



St. Johns River

Water Management District

Michael A. Register, P.E., Executive Director

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July 13, 2022

Ann Seiler
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400
Ann.Seiler@FloridaDEP.gov

Re: Certification Application for the FPL Sweatt-Whidden 230kV Transmission Line Project FDEP SCO File TA22-19; SJRWMD File of Record No. 2P-093-184304-1; DOAH Case No. 22-1246TL.

Dear Ms. Seiler:

Attached please find the final agency report on the Certification Application for the FPL Sweatt-Whidden 230kV Transmission Line Project from the St. Johns River Water Management District approved by the District's Executive Director on July 12, 2022.

If there is any further assistance I can provide, please do not hesitate to contact me via phone at (386) 643-1920, or via email at jbenn@sjrwmd.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Benn', with a long horizontal flourish extending to the right.

Joel T. Benn

cc: Rich Burklew, Callie Register, Mary Ellen Winkler

Kelley F. Corbari
Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd., Mail Station 35
Tallahassee, Florida 32399-3000

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**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
ELECTRIC TRANSMISSION LINE SITING
AGENCY REPORT
STAFF RECOMMENDATION - APPROVAL
July 18, 2022**

Permittee: Florida Power & Light

Project: FPL Sweatt-Whidden 230kV Transmission Line

Subject: Certification Application for the FPL Sweatt-Whidden 230 kV
Transmission Line Project
FDEP SCO File TA22-19
SJRWMD File of Record No. 2P-093-184304-1

Procedural Overview

Florida Power and Light (applicant, FPL) is seeking certification for an electric transmission line and proposed corridor pursuant to the Florida Electric Transmission Line Siting Act (TLSA) (Sections 403.52 – 403.5365, Florida Statutes (F.S.)). The Florida Department of Environmental Protection (FDEP) coordinates the interagency review for certification of electric transmission lines which are 230 kilovolts(kV) or larger, cross a county line, and are 15 miles or longer. The applicant's proposed transmission line project meets the requirements for centralized processing by FDEP under the TLSA.

A TLSA application was submitted to the FDEP on April 18, 2022, for certification of the FPL Sweatt-Whidden 230 kV Transmission Line Project. Completeness reviews were submitted by respective agencies on June 15, 2022. No additional information was requested by the St. Johns River Water Management District (District) as a result of the completeness review. All agency reports and recommended conditions must be submitted to FDEP on July 18, 2022; however, agencies with collegial bodies as heads are allowed until August 2, 2022 to submit final reports. See Subsection 403.526(2)(d), F.S.

Pursuant to the TLSA, the District is required to prepare an agency report as to the impact on water resources and other matters within its jurisdiction, for a transmission line or corridor proposed to be constructed within the water management district's boundary. See Subsection 403.526(2), F.S. Each report must contain:

1. A notice of nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the proposed corridor to be certified. Failure to include the notice shall be treated as a waiver from the nonprocedural requirements of the agency.
2. A recommendation for approval or denial of the application.

3. The proposed conditions of certification on matters within the jurisdiction of each agency. For each condition proposed by an agency, the agency shall list the specific statute, rule, or ordinance, as applicable, which authorizes the proposed condition.

Proposed Transmission Line Corridor

FPL's proposed transmission line corridor is generally co-located with existing transmission line rights of way where possible and/or existing or proposed roadway rights of way or similar disturbed areas.

Statutory Requirements

The District regulations relevant to this proposed project include Chapter 40C-2 (Permitting of Consumptive Uses of Water), Florida Administrative Code (F.A.C.). Based on the Operating Agreement between District staff and FDEP, jurisdiction to review the project for compliance with Part IV, Chapter 373, F.S., is with the Department, not the District. Accordingly, environmental resource permitting requirements under Part IV, Chapter 373, F.S., will not be addressed in this report.

Review of Consumptive Uses of Water

The consumptive use of water for this application is regulated by Part II of Chapter 373, F.S. Two of the key statutory requirements set forth in sections 373.219 and 373.223, F.S. Subsection 373.219(1), F.S., provides:

The governing board or the department may require such permits for consumptive use of water and may impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area.

Subsection 373.223(1), F.S., and Rule 40C-2.301, F.A.C. require an applicant to establish that the proposed use of water:

- (a) is a reasonable-beneficial use;
- (b) will not interfere with any presently existing legal use of water; and
- (c) is consistent with the public interest.

In addition, the above requirements are detailed further in the District's Applicants Handbook: Consumptive Uses of Water, August 29, 2018 (A.H.).

The District has reviewed the TLISA application for the FPL Sweatt-Whidden 230 kV Transmission Line Project pursuant to the above-described regulatory requirements and recommends approval of the application, as the consumptive use of water associated with the project appears to be an exempt use or could qualify for a general permit by rule, if certain conditions are met. A summary of the District review is presented below.

Expected Compliance with Agency Standards

Staff evaluated the TLISA application to determine where potential water uses within the project area would require a consumptive use permit, be authorized as a general permit by rule, or be

an exempt use subject to certain conditions. The applicant did not identify any specific water use activities within the project. Based on our experience with similar projects, any dewatering to facilitate placement of utility poles will be transient in nature and of limited magnitude. If required, the anticipated use will not exceed thresholds for an individual consumptive use permit. The estimated maximum potential water use for construction dewatering within the jurisdiction of the District would be exempt pursuant to Rule 40C-2.051, F.A.C., (dewatering activities less than 30 days) or qualify for a general permit by rule pursuant to 40C-2.042(9), F.A.C. (dewatering activities less than 180 days).

Rule 40C-2.051, F.A.C., regarding dewatering activities less than 30 days provides that no permit shall be required for the following uses:

(7) Withdrawals of ground or surface water to facilitate construction (not including borrow or mining excavations) on or below ground surface (dewatering) subject to the following conditions:

(a) The withdrawal is conducted by one of the following:

1. A conventional wellpoint system consisting of one or more stages of wellpoints installed near the excavation in lines or rings. These wellpoints shall be installed in variable spacings and connected to a common header pumped by one or more wellpoint pumps.
2. Vacuum underdrain consisting of a typical pipeline dewatering with the underdrain or "sock" placed horizontally below the design invert elevation of the pipeline via a large trenching machine. The underdrain is connected to a pump with the water conveyed through the underdrain and discharged from the pump.
3. Shallow vacuum well consisting of one or more stages installed near an excavation in lines or rings. Vacuum wells shall be constructed of six inch or smaller pipe with a slotted screen area near the bottom of the well and connected to a common header pumped by one or more pumps.
4. Hydraulic pumps to dewater stormwater management ponds and basins, as part of their construction or maintenance, through the discharge control structures. The stormwater management pond or basin and associated discharge control structure must have been permitted by the District and be in operational phase at the time the dewatering is to occur.

(b) The withdrawal is 300,000 gallons per day or less.

(c) The withdrawal does not exceed 30 days in duration.

(d) The water withdrawn is not discharged directly into an Outstanding Florida Water (OFW), Class I or Class II waterbody. A direct discharge means a discharge which enters OFW, Class I or Class II waters without an adequate opportunity for prior mixing and dilution to prevent significant degradation.

(e) The following turbidity control measures are implemented, as appropriate, for any discharges off-site:

1. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.
2. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.
3. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

Rule 40C-2.042(9), F.A.C., regarding dewatering activities less than 180 days provides that a general permit by rule is granted:

[t]o withdraw ground or surface water anywhere within the District for short-term construction dewatering activities (excluding borrow operations), subject to the limiting conditions in Appendix I of the "Applicant's Handbook, Consumptive Uses of Water," which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., and Form Number 40C-2.900(12). Notice to District of Dewatering Activity, Form Number 40C-2.900(12), effective November 3, 2015, is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05969> and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529. This general permit by rule shall expire 190 days from the date a complete form 40C-2.900(12) is submitted to the District, and no dewatering may begin until 10 days after submittal of the complete form (except as allowed in Appendix I).

Appendix I allows that when construction dewatering is authorized by issuance of a permit or certification under Chapter 403, F.S., or a permit under Part IV of Chapter 373, F.S., and the dewatering withdrawals will not exceed any of the limitations in form 40C-2.900(12), then the user does not have to submit the aforementioned form, condition 2 described in Appendix I will not apply, and the general permit by rule will instead expire 180 days from the date dewatering begins.

Since the proposed transmission line falls under certification under Chapter 403, F.S., the remaining conditions 3 – 6 of Appendix I would apply as described below:

3. Dewatering discharge must not cause or contribute to flooding of off-site properties.

4. The permittee shall implement the following turbidity control measures, as appropriate, for any discharges off-site:

a. If the discharge is to be to a drainage system either pipe water directly into the drainage structure; or if the discharge will be through a swale, or overland, to a structure or water body, then the path of discharge shall be lined with plastic sheeting, sod, or hay bales appropriately to prevent a turbid discharge to the structure or water body.

b. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, establish a detention area to allow suspended solids to settle prior to entering the water body.

c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, the permittee shall select, implement, and operate such additional or modified erosion and sediment control measures necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

5. District authorized staff, upon advance notice and proper identification, shall have permission to inspect and observe dewatering operations in order to determine compliance with this permit.

6. The permittee must mitigate any adverse impact caused by withdrawals permitted herein on adjacent land uses or legal uses of water existing at the time of permit application. Adverse impacts include but are not limited to:

a. Reductions of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;

b. Reductions of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body;

c. Saline water intrusion;

d. Change in water quality resulting in either impairment or loss of use of a well or water body;

e. Land collapse or subsidence caused by a reduction in water levels;

f. Damage to crops and other types of vegetation; and

g. Harmful hydrologic alterations to natural systems, including wetlands and other surface waters, that cause an unmitigated adverse impact to such systems.

Staff concludes the proposed activities described in the TLSA application may involve a consumptive use of water for dewatering to facilitate installation of some of the transmission line poles, but that the consumptive use would fall within the exemption from permitting established in Rule 40C-2.051, F.A.C. or would qualify for a general permit by rule established under 40C-2.042(9), F.A.C. as long as the listed conditions are met.

Impacts of the project related to matters within the District's jurisdiction

The District reports there will be no adverse impacts to water resources if the conditions noted below are met.

Nonprocedural requirements not specifically listed in the application from which a variance or exemption is needed.

The District reports there are no nonprocedural requirements within the District's regulatory jurisdiction from which a variance or exemption is needed.

Conclusions and recommendations regarding certification

The District has reviewed the TLSA for FPL Sweatt-Whidden 230 kV Transmission Line Project with respect to potential impacts on water resources and recommends certification of the project, subject to the applicable conditions required by Rule 40C-2.051(7), F.A.C. and 40C-2.042(9), F.A.C.

CONDITIONS RECOMMENDED BY
THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Chapter 40C-2, Florida Administrative Code (F.A.C.)

- A. Dewatering Activities Less Than 30 Days
1. Any withdrawals of groundwater or surface water to facilitate construction (dewatering) shall be conducted by one of the following methods:
 - a. A conventional wellpoint system consisting of one or more stages of wellpoints installed near the excavation in lines or rings. These wellpoints shall be installed in variable spacings and connected to a common header pumped by one or more wellpoint pumps.
 - b. Vacuum underdrain consisting of a typical pipeline dewatering with the underdrain or "sock" placed horizontally below the design invert elevation of the pipeline via a large trenching machine. The underdrain is connected to a pump with the water conveyed through the underdrain and discharged from the pump.
 - c. Shallow vacuum well consisting of one or more stages installed near an excavation in lines or rings. Vacuum wells shall be constructed of six inch or smaller diameter pipe with a slotted screen area near the bottom of the well and connected to a common header pumped by one or more pumps.
[Rule 40C-2.051(7)(a), F.A.C.]
 2. The withdrawal of ground or surface water to facilitate construction (dewatering) shall be 300,000 gallons per day or less. [Rule 40C-2.051(7)(b), F.A.C.]
 3. The withdrawal of ground or surface water to facilitate construction (dewatering) does not exceed 30 days in duration. [Rule 40C-2.051(7)(c), F.A.C.]
 4. The water withdrawn to facilitate construction (dewatering) shall not be discharged directly into an Outstanding Florida Water (OFW), Class I or II waterbody. A direct discharge means a discharge enters OFW, Class I or Class II waters without an adequate opportunity for prior mixing and dilution to prevent significant degradation.
[Rule 40C-2.051(7)(d), F.A.C.]
 5. The following turbidity control measures shall be implemented, as appropriate, for any discharges off-site:
 - a. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with

plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.

- b. If water will be discharged to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.
- c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.
[Rule 40C-2.051(7)(e), F.A.C.]

B. Dewatering Activities Less than 180 Days

- 1. Dewatering withdrawals will not exceed any limitations in form 40C-2.900(12). [Rule 40C-2.042(9), F.A.C.]
- 2. Dewatering discharge must not cause or contribute to flooding of off-site properties.
[Rule 40C-2.042(9), F.A.C.]
- 3. The permittee shall implement the following turbidity control measures, as appropriate, for any discharges off-site:
 - a. If the discharge is to be to a drainage system either pipe water directly into the drainage structure; or if the discharge will be through a swale, or overland, to a structure or water body, then the path of discharge shall be lined with plastic sheeting, sod, or hay bales appropriately to prevent a turbid discharge to the structure or water body.
 - b. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, establish a detention area to allow suspended solids to settle prior to entering the water body.
 - c. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, the permittee shall select, implement, and operate such additional or modified erosion and sediment control measures necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters. [Rule 40C-2.042(9), F.A.C.]
- 4. District authorized staff, upon advance notice and proper identification, shall have permission to inspect and observe dewatering operations in order to determine compliance with this permit. [Rule 40C-2.042(9), F.A.C.]

5. The permittee must mitigate any adverse impact caused by withdrawals permitted herein on adjacent land uses or legal uses of water existing at the time of permit application. Adverse impacts include but are not limited to:
- a. Reductions of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;
 - b. Reductions of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body;
 - c. Saline water intrusion;
 - d. Change in water quality resulting in either impairment or loss of use of a well or water body;
 - e. Land collapse or subsidence caused by a reduction in water levels;
 - f. Damage to crops and other types of vegetation; and
 - g. Harmful hydrologic alterations to natural systems, including wetlands and other surface waters, that cause an unmitigated adverse impact to such systems.

[Rule 40C-2.042(9), F.A.C.]