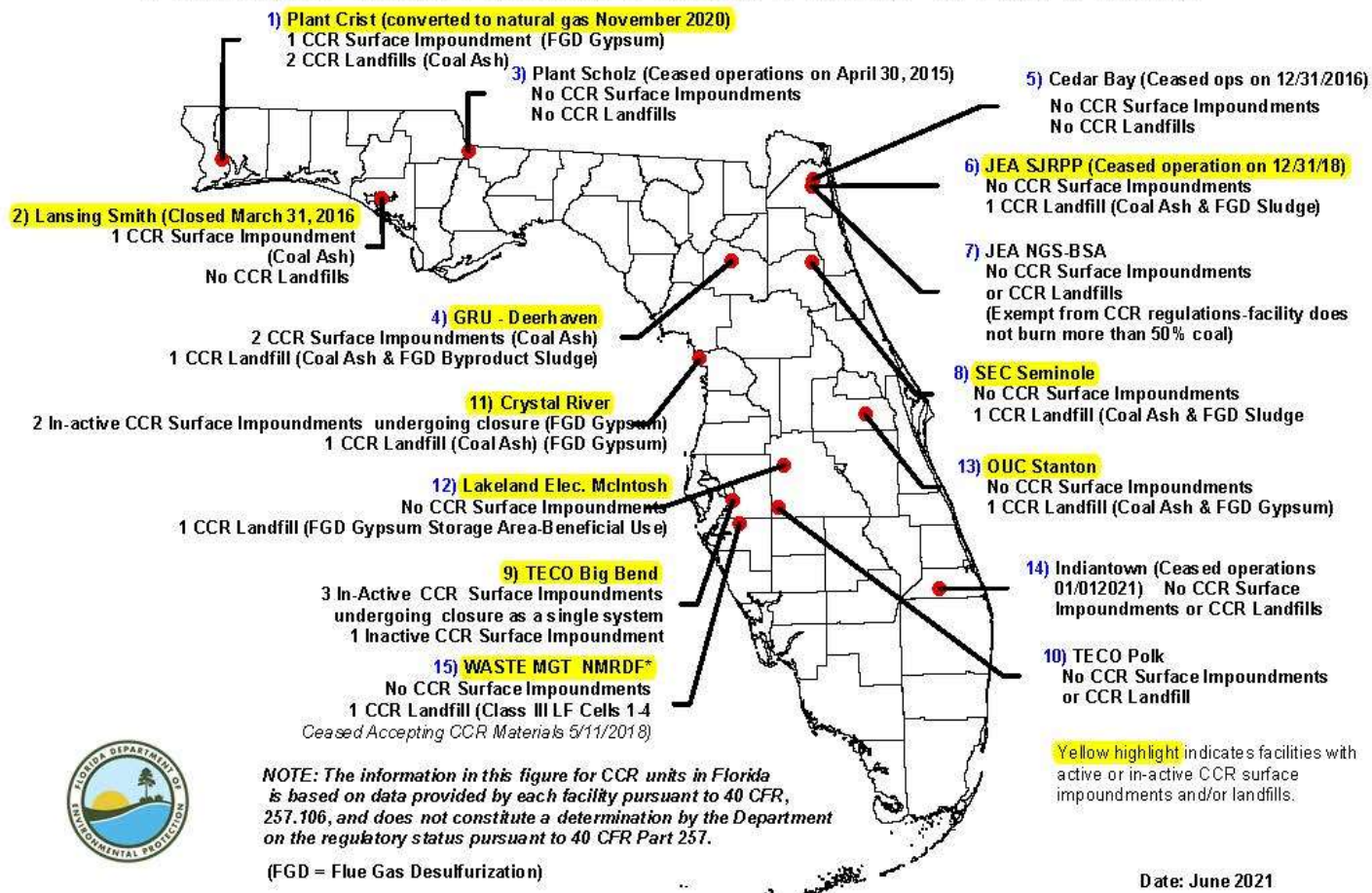
Seek EPA approved CCR permitting program:

- Use approved state applications as template.
- Create program permitting program specific to CCR.



CCR FACILITIES

Florida's Coal-Fueled Power Plants & CCR Units



* Facility #15 is unique in that Cells 1-4 of a Class III LF was used for disposal of CCR-FGD materials from the TECO Big Bend facility through 5/11/2018.

Date: June 2021



CCR TIMELINE

Aug. 15, 2019	Notice of rule Development.
April 10, 2020	Rule draft to EPA.
June 26, 2020	Rule workshop.
July 8, 2021	Notice of proposed rule 62-701.805 (permitting program).
July 16, 2021	Draft of Florida's State Permit Program Application for CCR to EPA.
July 20, 2021	Notice of proposed rule 62-701.804 (adoption of federal rules).
July 30, 2021	CCR rulemaking public hearing.
Sept. 2, 2021	Final comments on proposed rules from EPA.
Oct. 1, 2021	EPA comments on draft narrative.
Dec. 3, 2021	Second hearing on 62-701.805 and 62-701.900.



CCR TIMELINE - *continued*

March 1, 2022	Rules 62-701.220, 62-701.310, and 62-701.804 effective.
March 9, 2022	Rules 62-701.805 and 62-701.900 effective.
March 31, 2022	Notice of Rule Development (corrections).
April 19, 2022	Notice of Proposed Rule for 62-701.804.
May 17, 2022	Notice of Proposed Rule Amendments for 62-701.805 and 62-701.900.
June 6, 2022	Revised draft of the application documents sent to EPA.
June 9, 2022	Rule 62-701.804 effective.
Aug. 16, 2022	Rules 62-701.805 and 62-701.900 effective.
Aug. 24, 2022	First permit application received.
April 7, 2023	First permit issued.
March 3, 2023	DEP received partial comments on draft narrative and rules from EPA.



QUESTIONS IDENTIFIED BY EPA

Florida default permit statute - Chapter 120.60(1), Florida Statutes:

- Potential deal breaker.
- Requires request for additional information – 30 days.
- Issue permit or denial – 90 days.

Grandfathering clause in Florida CCR rule:

- 62-701.805(8)(g).
- *(g) This subsection does not apply to CCR units that commenced closure or post-closure care before March 1, 2022, 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 March 1, 2022.*



QUESTIONS IDENTIFIED BY EPA

- *continued*

Public participation:

- Clarification of the implementation of Florida's public participation process.
- Detailed requirements not necessarily in federal rule.
- Goal posts keep moving.



NEW AND CONTINUING CHALLENGES

EPA proposed legacy rule:

- Legacy units = inactive units at inactive facilities.
- More likely to fail based on age and construction.
- Establish regulatory requirements for legacy units.
- Establish requirements for CCR managed directly on the land.
- One potentially impacted facility in Florida.

EPA has suggested more changes to FDEP final rules:

- Industry concern – go backs after program is approved.
- Grandfathered units.
- Revisions to state permitted units.

Facility Name	Facility Operation Status	PPSA COC #	Date of Initial PPSA Certification	Date of Most Recent COC Change		WACS #	SW Permit	Part 257 CCR Units	Application Received	Application Status	Intent/Final Permit Status
					Amendment						
Gulf Clean Energy Center (formerly Plant Crist)		Not a PPSA facility	NA	NA	NA	99720	None. Operates under IW Permit No. FL0002275 with SW Conditions. Issued: 3/29/19 Expires 3/28/24 Modified 3/3/2021	Ash Landfill 1 (Operation)	3/9/2023	Incomplete RAI#1 4/7/2023	
								Ash Landfill 2 (Operation)	3/9/2023	Incomplete RAI#1 4/7/2023	
								Gypsum Storage Area (Surface Impoundment Closure)	3/9/2023	Incomplete RAI#1 4/7/2023	
GRU Deerhaven	Active	74-04	5/16/78	4/21/2020	8/21/2019	97682	None	Surface Impoundment System – Ash Cell #1 and Ash Cell #2 (Closure)	8/24/2022	Complete	Permit 4/7/2023
								Landfill (Operation)	9/13/2022	Complete	Intent 4/7/2023
SEC Seminole	Active	78-10	9/18/79	7/27/2018	1/7/2021	94790	None	Increment 1 Landfill (Operation)	1/23/2023	Incomplete RAI#1 2/20/23	
Crystal River	Active	77-09	11/21/78	7/14/2020	3/17/2021	97667	None	Ash Storage/Disposal Area (Landfill Operation)	12/13/2022	Complete	Intent 6/6/2023
Lakeland McIntosh	Active	74-06	Unit 3 12/7/78 Unit 5 6/1/00	3/6/2013	9/13/2011	95347	None	Byproduct Storage Area (Landfill Closure)	9/6/2022	Complete	Draft NOI in process
OUC Stanton	Active	81-14	Unit 1 2/15/82 Unit 2 12/17/91 Unit A 9/21/01 Unit B 12/8/06	8/30/2017	5/29/2019	97663	None	Combustion Waste Storage Area Cells 1 and 2 (Landfill Operation)	3/31/2023	Incomplete RAI#1 4/28/2023	



THANK YOU

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