



Florida Department of Environmental Protection

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Tallahassee, Florida 32399-2400

Charlie Crist
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Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 19, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Barbara P. Linkiewicz
Director, Environmental Licensing
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

RE: Florida Power and Light Turkey Point Units 3, 4 and 5
Modification to Conditions of Certification
DEP Case Number PA03-45D
OGC Case Number 09-0628

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Ms. Linkiewicz:

The Siting Board issued the Site Certification for Florida Power & Light Company's Turkey Point Unit 5 on February 8, 2005 (PA03-45). This certification authorized the construction and operation of a nominal 1,150 MW natural gas fired combined cycle unit (Unit 5) and ancillary facilities. Unit 3 and Unit 4 (nuclear units) were certified on October 29, 2008. The Department of Environmental Protection (Department) has modified the Conditions of Certification for the Turkey Point units by Final Order on three other occasions.

Pursuant to 403.516(1)(c), Florida Statutes ("F.S."), the Department may modify the terms and conditions of a site certification upon its own initiative. Accordingly, the Department has initiated such a modification.

On or before April 23, 2009 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 Final Order Modifying Conditions of Certification.

On May 1, 2009, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW). Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to 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 Florida Administrative Weekly to object in writing; that failure to act

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within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification were received by the Department. The Conditions of Certification for the Florida Power & Light Company Turkey Point Units 3, 4, and 5 are hereby modified as follows:

I. Through VIII. No Change

IX. Biscayne Bay Surface Water Monitoring

As proposed, the Turkey Point Units 3 and 4 uprate project may cause an increase in temperature and salinity in the cooling canal system. Field data is needed in order to determine impacts of the proposed changes in the Turkey Point cooling canal system on Biscayne Bay.

A. ~~Within 180 days following certification of Units 3 & 4, No later than July 31, 2009,~~ FPL shall submit a Biscayne Bay Surface Water Monitoring Plan (Plan) pursuant to Chapter 62-302, F.A.C. to the DEP Southeast District Office for review and approval. The submittal deadline may be extended upon agreement between the Licensee, DEP, SFWMD and Miami-Dade County. Agreements for extensions shall be submitted to the Siting Office prior to the deadline. The Plan shall include, at a minimum, the following components:

1. salinity and temperature monitoring within the surface waters of the Bay, including the Biscayne Bay Aquatic Preserve; (Specific parameters to be measured, including specific conductance and temperature, shall be sampled in accordance with Chapter 62-160, F.A.C.);
2. a minimum of five monitoring stations located near shore in the vicinity of the Turkey Point Plant; and
3. specific monitoring locations, sampling frequencies and methods, and specific parameters to be monitored.

B. through E. No Change

X. Surface Water, Ground Water, Ecological Monitoring

This is a consolidated condition agreed upon by three agencies, Department of Environmental Protection (DEP), Miami-Dade County Department of Environmental Resource Management (DERM) and the South Florida Water Management District (SFWMD). This consolidated condition sets forth the framework for new monitoring and, as may be needed, abatement or mitigation measures, for approval of FPL's Turkey Point Units 3 and 4 Uprate Application. Specific monitoring and potential modeling parameters will be identified and implemented pursuant to a monitoring plan as part of a supplemental agreement between FPL and the SFWMD as described below.

A. In addition to the monitoring framework set forth in this consolidated condition, ~~within 180 days after Certification, no later than July 31, 2009,~~ FPL shall execute a SFWMD approved Fifth Supplemental Turkey Point Agreement ("Fifth Supplemental Agreement") to the original 1972 Agreement between FPL and the SFWMD pertaining to FPL's obligation to monitor for impacts of the Turkey Point cooling canal system on the water resources of the SFWMD in general and the facilities and operations of the SFWMD (the "Agreement"). Subject

to the SFWMD's approval, FPL shall also amend the Agreement's Revised Operating Manual as referenced in paragraph C. "Monitoring Provisions" (the "Revised Plan") of the Fourth Supplemental Agreement, dated July 15, 1983. The Revised Plan shall be incorporated into the Fifth Supplemental Agreement and shall include assessment of potential impacts to surface water and ground water including wetlands, as needed, in the vicinity of the cooling canal system. The specific monitoring boundaries shall be determined as part of the Revised Plan. The submittal deadline may be extended upon agreement between the Licensee, the SFWMD, DEP and Miami-Dade County. Agreements for extensions shall be submitted to the Siting Office prior to the deadline.

B. through D. No Change

XI. Through XVI. No Change

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm> . Copies of the Conditions of Certification and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Blvd, M.S. 48, Tallahassee, Florida 32399, (850) 245-2002.

Any party to 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.



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.

 6/19/09

Clerk

Date

CC by email (return receipt requested):

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