

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**IN RE: FLORIDA POWER AND LIGHT COMPANY
PORT EVERGLADES ENERGY CENTER**

**DOAH Case No. 12-0422-EPP
DEP OGC Case No. 12-0710
PPSA No. PA12-57**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
DETERMINATION THAT
APPLICATION IS INCOMPLETE**

Pursuant to section 403.5066(1)(b), Florida Statutes (F.S.) of the Florida Electrical Power Plant Siting Act (PPSA), the Florida Department of Environmental Protection (Department) hereby finds the Site Certification Application (SCA) incomplete. A compilation of all completeness questions is attached and incorporated by reference herein.

The PPSA defines completeness as:

403.522(9) "Completeness" means that the application has addressed all applicable sections of the prescribed application format, and that those sections are sufficient in comprehensiveness of data or in quality of information provided to allow the department to determine whether the application provides the reviewing agencies adequate information to prepare the reports required by s. 403.526.

Completeness questions must be limited to requests for information needed by an agency to prepare its agency report. Information not required for preparation of an agency's report is beyond the statutory purpose for completeness as defined above. The information required for agencies to make their reports includes information that agencies need in order to formulate a recommendation as to whether the application should be approved for certification, and the information needed by agencies to recommend conditions of certification. Conditions of certification that are properly recommended by agencies must include citation to specific statute, rule or ordinance authorizing the conditions as required by 403.507(3)(c), F.S.

Although DEP finds the SCA to be incomplete at this time, this determination of incompleteness does not require FPL to respond to those questions attached that go beyond the statutory purpose for completeness review. FPL shall identify such questions, and (where applicable) indicate why no response was provided. The Department notes that it does not intend to preclude the applicant from responding to such questions, where responses are readily available or apparent.

Pursuant to section 403.5066(2), F.S., as a result of the Department's declaration that the SCA is incomplete, FPL, within 15 days after the filing of this statement by the Department, is required to file with the Division of Administrative Hearings, the Department, and all parties:

- (a) A withdrawal of the application; or
- (b) A statement agreeing to supply the additional information necessary to make the application complete. Such additional information shall be provided within 30 days after the issuance of the department's statement on completeness of the application. The time schedules under this act shall not be tolled if the applicant makes the application

complete with 30 days after the issuance of the department's statement on completeness of the application. A subsequent finding by the department that the application remains incomplete, based upon the additional information submitted by the applicant or upon the failure of the applicant to timely submit the additional information, tolls the time schedules under this act until the application is determined complete; or

- (c) A statement contesting the department's determination of incompleteness; or
- (d) A statement agreeing with the department and requesting additional time beyond 30 days to provide the information necessary to make the application complete. If the applicant exercises this option, the time schedules under this act are tolled until the application is determined complete.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by **ELECTRONIC MAIL ONLY** this 5th day of March, 2012, to the parties on the attached service list.

/s/ Toni Sturtevant

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FPL PORT EVERGLADES ENERGY CENTER
DOAH Case No. 12-0422
SERVICE LIST

[Upated 1/27/12]

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March 5, 2012

TO: Toni Sturtevant, OGC

FROM: Cindy Mulkey, Siting Coordination Office

Pursuant to Section 403.5066, Florida Statutes (F.S.), and Rule 62-17.081, Florida Administrative Code (F.A.C.), the Department of Environmental Protection (DEP), after consulting with affected agencies, has determined that the site certification application (SCA) submitted by Florida Power & Light Company (FPL) for the Port Everglades Energy Center (PEEC) is not complete to support a recommendation concerning certification. The items listed below represent requests for additional or clarifying information from the respective reviewing agencies. Some completeness items submitted by reviewing agencies listed below are not stated as questions. These were included to facilitate a flow of information between the applicant and commenting agencies. The applicant should identify any items which may be more suitably handled through post-certification submittals, as well as propose related conditions of certification. Requests for completeness items related to federal permit applications are processed directly by the federally delegated or approved program and are not shown herein.

ITEM I: DEPARTMENT OF ENVIRONMENTAL PROTECTION

A. Southeast District Office – Environmental Resource Program:

- 1) In Section 3.3.4.1 of the SCA it states that the intake canal has been previously determined not to be “waters of the U.S.” or “waters of the State” by the EPA and DEP, respectively. Please provide documentation of this statement.

B. Southeast District Office – Water Facilities Management:

- 1) Currently there are four wastewater treatment facilities within a 12 mile radius of FPL Port Everglades and none of these facilities currently supply reclaimed water to the Site. However, the existing fresh water demand in the region and the legislative mandates to eliminate the ocean outfalls pose a public interest which indicates that a more thorough investigation of feasibility of using reclaimed water for steam generation. The Department encourages FPL to engage the existing facilities to determine their ability and interest to supply FPL with reclaimed water.

- 2) Prior to Discharge of Produced Ground Water that is contaminated with parameters that are not covered under a generic permit; the Licensee shall apply for an individual wastewater permit at least ninety (90) days prior to the date discharge to surface waters of the State is expected. No discharge to surface water is permissible without an effective NPDES permit.
- 3) Prior to discharge of produced ground water from any non-contaminated site activity which discharges by a point source to surface waters of the State, as defined in Chapter 62-620, F.A.C., the Licensee must first obtain coverage under the Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity. Similarly, if the activity involves a point source discharge of ground water from petroleum contaminated site, the Licensee must obtain coverage under the Generic Permit for discharge from petroleum contaminated sites. Before discharge of ground water can occur from such sites, analytical tests on samples of the proposed untreated discharge water shall be performed as required by Rule 62-621.300, F.A.C., to determine if the activity can be covered by either permit.

C. Southeast District Office – Waste Management:

- 1) On page 3-9 of the SCA it states that the delivery of No. 6 heavy fuel to the Port Everglades Plant Units 1 through 4 will no longer continue with PEEC and that heavy fuel oil piping from Berths 10, 11, 12, 13, 14 and 15 that leads to the heavy oil storage tanks will be taken out of service. The heavy fuel oil storage tanks will also be removed from service. The SCA states that “it may be necessary for FPL to remove the existing No. 6 heavy fuel oil piping.” Please be advised that closure would be needed for the pipelines and any bulk tanks, subject to the requirements of Chapters, 62-761, 62-762, 62-770, F.A.C. Assessment and cleanup of contamination from these facilities would be subject to the cleanup requirements of Chapters 62-770 and 62-780, along with the criteria in Chapter 62-777, F.A.C. These rules and other applicable rules should be referenced on Table 5.1.1-1. As referenced in Chapter 62-730, F.A.C., hazardous waste determinations would need to be conducted on wastes in accordance with Title 40 Code of Federal Regulations, Part 262.11. In addition other regulated wastes such as mercury switches and fluorescent bulbs would need to be handled in accordance with Chapter 62-737, F.A.C.
- 2) The Department’s Storage Tank Database shows 13 storage tanks registered using Facility ID No. 06/8502503. Please provide a table and map showing which storage tanks at the facility will remain and which tanks and pipelines will be abandoned along with their contents and capacities. Additionally, the Department’s Storage Tank Section and the Broward County Environmental Protection and Growth Management Department must be notified of any tank abandonments.
- 3) Are there any tanks at the facility that are not required to be registered pursuant to Chapters 62-761 and 62-762, F.A.C., but will remain in service or will be closed out?

If so, please provide a map and a table for those tanks showing the tanks contents and capacities.

- 4) How will contamination discovered during facility demotion and pipeline/tank closure activates and installation of new pipelines be managed? A contaminated soil and debris management plan should be prepared that would outline how these wastes and materials would be handled. Please include the procedure in the off-property areas not owned by FPL, such as the pipeline easements shown in the Easement Survey by SDA & Associates that was included in Appendix 10.12 Please be advised that Rule 62-780.690(3), F.A.C., which states, in part,: “(3) Where surface water is or may be exposed to contaminated groundwater (based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling), the point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body.”
- 5) Table 4.7.0-1 of the SCA “FPL General Waste Handling Guidelines” references satellite accumulation and hazardous waste container marking and accumulation start dates. Be advised that point-of generation management of wastes [40 CFR 262.34(c)] and container marking requirements [40 CFR 262.34(d)(4)] are not applicable to Conditionally Exempt Small Quantity Generators (CESQGs); implementation of the container marking practices is acknowledged as a best management practice. The facility must properly manage and count their hazardous wastes to ensure that they are meeting the applicable regulatory requirements of their status level, and if required, update their generator status.
- 6) On page 5-3 of the SCA it states that construction contractors will be required to implement best management practices to minimize spills. FPL should consider a written plan for contractors to follow in the event of a discharge of materials used in construction such as fuels, solvents, oils, coatings, adhesives, paint, etc.
- 7) On pages 5-5 and 5-7 of the SCA it describes potential dewatering activities for demolition and construction for the PEEC that involve the use of lined holding ponds and percolation evaporation basins. What analytical testing is proposed for soils in the areas where these holding ponds and percolation basins are to be used? What groundwater and surface water monitoring is proposed to ensure that any discharge to surface waters will meet applicable water quality standards and not cause contamination to migrate to previously uncontaminated or less contaminated areas or off-site and confirm the findings of the MODFLOW report (Appendix 10.1)? How will primary, secondary and minimum criteria (Chapter 62-520, F.A.C.) for groundwater be met during and after the dewatering?
- 8) On page 9-1 of the SCA it states that modifications will be made to the switchyard. Prior to construction in those areas, an effort should be made to determine whether there have been any discharges from transformer or electrical equipment. Contamination in those areas should be addressed through 62-780, F.A.C., if non-

petroleum (e.g. from lead or paint removal activities) or the Department's Mineral Oil Dielectric Fluid Emergency Response Action Protocol, dated April 2007 and as amended.

- 9) Appendix 10.2.2 of the SCA includes information regarding NPDES Application/Permits and is seeking a modification to the Industrial Wastewater Facility Permit. In the past, there was an on-site laboratory for analytical testing. Is there on-site laboratory for analytical testing of materials planned and what would be the disposal of wastes generated from those operations?
- 10) What was the historic ash disposal method? Are there any areas at the facility that would need preliminary assessment due to ash handling / storage / disposal?
- 11) What is the status of the old "Surface Impoundments" at the site that were the subject of the Hazardous Waste RCRA Closure Permit? If those Hazardous Waste Closure activities have been satisfied, please provide the documentation or letter that provides the US EPA concurrence.
- 12) What reasonable assurances can be provided (i.e. what analytical testing of soils and groundwater are proposed) to ensure that there is no soil and groundwater contamination in the drawdown areas shown in Figures 1-4 of the Dewatering Plan, Appendix 10.9?
- 13) In the Dewatering Plan it is not clear whether the dewatering amount in millions gallons per day (MGD). The amount stated is million gallons (MG). Please provide the number of estimated MGD that will be pumped from the aquifer.
- 14) As stated in the Dewatering Plan, on page 6, Results and Conclusions, the model shows approximately 1.5 to 3 million gallons (MG) will be pumped. Will drawing that amount of water from the aquifer move any contaminated plume or contaminants into the canal?

ITEM II: SOUTH FLORIDA WATER MANAGEMENT DISTRICT

- 1) Section 4.5 and Appendix 10.10 of the SCA address water supply use and sources. FPL proposes to use potable water from the City of Ft. Lauderdale for irrigation. Pursuant to Section 3.2 of the Basis of Review for Water Use Applications, which requires the consideration of the lowest quality water available and feasible, please elaborate on why potable water rather than onsite groundwater is proposed to be used for irrigation at the Site.
- 2) In Section 4.5 and Appendix 10.10 of the SCA, FPL indicates it would evaluate using reclaimed water for process and irrigation uses if the City of Hollywood or the City of Fort Lauderdale builds a pipeline to deliver reclaimed to the PEEC site and if the reclaimed water meets FPL's water quantity and quality requirements. Please provide

additional information as to the water quality requirements in the SCA so that the potential reuse providers can determine if it is practical to expand their operations to serve PEEC. FPL should contact the utilities to understand their interest and ability to provide reclaimed water at this time.

- 3) The following questions are regarding the Dewatering Plan (Appendix 10.9) and the hydrogeologic model used for dewatering analysis. Although a detailed dewatering plan will be provided as a post-certification submittal, FPL should provide reasonable assurances that the dewatering plan is technically feasible and will not impact offsite areas pursuant to Rule 2.5.2 of the Basis of Review for Water Use Permits.
 - a. Please provide the depth of the sheet piles to justify the no flow boundaries.
 - b. The hydraulic parameters used in the model seem small. Please provide documentation to justify the parameters.
 - c. Please provide both dewater pumping rates and the volumes. The rates need to be the maximum rates under different conditions. What is the maximum rate during a storm or a storm season? For the volumes, please show at what period and how long the period is.
 - d. The assumption of surface recharge rate of 0.5 inches per year may be too small, especially during the wet season or a day with heavy rainfall.
 - e. Please provide the model data sets and base maps for each simulated scenario.
- 4) Please provide additional information within the Water Conservation Plan (Section 5 of Appendix 10.10) on specific methods to conserve water at PEEC. Water saving devices such as low volume fixtures, automatic shutoff valves along with Florida Friendly landscaping should be specified. The following are staff's recommendations on ways the application could be modified to meet this request:
 - a. Indoor water use design recommendations
 - i. Restroom fixtures meeting EPA WaterSense specifications will be used in all restrooms including High Efficiency Toilets using 1.28 gallons per flush, High Efficiency Urinals using 0.5 gallons per flush or less, High Efficiency Shower Heads using 2.0 gpm or less, and lavatory faucets using 0.5 gpm or less.
 - ii. Automatic shutoff valves will be used on all hoses used for cleaning purposes.
 - iii. Hot water lines will be insulated.
 - b. HVAC Cooling Towers
 - i. HVAC cooling towers will be installed with sub-metters for both makeup and blow-down water.
 - ii. Conductivity Controllers will be installed on all HVAC cooling towers.
 - iii. HVAC cooling tower will be operated at least five cycles of concentration.
 - c. Outdoor landscaping

- i. All outdoor landscaping will utilize recognized Florida Friendly landscaping principles.

ITEM III: FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

- 1) In Section 3.3.6.1 of the SCA, under *Threatened and Endangered Species*, a statement is made that while not seen during the field surveys, manatee are known to occur in the vicinity of the Port Everglades Plant. The applicant should provide more detailed information in this section about the amount of manatee use at the warm-water refuge created by the Port Everglades plant's discharge. FPL has long term manatee aerial survey data at this site. The Port Everglades' warm-water discharge is considered a primary winter aggregation area and the background information in this chapter should reflect that.

Similar comment as was made above can be made for *Plant and Animal Surveys* under Section 3.3.6.1. FPL collects winter survey data of manatees for all their coastal power plants where manatees aggregate. It seems incorrect to state that surveys were not needed. It also seems inaccurate to state under this section that no endangered or threatened species occur within the property or site.

- 2) Figure 3.3.6-1 in the SCA incorrectly identifies the manatee aggregation site as being in the northern section of the port. The correct location is in the discharge canal within the project area.
- 3) In Section 4.8.2 of the SCA we note that additional permits for drainage will be required per 62-621.300(4)(a). We thought all required permits needed to be addressed under the site certification. Does this only apply if FPL plans to use existing drainage system? If not, can additional conditions be added to the site certification for these activities?
- 4) In Section 5.1.1 of the SCA it indicates that explosives may be used to dismantle existing plant facilities. Due to the proximity of these structures to the Intra Coastal Waterway and the discharge canal, what precautions will be used to insure debris will not reach the waters in these areas since both could have manatees in close proximity. Will all explosives occur on the uplands, or are in-water detonations possible? This section indicates that in-water construction will be required within the intake and discharge canals. Please describe the type of work that will take place in these areas and what type of on-water access may be needed (vessels, divers, and timing of activities-day/night, etc.). This section also indicates that maintenance dredging may be performed at the intake and barge canals. When will this activity be performed in reference to the deconstruction and construction phases of the repowering? Please provide site plans of the areas expected to be dredged and what type of dredge will be used (cutter head, clam shell, hopper)?

- 5) Section 5.4.1.2 - The Manatee Construction Conditions for In-water work dated 2005 have been revised; the new 2011 Manatee Construction Conditions are attached. (See FWC's enclosed letter for the referenced attachment)
- 6) Section 5.4.1.3 - As with the conversions of the Cape Canaveral Energy Center (CCEC) and The Riviera Beach Energy Center (RBEC), during the 3-year period that the Port Everglades facility will be offline, the Manatee Temporary Heating System (MTHS) will operate under Environmental and Biological Monitoring plans to avoid potential adverse impacts to manatees. These plans will be part of the Site Certification and will be developed in cooperation with the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service.

It is stated in this section that the permit for the heater will be done outside the site certification. More information needs to be added regarding the heater and why it is needed so there is a connection between the new power plant construction and the need for provisions to address manatee concerns in the site certification, even if done as a separate permit. The SCA mentions that units 1-4 will be out of commission for 3 years, please provide a timeline for demolition, construction and timing of the heater placement and testing.

Additional information regarding the MTHS, including the maximum temperature and volume of discharge, is needed. Also, modeling of the thermal plume will be necessary to determine the area of the warm-water refuge that will be created by the MTHS. As with the Site Certifications for the CCEC and RBEC, details of operations will be determined in consultation with FPL, U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission and included in an Environmental Monitoring Plan.

- 7) Section 5.4.2.2 - Is FPL Port Everglades currently collecting ambient and discharge water temperatures? If so, how often are these temperatures collected? Please provide a site map with locations of water temperature stations.
- 8) Section 6.1.1 - As at CCEC and RBEC the plant modifications that will occur due to the conversion process will result in a substantial reduction in the volume of warm water being discharged at the Port Everglades facility. This reduction may change the nature of the warm-water habitat that currently occurs at the Port Everglades facility, because of this, FWC believes water temperature monitoring should be conducted in various locations throughout the discharge canal to document pre and post onstruction temperature regimes.
- 9) Section 6.1.2 describes the use of the refuge by manatees. It is noted that no permit is needed for in-water work for repairs to a seawall, structures and maintenance dredging. What measure will be taken to be sure manatees are not affected during this in-water work if work is needed in the winter period? Pursuant to the current NPDES

Manatee Protection Plan, in water work within the discharge canal requires FWC approval between November 15 and March 31.

- 10) Section 6.9.2 - Each year, lights from the area of the existing Port Everglades Plant are reported to have impacted female and hatchling sea turtles on sandy Atlantic nesting beaches along the Broward County shoreline. Although the Plant is inland from the nesting beaches, the tall lights on the areas facilities are visible for some distance to the east. Please describe the process by which all exterior lighting will be reviewed to ensure that the potential for impacts to sea turtle nesting habitat on adjacent and more distant beaches will be addresses.
- 11) Appendix 10.2.1-We have reviewed the temperature modeling that was included and noted that this was completed under the worst case scenario of warmest ambient temperatures and maximum load. To understand the current situation and the changes to the volume of water discharged after conversion (50% reduction) we request modeling of pre and post conversion of the thermal plume conditions in the discharge canal under a winter scenario. We suggest modeling the thermal plume under a 61 degree ambient water temperature when the plant is at maximum load both pre and post conversion.
- 12) Monitoring and Long Term Plans

Manatee monitoring plans will be required in this permit with specific requirements to be agreed upon by FWC, USFWS and DEP. Monitoring plans need to encompass the time frame beginning from the month of November prior to the discontinuation of the warm-water discharge, throughout each winter during the construction phase and a post construction period to be determined. Monitoring efforts shall include aspects of manatee behavior, health and distribution during the repowering effort. Parameters by which the interim warm-water refuge will be operated shall be included as part of the Environmental Monitoring plan, which will be agreed upon by FPL, USFWS and FWC prior to commencement of construction.

Long Term Plan - Post-construction, and within an agreed upon time frame, FWC, USFWS and FPL will develop a plan to minimize adverse affects to manatees that provides for the weaning of manatees from the repowered FPL-Port Everglades - warm-water discharge and/or establishing an alternative warm-water resource area prior to the plant significantly reducing operations or permanently being retired.

13) Terrestrial Wildlife

There does not appear to be much open space within the assessment area; the open lands within the assessment area are adjacent to the cooling towers and appear to be disturbed. Per figure 3.1.1-3, these lands will be used as construction parking and lay down areas for the project.

Least terns have been observed nesting on rooftops adjacent to the facility, but not within the facility boundary. These observations were from 1995, 1998, 1999 and 2000. Page 3-32 of the SCA says, "no threatened or endangered species were observed at or adjacent to the Port Everglades Plant Property and Site during field surveys." What were the time and dates of the FPL wildlife surveys? It is also unclear whether or not the wildlife surveys included rooftops for nesting shorebirds, please identify if these areas were included during the FPL surveys.

During the construction phase, will the number of trips to and from the site by heavy equipment adversely affect foraging or low-flying birds? Also, it was not noted in the documents whether vehicles would be hosed-down prior to entry/exiting the work area. Several projects in the past have documented construction vehicles trucks bringing in nuisance/exotic plants such as cogon grass that were then spread through the work area. Does FPL have plans to address this issue?

ITEM IV: FLORIDA DEPARTMENT OF STATE

The Department of State, Division of Historical Resources concurs with the conclusions presented in Appendix 10.7.2 of the SCA, *A Desktop Cultural Resource Survey of the FPL Port Everglades SCA Parcel, Broward County, Florida* (September 2011), which indicated that no known or recorded historical properties are located within or adjacent to the existing Port Everglades power plant. However, we do request that additional inventory and evaluation of any buildings or structures associated with the 1961 power plant be identified and documented on a Florida Master Site File Resource Group form and submitted to this office, as well as a Survey Log form for the 2011 desktop report. The 1961 power plant will be evaluated by this agency to determine if it is of historical significance. The two requested forms and desktop report at completion of the application review will be forwarded to the Florida Master Site File.

ITEM V: SOUTH FLORIDA REGIONAL PLANNING COUNCIL

- 1) What are the anticipated safety and security risks associated with the modernization of the plant, during decommissioning of Units 1 through 4, construction of the modernized plant and post-retrofit operations? Describe the potential local and regional hazards and appropriate responses. Provide a copy of the current Emergency Action Plan.
- 2) The SCA states that during the dismantlement and construction phase of this project, FPL will continue to provide warm-water refuge for the manatees consistent with the Manatee Protection Plan established pursuant to the existing Plant's Industrial Wastewater (IWW) Permit. Please explain the expected consequences for manatees during the various phases of construction that impact thermal discharge output levels.
- 3) Describe how workers will be identified and hired. How do the applicant's hiring methods ensure workers within the region are utilized to ensure economic impacts are realized locally?

- 4) The Goals and Policies of the *Strategic Regional Policy Plan for South Florida*, in particular those indicated below, should be observed when making decisions regarding this project:

Goal 2: Increase employment opportunities and support the creation of jobs with better pay and benefits for the Region's workforce.

Policy 2.4 Ensure that decisions with regard to the location of infrastructure investments by local governments are made with priority for the lowest income neighborhoods.

Goal 3: Promote the health, safety, and welfare of South Florida's residents.

Policy 3.7 Reduce exposure to environmental contaminants and hazards in the Region's ground, air, and water.

Goal 7: Protect, conserve, and enhance the Region's water resources.

Policy 7.11 Encourage the implementation and further development of water conservation measures.

Goal 9: Develop clean, sustainable, and energy-efficient power generation and transportation systems.

Policy 9.2 Encourage the development of renewable, clean fuels and energy-efficient enterprises to serve our communities and national markets.

Goal 14: Preserve, protect, and restore Natural Resources of Regional Significance.

Policy 14.7 Restore, preserve, and protect the habitats of rare and state and federally listed species. For those rare and threatened species that have been scientifically demonstrated by past or site specific studies to be relocated successfully, without resulting harm to the relocated or receiving populations, and where *in-situ* preservation is neither possible nor desirable from an ecological perspective, identify suitable receptor sites, guaranteed to be preserved and managed in perpetuity for the protection of the relocated species that will be utilized for the relocation of such rare or listed plants and animals made necessary by unavoidable project impacts. Consistent use of the site by endangered species,

or documented endangered species habitat on-site shall be preserved on-site.

Goal 18: Ensure regional coordination, preparation, and response to emergencies.

Policy 18.14 Achieve flexible, comprehensive, and coordinated emergency planning for a variety of emergencies.

Policy 18.5 Enhance public awareness and education regarding appropriate responses to a variety of emergencies.

Policy 18.6 Promote the federal, state, and regional coordination of a public information and awareness program concerning various types of hazards and appropriate responses.

ITEM VI: BROWARD COUNTY

A. Pollution Prevention, Remediation and Air Quality Division:

- 1) 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”).
- 2) 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.

B. 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 Site

- 1) Section 1.1 of the SCA 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 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 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.

- 2) 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.

Incomplete Information Necessary to Determine Feasibility of Placing Linear Facilities

- 3) Section 3.2.4.2 of the SCA 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 SCA, 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:
 - a. Is the proposed linear facility compatible with current and expected future marine and ship operations?
 - b. Is the proposed linear facility compatible with current and expected future landside cargo operations?
 - c. Is the proposed linear facility compatible with future port redevelopment and operational plans?
 - d. Can the proposed linear facility be accommodated in a given route considering existing infrastructure?
 - e. 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?
 - f. Do the terms and conditions under which the 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?
 - g. Is the 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

- 4) 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.
- 5) 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.
- 6) The SCA 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 SCA 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 SCA. None of these points and the implications are covered in the SCA.
- 7) We note that Table 5.1.1-1 of the SCA 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 SCA 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

- 8) 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 SCA 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 SCA 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.
- 9) 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 SCA 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.
- 10) The Port Everglades Department also believes the SCA 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.

The following represent questions and comments related to environmental issues.

Site and Vicinity Characterization

- 11) 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.
- 12) The removal of transmission pipelines and remediation of any encountered petroleum contamination needs to be discussed and coordinated with the Port Everglades Department.
 - 13) The SCA discusses potential impacts to transportation from construction traffic, etc.; 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.
 - 14) Is the natural gas pipeline that will power the PEEC facility existing to the site? Will it need to be expanded or require additional easements from Broward County/Port Everglades?
 - 15) Page 3-27 of the SCA 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.
 - 16) 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.
 - 17) 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.
 - 18) The Port Everglades Jurisdictional Boundary should be depicted on an area exhibit.

The Plant and Directly Associated Facilities

- 19) 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?
- 20) 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?

- 21) 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 & Associated Facilities Construction

- 22) 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.
- 23) 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?
- 24) On page 5-4 of the SCA 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?
- 25) Have any studies been completed on the potential effects of sea level rise on the plant?
- 26) Related to question 13 above, 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

- 27) Page 6-1-2 of the SCA 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.
- 28) Page 6-2 of the SCA 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 question 11 above.
- 29) Page 6-3 of the SCA 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 question 27 above.
- 30) Page 6-3 of the SCA 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.
- 31) 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.
- 32) Page 6-17-18 of the SCA 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 SCA 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.

C. Natural Resources Planning and Management Division:

The SCA 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

- 1) 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.
- 2) 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.
- 3) It is also noted in the SCA 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 potentially 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.
- 4) 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.

- 5) 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.
- 6) 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.
- 7) 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

- 9) 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?
- 10) Section 3.3, page 3-31 of the SCA 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.
- 11) Figure 3.3.6-1 in the SCA 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.

- 12) Section 5.4.1.3 of the SCA states that during construction, warm water will be discharged pursuant to the Manatee Protection Plan (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°F and then only until the ambient temp again reaches 61°F. 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

- 13) 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

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

D. Public Works Department:

- 1) 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 SCA.
- 2) Traffic Engineering Division concurs with the finding in the SCA 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.
- 3) 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.

E. Development and Environmental Regulation Division:

Under Chapter 6.2.1 of the SCA, 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.

- 1) 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:
 - a. 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;
 - b. That strict application of the provisions of this chapter would cause the applicant undue hardship;
 - c. 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;
 - d. That the variance proposed is the minimum variance which alleviates the undue hardship;
 - e. That the granting of the variance will be in harmony with the general intent and purpose of this chapter;
 - f. That such a variance will not be injurious to the public welfare and to the environment; and
 - g. 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.

Enclosures: Copies of submitted letters/comments from the South Florida Water Management District, Florida Fish and Wildlife Conservation Commission, Florida Department of State, South Florida Regional Planning Council, and Broward County.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

February 23, 2012

Via email

Jessica Dalton
Environmental Specialist
Siting Coordination Office
Department of Environmental Protection
3900 Commonwealth Boulevard, MS #48
Tallahassee, FL 32399-3000

Dear Ms. Dalton:

**Subject: FPL Port Everglades Energy Center (PEEC), PA12-57
Site Certification Application Completeness Review**

South Florida Water Management District (SFWMD) staff has reviewed the Site Certification Application submitted by the Florida Power & Light Company (FPL) for the above subject project, pursuant to Sections 403.501-539, Florida Statutes, and Rule 62-17, Florida Administrative Code. Based on that review, SFWMD has the following completeness questions/comments:

1. Section 4.5 and Appendix 10.10 of the application address water supply use and sources. FPL proposes to use potable water from the City of Ft. Lauderdale for irrigation. Pursuant to Section 3.2 of the Basis of Review for Water Use Applications, which requires the consideration of the lowest quality water available and feasible, please elaborate on why potable water rather than on-site groundwater is proposed to be used for irrigation at the site.
2. In Section 4.5 and Appendix 10.10 of the Application, FPL indicates it would evaluate using reclaimed water for process and irrigation uses if the City of Hollywood or the City of Fort Lauderdale builds a pipeline to deliver reclaimed to the PEEC site and if the reclaimed water meets FPL's water quantity and quality requirements. Please provide additional information as to the water quality requirements in the application so that the potential reuse providers can determine if it is practical to expand their operations to serve PEEC. FPL should contact the utilities to understand their interest and ability to provide reclaimed water at this time.
3. The following questions are regarding the Dewatering Plan (Appendix 10.9), and the hydrogeologic model used for dewatering analysis. Although a detailed dewatering plan will be provided as a post-certification submittal, the applicant

should provide reasonable assurances that the dewatering plan is technically feasible and will not impact offsite areas pursuant to Rule 2.5.2 of the Basis of Review for Water Use Permits.

- a. Please provide the depth of the sheet piles to justify the no flow boundaries.
 - b. The hydraulic parameters used in the model seem small. Please provide documentation to justify the parameters.
 - c. Please provide both dewater pumping rates and the volumes. The rates need to be the maximum rates under different conditions. What is the maximum rate during a storm or a storm season? For the volumes, please show at what period and how long the period is.
 - d. The assumption of surface recharge rate of 0.5 inches per year may be too small, especially during the wet season or a day with heavy rainfall.
 - e. Please provide the model data sets and base maps for each simulated scenario.
4. Please provide additional information within the Water Conservation Plan (Section 5 of Appendix 10.10) on specific methods to conserve water at PEEC. Water saving devices such as low volume fixtures, automatic shutoff valves along with Florida Friendly landscaping should be specified. The following are staff's recommendations on ways the application could be modified to meet this request:
- a. Indoor water use design recommendations
 - i. Restroom fixtures meeting EPA WaterSense specifications will be used in all restrooms including High Efficiency Toilets using 1.28 gallons per flush, High Efficiency Urinals using 0.5 gallons per flush or less, High Efficiency Shower Heads using 2.0 gpm or less, and lavatory faucets using 0.5 gpm or less.
 - ii. Automatic shutoff valves will be used on all hoses used for cleaning purposes.
 - iii. Hot water lines will be insulated.
 - b. HVAC Cooling Towers
 - i. HVAC cooling towers will be installed with sub-meters for both makeup and blow-down water
 - ii. Conductivity Controllers will be installed on all HVAC cooling towers
 - iii. HVAC cooling tower will be operated at least five cycles of concentration
 - c. Outdoor landscaping
 - i. All outdoor landscaping will utilize recognized Florida Friendly landscaping principles.

Jessica Dalton
Siting Coordination Office
February 23, 2012
Page 3

For assistance or additional information regarding this letter please contact me at (561) 682-6324, or via email at mparrott@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mindy Parrott". The signature is fluid and cursive, with the first name "Mindy" and last name "Parrott" clearly distinguishable.

Mindy Parrott
Lead Environmental Analyst
Regulation Division
South Florida Water Management District

c: Andy Flajole, FPL (via email)

Jessica Dalton
Siting Coordination Office
February 23, 2012
Page 4

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**Imperiled Species
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R.Kipp Frohlich
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MyFWC.com

February 22, 2012

By dalton_j at 2:52 pm, Feb 22, 2012

Ms. Cindy Mulkey, Program Administrator
Office of Siting Coordination
Florida Department of Environmental Protection
2600 Blair Stone Road, MS #48
Tallahassee, FL 32399-2400

RE: FPL Port Everglades Next Generation Clean Energy Center Project, Application
for Cite Certification, Brevard County

Dear Mr. Halpin:

The Division of Habitat and Species Conservation, of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated our agency's review of the Port Everglades Energy Center conversion project and provides the following information requests and comments for consideration in the application completeness review.

Florida Power & Light (FPL) proposes to convert the existing oil and gas fired 200 and 400-megawatt units to modern, lower emission next generation combined cycle technology. The project would use existing plant site boundaries and cooling water intake and discharge infrastructure. A staging area to service both construction parking and equipment "laydown" will occur on FPL-Port Everglades plant property.

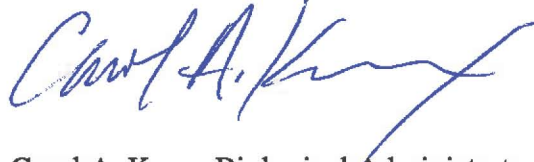
The existing plant site is located adjacent to Port Everglades facilities which are located on the Intracoastal Waterway (ICW) south of Port Everglades Inlet. The FPL-Port Everglades property consists of the electric power-generating facilities and a 1-mile discharge canal that empties into the ICW immediately south of the Port facilities. The project site is located in an urban/industrial area that contains no undisturbed areas. Least Terns have been documented nesting on roof tops in close proximity of the project site and wading birds can be found along the discharge canal. Construction at the site may disturb these species reproductive and breeding activities. In addition, the West Indian manatee (*Trichechus manatus*), a state and federally listed species uses the discharge canal as a warm-water refuge and nursery. Any changes in the amount of water used and discharged by the plant, changes to the temperature of that water, and any in-water work, may also affect manatees.

Because this proposed project has the potential to negatively affect manatees, we have enclosed a list of questions and information needs regarding manatees and other marine resources related to the proposed changes to the plant's water use and proposed maintenance dredging.

If you or your staff has would like to meet to discuss our comments or questions, please contact me at 850-922-4330, or email me at Carol.Knox@myfwc.com and I will be glad to help make the necessary arrangements. If your staff has any specific questions

regarding our comments, I encourage them to contact Ron Mezich by telephone at 850-922-4330 or by email at Ron.Mezich@myfwc.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carol A. Knox". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Carol A. Knox, Biological Administrator
Imperiled Species Management

cak/rm

BO-FPL Port Everglades plant Conversion Cover Letter.docx

Enclosure

cc: Ron Mezich, FWC, Tallahassee
Ann Seiler, DEP, Tallahassee
Jennifer Goff, FWC, West Palm Beach
Tom Reinert, FWC, Tequesta
Kalani Carins, FWS, Vero Beach
Jodie Gless, FPL
Andy Flajole, FPL

Questions for FPL's Port Everglades Conversion Siting Application

Section 3.3.6.1 - a statement is made that while not seen during the field surveys, manatee are known to occur in the vicinity of the Port Everglades Plant. The applicant should provide more detailed information in this section about the amount of manatee use at the warm-water refuge created by the Port Everglades plant's discharge. FPL has long term manatee aerial survey data at this site. The Port Everglades' warm-water discharge is considered a primary winter aggregation area and the background information in this chapter should reflect that.

Similar comment as was made above can be made for the section **Plant and Animal Surveys**. FPL collects winter survey data of manatees for all their coastal power plants where manatees aggregate. It seems incorrect to state that surveys were not needed. Under *Fauna* again it seems inaccurate to state that no endangered or threatened species occur within the property or site.

Figure 3.3.6-1- incorrectly identifies the manatee aggregation site as being in the northern section of the port. The correct location is in the discharge canal within the project area.

Section 4.8.2 - we note that additional permits for drainage will be required per 62-621.300(4) (a). We thought all required permits needed to be addressed under the siting certification. Does this only apply if FPL plans to use existing drainage system? If not, can additional conditions be added to the site certification for these activities?

Section 5.1.1 – This section indicates that explosives may be used to dismantle existing plant facilities. Due to the proximity of these structures to the Intra Coastal Waterway and the discharge canal, what precautions will be used to insure debris will not reach the waters in these areas since both could have manatees in close proximity. Will all explosives occur on the uplands, or are in-water detonations possible?

This section indicates that in-water construction will be required within the intake and discharge canals. Please describe the type of work that will take place in these areas and what type of on-water access may be needed (vessels, divers, and timing of activities-day/night, etc.).

This section also indicates that maintenance dredging may be preformed at the intake and barge canals. When will this activity be preformed in reference to the deconstruction and construction phases of the repowering?

Please provide site plans of the areas expected to be dredged and what type of dredge will be used (cutterhead, clam shell, hopper)?

Section 5.4.1.2 – The Manatee Construction Conditions for In-water work dated 2005 have been revised the new 2011 Manatee Construction Conditions are attached.

Section 5.4.1.3 – As with the conversions of the Cape Canaveral Energy Center (CCEC) and The Riviera Beach Energy Center (RBEC), during the 3-year period that the Port Everglades facility will be offline, the MTHS will operate under Environmental and Biological Monitoring plans to avoid potential adverse impacts to manatees. These plans will be part of

the Siting Certification and will be developed in cooperation with the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service.

It is stated in this section that the permit for the heater will be done outside the site certification. More information needs to be added regarding the heater and why it is needed so there is a connection between the new power plant construction and the need for provisions to address manatee concerns in the site certification, even if done as a separate permit. The application mentions that units 1-4 will be out of commission for 3 years, please provide a timeline for demolition, construction and timing of the heater placement and testing.

Additional information regarding the Manatee Temporary Heating System (MTHS), including the maximum temperature and volume of discharge, is needed. Also, modeling of the thermal plume will be necessary to determine the area of the warm-water refuge that will be created by the MTHS. As with the Siting Certifications for the CCEC and RBEC, details of operations will be determined in consultation with FPL, U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission and included in an Environmental Monitoring Plan.

Section 5.4.2.2 – Is FPL-Port Everglades currently collecting ambient and discharge water temperatures? If so, how often are these temperatures collected? Please provide a site map with locations of water temperature stations.

Section 6.1.1 – As at CCEC and RBEC the plant modifications that will occur due to the conversion process will result in a substantial reduction in the volume of warm water being discharged at the Port Everglades facility. This reduction may change the nature of the warm-water habitat that currently occurs at the Port Everglades facility, because of this, FWC believes water temperature monitoring should be conducted in various locations throughout the discharge canal to document pre and post construction temperature regimes.

Section 6.1.2 - describes the use of the refuge by manatees. It is noted that no permit is needed for in-water work for repairs to a seawall, structures and maintenance dredging. What measure will be taken to be sure manatees are not affected during this in-water work if work is needed in the winter period? Pursuant to the current NPDES Manatee Protection Plan in-water work within the discharge canal requires FWC approval between November 15 and March 31.

Section 6.9.2 - Marine Turtles- Each year, lights from the area of the FPL-Port Everglades plant are reported to have impacted female and hatchling sea turtles on sandy Atlantic nesting beaches along the Broward County shoreline. Although the Plant is inland from the nesting beaches, the tall lights on the areas facilities are visible for some distance to the east. Please describe the process by which all exterior lighting will be reviewed to ensure that the potential for impacts to sea turtle nesting habitat on adjacent and more distant beaches will be addressed.

Appendix 10.2.1 – We have reviewed the temperature modeling that was included and noted that this was completed under the worst case scenario of warmest ambient temperatures and maximum load. To understand the current situation and the changes to the volume of water discharged after conversion (50% reduction) we request modeling of pre and post conversion of the thermal plume conditions in the discharge canal under a winter scenario. We suggest modeling the thermal plume under a 61 degree ambient water temperature when the plant is at maximum load both pre and post conversion.

Monitoring and Long Term Plans

Manatee monitoring plans will be required in this permit with specific requirements to be agreed upon by FWC, USFWS and DEP. Monitoring plans need to encompass the time frame beginning from the month of November prior to the discontinuation of the warm-water discharge, throughout each winter during the construction phase and a post construction period to be determined. Monitoring efforts shall include aspects of manatee behavior, health and distribution during the repowering effort. Parameters by which the interim warm-water refuge will be operated shall be included as part of the Environmental Monitoring plan, which will be agreed upon by FPL, USFWS and FWC prior to commencement of construction.

Long Term Plan – Post-construction, and within an agreed upon time frame, FWC, USFWS and FPL will develop a plan to minimize adverse affects to manatees that provides for the weaning of manatees from the repowered FPL-Port Everglades -warm-water discharge and/or establishing an alternative warm-water resource area prior to the plant significantly reducing operations or permanently being retired.

Terrestrial Wildlife

There does not appear to be much open space within the assessment area; the open lands within the assessment area are adjacent to the cooling towers and appear to be disturbed. Per figure 3.1.1-3, these lands will be used as construction parking and lay down areas for the project.

Least terns have been observed nesting on rooftops adjacent to the facility, but not within the facility boundary. These observations were from 1995, 1998, 1999 and 2000. Page 3-32 of the report says, “no threatened or endangered species were observed at or adjacent to the Port Everglades Plant Property and Site during field surveys...” What were the time and dates of the FPL wildlife surveys? It is also unclear whether or not the wildlife surveys rooftops for nesting shorebirds, please identify if these areas were included during the FPL surveys.

During the construction phase, will the number of trips to and from the site by heavy equipment adversely affect foraging or low-flying birds? Also, it was not noted in the permit documents whether vehicles would be hosed-down prior to entry/exiting the work area. Several projects in the past have documented construction vehicles trucks bringing in nuisance/exotic plants such as cogon grass that were then spread through the work area. Does FPL have plans to address this issue?

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

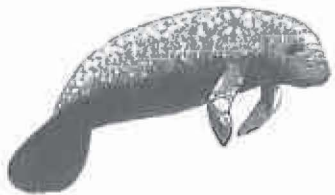
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:



Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

February 15, 2012

Ms. Jessica Dalton
Siting Coordination Office
Department of Environmental Protection
3900 Commonwealth Blvd., MS #48
Tallahassee, FL 32399-2400

DEPARTMENT OF
ENVIRONMENTAL PROTECTION

FEB 17 2012

SITING COORDINATION

Re: DHR Project No.: 2012-310
Date Received: January 24, 2012
FPL Port Everglades Next Generation Clean Energy Center
Application for Certification

Dear Ms. Dalton:

This agency reviewed the referenced certification application in accordance with Chapters 403 and 267, *Florida Statutes*, and other potentially applicable federal and state regulations, for possible impact to historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise of historical, architectural or archaeological significance.

Our review of the application and particularly Appendix 10.7.2, Cultural Resources – *A Desktop Cultural Resource Survey of the FPL Port Everglades – SCA Parcel, Broward County, Florida* (September 2011), indicated that there are no known or recorded historic properties located within or adjacent to the existing Port Everglades power plant. This agency concurs with the conclusions presented in the desktop analysis. We request that additional inventory and evaluation of any buildings or structures associated with the 1961 power plant be identified and documented on a Florida Master Site File Resource Group form and submitted to this office, as well as a Survey Log form for the 2011 desktop report. The 1961 power plant will be evaluated by this agency to determine if it is of any historical significance; the two requested forms and desktop report at completion of the application review will be forwarded to the Florida Master Site File.

It is the opinion of this agency that it is unlikely that the proposed project to redevelop the Port Everglades power plant will impact significant historical or archaeological resources, based on the information provided in the desktop cultural resource survey.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
850.245.6300 • FAX: 245.6436

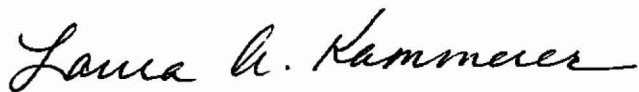
☐ Archaeological Research
850.245.6444 • FAX: 245.6436

☒ Historic Preservation
850.245.6333 • FAX: 245.6437

Ms. Jessica Dalton
DHR Project File No. 2012-310
February 15, 2012
Page 2

We look forward to receiving the requested documentation to complete our application review. If there are any questions concerning our comments, please contact me at 850.245.6333 or Laura.Kammerer@DOS.MyFlorida.com. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Kammerer".

Laura A. Kammerer
Historic Preservationist Supervisor
For Review and Compliance

Pc: Barbara P. Linkiewicz, Florida Power & Light Company
Robert S. Carr, Archaeological and Historical Conservancy, Inc.



FEB 29 2012

SITING COORDINATION

February 23, 2012

Cindy Mulkey, Program Coordinator
Office of Siting Coordination
Department of Environmental Protection
3900 Commonwealth Blvd., MS #48
Tallahassee, FL 32399-2400

RE: Completeness of Information Review for the Florida Power and Light Company's Port Everglades Energy Center Site Certification Application

Dear Ms. Mulkey:

Pursuant to Florida Statute 403.507 (2)(a), the South Florida Regional Planning Council has reviewed the above-referenced site certification application for completeness. Council requests the following clarifications and additional information to aid in the review of the Port Everglades Energy Center Project (PEEC).

The applicant states the project will modernize the existing Port Everglades Plant into a highly efficient, lower-emission energy center that will result in an increase of generated power using less water and utilizing no additional space. In your response please address the following requests.

- What are the anticipated safety and security risks associated with the modernization of the plant, during decommissioning of Units 1 through 4, construction of the modernized plant and post-retrofit operations? Describe the potential local and regional hazards and appropriate responses. Provide a copy of the current Emergency Action Plan.
- The applicant states that during the dismantlement and construction phase of this project, Florida Power & Light will continue to provide warm-water refuge for the manatees consistent with the Manatee Protection Plan established pursuant to the existing Plant's Industrial Wastewater (IWW) Permit. Please explain the expected consequences for manatees during the various phases of construction that impact thermal discharge output levels.
- Describe how workers will be identified and hired. How do the applicant's hiring methods ensure workers within the region are utilized to ensure economic impacts are realized locally?

The Goals and Policies of the SRPP, in particular those indicated below, should be observed when making decisions regarding this project:

- | | |
|-------------------|---|
| Goal 2 | Increase employment opportunities and support the creation of jobs with better pay and benefits for the Region's workforce. |
| Policy 2.4 | Ensure that decisions with regard to the location of infrastructure investments by local governments are made with priority for the lowest income neighborhoods. |
| Goal 3 | Promote the health, safety, and welfare of South Florida's residents. |
| Policy 3.7 | Reduce exposure to environmental contaminants and hazards in the Region's ground, air, and water. |

Goal 7 Protect, conserve, and enhance the Region's water resources.

Policy 7.11 Encourage the implementation and further development of water conservation measures.

Goal 9 Develop clean, sustainable, and energy-efficient power generation and transportation systems.

Policy 9.2 Encourage the development of renewable, clean fuels and energy-efficient enterprises to serve our communities and national markets.

Goal 14 Preserve, protect, and restore Natural Resources of Regional Significance.

Policy 14.7 Restore, preserve, and protect the habitats of rare and state and federally listed species. For those rare and threatened species that have been scientifically demonstrated by past or site specific studies to be relocated successfully, without resulting harm to the relocated or receiving populations, and where *in-situ* preservation is neither possible nor desirable from an ecological perspective, identify suitable receptor sites, guaranteed to be preserved and managed in perpetuity for the protection of the relocated species that will be utilized for the relocation of such rare or listed plants and animals made necessary by unavoidable project impacts. Consistent use of the site by endangered species, or documented endangered species habitat on-site shall be preserved on-site.

Goal 18 Ensure regional coordination, preparation, and response to emergencies.

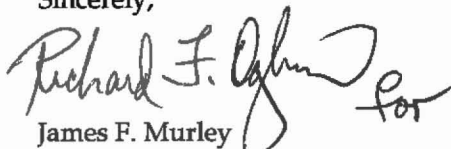
Policy 18.14 Achieve flexible, comprehensive, and coordinated emergency planning for a variety of emergencies.

Policy 18.5 Enhance public awareness and education regarding appropriate responses to a variety of emergencies.

Policy 18.6 Promote the federal, state, and regional coordination of a public information and awareness program concerning various types of hazards and appropriate responses.

The South Florida Regional Planning Council is an affected agency, as identified in Florida Statute 403.507 (2)(a), and will be actively involved in the review and comment during the Site Certification process. This will provide the Council the opportunity to ensure the project's consistency with the *Strategic Regional Policy Plan for South Florida*. If you require further information, please contact me at 954-985-4416.

Sincerely,


James F. Murley
Executive Director

JFM/kal

cc: Sam Goren, Esquire

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,

Michael C. Owens
mowens@broward.org
954-357-7600

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?

- 1. 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.