



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

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JONATHAN P. STEVERSON
SECRETARY

March 19, 2015

Sent by Electronic Mail – Document Access Verification Requested

Matthew J. Raffenberg
Director, Environmental Licensing and Permitting
Florida Power and Light Company
700 Universe Boulevard
Juno Beach, Florida 33408
Matthew.Raffenberg@fpl.com

RE: FPL Turkey Point Units 3-5
Modification to Conditions of Certification
DEP Case Number PA 03-45E.1
OGC Case Number 14-0510

FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION

Dear Mr. Raffenberg:

On October 29, 2008, the Secretary of the Department of Environmental Protection, pursuant to 403.509(1)(a), F.S., issued a Site Certification to Florida Power and Light Company (FPL) for the uprate and operation of Turkey Point Power Plant Units 3-5 (TPP 3-5) in Miami-Dade County. The Department of Environmental Protection (Department) has modified the Conditions of Certification (Conditions) for TPP 3-5 by Final Order on four other occasions.

On September 16, 2014, the Department received a petition from FPL for a modification to TPP 3-5's Conditions pursuant to Section 403.516(1)(c), Florida Statutes (F.S.), for three system improvement projects consisting of:

- 1) Installation and use of up to six new production wells that will discharge approximately 14 MGD of Upper Floridan Aquifer water into the Cooling Canal System;
- 2) Utilization of one of the new production wells (as described above, Well No. F-1) as a dual purpose well to comply with NRC Order EA-12-049 (Fukushima), requiring nuclear generating facilities to comply with additional requirements to mitigate beyond-design-basis external events; and
- 3) Re-allocation of approximately 2.9 MGD (2,000 gpm) of currently authorized withdrawals from the Upper Floridan Aquifer water from Well No. PW-3 and the installation and operation of a new above ground 2,000 foot long water pipeline

originating from the existing Unit 5 well location and connecting to the existing water treatment plant for Units 3 and 4.

The Petition was forwarded to the Fish and Wildlife Commission (FWCC), Department of Transportation (DOT), Department of Economic Opportunity (DEO), Department of State – Division of Historic Resources (DOS-DHR), South Florida Water Management District (SFWMD), Miami-Dade County (MDC), South Florida Regional Planning Council (SFRPC), and the Southeast District of the Department (SED) for review on September 19, 2014. After receiving completeness questions from SFWMD and MDC, the Department sent FPL a request for additional information on October 16, 2014. FPL provided its response to the completeness questions and after review by SFWMD and MDC, the petition for modification was deemed complete on December 15, 2014.

On December 23, 2014, all parties to the certification proceeding were provided notice of the Department's intent to modify the Conditions for TPP 3-5. On January 7, 2015, notice of the Department's intent to modify the Conditions for TPP 3-5 was also published in the Florida Administrative Register (FAR).

Pursuant to Section 403.516, 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 in which to file a written objection to the modification. Pursuant to Section 403.516, F.S., and Rule 62-17.211, F.A.C., 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 FAR to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

On February 6, 2015, the Department received three separate written objections to its Notice of Intent to Modify filed on behalf of (1) Miami-Dade County; (2) Atlantic Civil, Inc.; and (3) Tropical Audubon Society/Blair Butterfield/Charles Monroe/Jeffrey Mullins.

The objections received by the Department were related to FPL's request for the use of six new production wells to discharge approximately 14 MGD of Upper Floridan Aquifer water into the Cooling Canal System.

Pursuant to Rule 62-17.211(1) (b) 5., F.A.C., if written objections which only address a portion of the requested modification are filed, then the Department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

Therefore, in light of the objections received, this Final Order does not authorize or approve the use of 14 MGD of water from the Upper Floridan Aquifer, including any water associated with Well No. F-1, to be discharged into the Cooling Canal System. This Final Order does authorize the construction of Well No. F-1 for compliance with NRC Order EA-12-049 and the re-allocation of water from Well No. PW-3. (See Conditions XII. C. 1 and C. 3.) The Conditions of

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Certification for TPP 3-5 are hereby modified, in accordance with those portions of the proposed modifications for which no objection was received, which can be viewed and obtained from the following website:

http://publicfiles.dep.state.fl.us/Siting/Outgoing/FPL_Turkey_Point/Modifications/Mod%20E.1/2015_3_19_FPL_TP_Mod%20E.1_2015_COC.pdf

This Final Order is strictly limited to the specific activities identified herein and should not be construed as implicit departmental approval of further requests for modification. This Final Order in no way binds the Department or guarantees future water reallocations or modifications to the Conditions of Certification.

Copies of the Conditions and/or attachments may also be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Rd., M.S. 5500, Tallahassee, Florida 32399-2400, (850) 717-9000.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, F.S. 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 30 days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Sincerely,



Paula L. Cobb

Deputy Secretary for Regulatory Programs

Sent by Electronic Mail:

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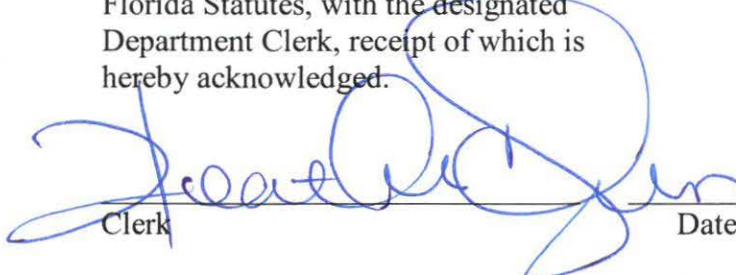
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FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52

Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.



Clerk

Date

3/19/15

March 19, 2015

Service List: *Sent by Electronic Mail – Received Receipt Requested*

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