

ITEM I: DEPARTMENT OF ENVIRONMENTAL PROTECTION**A. SED-ENVIRONMENTAL RESOURCE PROGRAM**

I- A. 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.

RESPONSE:

The requested documentation is provided in Attachment I-A.1 to these responses. The documentation was also previously provided in Site Certification Application (SCA) Appendix 10.5 (Land Use).

B. SED-WATER FACILITIES MANAGEMENT

I- B. 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.

RESPONSE:

Comment acknowledged. Florida Power & Light (FPL) has already started to coordinate meetings with the two local water utilities that could potentially supply Port Everglades Clean Energy Center (PEEC) with reclaimed water for process and irrigation demands.

I- B. 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.

RESPONSE:

Comment acknowledged. Once decommissioning of the facility begins, Site assessment activities (i.e., soil and groundwater quality evaluation) will commence in accessible areas of the redevelopment Site to determine whether groundwater exhibits contaminants not covered under a generic permit. These parameters and testing locations will be determined based upon historical facility operations, waste handling practices, and any recorded spill incidents. If necessary, status reports of groundwater quality data will be presented for regulatory review and compliance with permit conditions.

I- B. 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.

RESPONSE:

Comment acknowledged. FPL will submit the appropriate permit applications based on the applicable regulatory requirements.

C. SED-WASTE MANAGEMENT

I-C.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, Florida Administrative Code (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.

RESPONSE:

FPL is proposing to remove a total of 8 large aboveground storage tanks and other assorted No. 6 fuel oil tanks and piping from service. The applicable storage tank regulation would be Chapter 62-762. Pursuant to Section 62-762.801 F.A.C., closure assessment would be conducted for the tanks and associated pipelines. The tanks will be removed. Portions of the piping may have to be abandoned in place. It should be noted that Rule 62-770.160 (1)(b) F.A.C. states that Chapter 62-770 F.A.C. does not apply to No. 6 oil because petroleum products are exempt.

FDEP previously approved a No. 6 Oil Closure Assessment Sampling Plan applicable to pipeline and storage tanks removed from service at any FPL facility in Florida. Such procedures were implemented at Cape Canaveral Clean Energy Center (CCEC), Port Canaveral, and Riviera Beach Clean Energy Center (RBEC) as those facilities were decommissioned for redevelopment. If contaminated media is encountered during the tank and pipeline closure activities, cleanup actions would be performed in accordance with the Florida Department of Environmental Protection (FDEP)-approved Heavy Fuel Oil Protocol (April 11, 2007) for accessible areas within the redevelopment site. Attachment I-C.1-1 includes FPL’s Heavy Fuel Oil Protocol dated April 11, 2007 and Attachment I-C.1-2 is the FDEP’s approval of the protocol dated December 15, 2010.

For fluids other than No. 6 oil stored in facility systems, the specified regulations will be followed accordingly for those systems.

Unspecified wastes, if present, will be evaluated for hazard characteristic to ensure proper management, and mercury switches and fluorescent bulbs will be collected and properly disposed of in accordance with Chapter 62-737, F.A.C.

I- 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.

RESPONSE:

FPL will notify FDEP and Broward County of any tank abandonments as part of the PEEC Project. FPL has reviewed the storage tank registration information provided by Paul Wierzbicki for Facility ID Nos. 850250 and 9101992 and will update the tank registrations as appropriate.

The FDEP Facility ID number applicable to the Port Everglades Plant (FAC ID 06/8502503) for storage tanks located onsite include 7 registered aboveground tanks currently in service, 1 aboveground storage tank closed in place, and 5 other registered tanks that were previously removed from the Site.

FDEP TANK ID #	Content	Capacity (gallons)	Status
4	#6 Oil	126,000	Planned for Removal
5	#6 Oil	126,000	Planned for Removal
6	#6 Oil	504,000	Planned for Removal
7	#6 Oil	504,000	Planned for Removal
8	Jet A/#2 Oil (diesel)	1,050,000	Remain in Service
10	Jet A/#2 Oil (diesel)	1,050,000	Remain in Service
13	Haz substance (T) = Caustic	5,000	Planned for Removal

The FDEP Facility ID number applicable to the Port Everglades Terminal (FAC ID # 06/9101992) includes 12 registered storage tanks that are currently in service, including ten No. 6 Oil storage tanks and two Jet A Fuel storage tanks, as presented in the following table.

FDEP TANK ID #	Content	Capacity (gallons)	Status
800	#6 Oil	4,620,000	Planned for Removal
801	#6 Oil	6,300,000	Planned for Removal
802	#6 Oil	6,300,000	Planned for Removal
804	#6 Oil	1,050,000	Planned for Removal
805	#6 Oil	1,050,000	Planned for Removal
806	#6 Oil	1,050,000	Planned for Removal
807	#6 Oil	8,400,000	Planned for Removal
808	#6 Oil	8,400,000	Planned for Removal
809	#6 Oil Slop	8,800	Planned for Removal
810	#6 Oil Slop	5,000	Planned for Removal
901	Jet A	10,421,838	Remain in Service
902	Jet A	10,500,000	Remain in Service

Figure I-C.2-1 shows the above-listed storage tanks and pipeline routes. A solid line depicts No. 6 Oil piping to be removed or abandoned, and a dashed line represents the Jet A / No. 2 Fuel Oil (diesel) piping to remain in use.

I- C. 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.

RESPONSE:

Please see Response I-C.2 above and Figure I-C.2-1. FPL will notify FDEP and Broward County of any tank abandonments as part of the PEEC Project.

I- C. 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.”

RESPONSE:

Cleanup actions would be performed in accordance with the applicable regulations associated with the impacted media. This will primarily include the FDEP-approved Heavy Fuel Oil Protocol (April 11, 2007), for No 6 oil found in accessible areas within the redevelopment site. The Mineral Oil Dielectric Fluid cleanup guidance, Chapter 62-780, and other rules will be followed where applicable.

Please note, however, that portions of the off-property pipeline easements are shared among various Port facilities and are very congested with subsurface utilities that may inhibit any attempt at contaminated media removal. As such, the agency will be advised of conflicts as they arise.

Management of potential contaminated soil, exclusive of No. 6 oil managed in accordance with the Heavy Fuel Oil Protocol, that may be discovered during facility dismantlement or pipeline closure or installation activities would first be evaluated for compliance with leachability Cleanup Target Levels (CTLs), then excavated and properly disposed, if accessible subject to conflicts with other Port Everglades (Port) facility infrastructure.

FPL is developing a draft Contaminated Soil and Debris Management Plan that will be discussed with Broward County and the Southeast District prior to the start of dismantlement.

I- C. 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.

RESPONSE:

Comment acknowledged. FPL will utilize best management practices (BMPs) as outlined in the FPL General Waste Handling Guidelines to properly manage and count their hazardous wastes to ensure that they are meeting the applicable regulatory requirements of their status level.

I- C. 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.

RESPONSE:

Comment acknowledged. FPL will have an Environmental Control Plan for the Project that will address BMPs to prevent spills as well as response procedures should an inadvertent release occur.

I- C. 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?

RESPONSE: The final dewatering plan(s) will be submitted post-certification, before the dismantlement or construction phases begin. The final dewatering plan(s) will include a schedule for soil and water testing to ensure that releases of dewatering effluent meet applicable surface and groundwater standards, including primary, secondary and minimum criteria. If necessary, dewatering effluent will be treated to meet the applicable surface water quality standards if offsite discharge is required. If infiltration basins are proposed for disposal of dewatering effluent, the final dewatering plan(s) will include updated groundwater flow model results to show that effluent disposal will not cause groundwater contaminants to migrate.

I- C. 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.

RESPONSE:

Comment acknowledged.

I- C. 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?

RESPONSE:

All required NPDES water quality sample analysis will be sent to a National Environmental Laboratory Accreditation Conference (NELAC) certified off-site laboratory. Although some non-permit required water quality analysis may be performed onsite, hazardous waste will not be generated. As requested, the septic tank area which previously received laboratory waste will be properly assessed.

I- C. 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?

RESPONSE:

FPL has an ash management facility on the south side of the existing plant. Historically, FPL has removed and properly disposed of the ash from the bottom of the settling basin. Facilities used for ash handling, storage and disposal will be assessed as part of the PEEC Project. These facilities and residual ash will be removed as a part of the dismantlement.

I- C. 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.

RESPONSE:

Although work was previously performed to close the old surface impoundments, these areas will be assessed as part of the PEEC Project. The assessment work will take into account the FDEP file information provided by Paul Wierzbicki.

I- C. 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?

RESPONSE:

Soil and groundwater sampling will be performed in accordance with the final Dewatering Plan to be submitted post-certification. Please see the Dewatering Plan [SCA Appendix 10.9, Rev. 1 (Attachment I-C.13)] and Responses I-C.7 above and I-C.14 below for reasonable assurance that there will be no offsite adverse impacts from dewatering.

I- C. 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.

RESPONSE:

The revised Dewatering Plan [SCA Appendix 10.9, Rev. 1 (Attachment I-C.13)] is attached to these completeness responses. Table 5 of the revised plan includes the maximum dewatering rates in millions of gallons per day (MGD), as well as the total dewatering volumes in millions of gallons (MG).

I- C. 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?

RESPONSE:

No. Pumping for dewatering will not move contaminants into the intake or discharge canals. If there are any contaminants present within the drawdown zone (the zone of influence), they would tend to move away from the canals (the hydraulic boundaries) and toward the dewatering system. The dewatering system acts as a capture system. See also Response I-C.7 above.