

Memorandum



Date: October 28, 2015

To: Honorable Dennis C. Moss
County Commissioners - District 9

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Notice of Environmental Contamination in Commission District 9

On March 3, 2009, the Board of County Commissioners adopted Resolution No. R-227-09 requiring that when environmental contamination is identified by the Department of Regulatory and Economic Resources Division of Environmental Resources Management (DERM), the Commissioner in whose District the environmental contamination is located shall be notified of such.

Pursuant to R-227-09, be advised the attached Notice of Violation was issued to Florida Power and Light on October 2, 2015 due to documented groundwater pollution, specifically hypersaline groundwater at, and adjacent to, the FPL Turkey Point facility. The County has found that the groundwater impacts are attributed to the operations of the cooling canal system at the Turkey Point facility. An Administrative Consent Agreement executed between FPL and the County on October 7, 2015 provides the corrective actions that FPL is required to implement to bring the site into compliance with Chapter 24 of the Code of Miami-Dade County.

The summary of this case is noted below:

Subject	Environmental Contamination
Facility Name:	FPL – Turkey Point
DERM File #:	CLI-2014-0312
Facility Address:	9700 SW 344 ST, Homestead Florida in Miami-Dade County
Folio Number:	Various
Description/Nature of Violation:	Environmental contamination requiring site rehabilitation action pursuant to Division 3, Contaminated Site Cleanups, Chapter 24, Code of Miami-Dade County, Florida.

Should you have any questions or require additional information, please contact Mr. Lee N. Hefty, Assistant Director, Division of Environmental Resources Management, Department of Regulatory and Economic Resources at (305) 372-6754 or by email at heftyl@miamidade.gov.

Attachment

- c: Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources
Lourdes M. Gomez, Deputy Director, Department of Regulatory and Economic Resources
Lee N. Hefty, Assistant Director, Division of Environmental Resources Management, RER



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 6th Floor
Miami, Florida 33136-3912
T 305-372-6902 F 305-372-6630

miamidade.gov

October 2, 2015

Randall R. LaBauve, Vice President
Environmental Services
NextEra Energy, Inc.
700 Universe Blvd.
Juno Beach, Florida 33408

Certified Mail No. 7009 0080 0000 1050 7878
Return Receipt Requested

Eric E. Silagy, President
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408

Certified Mail No. 7009 0080 0000 1050 7861
Return Receipt Requested

Re: FPL Turkey Point power plant facility located at, near or in the vicinity of 9700 SW 344 Street, Unincorporated, Miami-Dade County, Florida.

**NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION**

Dear Messrs. LaBauve and Silagy:

Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) has reviewed data submitted in monitoring reports related to the Florida Power & Light (FPL) power plant at Turkey Point. This review revealed levels of chloride in samples collected from groundwater monitoring wells, including but not limited to TPGW-L3, TPGW-L5, TPGW-1 and TPGW-12. These wells are located outside of the FPL Cooling Canal System (CCS) and beyond the boundaries of the property. The chloride levels constitute violations of the water quality standards in Section 24-42(4) of the Code of Miami-Dade County.

In addition, these elevated chloride levels exceed the applicable groundwater clean-up target level set forth in Section 24-44 and therefore constitute water pollution as defined in Section 24-5. On September 26, 2012, the South Florida Water Management District identified tritium as the tracer for determining the presence of CCS water. A review of tritium data shows that the groundwater originating from the CCS has expanded beyond FPL property boundaries. Based on the foregoing information, DERM maintains that hypersaline water attributable to FPL exists in the groundwater outside the CCS and outside the property boundaries.

Be advised that the above constitutes violations of Chapter 24 of the Code of Miami-Dade County, specifically:

Section 24-42(3), of said Ordinance, inasmuch as it shall be unlawful for any person to dewater or to discharge sewage, industrial wastes, cooling water and solid wastes, or any other wastes into the waters of this County, including but not limited to surface water, tidal salt water estuaries, or ground water in such quantities, and of such characteristics as may cause the receiving waters, after mixing with the waste streams, to be of poorer quality than the water quality standards set forth in Section 24-42(4), or cause water pollution as defined in Section 24-5 or cause a nuisance or sanitary nuisance as herein defined and

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October 2, 2015

Section 24-42(4), of said Ordinance, inasmuch as it shall be unlawful for any person to breach the values set forth within this section.

This Notice is to advise FPL of violations of the Code of Miami-Dade County attributable to the Turkey Point power plant and, as discussed, to seek an agreement which will provide a vehicle to correct said violations.

Based on the above and pursuant to the authority granted to me under Chapter 24, of the Code of Miami-Dade County, I am hereby ordering you to:

1. Upon receipt of this NOTICE, take immediate action to address water quality violations or water pollution which is in violation of Chapter 24 of the Code of Miami-Dade County.
2. In order to resolve the violations outlined above, the Department will at this time, provide you with the opportunity to enter into an *Administrative Consent Agreement* within **thirty (30) days** of receipt of this correspondence. If you choose to enter into an agreement you must notify the undersigned within **ten (10) days** of receipt of this Notice.

Any person aggrieved by any action or decision of the DERM Director, may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

If you have any questions concerning the above, please contact me at 305-372-6514 or email brownb@miamidade.gov.

Sincerely,



Barbara Brown
Code Enforcement Officer
Regulatory Service

cc: Mike Kiley, Site Vice President
Florida Power & Light Company
Turkey Point Nuclear Power Plant
9760 SW 344 Street
Homestead, Florida 33035

Certified Mail No. 7009 0080 0000 1050 7854
Return Receipt Requested