

Andrew J. Meyers
County Attorney



OFFICE OF THE COUNTY ATTORNEY
115 S. Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301

954-357-7600 · FAX 954-357-7641

February 5, 2018

Ann Seiler
Florida Department of Environmental Protection
Siting Coordination Office
Ann.Seiler@dep.state.fl.us

SENT VIA EMAIL

RE: Broward County Agency Report for Florida Power & Light Dania Beach Energy Center, Application for Certification PA89-26A2

Dear Ms. Seiler,

Please find attached Broward County's Agency Report for Florida Power & Light's application for the above referenced project. Please let me know if you have questions or need further information in order to finalize the Conditions of Certification. You can contact me at (954) 357-7614 or mowens@broward.org.

With best regards,

A handwritten signature in cursive script, reading "Michael C. Owens".

Michael C. Owens
Senior Assistant County Attorney
Broward County Office of the County Attorney

**BOWARD COUNTY AGENCY REPORT FOR
DANIA BEACH ENERGY CENTER, APPLICATION PA 89-26A2
BY FLORIDA POWER AND LIGHT COMPANY ("FPL")**

SUMMARY

Broward County recommends approval of FPL's application for Certification of the Dania Beach Energy Center, Application PA 89-26A2, and submits the following notice of proposed conditions of certification pursuant to Sections 403.501-403.518, Florida Statutes ("F.S."), the Florida Electrical Power Plant Siting Act ("Act"), to apply the nonprocedural requirements of the Broward County Code of Ordinances ("BCC" or "Code"), including local environmental regulations adopted pursuant to 403.182, F.S., the Broward County Charter, Chapters 65-1338, 69-919, 71-569, 72-492, 74-444, 77-516, and 91-355, Laws of Florida, and Chapter 163, F.S. Broward County is a political subdivision of the state of Florida, as well as an "agency" and "affected agency" within the meaning of the Act.

SECTION 1. OVERVIEW AND SUMMARY

1.1 Introduction

This Agency Report was prepared by Broward County ("County") in response to Florida Power and Light Company's ("FPL") Site Certification Application for its Dania Beach Energy Center ("DBEC"), filed with the Florida Department of Environmental Protection ("DEP") FPL's Response to Incompleteness Determination ("Response"), filed with the DEP. This Agency Report contains the County's conclusions and recommendations to the DEP regarding Certification of the **PEEC** project as described in FPL's Site Certification Application and Response (collectively referred to as Application herein).

1.2 Statutory Basis

FPL has applied for certification of its DBEC project under Sections 403.501-403.518, F.S., entitled "Florida Electrical Power Plant Siting Act" (PPSA). The PPSA establishes a centralized application, certification, and licensing process for Florida's state, regional, and local governmental agencies to regulate electrical power plants, as defined in Subsection 403.503(14), F.S. The PPSA preempts the regulation and certification of electrical power plants and electrical power plant sites pursuant to Subsection 403.510(2), F.S., and the process is coordinated by the DEP, by and through its Siting Coordination Office. PPSA certification consolidates state law authority for permitting, licensing, regulatory approvals, land use, zoning, and property interests for the construction, operation, or modification of an electrical power plant, but excludes federally delegated or approved permit programs. The PPSA includes that "...the state shall ensure through available and reasonable methods that the location and operation of electrical power plants will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their

aquatic life and will not unduly conflict with the goals established by the applicable local comprehensive plans."

Pursuant to the PPSA, the County is a "local government" within whose jurisdiction the DBEC project is proposed to occur and an "agency," as described in Sections 403.503 and 403.507, F.S. The County has adopted local ordinances, regulations, standards, and criteria that apply to the proposed DBEC project, including local environmental regulations adopted pursuant to Section 403.182, F.S., as well as the County's constitutional powers as a charter county, its statutory powers as a county governmental entity, including Chapters 125, 162, and 163, F.S., and special acts of the Florida Legislature (Chapters 65-1338, 69-919, 71-569, 72-492, 74-444, 77-516, and 91-355, Laws of Florida). Since the certification process preempts the nonprocedural requirements of agencies and constitutes the sole license required and authorized under Florida law for the PEEC project, participation in this process is the County's only opportunity to review and propose conditions for the PEEC project prior to certification.

1.3 Matters within County Jurisdiction/County Authorities

Pursuant to the PPSA, Subsections 430.507(2)-(3), F.S., the County is required to prepare this Agency Report addressing the consistency of the DBEC project with all applicable local ordinances, regulations, standards, or criteria that apply. This Agency Report addresses the DBEC project's compliance with the nonprocedural requirements within the County's jurisdiction, recommends approval of the project subject to the adoption of the County's proposed conditions of certification, and proposes specific conditions of certification based upon the County's review of the Application and Response.

The County is a political subdivision of Florida the boundaries of which are described in Section 7.06, F.S. It is a local governmental entity with general jurisdiction and powers as authorized by Florida law including, but not limited to, Chapters 125, 162, and 163 F.S. The County is a home rule charter county pursuant to Article VIII, Section 1(g), of the Florida Constitution. Section 11.01 of the County Charter provides that County ordinances prevail in the event of conflicts when the County has set minimum standards protecting the environment concerning air or water pollution, preventing the destruction of natural resources, and when exercising land use planning powers. Specific pollution control and environmental regulatory authority for Broward County was also established by Chapters 65-1338, 69-919, 71-569, 72-492, 74-444, 77-516, and 91-355, Laws of Florida. Pursuant to its authorities, the County has adopted a Natural Resources Protection Code as Chapter 27 of the Broward County Code of Ordinances (BCC or Code). The Code establishes the County responsibility for the protection of natural resources and environmental quality, including surface water and groundwater.

Additionally, the County has had a local pollution control program approved by DEP or its predecessor agency, the Department of Environmental Regulation, pursuant to Section 403.182, F.S., since at least June 18, 1976. The County also has delegations of authority from

and specific operating agreements with the DEP to implement a number of state environmental protection laws within its boundaries, including environmental resource permitting, mangrove protection, pollution assessment and remediation, air pollution control, domestic waste, and solid waste. Some of County's delegations may specifically exempt applications under the PPSA, and, in those instances, the DEP directly applies its requirements in the Certification process, and, if additional local authority exists, Broward County's requirements.

The County has adopted relevant policies regarding protection and conservation of water supplies, as follows. Policy 4.6.3. - In order to protect and conserve the Biscayne Aquifer, and ensure the availability of future water supplies, the Broward County Environmental Protection and Growth Management Department shall investigate demand management and utilization of alternate potable water sources to supplement and broaden its future water supply sources. These potential sources could include the Floridan Aquifer, reclaimed wastewater, ASR, desalination, capture and storage of excess storm water currently lost to tide and other technologies and water management strategies consistent to the goals of the SFWMD's Lower East Coast Water supply Plan 2005-2006 update. Policy 13.3.9 - Broward County shall pursue the use of reclaimed water as an integral part of regional water development strategies for potential application in landscape irrigation, aquifer recharge, and environmental enhancement where technically, environmentally, and economically feasible.

Regional water supply planning and related considerations affect the County's review of the Application and its proposed conditions of certification. In 2007, the South Florida Water Management District adopted the Regional Water Availability Rule which restricts future withdrawals from the Biscayne Aquifer, currently the County's principal water source, to 2006 levels. This Rule requires that alternative water supplies be developed in order to meet new water demands. An additional constraint on water supplies is saltwater intrusion into the Biscayne Aquifer. Coastal wellfields are already vulnerable to contamination by saltwater and the landward progression of the saltwater front will further constrain coastal wellfields in the ensuing decades. Thus, there is a significant need within Broward County to expand the use of reclaimed water in order to protect and conserve the Biscayne Aquifer, a designated sole source Aquifer, and support compliance with the Regional Water Availability Rule.

In January, 2010, the Board of County Commissioners adopted the Broward County-wide Integrated Water Resources Plan as a regional planning document. This document identifies reclaimed water an important alternative water supply for the region.

The County designated the Broward County Planning Council as the local planning agency for the County Land Use Plan pursuant to Article VII of the County Charter and Chapter 5, Article VII, BCC. Article IX, Division 3, County Charter, establishes the prohibition on plats of land within Broward County from being recorded in the Official Records of Broward County prior to approval by the County Commission.

Based upon these diverse local authorities, the County has a broad responsibility for pollution control, environmental regulation, natural resource protection, and land use planning within its boundaries. The authorities referred to above will be generally referred to as "County Authorities" hereinafter.

SECTION 2. RECOMMENDED CONDITIONS OF CERTIFICATION

2.1 Legal/Administrative Conditions

I. GENERAL

a. Responsible Entity

FPL shall be responsible for compliance with the conditions of certification, the nonprocedural requirements of all matters within the County Authorities pursuant to this License or that may affect construction, operation, or maintenance of the DBEC ("DBEC Project"). The license application and its supporting drawings and documents are all part of the License and its conditions of certification. A list of the supporting documents and drawings submitted to Broward County is attached as Exhibit BC-1. If regulatory or contractual rights, duties, or obligations are transferred under this License, notice of such transfer or assignment, including the identification of the entity responsible for compliance with the License, shall immediately be submitted to the Florida Department of Environmental Protection and the County by FPL and the Assignee. Any assignment or transfer shall carry with it the full responsibility for the limitations and conditions of this License. FPL shall be responsible for informing the Assignee of all authorized facilities and uses and the conditions under which they were authorized, as well as proper assumption of any contractual duties agreed to between the County and FPL. FPL shall remain liable for corrective actions that may be required as a result of any violations prior to transfer or assignment of any regulatory or contractual rights, duties, or obligations under this License. Reference: Sections 27-58 and 27-61, BCC.

b. Minimum Standards

This License is based on the FPL's Application, Completeness Review Response, and information submitted to the County which identified all potential impacts on the environment and human health. FPL has provided reasonable assurances that it will meet or exceed the minimum standards of the County Authorities so that the DBEC Project will not discharge, emit, or cause pollution or otherwise damage the natural resources of the County in contravention of the County's authorities or other environmental laws or regulations. Reference: Sections 27-55 and 27-56, BCC.

c. Compliance Requirements

The DBEC Project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in the County

Authorities, including, but not limited to, Sections 27-53 through 27-62, BCC, regarding the obligations of licensees and construction, operation, and maintenance of licensed facilities.

d. Off-site Impacts

It is the responsibility of FPL to ensure that pollution or harm to natural resources does not occur during the DBEC project, other than as authorized herein. Reference: Sections 27-53, 27-54, and 27-55, BCC.

e. Access

County representatives shall be allowed reasonable access to the power plant site, the water withdrawal facilities, and any associated facilities to enter, inspect, and observe any activities associated with the construction, operation, maintenance, or modification of the DBEC project in order to determine compliance with the conditions of this Certification. FPL shall not refuse entry or access to any County representative who, upon reasonable notice, requests entry for the purpose of the above noted inspection and presents appropriate credentials. Reference: Sections 27-8 and 27-58(b)(9), BCC.

f. Postcertification Information Submittals

Information submitted to the County subsequent to Certification, in compliance with the conditions of this License, shall be for the purpose of the County determining the FPL's compliance with the License, including the non-procedural criteria contained in the County Authorities pursuant to this Certification or that may affect construction, operation, or maintenance of the DBEC. Review of postcertification review may be the basis for initiating modifications to relevant conditions. Reference: Rule 62-17.191, F.A.C.

g. Enforcement

The County may confer with DEP and request DEP take any and all lawful actions that are necessary to enforce any condition of this License. Reference: Section 403.514, F.S.

h. Objections

Objections to modifications of the terms and conditions of this License shall be resolved through the process established in Section 403.516, F.S.

i. Notifications of Temporary Noncompliance

In the event FPL is temporarily unable to comply with any of the conditions of certification or the County Authorities in Chapter 27, BCC, FPL shall notify EPGMD within eight (8) hours or as stated in any other specific section of Chapter 27. Within three (3) working days of the event, FPL shall submit a written report to DEP and County's Environmental Protection and Growth Management Department, or its successor agency, that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, FPL's intention regarding the repair, replacement and reconstruction of destroyed facilities and a schedule of events leading toward

operation with the condition of certification or Chapter 27, BCC. Reference: Section 27-58(b)(3), BCC.

j. Current Code

FPL agrees to comply and shall comply with all provisions of the most current version of this chapter. Reference: 27-58(b)(7), BCC.

2.2 Environmental Protection and Growth Management Department Conditions

I. Environmental Engineering and Permitting Division

a. Surface Water Management

- i. FPL shall maintain the operating efficiency of the water management works. Reference: Section 27-58(c) and Section 27-199(c)(5)a)2., BCC.
- ii. FPL shall execute the work authorized in a manner so as to minimize any adverse impact of the works on fish, wildlife, natural environmental values, and water quality. FPL shall institute necessary measures during the construction period, including fill compaction of any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters. Any erosion, shoaling or deleterious discharges due to FPL's actions shall be corrected promptly at no expense to the county. Reference: Section 27-58(c) and Section 27-199(c)(5)a.3., BCC.
- iii. Off-site discharges during construction and development shall be made only through the facilities authorized by the Conditions of Certification. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream water stages. Stages may be subject to operating schedules satisfactory to the appropriate regulatory agency. Reference: Section 27-58(c) and Section 27-199(c)(5)a.5., BCC.
- iv. FPL shall hold the EPGMD harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any facility authorized by the Conditions of Certification. Reference: Section 27-58(c) and Section 27-199(c)(5)a.6., BCC.
- v. The Conditions of Certification does not convey property rights nor any rights or privileges other than those specified therein. Reference: Section 27-58(c) and Section 27-199(c)(5)a.7., BCC.
- vi. The operation or construction shall be in accordance with the approved details and plans submitted with the Certification application. Any modifications must be submitted to the EPGMD in writing and receive prior approval. Reference: Section 27-58(c) and Section 27-199(c)(5)a.13., BCC.

- vii. Upon completion of the construction of a surface water management system or phase thereof authorized by the Conditions of Certification, as-built plans and a letter from a Florida registered professional engineer certifying that the surface water management system was indeed constructed as authorized by the Conditions of Certification shall be submitted to the EPGMD. Reference: Section 27-58(c) and Section 27-199(c)(5)a.15., BCC.
 - viii. Water management areas shall be legally reserved to the operation entity and for that purpose by dedication on the plat, deed restrictions, easements, etc., so that they may not remove such areas from their intended use. Management areas, including maintenance easements, shall be connected to a public road or other location from which operation and maintenance access is legally and physically available. Reference: Section 27-58(c) and Section 27-199(c)(5)a.16., BCC.
 - ix. FPL shall notify the EPGMD in writing within twenty-four (24) hours of the start, finish, suspension, and/or abandonment of any construction or alteration of works authorized by the Conditions of Certification. Reference: Section 27-58(c) and Section 27-199(c)(5)a.17., BCC.
 - x. A prorated share of surface water management retention/detention areas, sufficient to provide the required flood protection and water quality treatment, shall be provided prior to occupancy of any buildings. Reference: Section 27-58(c) and Section 27-199(c)(5)a.18., BCC.
- b. Non-Domestic Wastewater
- i. The non-domestic wastewater discharges at "Outfall D001" shall not be increased in quantity or decreased in quality, unless approved by EPGMD upon demonstration that the activity does not pose a significant threat to the public health or environment. Reference: Section 27-58(c) and 27-193(b)(3)a., BCC.
- c. Aquatic and Wetland Resource Protection
- i. All project-generated spoil material shall be disposed of in a suitable approved manner at an upland location. Reference: Section 27-339(2)c., Section 27-215, Section 27-216 and Section 27-353, BCC.
 - ii. Turbidity screens or equivalent shall be properly employed and maintained as necessary during construction activities so that turbidity levels do not exceed twenty nine (29) NTU's above natural background fifty (50) feet downstream of project. Reference: Section 27-339(2)d., BCC.
 - iii. There shall be no impacts to existing wetland mitigation areas with the FPL property from this project. Reference: Section 27-339(1)(l), BCC and

Dania Beach Energy Center (DBEC) PPSA No. PA89-26A2, Response to Completeness Questions and comments, October 5, 2017, Page 2.

- iv. Unavoidable permanent impacts to 15.79 acres, temporary impacts to 0.17 wetlands associated with transmission line installation and temporary impacts to 2.25 acres of undisturbed wetlands adjacent to the areas to be filled shall be offset through the purchase of 11.82 freshwater herbaceous mitigation credits from the FPL/Everglades Mitigation Bank (EMB) and restoration in-situ of temporary secondary impacts to 0.17 acres. Reference: Section 27-339(1)(l), BCC and Dania Beach Energy Center (DBEC) PPSA No. PA89-26A2, Response to Completeness Questions and comments, October 5, 2017, Page 2.
 - v. Off-site mitigation for the authorized wetland impacts shall be comprised of 11.82 freshwater herbaceous mitigation credits in the Everglades Mitigation Bank (EMB) which shall be formalized via a modification of the Florida Department of Environmental Protection (FDEP) Environmental Resource Permit No. 132637449 and/or 13262249 as appropriate. Proof of the modification shall be submitted to the EPGMD within 45 days of permit issuance. Reference: Section 27-339(1)(l), BCC.
 - vi. Pursuant to the "Agreement between (Florida Power & Light Company) and Broward County concerning the "South Dade (Everglades) Mitigation Bank", attached as Exhibit BC-3, FPL shall provide monitoring reports consistent with applicable FDEP permit conditions to the County and to provide reasonable access to the bank by EPGMD personnel for purposes of ensuring compliance with the Conditions of Certification and FDEP Environmental Resource Permit No. 132637449. Reference: Section 27-339(1)(l), BCC.
 - vii. Prior to impacting wetlands, FPL shall submit verification from EMB that 11.82 credits have been debited from the bank's credit ledger as mitigation for impacts associated with this project. Reference: Section 27-339(1)(l), BCC.
 - viii. Once purchased, the mitigation credits for the Everglades Mitigation Bank shall be the perpetual responsibility of FPL. Reference: Section 27-339(1)(l), BCC
- d. Solid Wastes
- i. Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C. and Chapter 27, Article VI, BCC.
 - ii. FPL shall comply with all nonprocedural, applicable provisions of Chapter 62-701, FAC and Chapter 27, Article VI, BCC, for any solid waste generated within the Certified Facility during construction, operation, and maintenance.

e. Environmental Assessment and Remediation

- i. Contaminant assessment work is currently underway at areas of the facility associated with a November 20, 1990, discharge of #6 oil and associated with the Low-scored Site Assessment (LSA) Program. The associated DEP Facility ID is 068731714. Please note that the LSA Program only funds assessment and not remediation work.
- ii. In agreeing to the work conducted by the FDEP, FP&L must continue to allow site access to the FDEP, Broward County as FDEP's contractor to oversee petroleum cleanups, and their designated cleanup contractor(s) per the existing Site Access Agreement executed October 16, 2017. Failure to do so may result in the revocation of site eligibility for funding provided by the FDEP Petroleum Restoration Program.
- iii. Any remaining contamination identified through the LSA will ultimately be addressed through the Petroleum Restoration Program in priority score order, and in keeping with the Petroleum Cleanup Participation Program requirements, which include that FP&L provide a cost share of 25% of cleanup costs. As an alternative, FP&L may wish to investigate whether or not a conditional closure pursuant to Section 62-780.680(2), FAC, may be applicable, which would require the use of institutional and/or engineering controls.
- iv. If any previously undocumented contamination not associated with the November 20, 1990, discharge of #6 oil is identified, it must be reported to Broward County EPGMD in accordance with Section 27-355, BCC, and Section 62-780.210, FAC. Further, Section 27-356(d), BCC, requires that "any responsible party may be required by EPGMD to . . . [assess] the magnitude and extent of contaminants present at a site and, if necessary, remediate the contamination." Accordingly, EPGMD may determine what entity or entities are a "responsible party" for the Program-ineligible contamination and that assessment and remediation be conducted in accordance with Chapter 62-780, F.A.C., and Section 27-356(d), Broward County Code, including its notification requirements and other operating conditions.
- v. Because the facility is a known contaminated site, no dewatering may be performed without obtaining approval from EPGMD and the FDEP Generic Permit for Discharge of Produced Ground Water from any Non-Contaminated Site Activity and from Petroleum Contaminated Sites, as applicable. Subsection 27-353(i), BCC, states that "Dewatering operations at or within a one-quarter-mile radius of a contaminated site shall not be conducted without EPGMD approval;" the requirements for obtaining EPGMD approval are outlined in Subsection 27-355(e), BCC.

- vi. Continued access to contaminated areas must be ensured so that, whether Program-eligible or not, assessment and remediation can continue during and after construction. The construction also cannot enhance or spread the contamination. Subsection 27-353(b), BCC, states that “no construction or other intrusive activities shall be initiated, proceeded, or continued at any site, location, or property where it is known or discovered that such site, location, or property overlies or contains contaminants unless it can be demonstrated that the construction or other intrusive activities will not result in the enhancement or spread of the contaminants and will not prevent or preclude future assessment and/or cleanup of the contaminants on the site and until the applicant obtains prior approval to construct from EPGMD, unless the work is part of a source removal...” If contaminated soil is encountered during construction activities, such soil shall be properly handled and disposed of in accordance with Chapter 27 of Broward County Code and Chapter 62-780, FAC. Stockpiled impacted soil must be covered and secured so that contamination is not spread to previously uncontaminated, less contaminated areas or off-site. All groundwater monitoring wells should be protected from damage during demolition and construction. Any groundwater wells that are damaged or otherwise not useable need to be properly abandoned in accordance with Chapter 62-532, FAC, and replaced at FP&L’s expense.
- vii. The pumping of groundwater as a remedial action at the site cannot be conducted without EPGMD approval (Subsection 27-353(i), BCC).

II. Environmental and Consumer Protection Division

- a. Storage Tanks Comment/Requirements/Conditions – Pre-construction Sec. 27-306, BCC
 - i. A facility that is intended to store hazardous material, unless otherwise exempted in Chapter 27, BCC, or when routine maintenance is being done, shall be built, erected, operated, modified, maintain in out-of-service status, closed, or replaced in accordance with all nonprocedural requirements of Article X of Chapter 27, BCC, Storage Tanks. Certified contractors are required to perform certain construction activities in accordance with section 27-302(a)(11), BCC.
 - ii. FPL shall submit one (1) set of construction plans signed and sealed by a Professional Engineer licensed in the State of Florida prior to the construction activity for review and approval along with the following information and engineering design details. Sec. 27-306(b)

1. The storage tank capacity, tank access ports, tank anchorage details and indicate if it's a sub-base storage tank for the power generator unit. (Engineering design details)
2. The manufacturer name, model, type, material, location and FDEP EQ# of the storage tank and its secondary containment, overfill prevention, spill containment, piping, submersible pump with line-leak-detector or suction pump, check/shear valves, anti-siphon valves, tank/pipe interstitial release detection, and tank gauges. Storage Tank System equipment or components must have the approval of the Florida Department of Environmental Protection (FDEP) before installation or use. See the approved equipment list at the following web link: <http://www.dep.state.fl.us/waste/categories/tanks/pages/eqlist.htm> and <https://floridadep.gov/waste/permitting-compliance-assistance/documents/eq-list-files>. Sec. 27-316, BCC and Engineering design details
3. The location of the above components clearly shown. (Engineering design details)
4. The foundation and support details including bolt size etc., calculation and other details to secure the storage tank system is designed to withstand flood-load and wind-loading resistance as required by the FBC and ASCE 7-10 codes. This may be submitted under separate cover designed and S&S by the structural engineer. (Engineering design details)
5. Scanned or electronic copies of engineering drawings are not acceptable unless they are digitally signed, sealed and dated as per Rule 61G15-23.003, F.A.C. (Engineering design details)
6. Storage tank/piping size, wind moment calculations, anchorage details, secondary containment details and material. (Engineering design details)
7. A scaled site map with north arrow indicating the location of the storage tank system in relation to buildings and roads. (Engineering design details)
8. An FDEP's Alternative Procedure approval under Rule 62-761.851(1), F.A.C., if proposed soil sampling frequency is not in accordance with the FDEP's Instructions for Conducting Sampling During Aboveground Storage Tank Closure Requirement, August 2016 prior to closing the underground fuel piping. (System Closure Plan details)
9. For double-walled storage tank systems and components in contact with soil, conduct a Closure Integrity Evaluation and Closure Integrity Evaluation Report Form for ASTs under 62-

762.901(7), BCC, in writing or electronic format to Broward County no more than 45 days prior to closure, replacement or change in service from a regulated substance to a non-regulated substance. (Engineering design details)

10. Notification to Broward County in writing or electronic format between 48 and 72 hours prior to the initiation of the construction or closure activity to confirm the date and time of the scheduled activities. Please notify Mr. John Sainval and Mr. Alfred Reid at jsainval@broward.org and areid@broward.org respectively. Sec. 27-305(a), BCC

b. Storage Tanks Comment/Requirements/Conditions – Post construction Sec. 27-305, BCC

- i. Submit a Closure Report or Limited Closure Report Form for ASTs, Form 62-762.901(8), FAC, as required, in writing or electronic format to Broward County within 60 days of completion of the closure, replacement, or change in service from a regulated substance to a non-regulated substance. The Closure Report shall be prepared in accordance with Instructions for Conducting Sampling During Aboveground Storage Tank Closure, April 2016 Edition and 62-762.801, F.A.C. Sec. 27-317(d)
- ii. Provide one (1) set of survey and 'as-built' drawing of installed tanks and underground integral piping signed and sealed by a professional land surveyor and professional engineer licensed in the state of Florida within 30 days of installation completion. FDEP approved components (with FDEP EQ#) shall be clearly shown on the engineer's as-built plans. Sec. 27-305(a)(7)
- iii. Properly dispose of any sludge, discarded hazardous material and equipment as per Federal, State and Broward County Chapter 27, Pollution Control Code. Sec. 27-356(b)

c. Hazardous Material Facility Requirements – Sec. 27-356. BCC

- i. If (a) Any extremely hazardous substance in excess of the threshold planning quantity as defined by the most current version of the Emergency Planning and Community Right-to-Know Act, (42 U.S.C. Section 11001, et seq., is present, or (b) Within a one (1) month period of time, an aggregate amount of twenty-five (25) gallons or more or an equivalent dry volume of hazardous material are stored, handled, generated, used, processed, manufactured, disposed of, or are otherwise present, the DBEC is a hazardous material facility and the nonprocedural requirements of Chapter 27, Article XII, BCC, must be complied with at all times, including, but not limited to, the following.

1. All containers of hazardous material shall be stored in a manner that meets the requirements of secondary containment as defined in this Article and be protected from weather and in accordance with all applicable fire codes. Sec. 27-356(b)
 2. Properly dispose of any sludge, discarded hazardous material and equipment as per Federal, State and Broward County Chapter 27, Pollution Control Code. Sec. 27-356(b)
- ii. Advanced notification will be provided as requested before the installation or closure of a storage tank system or system component storing regulated substances. Hazardous materials will be stored within secondary containment, and any discarded hazardous material or hazardous waste shall be properly stored, managed and disposed of by a licensed waste hauler, as required. Reference: FPL Completeness Response at p. 30.

III. Environmental Planning and Community Resilience Division

a. Manatee Protection Plan

- i. Broward County has adopted and the Florida Fish and Wildlife Conservation Commission has approved a Manatee Protection Plan ("MPP") within Broward County pursuant to Section 370.12(2)(t), F.S. FPL's Lauderdale Power Plant discharge canal and cooling channels, the location of the DBEC Project, provide essential manatee habitat associated with the thermal discharge from the existing facility that support . To maintain that habitat value during the construction period, FPL will continue to provide a warm-water refuge for the manatees consistent with the Manatee Protection Plan established pursuant to the existing facility's IWW Permit. License Application Section 5.4.1.4.

IV. Planning and Development Management Division

- a. FPL will provide all information necessary for an Environmental Review will provided prior to applicable building code inspection(s). Reference: Volume 1, Section 3.2.2.2, Broward County Zoning and Land Development Regulations. FPL Completeness Response at p. 31.
- b. FPL shall obtain environmental review approval in compliance with Section 27-66, BCC, prior to issuance of a county or municipal building permit or approval to develop, construct, or alter any real property, structure, or facility.
- c. FPL's application includes construction of a new administration building. Reference: Section 27-66, BCC, and FPL Completeness Response at p. 31.
- d. Replatting is, therefore, required by Policy 2.13.1, Broward County Land Use Plan and Section D.2, Chapter IV, of its administrative regulations because the proposed development would include the construction of a new "principal building," FPL shall comply with all nonprocedural requirements of the Chapter

27, Chapter 5, Articles VII and IX, BCC, and the Broward County Land Use Plan necessary to obtain plat and development review approval for the DBEC Project and make all such postcertification submittals required to obtain such approvals. Reference: Sections 5-180 and 5-601, BCC.

- e. Article IX, Division 3, Broward County Charter, prohibits plats of land within Broward County from being recorded in the Official Records of Broward County prior to approval by the County Commission. FPL shall obtain the approval of the Broward County Board of County Commissioners prior to recordation of a plat for the DBEC Project.

Exhibit BC-1

Certification Application Supporting

Documents and Drawings

List of Certification Application Application Documents and Drawings

1. Dania Beach Energy Center Site Certification Application, Volumes I, II, and III, Dated July 27, 2017.
2. January 26, 2018, E-mail communication and attachment from Gregory Munson.
3. DBEC Stormwater Calculation and Drawings - See Listing in Table Below.

DBEC Stormwater Calculation and Drawing Revision Synopsis							
Number	Title	Revision	Revision Date	Submitted For & Reason for Submittal	Status	Affect of Leaving Existing Waste Water Treatment Area Basins	Notes
Drawings							
195190-DS-0000	Cover Sheet	0	12-Jul-17	SCA	Superseded by Rev 1		
		1	3-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	Not affected.	
195190-DS-1000	Overall Plot Plan	1	20-Jul-17	SCA	Superseded by Rev 2	NA, Superseded.	
		2	3-Oct-17	SCA Completeness-Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Superseded by Rev 3	NA, Superseded.	
		4	19-Dec-17	SCA Completeness - Discussion w/Broward County Regarding Contact Stormwater Handling	Current	Drawing developed to show existing basins to remain.	
195190-DS-1001	Site Arrangement	1	20-Jul-17	SCA	Superseded by Rev 2	NA, Superseded.	
		2	3-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	No affected.	
195190-DS-1101	Pre-Development Storm Water Management Plan – Permanent Modernization Area	1	20-Jul-17	SCA	Superseded by Rev 2	NA, Superseded.	
		2	3-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	The existing basins are included in the pre-development calculations. By leaving the basins, the post development stormwater quantities will remain the same. The detailed design drawing will include the basins.	
195190-DS-1102	Pre-Development Storm Water Management Plan – Construction and Maintenance Use Area	0	12-Jul-17	SCA	Superseded by Rev 1	NA, Superseded.	
		1	3-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	Not affected.	
195190-DS-1103	Proposed Storm Water Management Plan– Main Plant Area – Area 1	0	12-Jul-17	SCA	Superseded by Rev 1	NA, Superseded.	
		1	3-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	Drawing does not reflect existing basins to remain. However, the existing basins will result in less stormwater discharge to basin SB-5 and thus is conservative. The detailed design drawing will include the basins.	
195190-DS-1104	Proposed Storm Water Management Plan– Main Plant Area – Area 2	0	12-Jul-17	SCA	Superseded by Rev 1	NA, Superseded.	
		1	3-Oct-17	SCA Completeness-Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Superseded by Rev 2	NA, Superseded.	
		2	18-Dec-17	SCA Completeness-Discussion w/Broward County Regarding Contact Stormwater Handling	Superseded by Rev 3	NA, Superseded.	
		3	19-Dec-17	SCA Completeness - Discussion w/Broward County Regarding Contact Stormwater Handling	Current	Drawing does reflect existing basins to remain. The SB-4 basin still includes the HRSG Cleaning Rinse Water Basin (see dashed line on drawing) which will cause the stormwater flow from SB-4 to SB-5 to be reduced and will result in less stormwater discharge to basin SB-5 and thus is conservative. Stormwater will be held in the HRSG Cleaning Rinse Water Basin until after a storm event passes and then the stormwater will be batch pumped using temporary pumps to the discharge point. The detailed design drawing will include the basins.	
195190-DS-1105	Temporary Storm Water Management Plan– Construction and Maintenance Use Area	0	12-Jul-17	SCA	Current	Not affected.	
195190-DS-11058	Proposed Storm Water Management Plan– Construction and Maintenance Use Area	0	12-Jul-17	SCA	Superseded by Rev 1	NA, Superseded.	
		1	3-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	Not affected.	
195190-DS-1106	Contact Storm Water Management Plan	1	20-Jul-17	SCA	Superseded by Rev 2	NA, Superseded.	
		2	6-Dec-17	SCA Completeness-Discussion w/Broward County Regarding Contact Stormwater Handling	Superseded by Rev 3	NA, Superseded.	
		3	13-Dec-17	SCA Completeness - Discussion w/Broward County Regarding Contact Stormwater Handling	Current	Not affected. Drawing shows the change with the existing basins that will remain.	
195190-DS-1107	Proposed Storm Water Management - Sections and Details	0	12-Jul-17	SCA	Superseded by Rev 1	NA, Superseded.	
		1	11-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	Not affected.	
195190-DS-1108	Erosion and Sediment Control Plan	0	12-Jul-17	SCA	Current	Drawing does not reflect construction area with existing basins. However, the existing basins that will remain reduce construction phase stormwater runoff. The drawing shows silt fence around the existing basin area during construction. Drawing will be revised prior to construction. The detailed design drawing will include the basins.	
195190-DS-1109	Erosion and Sediment Control Plan – Sections and Details	0	12-Jul-17	SCA	Current	Not affected.	
195190-DS-1110	Flood Plain Overlay	0	12-Jul-17	SCA	Current	Drawing does not reflect modifications that result by leaving the existing basins (swale still shown in the HRSG Cleaning Rinse Water Basin Area). However, the existing basins are shown on drawing. The change has no affect to stormwater calculations. The detailed design drawing will include the basins with the swale modified as shown on drawing 195190-DS-1106.	
195190-DS-0014	Typical Excavation Dewatering Cross-Section	0	3-Oct-17	SCA Completeness - Discussion w/SFWMD Regarding Dewatering	Current	Not affected.	
Calculations	Calculation File No. Title						
195190.58.4300.1101	Excavation Dewatering System Design and Flow Rate Estimate	1	19-Jul-17	SCA	Superseded by Rev 2	NA, Superseded.	
		2	2-Oct-17	SCA Completeness - Discussion w/SFWMD Regarding Dewatering	Current	Not affected.	
195190.58.5406.1101	Pre-Development Storm Water Analysis – Main Plant Area	3	19-Jul-17	SCA	Superseded by Rev 4	NA, Superseded.	Existing Contact Storm Water Handling: Main plant area contact water is collected in sumps and transferred through oily water separation (sump 4) or directly to (all other sumps) to the Oily Surge Basin during a storm event. Contact water from the existing peaker area in the north end of the site is collected in a sump and pumped to the Oily Surge Basin during a storm event. Contact water in the Oily Surge Basin is routed through an oily water separator to the equalization basin and then discharged to the discharge canal. Fuel Oil Storage Area Containment contact water is held in the containment area during a storm event, checked by operations after the storm for oil presence and if no oil is present the contact water is pumped through an oily water separator and discharged to the discharge canal.
		4	4-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	The drawings in the calculation document do not reflect keeping the existing basins. However, the existing basins are included in the pre-development calculations. The detailed design calculation document will include the basins.	
195190.58.5406.1102	Post- Development Storm Water Analysis – Main Plant Area	3	19-Jul-17	SCA	Superseded by Rev 4	NA, Superseded.	Proposed Contact Storm Water Handling: Main plant area contact water and contact water from the existing peaker area in the north end of the site is collected in area sumps and transferred through oily water separation to the Oily Surge Basin during a storm event. Contact water in the Oily Surge Basin is routed to the equalization basin and then discharged to the discharge canal. Fuel Oil Storage Area Containment contact water is held in the containment area during a storm event, checked by operations after the storm for oil presence and if no oil is present the contact water is transferred through oily water separation to the Oily Surge Basin and then transferred to the equalization basin and discharged to the discharge canal.
		4	4-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	The drawings in the calculation document do not reflect keeping the existing basins. The SB-4 basin still includes the HRSG Cleaning Rinse Water Basin (dashed line on the drawing) which will cause the stormwater flow from SB-4 to SB-5 to be reduced and will result in less stormwater discharge to basin SB-5. Stormwater will be held in the HRSG Cleaning Rinse Water Basin until after a storm event passes and then the stormwater will be batch pumped using temporary pumpage to the discharge point. In addition, the stormwater in the area outside SB-4 that would sheet flow to the discharge canal in the area of the oily surge basin and the equalization basin will now be retained in the basins and then released to the discharge canal at the discharge point in the same volume or less than in the current calculation. Overall, the calculation is more conservative. The detailed design calculation document will include the basins.	
195190.58.5406.1103	Construction and Maintenance Use Area Pond Treatment Volume Analysis	2	20-Jul-17	SCA	Current	Not affected.	
195190.58.5406.1104	100-Yr 72 Hr Storm – Post-Development Zero Discharge- Calculation	0	11-Oct-17	SCA Completeness-Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Superseded by Calculation 195190.58.5406.1108.	NA, Superseded.	Since being superseded this serves only to establish conservative finished floor elevations per FPL criteria.
		1	12-Dec-17	SCA Completeness-Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Superseded by Calculation 195190.58.5406.1108.	NA, Superseded.	
195190.58.5406.1105	100-Yr 72 Hr Storm – Pre-Development Zero Discharge- Calculation	0	11-Oct-17	SCA Completeness-Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Superseded by Calculation 195190.58.5406.1108.	NA, Superseded.	Since being superseded this serves only to establish conservative finished floor elevations per FPL criteria.
195190.58.5406.1106	Construction /Maintenance 100-Yr 72 Hr Storm – Pre-Post Zero Discharge- Calculation	0	11-Oct-17	SCA Completeness-Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Superseded by Calculation 195190.58.5406.1108.	NA, Superseded.	Since being superseded this serves only to establish conservative finished floor elevations per FPL criteria.
195190.58.5406.1107	100-Yr 72 Hr Pre vs. Post Development Analysis	0	11-Oct-17	SCA Completeness-Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Superseded by Calculation 195190.58.5406.1108.	NA, Superseded.	Since being superseded this serves only to establish conservative finished floor elevations per FPL criteria.
195190.58.5406.1108	Cooling Pond 100 Yr 72 Hr Storm - Pre-Post Zero Discharge Calculation	0	23-Oct-17	SCA Completeness - Discussion w/Broward County Regarding 100 Yr 72 Hr Storm	Current	Calculation is not affected by the revision to maintain the existing basins as all contact stormwater is conducted to the cooling pond in the initial design. In the revised design, the contact stormwater is also conducted to the cooling pond in the same quantity. The initial calculation does not use the basin area as flood stage storage during the 100 Yr, 72 Hr storm as all stormwater is conducted to the cooling pond for the calculation basis. This is also the same in the revised design. Therefore, no change in the calculation is needed.	
195190.58.5406.1109	Contact Stormwater Discharge	0	29-Jan-18	SCA Completeness - Discussion w/Broward County Regarding Contact Stormwater Handling	Current	Calculation developed to show existing basins to remain.	
References	Title						
NA	FEMA Flood Insurance Rate Map No. 121011C0554H	NA	18-Aug-14	SCA	Current	Not affected.	
NA	Broward County 100 Year Flood Plain Map	NA	Oct-14	SCA	Current	Not affected.	

Exhibit BC-2

Outfall Discharge Parameters and Standards

Table for Outfall Discharge Parameters and Standards

Points of Discharge	Outfalls	Parameters	Standard
Condenser Cooling Water and Auxiliary Equipment Cooling Water	I-011	Comply with State of Florida regulations for thermal requirements	
Heat Recovery Steam Generator	I-016	Comply with State of Florida regulations for thermal requirements	
Reverse Osmosis Reject Discharge	I-01E	Specific Conductance	Report
		Dissolved Oxygen	Daily average not less than 5,000 µg/l. Single reading never less than 4,000 µg/l
		pH	Not less than 6.5 nor more than 8.5 Units
		Turbidity	10 NTUs
		Chlorophyll-a	Follow State Standard
		Total Nitrogen	1,500 µg/L
		Total Phosphorus	50 µg/L
Wastewater (including "contact" water) Discharge	I-013	Oil and Grease	Dissolved or emulsified oil or grease shall not exceed 1.0 ppm; no undissolved or visible oil as iridescence shall be present
		Dissolved Oxygen	Daily average not less than 5,000 µg/l. Single reading never less than 4,000 µg/l
		pH	Not less than 6.5 nor more than 8.5 Units
		Iron	300 µg/L
		Lead	5.6 µg/L
		Copper	3 µg/L
		Mercury	0.025 µg/L
		Nepthalene	118 µg/L
		Benzene	71 µg/L
		Benzene, Toluene, Ethylbenzene, Xylene (BTEX)	200 µg/L
		Bromoform	≤ 360 µg/L annual average
		Chloroform	≤ 470.8 µg/L annual average
		Carbon Tetra Chloride	4.42 µg/L annual average
		Dichloromethane	34 µg/L
		Dichlorobromomethane	≤ 22µg/L annual average
		1,1-Dichloroethylene	3.2µg/L
		Methyl Chloride	≤ 470.8 µg/L annual average
		1,1,2,2-Tetrachloroethane	10.8 µg/L
		Tetrachloroethylene	8.85 µg/L
		1,1,1-Trichloroethane	173 µg/L
		Trichloroethylene	80.7 µg/L

Table for Outfall Discharge Parameters and Standards (Cont.)

Points of Discharge	Outfalls	Parameters	Standard
Point of Discharge	D001	Specific Conductance	Report
		Turbidity	10 NTUs
		Chlorophyll-a	Follow State Standard
		Total Nitrogen	1,500 µg/L
		Total Phosphorus	50 µg/L
		Oil and Grease	Dissolved or emulsified oil or grease shall not exceed 1.0 ppm; no undissolved or visible oil as iridescence shall be present
		Dissolved Oxygen	Daily average not less than 5,000 µg/l. Single reading never less than 4,000 µg/l
		pH	Not less than 6.5 nor more than 8.5 Units
		Iron	300 µg/L
		Lead	5.6 µg/L
		Copper	3 µg/L
		Mercury	0.025 µg/L
		Nepthalene	118 µg/L
		Benzene, Toluene, Ethylbenzene, Xylene (BTEX)	200 µg/L
		Bromoform	Less than or equal to 360 µg/L annual average
		Chloroform	Less than or equal to 470.8 µg/L annual average
		Carbon Tetra Chloride	4.42 µg/L annual average
		Dichloromethane	34 µg/L
		1,1-Dichloroethylene	3.2µg/L
		Methyl Chloride	Less than or equal to 470.8 µg/L annual average
		1,1,2,2-	10.8 µg/L
		1,1,1-Trichloroethane	173 µg/L
		Trichloroethylene	80.7 µg/L
		Dichlorobromomethane	Less than or equal to 22µg/L annual average
		Tetrachloroethylene	8.85 µg/L
		Benzene	71 µg/L

AGREEMENT BETWEEN
FLORIDA POWER & LIGHT COMPANY
AND BROWARD COUNTY
CONCERNING THE SOUTH DADE MITIGATION BANK

The parties to this Agreement, Florida Power & Light Company ("FPL"), and Broward County ("County"), hereby agree as follows:

(1) The terms and conditions of Florida Department of Environmental Protection Permit Nos. 132622449 and 132637449, the U.S. Army Corps of Engineers Permit Application No. 199500155 (IP-GS), and applicable Dade County permits, authorizing the establishment and operation of South Dade Mitigation Bank, shall not limit or abrogate the County's authority under law to permit or deny the use of the South Dade Mitigation Bank as a mitigation alternative to offset wetland impacts occurring in the County.

(2) FPL shall not sell credits in the South Dade Mitigation Bank to an applicant for an environmental resource license required pursuant to Broward County Code Article XI to impact wetlands in the County, who has been denied such license pursuant to Section 27-337.

(3) This Agreement does not affect the ability of linear projects in the County to use the South Dade Mitigation Bank as mitigation pursuant to Section 62-342.600(4)(b), Florida Administrative Code.

(4) Broward County shall not deny use of the South Dade Mitigation Bank due to its location outside of Broward County.

(5) For projects approved by Broward County for mitigation at the South Dade Mitigation Bank, FPL agrees to provide monitoring reports consistent with applicable DEP permit conditions to the County and to provide reasonable access to the South Dade

Mitigation Bank by Broward County for purposes of ensuring compliance with the environmental resource license.

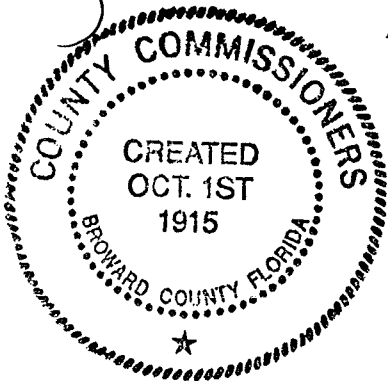
(6) Broward County agrees to withdraw its Petition for Formal Administrative Proceeding Pursuant to Section 120.57(1), Florida Statutes, filed May 17, 1996, challenging the issuance of Permit Nos. 132622449 and 132637449, and agrees not to challenge modification of these permits based on the location of the South Dade Mitigation Bank.

AGREED TO this 6th day of August, 1996.

BROWARD COUNTY

By: _____

John Rodstrom, Chair
Board of County Commissioners



FLORIDA POWER & LIGHT COMPANY

By: _____

Joaquin E. Leon
Senior Attorney and Assistant
Secretary

This document reviewed and approved as
to form by Office of County Attorney,
Broward County, Florida
JOHN J. COPELAN, JR., County Attorney.

By: _____

Assistant County Attorney