



Florida Department of Environmental Protection

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

MAILED

4/23/07 Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 24, 2007

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Ms. Barbara P. Linkiewicz
Environmental Licensing Manager
Florida Power & Light Company
Post Office Box 14000
Juno Beach, Florida 33408

RE: Florida Power and Light Turkey Point
Modification to Conditions of Certification
DEP Case Number PA 03-45B
OGC Case Number 07-0127

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Linkiewicz:

The Florida Siting Board certified the Florida Power and Light (FP&L) Turkey Point power plant on February 8, 2005. This certification authorized the construction and operation of Unit 5 which consists of four combustion turbines, four heat recovery steam generators, and a steam turbine having a total generating capacity of approximately 1,150 megawatts.

On January 25, 2007, the Florida Department of Environmental Protection ("Department") received your letter dated January 23, 2007 requesting a modification of the Conditions of Certification for Turkey Point Power Plant. The request was to allow the use of Floridan Aquifer water for process water at Turkey Points Units 5 and Units 1&2.

On January 10, 2007, the Department published notice of its intent to issue Air Construction Permit No. 0250003-007-AC. On February 12, 2007, the Department issued Air Construction Permit No. 0250003-007-AC, which has been incorporated into the Conditions of Certification through this modification.

On or before February 28, 2007, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. Additionally, on March 23, 2007, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the

Florida Administratively Weekly web site. That notice specified that pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, F.A.C., all parties to the certification proceeding have 45 days from the issuance of the notice by mail to such party's last address of record in which file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the FAW to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue a Final Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Florida Power and Light Turkey Point power plant are hereby modified as follows:

XXVIII.AIR

A. General

1. The construction and operation of the Turkey Point Unit 5 project shall be in accordance with all applicable provisions of Permit No.PSD-FL-338 (DEP Permit No. 025003-0067-AC) as well as any other permit required under a federal program such as Title III, Title IV and/or Title V issued for Turkey Point Unit 5 and any revisions, amendments, corrections or modifications thereto, and of Chapters 62-210 through 62-297, F.A.C

XXXIII. WATER MANAGEMENT DISTRICT

A. No Change

B. 2. c. The inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

C. Site Specific Design Authorizations

1. ~~Authorization to commence withdrawals from the Upper production zone of the Floridan Aquifer for cooling water will not be granted until the Aquifer Performance Test (APT) currently underway is completed, evaluated by the SFWMD, and a determination is made by the SFWMD that reasonable assurances have been provided confirming that interference to existing legal users will not occur. The report submitted to the SFWMD on the APT shall include the following and shall be signed and sealed by a Florida Registered Professional Geologist:~~

a. ~~The transmissivity and storage of the proposed pumping zone of the Floridan aquifer.~~

b. ~~An analysis of the potential impacts to existing legal users.~~

c. — An impact mitigation analysis, if potential impacts to existing legal users are identified.

d. — A request for a maximum daily withdrawal rate associated with filling the cooling tower from cold start-up.

2. — Upon submittal of the technical report, the SFWMD shall have 30 days to review the report for completeness. If the information is not complete, accurate or fully documented, the SFWMD shall, within the 30 day time period, request additional information needed to complete the review of the technical documents. Once the report is deemed complete, the SFWMD shall evaluate the potential for impacts to existing legal users in accordance with the applicable criteria in Rule 40E-2 and the Basis of Review for Water Use Permit Applications in the SFWMD.

a. — If the SFWMD determines that the results of the additional site-specific test data confirms the initial conclusion that interference to existing legal users will not occur, then the SFWMD shall provide the Licensee and DEP with written confirmation of this finding within 30 days of submittal of a complete report to the SFWMD on the APT. Such written confirmation shall constitute authorization of an average daily withdrawal of 14.06MGD (which represents the average expected 90-day water demand of the heat dissipation system for the cooling tower) and an average annual withdrawal of 4,599 MGY from the Upper production zone of the Floridan aquifer for cooling water.

b. — If the SFWMD determines that the potential exists for interference with existing legal users as a result of the site-specific test data, then the SFWMD will advise the Licensee and DEP, within 30 days of submittal of a complete report to the SFWMD on the APT, of this conclusion. The SFWMD will review additional submittals of data such as additional modeling, alternative water supplies, and mitigation plans that may be proposed by the Licensee to provide reasonable assurances that interference with existing legal users will not occur. The SFWMD shall have 30 days to review the additional submittals for completeness. Upon completion of the evaluation, the SFWMD will provide the Licensee and DEP with notification of authorization to commence withdrawals from the Floridan aquifer at acceptable rates and will require mitigation, as necessary and appropriate, pursuant to the Basis of Review for Water Use Permits in the SFWMD, to prevent interference with existing legal users.

1. This Certification authorizes an average daily withdrawal of 14.06 MGD and an average annual withdrawal of 4,599 MGY from the Upper production zone of the Floridan aquifer for cooling water for Unit 5 and process water for Units 1, 2, and 5. The 14.06 MGD average daily withdrawal represents the average expected 90-day water demand of the heat dissipation system for the cooling tower and for process water.

32. Upon written notification from the SFWMD that a reliable source of reclaimed water is available at the project site to serve Unit 5 in a quantity and quality acceptable to the Licensee for cooling purposes for Unit 5, the Licensee shall provide the SFWMD with a schedule for use of reclaimed water, for the SFWMD's review and approval, within 90 days of such notification. Once the use of reclaimed water has been established, the use of Floridan Aquifer water shall be reduced in proportion to the volume of reclaimed water made available to Unit #5, such that the combined sources meet the total demand of a 90-day average withdrawal of 14.06 MGD and an average annual withdrawal of 4,599 MGY. Should reclaimed water become temporarily unavailable, the Licensee shall notify the SFWMD within 24 hours of commencing temporary withdrawals from the Floridan aquifer.

43. The Licensee is authorized to construct four withdrawal wells as follows:

ID	Casing Diameter (inches)	Cased Depth (feet)	Max. Depth (feet)	Max Flow (gpm)
1	36	1,100	1,400	5,000
2	36	1,100	1,400	5,000
3	36	1,100	1,400	5,000
4	36	1,100	1,400	5,000

~~5. The Licensee shall maintain records of the calibrated daily withdrawals from each pump. These records shall be available for review upon request by SFWMD staff. Monthly withdrawals for each pump shall be submitted to the SFWMD quarterly. Maximum daily withdrawals for each month for the entire system shall be submitted to the SFWMD quarterly. The water accounting method and means of calibration shall be stated on each report. Every two years from the date of Certification, the Licensee shall submit re-calibration data for each water pumping accounting facility if the accounting method(s) require re-calibration.~~

4. Prior to the use of any proposed withdrawal facilities authorized under this Certification, the Licensee shall equip each facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to Section 4.1 of the Basis of Review For Water Use Permit Applications. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized -under this Certification every five years from each previous calibration, continuing at five year increments. The Licensee shall report monthly withdrawals for each withdrawal facility to the SFWMD quarterly. The Licensee shall specify the water accounting method and means of calibration on each report

65. Modifications

a. ~~Within five years of Certification and every five years thereafter, unless extended by mutual agreement between the Licensee and the SFWMD, the Licensee shall submit to the SFWMD a report on the project's consistency with the consumptive water use requirements contained within Chapter 40E-2, F.A.C. in effect at that time. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and the Licensee as to whether the groundwater withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S., and Chapter 40-2, F.A.C., in effect at that time. If the notification indicates that the withdrawals are not in compliance with these provisions, it shall recommend possible alternatives for bringing the withdrawals into compliance or otherwise meeting the minimum consumptive water use needs of the power plant. If mutual agreement cannot be reached within 90 days after issuance of the written notification on whether the withdrawals of groundwater for consumptive use remain in compliance, then the written notification shall be immediately referred to the Division of Administrative Hearings (DOAH) for resolution in accordance with the procedural provisions of Condition XXIV.~~

Within five years from the date of issuance of the Certification Order and even/ five years thereafter, unless extended by mutual agreement between the Licensee and the SFWMD, the Licensee shall submit to the SFWMD a report on the project's consistency with SFWMD's Water Use Conditions of Certification contained herein. Within 90 days after receipt of the completed report, the SFWMD shall evaluate the information contained therein and issue a written notification to the DEP and the Licensee as to whether the ground water withdrawals for consumptive use authorized by this Certification remain in compliance with the provisions of Chapter 373, F.S.. and Chapter 40-2, F.A.C.. in effect at the time the certification was issued by the Siting Board. In determining whether the Licensee has established that its use of water complies with rule 40E-2, F.A.C., and the Basis of Review for Water Use Permit Applications within the SFWMD, the SFWMD shall evaluate whether the Licensee's use of water interferes with a legal use of water that existed at the time the certification was issued by the Siting Board. If the notification indicates that the withdrawals are not in compliance with these provisions, the SFWMD shall recommend to the Licensee possible alternatives for bringing the withdrawals into compliance with SFWMD's Water Use Conditions of Certification contained herein. In addition, if DEP determines, in consultation with SFWMD, based upon a review of a report submitted pursuant to this condition, that the Licensee has failed to establish that the Licensee's use of water meets the consumptive water use requirements described herein, DEP may seek to modify the authorization to use water in the certification or take other appropriate measures to ensure that the consumptive use of water meets the conditions for issuance in Chapter 40E-2, F.A.C., as described herein. Any modification made pursuant to this condition shall not be subject to competing applications provided there is no increase in the allocation

and no change in source.

b. ~~The SFWMD retains the right to petition for a modification of the groundwater withdrawals for consumptive use authorized by this Certification, in accordance with the provisions of Condition XV. Any request for an increase in water withdrawals shall be made pursuant to the provisions of Condition XV.~~

The SFWMD may request a modification of the around water withdrawals for consumptive use authorized by this Certification in accordance with the provisions of Section 403.516, F.S. and Section 62-17.211, F.A.C. Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S., and Section 62-17.211, F.A.C.

76. Prior to the commencement of construction of those portions of the project which involve dewatering activities, the Licensee shall submit a detailed plan for the proposed dewatering activities to the SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2, 40E-3 and 40E-20, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

- a. A detailed site plan which shows the location(s) for each proposed dewatering area;
- b. The method(s) used for each dewatering operation;
- c. The maximum depth for each dewatering operation;
- d. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;
- e. The duration of each dewatering operation;
- f. The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);
- g. An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;
- h. The location of any infiltration trenches and/or recharge barriers; and

i. All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

87. If, during the control of these conditions of certification, any on-site wells require repair, replacement, and/or abandonment, the Licensee shall submit the information described in Chapter 40E-3, F.A.C. for review by the SFWMD prior to initiating such activities.

98. Prior to construction of the proposed on-site wells, the Licensee shall submit the drilling plans and other pertinent information required by Chapter 40E-3, F.A.C. to the SFWMD for review and approval. If the final well locations are different from those originally proposed in the site certification application, the Licensee shall also submit to the SFWMD for review and approval an evaluation of the impacts of the proposed pumpage from the alternate well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies.

109. Groundwater Monitoring Plan

a. Within three months of issuance of this Certification, a preliminary groundwater monitoring plan shall be submitted to the SFWMD for a determination of compliance with the non-procedural requirements of Chapter 40E-2, F.A.C. In developing the monitoring plan, the Licensee shall consider well locations, depth and method of construction, types of screens, and frequency of data collection.

b. Within six months of issuance of this Certification, the Licensee shall implement the groundwater monitoring plan.

110. Water Conservation Plan

a. Prior to the commencement of construction, the Licensee shall submit a water conservation plan, as described in Chapter 40E-2, F.A.C., for review and approval by SFWMD staff.

b. The water conservation plan shall incorporate the following components:

(1) An audit of the amount of water needed in the Licensee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

(a) Implementation of a leak detection and repair program;

(b) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and

(c) Use of processes to decrease water

consumption.

(2) Development and implementation of an employee awareness program concerning water conservation.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, 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 of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Sincerely,



Michael P. Halpin, P.E.
Administrator, Siting Coordination Office

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.



Clerk

4-23-07

Date

CC by certified mail:

John D. McInnis, Esq
Metro Dade County
111 Northwest First Street, Ste 2810
Miami, FL 33128-1930

Peter C. Cunningham, Esq
Douglas S. Roberts, Esq
Hopping, Green and Sams, P.A.
POB 6526
Tallahassee, FL 32314-6526

Samuel S. Goren, Esq
South Florida Regional Planning Council
3099 East Commercial Blvd. Ste 200
Hollywood, FL 33021-4311

James V. Antista, Esquire
Fish and Wildlife Conservation
Commission
6230 South Meridian Street
Tallahassee, FL 32399-1600

Mary Ann Helton, Esquire
Florida Public Service Commission
Gerald Gunter Building
2450 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Sheryl Wood, Esq
South Florida Water Management District
POB 24680
West Palm Beach, FL 33426

Harris M. Rosen, Esq
Corporate Counsel
Florida Power & Light Company
POB 14000
Juno Beach, FL 33408

Scott A. Goorland, Esquire
Department of Environmental Protection
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000

Craig Varn, Esquire
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Sheauching Yu, Esquire
Department of Transportation
Haydon Burns Building
605 Suwannee Street
Mail Station 58
Tallahassee, FL 32399-0450