

*FKAA & MC answers re: "Cooling towers"*

# County of Monroe

## The Florida Keys



### BOARD OF COUNTY COMMISSIONERS

Mayor David Rice, District 4  
Mayor Pro Tem Sylvia J. Murphy, District 5  
Danny L. Kolhage, District 1  
George Neugent, District 2  
Heather Carruthers, District 3

#### **Robert B. Shillinger, County Attorney\*\***

Pedro J. Mercado, Assistant County Attorney \*\*  
Cynthia L. Hall, Assistant County Attorney \*\*  
Christine Lambert-Barrows, Assistant County Attorney \*\*  
Derek V. Howard, Assistant County Attorney\*\*  
Steven T. Williams, Assistant County Attorney\*\*  
Peter H. Morris, Assistant County Attorney  
Patricia Eables, Assistant County Attorney  
Chris Ambrosio, Assistant County Attorney

#### **Office of the County Attorney**

1111 12<sup>th</sup> Street, Suite 408  
Key West, FL 33040  
(305) 292-3470 – Phone  
(305) 292-3516 – Fax

\*\* Board Certified in City, County & Local Govt Law

April 5, 2018

The Honorable Carlos Giménez  
Mayor, Miami-Dade County  
Stephen P. Clark Center  
111 N.W. 1st Street, 29th Floor  
Miami, Florida 33128

Re: Partnership Agreement with Florida Power & Light

Dear Mayor Giménez:

I write on behalf of the Board of County Commissioners of Monroe County Florida to provide input on the proposed partnership agreement between Miami-Dade County and Florida Power & Light (FPL). Under that proposed agreement, the utility would build a waste water treatment plant for Miami-Dade County. FPL would use the treated effluent to dilute the salt water in the cooling canals for its power plant at Turkey Point. FPL has indicated that this proposal would eliminate the need for constructing cooling towers as a replacement for the cooling canal system.

On March 21, 2018, the Monroe County Commission voted to express its support for the positions previously taken by the Florida Keys Aqueduct Authority (FKAA), the public water utility for Monroe County. As you know, the FKAA's well fields are located in Miami-Dade County. The Monroe BOCC voted unanimously that FPL should:

1. Halt movement and remediate the existing underground hypersaline plume it created;
2. Prevent any further contamination of the Biscayne Aquifer by its operations; and
3. Decommission the cooling canal system and replace it with cooling towers, which is a more modern and industry standard technology that will prevent any potential contamination to our water supply.

The Board's vote follows its adoption of Resolution 043-2017 on February 15, 2017, which calls on FPL to replace the cooling canal system with cooling towers. A copy of that resolution is enclosed for your consideration.

Respectfully submitted,



Robert B. Shillinger  
Monroe County Attorney

Enclosure (1)

Cc: Monroe County Mayor David Rice  
Monroe County Commissioners  
Miami-Dade County Commissioners  
Monroe County Administrator Roman Gastesi  
Kirk Zuelch, FCAA Executive Director  
Abigail Price-Williams, Miami-Dade County Attorney

**RESOLUTION NO. 043 - 2017**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA SUPPORTING EFFORTS TO SEEK A COMMITMENT FROM FLORIDA POWER AND LIGHT TO DISCONTINUE USE OF THE COOLING CANAL SYSTEM AT THE TURKEY POINT NUCLEAR POWER PLANT AS SOON AS POSSIBLE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** The Florida Power and Light Turkey Point Nuclear Power Plant, located in south Miami-Dade County, utilizes a cooling canal system which consists of a network of approximately 5,900 acres of unlined canals; and

**WHEREAS,** The Florida Power and Light Turkey Point Nuclear Power Plant is the only facility in the world that uses a cooling canal system instead of mechanical draft cooling towers; and

**WHEREAS,** water from this cooling canal system communicates with the surrounding groundwater, and long-term monitoring data has shown that a hypersaline plume of water from the cooling canals has been migrating into and contaminating the groundwater, beyond the boundaries of the cooling canals; and

**WHEREAS,** Miami-Dade County took action to address this issue, including, but not limited to issuing a Notice of Violation in 2015 to Florida Power and Light for certain water quality violations in the groundwater, and requiring, through an administrative consent agreement, the Florida Power and Light take certain remedial actions to retract and contain the hypersaline ground water plume; and

**WHEREAS,** at that time, the issues were focused on the westward migration of the hypersaline ground water plume from the cooling canals, more recent water quality sampling has detected exceedances of water quality standards in certain surface water locations in or connected to Biscayne Bay, adjacent to and east of the cooling canal system; and

**WHEREAS,** this Board, the residents of Monroe County and members of the general public are concerned about these recent discoveries and potential impacts on Card Sound, Biscayne Bay, and the Florida Keys' drinking water supply, and such discoveries serve to highlight the challenges posed by the continued operation of the cooling canal system; and

**WHEREAS,** Florida Power and Light has a license from the federal government to operate the Turkey Point Power Plant units that use the cooling canal system until 2033; and

**WHEREAS,** this Board is seeking a commitment from Florida Power and Light to discontinue the use of the cooling canal system in favor of a more modern mechanical draft cooling tower system that would remove all future interactions with ground water and make use of Miami-Dade County's reuse water;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA that:**

1. The Monroe County Board of County Commissioners seeks a commitment from Florida Power and Light to discontinue the use of the cooling canal system at its Turkey Point Nuclear Power Plant, as soon as possible, in favor of mechanical draft cooling towers.
2. This resolution shall take effect upon adoption.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 15<sup>th</sup> day of February, 2017.

<b>Mayor George Neugent</b>	<u><b>Yes</b></u>
<b>Mayor Pro Tem David Rice</b>	<u><b>Yes</b></u>
<b>Commissioner Danny Kolhage</b>	<u><b>Yes</b></u>
<b>Commissioner Heather Carruthers</b>	<u><b>Yes</b></u>
<b>Commissioner Sylvia Murphy</b>	<u><b>Yes</b></u>



**IN MADOK, Clerk**

By: *Gamble Hancock*  
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA**

By: *George L. Neugent*  
Mayor

FILED FOR RECORD  
 2017 FEB 22 PM 5:03  
 CLERK  
 MONROE COUNTY, FLA

**MONROE COUNTY ATTORNEY APPROVED AS TO FORM:**  
*[Signature]*  
**ROBERT B. SHILLINGER, JR.**  
 COUNTY ATTORNEY  
 Date *2/21/17*  
*new per link*  
*1/31/17*