

APPENDIX III – PUBLIC COMMENTS

APPENDIX III – Indian River Soil Water Conservation



Indian River Soil and Water
CONSERVATION DISTRICT

1028 20th Place, Suite A, Vero Beach, FL 32960-5360

March 7, 2016

Ms. Ann Seiler
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blairstone Road, MS 5500
Tallahassee, FL 32399-2400

RE: Indian River Soil and Water Conservation District Recommendations regarding Certification Application
-FPL Okeechobee Clean Energy Center (PA15-58)

Dear Ms. Seiler:

At its meeting of November 9, 2015, as well as a follow-up meeting on February 8, 2016, the Board of Supervisors of Indian River Soil and Water Conservation District (IRSWCD) considered the subject certification application. At those meetings Supervisors were primarily concerned with the proposed water supply for the project.

The power plant project, known as OCEC Unit 1, consists of a new combined cycle natural gas fired generating unit to be constructed December 2016 through June 2019. The generating plant is proposed to be located in northeastern Okeechobee County near the Okeechobee/Indian River County line. The project proposes to withdraw 9,000,000 to 11,000,000 gallons per day from the Upper Floridan Aquifer (UFA) which is the source of potable water for Indian River County's utility system which currently serves 110,000 residents. The UFA is also a water source for other users within Indian River County, including the City of Vero Beach potable water utility system, agricultural and other private water users.

Following presentations by FPL representatives regarding project details, including groundwater modeling, Supervisors unanimously recommended that the Applicant develop a hybrid water supply plan for the plant that incorporated a surface water component when available. Supervisors further urged FPL to contact representatives of the nearby Grove Land Reservoir and Stormwater Treatment Area to create such a plan. This approach is reflected in St. Johns River Water Management District's Review of Consumptive Uses of Water Conditions for the power plant and in the Consumptive Use Permit Conditions Recommended by the District, especially Condition No. 33, as agreed to by the Applicant:

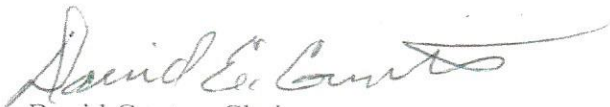
"Upon notification by the SJRWMD that an alternative water source has potentially become available in the vicinity of OCEC Unit 1, including sources that lie outside of the boundary of the SJRWMD, Licensee shall evaluate the feasibility of connection to and use of the alternative water source. As used herein, the term "alternative water source" means any source not identified as a traditional water supply source in the applicable water supply plan adopted by the SJRWMD pursuant to section 373.709, F.S., or successor provision, for the area encompassing the facility. Within 180 days of the notification from SJRWMD of the potential availability

of an alternative water source, the Licensee shall submit a report to the FDEP SCO and the SJRWMD evaluating the technical, environmental, and economical feasibility of each alternative water source identified. The report shall contain an analysis of each alternative water source, including the quantity of water available, the projected date(s) of availability, and costs associated with obtaining and transporting the alternative water to the OCEC Unit 1 facility. If the SJRWMD determines that use of additional alternative water sources are environmentally, technically, and economically feasible, within 120 days of such determination, Licensee shall develop and provide an implementation schedule to reduce, by the amount of additional alternative water source, the quantity of ground water authorized for consumption by the site, to FDEP SCO and SJRWMD for review and approval in accordance with Condition XX "Procedures for Post-Certification Submittals". Once approved, Licensee shall take the necessary steps to implement the schedule. Within 10 days of receiving notice from SJRWMD that an alternative water source has potentially become available in the vicinity of OCEC Unit 1, Licensee shall provide a copy of that notice to Indian River County. Licensee shall submit copy of its alternative water source evaluation report to Indian River County at the time it submits that report to the SJRWMD. [Paragraph 2.3(e) A.H., Nov 2015]"

This condition is consistent with Indian River County's comprehensive plan Potable Water Sub- Element Policy 3.1 and addresses the primary concern of the IRSWCD.

The Indian River Soil and Water Conservation District appreciates the opportunity to comment on the recommended site certification conditions. If you have any questions, please do not hesitate to contact me at (772) 770-5005.

Sincerely,



David Gunter, Chairman
Indian River Soil and Water Conservation District

cc: Board of County Commissioners (via email)
Joe Baird, County Administrator (via email)
Dylan Reingold, County Attorney (via email)
Bill DeBraal, Assistant County Attorney (via email)
Stan Boling, Community Development Director (via email)
Roland DeBlois, AICP (via email)

APPENDIX III – City of Vero Beach Resolution

RESOLUTION NO. 2016 - 10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, EXPRESSING SUPPORT FOR THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AGENCY POWER SITING REPORT ADDRESSING THE OKEECHOBEE CLEAN ENERGY CENTER PROJECT, AND FURTHER EXPRESSING SUPPORT FOR CONSTRUCTION OF THE GROVELAND RESERVOIR AND STORMWATER TREATMENT AREA; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Floridan Aquifer has provided and currently provides a principal supply of public water for the City of Vero Beach as well as many other cities and counties; and

WHEREAS, the St. Johns River Water Management District ("SJRWMD") regulates and permits certain withdrawals from the Floridan Aquifer through its Consumptive Use Permit ("CUP") process; and

WHEREAS, the Florida Power and Light Company ("FPL") has requested to withdraw an estimated 9 million gallons of raw public water per day from the Floridan Aquifer for use in the production of electric power at its proposed Okeechobee Clean Energy Center ("OCEC"); and

WHEREAS, the Groveland Reservoir and Stormwater Treatment Area ("GLRSTA") has received cooperative funding to begin the preliminary design and engineering for the creation of a reservoir that will capture and treat stormwater that normally would discharge to the Indian River Lagoon; and

WHEREAS, the GLRSTA is identified in the Central Florida Water Initiative 2035 Water Resources Protection and Water Supply Strategies Plan (adopted by the SJRWMD, the South Florida Water Management District and the Southwest Florida Water Management District) as having a potential capacity of discharging 122 million gallons per day of surface water into the headwaters of the St. Johns River that could potentially be used as an alternative water supply

source for water users located in the vicinity of the GLRSTA, if feasible ; and

WHEREAS, SJRWDM has prepared a siting report dated March 8, 2016, pursuant to 403.507(2)(a)2, Florida Statutes ("Siting Report") regarding the FPL site certification from the Florida Department of Environmental Protection ("FDEP") for the OCEC addressing such alternative water supply source and setting forth procedures for determining and analyzing the technical, environmental, and economic feasibility of such alternative water supply source, including the development of an implementation schedule by FPL based upon SRJWMD findings; and

WHEREAS, the City Council of the City of Vero Beach, Florida ("City Council") desires to express its support for the Siting Report, its support for the construction of the GLRSTA, and its concerns to the SJRWMD that alternative sources of water be used in lieu of groundwater from the Floridan Aquifer if economically, technically and environmentally feasible pursuant to the findings in its Siting Report.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, AS FOLLOWS:

Section 1 – Adoption of “Whereas” clauses.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein.

Section 2 – Support For SJRWMD Agency Power Plant Siting Report and Construction of the GLRSTA.

The City Council hereby expresses its support for the St. Johns River Water Management District Agency Power Plant Siting Report dated March 8, 2016, which is attached hereto and incorporated herein as part of this Resolution along with all findings and restrictions imposed on the FPL Okeechobee Clean Energy Center for the withdrawal of water from the Floridan Aquifer.

The City Council hereby expresses its support for construction of the GLRSTA to provide

future water supply where feasible to users in both the SJRWMD and SFWMD, and to help eliminate discharges destructive to the Indian River Lagoon, thereby protecting and preserving the Indian River Lagoon both now and for future generations.

Section 3 - Conflict and severability.

The provisions of this Resolution shall control over those provisions of previously adopted resolutions in conflict herewith. If any provision of this Resolution is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions.

Section 4 – Effective Date.

This resolution shall become effective upon adoption by the City Council.

This Resolution was heard at a public hearing on the 15th day of March 2016, after which hearing it was moved for adoption by Councilmember Winger, seconded by Councilmember Old, and adopted by the following vote of the City Council:

Mayor Jay Kramer	<u>yes</u>
Vice-Mayor Randy Old	<u>yes</u>
Councilmember Pilar E. Turner	<u>no</u>
Councilmember Richard T. Winger	<u>yes</u>
Councilmember Harry Howle, III	<u>yes</u>

ATTEST:

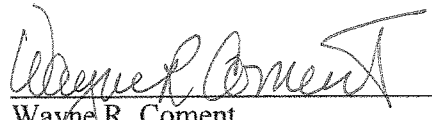
Tammy K. Vock
Tammy K. Vock
City Clerk

CITY COUNCIL
CITY OF VERO BEACH, FLORIDA

Jay Kramer
Jay Kramer
Mayor

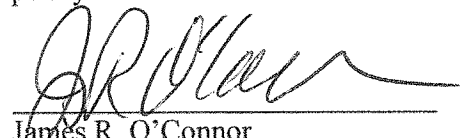
[SEAL]

Approved as to form and legal
sufficiency:



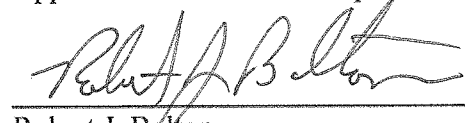
Wayne R. Coment
City Attorney

Approved as conforming to municipal
policy



James R. O'Connor
City Manager

Approved as to technical requirements:



Robert J. Bolton
Water & Sewer Director