

STATE OF FLORIDA DEPARTMENT )  
OF ENVIRONMENTAL PROTECTION )  
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v. )  
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FLORIDA POWER & LIGHT )  
COMPANY, )  
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 )

IN THE OFFICE OF THE  
SOUTHEAST DISTRICT

OGC FILE NO. 16-0241

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Florida Power & Light Company ("Respondent" or "FPL") to reach settlement of certain matters at issue between the Department and Respondent.

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. FPL is a "person" as defined under Section 403.031(5), F.S.

3. FPL owns and operates a cooling canal system ("CCS"), an approximately 5,900-acre network of unlined canals at Turkey Point Power Plant. FPL began construction of the CCS in 1972. Turkey Point originally obtained cooling water for the facility by drawing surface water from an intake channel connected to Biscayne Bay, and discharging that water, after it had been heated, into Biscayne Bay and Card Sound through a series of discharge canals. In 1971, FPL entered into a Final Judgment with the U.S. Department of Justice that required the permitting, construction, operation, and maintenance of a closed-loop cooling canal configuration with limitations on makeup and blowdown water.

4. FPL is the permittee and operates the CCS under National Pollutant Discharge Elimination System/Industrial Wastewater Permit Number FL0001562 (the "Permit"). This Permit is issued pursuant to the federal NPDES program and Florida industrial wastewater permitting program. The Permit authorizes wastewater discharges from the generating units through two internal outfalls into the CCS. The Permit does not authorize direct discharges to surface waters of the state. The Permit authorizes discharges from the CCS into Class G-III groundwater which is part of the surficial aquifer system. Condition IV.1 of the Permit provides that discharges to groundwater shall not cause a violation of the minimum criteria for ground water specified in Rules 62-520.400, F.A.C. and 62-520.430, F.A.C. Rule 62-520.400, F.A.C., provides that discharges to ground water shall not impair the reasonable and beneficial use of adjacent waters, either ground or surface.

5. Turkey Point Power Plant Units 3 through 5 are licensed under the Florida Power Plant Siting Act, Chapter 403, Part II, F.S. Those units operate in accordance with the conditions of certification in their license, PA 03-45. Condition of Certification X requires FPL to execute a 5<sup>th</sup> Supplemental Agreement with the South Florida Water Management District ("SFWMD") and to revise FPL's monitoring obligations, which resulted in the Turkey Point Plant Groundwater, Surface Water and Ecological Monitoring Plan, as amended, ("2009 Monitoring Plan") incorporated as Exhibit A to the Fifth Supplemental Agreement between the South Florida Water Management District and FPL entered on October 16, 2009.

6. Historical data show that, when the CCS was constructed in the 1970's, saline water had already intruded inland along the coast due to many factors such as freshwater withdrawals, drought, drainage and flood control structures, and other human activities. To date, the relative contributions of the different factors toward westward movement of the saltwater interface have not been fully identified.

7. FPL provided information on action they have already taken on several fronts to address the broader regional risks and the many causes of saltwater intrusion. In 2010, FPL installed a gated culvert approximately 3.8 miles inland of Biscayne Bay in the Card Sound Road Canal to eliminate an unrestricted inland conveyance of saltwater from the bay. Also, in 2014, FPL installed a broad, fix crested weir in the S-20 Discharge Canal to prevent the historic migration of bay saltwater up to the S-20 Canal.

8. The phrase “hypersaline water/plume” as used in this Order means water that exceeds 19,000 mg/L chlorides. The term “saltwater interface” (“SWI”) as used in this Order means the intersection of class G-II and G-III groundwaters.

9. The CCS includes an approximately 18 foot deep interceptor ditch along the western edge of the CCS. As approved and constructed, the interceptor ditch system has been effective at restricting the westward movement of the saline water from the CCS in the upper portion of the aquifer but has not restricted the westward movement of saline waters into the deeper portions of the aquifer. Saline water from the CCS has moved, at depth, westward of the L-31E Canal in excess of those amounts that would have occurred without the existence of the CCS.

10. The Department issued an Administrative Order (OGC No. 14-0741) to FPL related to the CCS at Turkey Point on December 23, 2014 and made final by an Order of the Department issued on April 21, 2016. The Administrative Order requires FPL to reduce the salinity in the CCS. This Consent Order supersedes all of the requirements of that Administrative Order.

11. FPL conducted or implemented dredging, vegetation control, water stage management, and chemical additives to the CCS to maintain the thermal efficiency of the system and to control salinity and temperature.

12. Elevated salinity levels in the CCS cause, or at a minimum contribute to, the hypersaline discharges into the groundwater. Reducing the CCS surface water salinity from an elevated base salinity condition will require certain measures such as a greater

addition of relatively fresher water, removal of salt mass from the CCS, and management of CCS inflows and outflows. Ambient weather factors, such as precipitation amounts, temperatures, and regional water levels can also affect CCS salinity levels.

13. On October 7, 2015, FPL entered into a Consent Agreement with Miami-Dade County to resolve a Notice of Violation from the County dated October 2, 2015. Pursuant to paragraph 17 of the Consent Agreement, the objective is for FPL to demonstrate a statistically valid reduction in the salt mass and volumetric extent of the hypersaline water (as represented by chloride concentrations above 19,000 mg/L) in groundwater west and north of FPL's property without creating adverse environmental impacts. A further objective of the Consent Agreement is to reduce the rate of and, as an ultimate goal, arrest migration of hypersaline groundwater.

14. On April 25, 2016, the Department issued a Notice of Violation (OGC File No.: 16-0241) ("NOV") to FPL stating that the CCS is the major contributing cause to the continuing westward movement of the saline water interface, and that the discharge of hypersaline water contributes to saltwater intrusion. In the NOV, the Department found that saltwater intrusion into the area west of the CCS is impairing the reasonable and beneficial use of adjacent G-II groundwater in that area. FPL has operated the CCS under regulatory approvals, and the Department has not previously issued FPL either a Warning Letter or a Notice of Violation concerning FPL's operation of the CCS.

15. On April 25, 2016, the Department issued a Warning Letter, #WL 16-000151W13SED, to FPL concerning sampling events that indicated that ground water

originating from beneath the CCS is reaching tidal surface waters connected to Biscayne Bay in artificial deep channels immediately adjacent to the CCS. The Warning Letter requested that FPL provide facts to assist in determining whether any violations of Florida law have occurred.

16. The NOV directed FPL to enter into consultations to develop a consent order to, at a minimum, remediate the CCS contribution to the hypersaline plume, reduce the size of the hypersaline plume, and prevent future harm to waters of the State. FPL entered into consultations with the Department as required by the Orders for Corrective action in the NOV. The consultations resulted in resolutions to address the violations alleged in the NOV and issues raised in the Warning Letter, as memorialized in this Order.

17. On May 16, 2016, FPL submitted to the Department the nutrient monitoring results from certain surface water monitoring stations in deep channels adjacent to the CCS for total nitrogen, total phosphorous, TKN, and chlorophyll a. The Department reviewed the information by FPL and determined that no exceedances of surface water quality standards were detected in Biscayne Bay monitoring. This Order is intended to minimize the potential for future exceedances.

18. This Order and FPL's compliance with the requirements set forth in this Order address issues identified in the Department's Warning Letter, Administrative Order and NOV.

Respondent and the Department mutually agree and it is

**ORDERED:**

19. The first objective of this Order is for FPL to cease discharges from the CCS that impair the reasonable and beneficial use of the adjacent G-II ground waters to the west of the CCS in violation of Condition IV.1 of the Permit and Rule 62-520.400, F.A.C. FPL shall accomplish this first objective by undertaking freshening activities as authorized in the Turkey Point site certification, by eliminating the CCS contribution to the hypersaline plume, by maintaining the average annual salinity of the CCS at or below 34 Practical Salinity Units ("PSU"), by halting the westward migration of hypersaline water from the CCS, and by reducing the westward extent of the hypersaline plume to the L-31E within 10 years, thereby removing its influence on the saltwater interface, without creating adverse environmental impacts. The second objective of this Order is for FPL to prevent releases of groundwater from the CCS to surface waters connected to Biscayne Bay that result in exceedances of surface water quality standards in Biscayne Bay. FPL shall accomplish this second objective primarily by undertaking restoration projects in the Turtle Point Canal and Barge Basin area. The third objective of this Order is for FPL to provide mitigation for impacts related to the historic operation of the CCS, including but not limited to the hypersaline plume and its influence on the saltwater interface.

20. To achieve the first objective of this Order, FPL shall:

a. Achieve a CCS average annual salinity of at or below 34 PSU (“threshold”) at the completion of the fourth year of freshening activities, which are authorized by the Turkey Point site certification modification. If FPL fails to reach an annual average salinity of at or below 34 PSU by the end of the fourth year of freshening activities, within 30 days of failing to reach the required threshold, FPL shall submit a plan to the Department detailing additional measures, and a timeframe, that FPL will implement to achieve the threshold. Subsequent to attaining the threshold in the manner set forth above, if FPL fails more than once in a 3 year period to maintain an average annual salinity of at or below 34 PSU, FPL shall submit, within 60 days of reporting the average annual salinity, a plan containing additional measures that FPL shall implement to achieve the threshold salinity level.

b. Submit a thermal efficiency plan within 180 days of the effective date of the Order that shall include a detailed description for the CCS to achieve a minimum of 70 percent thermal efficiency. This efficiency plan shall address water stage management, vegetation control, dredging, chemical additives to the CCS for facility operation, and upset recovery. FPL shall implement the efficiency plan within 90 days of being instructed to do so by the Department.

c. Implement a remediation project that shall include a recovery well system that will halt the westward migration of hypersaline water from the CCS within 3 years and reduce the westward extent of the hypersaline plume to the L-31E canal within 10 years without adverse environmental impacts.



i. Within 30 days of the effective date of this Order, provide the Department with available detailed plans for this remediation project, including supporting data, that are designed to halt the westward migration of the hypersaline plume within 3 years of commencement of the remediation project and retract the hypersaline plume to the L-31E canal within 10 years of the commencement of the remediation project. Location, volume and movement of the hypersaline plume shall be determined by Continuous Surface Electromagnetic Mapping ("CSEM") technology as detailed below.

ii. Apply for appropriate regulatory approvals within 90 days of the effective date of this Order and begin construction of this remediation project within 30 days after receipt of all necessary regulatory approvals. FPL shall advise the Department of any modifications to the submitted plans that result from regulatory reviews. FPL shall commence the operation of this remediation project upon completion of construction. FPL shall provide the Department with written notice of the date FPL commenced operation of this remediation project.

iii. For determining compliance, the westward migration of the hypersaline plume shall be deemed halted if the third CSEM survey shows no net increase in hypersaline water volume and no net westward movement in the leading edge of the hypersaline plume.

iv. To ensure overall remediation objectives are attained in a timely manner, if the second CSEM survey indicates that the net westward migration of

the hypersaline plume is not being halted, then, within 180 days of the second CSEM survey, FPL shall develop and submit for approval to the Department a plan with specific actions to achieve the objectives of the remediation project. If the third CSEM survey still indicates the net westward migration of the hypersaline plume has not halted, FPL shall implement the approved additional measures within 30 days after submittal of the third CSEM report to the Department.

v. At the conclusion of the fifth year of operation of the remediation project, FPL shall evaluate and report to the Department, within 60 days, the effectiveness of the system in retracting the hypersaline plume to the L-31E canal within 10 years. If this report shows the remediation project will not retract the hypersaline plume to the L-31E canal within 10 years due to adverse environmental impacts of remedial measures or other technical issues, FPL shall provide an alternate plan for Department review and approval. FPL shall begin implementing the alternate plan within 30 days of receipt of notice that the alternate plan has been approved.

21. To achieve the second objective of this Order, FPL shall:

a. Complete Barge Basin and Turtle Point Canal restoration projects within 2 years of receiving the final regulatory approval. Within 60 days of the effective date of this Order, FPL shall provide the Department with a detailed plan and design of the restoration projects to prevent releases of groundwater from the CCS to surface waters connected to Biscayne Bay that result in exceedances of surface water quality standards in Biscayne Bay. Not more than 90 days after the effective date of this Order,

FPL shall prepare and submit permit applications to relevant regulatory agencies (including the Department, the United States Army Corp of Engineers, and Miami-Dade County, as necessary) to address the restoration of the Turtle Point Canal and Barge Basin. Project success shall be based on full project completion and monitoring results of surface water sampling sites TPBBSW-4, TPBBSW-10, and TPBBSW-7T.

b. Within 90 days of the effective date of this Order, submit a detailed report outlining the potential sources of the nutrients found in the CCS, including chemical products used for plant operations. The report shall include a plan for minimizing nutrient levels in the CCS, which shall be implemented within 90 days after being instructed to do so by the Department.

c. Within 120 days of the effective date of this Order, conduct a thorough inspection of the CCS periphery including all dams, dikes, berms, and appurtenant structures using sound engineering judgment and best practices. FPL shall submit a detailed report to the Department of the inspection results, including underlying data. The inspection must be conducted by an independent qualified Florida licensed professional engineer. The term qualified means having successfully completed the Mine Safety and Health Administration Qualification for Impoundment Inspection course in addition to the Annual Retraining for Impoundment Qualification, or equivalent qualifications. The engineer shall also review available documentation and include in the report any actions necessary to ensure the integrity of the CCS. If the inspection identifies a material breach or structural defect in a peripheral levee of the CCS, FPL shall, within

60 days, submit a detailed description of the plan to address any material breaches or structural defects. FPL shall implement the plans to address any material breaches or structural defects within 60 days of the report mandated under this paragraph.

22. If FPL seeks renewal of the Combined License for either Unit 3 or 4 from the Nuclear Regulatory Commission, FPL shall provide the Department any information provided to the NRC detailing the future operating viability, including environmental and natural resource impacts, of the CCS and any potential alternative cooling technologies during the second renewal period.

23. To achieve the third objective of this Order, FPL shall undertake the following:

a. Complete an analysis, within 2 years from the effective date of this Order, with input from the Department and other agencies as selected by the Department, using the variable density three dimensional groundwater model developed under the Miami-Dade County Consent Agreement, that seeks to allocate relative contributions of other entities or factors to the movement of the SWI.

b. Enter into an agreement within 1 year with SFWMD, if SFWMD requests, to convey to SFWMD, FPL property interests in essential properties within the Biscayne Bay Coastal Wetlands Phase I project to facilitate the Comprehensive Everglades Restoration Plan in exchange for payment based on a jointly approved appraisal process or other mutually agreeable considerations. (See Attachment A).

c. Deposit \$1.5 million into a Florida Department of Financial Services escrow account in accordance with an escrow agreement signed by FPL, the Department and the Florida Department of Financial Services. The escrow account shall be used to finance projects in the Turkey Point region that support mitigation of saltwater intrusion.

d. Conduct grab sampling within 90 days of the effective date of this Order, to improve trend analysis in Biscayne Bay and Card Sound surface waters, every two months, taking both top and bottom samples, for two years from the effective date of this Order at six sites as shown in Attachment B. The parameters sampled shall be: temperature, conductivity, pH, dissolved oxygen, turbidity, salinity, tritium, ammonia, nitrate + nitrite, total Kjeldahl nitrogen, orthophosphate, total phosphorus, chlorophyll-*a*, total depth, and Secchi disk depth.

#### **MONITORING REQUIREMENTS**

24. Quality assurance and quality control for all monitoring requirements under this Order shall be achieved by compliance with the Quality Assurance Project Plan under the 2009 Monitoring Plan.

25. FPL shall timely apply for all regulatory approvals necessary for compliance with the monitoring requirements in this Order.

26. FPL shall continue to implement the monitoring program for the CCS, the 2009 Monitoring Plan, until such time as a monitoring plan is enacted pursuant to Section 403.087, F.S.

27. In addition to the monitoring requirements contained in the 2009 Monitoring Plan, FPL shall, within 90 days of the effective date of this Order, request or apply for regulatory approval to:

a. Obtain monitoring data from the USGS for the following wells for inclusion in the monitoring database: G-3946-S, G-3946-D, G-3900, G-3976, G-3966, and G-3699.

b. Install and monitor, consistent with the parameters and frequency set forth in the 2009 Monitoring Plan, a new 3 well cluster at G-3164. Construction shall commence within 180 days of FPL's receipt of all necessary regulatory approvals for the installation of the wells.

c. Replace and monitor, consistent with the parameters and frequency set forth in the 2009 Monitoring Plan well TPGW-8S. Construction shall commence within 180 days of FPL's receipt of all regulatory approvals necessary for compliance with this requirement.

d. Install and monitor, consistent with the parameters and frequency set forth in the 2009 Monitoring Plan a new deep well (to be designated as TPGW-20) located at the City of Homestead baseball complex, east of Kingman Road (SW 152nd Ave.) near the western parking area. Construction shall commence within 180 days of FPL's receipt of all regulatory approvals necessary for compliance with this requirement. The deep well will have a screened interval open to the deep high flow interval identified in the same manner as those described in the 2009 Monitoring Plan.

28. FPL shall expand the 2009 Monitoring Plan database to include all additional water monitoring data related to this Order required by all other governmental agencies and entities, including but not limited to the SFWMD, Nuclear Regulatory Commission, Miami-Dade County and the Florida Department of Health, as well as all monitoring data that is required in this Order.

29. In addition to the other monitoring requirements in this Order and for purposes of monitoring progress toward achievement of the hypersaline plume retraction, including determining whether the westward migration of the hypersaline plume has been halted and determining the rate of decline of saline levels in the CCS surface waters over time, the following monitoring requirements shall be met:

a. FPL shall conduct and report to the Department a baseline CSEM survey of the hypersaline plume after freshening activities are in operation but before the complete recovery well system begins operation. This will be the "Baseline Survey."

b. FPL shall conduct a CSEM survey within 30 days after the first year of recovery well operations and report the results to the Department.

c. FPL shall conduct a CSEM survey within 30 days after the second year of recovery well operations and report the results to the Department. This survey shall be the second CSEM survey.

d. FPL shall conduct a CSEM survey within 30 days after the third year of recovery well operations and report the results to the Department. This survey shall be the third CSEM survey.

e. FPL shall conduct and report to the Department subsequent CSEM surveys of the hypersaline plume 2 years after the third CSEM survey and every 2 years thereafter.

f. FPL shall monitor average weekly mass removal of salt as represented by total dissolved solids ("TDS"), by monitoring flow rate and weekly average TDS of the full extraction system, beginning at the time of commencement of the hypersaline plume remediation project operation.

g. FPL shall monitor average weekly chloride concentration of extracted water for the full extraction system, beginning at the time of commencement of the hypersaline plume remediation project operation.

h. FPL shall monitor average daily volume of hypersaline water extraction for the full extraction system, from beginning at the time of commencement of the Plume Extraction operation.

i. FPL shall maintain records of the operation of each extraction well (pump operation parameters such as: pump status, RPM, flow rate; water quality parameters such as salinity and TDS) and make such records available for review by the Department upon request, with reasonable notice.

j. FPL shall, when monitoring the salinity levels in the CCS, utilize all available monitoring resources in the CCS to obtain the average annual salinity rate. Specific monitoring points may not be excluded from the calculation unless such exclusion is allowed by the Department based upon a scientific reason. For the purposes



of determining average annual salinities for the CCS, FPL shall use qualified hourly data (pursuant to the approved 2009 Monitoring Plan QAPP) from each of the CCS monitoring sites TPSWCCS-1, 2, 3, 4, 5, 6, and 7 collected beginning at 00:00 through 23:59 each day. The qualified hourly data for the day will be summed and divided by the number of qualified hourly values for the station that day. Stations with fewer than 12 qualified hourly data values in a given day shall not be used in the calculation of the CCS daily average. The daily averages for all qualified stations (up to seven per day) for a given day will be summed and divided by the number of qualified stations for that day to produce a qualified CCS daily average salinity value. The average annual salinity is calculated by summing the qualified CCS daily average salinity values from June 1<sup>st</sup> through May 31<sup>st</sup> and dividing the value by the number of days in the year.

k. FPL shall monitor TPBBSW7T consistent with the parameters and frequency in the 2009 Monitoring Plan.

30. FPL will take reasonable actions to select appropriate laboratories with sufficient capacity to avoid delay in receiving results due to backlogs. If such delay occurs, FPL will make reasonable efforts to resolve those delays.

#### **REPORTING REQUIREMENTS**

31. The Annual Monitoring Report required by the 2009 Monitoring Plan shall be expanded to include:

a. All additional water monitoring data required under this Order.

b. All additional water monitoring data related to this Order required by all other governmental agencies or entities, including but not limited to the SFWMD, Nuclear Regulatory Commission, Miami-Dade County, and the Florida Department of Health, as well as all monitoring data that is required in this Order.

c. A reporting of the average annual salinity of the CCS waters.

32. FPL shall provide a report to the Department at the conclusion of the year-long control elevation project described in paragraph 17 of the Miami-Dade Consent Agreement detailing the results of the year-long raise in control elevations in the Everglades Mitigation Bank.

33. FPL shall provide the Department a copy of all reports/summaries/reviews required under any other agreements with any other agency, such as the reports/ summaries/ reviews required by the Miami-Dade Consent Agreement.

#### NOTICES

34. FPL shall allow all authorized representatives of the Department access to the Facility at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

35. This Order supersedes all the requirements of the Administrative Order related to the CCS at Turkey Point. Upon execution of this Order, the DEP Administrative Order (OGC No. 14-0741) is hereby rescinded.

36. If any event, including administrative or judicial challenges by third parties unaffiliated with FPL, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, FPL shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of FPL and could not have been or cannot be overcome by FPL's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of FPL (unless the cause of the contractor's late performance was also beyond the contractor's control). Failure of regulatory agencies to issue required permits consistent with this Order shall be considered a circumstance beyond the control of FPL if FPL acted with due diligence in the permit application process. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, FPL shall notify the Department within 2 working days and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which FPL intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of FPL, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures FPL must take to avoid or

minimize the delay, if any. Failure of FPL to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of FPL's right to request an extension of time for compliance for those circumstances.

37. The Department, for and in consideration of the complete and timely performance by FPL of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages, civil penalties, or injunctive relief for the violations described in the Notice of Violation and above up to the date of the filing of this Order. This waiver is conditioned upon FPL's complete compliance with all of the terms of this Order.

38. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve FPL of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

39. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

40. FPL is fully aware that a violation of the terms of this Order may subject FPL to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

41. FPL acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. FPL also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

42. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both FPL and the Department, and filed with the clerk of the Department.

43. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(l)(b), F.S.

44. This Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S.

45. When FPL demonstrates to the Department that it has fulfilled the requirements of this Order, the Department shall notify FPL in writing that all requirements of this Order are terminated except for the requirement to maintain the average annual salinity of the CCS at or below 34 PSU until an average annual salinity of the CCS is designated in a Department permit issued subsequent to the effective date of this Order.

46. Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

47. FPL shall publish the following notice in a newspaper of daily circulation in Miami-Dade County, Florida. The notice shall be published one time only within 30 days of the effective date of the Order. FPL shall provide a certified copy of the published notice to the Department within 10 days of publication.

**STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF CONSENT ORDER**

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with FPL pursuant to section 120.57(4), F.S. The Consent Order addresses the westward migration of hypersaline water from the Turkey Point Facility and potential releases to deep channels on the eastern and southern side of the Facility. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, F.S. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order

means that the Department's final action may be different from the position it has taken in the Consent Order.

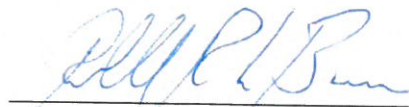
The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and

- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing Division of Water Resource Management, Industrial Wastewater Program at 2600 Blair Stone Road, Mail Station 3545, Tallahassee, Florida 32399-2400. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, F.S. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, F.S. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, F.S. and Rule 62- 110.106(12), Florida Administrative Code.

FOR THE RESPONDENT:

  
\_\_\_\_\_  
Randall R. LaBauve  
Vice-President, Environmental Services  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408



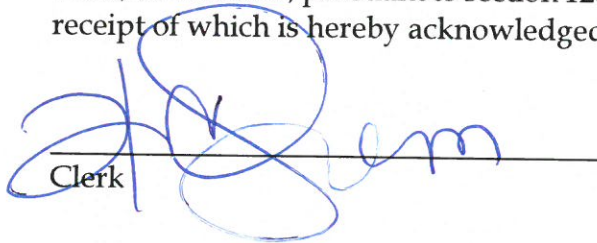
DONE AND ORDERED this 20th day of June, 2016, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



\_\_\_\_\_  
John A. Coates, P.E.  
Director, Division of Water Resource Management

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date 6/20/2016

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

## Attachment A

