

From: [Owens, Michael](#)
To: [Dalton, Jessica](#)
Cc: [Sturtevant, Toni](#)
Subject: Broward County Completeness Review: recommendation of incompleteness
Date: Thursday, February 23, 2012 4:25:39 PM

Ms. Dalton,

Please find below Broward County's Completeness Review. Broward County recommends that the Florida Department of Environmental Protection find and file a Recommendation of Incompleteness at this time. Please let me know if you have any questions or need any further information. If there are any questions you may have in regard to the authority or support for the County's requests for additional information, below, please let me know at your earliest convenience. I've included an introductory authority section, as well as further specific legal authority references when available.

Best regards,

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BROWARD COUNTY'S REQUESTS FOR ADDITIONAL INFORMATION ON FLORIDA POWER AND LIGHT COMPANY'S SITE CERTIFICATION APPLICATION FOR DEMOLITION, CONSTRUCTION AND OPERATION OF ITS PLANT AT PORT EVERGLADES, FLORIDA.

AUTHORITY

In addition to any specific authority cited below, portions of the proposed Certified Site rely on FPL interests in, under, or over portions of Port Everglades owned by Broward County, including both upland and submerged lands. However, Broward County's information suggests that some of those interests have been previously relinquished. Additionally, FPL's proposed activities, including construction, removal, and operation of linear facilities, will cause a variety of risks of owner liability to the County. FPL has not provided sufficient information regarding its activities on, over, or under County lands, including submerged lands, that its activities would not cause the County to be liable for pollution, degradation, or damage to natural resources. In addition to the Broward County's interests as owner of uplands and submerged lands affected by the project, Broward County's Natural Resource Protection Code establishes the County's responsibility for the protection of natural resources and environmental quality, including air, surface water, groundwater, wastewater, soil, hazardous materials, biohazardous and solid waste management, wetlands, uplands, coastal, and marine animal and plant life. *See* 27-2, BCC. The County is to be proactive in ensuring a future in which the county's natural resources are preserved, protected, and enhanced in keeping with federal, state, regional and adopted Broward County Board of County Commissioners policies and guidelines. *Id.* Certain of the questions below relate to impacts to the continuity of Port Everglades' services and existing underground infrastructure and pollution for which inadequate information has been submitted. Questions regarding wastewater discharges are related to the County's authority to ensure that discharges do not violate 27-193, BCC.

By the way of the Broward County Charter and the Special Acts of the State of Florida, Chapter 91-355, Laws of Florida, establishes the Natural Resource Protection Act, and provides Broward County with regional authority in areas of Natural Resources Protection. Chapter 27, Article V, Broward County Code of Ordinances, Water Resource Management, establishes the responsibility of Broward County to implement county-wide water resources planning in support of regional and local water supply plans. Chapter 27, Article XI, Broward County Code of Ordinances: Aquatic and Wetland Resource Protection, establishes the county's authority to protect the Everglades wetlands and waters of Broward County because of their value to the maintenance of the quality of life, public drinking water supply, flood storage, groundwater recharge and discharge, recreation, propagation of fish and wildlife, and the public health, safety and welfare. In addition to authority and responsibilities provided for through County Ordinance, the County implements water and natural resource protection through countywide application of the conservation element of the County's comprehensive planning and land use plan.

Relevant policies are as follows:

Conservation Element:

Policy 10.1.2. Broward County shall maintain the guidelines for local government implementation of sea turtle conservation programs developed in conjunction with the Florida Bureau of Marine Research.

Policy 10.3.1. The County shall provide for restoration or enhancement of disturbed or degraded natural resources including estuaries, and programs to mitigate future disruptions or degradations through the Broward County Land Development Code.

Policy 10.3.2. Coordinate efforts and existing resources protection plans where possible to protect estuaries within the jurisdiction of more than one local government.

Policy 10.3.3. The County shall monitor for potential development impacts on estuaries through the development review processes, including site plan and plat applications.

Policy 13.7.3. The County shall protect and conserve, using the LAPC and UWA Programs, those areas known to be reproduction, nesting and feeding areas for endangered and threatened animals.

Policy 13.7.6. Estuarine Areas known to be habitats for juvenile marine fishes shall be recommended for protective status as LAPC's or UWA's. These areas shall include, but will not be limited to, mangroves forests, tidal marshes and sea grass beds.

Policy 13.7.11. Broward County shall continue to ensure the protection of natural communities and listed endangered or threatened animal species and their habitats.

Policy 13-A.1.1. Broward County shall continue to support State designation of the FPL Port Everglades and Lauderdale Power Plants' discharge canal and cooling lakes as No Entry Zones for unauthorized vessels.

Policy 13-A.3.7. The boundary of the FPL Port Everglades Power Plant Discharge Canal Manatee Essential Habitat Area shall be expanded to include the Mangrove Lagoon located north of the turning notch, south of the discharge canal and west of the Atlantic Intracoastal Waterway.

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 (EPGMD) 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.

Land Use Plan POLICY 9.03.03

In order to protect and enhance sea turtle nesting, coastal municipalities, in coordination with the Sea Turtle Conservation Program of the Broward County Department of Planning and Environmental Protection, shall prepare and adopt land development regulations consistent with state and federal guidelines. Each coastal municipality shall also, through ordinance, adopt regulations within one year from the effective date of this policy (February 22, 2001), to control beachfront lighting.

Those regulations shall be consistent with Chapter 62B-55 (FAC) Model Ordinance for Marine Turtle Protection and they shall additionally be in compliance with Lighting/Development Categories as outlined in the Broward County Technical Report 97-06 Broward County Beach Lighting Management Plan.

POLLUTION PREVENTION, REMEDIATION AND AIR QUALITY DIVISION

Please submit information regarding what reasonable precautions will be taken to prevent the emissions of particulate matter related to demolition and construction, including the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice. Sections 27-175(h), 27-177(b), and 27-180(c), Broward County Code of Ordinances ("BCC").

Please submit information demonstrating that a survey, prepared by or under the supervision of an asbestos consultant licensed in the state of Florida, pursuant to Chapter 469, Florida Statutes, as amended, hereinafter referred to as a Florida Licensed Asbestos Consultant, indicating the presence or absence of asbestos containing material has been conducted for the structure(s) proposed to be demolished. 27-180(b) BCC.

PORT EVERGLADES DEPARTMENT

Please provide additional information sufficient to support FPL's assertion of sufficient real property interests in the proposed Certified Site or FPL's plans to acquire such interests and the specific information requested, below.

Incomplete Information Impacting Description of Certified Site

Section 1.1 of the Site Certification Application states: "Exhibit A presents the Site legal descriptions on FPL Port Everglades Plant property, and Section 3.2.4 and Appendix 10.12 (Leases, Easements, Title, Agency Works) present information on easements related to the intake and discharge canals and conveyances. Together these documents provide legal descriptions for the Certified Site."

The Broward County Port Everglades Department believes the data provided and used to establish easements and authorizations as covered in Section 3.2.4 is incomplete or selectively used to define the Certified Site. Section 3.2.4.1 (1) indicates existence of a 1957 easement to build an

intake in an alternate location to the existing intake canal; however, the easement was relinquished by FPL in 2011. Section 3.2.4.1 (4) claims easement rights relinquished by FPL in 1957 as part of a land exchange with the Broward County Port Authority.

Incomplete Information Necessary to Determine Feasibility of Placing Linear Facilities on Port Lands

Section 3.2.4.2 explains that “FPL has taken a corridor approach in identifying associated linear facilities that maximizes the flexibility for coordinating the required PEEC linear facility easements with Broward County.”

The Broward County Port Everglades Department believes the corridor approach as adopted by FPL in the PEEC Site Certification Application, while granting flexibility to FPL, is overly broad. The approach allows FPL to seek application approval while avoiding the necessity of providing the Port Everglades Department with specific factual information needed to determine the feasibility of placing proposed Associated Linear Facilities on Port lands. The key underlying criteria used by the Port to determine feasibility include:

- 1) Is the proposed linear facility compatible with current and expected future marine and ship operations?
- 2) Is the proposed linear facility compatible with current and expected future landside cargo operations?
- 3) Is the proposed linear facility compatible with future port redevelopment and operational plans?
- 4) Can the proposed linear facility be accommodated in a given route considering existing infrastructure?
- 5) Does the placement of the linear facility obligate the Port to provide a service (to FPL) going forward that may not be commercially or economically sustainable?
- 6) Do the terms and conditions under which linear facilities are to be placed on Port lands include enough flexibility to ensure the Port’s ability to redevelop or modify its infrastructure as may be dictated by future changes in domestic and international marine trade?
- 7) Is a Port commitment to accommodate proposed linear facilities limited to a reasonable period of time, commensurate with the expected life of the project?

The Broward County Port Everglades Department has the following concerns regarding each of the proposed types of linear facilities and believes additional information is needed in order for the Port to evaluate whether or not the facilities can be accommodated in a manner consistent with established criteria for license agreements regarding the use of County-owned land (such as the existing license agreement with FPL executed on June 24, 2008):

ULSD (Ultra Low Sulfur Diesel) Oil Pipeline

The Associated Linear Facility Corridor depicted in Figure 3.2.4-3 to the north and east of the existing FPL property is extremely congested with underground petroleum and utility infrastructure. In addition to the normal array of utilities for water, communications and drainage, there exists bulkhead tie-back systems and a large number of active petroleum product receiving lines extending out to and connecting Piers 1 and 2. There are also underground bunkering (ship

fueling) lines in the area. To determine if placement of the proposed ULSD pipeline in this corridor is practical, the Port must review details of the design and routing, including identification of and three dimensional locations of existing infrastructure within the route.

The same corridor also encompasses an area where the Port intends to relocate Security Gate 6 as part of the Port's Bypass Road Phase I Project. This area is traversed by existing FPL No. 6 Fuel Oil lines to be removed, and it is where the new ULSD Oil Pipeline may be placed. The Bypass Road Phase I Project is scheduled to go to bid shortly. To assess the practicality of accommodating the ULSD Pipeline in the corridor, the Port would require enough design information on the pipeline relative to the new gate location to assure compatibility with the relocated gate and associated heavy equipment traffic flow.

The Site Certification Application does not provide enough detail for the Port Everglades Department to evaluate the functionality of a new ULSD receiving system on Pier 1. To determine impacts of such an installation on Port petroleum operations, the Port normally requires volume projections over the expected life of the project, ship/barge offloading frequency, and the system's design discharge rate. While the Application attempts to present the new backup ULSD system as a direct replacement for the existing No. 6 Fuel Oil system, the latter occupies extensive amounts of Port land under terms predicated on original very high throughput volumes of No. 6 Fuel Oil. The No. 6 Fuel Oil System operates under a 10 year volume driven License Agreement that expires in June 2018 rather than under an easement as represented in the Application. None of these points and the implications are covered in the Application.

We note that Table 5.1.1-1 of the Application indicates "No current knowledge of contamination" regarding "Soil and Other Contaminated Media" and would point out that the entire proposed northern linear corridor is located within a FDEP registered petroleum contamination site awaiting state cleanup. The Port believes the Application is incomplete in that it does not provide any detail indicating how these conditions will be dealt with during removal of the No. 6 Fuel Oil System and installation of the ULSD system.

Aquatic Organism Return System Routes

While the Port Everglades Department is generally familiar with petroleum pipeline site requirements, we are unaware of any of the design parameters which would dictate or influence the placement of the Aquatic Organism Return System. Preliminary technical discussions with FPL project staff which occurred subsequent to the Application filing lead us to believe that requirements for the System's placement may be difficult to meet while assuring continuity of port operations and compatibility with existing subsurface infrastructure. The Site Certification Application is incomplete because it provides the Port Everglades Department with very little of the information required to evaluate FPL's proposed corridors for this particular linear facility. Regarding port marine and ship operations, we are concerned about placement of the outfall point and whether or not there is a potential conflict with vessel movements. To our knowledge the outfall locations being considered are subject to having vessels, normally of deep draft, docked immediately outboard of the outfall point with minimal offset from the dock face. Additionally these same outfall points are subject to periodic powerful, if not violent prop wash conditions driven directly at the dock face during maneuvering and docking operations generated by tug movements, azipod drives on cruise or cargo vessels, bow thrusters, etc. The Application is incomplete in that it does not provide the Port Everglades Department with any information regarding the design of the outfall such as depth, diameter, mixing zone requirements and

potential limitations on its placement, if any, that the Port needs to properly evaluate the proposed route.

The Port Everglades Department also believes the Application is incomplete in that it does not provide any design parameters for the underground segment of the Aquatic Organism Return System which are needed for the Port to assure compatibility with cargo operations and previously mentioned underground infrastructure. We are particularly concerned about depth limitations, limitations such as bend radius and depth variances, access requirements, load bearing ability, and materials compatibility in areas of free phase petroleum contamination. ____

Environmental

The Port's Environmental Project Manager's last name is "Musser" not "Musse".

SITE AND VICINITY CHARACTERIZATION

1. As mentioned in previous comments, the route of the proposed aquatic organism return system needs to be coordinated with the Port Everglades Department. The Port has concern over the design of the outfall such as depth, diameter, mixing and distribution zone requirements, limitations on placement specifically adjacent to cruise ship terminals, and potential environmental concerns such as odor, nutrient loading, predation, algal blooms, etc.
2. The removal of transmission pipelines and remediation of any encountered petroleum contamination needs to be discussed and coordinated with the Port Everglades Department.
3. Throughout the document potential impacts to transportation, from construction traffic, etc. is discussed, however the potential effects from the FDOT/Port Everglades I-595 Eller Drive roadway project and reconfiguration to access SE 14th Avenue, the Port Everglades SR-84 Spangler Blvd. construction, and the Ft. Lauderdale/Hollywood International Airport runway expansion with the potential PEEC impacts do not appear to be taken into consideration or discussed.
4. Is the natural gas pipeline that will power the PEEC facility existing to the site? Will it require to be expanded or need additional easements from Broward County/Port Everglades?
5. Page 3-27 includes the following incorrect statement: Port Everglades tidal inlet is a dredged maintained channel with design depth of 33 ft for a mid-width of 200 ft (NOAA NOS Nautical Chart 11472, 1985; see Figure 3.3.4-1). The Port Everglades inlet channel is authorized and maintained at depths that transition from 45' offshore to 42' within the actual inlet and turning basin.
6. As an environmental benefit to the project, FPL should consider removing invasive exotic vegetation such as Brazilian pepper and Australian pine and maintaining such removal along the canal banks on the Port Everglades Plant Property and along the discharge canal easement.
7. Have any studies been completed on the potential thermal effects of the plants' discharge on the distribution of Johnson's seagrass (*Halophila johnsonii*) and shoal grass (*Halodule wrightii*)? In the most recent seagrass mapping survey there a long linear bed of *H. wrightii* across the discharge canal entrance to the ICW along the shoreline of John U. Lloyd State Park.
8. The Port Everglades Jurisdictional Boundary should be depicted on an area exhibit.

THE PLANT AND DIRECTLY ASSOCIATED FACILITIES

1. Same comment as number 4 above.
2. Could on-site storage of natural gas in the form of LNG be considered as an alternative to using ULSD oil as a backup fuel?
3. Can existing on-site fuel oil tanks be utilized to hold the proposed approximately 7 million gallon (MG) ULSD storage tank and can existing pipelines be used to convey the product?
4. There are numerous potential treated discharges to the cooling water and system outfalls such as heat recovery steam generator, evaporative cooler blowdown, water treatment wastewaters and non-hazardous, low volume wastewaters (e.g., wash water and equipment drains), hydrostatic test water, dewatering effluent, and stormwater. How can these potential discharges be further minimized or reduced from entering specifically the cooling water discharge canal?

ENVIRONMENTAL EFFECTS OF SITE PREPARATION, AND PLANT AND ASSOCIATED FACILITIES CONSTRUCTION

1. Describe in detail the coordination, notification, and monitoring that will be provided to the Port Everglades community and nearby residents and business for activities such as demolition explosions, etc.
2. Other than water spray, what other controls will be used to curtail fugitive emissions that could potentially affect the Port area during plant demolition and during construction?
3. On page 5-4 it is stated that prior to construction of PEEC, FPL will conduct environmental assessments and perform necessary remediation of impacted media (soil and groundwater) in accordance with applicable state, federal and local regulations. Will this also occur along the transmission pipelines on Port property proposed to be removed?
4. Have any studies been completed on the potential effects of sea level rise on the plant?
5. Related to Chapter 3, Question 3, will the referenced road and airport construction projects affect the trip distribution and traffic assignment/patterns for the project and will the combination of these projects affect the traffic patterns acceptable levels of service for the roadways for Port access during the cruise season and for PEEC access during construction?

EFFECTS OF PLANT OPERATION

1. Page 6-1-2 includes the following statement: Where the discharge canal enters the ICW, the water is relatively deep and the channel is maintained by dredging. The shoreline is protected with bulkheads and armoring. Consequently, there is no significant submerged aquatic vegetation or wetlands along the western shoreline of the ICW, where the heated water enters the ICW. Also, this area does not provide spawning sites, food production, nursery areas, or migratory pathways. To the south of the east-west portion of the discharge canal heading toward the ICW is approximately a 57-acre conservation easement area with a vast expanse of mangrove habitat. The mangrove area extends to the western shoreline of the ICW directly south of the discharge canal confluence. A rip-rap breakwater runs along the western boundary of the mangrove area. The shoreline directly across from the ICW/discharge canal confluence includes large expanses of mangrove and wetland vegetation within John U. Lloyd State Park, portions of which are also under conservation easement. The north-south portion of the discharge canal incurs a ninety-degree bend before heading east toward the ICW adjacent to the conservation easement mangrove area. In this area the mangroves appear to have been potentially stressed by prior thermal discharge or water velocity from the plant. This should be further investigated and potential impact comparisons made to the represented reductions in discharge and the thermal plume from the proposed PEEC plant construction.

2. Page 6-2 includes the following statement: The aquatic organism return system will return the organisms to the source water in a manner that does not promote predation or re-impingement. The system will release into approximately 40' water depth with a direct connection through the Port Everglades inlet to the Atlantic Ocean. How will predation and re-impingement be controlled and documented as not occurring? Also see previous comment in Chapter 3, Question 1.
3. Page 6-3 makes the following incorrect statement: There is no sensitive aquatic habitat such as submerged aquatic vegetation or wetlands along the western shoreline of the ICW, where the heated water enters the ICW. Also see Chapter 6, Question 1.
4. Page 6-3 includes the following statement: Previous biological assessments have found no adverse impact of the existing thermal plume on fish, shellfish, or plankton from operation of the Units 1 through 4 (ABI, 1987); and the studies found no adverse impact to benthos outside the discharge canal. Within the discharge canal the impacts were seasonal and temporary. Page 6-4 makes the following somewhat contradictory statement: In fact, as discussed in Section 6.1.1, the flow reduction and the reduced heat load will reduce effects to the aquatic environment and the addition of an aquatic organism return will further reduce aquatic potential effects due to impingement. Please discuss and explain.
5. Please explain whether the utilization of water heaters during the time the plant is shutdown during dismantlement and construction will be adequate to avoid thermal shock to other fish and organisms within the discharge canal.
6. Page 6-17-18 includes the following statement: The noise and lighting impacts associated with PEEC will be similar in magnitude and character when compared to the existing Port Everglades Plant. Additional application statements compared the site lighting to the relatively bright nature of the security, safety, street, and industrial lighting in the surrounding area. The fact the adjacent area is industrial should have no bearing on light reductions from the new plant construction. Regardless of the lower profile of the new plant, it is recommended that FPL develop a light management plan for the plant and reduce fugitive light emissions that add to the area's sky glow or cause direct exposures through shielding and selection of proper lighting cut-off fixtures associated with the plant's location in relation to coastal sea turtle nesting.

NATURAL RESOURCES PLANNING AND MANAGEMENT DIVISION

Summary

The plan consists of modernization of existing facility with conversion to gas fired advanced combined cycle technology. The Plan provides stated environmental benefits that include a reduction in GHG emissions by 90% and reduction in CO2 emissions by 22 million tons between 2016 and 2047. The site certification applications reveals no plans to incorporate any alternative water supplies into the plant retrofit, with insufficient information to substantiate the stated technical and economic infeasibility of reuse as part of the alternative water supply assessment. The plan lacks detail regarding the proposed traveling screen system, contains no reference to sea turtle lighting considerations, and only minimal information regarding manatee protection efforts. Many of the referenced documents are antiquated.

Alternative Water Supply Assessment

The current cooling system consists of a once-through seawater system that uses 1295 million gallons per day (MGD). Modernization is noted to reduce cooling water demands by 50% to 635 MGD. The water alternatives analysis (appendix 10.10) states the plan is to continue to use a once through cooling system.

It is stated that reuse water could potentially be used for process and irrigation water (total demand <0.5 MGD) if a delivery system were in place and water deemed of appropriate quality and quantity.

It is also noted in the application that several wastewater treatment facilities are located within 10 miles of the site, including Fort Lauderdale's George T. Lohmeyer Plant 1 mile to north and Hollywood's Wastewater Plant 5 miles to south. Both facilities have uncommitted wastewater flows that potential could be used to produce reclaimed water, although only the City of Hollywood facility currently produces reclaimed water. It is acknowledged that Hollywood has a reuse system in place that could be expanded to meet demands and a potential distribution corridor is detailed.

However, the analysis of alternative water supply options is incomplete. Water quality considerations are not detailed and cost estimates are incomplete. No cost estimate is provided for installation of pipeline and requisite pumps, but FPL indicates this cost would need to be borne by City. No statements have been provided regarding the potential for cost share participation of the reuse provider toward the installation of the pipeline, nor is there information about the amount of additional water quality treatment that reuse water currently produced by the City would have to undergo in order to meet FPL's requirements. The assumption is made that if reuse water is delivered for this purpose the City would likely increase rates from current rate of \$0.1/1000 gallons to \$1.25/1000 gallons. These rates have not been validated by the potential wastewater supplier.

Thus far it would appear that reclaimed water from the Hollywood Wastewater Treatment Plant by Port Everglades Energy Center for process and irrigation supply remains a technically, environmentally and economically feasible.

FPL should develop and integrate into its cost figures the construction of the transmission pipeline, an expense that has been assumed by the energy provider as part of cooling system design in neighboring communities.

The Site Certification Review process should consider regional obligations to develop beneficial reuse projects in accordance with requirements of the 2008 Ocean Outfall legislation, the reuse opportunities unique to energy facilities (producing a constant demand), and the lack of any beneficial reuse projects pursued by FPL in Broward County.

Impingement and Entrainment

8. Reference is made to an Impingement Report conducted between 2006 and 2007 and environmental benefits of the current proposal with a 50% reduction in cooling water intake and the planned installation of an aquatic organism return system and collection screens. It is noted that total impingement and entrainment of organisms will be reduced by 50%. Previous environmental studies downplayed the impact of impingement and entrainment, which remain significant event with ah 50% flow

reduction. A traveling screen system to return impinged organisms to a safer environment is proposed but there is information regarding its anticipated effectiveness.

Manatee Protection

The current plan states that “FPL will endeavor to release” heated water when ambient water temperature falls below a threshold. This does not sound like a strong commitment. What is the actual plan? What water temperature is to be maintained and across how large of an area? Will this area accommodate the number of manatees documented to rely upon these thermal discharges during cold weather events?

- l. Section 3.3 Page 3-31 lists sources of species that could potentially be in the Plant property, but Broward’s survey data were not included. It also states that manatees are known to occur in the vicinity of the Port Everglades Plan, This seems to downplay the number of animals that are actually documented to occupy the property (in the discharge canals) during the manatee season.
- .. Figure 3.3.6-1 showing the manatee aggregations sites is incorrect. The reported Port aggregation site is incorrectly shown as up near the berths rather than in the discharge canal.
- .. Section 5.4.1.3 states that during construction, warm water will be discharged pursuant to the MPP; however, FPL Port MPP has not been updated in 13 years and calls for a heated water endeavor if the ambient water temp drops below 61^oF and then only until the ambient temp again reaches 61^oF. How will the MPP be updated and what provisions will be made to ensure that adequate thermal discharges are maintained following plant retrofit when the volume discharged water will be reduced by 50 percent?

Sea Turtle Lighting

There is no mention of the plans to address sea turtle lighting requirements, requirements of local ordinances, nor any reference to coordination with FWC Imperiled Species in review of lighting plans for consistency with sea turtle protection provisions. This needs to be formally addressed.

Cold Ironing

FPL should consider expanding the switch yard to allow for the future possibility of cold ironing at Port Everglades.

PUBLIC WORKS DEPARTMENT

Safe and adequate access to Port Everglades requires that adverse effects on traffic associated with the proposed project be monitored and mitigated for, including the assignment of adequate police details. Broward County requests specific information showing FPL will conduct the monitoring, mitigation, and police details described below and that it recommends in the Site Certification

Application.

Traffic Engineering Division concurs with the finding in the Site Certification Application that during the peak construction phase of the project, level-of-service deficiencies may be experienced at the intersection of Eller Drive and SE 14 Avenue. For that reason, we support the recommendation that conditions be monitored and a police detail be deployed to control traffic as needed during peak arrival, dismissal and operations period during the construction of the project.

In addition, the signalized intersection of Eller Drive and McIntosh Road currently experiences periods of congestion and long queues, particularly in the northbound direction, due to a high percentage of tractor trailer traffic from the Southport container facility at the southern terminus of McIntosh Road. This intersection should also be monitored and the traffic conditions mitigated if necessary in the same manner as the intersection of Eller Drive and SE 14 Avenue. The generalized capacity values and corresponding level-of-service forecasts are likely more optimistic than actual since the very high percentage of heavy vehicles may not have been accounted for in the analysis.

DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION

Under Chapter 6.2.1 of the Site Certification Application, Effects of Chemical and Biocide Discharges, Industrial Wastewater Discharges, FPL discusses that the PEEC will discharge four wastewater streams and the once-through cooling water. Chapter 4.6 states that the wastewaters will be generated by cooling water, HRSG (three new heat recovery steam generators-HRSGs) and evaporative cooler blow down, process water treatment system wastewater, wash water, and equipment area stormwater. And as stated in 6.3.2 Groundwater, PEEC will not use groundwater for any purpose. And that the PEEC onsite sources of discharges to groundwater will be eliminated.

New non-domestic wastewater discharges, including industrial wastewater discharges, are specifically prohibited within Broward County. 27-193(b)(3)a, BCC. In order to conduct the discharge, FPL must provide sufficient information to show that it is entitled to a variance from that section. Broward County's relevant variance provisions are contained in 27-11 through 27-13, BCC, and include that the applicant must provide information sufficient to show:

- (1) That there are unique and special circumstances or conditions in regard to the applicant or the applicant's situation which do not apply generally to other similarly regulated persons; and
- (2) That strict application of the provisions of this chapter would cause the applicant undue hardship; and
- (3) That any alleged hardship is not self-created by the applicant and/or is not the result of mere disregard for, or ignorance of, the provisions of this chapter; and
- (4) That the variance proposed is the minimum variance which alleviates the undue hardship; and
- (5) That the granting of the variance will be in harmony with the general intent and purpose of this chapter; and
- (6) That such a variance will not be injurious to the public welfare and to the environment; and
- (7) That the variance is for the minimum time necessary to remedy the hardship and grants the minimum waiver of this chapter necessary to remedy the hardship;

A variance from the prohibition would normally allow for the County to issue a license pursuant to 27-198(c), BCC, for the operation of the discharge, so the County may suggest Site Certification conditions consistent with County licenses of the same type, such as the license conditions currently in place for FPL's current non-domestic wastewater discharge.

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.