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July 19, 2017

-VIA ELECTRONIC FILING-

Carlotta Stauffer, Director
Division of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 20170007-EI; Environmental Cost Recovery Clause

Dear Ms. Stauffer:

I enclose for electronic filing in the above docket (i) Florida Power & Light Company's ("FPL") Petition for Approval of Environmental Cost Recovery Actual/Estimated True-Up for the Year 2017 and Modification of Manatee Temporary Heating System Project; and (ii) the prepared testimony and exhibits of FPL witnesses Renae B. Deaton and Michael W. Sole.

If there are any questions regarding this filing, please contact me at 561-304-5226.

Sincerely,

s/ Jessica A. Cano
Jessica A. Cano
Fla. Bar No. 0037372

Enclosures
cc: Counsel for Parties of Record (w/encl.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost Recovery Clause	Docket No: 20170007-EI Filed: July 19, 2017

PETITION FOR APPROVAL OF ENVIRONMENTAL COST RECOVERY ACTUAL/ESTIMATED TRUE-UP FOR THE YEAR 2017 AND MODIFICATION OF MANATEE TEMPORARY HEATING SYSTEM PROJECT

Florida Power & Light Company ("FPL") hereby petitions the Florida Public Service Commission ("Commission") for approval of (i) its actual/estimated Environmental Cost Recovery ("ECR") true-up over-recovery amount of $28,797,701, including interest, for the period January 2017 through December 2017; and (ii) a modification to its approved Manatee Temporary Heating System ("MTHS") Project such that prudent costs incurred after the date of this Petition for the modification may be recovered as "environmental compliance costs" through the Environmental Cost Recovery Clause ("ECRC"), pursuant to Section 366.8255, Florida Statutes. In support of this Petition, FPL incorporates the prepared written testimony and exhibits of FPL witnesses Renae B. Deaton and Michael W. Sole.

1. Section 366.8255, Florida Statutes, authorizes the Commission to review and approve the recovery of prudently incurred Environmental Compliance Costs.

2. Pursuant to Order No. PSC-2017-0106-PCO-EI, FPL hereby files its 2017 Actual/Estimated testimony and exhibits.

3. FPL's Actual/Estimated true-up over-recovery for the period January 2017 through December 2017, including interest, is $28,797,701, as set forth in Ms. Deaton's testimony and exhibits. FPL has included actual costs for the period January through May 2017 and revised estimates for the period June through December 2017. The calculation of the Actual/Estimated true-up amount for the period January 2017 through December 2017 is

contained in Commission Schedules 42-1E through 42-9E, which are attached as Exhibit RBD-2 to Ms. Deaton's testimony.

4. Mr. Sole's testimony provides a status update for the Turkey Point Cooling Canal Monitoring Plan Project, addressing the recent regulatory actions that are affecting the environmental compliance activities undertaken by FPL pursuant to this Project. In conjunction with this status update, Mr. Sole's testimony provides a brief overview of the Turkey Point cooling canal system and its regulatory and operational history. Mr. Sole's testimony also provides an update to FPL's approved National Pollutant Discharge Elimination System Permit Renewal Requirements Project.

5. In addition, Mr. Sole's testimony addresses FPL's request to modify its existing, approved MTHS Project to include a temporary heating system at FPL's Fort Lauderdale Plant site ("PFL"). Previously, this Commission has approved the MTHS Project to permit ECRC recovery of costs incurred to meet permit requirements for providing warm water refuges for manatees at FPL's Cape Canaveral, Riviera, and Port Everglades plants while those plants were shut down for modernization projects. Modification of the MTHS Project to include the PFL MTHS is being undertaken in order to comply with similar permit requirements during the planned modernization project at that site.

6. The current schedule for the modernization project at PFL requires that the existing combined cycle units be taken out of service around the end of 2018, at which point the MTHS will need to be available for FPL to maintain compliance with the facility's Manatee Protection Plan.

7. The total estimated capital cost for the PFL MTHS is $7.3 million. This estimate includes expenditures for equipment, design and engineering of the system, and labor for installation, and interconnection to the FPL power system. The capital cost is expected to be

incurred in 2017 and 2018. FPL's total O&M estimate for the PFL MTHS is $0.67 million. FPL will begin incurring O&M costs when the MTHS goes into service in 2018 through 2022, the estimated period for the completion of the modernization project.

8. As explained above and in the testimony of Mr. Sole, the PFL MTHS is required by environmental laws or regulations, and it meets the Commission's three-part test for ECRC cost recovery. Mr. Sole's testimony also includes a description of the steps FPL is taking to ensure that the costs to be incurred by FPL for the PFL MTHS are prudent, reasonable and appropriate for recovery through the ECRC.

WHEREFORE, FPL respectfully requests the Commission to approve the ECR Actual/Estimated True-up over-recovery of $28,797,701, including interest, for the period January 2017 through December 2017 and to approve the modification of the MTHS Project to include the PFL MTHS as an environmental compliance activity, such that prudent costs incurred for the PFL MTHS after the date of this petition may be recovered through the ECRC.

Respectfully submitted,

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By: *s/ John T. Butler*
John T. Butler
Florida Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 20170007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service on this 19th day of July 2017, to the following:

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By: s/ John T. Butler
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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 20170007-EI
FLORIDA POWER & LIGHT COMPANY

JULY 19, 2017

ENVIRONMENTAL COST RECOVERY

ACTUAL/ESTIMATED TRUE-UP
JANUARY 2017 THROUGH DECEMBER 2017

TESTIMONY & EXHIBITS OF:

RENAE B. DEATON
MICHAEL W. SOLE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FLORIDA POWER & LIGHT COMPANY

TESTIMONY OF RENAE B. DEATON

DOCKET NO. 20170007-EI

JULY 19, 2017

Q. Please state your name, business address, employer and position.

A. My name is Renae B. Deaton. My business address is Florida Power & Light Company, 700 Universe Boulevard, Juno Beach, Florida 33408. I am employed by Florida Power & Light Company ("FPL" or the "Company") as Director, Cost Recovery Clauses, in the Regulatory & State Governmental Affairs Department.

Q. Have you previously filed testimony in this docket?

A. Yes.

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to present for Commission review and approval the Actual/Estimated True-up associated with FPL's environmental compliance activities for the period January 2017 through December 2017.

Q. Have you prepared or caused to be prepared under your direction, supervision or control any exhibits in this proceeding?

A. Yes, I have. My Exhibit RBD-2 consists of nine forms, PSC Forms 42-1E through 42-9E, included in Appendix I.

- Form 42-1E provides a summary of the Actual/Estimated True-up amount for the period January 2017 through December 2017.
- Forms 42-2E and 42-3E reflect the calculation of the Actual/Estimated True-up amount for the period.
- Forms 42-4E and 42-6E reflect the Actual/Estimated O&M and Capital cost variances as compared to original projections for the period.
- Forms 42-5E and 42-7E reflect jurisdictional recoverable O&M and Capital project costs for the period.
- Form 42-8E (Pages 12 through 40) reflects return on capital investments and depreciation by project. Pages 41 through 44 provide the beginning of period and end of period depreciable base by production plant name, unit or plant account and applicable depreciation rate or amortization period for each Capital Investment Project.
- Form 42-9E provides the capital structure, components and cost rates relied upon to calculate the rate of return applied to capital investment amounts included for recovery for the period January 2017 through December 2017.

Q. Please explain the calculation of the Environmental Cost Recovery Clause ("ECRC") Actual/Estimated True-up amount FPL is requesting this Commission to approve.

A. The Actual/Estimated True-up amount for the period January 2017 through December 2017 is an over-recovery, including interest, of $28,797,701 (Appendix I, Page 1, Line 4). This Actual/Estimated True-up amount consists of actual data for

January 2017 through May 2017 and revised estimates for June 2017 through December 2017, compared to original projections for the same periods.

Q. Has FPL implemented any changes affecting the recovery of capital costs through the ECRC as a result of its most recent base rate case?

A. Yes. As result of the Stipulation and Settlement Agreement approved by the Commission in FPL's most recent base rate case (Order No. PSC-2016-0560-AS-EI, Docket No. 20160021-EI), FPL implemented three changes effective January 1, 2017, that affect the recovery of capital costs through the ECRC. First, FPL transferred approved ECRC capital projects classified as Construction Work in Progress ("CWIP") from base rates to ECRC. Second, FPL implemented capital recovery schedules for retired ECRC recoverable assets over a ten year period. Third, FPL applied the approved depreciation rates to the ECRC capital projects beginning in January 2017. These changes have resulted in variances from the capital costs included in the original projections as noted in the variance explanations below.

Q. Were the changes discussed herein incorporated into the calculation of FPL's 2017 ECRC factors?

A. No. As indicated on pages 7 through 9 in the testimony of FPL witness Terry J. Keith filed in Docket No. 20160007-EI on September 2, 2016 (and adopted by me on October 3, 2016), FPL did not include any of these changes in the calculation of its 2017 ECRC factors because the Commission had not yet approved them. However, because the Commission subsequently approved these changes as part of a

comprehensive settlement agreement in Order No. PSC-2016-0560-AS-EI, it is appropriate to include them as part of the 2017 Actual/Estimated True-up process.

Q. Are all costs listed in Forms 42-1E through 42-8E attributable to environmental compliance projects previously approved by the Commission?

A. Yes.

Q. How do the Actual/Estimated project costs for January 2017 through December 2017 compare with original projections?

A. Form 42-4E (Appendix I, Page 4) shows that total O&M project costs were $39,147,597 lower than projected, while Form 42-6E (Appendix I, Page 8) shows that total capital investment project costs were $8,347,267 higher than projected. Individual project variances are provided on Forms 42-4E and 42-6E. Revenue requirements for each project for the 2017 Actual/Estimated period are provided on Form 42-8E (Appendix I, Pages 12 through 40). Explanations for components of individual project variances are provided below.

O&M Project Variances

Project 1. Air Operating Permit Fees

Project costs are estimated to be $76,995 or 18.4% lower than previously projected. The variance is primarily due to lower than originally projected gas and oil fuel usage. The annual Title V fee calculation and cost for the current year is calculated based on fuel consumption projections provided by the Energy Marketing & Trading

group and include the Department of Environmental Protection's fee for pollutant tons emitted.

Project 3a. Continuous Emission Monitoring Systems ("CEMS")

Project costs are estimated to be $201,770 or 32.5% lower than previously projected. The variance is primarily related to the termination of the annual Data Acquisition Handling System ("DAHS") service agreement due to the acquisition of a new CEMS DAHS vendor. Regular expenses for DAHS maintenance will not resume until 2019 when the new service contract begins.

Project 5a. Maintenance of Stationary Above Ground Fuel Storage Tanks

Project costs are estimated to be $244,757 or 17.9% higher than previously projected. The variance is primarily related to the unplanned American Petroleum Institute ("API") inspection of the Fort Lauderdale Tank #3. While Tank #3 was not due for an API internal inspection until 2019, the decision was made to accelerate the inspection to 2017 while the tank was out-of-service and available to be inspected during the construction of the new peaker units.

Project 17a. Disposal of Non-Containerized Liquid Waste

Project costs are estimated to be $50,000 or 90.9% lower than previously projected. The variance is primarily related to lower than projected use of oil at the Martin fossil steam units, which will result in the site not needing to process ash in 2017.

Project 22. Pipeline Integrity Management

Project costs are estimated to be $220,000 or 121.2% higher than previously projected. The variance is primarily related to costs associated with the 2018 Martin Terminal in-line inspection. These costs were inadvertently omitted from the projection filing.

Project 24. Manatee Reburn

Project costs are estimated to be $192,042 or 128.2% higher than previously projected. The variance is primarily due to the unanticipated expenses associated with the rebuilding of pistons and purge steam valves for the reburn system on both Units 1 and 2.

Project 28. CWA 316(b) Phase II Rule

Project costs are estimated to be $135,591 or 10.4% lower than previously projected. The variance is primarily due to an outage at the Port Everglades Energy Center, which delayed commencement of biological monitoring by three months resulting in an approximately $80,000 variance. The delay in sampling will result in the deferral of three months of sampling to 2018. Additionally, there was a ($57,278) accounting adjustment to correct an invoice in January 2017 that was processed in December of 2016 with an incorrect amount.

Project 29. SCR Consumables

Project costs are estimated to be $107,816 or 18.2% higher than previously projected. The variance is primarily due to an increase in Selective Catalytic Reduction ("SCR") maintenance expenses at the Manatee plant resulting from an audit and a 5-year piping inspection completed in March and May of this year, respectively.

Project 31. Clean Air Interstate Rule ("CAIR") Compliance

Project costs are estimated to be $1,261,939 or 23.4% lower than previously projected. The variance is primarily due to the following:

- Lower than projected ammonia consumption for NOx control due to lower than projected operation of Scherer Unit 4 ($197 thousand);
- Lower than projected limestone consumption for SOx control at the Scherer 4 Flue-gas desulfurization ("FGD") system ($676 thousand);
- Lower than projected costs for consultant support of the allowance reporting, banking and trading program as a result of the EPA revision to the CSAPR rule that removed Florida from the trading program beginning May 2017 ($308 thousand);
- Lower than projected costs associated with the Martin 800MW Cycling project due to reduced run time hours at Martin Units 1 & 2 projected for the last quarter of 2017 ($39 thousand); and

- Lower than projected costs associated with less ammonia consumption for NOx control as a result of lower than forecasted generation at SJRPP ($36 thousand).

Project 33. MATS

Project costs are estimated to be $961,115 or 31.9% lower than previously projected. The variance is primarily due to reduced chemical consumption for mercury control due to lower than forecasted generation at Scherer 4 and SJRPP.

Project 39. Martin Next Generation Solar Energy Center

Project costs are estimated to be $298,881 or 7.3% lower than previously projected. The variance is primarily due to a change in the scope of repairs to the solar pedestals which also resulted in a change in the accounting treatment from O&M expense to capital.

Project 40. Greenhouse Gas Reduction Program

Project costs are estimated to be $79,000 or 100% lower than previously projected. The variance is primarily due to the EPA's reconsideration of the Clean Power Plan. FPL had projected to spend $70,000 for analysis and comments on the Clean Power Plan. Until the EPA proposes a draft rule, FPL does not anticipate the use of a consultant for this rulemaking. Remaining reductions in the project were the result of

the cancellation of the Greenhouse Gas Service Agreement with Babcock and Wilcox.

Project 41. Manatee Temporary Heating Systems

Project costs are estimated to be $269,917 or 10.2% lower than previously projected. The variance is primarily due to the advanced purchase of materials for the Cape Canaveral plant in December 2016 that was originally scheduled for 2017 to allow for work to be completed prior to November 15, 2017, the start of manatee season ($600 thousand). This reduction to the 2017 planned project costs was partially offset by higher than projected vendor costs at the Cape Canaveral plant ($340 thousand).

Project 42. Turkey Point Cooling Canal Monitoring Plan

Project costs are estimated to be $36,126,515 or 49.0% lower than previously projected. The variance is primarily due to the reclassification of $49.4 million of O&M to capital, as explained in the testimony of Keith Ferguson filed in in this docket on April 3, 2017. This was partially offset by $13 million of costs estimated to be incurred in 2016 for monitoring and deep injection wells testing that were deferred into 2017 and identified after the projection filing was submitted in August 2016. Additional details regarding this project are discussed in FPL witness Sole's testimony.

Project 45. 800 MW Unit ESP

Project costs are estimated to be $420,481 or 36.0% lower than previously projected. The variance is primarily due to reduced staffing resulting from revisions to the site staffing model for the Manatee Plant's ESP operation and maintenance.

Project 47. NPDES Permit Renewal Requirements

Project costs are estimated to be $65,409 or 114.2% higher than previously projected. The variance is primarily due to two new requirements in the St. Lucie Plant State Industrial Wastewater ("NPDES") Permit as discussed in FPL witness Sole's testimony. The new requirements of the permit resulted in an increase of approximately $50,000 to conduct a chlorine optimization study and $17,700 to conduct a mixing zone reevaluation plan.

Capital Project Variances

Project 3b. Continuous Emission Monitoring Systems

Project costs are estimated to be $110,419 or 22.5% higher than previously projected. The variance is primarily related to the rate case changes previously discussed in my testimony. The rate case changes impacting this project include the transfer of CWIP from base to ECRC, the implementation of capital recovery on retired assets, and new depreciation rates.

Project 5b. Maintenance of Stationary Above Ground Fuel Storage Tanks

Project costs are estimated to be $232,331 or 14.9% higher than previously projected. The variance is primarily due to the implementation of capital recovery schedules on retired assets. Offsetting this increase was a reduction in spend due to the cancellation of the Lauderdale Tank 903 Delta Liner replacement.

Project 8b. Oil Spill Clean-up/Response Equipment

Project costs are estimated to be $22,088 or 11.1% lower than previously projected. The variance is primarily due to the cancellation of two activities in 2016, which was not anticipated at the time the original estimates were filed. These activities are (1) the Lauderdale intake boom project, which was canceled due to the planned modernization project, and (2) the Manatee Plant boat launch, which was canceled due to permitting issues. These reductions were offset by increases due to the implementation of new depreciation rates.

Project 23. SPCC – Spill Prevention, Control & Countermeasures

Project costs are estimated to be $515,368 or 29.0% higher than previously projected. The variance is primarily due to the implementation of capital recovery schedules on retired assets, the transfer of CWIP from base to ECRC, and a higher than projected beginning balance in plant in service due to the inadvertent omission from the 2016 Actual/Estimated filing of costs associated with installation of secondary containment piping on the 20” Jet Fuel Line at the Pt. Everglades site.

Project 24. Manatee Reburn

Project costs are estimated to be $598,466 or 20.0% higher than previously projected. The variance is primarily related to the implementation of new depreciation rates.

Project 31. Clean Air Interstate Rule ("CAIR") Compliance

Project costs are estimated to be $1,259,873 or 2.3% higher than previously projected. The variance is primarily due to implementation of new depreciation rates, and partially offset by the deferral of the replacement of the SCR at St. Johns Unit 1 and Scherer Unit 4. FPL's proposal to shut down SJRPP in January 2018 would negate the need for the replacement.

Project 34. St. Lucie Cooling Water System Inspection and Maintenance

Project costs are estimated to be $391,641 or 2,345.1% higher than previously projected. The variance is primarily due to the transfer of CWIP from base to ECRC.

Project 36. Low-Level Radioactive Waste Storage

Project costs are estimated to be $128,979 or 7.0% higher than previously projected. The variance is primarily due to FPL's implementation of new depreciation rates.

Project 39. Martin Next Generation Solar Energy Center

Project costs are estimated to be $1,749,059 or 4.0% lower than previously projected. The variance is primarily due to the implementation of new depreciation rates.

Project 42. Turkey Point Cooling Canal Monitoring Plan

Project costs are estimated to be $2,088,431 or 144.1% higher than previously projected. The variance is primarily due to the transfer of CWIP from base to ECRC and the reclassification of $49.4 million of O&M to capital, as explained in the testimony of Keith Ferguson filed in in this docket on April 3, 2017.

Project 45. 800 MW ESP

Project costs are estimated to be $3,848,850 or 16.2% higher than previously projected. The variance is primarily due to the implementation of new depreciation rates.

Project 54. Coal Combustion Residuals ("CCR")

Project costs are estimated to be $936,519 or 125,468.6% higher than previously projected. The variance is primarily due to the transfer of CWIP from base to ECRC and increased expenditures for CCR compliance at Scherer.

Q. Does this conclude your testimony?

A. Yes, it does.

APPENDIX I

ENVIRONMENTAL COST RECOVERY
COMMISSION FORMS 42-1E THROUGH 42-9E

JANUARY 2017 - DECEMBER 2017
ACTUAL/ESTIMATED TRUE-UP

RBD-2
DOCKET NO. 20170007-EI
EXHIBIT_____
PAGES 1-46
JULY 19, 2017

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-1E

JANUARY 2017 THROUGH DECEMBER 2017

	2017
1. Over/(Under) Recovery for the Current Period (Form 42-2E Page 2, Line 5)	$28,365,707
2. Interest Provision (Form 42-2E Page 2, Line 6)	$431,995
3. Sum of Current Period Adjustments (Form 42-2E, Page 2, Line 10)	$0
4. Actual/Estimated True-up to be refunded/(recovered)	$28,797,701

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-2E

JANUARY 2017 THROUGH DECEMBER 2017

	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Total
1. ECRC Revenues (net of Revenue Taxes)	$19,020,904	$16,158,964	$17,092,622	$18,716,891	$21,244,550	$22,168,428	$23,579,497	$23,896,490	$23,367,663	$21,553,346	$18,782,956	$18,545,944	$244,128,254
2. True-up Provision [1]	$949,348	$949,348	$949,348	$949,348	$949,348	$949,348	$949,348	$949,348	$949,348	$949,348	$949,348	$949,348	$11,392,170
3. ECRC Revenues Applicable to Period (Lines 1 + 2)	$19,970,251	$17,108,312	$18,041,970	$19,666,238	$22,193,897	$23,117,775	$24,528,844	$24,845,838	$24,317,011	$22,502,694	$19,732,303	$19,495,291	$255,520,424
4. Jurisdictional ECRC Costs													
a. O&M Activities (Form 42-5E, Line 9)	$1,801,543	$2,530,350	$2,348,467	$2,515,814	$2,669,478	$2,949,097	$7,411,955	$8,895,513	$8,274,459	$6,391,997	$4,997,520	$8,593,692	$59,379,886
b. Capital Investment Projects (Form 42-7E, Line 9)	$14,022,596	$14,001,320	$13,978,047	$13,954,309	$13,929,761	$13,910,097	$13,911,483	$13,940,431	$13,970,680	$13,998,332	$14,029,651	$14,128,126	$167,774,832
c. Total Jurisdictional ECRC Costs	$15,824,139	$16,531,670	$16,326,514	$16,470,123	$16,599,239	$16,859,194	$21,323,439	$22,835,944	$22,245,139	$20,390,329	$19,027,171	$22,721,817	$227,154,718
5. Over/(Under) Recovery (Line 3 - Line 4c)	$4,146,112	$576,642	$1,715,456	$3,196,115	$5,594,658	$6,258,581	$3,205,406	$2,009,894	$2,071,872	$2,112,365	$705,132	($3,226,526)	$28,365,707
6. Interest Provision (Form 42-3E, Line 10)	$22,425	$22,021	$25,356	$30,036	$32,824	$38,423	$41,448	$42,793	$43,691	$44,631	$45,030	$43,316	$431,995
7. Prior Periods True-Up to be (Collected)/Refunded	$11,392,170	$14,611,360	$14,260,675	$15,052,140	$17,328,943	$22,007,078	$27,354,735	$29,652,241	$30,755,581	$31,921,796	$33,129,444	$32,930,259	$11,392,170
a. Deferred True-Up (Form 42-1A, Line 7) [2]	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$23,872,381	$0
8. True-Up Collected /(Refunded) (See Line 2)	($949,348)	($949,348)	($949,348)	($949,348)	($949,348)	($949,348)	($949,348)	($949,348)	($949,348)	($949,348)	($949,348)	($949,348)	($11,392,170)
9. End of Period True-Up (Lines 5+6+7+7a+8)	$38,483,741	$38,133,056	$38,924,521	$41,201,324	$45,879,459	$51,227,116	$53,524,622	$54,627,962	$55,794,177	$57,001,825	$56,802,640	$52,670,082	$28,797,701
10. Adjustments to Period Total True-Up Including Interest	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
11. End of Period Total Net True-Up (Lines 9+10)	$38,483,741	$38,133,056	$38,924,521	$41,201,324	$45,879,459	$51,227,116	$53,524,622	$54,627,962	$55,794,177	$57,001,825	$56,802,640	$52,670,082	$28,797,701

[1] As approved in Order No. PSC-16-0535-FOF-EI issued November 22, 2016.

[2] From FPL's 2016 Final True-up filed on April 3, 2017.

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-3E

JANUARY 2017 THROUGH DECEMBER 2017

	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Total
1. Beginning True-Up Amount (Form 42-2E, Lines 7 + 7a + 10)	$35,264,551	$38,483,741	$38,133,056	$38,924,521	$41,201,324	$45,879,459	$51,227,116	$53,524,622	$54,627,962	$55,794,177	$57,001,825	$56,802,640	N/A
2. Ending True-Up Amount before Interest (Line 1 + Form 42-2E, Lines 5 + 8)	$38,461,316	$38,111,035	$38,899,164	$41,171,288	$45,846,635	$51,188,693	$53,483,174	$54,585,168	$55,750,486	$56,957,194	$56,757,610	$52,626,766	N/A
3. Total of Beginning & Ending True-Up (Lines 1 + 2)	$73,725,867	$76,594,776	$77,032,220	$80,095,809	$87,047,959	$97,068,152	$104,710,289	$108,109,790	$110,378,447	$112,751,372	$113,759,435	$109,429,406	N/A
4. Average True-Up Amount (Line 3 x 1/2)	$36,862,933	$38,297,388	$38,516,110	$40,047,904	$43,523,980	$48,534,076	$52,355,145	$54,054,895	$55,189,224	$56,375,686	$56,879,718	$54,714,703	N/A
5. Interest Rate (First Day of Reporting Month)	0.72000%	0.74000%	0.64000%	0.94000%	0.86000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	N/A
6. Interest Rate (First Day of Subsequent Month)	0.74000%	0.64000%	0.94000%	0.86000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	N/A
7. Total of Beginning & Ending Interest Rates (Lines 5 + 6)	1.46000%	1.38000%	1.58000%	1.80000%	1.81000%	1.90000%	1.90000%	1.90000%	1.90000%	1.90000%	1.90000%	1.90000%	N/A
8. Average Interest Rate (Line 7 x 1/2)	0.73000%	0.69000%	0.79000%	0.90000%	0.90500%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	0.95000%	N/A
9. Monthly Average Interest Rate (Line 8 x 1/12)	0.06083%	0.05750%	0.06583%	0.07500%	0.07542%	0.07917%	0.07917%	0.07917%	0.07917%	0.07917%	0.07917%	0.07917%	N/A
10. Interest Provision for the Month (Line 4 x Line 9)	$22,425	$22,021	$25,356	$30,036	$32,824	$38,423	$41,448	$42,793	$43,691	$44,631	$45,030	$43,316	$431,995

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-4E-1

JANUARY 2017 THROUGH DECEMBER 2017
VARIANCE REPORT OF O&M ACTIVITIES

(1)	(2)	(3)	(4)	(5)
PROJECT #	ECRC - 2017 Actual Estiimated Filing [a]	ECRC - 2017 Projection Filing [b]	Dif. ECRC - 2017 Projection Filing [c]	% Dif. ECRC - 2017 Projection Filing [d]
1. Description of O&M Activities				
1 - Air Operating Permit Fees	$342,223	$419,218	($76,995)	(18.4%)
3a - Continuous Emission Monitoring Systems	$419,642	$621,412	($201,770)	(32.5%)
5a - Maintenance of Stationary Above Ground Fuel Storage Tanks	$1,615,250	$1,370,494	$244,757	17.9%
8a - Oil Spill Clean-up/Response Equipment	$249,543	$262,803	($13,260)	(5.0%)
14 - NPDES Permit Fees	$74,435	$69,200	$5,235	7.6%
17a - Disposal of Non-Containerized Liquid Waste	$5,000	$55,000	($50,000)	(90.9%)
19a - Substation Pollutant Discharge Prevention & Removal - Distribution	$2,751,121	$2,755,270	($4,149)	(0.2%)
19b - Substation Pollutant Discharge Prevention & Removal - Transmission	$1,021,093	$1,025,440	($4,347)	(0.4%)
NA - Amortization of Gains on Sales of Emissions Allowances	($4,274)	($4,161)	($114)	2.7%
21 - St. Lucie Turtle Nets	$110,000	$110,000	$0	0%
22 - Pipeline Integrity Management	$401,500	$181,500	$220,000	121.2%
23 - SPCC - Spill Prevention, Control & Countermeasures	$920,034	$880,761	$39,273	4.5%
24 - Manatee Reburn	$341,784	$149,742	$192,042	128.2%
27 - Lowest Quality Water Source	$149,831	$156,000	($6,169)	(4.0%)
28 - CWA 316(b) Phase II Rule	$1,163,160	$1,298,752	($135,591)	(10.4%)
29 - SCR Consumables	$700,469	$592,653	$107,816	18.2%
30 - HBMP	$0	$27,500	($27,500)	(100.0%)
31 - Clean Air Interstate Rule (CAIR) Compliance	$4,121,591	$5,383,531	($1,261,939)	(23.4%)
33 - MATS Project	$2,050,981	$3,012,096	($961,115)	(31.9%)
35 - Martin Plant Drinking Water System Compliance	$50,000	$50,000	($0)	(0.0%)
37 - DeSoto Next Generation Solar Energy Center	$723,025	$771,519	($48,495)	(6.3%)
38 - Space Coast Next Generation Solar Energy Center	$249,245	$225,681	$23,563	10.4%
39 - Martin Next Generation Solar Energy Center	$3,804,619	$4,103,500	($298,881)	(7.3%)
40 - Greenhouse Gas Reduction Program	$0	$79,000	($79,000)	(100.0%)
41 - Manatee Temporary Heating System	$2,375,922	$2,645,839	($269,917)	(10.2%)
42 - Turkey Point Cooling Canal Monitoring Plan	$37,649,926	$73,776,441	($36,126,515)	(49.0%)
45 - 800 MW Unit ESP	$746,628	$1,167,109	($420,481)	(36.0%)
47 - NPDES Permit Renewal Requirements	$122,677	$57,268	$65,409	114.2%
48 - Industrial Boiler MACT	$38,000	$71,000	($33,000)	(46.5%)
50 - Steam Electric Effluent Guidelines Revised Rules	$164,576	$205,000	($40,424)	(19.7%)
51 - Gopher Tortoise Relocations	$39,000	$39,000	$0	0%
52 - Numeric Nutrient Criteria Water Quality Standards in Florida	$4,368	$0	$4,368	N/A
54 - Coal Combustion Residuals	$9,600	$0	$9,600	N/A
2. Total O&M Activities	$62,410,969	$101,558,567	($39,147,597)	(38.5%)

[a] The 12-Month Totals on Form 42-5E

[b] As approved in Order No. PSC-16-0535-FOF-EI issued November 22, 2016.

[c] Column (2) - Column (3)

[d] Column (4) / Column (3)

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-4E-2

JANUARY 2017 THROUGH DECEMBER 2017
VARIANCE REPORT OF O&M ACTIVITIES

(1)	(2)	(3)	(4)	(5)
	ECRC - 2017 Actual Estiimated Filing [a]	ECRC - 2017 Projection Filing [b]	Dif. ECRC - 2017 Projection Filing [c]	% Dif. ECRC - 2017 Projection Filing [d]
2. Total of O&M Activities	$62,410,969	$101,558,567	($39,147,597)	(38.5%)
3. Recoverable Costs Allocated to Energy	$48,999,435	$88,239,563	($39,240,127)	(44.5%)
4a. Recoverable Costs Allocated to CP Demand	$10,660,413	$10,563,734	$96,679	0.9%
4b. Recoverable Costs Allocated to GCP Demand	$2,751,121	$2,755,270	($4,149)	(0.2%)
7. Jurisdictional Energy Recoverable Costs	$46,496,407	$83,732,036	($37,235,629)	(44.5%)
8a. Jurisdictional CP Demand Recoverable Costs	$10,132,358	$10,040,469	$91,889	0.9%
8b. Jurisdictional GCP Demand Recoverable Costs	$2,751,121	$2,755,272	($4,151)	(0.2%)
9. Total Jurisdictional Recoverable Costs for O&M Activities	$59,379,886	$96,527,777	($37,147,891)	(38.5%)

[a] The 12-Month Totals on Form 42-5E

[b] As approved in Order No. PSC-16-0535-FOF-EI issued November 22, 2016.

[c] Column (2) - Column (3)

[d] Column (4) / Column (3)

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-5E

JANUARY 2017 THROUGH DECEMBER 2017
O&M ACTIVITIES

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
	Monthly Data													Method of Classification		
	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount	Energy	CP Demand	GCP Demand
1. Description of O&M Activities																
1 - Air Operating Permit Fees	$9,485	$25,096	$67,825	$25,096	$26,177	$26,103	$26,873	$26,213	$30,718	$26,213	$26,213	$26,213	$342,223	$342,223	$0	$0
3a - Continuous Emission Monitoring Systems	$37,685	$28,998	$37,794	$22,196	$19,871	$82,364	$44,343	$21,674	$27,787	$23,674	$37,894	$35,364	$419,642	$419,642	$0	$0
5a - Maintenance of Stationary Above Ground Fuel Storage Tanks	$16,831	$132,184	$71,568	$285,581	$329,168	$422,809	$0	$0	$122,543	$100,000	$125,000	$9,567	$1,615,250	$0	$1,615,250	$0
8a - Oil Spill Clean-up/Response Equipment	$15,351	$13,950	$12,397	$12,872	$10,233	$25,000	$10,000	$20,500	$22,000	$27,608	$56,523	$23,108	$249,543	$249,543	$0	$0
13 - RCRA (Resource Conservation & Recovery Act) Corrective Action	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
14 - NPDES Permit Fees	$69,200	$0	$5,235	$0	$0	$0	$0	$0	$0	$0	$0	$0	$74,435	$0	$74,435	$0
17a - Disposal of Non-Containerized Liquid Waste	$0	$0	$0	$0	$0	$0	$2,500	$2,500	$0	$0	$0	$0	$5,000	$5,000	$0	$0
19a - Substation Pollutant Discharge Prevention & Removal - Distribution	$55,094	$61,635	$210,024	$180,754	$289,287	$201,333	$211,333	$251,333	$276,333	$276,333	$361,333	$376,333	$2,751,121	$0	$0	$2,751,121
19b - Substation Pollutant Discharge Prevention & Removal - Transmission	$18,563	$53,336	$41,468	$278,043	$63,918	$52,311	$54,311	$54,311	$79,311	$89,311	$110,164	$126,044	$1,021,093	$0	$1,021,093	$0
NA - Amortization of Gains on Sales of Emissions Allowances	($347)	($347)	($347)	($347)	($361)	($361)	($361)	($361)	($361)	($361)	($361)	($361)	($4,274)	($4,274)	$0	$0
21 - St. Lucie Turtle Nets	$0	$0	$0	$0	$0	$12,965	$17,035	$16,000	$16,000	$16,000	$16,000	$16,000	$110,000	$0	$110,000	$0
22 - Pipeline Integrity Management	$0	$17,905	$189	$0	$997	$0	$0	$0	$103,355	$142,105	$87,759	$49,190	$401,500	$0	$401,500	$0
23 - SPCC - Spill Prevention, Control & Countermeasures	$56,158	$75,834	$93,234	$101,375	$114,909	($3,476)	$54,164	$67,164	$62,227	$89,726	$96,430	$112,289	$920,034	$0	$920,034	$0
24 - Manatee Reburn	$20,249	$25,790	$6,754	$4,537	$13,489	$50,000	$159,406	$0	$0	$0	$61,559	$0	$341,784	$341,784	$0	$0
27 - Lowest Quality Water Source	$10,623	$12,141	$11,710	$11,046	$12,070	$13,000	$13,000	$13,000	$13,000	$13,000	$13,000	$14,241	$149,831	$0	$149,831	$0
28 - CWA 316(b) Phase II Rule	($5,374)	$89,956	$107,796	$136,924	$102,989	$108,303	$94,862	$104,351	$105,195	$105,653	$100,523	$111,983	$1,163,160	$0	$1,163,160	$0
29 - SCR Consumables	$16,463	$23,215	$62,633	$10,939	$24,480	$165,388	$35,025	$40,025	$43,166	$40,025	$33,113	$205,995	$700,469	$700,469	$0	$0
30 - HBMP	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
31 - Clean Air Interstate Rule (CAIR) Compliance	$388,814	$413,509	$197,052	$317,977	$345,970	$380,750	$380,580	$383,612	$333,989	$360,824	$323,410	$295,104	$4,121,591	$4,121,591	$0	$0
33 - MATS Project	$31,065	$88,713	$243,346	$140,448	$112,657	$169,203	$217,886	$218,327	$215,664	$190,121	$197,505	$226,044	$2,050,981	$2,050,981	$0	$0
34 - St Lucie Cooling Water System Inspection & Maintenance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
35 - Martin Plant Drinking Water System Compliance	$7,498	$135	$250	$7,843	$6,075	$4,166	$4,166	$4,166	$3,166	$4,166	$4,166	$4,203	$50,000	$0	$50,000	$0
37 - DeSoto Next Generation Solar Energy Center	$36,685	$69,101	$41,035	$32,914	$100,216	$41,245	$64,302	$64,477	$80,153	$66,642	$66,581	$59,673	$723,025	$0	$723,025	$0
38 - Space Coast Next Generation Solar Energy Center	$8,428	$17,888	$11,065	$8,555	$8,594	$21,573	$33,217	$22,889	$64,340	$23,564	$14,493	$14,638	$249,245	$0	$249,245	$0
39 - Martin Next Generation Solar Energy Center	$406,187	$407,297	$390,803	$214,141	$247,497	$262,175	$317,488	$318,113	$322,655	$306,435	$306,435	$305,392	$3,804,619	$0	$3,804,619	$0
40 - Greenhouse Gas Reduction Program	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
41 - Manatee Temporary Heating System	$1,274	$15,154	$45,062	$10,923	$230,066	$220,542	$425,000	$610,639	$450,000	$286,529	$23,000	$57,733	$2,375,922	$2,375,922	$0	$0
42 - Turkey Point Cooling Canal Monitoring Plan	$574,833	$867,533	$730,260	$722,895	$662,082	$758,485	$5,701,153	$7,027,472	$6,226,693	$4,407,009	$3,103,272	$6,868,240	$37,649,926	$37,649,926	$0	$0
45 - 800 MW Unit ESP	$61,598	$140,176	$84,115	$81,545	$47,763	$44,635	$46,796	$46,984	$46,796	$47,908	$48,537	$49,776	$746,628	$746,628	$0	$0
46 - St. Lucie Cooling Water Discharge Monitoring	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
47 - NPDES Permit Renewal Requirements	($1,052)	$1	$0	$18,558	$3,301	$10,789	$18,333	$12,577	$24,381	$12,822	$8,333	$14,635	$122,677	$0	$122,677	$0
48 - Industrial Boiler MACT	$0	$0	$0	$0	$0	$0	$0	$0	$0	$38,000	$0	$0	$38,000	$0	$38,000	$0
49 - Thermal Discharge Standards	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
50 - Steam Electric Effluent Guidelines Revised Rules	$59,135	$82,486	($13,301)	$14,891	$24,505	$24,628	($150,906)	$24,628	$24,628	$24,628	$24,628	$24,628	$164,576	$0	$164,576	$0
51 - Gopher Tortoise Relocations	$0	$0	$0	$0	$0	$1,500	$15,000	$7,500	$8,000	$0	$0	$7,000	$39,000	$0	$39,000	$0
52 - Numeric Nutrient Criteria Water Quality Standards in Florida	$0	$0	$4,368	$0	$0	$0	$0	$0	$0	$0	$0	$0	$4,368	$0	$4,368	$0
54 - Coal Combustion Residuals	$0	$0	$0	$0	$0	$0	$3,200	$1,600	$1,600	$1,600	$0	$1,600	$9,600	$0	$9,600	$0
2. Total of O&M Activities	$1,894,445	$2,661,684	$2,462,337	$2,639,706	$2,795,955	$3,095,430	$7,798,706	$9,359,693	$8,703,338	$6,719,533	$5,245,510	$9,034,633	$62,410,969	$48,999,435	$10,660,413	$2,751,121

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-5E

JANUARY 2017 THROUGH DECEMBER 2017
O&M ACTIVITIES

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
2. Total of O&M Activities	$1,894,445	$2,661,684	$2,462,337	$2,639,706	$2,795,955	$3,095,430	$7,798,706	$9,359,693	$8,703,338	$6,719,533	$5,245,510	$9,034,633	$62,410,969
3. Recoverable Costs Allocated to Energy	$1,156,471	$1,641,787	$1,486,893	$1,349,080	$1,492,428	$1,922,109	$7,049,201	$8,397,585	$7,396,451	$5,409,549	$3,910,665	$7,787,217	$48,999,435
4a. Recoverable Costs Allocated to CP Demand	$682,881	$958,263	$765,420	$1,109,871	$1,014,240	$971,989	$538,173	$710,775	$1,030,554	$1,033,652	$973,512	$871,083	$10,660,413
4b. Recoverable Costs Allocated to GCP Demand	$55,094	$61,635	$210,024	$180,754	$289,287	$201,333	$211,333	$251,333	$276,333	$276,333	$361,333	$376,333	$2,751,121
5. Retail Energy Jurisdictional Factor	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	
6a. Retail CP Demand Jurisdictional Factor	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	
6b. Retail GCP Demand Jurisdictional Factor	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	100.00000%	
7. Jurisdictional Energy Recoverable Costs	$1,097,395	$1,557,920	$1,410,938	$1,280,165	$1,416,191	$1,823,922	$6,689,108	$7,968,613	$7,018,620	$5,133,214	$3,710,897	$7,389,425	$46,496,407
8a. Jurisdictional CP Demand Recoverable Costs	$649,055	$910,796	$727,506	$1,054,895	$964,000	$923,842	$511,515	$675,568	$979,507	$982,451	$925,290	$827,935	$10,132,358
8b. Jurisdictional GCP Demand Recoverable Costs	$55,094	$61,635	$210,024	$180,754	$289,287	$201,333	$211,333	$251,333	$276,333	$276,333	$361,333	$376,333	$2,751,121
9. Total Jurisdictional Recoverable Costs for O&M Activities	$1,801,543	$2,530,350	$2,348,467	$2,515,814	$2,669,478	$2,949,097	$7,411,955	$8,895,513	$8,274,459	$6,391,997	$4,997,520	$8,593,692	$59,379,886

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-6E

JANUARY 2017 THROUGH DECEMBER 2017
VARIANCE REPORT OF CAPITAL INVESTMENT PROJECTS - RECOVERABLE COSTS

(1)	(2)	(3)	(4)	(5)
PROJECT #	ECRC - 2017 Actual Estiimated Filing [a]	ECRC - 2017 Projection Filing [b]	Dif. ECRC - 2017 Projection Filing [c]	% Dif. ECRC - 2017 Projection Filing [d]
1. Description of Investment Projects				
2 - Low NOX Burner Technology	$70,450	$95,089	($24,638)	(25.9%)
3b - Continuous Emission Monitoring Systems	$601,145	$490,726	$110,419	22.5%
4b - Clean Closure Equivalency	$0	$1,091	($1,091)	(100.0%)
5b - Maintenance of Stationary Above Ground Fuel Storage Tanks	$1,791,982	$1,559,652	$232,331	14.9%
7 - Relocate Turbine Lube Oil Underground Piping to Above Ground	$1,965	$1,171	$794	67.8%
8b - Oil Spill Clean-up/Response Equipment	$176,138	$198,226	($22,088)	(11.1%)
10 - Relocate Storm Water Runoff	$7,496	$7,084	$412	5.8%
12 - Scherer Discharge Pipeline	$40,814	$45,420	($4,606)	(10.1%)
20 - Wastewater Discharge Elimination & Reuse	$88,952	$75,368	$13,584	18.0%
NA - Amortization of Gains on Sales of Emissions Allowances	($278)	($281)	$3	(1.1%)
21 - St. Lucie Turtle Nets	$866,986	$851,065	$15,922	1.9%
22 - Pipeline Integrity Management	$314,809	$337,061	($22,252)	(6.6%)
23 - SPCC - Spill Prevention, Control & Countermeasures	$2,291,013	$1,775,645	$515,368	29.0%
24 - Manatee Reburn	$3,591,327	$2,992,861	$598,466	20.0%
25 - Pt. Everglades ESP Technology	$0	$0	$0	0%
26 - UST Remove/Replacement	$7,888	$8,667	($779)	(9.0%)
28 - CWA 316(b) Phase II Rule	$72,282	$15,103	$57,179	378.6%
31 - Clean Air Interstate Rule (CAIR) Compliance	$57,230,796	$55,970,923	$1,259,873	2.3%
33 - MATS Project	$11,048,537	$11,087,683	($39,146)	(0.4%)
34 - St Lucie Cooling Water System Inspection & Maintenance	$408,341	$16,700	$391,641	2,345.1%
35 - Martin Plant Drinking Water System Compliance	$23,796	$23,198	$598	2.6%
36 - Low-Level Radioactive Waste Storage	$1,966,477	$1,837,498	$128,979	7.0%
37 - DeSoto Next Generation Solar Energy Center	$14,987,903	$14,939,622	$48,281	0.3%
38 - Space Coast Next Generation Solar Energy Center	$6,961,171	$7,009,212	($48,040)	(0.7%)
39 - Martin Next Generation Solar Energy Center	$41,784,040	$43,533,099	($1,749,059)	(4.0%)
41 - Manatee Temporary Heating System	$36,320	$25,407	$10,913	43.0%
42 - Turkey Point Cooling Canal Monitoring Plan	$3,538,078	$1,449,647	$2,088,431	144.1%
44 - Martin Plant Barley Barber Swamp Iron Mitigation	$17,363	$16,959	$405	2.4%
45 - 800 MW Unit ESP	$27,680,544	$23,831,694	$3,848,850	16.2%
54 - Coal Combustion Residuals	$937,265	$746	$936,519	125,468.6%
2. Total Investment Projects - Recoverable Costs	$176,543,602	$168,196,335	$8,347,267	5.0%

[a] The 12-Month Totals on Form 42-7E

[b] The approved projected amount in accordance with FPSC Order No. PSC-16-0535-FOF-EI issued November 22, 2016.

[c] Column (2) - Column (3)

[d] Column (4) / Column (3)

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-6E

JANUARY 2017 THROUGH DECEMBER 2017

VARIANCE REPORT OF CAPITAL INVESTMENT PROJECTS - RECOVERABLE COSTS

(1)	(2)	(3)	(4)	(5)
	ECRC - 2017 Actual Estiimated Filing	ECRC - 2017 Projection Filing	Dif. ECRC - 2017 Projection Filing	% Dif. ECRC - 2017 Projection Filing
2. Total Investment Projects - Recoverable Costs	$176,543,602	$168,196,335	$8,347,268	5.0%
3. Recoverable Costs Allocated to Energy	$15,384,417	$14,406,801	$977,617	6.8%
4. Recoverable Costs Allocated to Demand	$161,159,185	$153,789,534	$7,369,651	4.8%
7. Jurisdictional Energy Recoverable Costs	$14,598,538	$13,670,861	$927,678	6.8%
8. Jurisdictional Demand Recoverable Costs	$153,176,294	$146,171,695	$7,004,599	4.8%
9. Total Jurisdictional Recoverable Costs for Investment Projects	$167,774,832	$159,842,555	$7,932,277	5.0%

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-7E

JANUARY 2017 THROUGH DECEMBER 2017
CAPITAL INVESTMENT PROJECTS-RECOVERABLE COSTS

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
	Monthly Data													Method of Classification	
	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount	Energy	Demand
1. Description of Investment Projects [a]															
2 - Low NOX Burner Technology	$6,006	$5,982	$5,958	$5,934	$5,910	$5,885	$5,856	$5,832	$5,808	$5,784	$5,760	$5,736	$70,450	$70,450	$0
3b - Continuous Emission Monitoring Systems	$45,773	$46,320	$47,170	$47,340	$47,202	$48,002	$49,529	$50,773	$52,113	$53,933	$55,832	$57,158	$601,145	$601,145	$0
4b - Clean Closure Equivalency	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5b - Maintenance of Stationary Above Ground Fuel Storage Tanks	$151,710	$151,311	$150,882	$150,463	$150,049	$149,634	$149,033	$148,615	$148,197	$147,779	$147,362	$146,946	$1,791,982	$137,845	$1,654,138
7 - Relocate Turbine Lube Oil Underground Piping to Above Ground	$169	$168	$167	$166	$165	$164	$163	$162	$161	$160	$159	$158	$1,965	$151	$1,814
8b - Oil Spill Clean-up/Response Equipment	$15,281	$15,599	$15,690	$15,787	$15,694	$14,876	$14,132	$14,058	$14,001	$13,928	$13,668	$13,426	$176,138	$13,549	$162,589
10 - Relocate Storm Water Runoff	$634	$633	$631	$629	$628	$626	$623	$622	$620	$618	$617	$615	$7,496	$577	$6,920
12 - Scherer Discharge Pipeline	$3,457	$3,447	$3,437	$3,428	$3,418	$3,408	$3,394	$3,384	$3,375	$3,365	$3,355	$3,345	$40,814	$3,140	$37,675
20 - Wastewater Discharge Elimination & Reuse	$7,541	$7,519	$7,496	$7,474	$7,451	$7,428	$7,397	$7,374	$7,352	$7,329	$7,307	$7,284	$88,952	$6,842	$82,110
NA - Amortization of Gains on Sales of Emissions Allowances	($37)	($35)	($32)	($30)	($28)	($25)	($22)	($19)	($17)	($14)	($11)	($8)	($278)	($278)	$0
21 - St. Lucie Turtle Nets	$72,853	$72,753	$72,654	$72,554	$72,455	$72,355	$72,142	$72,043	$71,943	$71,844	$71,745	$71,645	$866,986	$66,691	$800,295
22 - Pipeline Integrity Management	$26,397	$26,348	$26,299	$26,251	$26,202	$26,153	$26,066	$26,017	$25,969	$25,920	$25,871	$27,316	$314,809	$24,216	$290,593
23 - SPCC - Spill Prevention, Control & Countermeasures	$186,272	$185,889	$186,115	$185,759	$184,766	$186,199	$189,002	$191,957	$194,484	$196,679	$199,076	$204,815	$2,291,013	$176,232	$2,114,781
24 - Manatee Reburn	$304,786	$303,814	$302,842	$301,871	$300,899	$299,927	$298,623	$297,653	$296,683	$295,713	$294,743	$293,773	$3,591,327	$3,591,327	$0
26 - UST Remove/Replacement	$664	$663	$662	$661	$659	$658	$656	$655	$654	$653	$652	$651	$7,888	$607	$7,281
28 - CWA 316(b) Phase II Rule	$2,680	$2,743	$2,772	$2,807	$3,052	$3,447	$4,366	$6,824	$9,010	$9,674	$10,043	$14,865	$72,282	$5,560	$66,722
31 - Clean Air Interstate Rule (CAIR) Compliance	$4,827,639	$4,817,689	$4,807,571	$4,797,458	$4,787,294	$4,777,232	$4,760,684	$4,750,792	$4,740,900	$4,731,008	$4,721,116	$4,711,411	$57,230,796	$4,402,369	$52,828,427
33 - MATS Project	$931,925	$930,002	$928,081	$926,158	$924,235	$922,313	$919,101	$917,182	$915,263	$913,344	$911,426	$909,507	$11,048,537	$849,887	$10,198,649
34 - St Lucie Cooling Water System Inspection & Maintenance	$33,939	$33,969	$33,998	$34,046	$34,089	$34,099	$34,033	$34,033	$34,033	$34,033	$34,033	$34,033	$408,341	$31,411	$376,930
35 - Martin Plant Drinking Water System Compliance	$2,005	$2,001	$1,998	$1,994	$1,990	$1,986	$1,980	$1,976	$1,972	$1,968	$1,964	$1,961	$23,796	$1,830	$21,965
36 - Low-Level Radioactive Waste Storage	$165,679	$165,372	$165,065	$164,759	$164,452	$164,145	$163,600	$163,293	$162,987	$162,681	$162,375	$162,069	$1,966,477	$151,267	$1,815,209
37 - DeSoto Next Generation Solar Energy Center	$1,268,885	$1,264,922	$1,261,055	$1,257,118	$1,253,272	$1,249,597	$1,248,165	$1,244,436	$1,240,707	$1,236,978	$1,233,249	$1,229,520	$14,987,903	$1,152,916	$13,834,987
38 - Space Coast Next Generation Solar Energy Center	$589,137	$587,465	$585,749	$584,033	$582,142	$580,251	$579,479	$577,810	$576,221	$574,631	$572,962	$571,292	$6,961,171	$535,475	$6,425,697
39 - Martin Next Generation Solar Energy Center	$3,511,653	$3,509,697	$3,504,173	$3,496,369	$3,490,284	$3,484,761	$3,484,039	$3,476,066	$3,467,859	$3,459,444	$3,452,176	$3,447,519	$41,784,040	$3,214,157	$38,569,883
41 - Manatee Temporary Heating System	$2,121	$2,527	$2,115	$2,113	$2,112	$2,192	$2,302	$2,345	$2,381	$2,420	$4,743	$8,947	$36,320	$2,794	$33,526
42 - Turkey Point Cooling Canal Monitoring Plan	$225,721	$226,186	$230,048	$234,985	$237,755	$241,652	$259,104	$293,328	$329,672	$364,878	$400,792	$493,956	$3,538,078	$272,160	$3,265,918
44 - Martin Plant Barley Barber Swamp Iron Mitigation	$1,463	$1,460	$1,457	$1,455	$1,452	$1,449	$1,445	$1,442	$1,439	$1,437	$1,434	$1,431	$17,363	$0	$17,363
45 - 800 MW Unit ESP	$2,342,719	$2,336,526	$2,330,211	$2,324,018	$2,317,787	$2,311,394	$2,302,190	$2,295,840	$2,289,490	$2,283,140	$2,276,790	$2,270,440	$27,680,544	$0	$27,680,544
54 - Coal Combustion Residuals	$28,415	$32,126	$34,343	$38,031	$42,415	$47,300	$61,484	$84,533	$107,582	$130,630	$153,679	$176,728	$937,265	$72,097	$865,168
2. Total Investment Projects - Recoverable Costs	$14,755,485	$14,733,097	$14,708,609	$14,683,630	$14,657,799	$14,637,109	$14,638,568	$14,669,029	$14,700,860	$14,729,959	$14,762,917	$14,866,538	$176,543,602	$15,384,417	$161,159,185

[a] Each project's Total System Recoverable Expenses on Form 42-8E, Line 9.

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
CALCULATION OF THE ACTUAL / ESTIMATED TRUE-UP AMOUNT FOR THE PERIOD

FORM: 42-7E

JANUARY 2017 THROUGH DECEMBER 2017
CAPITAL INVESTMENT PROJECTS-RECOVERABLE COSTS

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
2. Total Investment Projects - Recoverable Costs	$14,755,485	$14,733,097	$14,708,609	$14,683,630	$14,657,799	$14,637,109	$14,638,568	$14,669,029	$14,700,860	$14,729,959	$14,762,917	$14,866,538	$176,543,602
3. Recoverable Costs Allocated to Energy	$1,283,818	$1,282,160	$1,280,631	$1,278,426	$1,275,873	$1,274,595	$1,275,598	$1,278,663	$1,281,922	$1,285,414	$1,289,275	$1,298,044	$15,384,417
4. Recoverable Costs Allocated to Demand	$13,471,667	$13,450,937	$13,427,979	$13,405,205	$13,381,927	$13,362,514	$13,362,971	$13,390,366	$13,418,939	$13,444,545	$13,473,642	$13,568,494	$161,159,185
5. Retail Energy Jurisdictional Factor	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	
6. Retail Demand Jurisdictional Factor	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	
7. Jurisdictional Energy Recoverable Costs [a]	$1,218,237	$1,216,664	$1,215,212	$1,213,120	$1,210,698	$1,209,485	$1,210,437	$1,213,345	$1,216,438	$1,219,751	$1,223,415	$1,231,736	$14,598,538
8. Jurisdictional Demand Recoverable Costs [b]	$12,804,359	$12,784,656	$12,762,834	$12,741,189	$12,719,064	$12,700,612	$12,701,047	$12,727,085	$12,754,242	$12,778,581	$12,806,236	$12,896,389	$153,176,294
9. Total Jurisdictional Recoverable Costs for Investment Projects	$14,022,596	$14,001,320	$13,978,047	$13,954,309	$13,929,761	$13,910,097	$13,911,483	$13,940,431	$13,970,680	$13,998,332	$14,029,651	$14,128,126	$167,774,832

[a] Line 3 x Line 5

[b] Line 4 x Line 6

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
RETURN ON CAPITAL INVESTMENTS, DEPRECIATION AND TAXES

FORM: 42-8E

JANUARY 2017 THROUGH DECEMBER 2017

	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
2 - Low NOX Burner Technology														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
3a. Less: Accumulated Depreciation	($0)	($0)	($0)	($0)	($0)	($0)	($0)	($0)	($0)	($0)	($0)	($0)	($0)	N/A
3b. Less: Capital Recovery Unamortized Balance	($375,828)	($372,696)	($369,564)	($366,432)	($363,300)	($360,168)	($357,036)	($353,904)	($350,772)	($347,640)	($344,509)	($341,377)	($338,245)	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$375,828	$372,696	$369,564	$366,432	$363,300	$360,168	$357,036	$353,905	$350,773	$347,641	$344,509	$341,377	$338,245	N/A
6. Average Net Investment		$374,262	$371,130	$367,998	$364,866	$361,734	$358,602	$355,471	$352,339	$349,207	$346,075	$342,943	$339,811	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$2,438	$2,417	$2,397	$2,376	$2,356	$2,336	$2,327	$2,306	$2,286	$2,265	$2,245	$2,224	$27,974
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$436	$432	$429	$425	$422	$418	$397	$394	$390	$387	$383	$380	$4,894
8. Investment Expenses														
a. Depreciation [e]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Amortization [f]		$3,132	$3,132	$3,132	$3,132	$3,132	$3,132	$3,132	$3,132	$3,132	$3,132	$3,132	$3,132	$37,583
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$6,006	$5,982	$5,958	$5,934	$5,910	$5,885	$5,856	$5,832	$5,808	$5,784	$5,760	$5,736	$70,450

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
RETURN ON CAPITAL INVESTMENTS, DEPRECIATION AND TAXES

FORM: 42-8E

JANUARY 2017 THROUGH DECEMBER 2017

	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
3b - Continuous Emission Monitoring Systems														
1. Investments														
a. Expenditures/Additions		$0	$187,673	$79,766	$13,487	$947	$238,921	$167,278	$142,560	$159,858	$80,227	$75,936	$21,684	$1,168,337
b. Clearings to Plant		$0	$0	$0	$0	$0	$43,835	$80,060	$87,283	$138,287	$326,682	$382,167	$153,857	$1,212,172
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	($4,056)	($1,720)	($290)	($21)	$0	$0	$0	$0	$0	$0	$0	($6,088)
2. Plant-In-Service/Depreciation Base [b]	$5,690,778	$5,690,778	$5,690,778	$5,690,778	$5,690,778	$5,690,778	$5,734,613	$5,814,672	$5,901,955	$6,040,243	$6,366,925	$6,749,092	$6,902,949	N/A
3a. Less: Accumulated Depreciation	$3,576,307	$3,597,587	$3,614,817	$3,634,380	$3,655,372	$3,676,635	$3,697,993	$3,719,561	$3,741,385	$3,763,591	$3,786,903	$3,811,731	$3,837,738	N/A
3b. Less: Capital Recovery Unamortized Balance	($500,741)	($496,568)	($492,395)	($488,222)	($484,050)	($479,877)	($475,704)	($471,531)	($467,358)	($463,185)	($459,013)	($454,840)	($450,667)	$0
4. CWIP - Non Interest Bearing	$43,835	$43,835	$231,508	$311,274	$324,761	$325,708	$520,794	$608,012	$663,289	$684,859	$438,404	$132,173	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$2,659,047	$2,633,594	$2,799,864	$2,855,894	$2,844,215	$2,819,728	$3,033,117	$3,174,654	$3,291,217	$3,424,697	$3,477,439	$3,524,374	$3,515,878	N/A
6. Average Net Investment		$2,646,320	$2,716,729	$2,827,879	$2,850,055	$2,831,972	$2,926,423	$3,103,886	$3,232,936	$3,357,957	$3,451,068	$3,500,906	$3,520,126	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$17,236	$17,695	$18,419	$18,563	$18,446	$19,061	$20,318	$21,163	$21,981	$22,591	$22,917	$23,043	$241,433
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$3,084	$3,166	$3,295	$3,321	$3,300	$3,410	$3,470	$3,614	$3,754	$3,858	$3,913	$3,935	$42,119
8. Investment Expenses														
a. Depreciation [e]		$21,280	$21,286	$21,283	$21,283	$21,283	$21,358	$21,569	$21,824	$22,205	$23,312	$24,828	$26,007	$267,520
b. Amortization [f]		$4,173	$4,173	$4,173	$4,173	$4,173	$4,173	$4,173	$4,173	$4,173	$4,173	$4,173	$4,173	$50,074
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$45,773	$46,320	$47,170	$47,340	$47,202	$48,002	$49,529	$50,773	$52,113	$53,933	$55,832	$57,158	$601,145

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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4b - Clean Closure Equivalency													
1. Investments													
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3a. Less: Accumulated Depreciation	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5. Net Investment (Lines 2 - 3 + 4)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6. Average Net Investment		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
7. Return on Average Net Investment													
a. Equity Component grossed up for taxes [c][h]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
8. Investment Expenses													
a. Depreciation [e]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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5b - Maintenance of Stationary Above Ground Fuel Storage Tanks														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$1,103	$0	$0	$0	$0	$0	$0	$0	$1,103
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$1,103	$0	$1,103
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$13,393,764	$13,393,764	$13,393,764	$13,393,764	$13,393,764	$13,393,764	$13,393,764	$13,393,764	$13,393,764	$13,393,764	$13,393,764	$13,394,867	$13,394,867	N/A
3a. Less: Accumulated Depreciation	$3,867,188	$3,895,415	$3,923,662	$3,951,900	$3,980,137	$4,008,374	$4,036,612	$4,064,849	$4,093,086	$4,121,324	$4,149,561	$4,177,799	$4,206,039	N/A
3b. Less: Capital Recovery Unamortized Balance	($3,156,456)	($3,130,152)	($3,103,849)	($3,077,545)	($3,051,241)	($3,024,937)	($2,998,633)	($2,972,330)	($2,946,026)	($2,919,722)	($2,893,418)	($2,867,114)	($2,840,811)	$0
4. CWIP - Non Interest Bearing	$6,646,073	$0	$0	$0	$0	$1,103	$1,103	$1,103	$1,103	$1,103	$1,103	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$19,329,105	$12,628,501	$12,573,950	$12,519,409	$12,464,868	$12,411,430	$12,356,889	$12,302,348	$12,247,806	$12,193,265	$12,138,724	$12,084,182	$12,029,638	N/A
6. Average Net Investment		$15,978,803	$12,601,225	$12,546,679	$12,492,138	$12,438,149	$12,384,159	$12,329,618	$12,275,077	$12,220,536	$12,165,995	$12,111,453	$12,056,910	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$82,431	$82,076	$81,720	$81,365	$81,014	$80,662	$80,710	$80,353	$79,996	$79,639	$79,282	$78,925	$968,172
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$14,748	$14,684	$14,621	$14,557	$14,494	$14,431	$13,782	$13,721	$13,660	$13,599	$13,538	$13,477	$169,313
8. Investment Expenses														
a. Depreciation [e]		$28,228	$28,247	$28,237	$28,237	$28,237	$28,237	$28,237	$28,237	$28,237	$28,237	$28,238	$28,240	$338,851
b. Amortization [f]		$26,304	$26,304	$26,304	$26,304	$26,304	$26,304	$26,304	$26,304	$26,304	$26,304	$26,304	$26,304	$315,646
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$151,710	$151,311	$150,882	$150,463	$150,049	$149,634	$149,033	$148,615	$148,197	$147,779	$147,362	$146,946	$1,791,982

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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7 - Relocate Turbine Lube Oil Underground Piping to Above Ground														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$31,030	$31,030	$31,030	$31,030	$31,030	$31,030	$31,030	$31,030	$31,030	$31,030	$31,030	$31,030	$31,030	N/A
3a. Less: Accumulated Depreciation	$26,112	$26,244	$26,376	$26,508	$26,640	$26,772	$26,905	$27,037	$27,169	$27,301	$27,433	$27,565	$27,697	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$4,918	$4,786	$4,654	$4,522	$4,390	$4,258	$4,125	$3,993	$3,861	$3,729	$3,597	$3,465	$3,333	N/A
6. Average Net Investment		$4,852	$4,720	$4,588	$4,456	$4,324	$4,191	$4,059	$3,927	$3,795	$3,663	$3,531	$3,399	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$32	$31	$30	$29	$28	$27	$27	$26	$25	$24	$23	$22	$323
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$6	$6	$5	$5	$5	$5	$5	$4	$4	$4	$4	$4	$57
8. Investment Expenses														
a. Depreciation [e]		$132	$132	$132	$132	$132	$132	$132	$132	$132	$132	$132	$132	$1,586
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$169	$168	$167	$166	$165	$164	$163	$162	$161	$160	$159	$158	$1,965

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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8b - Oil Spill Clean-up/Response Equipment														
1. Investments														
a. Expenditures/Additions		$1,051	$16,400	$20,858	$11,495	$2,831	($171,001)	$0	$0	$0	$0	$0	$0	($118,367)
b. Clearings to Plant		$2,154	$0	$2,638	$2,518	$0	$0	$0	($1,254)	$0	$0	($2,743)	($31,522)	($28,209)
c. Retirements		$2,154	$0	($5,007)	$0	$0	$0	$0	($1,254)	$0	$0	($2,743)	($31,522)	($38,372)
d. Other [a]		$0	$0	$0	$0	$30,000	$0	$0	$0	$0	$0	$0	$0	$30,000
2. Plant-In-Service/Depreciation Base [b]	$949,127	$951,281	$951,281	$953,919	$956,438	$956,438	$956,438	$956,438	$955,184	$955,184	$955,184	$952,441	$920,919	N/A
3a. Less: Accumulated Depreciation	$28,051	$37,376	$44,854	$47,300	$54,745	$92,205	$99,664	$107,107	$113,278	$120,702	$128,111	$132,573	$108,067	N/A
3b. Less: Capital Recovery Unamortized Balance	$220	$218	$216	$214	$212	$211	$209	$207	$205	$203	$201	$200	$198	$0
4. CWIP - Non Interest Bearing	$138,662	$139,713	$156,113	$176,971	$188,465	$191,296	$20,295	$20,295	$20,295	$20,295	$20,295	$20,295	$20,295	N/A
5. Net Investment (Lines 2 - 3 + 4)	$1,059,519	$1,053,401	$1,062,325	$1,083,375	$1,089,946	$1,055,318	$876,859	$869,419	$861,996	$854,573	$847,166	$839,964	$832,948	N/A
6. Average Net Investment		$1,056,460	$1,057,863	$1,072,850	$1,086,661	$1,072,632	$966,089	$873,139	$865,708	$858,284	$850,870	$843,565	$836,456	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$6,881	$6,890	$6,988	$7,078	$6,986	$6,292	$5,716	$5,667	$5,618	$5,570	$5,522	$5,475	$74,684
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$1,231	$1,233	$1,250	$1,266	$1,250	$1,126	$976	$968	$959	$951	$943	$935	$13,088
8. Investment Expenses														
a. Depreciation [e]		$7,170	$7,478	$7,454	$7,445	$7,460	$7,460	$7,442	$7,425	$7,425	$7,409	$7,205	$7,017	$88,388
b. Amortization [f]		($2)	($2)	($2)	($2)	($2)	($2)	($2)	($2)	($2)	($2)	($2)	($2)	($22)
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$15,281	$15,599	$15,690	$15,787	$15,694	$14,876	$14,132	$14,058	$14,001	$13,928	$13,668	$13,426	$176,138

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
10 - Relocate Storm Water Runoff														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$117,794	$117,794	$117,794	$117,794	$117,794	$117,794	$117,794	$117,794	$117,794	$117,794	$117,794	$117,794	$117,794	N/A
3a. Less: Accumulated Depreciation	$63,827	$64,048	$64,269	$64,490	$64,711	$64,932	$65,152	$65,373	$65,594	$65,815	$66,036	$66,257	$66,478	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$53,967	$53,746	$53,525	$53,304	$53,083	$52,862	$52,641	$52,421	$52,200	$51,979	$51,758	$51,537	$51,316	N/A
6. Average Net Investment		$53,856	$53,635	$53,414	$53,194	$52,973	$52,752	$52,531	$52,310	$52,089	$51,868	$51,648	$51,427	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$351	$349	$348	$346	$345	$344	$344	$342	$341	$340	$338	$337	$4,125
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$63	$63	$62	$62	$62	$61	$59	$58	$58	$58	$58	$57	$721
8. Investment Expenses														
a. Depreciation [e]		$221	$221	$221	$221	$221	$221	$221	$221	$221	$221	$221	$221	$2,650
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$634	$633	$631	$629	$628	$626	$623	$622	$620	$618	$617	$615	$7,496

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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12 - Scherer Discharge Pipeline														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$854,324	$854,324	$854,324	$854,324	$854,324	$854,324	$854,324	$854,324	$854,324	$854,324	$854,324	$854,324	$854,324	N/A
3a. Less: Accumulated Depreciation	$569,216	$570,488	$571,761	$573,033	$574,306	$575,579	$576,851	$578,124	$579,396	$580,669	$581,942	$583,214	$584,487	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$285,108	$283,835	$282,563	$281,290	$280,018	$278,745	$277,472	$276,200	$274,927	$273,655	$272,382	$271,109	$269,837	N/A
6. Average Net Investment		$284,472	$283,199	$281,927	$280,654	$279,381	$278,109	$276,836	$275,564	$274,291	$273,018	$271,746	$270,473	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$1,853	$1,845	$1,836	$1,828	$1,820	$1,811	$1,812	$1,804	$1,796	$1,787	$1,779	$1,771	$21,741
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$331	$330	$329	$327	$326	$324	$309	$308	$307	$305	$304	$302	$3,802
8. Investment Expenses														
a. Depreciation [e]		$1,273	$1,273	$1,273	$1,273	$1,273	$1,273	$1,273	$1,273	$1,273	$1,273	$1,273	$1,273	$15,271
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$3,457	$3,447	$3,437	$3,428	$3,418	$3,408	$3,394	$3,384	$3,375	$3,365	$3,355	$3,345	$40,814

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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20 - Wastewater Discharge Elimination & Reuse														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$771,577	$771,577	$771,577	$771,577	$771,577	$771,577	$771,577	$771,577	$771,577	$771,577	$771,577	$771,577	$771,577	N/A
3a. Less: Accumulated Depreciation	$172,106	$175,056	$178,005	$180,955	$183,905	$186,855	$189,804	$192,754	$195,704	$198,653	$201,603	$204,553	$207,503	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$599,471	$596,521	$593,571	$590,622	$587,672	$584,722	$581,772	$578,823	$575,873	$572,923	$569,974	$567,024	$564,074	N/A
6. Average Net Investment		$597,996	$595,046	$592,096	$589,147	$586,197	$583,247	$580,298	$577,348	$574,398	$571,448	$568,499	$565,549	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$3,895	$3,876	$3,857	$3,837	$3,818	$3,799	$3,799	$3,779	$3,760	$3,741	$3,721	$3,702	$45,584
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$697	$693	$690	$687	$683	$680	$649	$645	$642	$639	$635	$632	$7,972
8. Investment Expenses														
a. Depreciation [e]		$2,950	$2,950	$2,950	$2,950	$2,950	$2,950	$2,950	$2,950	$2,950	$2,950	$2,950	$2,950	$35,397
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$7,541	$7,519	$7,496	$7,474	$7,451	$7,428	$7,397	$7,374	$7,352	$7,329	$7,307	$7,284	$88,952

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
21 - St. Lucie Turtle Nets														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	$6,909,559	N/A
3a. Less: Accumulated Depreciation	($897,472)	($884,516)	($871,561)	($858,605)	($845,650)	($832,695)	($819,739)	($806,784)	($793,828)	($780,873)	($767,917)	($754,962)	($742,007)	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$7,807,030	$7,794,075	$7,781,119	$7,768,164	$7,755,209	$7,742,253	$7,729,298	$7,716,342	$7,703,387	$7,690,431	$7,677,476	$7,664,521	$7,651,565	N/A
6. Average Net Investment		$7,800,553	$7,787,597	$7,774,642	$7,761,686	$7,748,731	$7,735,775	$7,722,820	$7,709,865	$7,696,909	$7,683,954	$7,670,998	$7,658,043	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$50,807	$50,723	$50,639	$50,554	$50,470	$50,385	$50,554	$50,469	$50,384	$50,299	$50,215	$50,130	$605,630
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$9,090	$9,075	$9,060	$9,045	$9,030	$9,014	$8,633	$8,618	$8,604	$8,589	$8,575	$8,560	$105,892
8. Investment Expenses														
a. Depreciation [e]		$12,955	$12,955	$12,955	$12,955	$12,955	$12,955	$12,955	$12,955	$12,955	$12,955	$12,955	$12,955	$155,465
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$72,853	$72,753	$72,654	$72,554	$72,455	$72,355	$72,142	$72,043	$71,943	$71,844	$71,745	$71,645	$866,986

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
RETURN ON CAPITAL INVESTMENTS, DEPRECIATION AND TAXES

FORM: 42-8E

JANUARY 2017 THROUGH DECEMBER 2017

	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
22 - Pipeline Integrity Management														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$306,091	$306,091
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$2,872,791	$3,178,882	N/A
3a. Less: Accumulated Depreciation	$259,949	$266,307	$272,666	$279,024	$285,383	$291,741	$298,100	$304,458	$310,817	$317,175	$323,534	$329,892	$336,572	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$2,612,843	$2,606,484	$2,600,126	$2,593,767	$2,587,409	$2,581,050	$2,574,692	$2,568,333	$2,561,975	$2,555,616	$2,549,258	$2,542,899	$2,842,310	N/A
6. Average Net Investment		$2,609,663	$2,603,305	$2,596,946	$2,590,588	$2,584,229	$2,577,871	$2,571,512	$2,565,154	$2,558,795	$2,552,437	$2,546,078	$2,692,604	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$16,998	$16,956	$16,915	$16,873	$16,832	$16,790	$16,833	$16,792	$16,750	$16,708	$16,667	$17,626	$202,740
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$3,041	$3,034	$3,026	$3,019	$3,011	$3,004	$2,874	$2,867	$2,860	$2,853	$2,846	$3,010	$35,446
8. Investment Expenses														
a. Depreciation [e]		$6,359	$6,359	$6,359	$6,359	$6,359	$6,359	$6,359	$6,359	$6,359	$6,359	$6,359	$6,680	$76,624
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$26,397	$26,348	$26,299	$26,251	$26,202	$26,153	$26,066	$26,017	$25,969	$25,920	$25,871	$27,316	$314,809

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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23 - SPCC - Spill Prevention, Control & Countermeasures														
1. Investments														
a. Expenditures/Additions		($10,937)	($283)	$24,217	$21,865	$3,863	$501,615	$438,635	$433,503	$352,204	$348,169	$405,747	$806,714	$3,325,312
b. Clearings to Plant		$31,839	($1,695)	$140,969	($137,186)	($5,129)	$16,242	$12,365	$11,423	$5,256	$5,205	$0	$276,316	$355,604
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		($418)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	($418)
2. Plant-In-Service/Depreciation Base [b]	$16,329,193	$16,361,032	$16,359,337	$16,500,306	$16,363,119	$16,357,991	$16,374,232	$16,386,597	$16,398,020	$16,403,276	$16,408,482	$16,408,482	$16,684,797	N/A
3a. Less: Accumulated Depreciation	$3,325,715	$3,366,273	$3,407,289	$3,448,401	$3,489,518	$3,530,531	$3,571,552	$3,612,504	$3,653,563	$3,694,635	$3,735,714	$3,776,798	$3,819,476	N/A
3b. Less: Capital Recovery Unamortized Balance	($2,837,506)	($2,813,860)	($2,790,214)	($2,766,568)	($2,742,922)	($2,719,276)	($2,695,630)	($2,671,984)	($2,648,339)	($2,624,693)	($2,601,047)	($2,577,401)	($2,553,755)	$0
4. CWIP - Non Interest Bearing	$23,310	$12,373	$12,090	$36,307	$43,896	$62,035	$547,408	$973,679	$1,395,759	$1,742,706	$2,085,670	$2,491,417	$3,021,815	N/A
5. Net Investment (Lines 2 - 3 + 4)	$15,864,294	$15,820,992	$15,754,352	$15,854,780	$15,660,420	$15,608,771	$16,045,718	$16,419,756	$16,788,554	$17,076,040	$17,359,484	$17,700,502	$18,440,892	N/A
6. Average Net Investment		$15,842,643	$15,787,672	$15,804,566	$15,757,600	$15,634,595	$15,827,245	$16,232,737	$16,604,155	$16,932,297	$17,217,762	$17,529,993	$18,070,697	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$103,188	$102,830	$102,940	$102,634	$101,879	$103,088	$106,260	$108,691	$110,839	$112,708	$114,752	$118,291	$1,288,101
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$18,461	$18,397	$18,417	$18,362	$18,227	$18,443	$18,145	$18,560	$18,927	$19,246	$19,595	$20,199	$224,981
8. Investment Expenses														
a. Depreciation [e]		$40,976	$41,016	$41,112	$41,117	$41,013	$41,021	$40,951	$41,060	$41,072	$41,079	$41,083	$42,679	$494,179
b. Amortization [f]		$23,646	$23,646	$23,646	$23,646	$23,646	$23,646	$23,646	$23,646	$23,646	$23,646	$23,646	$23,646	$283,751
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$186,272	$185,889	$186,115	$185,759	$184,766	$186,199	$189,002	$191,957	$194,484	$196,679	$199,076	$204,815	$2,291,013

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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24 - Manatee Reburn														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	$31,581,858	N/A
3a. Less: Accumulated Depreciation	$8,384,671	$8,511,243	$8,637,815	$8,764,388	$8,890,960	$9,017,532	$9,144,104	$9,270,677	$9,397,249	$9,523,821	$9,650,394	$9,776,966	$9,903,538	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$75,239	$75,239	$75,239	$75,239	$75,239	$75,239	$75,239	$75,239	$75,239	$75,239	$75,239	$75,239	$75,239	N/A
5. Net Investment (Lines 2 - 3 + 4)	$23,272,426	$23,145,854	$23,019,282	$22,892,709	$22,766,137	$22,639,565	$22,512,992	$22,386,420	$22,259,848	$22,133,275	$22,006,703	$21,880,131	$21,753,559	N/A
6. Average Net Investment		$23,209,140	$23,082,568	$22,955,995	$22,829,423	$22,702,851	$22,576,279	$22,449,706	$22,323,134	$22,196,562	$22,069,989	$21,943,417	$21,816,845	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$151,168	$150,344	$149,519	$148,695	$147,871	$147,046	$146,956	$146,128	$145,299	$144,471	$143,642	$142,814	$1,763,954
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$27,046	$26,898	$26,751	$26,603	$26,456	$26,308	$25,094	$24,953	$24,811	$24,670	$24,528	$24,387	$308,505
8. Investment Expenses														
a. Depreciation [e]		$126,572	$126,572	$126,572	$126,572	$126,572	$126,572	$126,572	$126,572	$126,572	$126,572	$126,572	$126,572	$1,518,868
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$304,786	$303,814	$302,842	$301,871	$300,899	$299,927	$298,623	$297,653	$296,683	$295,713	$294,743	$293,773	$3,591,327

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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26 - UST Remove/Replacement														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$115,447	$115,447	$115,447	$115,447	$115,447	$115,447	$115,447	$115,447	$115,447	$115,447	$115,447	$115,447	$115,447	N/A
3a. Less: Accumulated Depreciation	$47,708	$47,852	$47,996	$48,141	$48,285	$48,429	$48,574	$48,718	$48,862	$49,007	$49,151	$49,295	$49,440	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$67,739	$67,595	$67,450	$67,306	$67,162	$67,017	$66,873	$66,729	$66,584	$66,440	$66,296	$66,151	$66,007	N/A
6. Average Net Investment		$67,667	$67,522	$67,378	$67,234	$67,089	$66,945	$66,801	$66,657	$66,512	$66,368	$66,224	$66,079	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$441	$440	$439	$438	$437	$436	$437	$436	$435	$434	$434	$433	$5,240
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$79	$79	$79	$78	$78	$78	$75	$75	$74	$74	$74	$74	$916
8. Investment Expenses														
a. Depreciation [e]		$144	$144	$144	$144	$144	$144	$144	$144	$144	$144	$144	$144	$1,732
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$664	$663	$662	$661	$659	$658	$656	$655	$654	$653	$652	$651	$7,888

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

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(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
28 - CWA 316(b) Phase II Rule														
1. Investments														
a. Expenditures/Additions		$10,876	$5,482	$2,172	$6,895	$56,979	$45,810	$195,735	$194,643	$97,902	$39,527	$38,506	$939,307	$1,633,833
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$862,160	$97,902	$39,527	$38,506	$939,307	$1,977,400
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$0	$0	$0	$0	$0	$0	$0	$0	$862,160	$960,061	$999,588	$1,038,094	$1,977,400	N/A
3a. Less: Accumulated Depreciation	$0	$0	$0	$0	$0	$0	$0	$0	$966	$3,009	$5,205	$7,489	$10,869	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$343,567	$354,443	$359,925	$362,097	$368,992	$425,971	$471,781	$667,517	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$343,567	$354,443	$359,925	$362,097	$368,992	$425,971	$471,781	$667,517	$861,193	$957,052	$994,383	$1,030,605	$1,966,531	N/A
6. Average Net Investment		$349,005	$357,184	$361,011	$365,544	$397,481	$448,876	$569,649	$764,355	$909,123	$975,717	$1,012,494	$1,498,568	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$2,273	$2,326	$2,351	$2,381	$2,589	$2,924	$3,729	$5,003	$5,951	$6,387	$6,628	$9,810	$52,353
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$407	$416	$421	$426	$463	$523	$637	$854	$1,016	$1,091	$1,132	$1,675	$9,061
8. Investment Expenses														
a. Depreciation [e]		$0	$0	$0	$0	$0	$0	$0	$966	$2,042	$2,196	$2,284	$3,380	$10,869
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$2,680	$2,743	$2,772	$2,807	$3,052	$3,447	$4,366	$6,824	$9,010	$9,674	$10,043	$14,865	$72,282

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
RETURN ON CAPITAL INVESTMENTS, DEPRECIATION AND TAXES

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	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
31 - Clean Air Interstate Rule (CAIR) Compliance														
1. Investments														
a. Expenditures/Additions		$41,015	$992	($41,537)	$2,110	$737	$28,357	$28,357	$28,357	$28,357	$28,357	$28,357	$28,357	$201,820
b. Clearings to Plant		$3,833	$0	$1,756	$11	($24,030)	$0	$0	$0	$0	$0	$0	$202,250	$183,820
c. Retirements		$0	$0	($41,546)	$0	($24,395)	$0	$0	$0	$0	$0	$0	$0	($65,941)
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$527,147,489	$527,151,322	$527,151,322	$527,153,078	$527,153,089	$527,129,059	$527,129,059	$527,129,059	$527,129,059	$527,129,059	$527,129,059	$527,129,059	$527,331,309	N/A
3a. Less: Accumulated Depreciation	$69,676,106	$70,994,656	$72,313,209	$73,590,218	$74,908,775	$76,202,889	$77,521,352	$78,839,815	$80,158,278	$81,476,741	$82,795,203	$84,113,666	$85,432,317	N/A
3b. Less: Capital Recovery Unamortized Balance	($77,096)	($76,454)	($75,811)	($75,169)	($74,526)	($73,884)	($73,241)	($72,599)	($71,956)	($71,314)	($70,671)	($70,029)	($69,386)	$0
4. CWIP - Non Interest Bearing	$430	$41,446	$42,438	$901	$3,011	$3,748	$32,106	$60,463	$88,821	$117,178	$145,535	$173,893	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$457,548,909	$456,274,566	$454,956,362	$453,638,929	$452,321,851	$451,003,802	$449,713,054	$448,422,306	$447,131,558	$445,840,810	$444,550,062	$443,259,314	$441,968,378	N/A
6. Average Net Investment		$456,911,738	$455,615,464	$454,297,646	$452,980,390	$451,662,826	$450,358,428	$449,067,680	$447,776,932	$446,486,184	$445,195,436	$443,904,688	$442,613,846	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$2,976,007	$2,967,564	$2,958,981	$2,950,401	$2,941,820	$2,933,324	$2,939,611	$2,931,162	$2,922,713	$2,914,263	$2,905,814	$2,897,364	$35,239,025
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$532,439	$530,929	$529,393	$527,858	$526,323	$524,803	$501,968	$500,525	$499,082	$497,639	$496,197	$494,754	$6,161,909
8. Investment Expenses														
a. Depreciation [e]		$1,318,550	$1,318,553	$1,318,555	$1,318,557	$1,318,510	$1,318,463	$1,318,463	$1,318,463	$1,318,463	$1,318,463	$1,318,463	$1,318,651	$15,822,152
b. Amortization [f]		$642	$642	$642	$642	$642	$642	$642	$642	$642	$642	$642	$642	$7,710
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$4,827,639	$4,817,689	$4,807,571	$4,797,458	$4,787,294	$4,777,232	$4,760,684	$4,750,792	$4,740,900	$4,731,008	$4,721,116	$4,711,411	$57,230,796

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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33 - MATS Project														
1. Investments														
a. Expenditures/Additions		$0	$0	$250	($246)	$0	$0	$0	$0	$0	$0	$0	$0	$4
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$4	$4
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,938	$107,495,942	N/A
3a. Less: Accumulated Depreciation	$18,609,993	$18,860,358	$19,110,724	$19,361,089	$19,611,455	$19,861,821	$20,112,186	$20,362,552	$20,612,918	$20,863,283	$21,113,649	$21,364,014	$21,614,380	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$250	$4	$4	$4	$4	$4	$4	$4	$4	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$88,885,946	$88,635,580	$88,385,215	$88,135,099	$87,884,488	$87,634,122	$87,383,756	$87,133,391	$86,883,025	$86,632,659	$86,382,294	$86,131,928	$85,881,562	N/A
6. Average Net Investment		$88,760,763	$88,510,398	$88,260,157	$88,009,793	$87,759,305	$87,508,939	$87,258,573	$87,008,208	$86,757,842	$86,507,476	$86,257,111	$86,006,745	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$578,126	$576,496	$574,866	$573,235	$571,603	$569,973	$571,197	$569,558	$567,920	$566,281	$564,642	$563,003	$6,846,900
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$103,433	$103,141	$102,850	$102,558	$102,266	$101,974	$97,538	$97,258	$96,978	$96,698	$96,418	$96,138	$1,197,249
8. Investment Expenses														
a. Depreciation [e]		$250,366	$250,366	$250,366	$250,366	$250,366	$250,366	$250,366	$250,366	$250,366	$250,366	$250,366	$250,366	$3,004,388
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$931,925	$930,002	$928,081	$926,158	$924,235	$922,313	$919,101	$917,182	$915,263	$913,344	$911,426	$909,507	$11,048,537

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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34 - St Lucie Cooling Water System Inspection & Maintenance														
1. Investments														
a. Expenditures/Additions		$4,343	$3,590	$4,035	$8,404	$2,695	$0	$0	$0	$0	$0	$0	$0	$23,067
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
3a. Less: Accumulated Depreciation	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$4,417,723	$4,422,066	$4,425,656	$4,429,691	$4,438,095	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	N/A
5. Net Investment (Lines 2 - 3 + 4)	$4,417,723	$4,422,066	$4,425,656	$4,429,691	$4,438,095	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	N/A
6. Average Net Investment		$4,419,894	$4,423,861	$4,427,674	$4,433,893	$4,439,443	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	$4,440,790	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$28,788	$28,814	$28,839	$28,879	$28,915	$28,924	$29,070	$29,070	$29,070	$29,070	$29,070	$29,070	$347,577
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$5,151	$5,155	$5,160	$5,167	$5,173	$5,175	$4,964	$4,964	$4,964	$4,964	$4,964	$4,964	$60,764
8. Investment Expenses														
a. Depreciation [e]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$33,939	$33,969	$33,998	$34,046	$34,089	$34,099	$34,033	$34,033	$34,033	$34,033	$34,033	$34,033	$408,341

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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35 - Martin Plant Drinking Water System Compliance														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$235,391	$235,391	$235,391	$235,391	$235,391	$235,391	$235,391	$235,391	$235,391	$235,391	$235,391	$235,391	$235,391	N/A
3a. Less: Accumulated Depreciation	$38,370	$38,864	$39,359	$39,853	$40,347	$40,842	$41,336	$41,830	$42,325	$42,819	$43,313	$43,808	$44,302	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$197,021	$196,527	$196,033	$195,538	$195,044	$194,550	$194,055	$193,561	$193,067	$192,572	$192,078	$191,584	$191,090	N/A
6. Average Net Investment		$196,774	$196,280	$195,786	$195,291	$194,797	$194,303	$193,808	$193,314	$192,820	$192,325	$191,831	$191,337	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$1,282	$1,278	$1,275	$1,272	$1,269	$1,266	$1,269	$1,265	$1,262	$1,259	$1,256	$1,252	$15,205
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$229	$229	$228	$228	$227	$226	$217	$216	$216	$215	$214	$214	$2,659
8. Investment Expenses														
a. Depreciation [e]		$494	$494	$494	$494	$494	$494	$494	$494	$494	$494	$494	$494	$5,932
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$2,005	$2,001	$1,998	$1,994	$1,990	$1,986	$1,980	$1,976	$1,972	$1,968	$1,964	$1,961	$23,796

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
36 - Low-Level Radioactive Waste Storage														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	$17,456,804	N/A
3a. Less: Accumulated Depreciation	$1,064,031	$1,103,990	$1,143,948	$1,183,907	$1,223,866	$1,263,825	$1,303,784	$1,343,742	$1,383,701	$1,423,660	$1,463,619	$1,503,578	$1,543,536	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$16,392,773	$16,352,814	$16,312,855	$16,272,896	$16,232,938	$16,192,979	$16,153,020	$16,113,061	$16,073,102	$16,033,144	$15,993,185	$15,953,226	$15,913,267	N/A
6. Average Net Investment		$16,372,793	$16,332,835	$16,292,876	$16,252,917	$16,212,958	$16,172,999	$16,133,041	$16,093,082	$16,053,123	$16,013,164	$15,973,205	$15,933,247	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$106,641	$106,381	$106,121	$105,860	$105,600	$105,340	$105,607	$105,346	$105,084	$104,823	$104,561	$104,300	$1,265,663
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$19,079	$19,033	$18,986	$18,940	$18,893	$18,846	$18,034	$17,989	$17,944	$17,900	$17,855	$17,810	$221,308
8. Investment Expenses														
a. Depreciation [e]		$39,959	$39,959	$39,959	$39,959	$39,959	$39,959	$39,959	$39,959	$39,959	$39,959	$39,959	$39,959	$479,506
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$165,679	$165,372	$165,065	$164,759	$164,452	$164,145	$163,600	$163,293	$162,987	$162,681	$162,375	$162,069	$1,966,477

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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37 - DeSoto Next Generation Solar Energy Center														
1. Investments														
a. Expenditures/Additions		$0	$1	$0	$0	$0	$12,116	$0	$0	$0	$0	$0	$0	$12,117
b. Clearings to Plant		($47,662)	$0	($46,992)	($21,121)	$0	$0	$0	$0	$0	$0	$0	$0	($115,775)
c. Retirements		($49,116)	$0	$0	($21,238)	$0	$0	$0	$0	$0	$0	$0	$0	($70,354)
d. Other [a]		($0)	($1,677)	($5,600)	$0	$0	$0	$0	$0	$0	$0	$0	$0	($7,278)
2. Plant-In-Service/Depreciation Base [b]	$153,566,725	$153,519,064	$153,519,064	$153,472,071	$153,450,951	$153,450,951	$153,450,951	$153,450,951	$153,450,951	$153,450,951	$153,450,951	$153,450,951	$153,450,951	N/A
3a. Less: Accumulated Depreciation	$36,158,682	$36,554,171	$36,996,847	$37,435,608	$37,858,675	$38,302,854	$38,747,033	$39,191,212	$39,635,392	$40,079,571	$40,523,750	$40,967,930	$41,412,109	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	($0)	($0)	$1	$1	$1	$1	$12,116	$12,116	$12,116	$12,116	$12,116	$12,116	$12,116	N/A
5. Net Investment (Lines 2 - 3 + 4)	$117,408,043	$116,964,892	$116,522,217	$116,036,464	$115,592,277	$115,148,097	$114,716,035	$114,271,855	$113,827,676	$113,383,496	$112,939,317	$112,495,137	$112,050,958	N/A
6. Average Net Investment		$117,186,468	$116,743,555	$116,279,340	$115,814,370	$115,370,187	$114,932,066	$114,493,945	$114,049,765	$113,605,586	$113,161,406	$112,717,227	$112,273,047	N/A
a. Average ITC Balance		$33,385,161	$33,263,095	$33,141,029	$33,018,963	$32,896,897	$32,774,831	$32,652,765	$32,530,699	$32,408,633	$32,286,567	$32,164,501	$32,042,435	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c],[h]		$837,053	$833,899	$830,605	$827,307	$824,144	$821,021	$826,205	$823,011	$819,816	$816,622	$813,427	$810,233	$9,883,343
b. Debt Component (Line 6 x debt rate x 1/12) [d],[h]		$147,621	$147,065	$146,483	$145,901	$145,343	$144,792	$138,176	$137,641	$137,106	$136,572	$136,037	$135,502	$1,698,239
8. Investment Expenses														
a. Depreciation [e]		$432,418	$432,167	$432,174	$432,118	$431,993	$431,992	$431,992	$431,992	$431,992	$431,992	$431,992	$431,992	$5,184,817
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$12,187	$12,187	$12,187	$12,187	$12,187	$12,187	$12,187	$12,187	$12,187	$12,187	$12,187	$12,187	$146,244
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		($160,395)	($160,395)	($160,395)	($160,395)	($160,395)	($160,395)	($160,395)	($160,395)	($160,395)	($160,395)	($160,395)	($160,395)	($1,924,740)
9. Total System Recoverable Costs (Lines 7 & 8)		$1,268,885	$1,264,922	$1,261,055	$1,257,118	$1,253,272	$1,249,597	$1,248,165	$1,244,436	$1,240,707	$1,236,978	$1,233,249	$1,229,520	$14,987,903

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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38 - Space Coast Next Generation Solar Energy Center														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$15,146	$0	$0	$0	$15,146
b. Clearings to Plant		($301)	$0	($10,800)	$0	($37,455)	$0	$0	$0	$15,146	$0	$0	$0	($33,410)
c. Retirements		$0	$0	($6,741)	$0	($37,455)	$0	$0	$0	$0	$0	$0	$0	($44,196)
d. Other [a]		$0	$0	($4,059)	$0	$0	$0	$0	$0	$0	$0	$0	$0	($4,059)
2. Plant-In-Service/Depreciation Base [b]	$70,650,306	$70,650,005	$70,650,005	$70,639,205	$70,639,205	$70,601,750	$70,601,750	$70,601,750	$70,601,750	$70,616,896	$70,616,896	$70,616,896	$70,616,896	N/A
3a. Less: Accumulated Depreciation	$15,914,281	$16,114,861	$16,315,439	$16,505,172	$16,705,658	$16,868,467	$17,068,506	$17,268,546	$17,468,587	$17,668,649	$17,868,734	$18,068,819	$18,268,904	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$54,736,024	$54,535,145	$54,334,566	$54,134,033	$53,933,546	$53,733,283	$53,533,244	$53,333,204	$53,133,163	$52,948,246	$52,748,162	$52,548,077	$52,347,992	N/A
6. Average Net Investment		$54,635,585	$54,434,855	$54,234,300	$54,033,790	$53,833,415	$53,633,263	$53,433,224	$53,233,184	$53,040,705	$52,848,204	$52,648,119	$52,448,034	N/A
a. Average ITC Balance		$14,281,599	$14,230,410	$14,179,221	$14,128,032	$14,076,843	$14,025,654	$13,974,465	$13,923,276	$13,872,087	$13,820,898	$13,769,709	$13,718,520	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c],[h]		$387,421	$386,000	$384,581	$383,162	$381,744	$380,327	$382,611	$381,182	$379,801	$378,421	$376,991	$375,561	$4,577,802
b. Debt Component (Line 6 x debt rate x 1/12) [d],[h]		$68,400	$68,149	$67,898	$67,648	$67,397	$67,147	$64,090	$63,851	$63,620	$63,389	$63,149	$62,909	$787,647
8. Investment Expenses														
a. Depreciation [e]		$196,187	$196,187	$196,141	$196,095	$195,872	$195,648	$195,648	$195,648	$195,671	$195,693	$195,693	$195,693	$2,350,175
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$4,392	$4,392	$4,392	$4,392	$4,392	$4,392	$4,392	$4,392	$4,392	$4,392	$4,392	$4,392	$52,704
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		($67,263)	($67,263)	($67,263)	($67,263)	($67,263)	($67,263)	($67,263)	($67,263)	($67,263)	($67,263)	($67,263)	($67,263)	($807,156)
9. Total System Recoverable Costs (Lines 7 & 8)		$589,137	$587,465	$585,749	$584,033	$582,142	$580,251	$579,479	$577,810	$576,221	$574,631	$572,962	$571,292	$6,961,171

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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39 - Martin Next Generation Solar Energy Center														
1. Investments														
a. Expenditures/Additions		$265,626	$709,327	$9,378	$173,636	($330,037)	$72,698	$72,698	$129,416	$78,757	$84,815	$378,558	$497,826	$2,142,698
b. Clearings to Plant		$258,639	($34,426)	$52,033	($52,373)	$694,336	$802,978	$213,163	$111,387	$0	$80,909	$0	$941,268	$3,067,915
c. Retirements		($361,777)	$0	($106,929)	($47,794)	$0	$0	$0	$0	$0	$0	$0	$0	($516,500)
d. Other [a]		($66,874)	($93,382)	$27,469	($22,473)	($23,941)	$0	$0	$0	$0	$0	$0	$0	($179,202)
2. Plant-In-Service/Depreciation Base [b]	$422,853,922	$423,112,561	$423,078,135	$423,130,169	$423,077,796	$423,772,131	$424,575,109	$424,788,272	$424,899,659	$424,899,659	$424,980,569	$424,980,569	$425,921,837	N/A
3a. Less: Accumulated Depreciation	$79,701,478	$80,341,013	$81,316,330	$82,305,635	$83,304,133	$84,349,730	$85,421,068	$86,493,625	$87,566,572	$88,639,652	$89,712,829	$90,786,104	$91,860,508	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$1,321,775	$1,587,401	$2,296,728	$2,306,106	$2,479,742	$2,149,705	$1,419,426	$1,278,961	$1,296,990	$1,375,747	$1,379,653	$1,758,210	$1,314,768	N/A
5. Net Investment (Lines 2 - 3 + 4)	$344,474,219	$344,358,949	$344,058,533	$343,130,640	$342,253,406	$341,572,107	$340,573,467	$339,573,608	$338,630,078	$337,635,754	$336,647,392	$335,952,675	$335,376,097	N/A
6. Average Net Investment		$344,416,584	$344,208,741	$343,594,586	$342,692,023	$341,912,756	$341,072,787	$340,073,538	$339,101,843	$338,132,916	$337,141,573	$336,300,033	$335,664,386	N/A
a. Average ITC Balance		$98,597,929	$98,254,131	$97,910,333	$97,566,535	$97,222,737	$96,878,939	$96,535,141	$96,191,343	$95,847,545	$95,503,747	$95,159,949	$94,816,151	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c],[h]		$2,461,194	$2,459,081	$2,454,321	$2,447,682	$2,441,847	$2,435,616	$2,452,960	$2,445,792	$2,438,641	$2,431,344	$2,425,028	$2,420,059	$29,313,564
b. Debt Component (Line 6 x debt rate x 1/12) [d],[h]		$434,024	$433,668	$432,838	$431,673	$430,651	$429,558	$410,272	$409,079	$407,889	$406,673	$405,625	$404,807	$5,036,757
8. Investment Expenses														
a. Depreciation [e]		$1,018,631	$1,019,145	$1,019,210	$1,019,210	$1,019,983	$1,021,783	$1,023,002	$1,023,392	$1,023,525	$1,023,622	$1,023,719	$1,024,849	$12,260,071
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$49,555	$49,555	$49,555	$49,555	$49,555	$49,555	$49,555	$49,555	$49,555	$49,555	$49,555	$49,555	$594,660
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		($451,751)	($451,751)	($451,751)	($451,751)	($451,751)	($451,751)	($451,751)	($451,751)	($451,751)	($451,751)	($451,751)	($451,751)	($5,421,012)
9. Total System Recoverable Costs (Lines 7 & 8)		$3,511,653	$3,509,697	$3,504,173	$3,496,369	$3,490,284	$3,484,761	$3,484,039	$3,476,066	$3,467,859	$3,459,444	$3,452,176	$3,447,519	$41,784,040

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
41 - Manatee Temporary Heating System														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$22,904	$7,314	$4,314	$5,314	$5,314	$626,247	$496,344	$1,167,751
b. Clearings to Plant		$0	($52,273)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$34,241	($18,033)
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	($16,244)	($16,244)
d. Other [a]		$0	($52,273)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	($52,273)
2. Plant-In-Service/Depreciation Base [b]	$5,805,515	$5,805,515	$5,753,241	$5,753,241	$5,753,241	$5,753,241	$5,753,241	$5,753,241	$5,753,241	$5,753,241	$5,753,241	$5,753,241	$5,787,482	N/A
3a. Less: Accumulated Depreciation	$5,554,368	$5,554,561	$5,502,891	$5,503,084	$5,503,278	$5,503,471	$5,503,658	$5,503,845	$5,504,032	$5,504,218	$5,504,405	$5,504,496	$5,488,245	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$1,574,095	$0	$0	$0	$0	$0	$22,904	$30,218	$34,532	$39,846	$45,160	$671,407	$1,117,266	N/A
5. Net Investment (Lines 2 - 3 + 4)	$1,825,241	$250,954	$250,351	$250,157	$249,964	$249,770	$272,487	$279,615	$283,742	$288,869	$293,996	$920,153	$1,416,503	N/A
6. Average Net Investment		$1,038,097	$250,652	$250,254	$250,061	$249,867	$261,129	$276,051	$281,678	$286,305	$291,433	$607,075	$1,168,328	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$1,635	$1,633	$1,630	$1,629	$1,627	$1,701	$1,807	$1,844	$1,874	$1,908	$3,974	$7,648	$28,909
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$293	$292	$292	$291	$291	$304	$309	$315	$320	$326	$679	$1,306	$5,017
8. Investment Expenses														
a. Depreciation [e]		$193	$603	$193	$193	$193	$187	$187	$187	$187	$187	$90	($7)	$2,394
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$2,121	$2,527	$2,115	$2,113	$2,112	$2,192	$2,302	$2,345	$2,381	$2,420	$4,743	$8,947	$36,320

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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42 - Turkey Point Cooling Canal Monitoring Plan														
1. Investments														
a. Expenditures/Additions		$198,623	$186,781	$942,232	$463,409	$276,597	$761,034	$3,981,331	$5,038,919	$4,534,665	$4,741,730	$4,719,690	$13,381,701	$39,226,713
b. Clearings to Plant		($130,651)	$0	($25,796)	$2,749	$49,710	$0	$225	$0	$0	$0	$0	$18,582,796	$18,479,033
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$17,170,089	$17,039,438	$17,039,438	$17,013,641	$17,016,390	$17,066,101	$17,066,101	$17,066,325	$17,066,325	$17,066,325	$17,066,325	$17,066,325	$35,649,121	N/A
3a. Less: Accumulated Depreciation	$549,921	$594,536	$638,980	$683,392	$727,773	$772,223	$816,736	$861,250	$905,765	$950,279	$994,794	$1,039,309	$1,108,059	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$6,953,906	$7,152,528	$7,339,310	$8,281,542	$8,744,951	$9,021,548	$9,782,587	$13,763,693	$18,802,612	$23,337,277	$28,079,008	$32,798,698	$27,597,603	N/A
5. Net Investment (Lines 2 - 3 + 4)	$23,574,074	$23,597,431	$23,739,767	$24,611,791	$25,033,568	$25,315,426	$26,031,952	$29,968,769	$34,963,173	$39,453,323	$44,150,539	$48,825,715	$62,138,666	N/A
6. Average Net Investment		$23,585,752	$23,668,599	$24,175,779	$24,822,680	$25,174,497	$25,673,689	$28,000,360	$32,465,971	$37,208,248	$41,801,931	$46,488,127	$55,482,190	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$153,621	$154,161	$157,464	$161,678	$163,969	$167,221	$183,291	$212,523	$243,566	$273,637	$304,313	$363,188	$2,538,633
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$27,484	$27,581	$28,172	$28,926	$29,336	$29,918	$31,299	$36,290	$41,591	$46,726	$51,964	$62,018	$441,306
8. Investment Expenses														
a. Depreciation [e]		$44,615	$44,445	$44,411	$44,381	$44,450	$44,514	$44,514	$44,515	$44,515	$44,515	$44,515	$68,750	$558,139
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$225,721	$226,186	$230,048	$234,985	$237,755	$241,652	$259,104	$293,328	$329,672	$364,878	$400,792	$493,956	$3,538,078

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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44 - Martin Plant Barley Barber Swamp Iron Mitigation														
1. Investments														
a. Expenditures/Additions		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$164,719	$164,719	$164,719	$164,719	$164,719	$164,719	$164,719	$164,719	$164,719	$164,719	$164,719	$164,719	$164,719	N/A
3a. Less: Accumulated Depreciation	$19,114	$19,460	$19,806	$20,152	$20,498	$20,844	$21,190	$21,536	$21,882	$22,228	$22,574	$22,919	$23,265	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$145,604	$145,258	$144,912	$144,566	$144,220	$143,875	$143,529	$143,183	$142,837	$142,491	$142,145	$141,799	$141,453	N/A
6. Average Net Investment		$145,431	$145,085	$144,739	$144,393	$144,048	$143,702	$143,356	$143,010	$142,664	$142,318	$141,972	$141,626	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$947	$945	$943	$940	$938	$936	$938	$936	$934	$932	$929	$927	$11,246
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$169	$169	$169	$168	$168	$167	$160	$160	$159	$159	$159	$158	$1,966
8. Investment Expenses														
a. Depreciation [e]		$346	$346	$346	$346	$346	$346	$346	$346	$346	$346	$346	$346	$4,151
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$1,463	$1,460	$1,457	$1,455	$1,452	$1,449	$1,445	$1,442	$1,439	$1,437	$1,434	$1,431	$17,363

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

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(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

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JANUARY 2017 THROUGH DECEMBER 2017

	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
45 - 800 MW Unit ESP														
1. Investments														
a. Expenditures/Additions		$16,877	$9,625	($2,838)	$0	($23,664)	$0	$0	$0	$0	$0	$0	$0	$0
b. Clearings to Plant		$7,781	$3,385	$76	$31,649	($44,692)	$0	$0	$0	$0	$0	$0	$0	($1,801)
c. Retirements		$0	$0	$0	$0	($77,442)	$0	$0	$0	$0	$0	$0	$0	($77,442)
d. Other [a]		($824)	($745)	$218	($766)	($211)	$0	$0	$0	$0	$0	$0	$0	($2,328)
2. Plant-In-Service/Depreciation Base [b]	$214,906,214	$214,913,995	$214,917,380	$214,917,457	$214,949,105	$214,904,413	$214,904,413	$214,904,413	$214,904,413	$214,904,413	$214,904,413	$214,904,413	$214,904,413	N/A
3a. Less: Accumulated Depreciation	$17,315,970	$18,143,730	$18,971,588	$19,800,416	$20,628,315	$21,379,299	$22,207,871	$23,036,442	$23,865,013	$24,693,584	$25,522,156	$26,350,727	$27,179,298	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$0	$16,877	$26,502	$23,664	$23,664	$0	$0	$0	$0	$0	$0	$0	$0	N/A
5. Net Investment (Lines 2 - 3 + 4)	$197,590,244	$196,787,143	$195,972,294	$195,140,705	$194,344,455	$193,525,114	$192,696,543	$191,867,971	$191,039,400	$190,210,829	$189,382,257	$188,553,686	$187,725,115	N/A
6. Average Net Investment		$197,188,693	$196,379,718	$195,556,500	$194,742,580	$193,934,784	$193,110,828	$192,282,257	$191,453,686	$190,625,114	$189,796,543	$188,967,972	$188,139,400	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$1,284,351	$1,279,082	$1,273,720	$1,268,419	$1,263,157	$1,257,790	$1,258,686	$1,253,262	$1,247,838	$1,242,414	$1,236,990	$1,231,566	$15,097,275
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$229,784	$228,841	$227,882	$226,934	$225,992	$225,032	$214,933	$214,007	$213,081	$212,155	$211,228	$210,302	$2,640,171
8. Investment Expenses														
a. Depreciation [e]		$828,584	$828,603	$828,609	$828,666	$828,637	$828,571	$828,571	$828,571	$828,571	$828,571	$828,571	$828,571	$9,943,098
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$2,342,719	$2,336,526	$2,330,211	$2,324,018	$2,317,787	$2,311,394	$2,302,190	$2,295,840	$2,289,490	$2,283,140	$2,276,790	$2,270,440	$27,680,544

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
RETURN ON CAPITAL INVESTMENTS, DEPRECIATION AND TAXES

FORM: 42-8E

JANUARY 2017 THROUGH DECEMBER 2017

	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
54 - Coal Combustion Residuals														
1. Investments														
a. Expenditures/Additions		$763,706	$204,630	$373,530	$586,516	$554,383	$718,122	$3,007,755	$3,007,755	$3,007,755	$3,007,755	$3,007,755	$3,007,755	$21,247,417
b. Clearings to Plant		($1,216)	$166	($166)	$1,114	$345	$0	$0	$0	$0	$0	$0	$234	$477
c. Retirements		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Other [a]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2. Plant-In-Service/Depreciation Base [b]	$254,590	$253,373	$253,539	$253,373	$254,488	$254,832	$254,832	$254,832	$254,832	$254,832	$254,832	$254,832	$255,066	N/A
3a. Less: Accumulated Depreciation	$486	$787	$1,086	$1,386	$1,687	$1,988	$2,289	$2,590	$2,891	$3,192	$3,493	$3,794	$4,095	N/A
3b. Less: Capital Recovery Unamortized Balance	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4. CWIP - Non Interest Bearing	$3,026,212	$3,789,917	$3,994,548	$4,368,078	$4,954,595	$5,508,977	$6,227,099	$9,234,854	$12,242,609	$15,250,364	$18,258,119	$21,265,874	$24,273,395	N/A
5. Net Investment (Lines 2 - 3 + 4)	$3,280,315	$4,042,504	$4,247,001	$4,620,065	$5,207,396	$5,761,822	$6,479,643	$9,487,097	$12,494,551	$15,502,004	$18,509,458	$21,516,912	$24,524,366	N/A
6. Average Net Investment		$3,661,410	$4,144,753	$4,433,533	$4,913,730	$5,484,609	$6,120,732	$7,983,370	$10,990,824	$13,998,277	$17,005,731	$20,013,185	$23,020,639	N/A
7. Return on Average Net Investment														
a. Equity Component grossed up for taxes [c][h]		$23,848	$26,996	$28,877	$32,005	$35,723	$39,866	$52,259	$71,946	$91,633	$111,320	$131,007	$150,694	$796,174
b. Debt Component (Line 6 x debt rate x 1/12) [d][h]		$4,267	$4,830	$5,166	$5,726	$6,391	$7,132	$8,924	$12,286	$15,647	$19,009	$22,371	$25,732	$137,481
8. Investment Expenses														
a. Depreciation [e]		$301	$300	$300	$300	$301	$301	$301	$301	$301	$301	$301	$301	$3,610
b. Amortization [f]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
c. Dismantlement [g]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
d. Property Expenses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
e. Other		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
9. Total System Recoverable Costs (Lines 7 & 8)		$28,415	$32,126	$34,343	$38,031	$42,415	$47,300	$61,484	$84,533	$107,582	$130,630	$153,679	$176,728	$937,265

[a] Applicable to reserve salvage and removal cost

(b) Applicable beginning of period and end of period depreciable base by production plant name(s), unit(s), or plant account(s). See Form 42-8E, pages 41-44.

[c] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009%, per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[d] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report.

(e) Applicable depreciation rate or rates. See Form 42-8E, pages 41-44.

(f) Applicable amortization period(s). See Form 42-8E, pages 41-44.

[g] Dismantlement only applies to Solar projects - DeSoto (37), NASA (38) & Martin (39).

[h] For solar projects the return on investment calculation is comprised of two parts:

Average Net Investment: See footnotes (b) and (c).

Average Unamortized ITC Balance:

Equity Component: Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%; the monthly Equity Component for the Jan. – Jun. 2017 period of 6.430% reflects a 10.55% return on equity and the monthly Equity Component for the Jul. – Dec. 2017 period of 6.557% reflects a 10.55% return on equity.

Debt Component: For the Jan. – Jun. 2017 period the return of 1.796% per Order No. PSC-16-0560-AS-EI issued December 15, 2016 and for the Jul. – Dec. 2017 period return of 1.716% which is based on May 2017 ROR Surveillance Report.

FLORIDA POWER & LIGHT COMPANY
ENVIRONMENTAL COST RECOVERY CLAUSE
RETURN ON CAPITAL INVESTMENTS, DEPRECIATION AND TAXES

FORM: 42-8E

JANUARY 2017 THROUGH DECEMBER 2017

	Beginning of Period Amount	January Actual	February Actual	March Actual	April Actual	May Actual	June Estimated	July Estimated	August Estimated	September Estimated	October Estimated	November Estimated	December Estimated	Twelve Month Amount
1. Working Capital Dr(Cr)														
a. 158.100 Allowance Inventory		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
b. 158.200 Allowances Withheld		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
c. 182.300 Other Regulatory Assets-Losses		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
d. 254.900 Other Regulatory Liabilities-Gains	($5,046)	($4,699)	($4,353)	($4,006)	($3,792)	($3,432)	($3,071)	($2,710)	($2,349)	($1,988)	($1,627)	($1,266)	($905)	
2. Total Working Capital	($5,046)	($4,699)	($4,353)	($4,006)	($3,792)	($3,432)	($3,071)	($2,710)	($2,349)	($1,988)	($1,627)	($1,266)	($905)	
3. Average Net Working Capital Balance		($4,873)	($4,526)	($4,179)	($3,899)	($3,612)	($3,251)	($2,890)	($2,529)	($2,168)	($1,807)	($1,446)	($1,085)	
4. Return on Average Net Working Capital Balance														
a. Equity Component grossed up for taxes [a]		($32)	($29)	($27)	($25)	($24)	($21)	($19)	($17)	($14)	($12)	($9)	($7)	
b. Debt Component [b]		($6)	($5)	($5)	($5)	($4)	($4)	($3)	($3)	($2)	($2)	($2)	($1)	
5. Total Return Component [e]		($37)	($35)	($32)	($30)	($28)	($25)	($22)	($19)	($17)	($14)	($11)	($8)	($278)
6. Expense Dr(Cr)														
a. 411.800 Gains from Dispositions of Allowances		($347)	($347)	($347)	($347)	($361)	($361)	($361)	($361)	($361)	($361)	($361)	($361)	
b. 411.900 Losses from Dispositions of Allowances		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
c. 509.000 Allowance Expense		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
7. Net Expense (Lines 6a + 6b + 6c) [f]		($347)	($347)	($347)	($347)	($361)	($361)	($361)	($361)	($361)	($361)	($361)	($361)	($4,274)
8. Total System Recoverable Expenses (Lines 5 + 7)		($384)	($381)	($379)	($377)	($389)	($386)	($383)	($380)	($378)	($375)	($372)	($369)	
a. Recoverable Costs Allocated to Energy		($384)	($381)	($379)	($377)	($389)	($386)	($383)	($380)	($378)	($375)	($372)	($369)	
b. Recoverable Costs Allocated to Demand		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
9. Energy Jurisdictional Factor		94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	94.89172%	
10. Demand Jurisdictional Factor		95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	95.04658%	
11. Retail Energy-Related Recoverable Costs [c]		($365)	($362)	($359)	($357)	($369)	($366)	($364)	($361)	($358)	($356)	($353)	($350)	
12. Retail Demand-Related Recoverable Costs [d]		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	
13. Total Jurisdictional Recoverable Costs (Lines 11 + 12)		($365)	($362)	($359)	($357)	($369)	($366)	($364)	($361)	($358)	($356)	($353)	($350)	($4,320)

[a] The Gross-up factor for taxes uses 0.61425, which reflects the Federal Income Tax Rate of 35%. The monthly Equity Component for the Jan. – Jun. 2017 period is 4.8009% per Order No. PSC-16-0560-AS-EI and reflects a 10.55% return on equity, and the monthly Equity Component for the Jul. – Dec. 2017 period is 4.8251% based on the May 2017 ROR Surveillance Report and reflects a 10.55% return on equity.

[b] The Debt Component for the Jan. – Jun. 2017 period is 1.3984% per Order No. PSC-16-0560-AS-EI and the Debt Component for the Jul. – Dec. 2017 period is 1.3413% based on the May 2017 ROR Surveillance Report, per FPSC Order No. PSC-12-0425-PAA-EU.

[c] Line 8a times Line 9

[d] Line 8b times Line 10

[e] Line 5 is reported on Capital Schedule

[f] Line 7 is reported on O&M Schedule

2017 Depreciation Schedule

FORM: 42-8E

Project	Class ID	Plant	Unit	Utility	2017 Depreciation Rate / Amortization Period	Sum of Dec-16	Sum of Dec-17
002-LOW NOX BURNER TECHNOLOGY	02 - Steam Generation Plant	Turkey Pt	Turkey Pt U1	31200	CRS	-	-
002-LOW NOX BURNER TECHNOLOGY Total						**-**	**-**
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Manatee	Manatee Comm	31200	7.62%	65,605	271,060
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Manatee	Manatee U1	31100	1.74%	56,430	56,430
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Manatee	Manatee U1	31200	4.64%	558,926	571,584
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Manatee	Manatee U2	31100	1.83%	56,333	56,333
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Manatee	Manatee U2	31200	4.99%	599,476	612,037
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Martin	Martin Comm	31200	4.45%	31,632	87,395
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Martin	Martin Comm	31650	20.00%	58,207	58,207
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Martin	Martin Comm	31670	14.29%	66,897	66,897
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Martin	Martin U1	31100	2.68%	36,811	36,811
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Martin	Martin U1	31200	4.53%	533,645	542,834
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Martin	Martin U2	31100	2.39%	36,845	36,845
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Martin	Martin U2	31200	4.64%	529,520	538,709
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	Scherer	Scherer U4	31200	2.79%	515,653	515,653
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP - Comm	31100	1.09%	43,193	43,193
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U1	31200	2.12%	780	780
003-CONTINUOUS EMISSION MONITORING	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U2	31200	2.36%	780	780
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34100	2.20%	58,860	58,860
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34300	5.20%	-	93,975
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34500	1.60%	34,502	34,502
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale GTs	34300	8.25%	10,225	10,225
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale U4	34300	4.11%	487,395	548,319
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale U5	34300	5.00%	498,340	515,429
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Myers	FtMyers U2	34300	3.46%	165,032	394,697
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Myers	FtMyers U3	34300	4.54%	-	110,214
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Ft Myers	FtMyers U3 SC Peak	34300	3.04%	2,283	37,257
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Manatee	Manatee U3	34300	3.35%	87,691	87,691
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Martin	Martin U3	34300	4.49%	421,385	551,290
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Martin	Martin U4	34300	3.92%	413,986	432,364
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Martin	Martin U8	34300	3.37%	13,693	13,693
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Sanford	Sanford Comm	34300	7.96%	-	132,173
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Sanford	Sanford U4	34300	4.00%	171,843	211,873
003-CONTINUOUS EMISSION MONITORING	05 - Other Generation Plant	Sanford	Sanford U5	34300	4.12%	134,809	174,839
003-CONTINUOUS EMISSION MONITORING Total						**5,690,778**	**6,902,949**
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Manatee	Manatee Comm	31100	3.17%	3,111,263	3,111,263
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Manatee	Manatee Comm	31200	7.62%	174,543	174,543
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Manatee	Manatee U1	31200	4.64%	104,845	104,845
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Manatee	Manatee U2	31200	4.99%	127,429	127,429
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Martin	Martin Comm	31100	2.52%	1,462,198	1,463,301
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Martin	Martin Comm	31200	4.45%	94,329	94,329
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Martin	Martin Comm	31600	3.79%		-
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Martin	Martin U1	31100	2.68%	261,417	261,417
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	Martin	Martin U2	31100	2.39%	85,078	85,078
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP - Comm	31100	1.09%	42,091	42,091
005-MAINTENANCE OF ABOVE GROUND FUEL	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP - Comm	31200	1.44%	2,292	2,292
005-MAINTENANCE OF ABOVE GROUND FUEL	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34200	3.09%	898,111	898,111
005-MAINTENANCE OF ABOVE GROUND FUEL	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale GTs	34200	4.73%	584,290	584,290
005-MAINTENANCE OF ABOVE GROUND FUEL	05 - Other Generation Plant	Ft Myers	FtMyers GTs	34200	7.84%	133,479	133,479
005-MAINTENANCE OF ABOVE GROUND FUEL	05 - Other Generation Plant	Ft Myers	FtMyers U3 SC Peak	34200	3.58%	18,616	18,616
005-MAINTENANCE OF ABOVE GROUND FUEL	05 - Other Generation Plant	Martin	Martin Comm	34200	2.42%	455,941	455,941
005-MAINTENANCE OF ABOVE GROUND FUEL	08 - General Plant	General Plant	General Plant	39000	1.50%	5,837,840	5,837,840
005-MAINTENANCE OF ABOVE GROUND FUEL TANKS Total						**13,393,764**	**13,394,867**
007-RELOCATE TURBINE LUBE OIL PIPING	03 - Nuclear Generation Plant	St Lucie	StLucie U1	32300	5.11%	31,030	31,030
007-RELOCATE TURBINE LUBE OIL PIPING Total						**31,030**	**31,030**
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	02 - Steam Generation Plant	Manatee	Manatee Comm	31100	3.17%	46,882	46,882
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	02 - Steam Generation Plant	Manatee	Manatee Comm	31670	14.29%	54,241	21,347
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	02 - Steam Generation Plant	Martin	Martin Comm	31600	3.79%	23,107	23,107
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	02 - Steam Generation Plant	Martin	Martin Comm	31650	20.00%	-	116,547
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	02 - Steam Generation Plant	Martin	Martin Comm	31670	14.29%	431,173	323,418
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34100	2.20%	363,996	363,996
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	05 - Other Generation Plant	Sanford	Sanford Comm	34100	2.40%	15,922	15,922
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36670	2.00%	2,995	2,995
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	08 - General Plant	General Plant	General Plant	39000	1.50%	4,413	4,413
008-OIL SPILL CLEANUP/RESPONSE EQUIPME	08 - General Plant	General Plant	General Plant	39190	33.33%	6,398	2,291
008-OIL SPILL CLEANUP/RESPONSE EQUIPMENT Total						**949,127**	**920,919**
010-REROUTE STORMWATER RUNOFF	03 - Nuclear Generation Plant	St Lucie	StLucie Comm	32100	2.25%	117,794	117,794
010-REROUTE STORMWATER RUNOFF Total						**117,794**	**117,794**
012-SCHERER DISCHARGE PIPELINE	02 - Steam Generation Plant	Scherer	Scherer Comm	31100	1.51%	524,873	524,873
012-SCHERER DISCHARGE PIPELINE	02 - Steam Generation Plant	Scherer	Scherer Comm	31200	2.23%	328,762	328,762
012-SCHERER DISCHARGE PIPELINE	02 - Steam Generation Plant	Scherer	Scherer Comm	31400	2.07%	689	689
012-SCHERER DISCHARGE PIPELINE Total						**854,324**	**854,324**
020-WASTEWATER/STORMWATER DISCH ELI	02 - Steam Generation Plant	Martin	Martin U1	31200	4.53%	367,906	367,906
020-WASTEWATER/STORMWATER DISCH ELI	02 - Steam Generation Plant	Martin	Martin U2	31200	4.64%	403,671	403,671
020-WASTEWATER/STORMWATER DISCH ELIMINATION Total						**771,577**	**771,577**

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Project	Class ID	Plant	Unit	Utility	2017 Depreciation Rate / Amortization Period	Sum of Dec-16	Sum of Dec-17
021-ST.LUCIE TURTLE NETS	03 - Nuclear Generation Plant	St Lucie	StLucie Comm	32100	2.25%	6,909,559	6,909,559
021-ST.LUCIE TURTLE NETS Total						**6,909,559**	**6,909,559**
022-PIPELINE INTEGRITY MANAGEMENT	02 - Steam Generation Plant	Manatee	Manatee Comm	31100	3.17%	601,217	601,217
022-PIPELINE INTEGRITY MANAGEMENT	02 - Steam Generation Plant	Martin	Martin Comm	31100	2.52%	2,271,574	2,577,665
022-PIPELINE INTEGRITY MANAGEMENT Total						**2,872,791**	**3,178,882**
023-SPILL PREVENTION CLEAN-UP & COUNTI	02 - Steam Generation Plant	Manatee	Manatee Comm	31100	3.17%	1,240,613	1,240,623
023-SPILL PREVENTION CLEAN-UP & COUNTI	02 - Steam Generation Plant	Manatee	Manatee Comm	31200	7.62%	33,272	33,272
023-SPILL PREVENTION CLEAN-UP & COUNTI	02 - Steam Generation Plant	Manatee	Manatee Comm	31500	2.34%	26,325	26,325
023-SPILL PREVENTION CLEAN-UP & COUNTI	02 - Steam Generation Plant	Manatee	Manatee U1	31200	4.64%	45,750	45,750
023-SPILL PREVENTION CLEAN-UP & COUNTI	02 - Steam Generation Plant	Manatee	Manatee U2	31200	4.99%	37,431	37,431
023-SPILL PREVENTION CLEAN-UP & COUNTI	02 - Steam Generation Plant	Martin	Martin Comm	31100	2.52%	568,374	574,162
023-SPILL PREVENTION CLEAN-UP & COUNTI	02 - Steam Generation Plant	Martin	Martin Comm	31500	3.57%	34,755	34,755
023-SPILL PREVENTION CLEAN-UP & COUNTI	02 - Steam Generation Plant	Turkey Pt	Turkey Pt Comm	32570	14.29%	-	266,897
023-SPILL PREVENTION CLEAN-UP & COUNTI	03 - Nuclear Generation Plant	St Lucie	StLucie U1	32300	5.11%	712,225	712,225
023-SPILL PREVENTION CLEAN-UP & COUNTI	03 - Nuclear Generation Plant	St Lucie	StLucie U1	32400	3.20%	745,335	745,335
023-SPILL PREVENTION CLEAN-UP & COUNTI	03 - Nuclear Generation Plant	St Lucie	StLucie U2	32300	3.86%	552,390	552,390
023-SPILL PREVENTION CLEAN-UP & COUNTI	03 - Nuclear Generation Plant	Turkey Pt	Turkey Pt Comm	32100	3.13%	931,430	940,650
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34100	2.20%	189,219	189,219
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34200	3.09%	1,480,169	1,480,169
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34300	5.20%	28,250	28,250
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale GTs	34200	4.73%	513,250	513,250
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Myers	FtMyers GTs	34100	7.40%	98,715	98,715
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Myers	FtMyers GTs	34200	7.84%	629,983	629,983
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Myers	FtMyers GTs	34500	7.77%	12,430	12,430
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Myers	FtMyers U2	34300	3.46%	49,727	49,727
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Ft Myers	FtMyers U3 SC Peak	34500	3.40%	12,430	12,430
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Martin	Martin Comm	34100	2.24%	523,498	523,498
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Martin	Martin U8	34200	2.70%	84,868	84,868
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Pt Everglades	PtEverglades Comm	34200	2.90%	2,728,283	2,728,283
023-SPILL PREVENTION CLEAN-UP & COUNTI	05 - Other Generation Plant	Sanford	Sanford Comm	34100	2.40%	288,383	288,383
023-SPILL PREVENTION CLEAN-UP & COUNTI	06 - Transmission Plant - Electric	Radial	Radial	35200	1.70%	6,946	6,946
023-SPILL PREVENTION CLEAN-UP & COUNTI	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35200	1.70%	1,124,628	1,134,023
023-SPILL PREVENTION CLEAN-UP & COUNTI	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35300	2.04%	177,982	177,982
023-SPILL PREVENTION CLEAN-UP & COUNTI	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35800	1.87%	65,655	65,655
023-SPILL PREVENTION CLEAN-UP & COUNTI	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36100	1.75%	3,169,685	3,233,979
023-SPILL PREVENTION CLEAN-UP & COUNTI	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36670	2.00%	70,499	70,499
023-SPILL PREVENTION CLEAN-UP & COUNTI	08 - General Plant	General Plant	General Plant	39000	1.50%	146,691	146,691
023-SPILL PREVENTION CLEAN-UP & COUNTERMEASURES Total						**16,329,193**	**16,684,797**
024-GAS REBURN	02 - Steam Generation Plant	Manatee	Manatee Comm	31200	7.62%	-	-
024-GAS REBURN	02 - Steam Generation Plant	Manatee	Manatee U1	31200	4.64%	16,304,833	16,304,833
024-GAS REBURN	02 - Steam Generation Plant	Manatee	Manatee U2	31200	4.99%	15,277,025	15,277,025
024-GAS REBURN Total						**31,581,858**	**31,581,858**
026-UST REPLACEMENT/REMOVAL	08 - General Plant	General Plant	General Plant	39000	1.50%	115,447	115,447
026-UST REPLACEMENT/REMOVAL Total						**115,447**	**115,447**
028 - CWA 316(b) Phase II Rule	05 - Other Generation Plant	Cape Canaveral	CapeCanaveral Com	34100	2.69%		1,977,400
028 - CWA 316(b) Phase II Rule Total							**1,977,400**
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Manatee	Manatee Comm	31100	3.17%	102,052	102,052
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Manatee	Manatee U1	31200	4.64%	20,059,060	20,059,060
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Manatee	Manatee U1	31400	4.03%	7,240,124	7,240,124
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Manatee	Manatee U2	31200	4.99%	20,461,529	20,461,529
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Manatee	Manatee U2	31400	3.72%	7,905,907	7,905,907
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Martin	Martin Comm	31200	4.45%	518,275	518,275
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Martin	Martin Comm	31400	3.48%	287,258	287,258
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Martin	Martin U1	31200	4.53%	19,504,077	19,504,077
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Martin	Martin U1	31400	3.35%	7,499,710	7,499,710
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Martin	Martin U2	31200	4.64%	20,248,975	20,224,580
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Martin	Martin U2	31400	4.79%	7,477,120	7,477,120
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Scherer	Scherer Comm	31200	2.23%	-	198,502
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Scherer	Scherer Comm U3&	31200	2.32%	2,243,194	2,250,775
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Scherer	Scherer U4	31100	2.30%	82,366,984	82,366,984
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Scherer	Scherer U4	31200	2.79%	254,248,896	254,248,896
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Scherer	Scherer U4	31400	1.89%	(94,224)	(94,224)
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Scherer	Scherer U4	31500	2.49%	19,615,426	19,615,426
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Scherer	Scherer U4	31600	1.88%	399,586	399,586
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	Scherer	Scherer U4	31670	14.29%	12,775	12,775
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U1	31200	2.12%	27,744,107	27,746,239
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U1	31500	1.46%	446,692	446,692
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U1	31600	1.14%	9,138	9,138
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U2	31200	2.35%	26,534,954	26,534,954
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U2	31500	1.84%	426,220	426,220
031-CLEAN AIR INTERSTATE RULE-CAIR	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U2	31600	1.58%	9,591	9,591
031-CLEAN AIR INTERSTATE RULE-CAIR	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale GTs	34300	8.25%	110,242	110,242
031-CLEAN AIR INTERSTATE RULE-CAIR	05 - Other Generation Plant	Ft Myers	FtMyers GTs	34300	8.22%	57,855	57,855
031-CLEAN AIR INTERSTATE RULE-CAIR	05 - Other Generation Plant	Martin	Martin Comm	34100	2.24%	763,350	763,350
031-CLEAN AIR INTERSTATE RULE-CAIR	05 - Other Generation Plant	Martin	Martin Comm	34300	2.56%	244,343	244,343
031-CLEAN AIR INTERSTATE RULE-CAIR	05 - Other Generation Plant	Martin	Martin Comm	34500	2.04%	292,499	292,499
031-CLEAN AIR INTERSTATE RULE-CAIR	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36500	2.57%	411,775	411,775
031-CLEAN AIR INTERSTATE RULE-CAIR Total						**527,147,489**	**527,331,309**

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Project	Class ID	Plant	Unit	Utility	2017 Depreciation Rate / Amortization Period	Sum of Dec-16	Sum of Dec-17
033-CLEAN AIR MERCURY RULE-CAMR -	02 - Steam Generation Plant	Scherer	Scherer Comm	31200	2.23%		-
033-CLEAN AIR MERCURY RULE-CAMR -	02 - Steam Generation Plant	Scherer	Scherer Comm U3&	31200	2.32%	(1,234,033)	(1,234,029)
033-CLEAN AIR MERCURY RULE-CAMR -	02 - Steam Generation Plant	Scherer	Scherer U4	31200	2.79%	108,641,809	108,641,809
033-CLEAN AIR MERCURY RULE-CAMR -	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U1	31200	2.12%	70,087	70,087
033-CLEAN AIR MERCURY RULE-CAMR -	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP U2	31200	2.35%	18,075	18,075
033-CLEAN AIR MERCURY RULE-CAMR - Total						**107,495,938**	**107,495,942**
034-PSL COOLING WATER SYSTEM INSPECTION & MAINTENANCE Total							**-**
035-MARTIN PLANT DRINKING WATER COMP	02 - Steam Generation Plant	Martin	Martin Comm	31100	2.52%	235,391	235,391
035-MARTIN PLANT DRINKING WATER COMP Total						**235,391**	**235,391**
036-LOW LEV RADI WSTE-LLW	03 - Nuclear Generation Plant	St Lucie	StLucie Comm	32100	2.25%	7,601,405	7,601,405
036-LOW LEV RADI WSTE-LLW	03 - Nuclear Generation Plant	Turkey Pt	Turkey Pt Comm	32100	3.13%	9,855,399	9,855,399
036-LOW LEV RADI WSTE-LLW Total						**17,456,804**	**17,456,804**
037-DE SOTO SOLAR PROJECT	05 - Other Generation Plant	Desoto	Desoto Solar	34000	0.00%	255,507	255,507
037-DE SOTO SOLAR PROJECT	05 - Other Generation Plant	Desoto	Desoto Solar	34100	3.49%	5,265,937	5,265,937
037-DE SOTO SOLAR PROJECT	05 - Other Generation Plant	Desoto	Desoto Solar	34300	3.36%	115,297,818	115,297,818
037-DE SOTO SOLAR PROJECT	05 - Other Generation Plant	Desoto	Desoto Solar	34500	3.65%	26,746,246	26,746,246
037-DE SOTO SOLAR PROJECT	05 - Other Generation Plant	Desoto	Desoto Solar	34600	3.30%	-	-
037-DE SOTO SOLAR PROJECT	05 - Other Generation Plant	Desoto	Desoto Solar	34630	33.33%	1,886	8,469
037-DE SOTO SOLAR PROJECT	05 - Other Generation Plant	Desoto	Desoto Solar	34650	20.00%	36,693	36,693
037-DE SOTO SOLAR PROJECT	05 - Other Generation Plant	Desoto	Desoto Solar	34670	14.29%	126,709	86,824
037-DE SOTO SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35200	1.70%	7,427	7,427
037-DE SOTO SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35300	2.04%	1,004,027	1,004,027
037-DE SOTO SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35310	2.64%	1,728,419	1,695,869
037-DE SOTO SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35500	2.32%	394,418	394,418
037-DE SOTO SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35600	2.38%	191,358	191,358
037-DE SOTO SOLAR PROJECT	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36100	1.75%	540,994	540,994
037-DE SOTO SOLAR PROJECT	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36200	1.90%	1,919,623	1,890,938
037-DE SOTO SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39220	10.00%	28,426	28,426
037-DE SOTO SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39720	14.29%	21,238	-
037-DE SOTO SOLAR PROJECT Total						**153,566,725**	**153,450,951**
038-SPACE COAST SOLAR PROJECT	01 - Intangible Plant	Intangible Plant	Intangible Plant	30300	30-year	6,359,027	6,359,027
038-SPACE COAST SOLAR PROJECT	05 - Other Generation Plant	Space Coast	Space Coast Solar	34100	3.45%	3,893,856	3,889,496
038-SPACE COAST SOLAR PROJECT	05 - Other Generation Plant	Space Coast	Space Coast Solar	34300	3.30%	51,550,587	51,550,587
038-SPACE COAST SOLAR PROJECT	05 - Other Generation Plant	Space Coast	Space Coast Solar	34500	3.51%	6,126,699	6,141,844
038-SPACE COAST SOLAR PROJECT	05 - Other Generation Plant	Space Coast	Space Coast Solar	34650	20.00%	35,202	35,202
038-SPACE COAST SOLAR PROJECT	05 - Other Generation Plant	Space Coast	Space Coast Solar	34670	14.29%	51,560	14,106
038-SPACE COAST SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35300	2.04%	928,529	928,529
038-SPACE COAST SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35310	2.64%	1,328,699	1,328,699
038-SPACE COAST SOLAR PROJECT	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36100	1.75%	274,858	274,858
038-SPACE COAST SOLAR PROJECT	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36200	1.90%	62,689	62,689
038-SPACE COAST SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39220	10.00%	31,858	31,858
038-SPACE COAST SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39720	14.29%	6,741	-
038-SPACE COAST SOLAR PROJECT Total						**70,650,306**	**70,616,896**
039-MARTIN SOLAR PROJECT	05 - Other Generation Plant	Martin	Martin U8	34300	3.37%	423,126	423,126
039-MARTIN SOLAR PROJECT	05 - Other Generation Plant	Martin Solar	Martin Solar	34000	0.00%	216,844	216,844
039-MARTIN SOLAR PROJECT	05 - Other Generation Plant	Martin Solar	Martin Solar	34100	2.99%	20,746,646	20,746,699
039-MARTIN SOLAR PROJECT	05 - Other Generation Plant	Martin Solar	Martin Solar	34300	2.88%	395,612,998	398,640,410
039-MARTIN SOLAR PROJECT	05 - Other Generation Plant	Martin Solar	Martin Solar	34500	2.99%	4,125,204	4,125,204
039-MARTIN SOLAR PROJECT	05 - Other Generation Plant	Martin Solar	Martin Solar	34600	2.85%	1,299	1,299
039-MARTIN SOLAR PROJECT	05 - Other Generation Plant	Martin Solar	Martin Solar	34650	20.00%	11,178	11,178
039-MARTIN SOLAR PROJECT	05 - Other Generation Plant	Martin Solar	Martin Solar	34670	14.29%	81,460	131,193
039-MARTIN SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35500	2.32%	603,692	603,692
039-MARTIN SOLAR PROJECT	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35600	2.38%	364,159	364,159
039-MARTIN SOLAR PROJECT	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36400	0.00%	9,282	-
039-MARTIN SOLAR PROJECT	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36660	1.42%	94,476	94,476
039-MARTIN SOLAR PROJECT	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36760	1.96%	2,728	2,728
039-MARTIN SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39220	10.00%	121,101	121,101
039-MARTIN SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39240	2.63%	332,682	332,682
039-MARTIN SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39290	4.99%	88,938	88,938
039-MARTIN SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39420	14.29%	13,666	13,666
039-MARTIN SOLAR PROJECT	08 - General Plant	General Plant	General Plant	39720	14.29%	4,442	4,442
039-MARTIN SOLAR PROJECT Total						**422,853,922**	**425,921,837**
041-PRV MANATEE HEATING SYSTEM	05 - Other Generation Plant	Cape Canaveral	CapeCanaveral Com	34100	CRS	-	50,485
041-PRV MANATEE HEATING SYSTEM	05 - Other Generation Plant	Cape Canaveral	CapeCanaveral Com	34300	CRS	4,042,459	4,042,459
041-PRV MANATEE HEATING SYSTEM	05 - Other Generation Plant	Ft Lauderdale	FtLauderdale Comm	34300	CRS	-	-
041-PRV MANATEE HEATING SYSTEM	06 - Transmission Plant - Electric	Transmission	Transmission Plant -	35300	CRS	276,404	276,404
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36100	CRS	73,267	73,267
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36200	CRS	472,661	472,661
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36400	CRS	225,952	-
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36500	CRS	307,599	307,599
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36660	CRS	221,326	221,326
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36760	CRS	168,995	168,995
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36910	CRS	607	607
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36420	CRS	-	36,431
041-PRV MANATEE HEATING SYSTEM	07 - Distribution Plant - Electric	Distribution	Mass Distribution Pla	36410	CRS	-	137,247
041-PRV MANATEE HEATING SYSTEM	08 - General Plant	General Plant	General Plant	39720	14.29%	16,244	-
041-PRV MANATEE HEATING SYSTEM Total						**5,805,515**	**5,787,482**

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Project	Class ID	Plant	Unit	Utility	2017 Depreciation Rate / Amortization Period	Sum of Dec-16	Sum of Dec-17
042-PTN COOLING CANAL MONITORING SYS	03 - Nuclear Generation Plant	Turkey Pt	Turkey Pt Comm	32100	3.13%	17,170,089	35,649,121
042-PTN COOLING CANAL MONITORING SYS	05 - Other Generation Plant	Turkey Pt	Turkey Pt U5	34100	2.33%		-
042-PTN COOLING CANAL MONITORING SYS Total						**17,170,089**	**35,649,121**
044-Barley Barber Swamp Iron Mitiga	02 - Steam Generation Plant	Martin	Martin Comm	31100	2.52%	164,719	164,719
044-Barley Barber Swamp Iron Mitiga Total						**164,719**	**164,719**
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Manatee	Manatee Comm	31200	7.62%	155,747	155,747
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Manatee	Manatee U1	31200	4.64%	44,989,219	44,989,219
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Manatee	Manatee U1	31500	4.11%	4,524,074	4,524,074
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Manatee	Manatee U1	31600	3.91%	1,021,918	1,021,918
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Manatee	Manatee U2	31200	4.99%	51,910,750	51,910,750
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Manatee	Manatee U2	31500	4.48%	4,793,798	4,793,798
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Manatee	Manatee U2	31600	4.79%	1,071,311	1,071,311
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Martin	Martin U1	31200	4.53%	47,161,912	47,137,592
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Martin	Martin U1	31500	3.12%	4,322,420	4,322,420
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Martin	Martin U1	31600	3.81%	1,006,508	1,012,007
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Martin	Martin U2	31200	4.64%	48,464,683	48,445,547
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Martin	Martin U2	31500	3.56%	4,449,156	4,449,270
045-800 MW UNIT ESP PROJECT	02 - Steam Generation Plant	Martin	Martin U2	31600	4.31%	1,034,718	1,070,760
045-800 MW UNIT ESP PROJECT Total						**214,906,214**	**214,904,413**
054-Coal Combustion Residuals	02 - Steam Generation Plant	Scherer	Scherer Comm	31100	1.51%	200,216	199,000
054-Coal Combustion Residuals	02 - Steam Generation Plant	Scherer	Scherer Comm U3&4	31100	1.44%	-	234
054-Coal Combustion Residuals	02 - Steam Generation Plant	St Johns River Power Plant	SJRPP - Comm	31100	1.09%	54,373	55,832
054-Coal Combustion Residuals Total						**254,590**	**255,066**
Grand Total						**1,617,324,940**	**1,642,711,332**

FORM: 42-9E

FLORIDA POWER & LIGHT COMPANY
COST RECOVERY CLAUSES

Equity @ 10.55%

CAPITAL STRUCTURE AND COST RATES PER 2017 TEST YEAR RATE CASE KO-20 EXHIBIT @10.55% ROE

	ADJUSTED RETAIL	RATIO	MIDPOINT COST RATES	WEIGHTED COST	PRE-TAX WEIGHTED COST
LONG_TERM_DEBT	9,420,954,129	29.025%	4.60%	1.34%	1.34%
SHORT_TERM_DEBT	512,545,348	1.579%	1.99%	0.03%	0.03%
PREFERRED_STOCK	0	0.000%	0.00%	0.00%	0.00%
CUSTOMER_DEPOSITS	414,102,244	1.276%	2.04%	0.03%	0.03%
COMMON_EQUITY	14,704,264,823	45.303%	10.55%	4.78%	7.78%
DEFERRED_INCOME_TAX	7,297,546,484	22.483%	0.00%	0.00%	0.00%
INVESTMENT_TAX_CREDITS					
ZERO COST	0	0.000%	0.00%	0.00%	0.00%
WEIGHTED COST	108,530,479	0.334%	8.23%	0.03%	0.04%
TOTAL	$32,457,943,507	100.00%		6.20%	9.21%

CALCULATION OF THE WEIGHTED COST FOR CONVERTIBLE INVESTMENT TAX CREDITS (C-ITC) (a)

	ADJUSTED RETAIL	RATIO	COST RATE	WEIGHTED COST	PRE TAX COST
LONG TERM DEBT	$9,420,954,129	39.05%	4.600%	1.796%	1.796%
PREFERRED STOCK	0	0.00%	0.000%	0.000%	0.000%
COMMON EQUITY	14,704,264,823	60.95%	10.550%	6.430%	10.468%
TOTAL	$24,125,218,952	100.00%		8.227%	12.265%
RATIO					

DEBT COMPONENTS:	
LONG TERM DEBT	1.3352%
SHORT TERM DEBT	0.0314%
CUSTOMER DEPOSITS	0.0260%
TAX CREDITS -WEIGHTED	0.0060%
TOTAL DEBT	**1.3986%**
EQUITY COMPONENTS:	
PREFERRED STOCK	0.0000%
COMMON EQUITY	4.7794%
TAX CREDITS -WEIGHTED	0.0215%
TOTAL EQUITY	**4.8009%**
TOTAL	6.1995%
PRE-TAX EQUITY	7.8159%
PRE-TAX TOTAL	9.2145%

Note:

(a) This capital structure applies only to Convertible Investment Tax Credit (C-ITC)

FORM: 42-9E

FLORIDA POWER & LIGHT COMPANY

COST RECOVERY CLAUSES

Equity @ 10.55%

CAPITAL STRUCTURE AND COST RATES PER MAY 2017 EARNINGS SURVEILLANCE REPORT

	ADJUSTED RETAIL	RATIO	MIDPOINT COST RATES	WEIGHTED COST	PRE-TAX WEIGHTED COST
LONG_TERM_DEBT	8,578,170,782	27.773%	4.53%	1.26%	1.26%
SHORT_TERM_DEBT	876,957,343	2.839%	1.76%	0.05%	0.05%
PREFERRED_STOCK	0	0.000%	0.00%	0.00%	0.00%
CUSTOMER_DEPOSITS	421,323,778	1.364%	2.09%	0.03%	0.03%
COMMON_EQUITY	14,087,418,183	45.610%	10.55%	4.81%	7.83%
DEFERRED_INCOME_TAX	6,860,621,618	22.212%	0.00%	0.00%	0.00%
INVESTMENT_TAX_CREDITS					
ZERO COST	0	0.000%	0.00%	0.00%	0.00%
WEIGHTED COST	62,115,684	0.201%	8.27%	0.02%	0.02%
TOTAL	$30,886,607,389	100.00%		6.17%	9.20%

CALCULATION OF THE WEIGHTED COST FOR CONVERTIBLE INVESTMENT TAX CREDITS (C-ITC) (a)

	ADJUSTED RETAIL	RATIO	COST RATE	WEIGHTED COST	PRE TAX COST
LONG TERM DEBT	$8,578,170,782	37.85%	4.534%	1.716%	1.716%
PREFERRED STOCK	0	0.00%	0.000%	0.000%	0.000%
COMMON EQUITY	14,087,418,183	62.15%	10.550%	6.557%	10.675%
TOTAL	$22,665,588,966	100.00%		8.273%	12.391%
RATIO					

DEBT COMPONENTS:	
LONG TERM DEBT	1.2592%
SHORT TERM DEBT	0.0501%
CUSTOMER DEPOSITS	0.0285%
TAX CREDITS -WEIGHTED	0.0035%
TOTAL DEBT	**1.3413%**
EQUITY COMPONENTS:	
PREFERRED STOCK	0.0000%
COMMON EQUITY	4.8119%
TAX CREDITS -WEIGHTED	0.0132%
TOTAL EQUITY	**4.8251%**
TOTAL	6.1663%
PRE-TAX EQUITY	7.8552%
PRE-TAX TOTAL	9.1965%

Note:

(a) This capital structure applies only to Convertible Investment Tax Credit (C-ITC)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FLORIDA POWER & LIGHT COMPANY

TESTIMONY OF MICHAEL W. SOLE

DOCKET NO. 20170007- EI

JULY 19, 2017

Q. Please state your name and address.

A. My name is Michael W. Sole and my business address is 700 Universe Boulevard, Juno Beach, Florida 33408.

Q. By whom are you employed and in what capacity?

A. I am employed by NextEra Energy, Inc. ("NEE") as Vice President of Environmental Services.

Q. Please describe your educational background and professional experience.

A. I received a Bachelor's of Science degree in Marine Biology from the Florida Institute of Technology in 1986. I served as an Officer in the United States Marine Corps from 1985 through 1990 attaining the rank of Captain. I was employed by the Florida Department of Environmental Protection ("FDEP") in multiple roles from 1990 to 2010 and served as the Secretary of the FDEP from 2007-2010. I have been employed by Florida Power & Light Company ("FPL" or the "Company"), or its affiliate NextEra Energy Resources, in multiple roles since 2010. Since November 2016, I have held the position of

Vice President of Environmental Services. In that role, I have overall responsibility for environmental, licensing, and compliance efforts for the Company. In May 2017, I was appointed by Governor Scott to the Florida Fish and Wildlife Conservation Commission.

Q. What is the purpose of your testimony in this proceeding?

A. The purpose of my testimony is to provide a status update for the Turkey Point Cooling Canal Monitoring Plan ("TPCCMP") Project, addressing the recent regulatory actions that are affecting the environmental compliance activities undertaken by FPL pursuant to this Project. In order to put those regulatory actions into context, my testimony also provides a brief overview of the Turkey Point Cooling Canal System ("CCS") and its regulatory and operational history.

Additionally, my testimony presents FPL's request to expand its approved Manatee Temporary Heating System ("MTHS") Project to include a manatee temporary heating system for FPL's Fort Lauderdale Plant site ("PFL"). As noted in FPL's 2017-2026 Ten Year Site Plan filed with the Commission in April 2017, FPL plans to further modernize its power generation fleet by retiring two existing first generation combined cycle units at its existing PFL site in 2018 and converting them into a highly efficient, clean-burning, gas-fired combined cycle unit (the "Modernization Project") to be named the Dania Beach Clean Energy Center ("DBEC"). Finally, I will present an

update to FPL's approved National Pollutant Discharge Elimination System ("NPDES") Permit Renewal Requirements Project.

Q. Have you prepared, or caused to be prepared under your direction, supervision, or control, any exhibits in this proceeding?

A. Yes. I am sponsoring the following exhibits:

- MWS-2 - 1971 U.S. Department of Justice ("USDOJ") Settlement Agreement
- MWS-3 - NPDES/Industrial Wastewater ("IWW") Permit Number FL0001562
- MWS-4 - Fifth Supplemental Agreement between the South Florida Water Management District ("SFWMD") and FPL
- MWS-5 – Turkey Point Extended Power Uprate Site Certification Conditions of Certification IX and X
- MWS-6 – 2013 SFWMD Letter Requesting Consultation
- MWS-7 - December 2014 FDEP Administrative Order
- MWS-8 – October 2015 Miami-Dade County Department of Environmental Resources Management Notice of Violation
- MWS-9 - October 2015 Miami-Dade County Department of Environmental Resources Management Consent Agreement and Related Correspondence
- MWS-10 - April 2016 Final FDEP Administrative Order
- MWS-11 - April 2016 FDEP Warning Letter and Notice of Violation

- MWS-12 – June 2016 FDEP Consent Order
- MWS-13 – Addendum to October 2015 Consent Agreement and Related Correspondence
- MWS-14 – TPCCMP Project O&M Expenses and Capital Costs
- MWS-15 – FDEP Industrial Wastewater Facility ("IWWF") Permit Number FL0001503 for PFL
- MWS-16 – PFL Manatee Protection Plan ("MPP")
- MWS-17 – U.S. Fish and Wildlife Service ("FWS") letter to FPL regarding manatee protection at PFL
- MWS-18 – PFL Manatee Temporary Heating System Conceptual Location of heated refuge, heater and pump systems
- MWS-19 – Excerpt from PSL NPDES Permit

Q. Please summarize your testimony.

A. Since it was constructed more than 40 years ago, FPL has operated the Turkey Point CCS in compliance with all applicable permits and regulations, working collaboratively with federal, state, and local agencies to monitor any impacts from the CCS and address issues as they were identified. Required environmental compliance activities have progressed from monitoring, to expanded monitoring, to identification of the need for corrective actions, and now to implementing those corrective actions. The TPCCMP Project was approved for recovery through the Environmental Cost Recovery Clause in 2009 and anticipated from the outset that such a progression was a potential

outcome. Indeed, FPL has reflected incremental costs for the expansion of FPL's environmental compliance activities each year, and the Commission has approved the recovery of those costs.

Specifically, as a result of expanded groundwater monitoring that was required prior to the implementation of the Extended Power Uprate Project at Turkey Point, it was determined that a number of corrective actions were required to address impacts resulting from the hypersalinity of the CCS. FPL has not violated any of the operational requirements in the environmental permits associated with the CCS. Rather, the expanded monitoring enhanced the ability of FPL and the relevant regulatory authorities to ascertain the extent to which the hypersaline condition of the CCS was impacting the groundwater below, and ultimately that monitoring pointed to the need for corrective action. In compliance with the directives of the various environmental agencies charged with oversight of the CCS, FPL is now in the mitigation and remediation phase. Already FPL's actions are achieving improvements in CCS salinity and thermal efficiency.

My testimony also addresses FPL's proposed expansion of its MTHS Project to include temporary heaters at PFL during the construction of the DBEC, as well as additional required activities at its St. Lucie plant under the NPDES

Renewal Requirements Project. These activities are necessary to maintain compliance with environmental requirements at each of those sites.

PART I: TURKEY POINT COOLING CANAL SYSTEM

A. CCS BACKGROUND

Q. Please describe the CCS.

A. The CCS is an approximately 5,900-acre closed loop system that was designed to provide condenser and auxiliary equipment cooling for Turkey Point Units 1 through 4 and is currently serving that purpose for Units 3 and 4. The CCS also receives cooling tower blowdown from Unit 5 and other permitted discharges. The system was constructed by drag line and was initially filled by in-seepage of saline groundwater. Being a large open air system, water enters and leaves the system through a number of natural and engineered processes. Water enters the system through precipitation, groundwater in-seepage and water sources that have been developed to assist achieving and maintaining low target salinity. Water leaves the system through evaporation and groundwater out-seepage.

Q. Please provide a brief description of why the CCS was designed and created.

A. Units 1 and 2 became operational in the 1960s using Biscayne Bay as the source of cooling water and returning the warm water discharge back to

Biscayne Bay, a method known as "once through cooling." In the late 1960s FPL began the design and construction of Units 3 and 4, intending to similarly use a once through cooling design. In 1971, in response to a settlement of litigation with the USDOJ, FPL modified its original once through cooling design and constructed the CCS to serve all four units. A copy of the USDOJ settlement agreement is attached as Exhibit MWS-2. In February 1972, FPL entered into an agreement with the Southern and Central Florida Flood Control District (the predecessor agency of the South Florida Water Management District; both will be referred to as "SFWMD") which established the SFWMD's oversight and approval authority for FPL's final design, construction, operation and monitoring of the CCS (the "SFWMD Agreement").

Q. Does FPL hold environmental permits that apply to operation of the CCS?

A. Yes, the CCS is a permitted industrial wastewater facility. FPL is the permittee and operates the CCS under NPDES/IWW Permit Number FL0001562. The Environmental Protection Agency ("EPA") issued the facility's initial permit on June 14, 1978. The Florida Department of Environmental Regulation (now FDEP) issued an IWW discharge permit on October 15, 1982. These permits were combined following the delegation of the NPDES program to the FDEP on May 1, 1995. A copy of the current NPDES permit is attached as Exhibit MWS-3.

Since the inception of the CCS more than 40 years ago, its construction and operation have been closely monitored by federal, state, and local agencies to ensure ongoing protection of water quality and the environment. FPL has complied with all operational requirements of applicable permits, while working collaboratively with federal, state, and local agencies to make decisions and to take action to meet applicable regulatory requirements related to the CCS.

Q. Were groundwater salinity levels a concern when the CCS was originally designed?

A. Yes. Prior to construction of the CCS, saltwater had already intruded into the Biscayne Aquifer for several miles inland. Near the coast, the aquifer was saline for the full depth of the aquifer. Therefore, when the cooling canals were constructed by drag line, the salinity of the water infiltrating into the CCS was consistent with that of the adjacent Biscayne Bay.

It was understood by the scientific community that saltwater intrusion in the area around the Turkey Point plant was due to many factors such as freshwater withdrawals by local communities, drought, drainage and flood control structures, and other human activities. Further, during the design and permitting of the CCS, it was well understood that the unlined cooling canals would exchange with the saline groundwater below, and that salinity could increase in the canals during operations.

Q. Please explain how salinity in the CCS has increased, and the migration of that hypersaline water.

A. The system experienced seasonal fluctuations in salinity corresponding to the annual variation in precipitation. Salinity in the CCS typically peaked in May, prior to the rainy season, and was at its lowest in November. During drought years the overall salinity at end of year was higher than the prior year resulting in a ratcheting effect. In this manner, annual average salinity gradually increased from approximately 34 Practical Salinity Units ("PSU") in the early 1970s to approximately 70 PSU in 2013. Throughout that time period, there were no external water sources provided to augment annual precipitation and groundwater inflow.

As noted, the unlined canals allow for communication of the surface waters of the CCS with the groundwater in the aquifer below. As the CCS salinity levels increased, a hydraulic gradient developed whereby the higher salinity surface water was heavier than the lower salinity surface water below. Over the decades the aquifer immediately below the CCS became saturated with the higher salinity water moving down into the aquifer. Current measurements indicate that the aquifer below the CCS has salinity on the order of 60 PSU. At the base of the aquifer (about 85 to 105 feet below ground surface) there is a much less transmissive limestone layer that defines the bottom of the aquifer and prevents further downward movement of the higher saline water. So once

the aquifer below the CCS was saturated, the only direction of movement available to the higher salinity water was lateral, carrying the water west and north within the aquifer. Some horizontal layers within the aquifer are more transmissive than others resulting in greater lateral movement in those zones. In this manner, hypersaline water moved out from under the CCS to a current extent of approximately 1.5 miles from the CCS western boundary.

Q. Were any steps taken at the time of the CCS construction in recognition of the exchange of water between the CCS and the groundwater below?

A. Yes. In recognition of these factors, as well as a common desire to limit the westward migration of saltwater, FPL entered into an agreement with the SFWMD that required FPL to design, construct and operate the CCS with an approximately 18 foot deep interceptor ditch along the western edge of the CCS to restrict movement of saline water from the CCS west of the L-31 Canal to amounts that otherwise would have occurred without the existence of the CCS. Operational criteria for interceptor ditch pumps were spelled out in the SFWMD Agreement along with a monitoring plan consisting of 38 monitoring well sites and seven surface water sites monitored bi-weekly and monthly. Monitoring data was shared with the SFWMD in quarterly meetings. The SFWMD Agreement provided that if, in the sole judgment of the SFWMD, the objectives of the agreement were not being achieved, FPL would be required to implement other feasible engineering measures to achieve those objectives.

In addition, an accommodation for managing salinity through discharges to the Biscayne Bay (in the event that the salinities in the CCS exceeded 110% of the average salinity of Biscayne Bay) was initially provided by the permitting authorities. However, this ability to control salinity in the CCS via surface water discharges to the bay was removed from the operating permits in 1978 after five years of CCS operation. As a result of this change, the ongoing salinity behavior of the system became a function of the natural water balance, essentially subject to seasonal and annual weather patterns.

Q. Has the SFWMD Agreement been modified over time?

A. Yes, the original agreement has been amended several times with the first three amendments focused on changes related to the construction of the CCS. In July 1983, the SFWMD Agreement was modified again based on findings by the SFWMD that FPL had met all its obligations in the original SFWMD Agreement and that past monitoring activities indicated that monitoring the impacts of the CCS could be accomplished by a reduced monitoring network. The monitoring network was reduced to four wells and five surface water transects across the interceptor ditch and CCS. Monitoring was required quarterly for groundwater and bi-weekly for surface water. The data was summarized and reported to the SFWMD for their review annually. FPL has provided the periodic monitoring reports to SFWMD consistent with the 1983 modification.

The SFWMD Agreement was modified most recently in 2009. This version, referred to as the Fifth Supplemental Agreement, included a more extensive monitoring program for the CCS. A copy of the Fifth Supplemental Agreement is attached as Exhibit MWS-4.

Q. Why was the SFWMD Agreement modified in 2009 to include more extensive monitoring?

A. As a result of the environmental review conducted under the Power Plant Siting Act in 2008, Conditions of Certification IX and X ("COC IX and X") were included in the Site Certification Modification that required FPL to develop a monitoring plan for the CCS and the areas surrounding the CCS under the provisions of the agreement between FPL and the SFWMD. COC IX and X are contained within the Turkey Point Plant Conditions of Certification document, the current edition is attached as Exhibit MWS-5. The resulting monitoring plan was finalized in October 2009 and included new requirements related to additional groundwater and surface water monitoring stations, increased data collection and reporting, and a requirement to determine the vertical and horizontal effects and extent of the CCS on existing and projected groundwater and ecological conditions surrounding Turkey Point.

B. ENVIRONMENTAL COMPLIANCE ACTIVITIES FOR THE CCS

Q. Please summarize the environmental regulatory activity and corresponding FPL action related to the CCS that occurred in 2009 through 2012.

A. Commencing in 2009, FPL began implementing the groundwater monitoring program required pursuant to COC IX and X. Construction of the monitoring network and initiation of monitoring began in 2010. The expanded monitoring network was comprised of 47 monitoring wells, 22 surface water monitoring stations, 12 meteorological sites, three CCS flowmeter sites, 32 ecological transect sites located in freshwater/marine wetlands and Biscayne Bay and 200 porewater sample sites. Automated data from the surface water and groundwater sites initially were collected every 15 minutes. The Comprehensive Pre-uprate Monitoring Report containing data and analyses covering the pre-uprate monitoring period of June 2010 through June 2012 was completed and submitted to the appropriate agencies on October 31, 2012.

Q. Please summarize the environmental regulatory activity that occurred in 2013 through 2016.

A. In April 2013, the SFWMD sent a letter to FPL indicating that the District had completed its technical analysis of data associated with implementation of the comprehensive pre-uprate monitoring report. The letter also provided notice

to FPL to begin consultation with the SFWMD to identify measures to mitigate, abate, or remediate the movement of CCS saline water. A copy of the consultation letter is attached as Exhibit MWS-6. Following the issuance of this letter, FPL began active consultation with the FDEP, SFWMD, and Miami-Dade County Department of Environmental Resources Management ("MDC DERM"). The result of that consultation was an Administrative Order ("AO") issued by the FDEP in December 2014 directing FPL to develop a Salinity Management Plan to lower salinity in the CCS, among other requirements. A copy of the AO is attached as Exhibit MWS-7.

The AO was challenged by several parties, including MDC DERM. On October 2, 2015, MDC DERM issued a Notice of Violation ("NOV") to FPL for alleged violations of County water quality standards and criteria in groundwater. A copy of the October 2015 NOV is attached as Exhibit MWS-8. At the time the NOV was issued, FPL was working with MDC DERM to address its challenge to the AO. On October 7, 2015, MDC DERM entered into a Consent Agreement ("2015 CA") with FPL, which acknowledged FPL's plans to reduce salinity in the CCS, and required FPL to implement actions to intercept, capture, contain, and retract hypersaline groundwater west and north of the FPL property boundary. It also required FPL to conduct additional monitoring and reporting. A copy of the 2015 CA and related correspondence is attached as Exhibit MWS-9.

The remaining challenges to the AO led to an administrative hearing in which the Administrative Law Judge issued a recommended order to rescind or modify the AO. In response to that recommended order, the FDEP modified and issued the AO as a Final Administrative Order ("Final AO") on April 21, 2016. A copy of the Final AO is attached as MWS-10.

On April 25, 2016, the FDEP issued a NOV regarding the hypersaline groundwater to the west of the CCS and a Warning Letter identifying concerns related to water quality in deep artificial channels in four specific areas immediately adjacent to the east and south of the CCS. The NOV and Warning Letter are attached as Exhibit MWS-11. The NOV directed FPL to enter into consultations to develop a Consent Order to address abatement and remediation measures to address the hypersaline water's impact on saltwater intrusion. On June 20, 2016, a Consent Order ("2016 CO") was executed between FPL and the FDEP. A copy of the 2016 CO is attached as Exhibit MWS-12. The three objectives of the 2016 CO are to cease discharges from the CCS that impair the reasonable beneficial use of adjacent G-II groundwater, prevent releases of groundwater from the CCS to surface waters connected to Biscayne Bay that result in exceedances of saltwater standards, and provide mitigation for impacts related to historic operation of the CCS. The 2016 CO did not include any fines against FPL. The 2016 CO and FPL's compliance with its requirements incorporate the issues and requirements

identified in the Final AO, as well as the NOV and the Warning Letter. As such, the 2016 CO supersedes all requirements of the Final AO and rescinds the AO.

On August 15, 2016, MDC DERM and FPL executed an addendum to the October 2015 CA (referred to as "2016 CAA"). The 2016 CAA requires FPL to take action to address MDC DERM's alleged violations of water quality standards and cleanup target levels relating to the exceedance of ammonia in deep remnant canals adjacent to the Turkey Point CCS. A copy of the 2016 CAA and related correspondence is attached as Exhibit MWS-13.

Q. Please describe the objectives of the 2015 CA.

A. The 2015 CA resolved MDC DERM's October 2015 NOV and defined actions that FPL must take. The specific objectives of the 2015 CA are: (1) for FPL to demonstrate a statistically valid reduction in salt mass and volumetric extent of the hypersaline water in groundwater west and north of FPL's property without creating adverse environmental impacts; and (2) to reduce the rate of and -- as an ultimate goal -- arrest migration of hypersaline groundwater.

Q. What are the specific environmental requirements imposed by the 2015 CA?

A. The 2015 CA acknowledged the abatement activities that FPL was undertaking to lower the salinity of the CCS, thus reducing the movement of hypersaline water into the groundwater. It also requires the following:

- Remediation of the hypersaline groundwater plume north and west of the CCS by design, construction and operation of a Biscayne Aquifer Recovery Well System ("RWS");
- Completion of regional hydrologic improvement projects; and
- Additional extensive monitoring and reporting, including:
  - facilitating MDC DERM access to all data from continuous electronically monitored stations;
  - providing monthly and quarterly reports;
  - employing Continuous Surface Electromagnetic Mapping ("CESM") methods to assess the location and orientation of the hypersaline plume west and north of the CCS;
  - adding three groundwater monitoring clusters to monitor groundwater conditions in the model lands basin; and
  - submitting annual reports providing an evaluation of progress in achieving the objectives of the 2015 CA and recommending any refinements to 2015 CA required activities.

The 2015 CA also recognized that factors beyond FPL's control may influence movement of groundwater in the surficial aquifer, and FPL must take into account such factors when developing and implementing remedial actions to minimize the timeframe for achieving compliance with the 2015 CA. FPL continues to receive correspondence from MDC DERM regarding implementation of the CA (see Exhibit MWS-9).

Q. What specific activities is FPL undertaking to comply with the 2015 CA?

A. FPL is moving forward with the implementation of the following activities required by the 2015 CA:

- Permitting, modeling, design, and construction activities related to the development and implementation of the RWS;
- Groundwater modeling analysis related to MDC DERM's approval of the RWS design;
- Completion of an analysis with input from the FDEP and other agencies using the variable density three dimensional groundwater model to allocate relative contributions of other entities or factors to the movement of the saltwater interface;
- Permitting, construction, and implementation activities related to new groundwater or surface water monitoring well sites;
- Extraction of hypersaline groundwater from Biscayne Aquifer wells for injection in the onsite Underground Injection Control Well to the Boulder Zone of the Floridan Aquifer, and associated monitoring;

- Implementation of the baseline continuous surface electromagnetic survey and groundwater monitoring (as required by both the 2015 CA and 2016 CO) to identify the initial orientation of the hypersaline CCS groundwater west and north of the CCS;
- Continuation of required monitoring and reporting of existing stations as required in the 2015 CA; and
- Additional activities to comply with required monitoring and reporting, including regular status meetings with MDC DERM.

FPL expects to complete and submit the 2017 annual report evaluating the progress achieved in meeting the objectives of the 2015 CA in the fourth quarter of 2017. In 2018, FPL is planning to complete construction of the RWS and commence full operation; complete and submit the RWS Start-Up Report outlining baseline conditions and summarizing results of the first three months of operations; commence RWS monitoring; and continue groundwater modeling updates and analyses and regular reporting as required.

Q. Please describe the objectives of the 2016 CO.

A. The primary objectives of the 2016 CO are to: (1) cease discharges from the CCS that impair the reasonable and beneficial use of the adjacent G-II ground waters west of the CCS; (2) 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 by undertaking restoration

projects at Turtle Point and Barge Basin, and; (3) provide mitigation to address impacts due to historic operation of the CCS.

Q. What are the specific environmental requirements imposed by the 2016 CO?

A. As set forth in Exhibit MWS-12, the 2016 CO requires FPL to take actions to meet the following conditions:

- Reduce and maintain an annual average salinity of the CCS surface waters at or below 34 PSU at the completion of the fourth year of freshening activities;
  - develop and implement a Nutrient Management Plan and
  - submit a Thermal Efficiency Plan (e.g., sediment management) that describes actions for the CCS to maintain a minimum of 70% thermal efficiency;
- Implement a RWS to halt and reduce the western migration and extent of the hypersaline water from the CCS to the L-31E canal within 10 years, including additional monitoring of the extent and volume of the hypersaline plume;
- Provide mitigation for impacts due to historic operation including entering into an agreement with the SFWMD to convey FPL property interests in essential properties within the Biscayne Bay Coastal Wetlands Phase I project and depositing $1.5 million into a Florida Department of Financial

Services escrow account to finance projects in the Turkey Point region that support mitigation of saltwater intrusion;

- Implement restoration projects in the Barge Basin and Turtle Point to prevent releases of groundwater from the CCS to surface waters connected to Biscayne Bay that would result in exceedances of surface water quality standards in Biscayne Bay;
- Inspect the peripheral levees forming the CCS by an independent entity and repair of any identified material breaches or structural defects;
- Complete an analysis using the variable density three dimensional groundwater model that seeks to allocate relative contributions of other entities or factors to the movement of the saltwater interface; and
- Continue existing water quality monitoring and reporting and implement new and more extensive water quality monitoring and reporting.

Q. What specific activities is FPL undertaking to comply with the 2016 CO?

A. FPL is moving forward with the following 2016 CO activities:

- Implementation of the Nutrient Management Plan and Thermal Efficiency Plan, as directed by the FDEP;
- Completion of Upper Floridan Aquifer well system to provide up to 14 millions of gallons per day ("MGD") of low salinity freshening water;
- Permitting and construction activities related to the implementation of the RWS;

- Initiation of an analysis with input from the FDEP and other agencies expanding the variable density three dimensional groundwater model developed under the 2015 CA to allocate relative contributions of other entities or factors to the movement of the saltwater interface;
- Design and permitting activities related to the restoration projects in the Barge Basin and Turtle Point Canal;
- Implementation of berm and dike maintenance recommendations resulting from the CCS periphery inspection;
- Execution of an agreement with the SFWMD to convey FPL property interests;
- Depositing $1.5 million into a Florida Department of Financial Services escrow account to finance projects that mitigate saltwater intrusion in the region;
- Conducting a baseline CSEM survey of the hypersaline plume prior to initiation of the RWS;
- Permitting, construction, and other activities related to additional monitoring wells and sampling activities;
- Preparing and submitting the annual monitoring report; and
- Additional activities including regular status meetings with the FDEP as needed to comply with required monitoring and reporting.

In 2018, FPL is planning to continue implementation of the Nutrient Management Plan and Thermal Efficiency Plan; complete construction of the RWS and commence full operation; initiate construction of Barge Basin and Turtle Point Canal restoration projects; and prepare and submit the 2018 annual monitoring report in addition to regular status meetings with the FDEP to comply with required monitoring and reporting.

Q. What are the specific environmental requirements imposed by the 2016 CAA?

A. The 2016 CAA requires FPL to undertake the following activities:

- Submit a Site Assessment Plan ("SAP") to MDC DERM to allow for the identification of source(s) of the ammonia exceedances and the delineation of the vertical and horizontal extent of the subject ammonia exceedances in surface water. The SAP must also be adequate to address the ammonia exceedances to the surface waters surrounding the facility, including but not limited to, waters tidally connected to Biscayne Bay;
- Upon approval of the SAP, implement the SAP and submit to the MDC DERM for review and approval a Site Assessment Report ("SAR") which addresses the requirements of the approved SAP;
- Upon approval of the SAR, submit to MDC DERM for review and approval a Corrective Action Plan ("CAP") consisting of an environmental restoration plan to correct the exceedances of ammonia, details of proposed process modifications or changes in operational

systems to manage and control the source(s) of ammonia to prevent future ammonia exceedances, and physical, structural, or hydraulic modifications to the area of the CCS to eliminate contributions of CCS water to surface water and including a timetable for implementation and completion of the CAP; and

- Pay MDC DERM administrative costs in the amount of $5,000.

FPL continues to receive correspondence from MDC DERM regarding implementation of the 2016 CAA (see Exhibit MWS-13).

Q. What specific activities is FPL undertaking to comply with the 2016 CAA?

A. FPL is implementing the following activities:

- Execution of MDC approved Site Assessment Plan seeking to collect groundwater, porewater and surface water samples to determine if the CCS is contributing to elevated ammonia in adjacent canals;
- Conducting analyses and submitting the required SAR;
- Coordinating with MDC on their review and approval of the SAR; and
- Implementation of any requirements contained in the SAR upon approval.

In 2018, FPL plans to implement the requirements contained in the approved SAR.

Q. Please summarize the pending legal activity related to the CCS.

A. On July 12, 2016, the Southern Alliance for Clean Energy ("SACE") and the Tropical Audubon Society, Incorporated ("TAS") filed a citizen suit with the United States District Court (Southern District of Florida) alleging that FPL violated the conditions of its NPDES Permit Number FL0001562 with respect to operation of the CCS. The citizen suit seeks to compel FPL to take actions to abate alleged discharges from the CCS, remediate contamination alleged to have resulted from those discharges, and mitigate alleged environmental damages; it also seeks to impose civil penalties and to recover SACE's and TAS's litigation costs. The MDC DERM and the FDEP regulatory requirements reflected in the 2015 CA, 2016 CO and 2016 CAA are not affected by the filing of the citizen suit. FPL has a pending motion to dismiss and believes that those regulatory requirements fully address the environmental conditions alleged in the citizen suit, such that the suit is unwarranted and unnecessary.

Q. Have FPL's actions resulted in improved conditions in the CCS?

A. Yes. The actions FPL has taken over the last few years has resulted in improved conditions within the CCS. Most notably, FPL has observed improvements in thermal efficiency of the CCS as a direct result of sediment management activities. FPL has also been able to better control water salinity and algae that can result from significant drought conditions.

Q. Has the construction and use of the RWS resulted in removal of hypersaline groundwater as expected?

A. Yes. Since operations of the underground injection well testing phase of the RWS began on September 28, 2016, as of June 30, 2017, approximately 3.7 billion gallons of hypersaline groundwater from beneath the CCS has been extracted and disposed of in the naturally saline Boulder Zone Formation located 3,200 feet below the surface. This amounts to approximately 890,000 tons of salts removed from the Biscayne aquifer beneath the CCS. Construction of the 10 RWS extraction wells began in June 2017 and the wells are expected to begin operations in March 2018. Groundwater models of the RWS indicate the westward migration of the hypersaline plume will be stopped in three years of operation, with retraction of the hypersaline plume north and west of the CCS beginning in 5 years. Retraction of the plume back to the FPL site boundary is projected in ten years.

Q. Please describe the results achieved from the use of the Upper Floridan aquifer freshening well system.

A. Operation of the 14 MGD Upper Floridan aquifer freshening well system began on November 28, 2016. The brackish water from the Floridan wells (2.5 PSU compared to Bay salinity at 34 PSU) is being used to help reduce the CCS salinity to an average annual level of 34 PSU, essentially equivalent to the salinity of the Bay. The addition of this water was instrumental in minimizing the increase in salinity that ordinarily occurs during the dry

season. Continued operation of the freshening wells during the wet season will further reduce CCS salinities, achieving progress towards the overall goal of 34 PSU.

C. TPCCMP PROJECT BACKGROUND AND CURRENT COST RECOVERY REQUEST

Q. Did FPL seek and receive Commission approval for an ECRC project to recover the costs of complying with environmental requirements that have been imposed on the CCS?

A. Yes. In Docket No. 20090007-EI, FPL petitioned for approval of the TPCCMP Project, and it was approved by stipulation in Order No. PSC-2009-0759-FOF-EI.

Q. What was the scope of the TPCCMP Project, as presented by FPL and approved by the Commission?

A. The initial focus of the TPCCMP Project was on implementing groundwater monitoring in the vicinity of the CCS to determine the impact of the Turkey Point EPU on the groundwater in the vicinity of the CCS. Those were the initial requirements of COC IX and X. However, the testimony accompanying FPL's petition for approval of the TPCCMP Project made it clear that if the FDEP, in consultation with the SFWMD and the MDC DERM, found that water from the CCS was causing harm or potential harm to

adjacent waters, expanded assessment and remediation measures would be required pursuant to COC IX and X.

Q. Has FPL submitted updates to the Commission regarding the scope and costs of the TPCCMP Project?

A. Yes. Throughout the period since the TPCCMP Project was approved, FPL has filed multiple updates concerning the TPCCMP Project. As required, FPL has annually filed all cost data concerning the project, including information relating to actual and estimated costs, and final true-up amounts. FPL has also filed project description and progress reports annually to provide the Commission with information concerning project accomplishments and expenditures. In 2013, FPL filed testimony in Docket No. 20130007-EI to describe activities FPL was required to perform following the completion of consultation with the SFWMD, FDEP, and MDC DERM related to increasing salinity trends. In 2015, FPL filed testimony in Docket No. 20150007-EI that discussed additional salinity reduction related activities FPL was required to undertake pursuant to updated regulatory requirements. These activities included, but were not limited to, water delivery projects and sediment management. FPL also discussed TPCCMP Project activities at length in testimony filed last year in Docket No. 20160007-EI.

Q. Since 2009, has the Commission approved recovery of the TPCCMP Project related costs?

A. Yes. Since 2009, the Commission has approved ECRC recovery for both the monitoring and corrective action activities related to hypersalinity conditions in the CCS. *See* Order Nos. PSC-2009-0759-FOF-EI, PSC-2011-0083-FOF-EI, PSC-2011-0553-FOF-EI, PSC-2011-0553A-FOF-EI, PSC-2012-0613-FOF-EI, PSC-2013-0606-FOF-EI, PSC-2014-0643-FOF-EI, PSC-2015-0536-FOF-EI, and PSC-2016-0535-FOF-EI. Initially, the compliance costs were for monitoring, but as described above, over time the results of the monitoring led both the FDEP and MDC DERM to direct FPL to take corrective and remedial actions. Since 2013, the TPCCMP Project has included projects related to the development, planning, and implementation of mitigation and remediation activities directed at addressing salinity reduction requirements.

Q. Is it common for environmental compliance activities and costs to evolve from monitoring to mitigation and remediation?

A. Yes. The stepwise progression from initial monitoring and data collection to more extensive monitoring and mitigation and/or remediation activities is common in environmental regulatory processes. Environmental regulators typically engage site owners or facility operators to determine what additional steps must be taken. FPL explained in its 2009 testimony that the TPCCMP Project could follow a similar evolution.

Q. What is FPL's current estimate of 2017 costs associated with required TPCCMP Project activities?

A. In 2017 FPL is projected to incur approximately $39.1 million in capital expenditures and $37.7 million in O&M expenses for the TPCCMP Project. Estimated O&M expenses and capital costs are provided in more detail in Exhibit MWS-14.

Q. How much does FPL expect to spend on TPCCMP Project compliance activities in total?

A. Based on current understanding and assumptions regarding environmental conditions and required compliance activities, FPL expects to incur approximately $176.4 million in O&M and Capital compliance costs over the period of 2017 through 2026. Construction of major compliance facilities such as the recovery and monitoring wells must occur at the outset, and are expected to be completed by the end of this year. After 2017, it is anticipated that the level of costs for the TPCCMP Project will significantly decrease. Information concerning the 2017-2026 compliance costs is provided in more detail on Exhibit MWS-14.

Q. How does FPL ensure that the costs incurred are reasonable and prudently incurred?

A. In general, FPL competitively bids the procurement of materials and services. FPL benefits from its strong market presence allowing it to leverage corporate-wide procurement activities to the specific benefit of individual

project procurement activities. However, consistent with applicable policies and procedures, single or sole source procurement also may be used. All initial commitments and contract change orders will be appropriately authorized. FPL's Project Controls group maintains the project scope, budget, and schedule and tracks project costs through various approval processes, procedures, and databases.

Q. Is FPL recovering the costs of the TPCCMP Project activities through any other mechanism?

A. No.

PART II: MODIFICATION TO MANATEE TEMPORARY HEATING SYSTEM PROJECT

Q. Please briefly describe FPL's currently approved MTHS Project.

A. On April 13, 2009, FPL petitioned the Commission for approval of the MTHS Project, which involved the installation of an electric heating system at its Riviera Plant ("PRV"), in order to provide a "manatee refuge" by discharging warm water when necessary into the manatee embayment area during the conversion of PRV to the Riviera Beach Next Generation Clean Energy Center. On August 28, 2009, FPL petitioned the Commission to expand the proposed MTHS Project to include FPL's Cape Canaveral Plant ("PCC") during the conversion of PCC to the Cape Canaveral Next Generation Clean

Energy Center. The MTHS Project at PRV and PCC was approved by Order No. PSC-2009-0759-FOF-EI.

On January 13, 2012, FPL petitioned the Commission to expand the MTHS Project to include a MTHS at its Port Everglades Plant during its conversion to the Port Everglades Next Generation Clean Energy Center. This expansion of the existing MTHS Project was approved by Order No. PSC-2012-0613-FOF-EI.

Q. Why is FPL proposing to expand the MTHS Project again?

A. FPL intends to implement a modernization project at PFL that will consist of retiring two existing first generation combined cycle units in 2018 and replacing them with a highly efficient, clean-burning, gas-fired combined cycle unit. On May 22, 2017, FPL petitioned for exemption from the RFP requirement of Rule 25-22.082, F.A.C. ("bid rule exemption"), which the Commission approved as proposed agency action at its July 13, 2017 agenda conference (Docket No. 20170122-EI). As a result of the Commission approval of the exemption, FPL intends to petition for a determination of need for the PFL modernization project.

As has been the case with the earlier modernization projects described above, this will result in a period of time when there will be no generating unit producing a warm water discharge at the site. Accordingly, FPL is proposing

to expand the MTHS Project to include a temporary water heating system at PFL in order to ensure compliance with its existing Manatee Protection Plan ("MPP"), which is Specific Condition I.C.13 to the IWWF Permit Number FL0001503, issued by the FDEP for PFL on June 8, 2015. Specific Condition I.C.13 to the IWWF Permit states "the permittee shall continue compliance with the facility's Manatee Protection Plan approved by the Department on August 18, 1999 et seq." The IWWF Permit containing Specific Condition I.C.13 is attached as Exhibit MWS-15.

Installing a MTHS at PFL will ensure that FPL complies with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, et. seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531, et. seq.), which protect the Florida manatee. On June 8, 2017, the FWS provided comments in a letter to FPL regarding the modernization project at PFL. In its letter, the FWS indicated that measures will be necessary to protect the manatees from cold water impacts during the transition period. A copy of the FWS letter to FPL is attached as Exhibit MWS-17.

Q. Please briefly describe the MTHS Project at PFL.

A. FPL plans to install an electric heating system at PFL in 2018, in order to continue to provide warm water when necessary into the manatee warm water refuge beginning in November 2018 and continuing until the modernization project is complete in 2022. Implementing the modernization project will

require the existing combined cycle units to be dismantled and the new combined cycle facility to be built. During this construction period, no generating units will be available to provide warm water for compliance with the MPP, which currently defines the manatee heating season at PFL to be from November 15 to March 31 of each year. The current schedule for the modernization project requires that the existing combined cycle units be taken out of service around the end of 2018.

Primary activities integral to the expansion of the MTHS Project at PFL include designing, permitting, and installing pipes, heater and pump systems, interconnection to the FPL power system, and testing, operating, and monitoring the electric heating system, and monitoring manatees. The conceptual location of the temporary heating system is shown on Exhibit MWS-18.

Q. Has FPL observed a substantial number of manatees in the PFL warm water refuge previously?

A. Yes. Aerial surveys for manatees have been conducted by Mote Marine Laboratory on behalf of FPL for decades. In addition, Broward County has also been conducting aerial surveys for years. In January 2012, Broward County documented a record 947 manatees during an aerial survey over PFL.

Q. Please describe the temporary heating system proposed for PFL.

A. The proposed temporary heating system will consist of an approximately 33 million Btu per hour electric heater along with the associated pumping system, piping, and electrical equipment. The intake piping and pump systems will be installed in the northeast portion of the cooling pond east of the existing discharge canal. Cooling pond water will be pumped through the electric heater and discharged into the southern portion of the southeast leg of the temporary manatee refuge area when the ambient water temperature falls below a specified trigger temperature. The water depth in this area varies from approximately 4 feet to 25 feet. The proposed temporary heating system has been modeled to provide an approximate 0.72 acres of water surface area at or above 68°F during the conditions under which the MPP requires that PFL provide heated water for manatee protection.

Q. Has FPL estimated the cost of the proposed PFL MTHS?

A. Yes. The total estimated capital cost for the PFL MTHS is $7.3 million. This estimate includes expenditures for equipment, design and engineering of the system, labor for installation, and interconnection to the FPL power system, and is expected to be spent in 2017 and 2018.

FPL's total O&M estimate for the PFL MTHS is $0.67 million. FPL expects to begin incurring O&M expenses to monitor the manatees at PFL beginning in 2018. Anticipated biological and environmental monitoring activities will

include thermal monitoring of ambient and refuge water temperatures, visual observation of manatees utilizing the refuge, potential tracking of manatee movements, and meetings with the FWS and FWC staff to discuss monitoring results. These monitoring expenses will continue while PFL's MTHS is in service. In addition, once installation and commissioning of the MTHS at PFL is completed in 2018, FPL will incur O&M expenses associated with materials, supplies and services necessary to maintain the system.

These projected O&M costs do not include the electrical costs to operate the MTHS. FPL cannot predict how often the system will operate but does not expect the electrical costs to be significant. Therefore, FPL is not seeking recovery through the ECRC for the electrical costs. Additional activities may be required for compliance with the manatee requirements of PFL's IWWF and MPP in the future, but FPL is not aware of any such requirements at this time.

Q. What will happen to the MTHS at PFL once the Modernization Project is completed in 2022?

A. Because FPL does not expect to need the temporary heating system once the modernized combined cycle unit goes into service, FPL plans to dismantle the system at that time. Therefore, FPL proposes to amortize the cost of the system over its operating life at PFL (i.e., the 44 months from November 2018 through June 2022). FPL will incur removal costs for the temporary heating

system in 2022, which will be offset by any salvage value that FPL is able to obtain for the system. Because FPL cannot accurately predict either the removal costs or the salvage value at this time, we have assumed that they net to zero for the purpose of the current cost projections and FPL will true up the projections later as better information becomes available. Any surplus of salvage value over removal costs would be returned to customers via the ECRC.

Q. Please describe the measures FPL is taking to ensure that costs of the MTHS Project at PFL are reasonable and prudently incurred.

A. In general, FPL competitively bids the procurement of materials and services. FPL benefits from its strong market presence allowing it to leverage corporate-wide procurement activities to the specific benefit of individual project procurement activities. However, consistent with applicable policies and procedures, single or sole source procurement also may be used. All initial commitments and contract change orders will be appropriately authorized. FPL's Project Controls group maintains the project scope, budget, and schedule and tracks project costs through various approval processes, procedures, and databases. FPL also will use its prior experience and lessons learned with the temporary manatee heating systems at PRV, PCC and PEEC to ensure a cost-effective design and equipment selection process.

Q Is FPL recovering through any other mechanism the costs for the proposed MTHS Project at PFL for which it is petitioning for ECRC recovery?

A. No.

PART III: UPDATE FOR NPDES PERMIT RENEWAL REQUIREMENTS

Q. Please summarize FPL's approved NPDES Permit Renewal Requirements Project.

A. The Federal Clean Water Act requires all point source discharges to navigable waters from industrial facilities to obtain permits under the NPDES program. Pursuant to the EPA's approval, the FDEP implements the NPDES permitting program in Florida. Affected facilities are required to apply for renewal of the 5-year-duration NPDES permits prior to their expiration.

By Order No. PSC-2011-0553-FOF-EI issued in Docket No. 20110007-EI on December 7, 2011, the Commission approved FPL's NPDES Permit Renewal Requirements Project to recover costs associated with new requirements for whole effluent toxicity monitoring and reporting, as well as for preparing Storm Water Pollution Prevention Plans that were contained in the then-latest renewals for FPL's NPDES permits.

By Order No. PSC-2012-0613-FOF-EI, issued in Docket No. 20120007-EI on November 16, 2012, the Commission approved an update to FPL's approved NPDES Permit Renewal Requirements Project to recover costs associated with the requirement of the renewed NPDES permit for the St. Lucie Plant ("PSL"), which became effective September 29, 2011. This permit required that PSL prepare, submit and implement a Total Residual Oxidants ("TRO") Plan of Study ("TROPOS").

Q. Please describe the current update to this project that FPL is presenting.

A. The renewed NPDES permit for PSL, which became effective November 4, 2016, contains two new requirements. Because the renewed NPDES permit was not issued until November 4, 2016, FPL did not have an opportunity to reflect the projected costs of complying with its requirements in FPL's ECRC projection filing for the year 2017.

The first new requirement is that PSL meet with the FDEP to discuss a Mixing Zone Re-evaluation Plan ("MZRP") for its FDEP-approved mixing zones, prepare and implement the plan, and then submit the results of the re-evaluation to the FDEP. The relevant excerpt from the PSL NPDES Permit is included as Exhibit MWS-19.

Through the TROPOS process, PSL determined that a properly sized mixing zone would allow the plant to meet the FDEP's Class III water quality

standard of 0.01 mg/l for TRO in discharges from its cooling water system. To complete this process, PSL utilized a proprietary model to determine the appropriate mixing zone size. The purpose of the MZRP is to utilize a model that is EPA-approved and in the public domain to demonstrate that discharges from the PSL cooling water system meet the FDEP's Class III water quality standard of 0.01 mg/l for TRO.

The second new requirement is that PSL initiate, by November 4, 2017, a chlorine optimization study ("COS"), consisting of three phases: Phase I consists of project baseline data collection and planning; Phase II is the actual project implementation, which includes preparation, project initiation and completion, and report writing; and Phase III is post-implementation support.

Q. Please describe the proposed activities associated with this update.

A. FPL has retained a consultant to prepare the MZRP, which must be completed prior to November 4, 2017 and submitted to the FDEP for approval. Following approval, the MZRP must be implemented within 24 months with a requirement to submit the results with the next Industrial Wastewater Permit renewal (i.e. by May 7, 2021). Another consultant will be selected to conduct the actual mixing zone modeling.

FPL anticipates the following activities with respect to the three phases of the COS:

- Phase I – a vendor will be selected to conduct literature searches to investigate topics such as benchmarking other industry optimization studies, identify other viable oxidant/biocide treatment options, perform modeling of the cooling system, determine the efficacy of raw water biofouling control options determined to be most viable, as well as several other activities.
- Phase II – the vendor will prepare, initiate and complete the project, then submit a report on the results.
- Phase III is post-implementation support. Costs and actual scope for Phase III have not been estimated at this time and will be established after the optimized chlorine protocol is identified.

Q. Has FPL estimated the O&M costs associated with this update?

A. Yes. FPL projects spending $17,700 in 2017 and approximately $50,000 in late 2019 or 2020 for O&M costs associated with the MZRP study. Additionally, FPL projects spending $50,000 in 2017 and approximately $230,000 in 2018 for O&M costs associated with the COS. If the completion of the COS and associated adjustments to the plants operational practices indicate that PSL is able to meet the 0.01 mg/L TRO standard at the facility's point of discharge (compliance location) without the aid of a mixing zone, the MZRP modeling may not be required.

Q. How will FPL ensure that the costs incurred for this update are reasonable and prudently incurred?

A. As it does for all projects, FPL complies with its applicable policies and procedures for competitive bidding and single or sole source procurement. In this instance, competitive bidding was not required for the development of the initial MZRP because it was estimated to cost less than $50,000. FPL selected a former FDEP water subject matter expert to support the determination that FPL's MZRP met the intent of the rule, and that sampling in the Atlantic Ocean should not be required. This resulted in significant savings for the overall project. FPL also confirmed that this consultant's hourly rates are comparable to other vendor rates.

FPL will continue to comply with applicable procurement policies and procedures. FPL will also rely on its Project Controls group to maintain the project scope, budget, and schedule and to track project costs through various approval processes, procedures, and databases.

Q. Is FPL recovering the cost of the additional NPDES Permit Renewal Requirements Project activities described in this update through any other mechanism?

A. No.

Q. Does this conclude your testimony?

A. Yes.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Civil Action No. 70-328-CA

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
v.	:	FINAL JUDGMENT
FLORIDA POWER AND LIGHT COMPANY,	:	
Defendant.	:	

WHEREAS the plaintiff, the United States of America, has filed a complaint and an amended complaint in the above-captioned matter, and the defendant, the Florida Power and Light Company, has appeared and denied the allegations of the complaint, and has filed affirmative defenses and a counterclaim and the plaintiff and the defendant, by their respective attorneys, have each consented to the making and entry of this Final Judgment without further pleading or trial or adjudication of or finding on any issues of fact or law raised by the complaint,

NOW, THEREFORE, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or an admission by any party with respect to any such issue in the pending action or in any other proceeding, and, upon consent of the parties as aforesaid, it is hereby

ORDERED, ADJUDGED, AND DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties thereto.

II

For the purposes of this Final Judgment:

(a) "Florida Power and Light" shall mean the defendant

(b) "Generating facilities" shall mean Florida Power and Light's fossil fueled electric generating units 1 and 2, and nuclear powered electric generating units 3 and 4, all of which are located (or are under construction) at Turkey Point near Homestead, Florida.

(c) "Intake structures" shall mean all natural or artificial channels, structures, or devices through which Florida Power and Light draws or is able to draw water from Biscayne Bay or Card Sound for use in cooling its generating facilities.

(d) "Cooling system" shall mean any and all waterways, lakes, ponds, canals, dikes, levees, dams, barriers, or other structures, devices, or appurtenant facilities which under the provisions of this Judgment shall be constructed and employed to reduce the temperature of water discharged from Florida Power and Light's generating facilities.

(e) "Discharge canals" shall mean all natural or artificial conduits through which water from Florida Power and Light's generating facilities is discharged to Biscayne Bay or Card Sound.

(f) "A regional emergency" shall mean one of the following occurrences within the State of Florida: (1) a catastrophic natural disaster including hurricanes, floods, and tidal waves; or (2) other emergencies declared by state, county, municipal, or federal authorities during which an uninterrupted supply of electric power is vital to public health and safety.

(g) "National power emergency" shall mean any event causing authorized federal officials to require or

request that Florida Power and Light supply electricity to points within or without the State of Florida.

(h) "Reactor emergency" shall mean an unanticipated equipment malfunction necessitating prompt remedial action to avoid endangering the public health or welfare.

(i) Abbreviations are as follows: (1) cfs = cubic feet per second; (2) ^{o}F = degrees farenheit; (3) fps = feet per second.

(j) Temperature, salinity, flow rate, and velocity measurements provided herein shall be instantaneous measurements and shall not be average figures.

(k) "Salinity" shall mean the total mass of dissolved solids in a one liter sample of water, referred to the temperature of the receiving water.

III

The provisions of this Final Judgment shall be binding upon Florida Power and Light, its directors, officers, agents, servants, employees, successors and assigns, and all persons, firms, and corporations acting under, through, or for it, and all persons, firms, and corporations in active concert or privity with it, providing they have actual notice of the Final Judgment by personal service or otherwise.

IV

Subject to the provisions of Paragraph VI, and commencing four years after the receipt by Florida Power and Light of all necessary construction permits, and upon receipt of the cooling system operating permits, but in no event later than five years from the date of the entry of this Final Judgment, Florida Power and Light shall not discharge into Biscayne Bay or Card Sound any water used for cooling

except in accordance with the provisions of Paragraph V of this Final Judgment. With respect to those same generating facilities, immediately subsequent to the entry of this Final Judgment, Florida Power and Light:

1. Shall, upon securing the necessary State and Federal permits, complete the construction of the Card Sound Canal within four years;

2. Shall continue to prosecute its application to the Corps of Engineers for a dredging permit for the Card Sound Canal, and immediately upon entry of this Final Judgment, the Corps of Engineers will commence to process Florida Power and Light's application for a permit pursuant to the regulations of the Corps of Engineers;

3. Shall not, prior to the completion of the Card Sound Canal, discharge water into Biscayne Bay at a rate in excess of 3000 cfs;

4. After completion of the Card Sound Canal and until October 1, 1973, shall not discharge water at an average 24 hour rate in excess of 2750 cfs into Card Sound and 1500 cfs into Biscayne Bay; thereafter Florida Power and Light shall not discharge water at an average 24 hour rate in excess of 2150 cfs into Card Sound and 2100 cfs into Biscayne Bay;

5. Shall not at any time discharge water into Biscayne Bay or Card Sound at a temperature in excess of $95^{o}F$;

6. Shall construct and maintain the outlet into Card Sound so that:

A. No discharge will be allowed to flow over the shallow substrate which is exposed at low tide (retaining structures or berms extending to the 8 foot bathymetric contour of Card Sound

B. The discharge will be directed upward so that a warm water plume will form on top of the water; and

C. The rate of discharge will be controlled so that water will not enter Card Sound at a velocity greater than 1.5 fps;

7. Shall construct no later than July 1, 1972, and thereafter maintain, a ground water monitoring system southward and eastward of the cooling system for the purpose of evaluating the effect of the seepage from the cooling system upon the underlying aquifer. The monitoring system shall consist of a series of observation wells, the number and location of which shall be mutually agreed upon between Florida Power and Light Company and the Environmental Protection Agency, but which will not exceed 23 wells drilled to a depth of not more than 70 feet. From July 1, 1972 to July 1, 1976, transmissivity will be evaluated in each well every three months, while temperature, concentration of biocides, and salinity will be measured in each well each month. Monitored data will be submitted to the Environmental Protection Agency within ten days following collection. Monitoring frequency requirements to be maintained after July 1, 1976, will be determined by the Environmental Protection Agency based on evaluation of the data in consultation with the United States Geological Survey. If in the judgment of the Environmental Protection Agency the monitored data reveals that substantial environmental harm is occurring, Florida Power and Light shall take such necessary remedial action as the Environmental Protection Agency may direct;

8. Shall install and maintain such protective devices at the intake structure and discharge canal as may be required by the Florida Department of Natural Resources in accordance with a reasonable construction schedule;

9. Shall not introduce biocides into the waters used to cool the condensors at its generating facility except in compliance with the specifications set out in Chapters 17-3 and 17-4 Florida Administrative Code and the applicable laws and regulations of the State of Florida;

10. Shall, consistent with good system maintenance and operating practices providing for necessary area protection, operating reserves, and over-all system reliability, provide power to the areas it serves in the State of Florida by drawing upon all sources of power available to it in such combinations as to minimize the discharges of heated water from the Turkey Point plant;

11. Shall immediately arrange with appropriate officials of the United States, the State of Florida, and other appropriate jurisdictions, to commence joint studies of: (a) the availability of groundwater from at least the depth of the Floridan aquifer (this joint study shall be completed within two years after the entry of this Final Judgment); (b) alternate sources of cooling water, particularly from nearby canals such as the Florida City Canal, the Mowry Canal, and the North Canal; (c) mechanical cooling devices such as powered spray modules and other reasonable concepts for reducing adverse environmental effects attributable to the cooling system specified in this Final Judgment; and (d) procedures for restoration of areas affected by discharges from the Turkey Point generating facilities. Florida Power and Light's financial contribution to these studies shall be limited to $500,000. The studies specified in (a), (b) and (c) above shall be directed toward the determination of the feasibility, practicability, and acceptability of utilization of such alternate sources of water as a substitute or supplement for withdrawals of make-up water from Card Sound for the cooling system described in Paragraph V below;

12. Shall utilize those waters which, as a result of the studies referred to in subparagraph 11 above, the Administrator of the Environmental Protection Agency may identify as being available to provide make-up water for Florida Power and Light's cooling system, to the extent that this can be done feasibly and practicably and at a cost which is not disproportionate to the degree of environmental protection to be achieved and to the extent that the same can be done without violating any lawful local, state, or federal rule, regulation, statute, ordinance, or order. The Administrator shall not identify groundwater as available for use without the written concurrence of the State of Florida or local agencies with jurisdiction recognized by federal or state law. Florida Power and Light shall alter its Card Sound discharge and withdrawal flow regimen based on the less saline water inputs, as directed by the Administrator, so as to achieve the least amount of environmental damage, but at no power production penalty;

13. Immediately proceed to acquire land for the construction, operation, and maintenance of a cooling system to reduce the temperature of the water discharged from the Turkey Point generating facilities consistent with the standards for operation required by this Final Judgment, and further shall commence to construct, immediately upon receipt of all necessary construction permits, the structures necessary to comply with Paragraph V of this Final Judgment, and shall submit quarterly progress reports concerning the construction of such cooling system in the four years following receipt of the necessary permits and, no later than April 1 of the fourth year after the date of the entry of this Final Judgment, a report specifying the results of trial operation and testing of the final cooling system; and

14. Shall install and operate monitoring devices at the outlet to Card Sound and at other locations, all of the foregoing to be specified by the Environmental Protection Agency, to measure temperature, salinity, flow rate, and velocity.

V

Except as otherwise provided by Paragraph IV of this Final Judgment, all water used by Florida Power and Light to cool its condensors at its generating facilities at Turkey Point shall be discharged into a cooling system, and no water shall be discharged from this cooling system into Biscayne Bay, or Card Sound, or any other navigable water of the United States or tributary thereof unless required to prevent the excessive concentration of salt in the waters of the cooling system, in which case discharges shall be made only into Card Sound and only under the following conditions:

1. Discharges to and withdrawals from Card Sound shall be made only through the Card Sound Canal;

2. The temperature of the water which is discharged as measured at the control structure (to be constructed at a point approximately one mile north of the outlet of Card Sound Canal) shall not exceed 90° F;

3. Subject to subparagraph 2 of Paragraph V, the temperature of the water which is discharged, as measured at the control structure, shall not be more than 4° F above the ambient temperature of the waters of Card Sound as measured at a station or stations to be designated by the Environmental Protection Agency;

4. Variations in the temperature of the water which is discharged shall not exceed 2° F per hour during times when the temperature is rising, or 1.0° F per hour during times when the temperature is falling;

5. The salinity of the water which is discharged, as measured at the outlet to Card Sound, may not be greater than 1.10 times the salinity of the water of Card Sound and may not exceed 44 parts per thousand;

6. The flow as measured at the control structure shall not exceed 1200 cfs;

7. Discharges and withdrawals shall be limited to a tidal regimen (which approximates a six hour period), except in the event that salinity in the cooling system approaches 1.10 times the salinity of the water of Card Sound, or 44 parts per thousand, whichever is more limiting and an additional time period for discharge is required to avoid exceeding those limits;

8. All man-made canals connecting the intake structures and the cooling system with Biscayne Bay shall be closed;

9. Final operating requirements shall include the interim operating requirements contained in subparagraphs 6, 7, 8, 9, 12 and 14, of Paragraph IV; and

10. Florida Power and Light shall develop and submit to the Environmental Protection Agency within two years from entry of this Final Judgment, a contingency plan for rapid restoration of the cooling facilities in the event of system damage due to storms, hurricanes, and similar extraordinary acts of nature.

VI

During a national power emergency, regional emergency, reactor emergency, or at any time when the health, safety, or welfare of the public may be endangered by the inability of Florida Power and Light to supply electricity from any other sources available to it, the operating limits provided in this Final Judgment shall be inapplicable. However, during such emergencies, the defendant shall not exceed the operating limits except as is necessitated by the emergency. Provided Florida Power and Light shall have made timely and proper application for all necessary licenses, permits, consents, approvals, and certifications required by law for construction or operation of the cooling system and discharge canal required to meet the standards provided for herein and shall have duly prosecuted such applications, this Court may extend the time within which Florida Power and Light is required to do any act herein by the

length of any delay in completion of construction or operation of the cooling system which is shown to have been the exclusive result of physical impossibility, force majeure, or legal prohibition.

VII

In the event Florida Power and Light shall be in substantial violation of the express operating provisions of the cooling system herein, the United States shall give Florida Power and Light written notice describing said violations by certified mail to Florida Power and Light, 4200 West Flagler Street, Miami, Florida 33134, and if at the expiration of 3 days after the giving of said notice, said violation upon which said notice was based shall continue to exist, the United States may apply to this Court for an order requiring Florida Power and Light to perform such obligations and comply with such limitations as are expressly required herein and shall accompany such application with a showing of said violation notice, and noncompliance. The relief which may be granted upon a showing of noncompliance with the operating limitations contained herein shall include but not be limited to an order requiring Florida Power and Light to limit operation of its generating facilities to the extent necessary to achieve compliance with this Final Judgment.

VIII

This Final Judgment is not and shall not be interpreted to be a permit under 33 U.S.C. §§403, or 407 nor shall it in any way affect Florida Power and Light's obligation, if any, to secure a license or permit from the Corps of Engineers or the Atomic Energy Commission pursuant to 33 U.S.C. §§403,or 407, 33 U.S.C. §§1151 et seq., 42 U.S.C. §2134, and 42 U.S.C. §4321, nor shall it be interpreted to affect or waive any of the conditions or requirements which may be validly imposed by the Corps of Engineers or the Atomic Energy Commission as

of the Interior and the Environmental Protection Agency have reviewed and participated in technical studies which have been used to establish the standards for operation of the generating facilities and the cooling system hereinabove set forth, and the Department of the Interior and the Environmental Protection Agency shall recommend to the Corps of Engineers and the Atomic Energy Commission that the necessary permits and/or licenses be issued for the construction and operation of generating facilities, a cooling system, discharge canals, and any structures or work in navigable waters of the United States or for discharges into such waters or tributaries thereof, consistent with the standards for operation set forth in this Final Judgment and with the standards of the Atomic Energy Commission. Also, this Final Judgment does not operate to excuse Florida Power and Light from compliance, as required by law, with any Federal or State water quality requirements now or hereafter applicable to it.

IX

For the purpose of insuring compliance with this Final Judgment, duly authorized representatives of the Department of Justice, the Environmental Protection Agency, the Department of the Interior, the Atomic Energy Commission, and the Corps of Engineers shall be permitted access, at reasonable times, to Florida Power and Light's facilities at Turkey Point for the purpose of: (1) inspecting the cooling facilities, intake structure, discharge canal(s), and monitoring devices; (2) collecting water samples therefrom; (3) conducting testing procedures which are not unduly disruptive of the operation of such facilities; (4) obtaining from Florida Power and Light records of operations and other corporate records, data pertaining to the construction, operation and maintenance of its cooling system, intake

facilities and discharge canals and information concerning the distribution of electric power within the State of Florida. Information concerning the impact of the cooling system on the environment may be freely disclosed. Other information obtained under the provisions of this Paragraph will be divulged by the representatives designated thereunder to any person other than a duly authorized representative of the Department of Justice, Environmental Protection Agency, Department of the Interior, Atomic Energy Commission, or Corps of Engineers only as is provided by federal law or in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment.

X

Florida Power and Light agrees that it will dismiss its counterclaim in this action against the plaintiff, United States of America.

XI

Jurisdiction is retained for the purpose of enabling either party to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, or the modification or termination of any of the provisions thereof or for the enforcement or compliance therewith. In addition copies of all reports, plans and studies required to be prepared by the terms of this Final Judgment shall be promptly filed with this Court. If Florida Power and Light utilizes the provisions of the first sentence of Paragraph VI, then it shall immediately report to this Court and to the Administrator of the Environmental Protection Agency the fact of the emergency and the reasons for utilization of such provisions.

Dated: Miami, Florida
September 10th, 1971

Lyde Atkins
United States District Judge

Certified to be a true and correct copy of the original.
U. S. District Court
Joseph I. Bogart, Clerk
Southern Dist. of Fla.
By _____ Deputy Clerk
Date: 9/14/71

We hereby consent to the entry of the foregoing Final Judgment without further notice.

THE UNITED STATES OF AMERICA, Plaintiff

BY:

Shiro Kashiwa By JAG
SHIRO KASHIWA
Assistant Attorney General
Department of Justice

Walter Kiechel, Jr. By JAG
WALTER KIECHEL, JR.
Deputy Assistant Attorney General
Department of Justice

Robert W Rust
ROBERT W. RUST
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Miami, Florida 33132

Martin Green
MARTIN GREEN
Attorney
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James A. Glasgow
JAMES A. GLASGOW
Attorney
Department of Justice
Washington, D. C. 20530

FLORIDA POWER AND LIGHT COMPANY, Defendant

BY:

ROBERT J. GARDNER
Vice President

MCCARTHY STEEL HECTOR & DAVIS
Attorneys for Defendant

BY: William C. Steel
WILLIAM C. STEEL
Attorney
Miami, Florida 33131

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Jeb Bush
Governor

Colleen M. Castille
Secretary

In the Matter of an
Application for Permit by:

CERTIFIED MAIL
RETURN RECIEPT REQUESTED

DEP File # FL0001562-004-IW1N/NR
Miami-Dade County
Florida Power & Light Company

Turkey Point Power Plant
9760 S.W. 344 Street
Florida City, FL 34428

Attention: Mr. Terry O. Jones

NOTICE OF PERMIT

Enclosed is Permit Number FL0001562, issued under Section 403.0885, Florida Statutes and DEP Chapter 62-620, Florida Administrative Code, authorizing renewal of a "No Discharge" NPDES permit for internal discharge to an onsite closed-loop recirculating cooling canal system at the Turkey Point Power Plant located at 9670 S.W. 344 Street, Florida City, Miami-Dade County, Florida.

Any party to this order (permit) has the right to seek judicial review of the permit under section 120.68 of the Florida Statutes, by the filing of a Notice of Appeal under rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi Drew
Director
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 245-8336

FPL
Turkey Point Power Plant
Permit Number FL0001562

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, Florida Statutes, with the designated deputy clerk, receipt of which is hereby acknowledged.

S. Shields 05-13-05
Clerk Date

Copies furnished to:

Roosevelt Childress, EPA
Chairman, Miami-Dade County Board of Commissioners
Tim Powell, P.E., DEP SED, West Palm Beach
Buck Oven, P.E., DEP Tallahassee
Betsy Hewitt, DEP Tallahassee (w/o enclosure)

SECOND AMENDMENT TO THE FACT SHEET

DATE: January 28, 2004

PERMIT NUMBER: FL0001562

PERMITTEE: Florida Power & Light Company
Turkey Point Power Plant

The following minor corrections have been made to the proposed permit. None of these corrections alter any of the discharge limitations monitoring requirements in the permit.

1. Permittee Comments

The Permittee requested the following minor corrections to the permit.

Typographical errors in the Draft Permit: The Applicant pointed out several typographical errors by the Department which are not listed in the items below. The Department has corrected these errors, which were non-substantive and did not affect any permit limitations or monitoring requirements.

Condition I.A.6.&7. The Permittee pointed out that that previous permits did not include these conditions, which refer to floating foam and visible sheen on surface waters of the state due to discharge of wastewater. The Permittee noted that the conditions are not appropriate because the facility does not discharge to surface waters. The Department concurs, and notes that it included the conditions in error. The conditions have been deleted from the final permit.

STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

Florida Power & Light Company
9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER: FL0001562 (Major)
PA FILE NUMBER: FL0001562-004-IW1N
ISSUANCE DATE: May 6, 2005
EXPIRATION DATE: May 5, 2010

RESPONSIBLE AUTHORITY:

Mr. Terry O. Jones
Vice President

FACILITY:

FPL Turkey Point Power Plant
9760 S.W. 344 Street
Florida City, FL 33035
Dade County

Latitude: See Note Below Longitude: See Note Below

Note: Latitude and longitude are not shown at Permittee's request, for purposes of Homeland Security pursuant to federal regulations found at 18 CFR 388.113(c)(i) and (ii) and by Presidential Directive dated December 17, 2003.

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.), and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System (NPDES). The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The facility consists of four steam-electric generating units: Two fossil fuel oil-fired units (Units 1&2) and two nuclear units (Units 3&4). Units 1&2 each have a continuous generating capability of 404 megawatts (MW), and Units 3&4 each have a continuous generating capability of 693 MW.

WASTEWATER TREATMENT:

Wastewater from the Turkey Point facility consists of a non-contact once-through condenser cooling water (OTCW), auxiliary equipment cooling water (AECW), low-volume waste (LVW), and stormwater. LVW consists of chemical treatment system wastewater, boiler blowdown, reverse osmosis concentrate, condensate polishing system backwash water, and other process wastestreams. Stormwater includes stormwater associated with industrial activity and stormwater not associated with industrial activity.

OTCW and AECW discharge to the facility's approximately 6,700 acre onsite closed loop cooling canal system. LVW, equipment area stormwater, and non-equipment area stormwater/drainage discharge either directly to the onsite closed loop cooling canal system or indirectly to the same system via solids settling basins and/or neutralization basin. The cooling canal system is not lined, and therefore, discharges to Class G-III groundwater. The cooling canal system does not discharge to surface waters of the state.

PERMITTEE:	PERMIT NUMBER:	FL0001562
Florida Power & Light Company 9760 S.W. 344 Street Florida City, FL 33035	Issuance date: Expiration date:	May 6, 2005 May 5, 2010

EFFLUENT DISPOSAL:

Surface Water Discharge:

This permit does not authorize discharge to surface waters of the state.

Internal Outfalls:

This permit authorizes discharge from existing internal outfalls I-001 and I-002 to the facility's onsite closed loop cooling canal system.

Groundwater Discharge

This permit authorizes an existing discharge from the onsite closed loop cooling canal system to the surficial aquifer which is a Class G-III groundwater.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 14 of this permit.

PERMITTEE:

Florida Power & Light Company
9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER: FL0001562

Issuance date: May 6, 2005
Expiration date: May 5, 2010

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. This permit does not authorize discharge to surface waters of the state.

2. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge non process wastewater consisting of non-contact once-through condenser cooling water (OTCW), non-contact auxiliary equipment cooling water (AECW), and other wastestreams (as indicated in the permit renewal application) from Internal Outfall I-001 to the onsite feeder canal within the facility's onsite closed loop cooling canal system. Such discharge shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements		
Parameters (units)	**Maximum Daily Average**	**Daily Maximum**	**Daily Minimum**	**Monitoring Frequency**	**Sample Type**	**Sample Point**
Temperature (F), Water (DEG.F)	--	Report	--	Monthly	Instantaneous	OUI-1
Solids, Total Suspended (MG/L)	--	Report	--	Quarterly	Grab	OUI-1
pH (SU)	--	Report	Report	Quarterly	Grab	OUI-1
Salinity (PPT)	--	Report	--	Quarterly	Grab	OUI-1
Specific Conductance (UMHO/CM)	--	Report	--	Quarterly	Grab	OUI-1
Copper, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-1
Iron, Total Recoverable (MG/L)	--	Report	--	Semiannually	Grab	OUI-1
Zinc, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-1

3. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.2. and as described below:

Sample Point	Description of Monitoring Location
OUI-1	Cooling water discharge prior to entering the feeder canal within the closed loop cooling canal system

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4. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge process wastewater and stormwater from Internal Outfall I-002 into the facility's onsite closed loop cooling canal system. Such discharge shall be limited and monitored by the permittee as specified below:

	Discharge Limitations			Monitoring Requirements		
Parameters (units)	**Monthly Average**	**Daily Maximum**	**Daily Minimum**	**Monitoring Frequency**	**Sample Type**	**Sample Point**
Solids, Total Suspended (MG/L)	--	Report	--	Semiannually	Grab	OUI-2
PH (SU)	--	Report	Report	Monthly	Grab	OUI-2
Specific Conductance (UMHO/CM)	--	Report	--	Quarterly	Grab	OUI-2
Lead, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-2
Oil and Grease (MG/L)	--	Report	--	Semiannually	Grab	OUI-2
Copper, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-2
Zinc, Total Recoverable (UG/L)	--	Report	--	Semiannually	Grab	OUI-2

5. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.A.4. and as described below:

Sample Point	Description of Monitoring Location
OUI-2	discharge from the two solids settling basins or neutralization basin prior to mixing with water in the closed loop cooling canal system

B. Underground Injection Control Systems

1. This section is not applicable to this permit. Discharge by underground injection is regulated under permit UC-13-277655.

C. Land Application Systems

1. This section is not applicable to this facility.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

1. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Southeast District Office Discharge Monitoring Reports (DMRs) in accordance

PERMITTEE:

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with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly or Toxicity	first day of month – last day of month	28th day of following month
Quarterly	January 1 - March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 – June 30 July 1 – December 31	July 28 January 28
Annual	January 1 – December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department's Southeast District Office at the address specified in Permit Condition I.E.2.

2. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Southeast District Office at the address specified below:

   Southeast District Office
   400 North Congress, Suite 200
   West Palm Beach, FL 33401-3303

   Phone Number - (561) 681-6702

3. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.

4. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.

5. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.

6. Bypasses subject to General Conditions VIII.20 and VIII.22 shall be monitored or estimated daily, or as approved by the Department for flow and other parameters required for the specific outfall that is bypassed. Monitoring results shall be reported to the Department.

7. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.

8. This permit authorizes the use of the following biocides, or their generic equivalents, in various closed cooling water systems without limitations or monitoring; NALCO 7338, NALCO 7330, NALCO 7348, BULAB 6001/6002, BETZ POWERLINE 3610. The Permittee shall notify the Department if there is a discharge of any of these products into the closed cycle cooling canal system in other than de-minimus amounts which contain concentrations of active ingredients above the MDLs for those ingredients.

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Florida City, FL 33035

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9. A permit revision from the Department shall be required prior to the use of any biocide or chemical additive, which may be toxic to aquatic life, (except as authorized elsewhere in this permit) in the cooling water system or any other portion of the industrial wastewater system. The permit revision request shall include:

   a. Name and general composition of biocide or chemical
   b. Frequencies of use
   c. Quantities to be used
   d. Proposed effluent concentrations
   e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
   f. Product data sheet
   g. Product label

   The Department shall review the above information to determine if a major or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without prior authorization by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

10. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit.

11. Hydrazine and Monoethanolamine (ETA) Monitoring Requirements

    a) Discharge of hydrazine, carbohydrazide, dimethylamine, and monoethanolamine (ETA) in the boiler or steam generator blowdown is authorized without limitation or monitoring requirements.
    b) Hydrazine from plant layup water during overhauls and/or refueling outages shall be measured at the outlet from the unit being serviced. Sampling shall be once per day of discharge by grab sample at the maximum expected concentration. Results of sampling will be submitted to the Department upon request. To determine the hydrazine concentration being discharged to the cooling canal system, the following equation shall be used:

$$\frac{\textit{(B/S) Blowdown Flow x (B/S) Hydrazine Concentration}}{\textit{Once-through Cooling Water Flow}} = \textit{Hydrazine concentration at the closed cycle cooling canal system}$$

    Where (B/S) refers to boiler or steam generator

    In the event that any value exceeds 3.4 mg/l, the permittee shall immediately modify its release pattern and resample. The Department's Southeast District office will be notified of the situation within five days.

12. Molybdate, Tolytriazole, and Nitrite Discharge Requirements
    The discharge of molybdate, tolytriazole, and nitrite to the closed cycle recirculating cooling canal system during maintenance of the auxiliary closed water system is allowed without limitations and monitoring requirements.

13. Non-discharging/Closed Loop Vehicle Wash Recycle System Requirements

    a) No discharge of recycle system wastewater, including filter backwash water, is authorized to surface water or to ground water.

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b) The rainwater diversion system shall be operated in accordance with the facility's Best Management Practice Procedure as indicated on amended drawing No. 297-036, Alternate No. 6, signed and sealed 4/23/99.

c) A placard shall be conspicuously posted in the area of the non-discharging/closed loop recycle equipment which indicates the proper operation of the rainwater diversion system i.e. TRUCK WASH RAINWATER VALVE OPERATING PROCEDURE as indicated on amended drawing No. 297-036 Alternate No. 6, signed and sealed 4/23/99.

d) d) Spent process wastewater shall be disposed of at a Department permitted wastewater treatment facility which is capable of treating the wastewater.

e) Any oil collected from the oil/water separator shall be disposed by a licensed used oil recycler in accordance with Florida Administrative Code 62-710 or otherwise recycled on site through Department approved methods and procedures.

f) Any accidental discharge to ground water or surface water shall be reported to the Southeast District office.

14. Notwithstanding any other requirements of this "No Discharge" permit, the permittee shall comply with all applicable provisions of the Final Judgement dated September 10, 1971, in Civil Action Number 70-328-CA issued by the U.S. District Judge C. Clyde Atkins of the Southern District of Florida.

II. Industrial Sludge Management Requirements

A. Basic Management Requirements

1. Sludge or other solids generated from the facility shall be reused, reclaimed, or otherwise disposed of in accordance with the requirements of Chapter 62-701, F.A.C.

2. The permittee shall keep records at the facility of the amount of sludge or residuals disposed, transported, or incinerated. If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:

   a. name, address and telephone number of any transporter, and any manifests or bill of lading used;
   b. name and location of the site of disposal, treatment or incineration;
   c. name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

III. Ground Water Monitoring Requirements

1. This section is not applicable to this facility.

IV. Other Land Application Requirements

1. The Permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C. and 62-520.430, F.A.C.

PERMITTEE:

Florida Power & Light Company
9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER: FL0001562

Issuance date: May 6, 2005
Expiration date: May 5, 2010

V. Operation and Maintenance Requirements

A. Operation of Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.

2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:

   a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;

   b. Copies of all reports, other than those required in items a. and f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;

   c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;

   d. A copy of the current permit;

   e. A copy of any required record drawings;

   f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. The permittee shall achieve compliance with the other conditions of this permit as follows:

   Operational level attained Issuance Date of permit

2. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Southeast District Office, are made a part hereof.

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Florida Power & Light Company 9760 S.W. 344 Street Florida City, FL 33035	Issuance date: Expiration date:	May 6, 2005 May 5, 2010

2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.

3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

B. Specific Conditions Related to Construction

1. This section is not applicable to this facility.

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.

2. The permittee shall apply for renewal of this permit on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Chapter 62-620, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.

3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.

4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:

   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
      (1) One hundred micrograms per liter,
      (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
      (3) Five times the maximum concentration value reported for that pollutant in the permit application.

   b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
      (1) Five hundred micrograms per liter,
      (2) One milligram per liter for antimony, or
      (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

E. Reopener Clause

PERMITTEE:	PERMIT NUMBER:	FL0001562
Florida Power & Light Company 9760 S.W. 344 Street Florida City, FL 33035	Issuance date: Expiration date:	May 6, 2005 May 5, 2010

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:

   a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;

   b. Controls any pollutant not addressed in the permit.

   The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.

3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1), F.A.C.]*

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2), F.A.C.]*

3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3), F.A.C.]*

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4), F.A.C.]*

5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be

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a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*

6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*

7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*

8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*

9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
   a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
   b. Have access to and copy any records that shall be kept under the conditions of this permit;
   c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
   d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

   [62-620.610(9), F.A.C.]

10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*

11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*

12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*

13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*

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14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*

15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*

16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*

17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
    a. A description of the anticipated noncompliance;
    b. The period of the anticipated noncompliance, including dates and times; and
    c. Steps being taken to prevent future occurrence of the noncompliance.
    [62-620.610(17), F.A.C.]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
    a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
    b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
    c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
    d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300(4), F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
    e. Fields activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.
    [62-620.610(18), F.A.C.]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*

20. The permittee shall report to the Department's Southeast District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of

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the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

a. The following shall be included as information which must be reported within 24 hours under this condition:
   (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
   (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
   (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
   (4) Any unauthorized discharge to surface or ground waters.

b. Oral reports as required by this subsection shall be provided as follows:
   (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
      (a) Name, address, and telephone number of person reporting;
      (b) Name, address, and telephone number of permittee or responsible person for the discharge;
      (c) Date and time of the discharge and status of discharge (ongoing or ceased);
      (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
      (e) Estimated amount of the discharge;
      (f) Location or address of the discharge;
      (g) Source and cause of the discharge;
      (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
      (i) Description of area affected by the discharge, including name of water body affected, if any; and
      (j) Other persons or agencies contacted.
   (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b(1) above, shall be provided to Department's Southeast District Office within 24 hours from the time the permittee becomes aware of the circumstances.

c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Southeast District Office shall waive the written report.

[62-620.610(20), F.A.C.]

21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18 and 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. *[62-620.610(21), F.A.C.]*

22. Bypass Provisions.
   a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
      (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
      (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.

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Florida City, FL 33035

PERMIT NUMBER: FL0001562

Issuance date: May 6, 2005
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b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a. (1) through (3) of this permit.
d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit.
[62-620.610(22), F.A.C.]

23. Upset Provisions
a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
(1) An upset occurred and that the permittee can identify the cause(s) of the upset;
(2) The permitted facility was at the time being properly operated;
(3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
(4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.
[62-620.610(23), F.A.C.]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Mimi A. Drew
Director, Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8592

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551 , 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER FL0001562

LIMIT: Final REPORT: Monthly
CLASS SIZE: Major GROUP: Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-001
MONITORING GROUP DESC: non-contact once through condenser cooling water

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Temperature (F), Water	Sample Measurement										
PARM Code 00011 P Mon. Site No. OUI-1	Permit Requirement						Report (Day.Max.)	DEG.F		Monthly	Instantaneous
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

Florida Power & Light Company
Docket No. 20170007-EI
NPDES/Industrial Wastewater ("IWW") Permit
Exhibit MWS-3, Page 18 of 25

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551 , 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER FL0001562

LIMIT: Final REPORT: Quarterly
CLASS SIZE: Major GROUP: Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-001
MONITORING GROUP DESC: non-contact once through condenser cooling water

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 P Mon. Site No. OUI-1	Permit Requirement						Report (Day.Max.)	MG/L		Quarterly	Grab
pH	Sample Measurement										
PARM Code 00400 P Mon. Site No. OUI-1	Permit Requirement					Report (Day.Min.)	Report (Day.Max.)	SU		Quarterly	Grab
Salinity	Sample Measurement										
PARM Code 00480 P Mon. Site No. OUI-1	Permit Requirement						Report (Day.Max.)	PPT		Quarterly	Grab
Specific Conductance	Sample Measurement										
PARM Code 00095 P Mon. Site No. OUI-1	Permit Requirement						Report (Day.Max.)	UMHO/ CM		Quarterly	Grab
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

Florida Power & Light Company
Docket No. 20170007-EI
NPDES/Industrial Wastewater ("IWW") Permit
Exhibit MWS-3, Page 19 of 25

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551 , 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER FL0001562

LIMIT: Final REPORT: Semiannual
CLASS SIZE: Major GROUP: Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-001
MONITORING GROUP DESC: non-contact once through condenser cooling water

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Copper, Total Recoverable	Sample Measurement										
PARM Code 01119 P Mon. Site No. OUI-1	Permit Requirement						Report (Day.Max.)	UG/L		Semiannually	Grab
Iron, Total Recoverable	Sample Measurement										
PARM Code 00980 P Mon. Site No. OUI-1	Permit Requirement						Report (Day.Max.)	MG/L		Semiannually	Grab
Zinc, Total Recoverable	Sample Measurement										
PARM Code 01094 P Mon. Site No. OUI-1	Permit Requirement						Report (Day.Max.)	UG/L		Semiannually	Grab
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

Florida Power & Light Company
Docket No. 20170007-EI
NPDES/Industrial Wastewater ("IWW") Permit
Exhibit MWS-3, Page 20 of 25

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551 , 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

PERMIT NUMBER FL0001562

LIMIT: Final REPORT: Monthly
CLASS SIZE: Major GROUP: Industrial

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

MONITORING GROUP NUMBER: I-002
MONITORING GROUP DESC: low volume wastewater (LVW) and equipment area stormwater discharged

COUNTY: Dade

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
pH	Sample Measurement										
PARM Code 00400 P Mon. Site No. OUI-002	Permit Requirement					Report (Day.Min.)	Report (Day.Max.)	SU		Monthly	Grab
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
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	Permit Requirement										

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

Florida Power & Light Company
Docket No. 20170007-EI
NPDES/Industrial Wastewater ("IWW") Permit
Exhibit MWS-3, Page 21 of 25

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551 , 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

COUNTY: Dade

PERMIT NUMBER FL0001562

LIMIT: Final
CLASS SIZE: Major

REPORT: Quarterly
GROUP: Industrial

MONITORING GROUP NUMBER: I-002
MONITORING GROUP DESC: low volume wastewater (LVW) and equipment area stormwater discharged

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Specific Conductance	Sample Measurement										
PARM Code 00095 P Mon. Site No. OUI-002	Permit Requirement						Report (Day.Max.)	UMHO/ CM		Quarterly	Grab
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										

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NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

Florida Power & Light Company
Docket No. 20170007-EI
NPDES/Industrial Wastewater ("IWW") Permit
Exhibit MWS-3, Page 22 of 25

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551 , 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Florida Power & Light Company
MAILING ADDRESS: 9760 S.W. 344 Street
Florida City, FL 33035

FACILITY: FPL Turkey Point Power Plant
LOCATION: 9760 S.W. 344 Street
Florida City, FL 33035

COUNTY: Dade

PERMIT NUMBER FL0001562

LIMIT: Final REPORT: Semiannual
CLASS SIZE: Major GROUP: Industrial

MONITORING GROUP NUMBER: I-002
MONITORING GROUP DESC: low volume wastewater (LVW) and equipment area stormwater discharged

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 P Mon. Site No. OUI-002	Permit Requirement						Report (Day.Max.)	MG/L		Semiannually	Grab
Lead, Total Recoverable	Sample Measurement										
PARM Code 01114 P Mon. Site No. OUI-002	Permit Requirement						Report (Day.Max.)	UG/L		Semiannually	Grab
Oil and Grease	Sample Measurement										
PARM Code 00556 P Mon. Site No. OUI-002	Permit Requirement						Report (Day.Max.)	MG/L		Semiannually	Grab
Copper, Total Recoverable	Sample Measurement										
PARM Code 01119 P Mon. Site No. OUI-002	Permit Requirement						Report (Day.Max.)	UG/L		Semiannually	Grab
Zinc, Total Recoverable	Sample Measurement										
PARM Code 01094 P Mon. Site No. OUI-002	Permit Requirement						Report (Day.Max.)	UG/L		Semiannually	Grab
	Sample Measurement										
	Permit Requirement										

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

Florida Power & Light Company
Docket No. 20170007-EI
NPDES/Industrial Wastewater ("IWW") Permit
Exhibit MWS-3, Page 23 of 25

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions as well as the SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.
When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.
Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units.
No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.
Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.
Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.
Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.
Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

Florida Power & Light Company
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Exhibit MWS-3, Page 24 of 25

PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

Add the results to get the Total and divide by the number of days in the month to get the Monthly Average.
Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.
Time Sample Obtained: Enter the time the sample was taken.
Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.
Detection Limits: Record the detection limits of the analytical methods used.
Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.
Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)
Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).
Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.
Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).
Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.
Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.
No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.
$CBOD_5$: Enter the average $CBOD_5$ of the reclaimed water discharged during the period shown in duration of discharge.
TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.
Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.
Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.
No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.
Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

Florida Power & Light Company
Docket No. 20170007-EI
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Exhibit MWS-3, Page 25 of 25

FIFTH SUPPLEMENTAL AGREEMENT

BETWEEN
THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

AND

FLORIDA POWER & LIGHT COMPANY

THIS AGREEMENT is made and entered into this 16 day of October, 2009, by and between FLORIDA POWER & LIGHT COMPANY ("FPL") and SOUTH FLORIDA WATER MANAGEMENT DISTRICT ("DISTRICT") (and collectively referred to as "the Parties").

WITNESSETH

1. WHEREAS, FPL and the CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT, (the "CSFFCD"), predecessor to the DISTRICT, entered into an agreement dated February 2, 1972, hereinafter referred to as "Original Agreement", governing rights and obligations of the Parties concerning the construction, operation and monitoring of the cooling canal system for FPL's power generating plant at Turkey Point in Miami-Dade County, Florida; and

2. WHEREAS, the Original Agreement has been supplemented and amended on four separate occasions; the First Supplemental Agreement having been executed on October 21, 1974; the Second Supplemental Agreement having been executed on August 14, 1975; the Third Supplemental Agreement having been executed on September 10, 1976; and the Fourth Supplemental Agreement having been executed on July 15, 1983 (the "1983 Agreement") and the Original Agreement together with the four Supplemental Agreements are hereinafter collectively referred to as the "Prior Agreements"; and

3. WHEREAS, the 1983 Agreement superseded the previous agreements. The 1983 Agreement provides that the purpose of the interceptor ditch system, which is part of the overall cooling canal system as depicted on the map attached hereto as Exhibit "A", made a part hereof, and located between the most westward cooling canal and Levee 31E, is to restrict movement of saline water from the cooling canal system westward of Levee 31E adjacent to the cooling canal system to those amounts which would occur without the existence of the cooling canal system; and

4. WHEREAS, the "cooling canal system," as referred to in this Agreement, is also referred to in Prior Agreements and related documents as the "cooling water system" and "cooling system;" and

5. WHEREAS, under the Prior Agreements, including the 1983 Agreement, FPL

has had continuing obligations to monitor for impacts of the cooling canal system on the water resources of the DISTRICT in general and on the DISTRICT'S facilities and operations in particular and to implement new operating criteria and/or engineering measures if the objectives of the 1983 Agreement are not being met.

6. WHEREAS, under the 1983 Agreement, those monitoring obligations include determining whether saline water has moved westward of Levee 31E; and

7. WHEREAS, as reasonable assurances for the DISTRICT's recommendation of approval of FPL's 2008 Uprate of Turkey Point Nuclear Units 3 and 4 ("Uprate Project"), FPL submitted information concluding that its operation of the interceptor ditch prevents seepage from the cooling canal system from moving westward of Levee 31E thereby maintaining fresh or potable water west of the interceptor ditch (FPL Turkey Point Units 3 and 4 Uprate Application, 2008, section 2.3.4.1); and

8. WHEREAS, based on FPL's assurances in the 2008 Uprate Certification application, the DISTRICT recommended approval of the Uprate Project conditioned on imposition of the consolidated three agency Condition of Certification X in the Power Plant Site Certification for the FPL Turkey Point Plant Units 3 and 4 Nuclear Power Plant Unit Combined Cycle Plant # PA 03-45 ("Certification"), requiring FPL to execute a SFWMD approved Fifth Supplemental Turkey Point Agreement ("Fifth Supplemental Agreement" or "Agreement") and to revise FPL's monitoring obligations for incorporation into the Agreement in a revised monitoring plan; and

9. WHEREAS, the DISTRICT'S evaluation of recent monitoring data indicates that the interceptor ditch may not be effective in restricting the movement of saline water westward from the cooling canal system; and

10. WHEREAS, as a necessary first step in evaluating existing conditions and, if necessary, identifying potential solutions to abate, mitigate, or remediate the movement of saline water and other water quality and ecological impacts from the cooling canal system, a full delineation of any historical and current ecologic, surface water and groundwater impacts, including, but not limited to, delineation of impacts westward of the Levee 31E and eastward of Turkey Point into Biscayne Bay, from the operation of the cooling canal system since 1972, as well as potential for future impacts of the cooling canal system, is needed; and

11. WHEREAS, FPL, the DISTRICT, Florida Department of Environmental Protection ("DEP"), and Miami-Dade County Department of Environmental Resource Management ("DERM") developed a revised monitoring plan, the Turkey Point Plant Groundwater, Surface Water, and Ecological Monitoring Plan (the "2009 Plan"). The 2009 Plan is attached hereto as Exhibit "B" and made a part hereof; and

12. WHEREAS, the 2009 Plan identifies monitoring for the purpose of delineating current ecologic, surface water and groundwater impacts, from the operation of the cooling canal system on the water resources of the DISTRICT in general and the

facilities and operations of the DISTRICT, including, but not limited to, delineation of impacts westward of the Levee 31E and eastward of Turkey Point into Biscayne Bay, and to assess whether mitigation, abatement, and other remedial measures would be necessary; and

NOW THEREFORE, for good and valuable consideration as set forth herein, the Parties hereto agree as follows:

I. RECITALS and EFFECTIVE DATE OF THIS AGREEMENT

The above recitals are true and correct and incorporated herein as a material and integral part of this Agreement. The Effective Date of this Agreement shall be the last date the Agreement is signed by the Parties.

II. OBLIGATIONS OF THE PARTIES

(A) INTERCEPTOR DITCH SYSTEM OPERATION

1. FPL shall operate the interceptor ditch system to restrict movement of saline water from the cooling water system westward of Levee 31E adjacent to the cooling canal system to those amounts which would occur without the existence of the cooling canal system.

2. The operating criteria and procedures for the interceptor ditch system have been established by FPL in the 1983 Agreement as the manual designated "THE THIRD REVISED FLORIDA POWER & LIGHT, COMPANY, TURKEY POINT, FLORIDA, INTERCEPTOR DITCH OPERATION PROCEDURES" (Interceptor Ditch Operation Procedures). These criteria and procedures are attached hereto as Exhibit "C" and made a part hereof. The Parties shall revise these procedures within six (6) months from the effective date of this Agreement.

3. FPL shall operate the interceptor ditch in accordance with the Interceptor Ditch Operation Procedures subject to the provisions of Paragraph II(D)., herein, which may require revision of such operations.

4. Revisions to the Interceptor Ditch Operation Procedures as may be proposed by FPL and agreed to by the Executive Director of the District or his/her designee may be accomplished by letter, for incorporation into Exhibit C without having to amend this Agreement.

5. FPL shall maintain pump operation logs in a mutually acceptable form for each interceptor ditch pumping installation and electronically transmit such pump

operation logs to the DISTRICT in the manner set forth in the Interceptor Ditch Operation Procedures and shall continue maintenance and transmittal of such logs for the duration of the operation of the Interceptor Ditch System.

6. Under this Section, the Parties shall have all rights identified under Paragraph II(E)7.

(B) WATER TRANSFER FACILITIES

1. FPL has accepted on its lands east of levee 31E, and is responsible for the conveyance of all excess surface waters from the drainage basin of Canal 106 and 107, as shown on attached Exhibit "D", made a part hereof, which can be delivered by Structure 20 ("S-20") regardless of time and duration of discharge and quality. For reference, the C-106 canal was originally envisioned to be part of the Central and Southern Florida system, but has since been deauthorized and as a consequence, not made part of this Agreement. C-106 notwithstanding, FPL shall, at its expense, operate and maintain the drainage system from S-20 seaward to the intersection with the Seadade Canal and must maintain the discharge capacity east of the S-20.

2. Operation of the water transfer facilities shall be in accordance with instruction given to FPL by the DISTRICT'S Director of Field Services or his designated representative. FPL shall designate an official or employee of FPL who will be responsible for the receipt of said operating instructions and for carrying them out

3. Within three months of execution of this Agreement FPL and the DISTRICT's Operations and Maintenance staff shall meet to identify required actions for maintaining that portion of the C-107 canal east of the L-31 E and downstream of S-20. FPL shall comply with such requirements, including providing a maintenance plan documenting required actions, in a timely manner.

4. Under this Section, the Parties shall have all rights identified under Paragraph II(E)7.

(C) MONITORING PROVISIONS

1. FPL shall commence implementing the 2009 Plan on the Effective Date of this Agreement and shall implement the 2009 Plan in accordance with its terms. FPL shall continue the monitoring and reporting in accordance with the 2009 Plan until the DISTRICT provides written notification to FPL that monitoring can be terminated.

2. The Executive Director of the DISTRICT or his/her designee may

require revisions to the 2009 Plan, including but not limited to, additional or revised monitoring parameters or locations and a fully coupled three-dimensional ("3D") surface and groundwater density dependent model or the Interceptor Ditch Operation Procedures. Any such revisions may be accomplished by letter for incorporation into the 2009 Plan without the need to amend this Agreement.

3. FPL shall collect and submit the data as provided in the 2009 Plan. Raw data shall be provided to the DISTRICT at the time it is received by FPL. The Parties recognize that quality control and quality assurance (QA/QC) procedures will be conducted by FPL on the laboratory data after its receipt by the DISTRICT and that revisions and re-submittal of data to the DISTRICT may be necessary based on such evaluations. FPL shall retain all data electronically for the duration of the plant's operation and shall review and analyze the data so collected consistent with the objectives of this Agreement. Raw data is defined as data, either electronic or hard copy, that is received from a sensor or as laboratory results, that has not gone through any analysis or evaluation for (QA/QC)or other purposes.

4. FPL shall submit to the DISTRICT all reports required by the 2009 Plan and the Interceptor Ditch Operation Procedures (hereinafter "Reports") in a timely manner as specified in the 2009 Plan. By August 31 of each year, FPL shall submit an annual report evaluating the preceding year's events in terms of historic trends (Annual Report). The Annual Report shall include the information called for in the 2009 Plan. The Annual Report shall also contain all associated raw data in an electronic format consistent with existing District software and consistent with Paragraph II(C)3, herein. FPL shall electronically transmit the Annual Report and associated raw data in the form and manner specified in the 2009 Plan and the Interceptor Ditch Operation Procedures, as applicable.

5. All data collected by FPL or its representatives under either the Interceptor Ditch Operation Procedures or the 2009 Plan shall be maintained, archived, and presented in a web based application, as set forth in the 2009 Plan. As technology changes or improves, the DISTRICT may require revisions to the manner and format that FPL is required to submit and present its reports, summaries, and/or data. Upon written notification by the DISTRICT that the reporting manner and/or format needs to be changed to meet current technology improvements or changes, FPL shall implement those changes within sixty (60) days, or upon a mutually agreed upon timeframe, from receipt of the notification or by the next reporting period, whichever occurs first.

6. Within ninety (90) days after the DISTRICT's receipt of each Annual Report or Reports, as referenced in Paragraph II (C)(4), the DISTRICT may send a written request to FPL that FPL address concerns, questions, or omissions in the Annual Report or Reports that are reasonably related to the Annual Report or Reports. Within ninety (90) days following FPL's receipt of the request. FPL shall

provide the DISTRICT with its response(s) to each issue raised or additional information as requested. FPL's response(s) shall be required to continue to the satisfaction of the DISTRICT.

7. Within 24 hours following a DISTRICT request, FPL shall allow the DISTRICT to enter the Turkey Point property and/or access to FPL owned or maintained monitoring wells and stations to sample the cooling canal system and surface or ground water from all stations and monitoring wells utilized pursuant to the 2009 Plan. The DISTRICT and FPL shall coordinate the timing and location of sampling to account for planned or unplanned plant outages or emergencies and to protect the public health and safety. The DISTRICT agrees to abide by standard FPL health and safety precautions while on the Turkey Point property.

8. Under this Section, the Parties shall have all rights identified under Paragraph II(E)7.

(D) MITIGATION, ABATEMENT, AND OTHER REMEDIAL MEASURES

1. If the DISTRICT determines that data acquired under the 2009 Plan or other sources is insufficient to evaluate impacts of the cooling canal system, the 2009 Plan or the Interceptor Ditch Operation Procedures shall be revised, as approved by the DISTRICT, pursuant to Paragraph II (C)2.

2. If the DISTRICT, in its sole discretion, determines that the data from the 2009 Plan or from any other source: (i) indicates that the interceptor ditch is not effective in restricting movement of the saline water westward of Levee 31E in a manner that is consistent with the objective articulated above in Paragraph II(A)1; (ii) indicates harm or potential harm to the water resources of the DISTRICT in general or the DISTRICT'S facilities and operations in particular, including ecological resources; (iii) indicates the cooling canal system water is impacting water quality under Chapter 373, Florida Statutes; or (iv) indicates impacts inconsistent with the goals and objectives of the CERP Biscayne Bay Coastal Wetlands project, then the Executive Director or his/her designee shall notify FPL in writing of such determination.

3. Upon receipt of the DISTRICT notification, FPL shall immediately begin consultation with the DISTRICT to identify measures to mitigate, abate or remediate impacts from the cooling canal system and then shall promptly implement those measures approved by the District. Measures may include revising the Interceptor Ditch Operation Procedures or other measures, including timelines for implementing such measures, under Paragraph II (D)5 to abate, mitigate or remediate identified impacts. Such measures and timelines for implementation shall be subject to DISTRICT approval.

4. If the DISTRICT and FPL cannot timely agree on feasible engineering and/or hydrologic solutions to abate, mitigate or remediate the impacts identified under Paragraph II (D)2, above, then the Executive Director of the DISTRICT or his/her designee shall notify FPL in writing that the Parties have reached an impasse. Such determination of an impasse shall be made at the sole discretion of the DISTRICT. The DISTRICT may then, in its sole discretion, require FPL to implement specified mitigation, abatement and remediation measures, within DISTRICT identified timeframes.

5. Measures to mitigate, abate, or remediate impacts identified under Paragraph II (D) 2, must be in writing and may include, but are not necessarily limited to:

(a) revisions to the cooling canal system/interceptor ditch operating criteria;

(b) reasonable alterations in the design of the interceptor ditch system;

(c) alterations to the cooling canal system;

(d) any other feasible engineering and/or hydrologic measures regarding the cooling canal system;

(e) any other feasible engineering and/or hydrologic measures to mitigate for the cooling canal system's impacts to the region's water supply or remediation thereof; and/or

(f) a District approved fully coupled 3D surface and groundwater density dependent flow model incorporating FPL operational components to evaluate the best alternatives for abatement, mitigation or remediation.

If the District notifies FPL to implement any alterations as outlined in paragraphs (a) through (f) above, any such alterations shall not impair the reasonable operations of the existing power plant.

6. Consultation and implementation of DISTRICT approved measures, pursuant to Paragraph II (D), shall be undertaken and implemented within the specified time frames in the written notification from the DISTRICT.

7. Nothing contained in this Agreement shall limit the DISTRICT from availing itself of all other rights and remedies it may now or hereafter have to achieve the objective of Paragraph II (A)1 and remedy the impacts identified under Paragraph II (D). Further, the Power Plant Site Certification for the FPL Turkey Point Plant Units 3 and 4 Nuclear Power Plant and Unit 5 Combined Cycle Plant # PA 03-45, issued under the Power Plant Siting Act, Chapter 403, Florida Statutes, does not limit, alleviate, or modify the rights and obligations of the Parties under Chapter 373, Florida Statutes, or this Agreement.

8. Under this Section, the Parties shall have all rights identified under Paragraph II(E)7.

(E) GENERAL PROVISIONS

1. This Agreement supersedes and replaces the Prior Agreements.

2. This Agreement shall be binding on the Parties and, subject to the approval of the DISTRICT which may not be unreasonably withheld, their assigns and successors.

3. Should any unusual event occur or should FPL contemplate any substantive physical, mechanical, structural or operational changes to be made to the cooling canal system, then FPL shall promptly notify the DISTRICT and, if the DISTRICT shall so request, a meeting of the representatives of both FPL and the DISTRICT, shall be convened at the earliest mutually convenient time to review and analyze such unusual occurrences or such contemplated substantive physical, mechanical, structural or operational changes and to determine by mutual agreement what action shall be taken in relation thereto.

4. This Agreement shall remain in effect until terminated by the written agreement of the Parties.

5. FPL shall construct, maintain and operate all monitoring facilities and other facilities required by this Agreement, including those required by the 2009 Plan, in accordance with applicable manufacturer requirements and as otherwise necessary to provide timely, reliable and accurate data. FPL shall bear all its costs associated with its obligations under this Agreement including but not limited to the construction, operation, maintenance, monitoring, replacement, alteration, modification, or relocation of any and all existing or future facilities required under this Agreement.

6. No delay or failure by either Party to exercise any right under this Agreement, and no partial or single exercise of that right, shall constitute a waiver of that or any other right.

7. (a) This Agreement shall be governed by and construed in accordance with the laws of the State of Florida and of the United States of America and the rules and regulations promulgated under the authority thereof. In the event it is necessary for either Party to initiate legal action regarding this Agreement, venue may be in the Fifteenth Judicial Circuit or an administrative tribunal under Chapter 120, as appropriate, for claims under state law and in the United States District Court for the Southern District of Florida for any claims which are subject to jurisdiction of federal law and the federal Court.

(b) Consistent with subparagraph II (E) 7(a.), FPL maintains all rights they may have to request a proceeding under Chapter 120, Florida Statutes, to challenge any proposed or final agency action taken by the DISTRICT that affects FPL's substantial interests under Sections II (A), (B), (C), and (D) of this Agreement, including the right to petition for an administrative hearing. This specifically includes the right of FPL to file a petition requesting a formal or informal administrative hearing pursuant to Section 120.569 and 120.57, Florida Statutes, objecting to the District's agency action under Section II (D). This Paragraph does not create, modify or expand FPL's rights provided under Chapter 120, Florida Statutes. Nothing in this Agreement is intended to expand, or limit, the jurisdiction of the District. The District shall not act arbitrarily or capriciously and FPL shall not cause undue delay in implementing its obligations under this Agreement.

(c) FPL shall indemnify, save and hold the DISTRICT and its directors, employees, and contractors (the "Indemnified Parties"), harmless and will defend against any and all claims, damages, costs, expenses, and liability arising from (1) the performance by FPL or its contractors, agents, or representatives of FPL's obligations under this Agreement, or (2) the construction, operation, maintenance, replacement, alteration, modification, or relocation of any existing or future interceptor ditch, monitoring facility, water transfer facility, or abatement, remediation or mitigation made necessary by the cooling canal system or required under this Agreement. The remedy in the preceding sentence is not intended to be an exclusive and does not preclude the Indemnified Parties' exercise of any other rights or remedies available under this Agreement or which may now or subsequently exist in law or at equity. If FPL fails to perform in accordance with the terms and conditions of this Agreement, then the DISTRICT shall have the right to seek specific performance and/or an action for damages based on the reasonable cost that would be incurred by the DISTRICT, including administrative, supervisory, and staff costs, to require implementation of the mitigation, abatement, and remedial measures identified in Paragraph II (D).

8. In the event any provision of this Agreement is held or adjudged to be invalid or illegal or unenforceable by any court of competent jurisdiction: (1) such portion or provision shall be deemed separate and independent; (2) the Parties shall negotiate in good faith to restore, insofar as practicable, the benefits to each Party that were affected by such ruling; and (3) the remainder of this Agreement shall remain in full force and effect.

9. This Agreement may be executed in any number of counterparts, all of which shall together constitute one and the same instrument. A facsimile or electronic signature shall be binding.

10. This Agreement states the entire understanding and Agreement between the Parties with respect to the subject matter contained herein and supersedes any and all prior written or oral representations, statements, negotiations, or agreements.

11. Unless expressly stated herein to the contrary, nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the Parties hereto. Nothing in this Agreement is intended to relieve or discharge the obligation or liability of any third persons to any Party, nor shall any provision give any persons any right of subrogation or action over or against any Party.

12. The Parties shall comply with all applicable laws. Each Party shall be solely responsible for the payment of any fines or penalties levied as a result of such Party's non-compliance with any applicable legal requirement, except to the extent caused or contributed by the other Party.

13. In the event a dispute arises which cannot be resolved by the Parties, the Parties may agree to submit to nonbinding mediation. The mediator or mediators shall be impartial, shall be selected by the Parties, and the cost of the mediation shall be borne equally by the Parties. The mediation process shall be confidential to the extent permitted by law. Either Party may pursue its remedies available under this Agreement.

14. The Parties agree that time is of the essence in the performance of the obligations under this Agreement.

15. This Agreement shall not be construed against any Party regardless of who is responsible for its preparation. The Parties acknowledge that each contributed to, and is equally responsible for its preparation and the Agreement shall be interpreted without regard to any presumption or other rule requiring interpretation against one party or the other.

16. FPL and the District have the reciprocal and continuing obligation to notify the other of any personnel changes of its designated official or employee who will maintain monitoring installations and collect monitoring data and records. The following individuals shall serve as the designated points of contact for all issues and correspondence between the Parties arising in conjunction with this Agreement and by written notice to the other Party:

DISTRICT REPRESENTATIVE:

Title: Assistant Deputy Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
(561) 686-8800

FPL REPRESENTATIVE:

Title: Director of Environmental Licensing
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7518

17. Each Party hereto represents and warrants that the execution of this Agreement has been duly authorized by it and that this Agreement, upon execution by the other Party, is binding on and enforceable against such Party in accordance with the terms of this Agreement. No consent to such execution is required from any person, judicial or administrative body, governmental authority or any other person other than any such consent which already has been unconditionally given. Each Party hereto represents and warrants that there is no pending litigation or, to the best of their knowledge, threatened litigation that would affect its obligations to perform hereunder.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals in duplicate originals, the day and year first above written.

FLORIDA POWER & LIGHT COMPANY,
a Florida Corporation

By: _____ (Sign)

Name: Mitchell S. Ross (Print)

Title: Vice President + General Counsel - Nuclear

Date: October 16, 2009

SOUTH FLORIDA WATER MANAGEMENT BY ITS GOVERNING BOARD, a public corporation of the State of Florida

By: _____ (Sign)

Name: Carol Ann Wehle (Print)

Title: Executive Director

Date: 10/14/09

SFWMD Office of Counsel Approved: By: _____

Date: 10/14/09

STATE OF FLORIDA

DEPARTMENT

OF

ENVIRONMENTAL PROTECTION

Conditions of Certification

Florida Power & Light Company
Turkey Point Plant
Units 3 and 4 Nuclear Power Plant
Unit 5 Combined Cycle Plant

PA 03-45E

03/29/2016

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I. CERTIFICATION CONTROL

A. Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Florida Power & Light Company (FPL) as owner/operator of the Turkey Point Plant. The Department recognizes that Nuclear Units 3 & 4 and Fossil Unit 5 are under the control of different divisions of FPL. Unless otherwise specified, FPL shall be responsible for the compliance with the conditions herein. Violation of any conditions specific to Units 3, 4, or 5 shall solely affect the license of the responsible generating units. Under the control of these Conditions of Certification FPL may operate a 1,150 MW (nominal) facility (Unit 5) consisting of four 170 MW natural gas fired combustion turbines with light oil as back-up fuel, four heat recovery steam generators and one 470 MW steam turbine, and one nuclear plant consisting of two 800 MW (nominal) pressurized water reactors (Units 3 & 4), and all ancillary equipment. Unit 5 is located on approximately 90 acres of the existing 11,000 acres Turkey Point site in Miami-Dade County, Florida. Units 3 & 4 are located on approximately 30 acres of the existing site.

B. These Conditions of Certification, unless specifically amended or modified, are binding upon the Licensee and shall apply to the construction and operation of the certified facility. If a conflict should occur between the design criteria of this project and the Conditions of Certification, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions of Certification, the more specific condition governs.

II. APPLICABLE RULES

The construction and operation of the certified facility shall be in accordance with all applicable provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the following regulations: Chapters 403 and 373, Florida Statutes (F.S.); South Florida WMD Chapters 40E-1, 40E-2, 40E-3, 40E-4, 40E-8, 40E-21, 40E-40, 40E-45; and 62-4, 62-17, 62-256, 62-296, 62-297, , 62-302, 62-520, 62-531, 62-532, 62-330, 62-550, 62-555, 62-560, 62-600, 62-601, 62-604, 62-610, 62-620, 62-621, 62-650, 62-660, 62-699, 62-701, 62-762, 62-769, 62-777, and 62-780, Florida Administrative Code (F.A.C.), or their successors as they are renumbered.

III. DEFINITIONS

The meaning of terms used herein shall be governed by the definitions contained in Chapters 373 and 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. -As used herein:

A. "Applications" shall mean the Site Certification Applications (SCAs) for the certified facilities, as supplemented.

B. "DEO" shall mean the Florida Department of Economic Opportunity.

C. "DEP" or "Department" shall mean the Florida Department of Environmental Protection.

D. “DERM” shall mean the Department of Environmental Resources Management of Miami-Dade County, Florida.

E. "DHR" shall mean the Florida Department of State, Division of Historical Resources.

F. "Emergency conditions" shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement gas pipeline, transmission lines, or access facilities.

G. “Facility” shall mean the certified electrical power generation facilities and all associated structures, including but not limited to: nuclear steam generating units, combined cycle generating units, team turbine generators, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures.

H. "Feasible" or "practicable" shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.

I. "FWCC" shall mean the Florida Fish and Wildlife Conservation Commission.

J. “IWW Permit” shall mean the Florida Industrial Wastewater permit issued by the Department in accordance with the federal Clean Water Act.

K. "Licensee" shall mean an applicant which has obtained a certification order for the subject electrical power plant.

L. “NPDES permit” shall mean any federal National Pollutant Discharge Elimination System permit issued in accordance with the federal Clean Water Act.

M. “NRC” shall mean Nuclear Regulatory Commission.

N. “NSPS” shall mean new source performance standards as identified in 40 CFR 60.

O. "Power plant", "facility", or "project" shall mean an electrical power generating plant as defined in Section 403.503(12), F.S. and as described in the Site Certification Application.

P. “PSD permit” shall mean the federal Prevention of Significant Deterioration air emissions permit issued in accordance with the federal Clean Air Act.

Q. “SED” shall mean the Department’s Southeast District Office.

R. "SFWMD" shall mean the South Florida Water Management District.

S. “Title III permit” shall mean any federal permit issued in accordance with Title III of the federal Clean Air Act (Hazardous Air pollutants).

T. “Title IV permit” shall mean any federal permit issued in accordance with Title IV of the federal Clean Air Act (Acid Rain).

U. "Title V permit" shall mean any federal permit issued in accordance with Title V of the federal Clean Air Act (Operation).

V. "WASD" shall mean the Water and Sewer Department of Miami-Dade County, Florida.

IV. GENERAL CONDITIONS

These General Conditions shall be applicable to all areas of the certified site. Compliance with the General Conditions shall be the joint responsibility of FPL Nuclear Plant (Units 3 &4) and FPL Fossil Fuel Plant (Unit 5). Any violation of a General Condition shall be a violation by Florida Power & Light Company.

A. Facilities Operation

The Licensee shall at all times properly operate and maintain the Turkey Point Unit 3, 4 and 5 facilities and related appurtenances, and systems of treatment and control that are installed and used to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

Any directly associated linear facilities connecting the collector yard to the switchyard shall be maintained in accordance with the site certification application and any appropriate state and federal regulations concerning use of herbicides. The Licensee shall notify the Southeast District of the Department and the Siting Coordination Office of the type of herbicides to be used at least 60 days prior to their first use.

B. Records Maintained at the Facility

1. These Conditions of Certification or a copy thereof shall be kept at the work site of the approved activity.

2. The Licensee shall hold at the facility, or other location designated by this approval, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by this approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. The Licensee shall provide copies of these records to the Department upon request. If the Licensee becomes aware of relevant facts that were not submitted or were incorrect in any report to the Department, such facts or information shall be promptly submitted or corrected.

C. Change in Discharge or Emissions

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge or emission of any pollutant not identified in the application, or more frequently than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or

emission of pollutants, change in fuel, or expansion in steam generating capacity must be reported by submission of an appropriate application for amendment, certification or modification pursuant to Chapter 403.516, F.S.

D. Compliance

1. The Licensee shall comply with all rules adopted by the Department subsequent to the issuance of this certification, which prescribe new or stricter criteria to the extent that the rules are applicable to electric power plants. Except where express variances have been granted, subsequently adopted rules which prescribe new or stricter criteria, which are applicable to electrical power plants, shall operate as a modification pursuant to Section 403.511(5)(a), F.S.

2. Pursuant to Section 403.511(5)(b), F.S., upon written notification to the Department's Siting Coordination Office, the Licensee may choose to operate in compliance with any rule subsequently adopted by the Department which prescribes criteria more lenient than the criteria required by the terms and conditions in this certification, so long as this operation causes no violation of standards or these Conditions of Certification.

3. If, for any reason, the Licensee does not comply with or is unable to comply with any limitation specified in this certification, the Licensee shall notify the Southeast District Office of the Department by telephone during the working day that said noncompliance occurs. After normal business hours, the Licensee shall report any condition that poses a public health threat to the State Warning Point at telephone number (850) 413-9911 or (850) 413-9912. The Licensee shall confirm this situation to the Southeast DEP District Office in writing within seventy-two (72) hours of becoming aware of such conditions and shall supply the following information:

a. A description of the discharge and cause of noncompliance; and,

b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and,

c, Steps being taken to reduce, eliminate and prevent recurrence of the non-complying event.

4, The Licensee shall take all reasonable steps to minimize any adverse impact resulting from noncompliance with any limitation specified in this certification, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying event.

E. Right of Entry

The Licensee shall allow authorized agency personnel, including but not limited to representatives of the Florida Department of Environmental Protection, and/or Water Management District, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, and recognizing the security that must be maintained at the facility, depending upon the nature of the concern being investigated:

1. To enter upon the Licensee's premises where an effluent source is located or in which records are required to be kept under the terms and conditions of this permit; and

2. To have access to and copy any records required to be kept under the conditions of this certification; and

3. To inspect the facilities, equipment, practices, or operations regulated or required under these Conditions; and

4. To sample or monitor any substances or parameters at any location necessary to assure compliance with these Conditions of Certification or Department rules.

F. Enforcement

1. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, 403.514, 403.727, and 403.859 through 403.861, F.S. Any noncompliance with a condition of certification or condition of a federally delegated or approved permit constitutes a violation of chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation, or permit revision. The Licensee is placed on notice that the Department will review this certification periodically and may initiate enforcement action for any violation of these conditions.

2. All records, notes, monitoring data and other information relating to the construction or operation of this certified source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the certified source arising under the Florida Statutes or Department rules, except where such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

3. The specific terms of the Fifth Supplemental Agreement and the Revised Plan, referenced in Condition X of these Conditions of Certification, shall remain enforceable by the SFWMD by the terms of the Fifth Supplemental Agreement.

G. Revocation or Suspension

This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any of these Conditions of Certification. This approval is valid only for the specific processes and operations identified within the application and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the certified facilities that are the cause of such action, and other facilities at the Turkey Point Plant shall remain unaffected by such action.

H. Civil and Criminal Liability

This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply. As provided in Section 403.511, F.S., the issuance of this certification does not convey neither any vested rights nor any exclusive privileges. Neither does it authorize any injury to human health or welfare, animal or plant life, public or private property or any invasion of personal rights.

This certification does not allow any infringement of federal, state, or local laws or regulations, nor does it allow the Licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department or these Conditions of Certification. This approval is not a waiver of any other Department approval that may be required for other aspects of the total project under federally delegated or approved programs.

I. Property Rights

The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The applicant shall obtain title, lease, easement, or right of use from the State of Florida to any sovereign submerged lands utilized by the project.

J. Severability

The provisions of this certification are severable, and if any provision of this certification, or the application of any provision of this certification to any circumstances, is held invalid, the application of such provision to other circumstances and the remainder of the certification shall not be affected thereby.

K. Procedural Rights

No term or condition of certification shall be interpreted to preclude the post-certification exercise by the Licensee of whatever procedural rights it may have under Chapter 120, F.S.

L. Review of Site Certification

The certification shall be final unless revised, revoked or suspended pursuant to law.

M. Procedural Rights

Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no term or condition of certification shall be interpreted to preclude the post-certification exercise by the licensee of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

N. Modification of Conditions

The conditions of this certification may be modified in the following manner:

1. Pursuant to Section 403.516(1), F.S., Section 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Secretary of the Department of Environmental Protection who further delegates to the Siting Office the authority to modify, after notice and opportunity for hearing, any conditions herein which would not otherwise require approval from the Siting Board

2. The certification shall be modified to conform to subsequent DEP-issued amendments, modifications, or renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, Underground Injection Control (UIC) permit, or National Pollutant Discharge Elimination System (NPDES) permit for the project. In

the event of a conflict, the more stringent of the conditions of such permits or of these Conditions of Certification shall be controlling.

3. The Secretary of the Department may modify any condition of this certification except those pertaining to a change in fuel.

4. The Secretary of the Department may modify any condition of this certification if the Secretary finds that an immediate danger to the public health, safety, or welfare requires the issuance of an immediate final order temporarily modifying these Conditions of Certification. If the Secretary elects to exercise this delegated authority, the Secretary shall prepare an immediate final order that recites with particularity the facts underlying the Secretary's finding of an immediate danger to the public health, safety, or welfare. The immediate final order and the modification to the Conditions of Certification shall be effective only for so long as is necessary to address the immediate danger and shall be applicable or enjoinable from the date rendered.

5. In the event of a prolonged [thirty (30) days or more] equipment malfunction or shutdown of pollution control equipment, the Secretary of the Department may allow facility operation to resume and continue to take place under an immediate final order temporarily modifying these Conditions of Certification, provided that the Licensee demonstrates that such operation will be in compliance with all applicable ambient air quality standards and PSD increments, water quality standards and rules, solid waste rules, domestic wastewater rules and industrial wastewater rules. During such malfunction or shutdown, the operation of the facility shall comply with all other requirements of this certification and all applicable state and federal emission and effluent standards not affected by the malfunction or shutdown.

6. All other modifications to these conditions shall be made in accordance with Section 403.516, Florida Statutes.

7. Any modification to these conditions shall only affect the units or other facilities that are the subject of the modification request or the Department’s proposed order of modification.

O. Transfer of Certification

This certification is transferable only upon Department approval in accordance with Section 403.516, F.S., and Rule 62-17.211(3) and 62-730.300, F.A.C. The Licensee shall be liable for any noncompliance of the approved activity until the transfer is approved by the Department.

P. Safety

The overall design, layout, and operation of the facilities shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The applicable Federal Occupational Safety and Health Standards shall be complied with during construction and operation.

Q. Screening

The Licensee shall maintain existing screening of the site to the extent feasible through the use of acceptable structures, vegetated earthen walls, or existing or planted vegetation.

R. Toxic, Deleterious or Hazardous Materials

1. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters. Specific criteria are established for such components in Section 62-520.420, F.A.C.

2. The Licensee shall report all spills of materials having potential to significantly pollute surface or ground waters and which are not confined to a building or similar containment structure, by telephone immediately after discovery of such spill. The Licensee shall submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephone report shall be submitted by calling the DEP Southeast District Office Industrial Wastewater Compliance/Enforcement Section. After normal business hours, the Licensee shall contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any Material Safety Data Sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow.

3. The Licensee shall notify the Department’s Siting Coordination Office of any amendments, modifications, or renewals of NRC-issued Operating Licenses.

S. Noise

Construction and operation noise shall not exceed noise criteria or any applicable requirements of Miami-Dade County. The Licensee shall notify area residents in advance of the onset and anticipated duration of the steam blowout of the facility's heat recovery steam generator and steam lines

T. Flood Control Protection

Any construction of new facilities for the certified plant and associated facilities shall be protected from flood damage by construction in such a manner as to comply with the appropriate Miami-Dade County flood protection requirements or by flood proofing or by raising the elevation of the facilities above the 100-year flood level, whichever is more stringent. However, existing facilities are not required to be modified to comply with such flood control protection standards.

U. Historical or Archaeological Finds

If historical or archaeological artifacts are discovered at any time within the project site, the Licensee shall notify the DEP Southeast District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073.

V. Endangered and Threatened Species

Prior to start of construction, the Licensee shall survey the portion of the certified site which may be affected by construction for species of animal and plant life listed as endangered or threatened by the federal government or listed as endangered by the state. If these species are found, their presence shall be reported to the Siting Coordination Office, the SED, and the Florida Fish & Wildlife Conservation Commission's Office of Policy and Stakeholder Coordination. These species shall not be disturbed, if practicable. If avoidance is not practicable, the endangered species shall be treated as recommended by the appropriate agency. Entombment of gopher tortoises shall not be allowed.

W. Dispute Resolution

If a dispute situation arises between the Licensee and an agency exercising its regulatory jurisdiction, the Department shall act as mediator to resolve it. If, after mediation, a mutual agreement cannot be reached between the parties, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S.

X. Laboratories and Quality Assurance

1. The Licensee shall ensure that all laboratory analytical data submitted to the Department, as required by this certification, are from a laboratory which is approved by the Department and meets the requirements of Chapter 62-160, F.A.C.

2. The Licensee shall ensure that all samples required pursuant to this certification are taken by an appropriately trained technician following EPA and Department approved sampling procedures and chain-of-custody requirements in accordance with Rule 62-160, F.A.C. Records of monitoring information shall follow the guidelines in Rule 62-160.600, F.A.C. All chain-of-custody records shall be retained on-site for at least three (3) years and made available to the Department immediately upon request.

3. Records of monitoring information shall include:

a. the date, exact place, and time of sampling or measurements;

b. the person responsible for performing the sampling or measurements;

c. the dates analyses were performed;

d. the person responsible for performing the analyses;

e. the analytical techniques or methods used; and,

f. the results of such analyses.

Y. Procedures for Post-Certification Submittals

1. The licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the licensee are identified. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent.
(62-17.191, F.A.C.)

Condition Number	Requirement and timeframe	Due Date	Name of Agency or agency subunit to whom the submittal is required to be provided

2. Purpose of Submittals: Conditions of Certification which provide for the post-certification submittal of information to DEP or other agencies by the licensee are for the purpose of facilitating monitoring by the Department of the effects arising from the certified facilities. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the conditions of certification, without any further agency action.

3. Filings: All post-certification submittals of information by the licensee or copies of applications for separate federal permits which are to be issued by State agencies are to be filed with DEP Siting Office. Copies of each submittal shall also be simultaneously copied to any other agency indicated in the specific conditions requiring the post-certification submittals.

4. Completeness: The DEP shall promptly review each post-certification submittal for completeness. This review shall include consultation with the other agencies receiving the post-certification submittal. For the purposes of this condition, completeness shall mean that the information submitted is both complete and sufficient. If the submittal is found to be incomplete, the licensee shall be so notified. Failure to issue such a notice within forty-five (45) days after filing of the submittal shall constitute a finding of completeness. (62-17.191, F.A.C.)

5. Interagency Meetings: Within sixty (60) days of the filing of a complete post-certification submittal, DEP may conduct an interagency meeting with other agencies which received copies of the submittal. The purpose of such an interagency meeting shall be for the

agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether reasonable assurance of compliance with the conditions of certification has been provided. Failure of any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these conditions nor to delay the time frames for review established by these conditions.

6. Reasonable Assurance of Compliance: Within ninety (90) days of the filing of a complete post-certification submittal, unless another date is specified herein, DEP shall give written notification to the licensee and the agencies to which the post-certification information was submitted of its determination whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that reasonable assurance has not been provided, the licensee shall be notified with particularity and possible corrective measures suggested. Failure to notify the licensee in writing within ninety (90) days of receipt of a complete post-certification submittal shall constitute a determination of reasonable assurance of compliance.

V. CONSTRUCTION

A. Standards and Review of Plans

1. All construction at the facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. The site plan layout for Unit 5 shall be consistent with or have wetland impacts less than the plan attached hereto as Exhibit A. Any subsequent revisions to the site plan shall avoid and minimize wetland impacts at least to the same extent as is accomplished in Exhibit A. Specific DEP Southeast District Office acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations, and these conditions prior to initiation of construction of any: industrial waste treatment facility; domestic waste treatment facility; potable water treatment and supply system; ground water monitoring system, storm water runoff system; solid waste disposal area; and hazardous or toxic handling facility or area. The Licensee shall present specific plans for these facilities for review by the DEP Southeast District Office at least ninety (90) days prior to construction of those portions of the facility for which the plans are then being submitted, unless other time limits are specified in the following conditions herein. Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these Conditions of Certification as applicable.

2. The Department must be notified in writing and prior written approval obtained for any material change or revision to be made to the project during construction which is in conflict with these Conditions of Certification. If there is any material change or revision made to a project approved by the Department without this prior written approval, the project will be considered to have been constructed without Departmental approval, the construction will not be cleared for service, and the construction will be considered a violation of these Conditions of Certification.

3. Ninety (90) days prior to the anticipated date of first operation, the Licensee shall provide the Department with an itemized list of any changes made to the facility design and operation plans that would affect a change in discharge, as referenced in Condition

IV.C., subsequent to the time of issuance of this Certification. This pre-operational review of the final design and operation shall demonstrate continued compliance with Department rules and standards.

4. Final drainage plans illustrating any new or modified stormwater treatment facilities and conveyances for construction phases of the certified facility site shall be submitted to the DEP Southeast District Manager and the SFWMD as applicable for review and approval prior to construction of any such conveyance or facility. The Department shall indicate its approval or disapproval within 60 days of the submittal. Analysis report of the produced ground samples shall be submitted 30 days before surface water discharge begins.

B. Control Measures

1. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt containing or pollutant laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state or significant degradation of Outstanding Florida Waters in violation of Rule 62-4.242, F.A.C. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of 6.0 to 8.5. The Licensee shall comply with the applicable nonprocedural requirements in Rules 40B-4, 40C-42, 40D-4 and/or 40E-4, F.A.C.

2. Any open burning in connection with initial land clearing shall be in accordance with Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101, Addendum, and any other applicable county regulation. Any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., shall be approved by the DEP Southeast District office in conjunction with the Division of Forestry and any other county regulations that may apply. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions.

3. Disposal of sanitary wastes from construction toilet facilities shall be in accordance with applicable regulations of the appropriate local health agency.

4. Solid wastes resulting from construction shall be disposed of in accordance with the applicable regulations of Chapter 62-701, F.A.C.

5. The Licensee shall employ proper odor and dust control techniques to minimize odor and fugitive dust emissions. The applicant shall employ control techniques sufficient to prevent nuisance conditions which interfere with enjoyment of residents of adjoining property.

6. The Licensee shall develop the site so as to retain the buffer of natural vegetation as described in the Unit 5 application and in Condition IV.Q., Screening.

7. Dewatering operations during construction shall be carried out in accordance with Rule 62-621.300(2), F.A.C.

C. Environmental Control Program

An environmental control program shall be established under the supervision of a Florida registered professional engineer or other qualified person to assure that all construction activities conform to applicable environmental regulations and the applicable Conditions of Certification. If a violation of standards, harmful effects or irreversible environmental damage not anticipated by the application or the evidence presented at the certification hearing is detected during construction, the Licensee shall notify the DEP District Office as required by Condition IV.D., Compliance.

D. Reporting

Notice of commencement of construction shall be submitted to the Siting Coordination Office and the DEP Southeast District Office within fifteen (15) days after initiation. Starting three (3) months after construction commences, a quarterly construction status report shall be submitted to the DEP Southeast District Office. The report shall be a short narrative describing the progress of construction.

VI. UNIT 5 SPECIFIC CONDITIONS

A. Air

1. The construction and operation of the Turkey Point Unit 5 project shall be in accordance with all applicable provisions of Title V Air Operation Permit No. 0250003-11-AV, and Permit No.PSD-FL-338 (DEP Permit No. 0250003-006-AC), (attached as Appendices A and B) as well as any other permit required under a federal program such as Title III, Title IV and/or Title V issued for Turkey Point Unit 5 and any revisions, amendments, corrections or modifications thereto, and of Chapters 62-210 through 62-297, F.A.C.

2. All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Compliance Authority at:

Air Quality Division
DEP Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, Florida 33406

Copies of all such documents shall also be submitted to Miami-Dade County at:

Air Quality Management
Department of Environmental Resources Management
33 Southwest 2nd Avenue, Suite 900
Miami, Florida 33130-1540

All documents related to applications for permits to construct, operate or modify an emissions unit shall be submitted to:

Division of Air Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road (MS #5505)

Tallahassee, Florida 32399-2400

and notice of all applications for permits to construct, operate or modify an emissions unit shall be submitted to:

Siting Coordination Office
Florida Department of Environmental Protection
2600 Blair Stone Road (MS #5500)
Tallahassee, Florida 32399-2400

B. Wetlands

1. Mitigation – Mitigation shall include on-site restoration and enhancement, purchase of credits in a mitigation bank, and contribution of wetlands for conservation purposes, as described in the document "Turkey Point Expansion Project, Refined Mitigation Proposal, FPL, April 2004" or as subsequently amended or modified.

a. Initial mitigation, by planting wetland plant species and hydrologic improvements, shall occur within 30 days of completion of construction; at this time the Licensee shall submit to the Department a baseline ("time zero") report. The report shall include details on the progress of the hydrologic improvements, a list of species planted, the number of individuals planted, and the date of the plantings. The report shall contain photographs, taken from referenced locations, to represent the entire site. Additionally, a drawing shall be included to show the location and direction of the camera. Subsequent monitoring reports shall be submitted quarterly, the first report being due 90 days after the baseline report. The quarterly reports shall include the number of plants surviving from the initial planting, additional seedlings planted, and explanations if survivorship is trending toward failure. The reports shall include photographs from the locations referenced in the baseline report.

b. Mitigation will be deemed successful when all of the following criteria have been continuously met on the mitigation site for a period of at least two growing seasons (but no earlier than two years after the initial planting), without intervention in the form of irrigation, dewatering, removal of undesirable vegetation, or replanting of desirable vegetation:

i. The percent cover of the mitigation wetland area exceeds 80% of native wetland plants

ii. Nuisance and exotic species are limited to 5% or less of the total cover.

iii. The desirable plants are reproducing naturally, either by normal, healthy vegetative spread, or through seedling establishment, growth and survival.

iv. The size distribution of the desirable species increases with time.

v. The functional assessment scores indicate that the functional value of the wetlands have made up for the functional loss of the project's impacts.

c. The Licensee shall notify the SED whenever the Licensee believes the mitigation is successful, but in no event earlier than two years after the mitigation is implemented.

i. The notice shall include a copy of the most recent Annual Progress and Mitigation Success Report and a narrative that describes how the reported data support the claim that each of the mitigation success criteria has been met. The Licensee shall allow SED personnel the opportunity to schedule and conduct an on-site inspection of the mitigation site.

ii. Within 60 days of receipt of the notice, the SED shall notify the Licensee by certified mail that:

(1) That the mitigation has been successfully completed, or

(2) That the mitigation is not successful, identifying specifically those elements of the mitigation that do not meet the success criteria, or

(3) That the mitigation cannot be determined to be successful at this time, identifying specifically those elements of the mitigation that prevent the SED from determining whether the mitigation is successful.

iii. When the SED notifies the Licensee that the mitigation is successful, or, if the SED fails to notify the Licensee within the time period prescribed by this condition, then the Licensee's mitigation obligation under the terms of this certification shall be deemed satisfied.

d. The Licensee shall prepare a revised mitigation plan if, three (3) years after completion of planting, it is determined by the SED or the Licensee that the mitigation site will not meet the success criteria. The revised plan shall be submitted to the SED for review and approval and shall include the following:

i. The plan shall discuss why the mitigation site is not meeting the success criteria and propose a plan of action by which to correct any deficiencies in the original plan.

ii. The Licensee shall propose a schedule for implementation and completion of the provisions of the revised mitigation plan. Upon approval by the SED, the Licensee shall begin implementing the revised plan within 60 days of SED approval. The approved revised plan shall be copied to the Siting Coordination Office and shall be made a part of these Conditions of Certification.

2. Narrative progress reports shall be submitted every 6 months indicating the status of the mitigation efforts. The cover page shall indicate the certification number, project name and the Licensee name. The first semi-annual progress report shall be submitted six months after the date of certification issuance. Reports shall be submitted every six (6) months thereafter until all mitigation work required by these conditions of certification has been completed. The reports shall include the following information:

a. The date activities were begun. Indicate whether work has begun on-site.

b. A brief description of the extent of work (i.e., dredge, fill, monitoring, mitigation, management, maintenance) completed since the previous report or since this certification was issued. Show on copies of the site drawings those areas where work has been completed.

c. A brief description and the extent of work (i.e. dredge, fill, monitoring, mitigation, management, maintenance) anticipated to be accomplished within the next six months. Indicate on copies of the site drawings those areas where it is anticipated that work will be done.

d. The reports shall include photographs taken from the permanent stations, some of which must be in the vegetation sampling areas, a description of problems encountered and solutions undertaken, and anticipated work for the next six months.

e. The reports shall include, on the first page and just below the title, a signed certification by the individual who supervised preparation of the report the following statement: "This report represents a true and accurate description of the activities conducted during the six month period covered by this report."

3. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C., or in excess of the ambient turbidity levels of Outstanding Florida Waters. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.

4. The Licensee shall be responsible for ensuring that erosion control devices/procedures are inspected and maintained daily during all phases of construction authorized by these Conditions of Certification until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.

5. The following measures shall be taken immediately by the Licensee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background or exceed the ambient water quality levels of Outstanding Florida Waters:

a. Immediately cease all work contributing to the water quality violation. Operations may not resume until the SED gives authorization to do so.

b. Notify the SED Environmental Resource Compliance/Enforcement Section at 561/681-6643 within 24 hours of the time the violation is first detected.

c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install additional turbidity containment devices and repair any non-functioning turbidity containment devices.

6. The Licensee shall be responsible for ensuring that the construction and operation of the Project results in no significant degradation of the adjacent Biscayne National Park, an Outstanding Florida Water, in violation of Rule 62-4.242 and 62-302, F.A.C.

C. Domestic and Industrial Waste

The Licensee is hereby authorized to operate water and wastewater facilities as shown or described in the Turkey Point Unit 5 Site Certification Application and other documents on file with the Department and made a part hereof. The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

D. Stormwater

1. Prior to construction, the Licensee shall submit a revised analysis to demonstrate that:

a. The post-development peak discharge rate does not exceed the pre-development discharge rate for the 25-year, 72-hour design storm, and

b. That the volume of the water quality treatment facility for off-site discharges is adequate to handle the post-development peak flow.

2. Final drainage plans illustrating all stormwater treatment facilities and conveyances for construction phase and for the operational phase of the Unit 5 site shall be submitted to the SED for review and approval prior to construction of any such conveyance or facility. The SED shall indicate its approval or disapproval within 60 days of the submittal or the submittal shall be considered approved.

3. Site construction activities shall be conducted in a manner which does not cause violations of state water quality standards. The Licensee shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. Temporary erosion control measures shall be implemented prior to any construction, and installation of permanent control measures shall be completed within seven (7) days of the start of any construction activity.

4. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into a receiving water body exists. Turbidity barriers shall remain in place at all locations until construction is completed, soils are stabilized, and vegetation has been established. The Licensee shall correct any erosion or shoaling that causes adverse impacts to water resources.

5. All construction at the facility shall be pursuant to the design standards presented in the application or amended application and the standards or plans and drawings submitted and signed by an engineer registered in the state of Florida. Specific SED acceptance of plans will be required based upon a determination of consistency with approved design concepts, regulations, and these conditions prior to initiation of construction of the stormwater management system Review and approval or disapproval shall be accomplished in accordance with Chapter 120, F.S., or these conditions of certification as applicable.

6. Within 30 days after completion of construction of the Stormwater management system, the Licensee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification" (DEP

Form No. 62-330.310(1), F.A.C.). The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviation from the approved drawings is discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

E. Solid and Hazardous Waste

No solid or hazardous waste is to be permanently stored onsite. Any hazardous waste generated on site shall be contained and transferred for disposal to a properly licensed contractor in accordance with the Department's rules and regulations.

VII. UNIT 3 & 4 SPECIFIC CONDITIONS

A. Air

The operation of the Turkey Point Unit 3 and 4 Nuclear Plant shall be in accordance with all applicable provisions of Title V Air Operation Permit 0250003-010-AV. Title V Air Operation Permit 0250003-010-AV is incorporated by reference herein as part of this Certification and attached as Appendix C.

The provisions of the above shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number 0250003-010-AV as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

B. Radiological

1. Decommissioning

Upon application to the U.S. Nuclear Regulatory Commission (NRC) for authority to decommission the plant, the applicant shall provide the Department a copy of the plan submitted to NRC for radioactive materials removal and/or containment for the site. Should the Department's review of the written plan reveal deficiencies, the Department shall bring such deficiencies to the attention of the applicant and the NRC and maintains the right to initiate a request, consistent with NRC procedural requirements that remedial action be taken to correct the deficiencies.

2. Emergency Plan

The applicant shall work with the State Division of Emergency Management and the State Department of Health, Bureau of Radiation Control, and Miami-Dade County in biennial updating of the emergency procedures and evacuation planning as necessary, including but not limited to improvements in communication and warning systems and in updating predicted plume overlays.

3. Radiological Release Limitations

The recommendation in the Power Plant Site Certification Analysis that certification be issued is based in part upon the fact that in order to obtain a construction permit and operating license from NRC, the applicant must comply with all applicable regulations, requirements, and standards of the NRC which limit the release of radioactive materials in solid waste, liquid or gaseous effluents to the environment. The above NRC regulations, requirements and standards include the following:

a. Standards for Protection Against Radiation, U.S. Nuclear Regulatory Commission Rules and Regulations, Title 10, Chapter 1, Part 20, Code of Federal Regulations, as presently in effect or hereafter amended.

b. Limitations and conditions for the controlled release of radioactive materials in solid, liquid and gaseous effluents contained in the Radiological Environmental Monitoring Program required by Title 10, 10 CFR 50, Appendix I as presently in effect or hereafter amended.

The Department has the statutory duty to insure that the location and operation of Turkey Point 3 and 4 will produce minimal adverse effects on human health, the environment, the ecology and the land and its wildlife, and the ecology of State waters and their aquatic life. (Fla. Stat. Section 403.502.) The Department has determined that the construction and operation of Turkey Point 3 and 4 must comply with the above radiological release limitations in order to minimize adverse effects on human health and the environment. This certification is conditioned upon full compliance by the applicant with the applicable above regulations, requirements and standards.

The NRC has the duty and responsibility imposed by statute, to enforce compliance by the applicant with NRC standards and technical specifications, to assure that the construction and operation of Turkey Point 3 and 4 will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. See Section 103(d) of the Atomic Energy Act, 42 U.S.C. section 2133(d) (1970); accord. 42 U.S.C. section 2332(a) (1970) including any revisions.

However, should the Department determine that the NRC has failed to discharge its duty and responsibility, it may bring any such deficiencies to the attention of the applicant and the NRC, and maintains the right to initiate a request, consistent with NRC procedural requirements, that appropriate enforcement action be taken to correct the deficiencies. Should such appropriate enforcement action not be forthcoming, and the Department determines that such enforcement action is necessary to insure that adverse effects on human health and the environment by continued operation of Turkey Point 3 and 4 are minimized, the Department reserves the right to take appropriate State enforcement action pursuant to Chapter 403, Florida Statutes, against the applicant for violation of any of the above radiological release limitations on the grounds that the violation of such limitations constitutes a violation of this express condition of certification.

4. Monitoring

The applicant shall comply with the most recent Department of Health Environmental Surveillance Agreement or its equivalent or future replacement. Should the

Department of Health determine that additional monitoring is required, it may take appropriate action to require such monitoring by modification of this condition of certification.

5. Interagency Agreement

The applicant shall comply with the Emergency Response Capability Agreement between the Florida Department of Health and the Florida Power and Light Company effective July 1, 1982, or as may be subsequently revised. (Attached as Exhibit B.)

6. Reservation of Legal Rights

The Department recognizes that the NRC has exclusive authority in certain areas related to the construction and operation of Turkey Point Units 3 and 4. These conditions of certification do not limit, expand or supersede any federal requirement or restriction under federal law, regulation, or regulatory approval or license. Compliance with the conditions herein does not constitute a waiver of the applicant's responsibility to comply with all applicable NRC requirements. Applicant's acceptance of these radiological conditions of certification does not, in and of itself, constitute a waiver by Applicant of any claim that any such radiological conditions are invalid under the doctrine of federal preemption or otherwise by law.

7. Annual Radiological Environmental Operating Report

Upon submittal to the NRC, a copy of the Annual Radiological Environmental Operating Report for Turkey Point Units 3 & 4 shall be provided to the Department's Siting Coordination Office.

VIII. INDUSTRIAL WASTE DISCHARGES

Any discharges during construction and operation of Units 3, 4 & 5 shall be in accordance with all applicable provisions of NPDES permit No. FL0001562-004-IW1N (attached as Appendix D) as well as any subsequent modifications, amendments and/or renewals.

IX. BISCAYNE BAY SURFACE WATER MONITORING

As proposed, the Turkey Point Units 3 and 4 uprate project may cause an increase in temperature and salinity in the cooling canal system. Field data is needed in order to determine impacts of the proposed changes in the Turkey Point cooling canal system on Biscayne Bay.

A. No later than July 31, 2009, FPL shall submit a Biscayne Bay Surface Water Monitoring Plan (Plan) pursuant to Chapter 62-302, F.A.C. to the DEP Southeast District Office for review and approval. The submittal deadline may be extended upon agreement between the Licensee, DEP, SFWMD and Miami-Dade County. Agreements for extensions shall be submitted to the Siting Office prior to the deadline. The Plan shall include, at a minimum, the following components:

1. salinity and temperature monitoring within the surface waters of the Bay, including the Biscayne Bay Aquatic Preserve; (Specific parameters to be measured, including specific conductance and temperature, shall be sampled in accordance with Chapter 62-160, F.A.C.);

2. a minimum of five monitoring stations located near shore in the vicinity of the Turkey Point Plant; and

3. specific monitoring locations, sampling frequencies and methods, and specific parameters to be monitored.

B. This monitoring data shall be compared to data using compatible monitoring instrumentation already in place in Biscayne Bay.

C. FPL shall continue the monitoring of salinity and temperature in the cooling canals under its industrial waste water facility permit.

D. If the Department determines that the pre- and post-Uprate salinity and temperature monitoring data indicate potential adverse changes in the surface water in Biscayne Bay, then the Department may propose additional measures to evaluate or to abate such impacts to Biscayne Bay.

E. The Plan, including monitoring locations, shall be approved prior to implementation. The Department shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. In the event that the Department requires additional information for the licensee to complete, and the Department to approve the Plan, the Department shall make a written request to the licensee for additional information no later than 30 days after receipt of the submitted information. Any changes to the approved Surface Water Monitoring Plan shall be approved by Coastal and Aquatic Managed Areas personnel in consultation with other FDEP personnel.

[62-160, 62-302, 62-302.700, 62-520.600, F.A.C.]

X. SURFACE WATER, GROUND WATER, ECOLOGICAL MONITORING

This is a consolidated condition agreed upon by three agencies, Department of Environmental Protection (DEP), Miami-Dade County Department of Environmental Resource Management (DERM) and the South Florida Water Management District (SFWMD). This consolidated condition sets forth the framework for new monitoring and, as may be needed, abatement or mitigation measures, for approval of FPL’s Turkey Point Units 3 and 4 Uprate Application. Specific monitoring and potential modeling parameters will be identified and implemented pursuant to a monitoring plan as part of a supplemental agreement between FPL and the SFWMD as described below.

A. In addition to the monitoring framework set forth in this consolidated condition, no later than July 31, 2009, FPL shall execute a SFWMD approved Fifth Supplemental Turkey Point Agreement ("Fifth Supplemental Agreement") to the original 1972 Agreement between FPL and the SFWMD pertaining to FPL's obligation to monitor for impacts of the Turkey Point cooling canal system on the water resources of the SFWMD in general and the facilities and operations of the SFWMD (the "Agreement"). Subject to the SFWMD's approval, FPL shall also amend the Agreement's Revised Operating Manual as referenced in paragraph C. "Monitoring Provisions" (the "Revised Plan") of the Fourth Supplemental Agreement, dated July 15, 1983. The Revised Plan shall be incorporated into the Fifth Supplemental Agreement and shall include assessment of potential impacts to surface water and ground water including wetlands, as needed, in the vicinity of the cooling canal system. The specific monitoring boundaries shall be

determined as part of the Revised Plan. The submittal deadline may be extended upon agreement between the Licensee, the SFWMD, DEP and Miami-Dade County. Agreements for extensions shall be submitted to the Siting Office prior to the deadline.

B. The Revised Plan shall be designed to be in concurrence with other existing and ongoing monitoring efforts in the area and shall include but not necessarily be limited to, surface water, groundwater and water quality monitoring, and ecological monitoring to:

1. delineate the vertical and horizontal extent of the hyper-saline plume that originates from the cooling canal system and to characterize the water quality including salinity and temperature impacts of this plume for the baseline condition;

2. determine the extent and effect of the groundwater plume on surface water quality as a baseline condition; and

3. detect changes in the quantity and quality of surface and ground water over time due to the cooling canal system associated with the Uprate project. The Revised Plan shall include installation and monitoring of an appropriate network of wells and surface water stations. The Revised Plan shall be approved by the SFWMD in consultation with the DEP Office of Coastal and Aquatic Managed Areas, the DEP Southeast District Office and DERM.

C. FPL shall transmit electronic copies of all data and reports required under the Fifth Supplemental Agreement and the Revised Plan in accordance with timeframes as approved in the Fifth Supplemental Agreement to:

SFWMD, Director, Water Supply (or alternative transmittal procedures to be described in the Fifth Supplemental Agreement);

Miami-Dade County, Director, DERM;

DEP, Director, Southeast District Office;

DEP Siting Coordination Office

DEP, Director, Biscayne Bay Aquatic Preserve Manager,

D. If the DEP in consultation with SFWMD and DERM determines that the pre- and post-Uprate monitoring data: is insufficient to evaluate changes as a result of this project; indicates harm or potential harm to the waters of the State including ecological resources; exceeds State or County water quality standards; or is inconsistent with the goals and objectives of the CERP Biscayne Bay Coastal Wetlands Project, then additional measures, including enhanced monitoring and/or modeling, shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

1. the development and application of a 3-dimensional coupled surface and groundwater model (density dependent) to further assess impacts of the Uprate Project on ground and surface waters; such model shall be calibrated and verified using the data collection during the monitoring period;

2. mitigation measures to offset such impacts of the Uprate Project necessary to comply with State and local water quality standards, which may include methods and features to reduce and mitigate salinity increases in groundwater including the use of highly treated reuse water for recharge of the Biscayne Aquifer or wetlands rehydration;

3. operational changes in the cooling canal system to reduce any such impacts; and/or

4. other measures to abate impacts as may be described in the Revised Plan.

[Sections 373.016, 373.223, F.S.; Rules 40E-4.011, 40E-4.301, 40E-4.302, F.A.C.; Sections 62-302 and 62-520, F.A.C.; Section 24-42, Code of Miami-Dade County, Miami-Dade County Comprehensive Development Master Plan (CDMP) Land Use Element, Conservation Element, Intergovernmental Coordination Element, Coastal Management Element.]

XI. COOLING CANAL SYSTEM FLORIDAN PRODUCTION WELL MONITORING

FPL shall monitor the proposed Floridan production wells (F-1, F-2, F-3, F-4 and F-5) on a quarterly basis for: water level or pressure; temperature; pH, Total Dissolved Solids; specific conductance; major anions/cations (including chlorides); NH3; total nitrogen; and total phosphorus. This monitoring data shall be made available to Miami-Dade County as well as FDEP and the SFWMD. On a semi-annual basis, Miami-Dade County may collect groundwater samples of the proposed Floridan production wells (F-1, F-2, F-3, F-4 and F-5) for constituents including but not limited to O18/16 and Strontium (87Sr/86Sr).

[Pre-Hearing Joint Stipulation signed 11/20/15 and Final Order issued by the Siting Board signed 4/1/16]

XII. COOLING CANAL SYSTEM

Permits and approvals that regulate the operation of the cooling canal system are incorporated herein and attached as Appendices. These permits and approvals shall be fully enforceable by both the permitting agency and as Conditions of Certification for Units 3 and 4. Any violation of such permits and approvals, where it is determined that Units 3 and 4 are the cause, shall also be a violation of these Conditions of Certification.

XIII. WATER MANAGEMENT DISTRICT

A. General

1. If this Certification is transferred, pursuant to Condition IV.O., from the Licensee to another party, the Licensee from whom the Certification is transferred shall remain liable for corrective actions that may be required as a result of any violations that occurred prior to the transfer.

2. This Certification is based in part on the Licensee's submitted information to the SFWMD which reasonably demonstrates that harm to the site water resources will not be caused by the authorized activities. The plans, drawings and design specifications submitted by the Licensee shall be considered the minimum standards for compliance with conditions XI.

3. This project must be constructed, operated and maintained in compliance with and meet all non-procedural requirements set forth in Chapter 373, F.S., and Chapters 40E-2 (Consumptive Use), and 40E-3 (Water Wells), F.A.C.

4. It is the responsibility of the Licensee to ensure that harm to the water resources does not occur during the construction, operation, and maintenance of the project.

5. The Licensee shall hold and save the SFWMD harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment and/or use of any system authorized by this Certification, to the extent allowed under Florida law.

6. The Licensee shall be responsible for the construction, operation, and maintenance of all facilities installed for the proposed project.

7. SFWMD representatives shall be allowed reasonable escorted access to the power plant site, the water withdrawal facilities and any associated facilities to inspect and observe any activities associated with the construction of the proposed project and/or the operation and/or maintenance of the on-site wells in order to determine compliance with these Conditions of Certification. The Licensee shall not refuse entry or access to any SFWMD representative who, upon reasonable notice, requests entry for the purpose of the above noted inspection and presents appropriate credentials.

8. Information submitted to the SFWMD subsequent to Certification, in compliance with these Conditions of Certification, shall be for the purpose of the SFWMD determining the Licensee's compliance with conditions XIII and the non-procedural criteria contained in Chapters 40E-2 and 40E-3, F.A.C., as applicable, prior to the commencement of the subject construction, operation and/or maintenance activity covered by this Certification.

9. The SFWMD may take any and all lawful actions that are necessary to enforce any condition of this Certification based on the authorizing statutes and rules of the SFWMD. Prior to initiating such action, the SFWMD shall notify the Siting Coordination Office of DEP of the proposed action.

10. At least ninety (90) days prior to the commencement of construction of any portion of the project, the Licensee shall submit to SFWMD staff, for a completeness and sufficiency review, any pertinent additional information required under conditions XIII for that portion of project. If SFWMD staff does not issue a written request for additional information within thirty (30) days, the information shall be presumed to be complete and sufficient.

11. Within sixty (60) days of the determination by SFWMD staff that any additional information is complete and sufficient, the SFWMD shall determine and notify the Licensee in writing whether the proposed activities conform to SFWMD rules, as required by Chapters 40E-2 and 40E-3, F.A.C., and these Conditions of Certification. If the information is not complete or sufficient, the SFWMD shall identify what items remain to be addressed. No construction activities shall begin until the SFWMD has notified the Licensee in writing that the activities are in compliance with the applicable SFWMD criteria, or failed to notify the Licensee in writing within sixty (60) days of finding the information to be complete and sufficient.

12. The Licensee shall submit any proposed revisions to the site specific design authorizations specified in this Certification to the SFWMD for review and approval prior to implementation. The submittal shall include all the information necessary to support the proposed request, including detailed drawings, calculations and/or any other applicable data. Such requests may be included as part of an appropriate additional information submittal

required by this Certification provided they are clearly identified as a requested amendment or modification to the previously authorized design

B. Water Use Authorizations

1. In the event of a declared water shortage, the Licensee must comply with any water withdrawal reductions ordered by the SFWMD in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C.

2. The Licensee shall mitigate interference with existing legal uses that were caused in whole or in part by the Licensee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means. Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

a. Inability to draw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

b. Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

c. The inability of an existing legal user to meet its permitted demands without exceeding the permitted allocation.

3. The Licensee shall mitigate harm to existing off-site land uses caused by the Licensee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to these Conditions of Certification includes:

a. Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other government authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g., fill for construction, mining, drainage canal, etc.);

b. Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use;

c. Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

4. The Licensee shall mitigate harm to natural resources caused by the Licensee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the SFWMD will require the Licensee to modify withdrawal

rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:

a. Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface;

b. Reduction in water levels that harm the hydroperiod of wetlands;

d. Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond;

e. Harmful movement of contaminants in violation of state water quality standards; or

f. Harm to the natural system including damage to habitat for rare or endangered species.

5. At any time, if there is an indication that the well casing, valves, or controls associated with the on-site well system leak or have become inoperative, the Licensee shall be responsible for making the necessary repairs or replacement to restore the well system to an operating condition acceptable to the SFWMD. Failure to make such repairs shall be the cause for requiring that the well(s) be filled and abandoned in accordance with the procedures outlined in Chapter 40E-3, F.A.C.

C. Site Specific Design Authorizations

1. This Certification authorizes an average daily withdrawal of 28.06 million gallons per day (MGD) from the upper production zones of the Floridan aquifer. This allocation is further divided as follows:

14.06 MGD used for cooling water for Unit 5 and process water for Units 1, 2, 3, 4, and 5.

14.00 MGD for salinity reduction in the on-site cooling canal system (CCS).

2. Upon written notification from the SFWMD that a reliable source of reclaimed water is available at the project site to serve Unit 5 in a quantity and quality acceptable to the Licensee for cooling purposes for Unit 5, the Licensee shall provide the SFWMD with a schedule for use of reclaimed water, for the SFWMD's review and approval, within 90 days of such notification. Once the use of reclaimed water has been established, the use of Floridan Aquifer water shall be reduced in proportion to the volume of reclaimed water made available to Unit #5, such that the combined sources meet the total demand of a 90-day average withdrawal of 14.06 MGD and an average annual withdrawal of 4,599 MGY. Should reclaimed water become temporarily unavailable, the Licensee shall notify the SFWMD within 24 hours of commencing temporary withdrawals from the Floridan aquifer.

3. The Licensee is currently utilizing and authorized to construct the following wells:

Existing Floridan Aquifer Wells

ID	Casing Diameter (inches)	Cased Depth (feet)	Max Depth (feet)	Max Flow (gpm)

PW-1	24	1,003	1,242	5,000
PW-3	24	1,005	1,247	5,000
PW-4	24	1,015	1,243	5,000

Authorized (never constructed) Floridan Aquifer Wells – Unit 5 Cooling

ID	Casing Diameter (inches)	Cased Depth (feet)	Max Depth (feet)	Max Flow (gpm)
PW-2	24	1,020	1,400	5,000

Proposed Floridan Aquifer Well – CCS Salinity Reduction

ID	Casing Diameter (inches)	Cased Depth (feet)	Max Depth (feet)	Max Flow (gpm)
F-1	20	1,020	1,400	2,500
F-2	20	1,020	1,400	2,500
F-3	20	1,020	1,400	2,500
F-4	20	1,020	1,400	2,500
F-5	20	1,020	1,400	2,500
F-6	20	1,020	1,400	2,500

(Cased and Max Depths indicated for proposed wells are estimated based on existing information and may change as needed to accommodate natural changes in the subsurface.)

4. Prior to the use of any proposed withdrawal facilities authorized under this Certification, the Licensee shall equip each facility with a SFWMD-approved operating water use accounting system and submit a report of calibration to the SFWMD, pursuant to Section 4.1.1 of the Applicants Handbook For Water Use Permit Applications Within the SFWMD. In addition, the Licensee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized -under this Certification every five years from each previous calibration, continuing at five year increments. The Licensee shall report monthly withdrawals for each withdrawal facility to the SFWMD quarterly. The Licensee shall specify the water accounting method and means of calibration on each report.

5. Prior to operating the proposed Floridan aquifer wells for the CCS salinity reduction, the Licensee shall submit an operational plan showing how the water use will vary between the wet and dry seasons.

6. *Modifications*

a. Pursuant to Section 373.236(4), F.S., every ten years from the date of certification issuance, the Licensee shall submit a water use compliance report for review and approval by SFWMD staff to SFWMD at www.sfwmd.gov/ePermitting, or Regulatory Support, MSC 9611, P.O. Box 24680, West Palm Beach, FL 33416-4680.

b. The Licensee may request a modification of the groundwater withdrawals for consumptive use authorized by this Certification in accordance with the provisions of Section 403.516. F.S. and Section 62-17.211, F.A.C. Any request for an increase in water withdrawals shall be made pursuant to the provisions of Section 403.516, F.S., and Section 62-17.211, F.A.C.

7. Prior to the commencement of construction of those portions of the project which involve dewatering activities, the Licensee shall submit a detailed plan for the proposed dewatering activities to the SFWMD for a determination of compliance with the non-procedural requirements of Chapters 40E-2 and 40E-3, F.A.C., in effect at the time of submittal. The following information, referenced to NGVD where appropriate, shall be submitted:

a. A detailed site plan which shows the location(s) for each proposed dewatering area;

b. The method(s) used for each dewatering operation;

c. The maximum depth for each dewatering operation;

d. The location and specifications for all proposed wells and/or pumps associated with each dewatering operation;

e. The duration of each dewatering operation;

f. The discharge method, route, and location of receiving waters generated by each dewatering operation, including the measures (Best Management Practices) that will be taken to prevent water quality problems in the receiving water(s);

g. An analysis of the impacts of the proposed dewatering operations on any existing on and/or off-site legal users, wetlands, or existing groundwater contamination plumes;

h. The location of any infiltration trenches and/or recharge barriers; and

i. All plans must be signed and sealed by a Professional Engineer or a Professional Geologist registered in the State of Florida.

8. If, during the control of these conditions of certification, any on-site wells require repair, replacement, and/or abandonment, the Licensee shall submit the information described in Chapter 40E-3, F.A.C. for review by the SFWMD prior to initiating such activities.

9. Prior to construction of the proposed on-site wells, the Licensee shall submit the drilling plans and other pertinent information required by Chapter 40E-3, F.A.C. to the SFWMD for review and approval. If the final well locations are different from those originally proposed in the site certification application, the Licensee shall also submit to the SFWMD for review and approval an evaluation of the impacts of the proposed pumpage from the alternate well location(s) on adjacent existing legal users, pollution sources, environmental features, and water bodies.

10. *Groundwater Monitoring Plan*

a. Within three months of issuance of this Certification, a preliminary groundwater monitoring plan shall be submitted to the SFWMD for a determination of compliance with the non-procedural requirements of Chapter 40E-2, F.A.C. In developing the monitoring plan, the Licensee shall consider well locations, depth and method of construction, types of screens, and frequency of data collection.

b. Within six months of issuance of this Certification, the Licensee shall implement the groundwater monitoring plan.

c. Data from the monitoring described in Section X of these Conditions of Certification shall be used to evaluate the effectiveness of the CCS salinity reduction in both the CCS and the underlying Biscayne aquifer. In addition, monthly sampling for chloride concentration from the Floridan aquifer production wells used to reduce the salinity reduction in the CCS is required.

11. *Water Conservation Plan*

a. Prior to the commencement of construction, the Licensee shall submit a water conservation plan, as described in Chapter 40E-2, F.A.C., for review and approval by SFWMD staff.

b. The water conservation plan shall incorporate the following components:

i. An audit of the amount of water needed in the Licensee's operational processes. The following measures shall be implemented within one year of audit completion if found to be cost effective in the audit:

(1) Implementation of a leak detection and repair program;

(2) Implementation of a recovery/recycling or other program providing for technological, procedural or programmatic improvements to the Licensee's facilities; and

(3) Use of processes to decrease water consumption.

ii. Development and implementation of an employee awareness program concerning water conservation.

XIV. DEPARTMENT OF TRANSPORTATION

A. Access Management to the State Highway System:

Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, Florida Administrative Code.

B. Overweight or Overdimensional Loads:

Operation of overweight or overdimensional loads by the applicant on State transportation facilities during construction and operation of the utility facility will be subject to safety and permitting requirements of Chapter 316, Florida Statutes, and Rule Chapter 14-26,

Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

C. Use of State of Florida Right of Way or Transportation Facilities:

All usage and crossing of State of Florida right of way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, Florida Administrative Code; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual. U.S. 1 has been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities.

D. Standards:

The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; Florida Department of Transportation's Utility Accommodation Manual; and pertinent sections of the Department of Transportation's Project Development and Environmental Manual will be adhered to in all circumstances involving the State Highway System and other transportation facilities.

E. Drainage:

Any drainage onto State of Florida right of way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, Florida Administrative Code, including the attainment of any permit required thereby.

F. Use of Air Space:

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographical center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department

Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

G. Level of Service on State Roadway Facilities:

All traffic impacts to State roadway facilities on the FIHS or the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to the requirements of the level of service standards adopted by local governments pursuant to Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code, in accordance with Section 163.3180(10), Florida Statutes. All traffic impacts to State roadway facilities not on the FIHS, the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

H. Best Management Practices

Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

It is recommended that the applicant encourage transportation demand management techniques by doing the following:

1. Placing a bulletin board on site for car pooling advertisements.
2. Requiring that heavy construction vehicles remain onsite for the duration of construction to the extent practicable.

If the applicant uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, the applicant should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, Florida Statutes, and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, Florida Administrative Code.

I. Railroad Spur

Any newly proposed railroad crossing must comply with the criteria established in Rule Chapter 14-57, Florida Administrative Code (FAC). The following criteria must be considered in opening a new public highway-rail grade crossing on any state, county, or city roadway:

1. Safety
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Closure of one or more public railroad-grade crossings to offset opening a new crossing.

6. Design of the grade crossing and road approaches.

7. Presence of multiple tracks and their effect upon railroad and highway operations.

The installation of a new public highway-rail grade crossing must have as a minimum roadside flashing lights and gates on all roadway approaches to the crossing. The installation of the crossing surface and signals must be in accordance with current Manual of Uniform Traffic Control Devices (MUTCD), Federal Railroad Administration Rules and Regulations, American Association of State Highway and Transportation Officials (AASHTO) Policy, and the Department's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (Florida's Green Book).

Areas of concern to be considered in determining the rail crossing location are as follows:

1. Roads crossing the tracks at a skewed angle or where the track is curved or super-elevated;

2. Impaired sight distance for motorists and rail engineers;

3. Highway intersections within 75 feet of the crossing which create a greater potential for accidents and create minimal vehicle storage distance;

4. Crossings that are blocked for long periods of time;

5. Switching movements or turnouts;

6. Different elevations of tracks.

XV. EMERGENCY MANAGEMENT

A. FPL shall incorporate the Unit 5 site into the Comprehensive Hurricane Preparation and Recovery Plan for the overall Turkey Point Power Plant Site.

B. FPL shall submit a formal update of the Comprehensive Hurricane Preparation and Recovery Plan to the State Division of Emergency Management, the Miami-Dade County Office of Emergency Management every five (5) years following commencement of commercial operation of the Unit 5 and whenever an additional electrical generating unit is brought into service at the Turkey Point Plant site.

XVI. MIAMI-DADE COUNTY

A. General

Construction and operation of the certified facilities shall be in accordance with all applicable nonprocedural requirements of the laws and ordinances of Miami Dade County in effect on November 14, 2003, including, but not limited to, the Miami Dade Comprehensive Development Master Plan and Chapters 8, 11C, 14, 18A, 24, and 33 of the Code of Miami Dade County, Florida.

B. Unit 5 Expansion Project

1. Protection of Existing Legal Water Users

a. As provided in Condition XI.B.2., if SFWMD determines that the potential exists for Licensee's proposed Floridan Aquifer withdrawals to cause interference with existing legal users, authorization for such withdrawals shall be contingent upon SFWMD establishing acceptable withdrawal rates and requiring necessary and appropriate mitigation, pursuant to SFWMD's Basis of Review for Water Use Permits, to prevent interference with existing legal users. Licensee shall submit copies of any reports on additional modeling, alternative water supplies, and mitigation plans to WASD.

b. Licensee shall provide a copy to WASD of any notice received from SFWMD pursuant to Condition XI.C.3., that a reliable source of reclaimed water is available at the Project site to serve Unit 5.

c. If reclaimed water from the South District Wastewater Treatment Plant is used as a source of makeup to the Unit 5 cooling tower, blowdown from the cooling tower shall be returned to the South District Wastewater Treatment Plant for treatment and disposal. The requirements of Section 24-11(9) of the Code of Miami Dade County, as revised in March 2004, or as subsequently revised pursuant to federal or state law, shall apply to such blowdown returned to the South District Wastewater Treatment Plant.

2. The following detailed plans must be submitted to Miami Dade County Department of Environmental Resources Management (DERM) prior to initiation of work in tidal waters or wetlands:

a. The site plan layout shall be consistent with, or have wetland impacts less than, the plans described in the document "Turkey Point Expansion Project, Refined Mitigation Proposal, FPL, April 2004" or as subsequently amended or modified.

b. Two or more sets of construction drawings and engineering calculations signed and sealed by a professional engineer registered in the State of Florida and a land survey sealed by a licensed land surveyor registered in the State of Florida for those elements of the project that involve wetlands. These plans must include sufficient detail and be prepared at a scale that clearly identifies the limits of filling in wetlands and tidal waters, on-site mitigation areas, structures other than fill in tidal waters or wetlands, and typical cross-sections of all elements of the project that affect wetlands.

c. A construction management plan which shall include methods or best management practices for preventing or controlling secondary impacts from turbidity, siltation, fugitive dust, unpermitted impacts to adjoining waters or wetlands, fill or excavated material, construction debris, noise, or artificial lighting.

d. A plan for further assessment of materials proposed to be used for filling tidal water and wetlands, including physical, chemical and biological effects tests as determined in cooperation with local and state environmental agencies. Placement of fill shall not commence until additional testing and analysis of physical, chemical, and biological characteristics of fill material have been completed in accordance with requirements of DERM.

e. A water quality and biological monitoring plan for documenting compliance with narrative and numerical water quality targets during construction.

f. A post-construction long-term water quality and biological monitoring plan for areas near or downstream of the built areas, on-site mitigation areas, and on-site restoration areas.

g. A detailed on-site mitigation and restoration plan including signed and sealed construction drawings (plan views and cross-sections), planting configuration and species list, hydraulic or tidal exchange calculations, exotic control and maintenance methods, and success criteria. This plan shall be consistent with the document "Turkey Point Expansion Project, Refined Mitigation Proposal, FPL, April 2004" or as subsequently amended or modified.

h. A plan for monitoring and responding to the occurrence of endangered (or other listed species) in the construction area.

i. A stormwater management plan, including calculations and construction drawings.

j. A plan for training all on-site construction-related workers with respect to environmental resource protection requirements.

3. The applicant shall mark in a conspicuous fashion the boundaries or limits of all work/fill areas, mitigation areas, preservation areas, or protected species habitat. This may be accomplished with fencing, flagging, buoys, silt barriers, hay bales, or other forms of durable demarcation. Field markers shall include survey benchmarks or reference points that can be compared to approved construction plans and drawings. Prior to construction in wetlands or tidal waters, the layout must be approved by DERM. The markers shall be maintained for the entirety of construction to facilitate compliance inspections and also to reduce the chance of unauthorized impacts to resources.

4. Seven days prior to the start of construction in wetlands or tidal waters, the Licensee shall allow prior approved third party access for the salvage of desirable native vegetation occurring within the areas to be filled or cleared.

5. Dredging and filling of coastal wetlands shall be limited to the minimum amount for public necessity or enhancement of biological, chemical or physical characteristics of adjacent waters.

6. On-site mitigation and restoration areas shall be maintained free (less than 1% cover) of invasive exotic vegetation in perpetuity.

7. Within 90 days of the start of construction, the Licensee shall convey title of 307 acres of wetland, as defined in the "Turkey Point Expansion Project, Refined Mitigation Proposal, FPL, April 2004" or as subsequently amended or modified, to the appropriate federal, state, or local resource management agency for conservation or restoration purposes consistent with the goals of ongoing regional restoration plans.

8. Unconsolidated shorelines created as a result of the project shall be stabilized with native vegetation, such as but not limited to mangroves. If seawalls or bulkheads are constructed in or adjacent to tidal waters, they shall include the use of rip-rap or similar wave attenuation devices in their design.

9. Construction of on-site mitigation shall be initiated within 90 days of the beginning of filling of coastal wetlands or tidal waters. Construction of on-site mitigation shall be completed within 90 days of the completion of filling of wetlands except areas to be restored after completion of project construction.

10. Restoration of temporarily filled wetlands shall commence within 60 days of completion of construction on the power block or by January 2010, whichever first occurs.

11 Should upland construction damage or require removal of upland trees, the Licensee shall be required to preserve specimen trees (trunk > 18 in. DBH) and replace upland tree canopy in accordance with the requirements of Article III. Tree Preservation and Protection Sec. 24-60 of the Code of Miami-Dade County. This requirement includes trees along entrance roads and existing landscaped areas, and shall be in addition to establishment of coastal hammocks proposed as part of on-site mitigation.

12. Exotic pest plant species on the development site uplands shall be removed prior to development.

13. Temporary and permanent fill pads shall be graded to slope away from tidal waters and wetlands.

14. Construction of permanent parking areas, walkways, and amenities shall use semi-pervious materials to reduce runoff where feasible and compatible with safety requirements.

15. This Certification does not replace or eliminate the need for appropriate annual operating permits from Miami-Dade County for any existing, new or improved facilities located at the Turkey Point Power Plant site but not within the area covered by this Certification as delineated in the Site Certification Application. If reclaimed water is used as makeup to the Unit 5 cooling tower and cooling tower blowdown is returned to the South District Wastewater Treatment Plant, FPL shall apply for such permit from DERM as may be required under Chapter 24 of the Code of Miami-Dade County for such disposal pursuant to federal law.

XVII. FISH AND WILDLIFE CONSERVATION COMMISSION

Cooling Canal System Crocodile Population Protection

A. Continuation of Current Monitoring

The applicant shall continue with current crocodile monitoring efforts including identification surveys, breeding surveys, nest locations monitoring, and captures, and these efforts shall continue throughout the Unit 3 and Unit 4 uprating process.

B. Additional Monitoring

Specific protocols shall be followed for additional monitoring of crocodiles within the Turkey Point cooling canal system. These protocols based upon work by Mazzotti and Cherkiss shall be followed for the additional monitoring described below.

1. Surveys shall be conducted both pre- and post- Unit 3 and 4 uprate to determine any effects of temperature and salinity changes on crocodiles in the cooling canal

system. Surveys shall be initially conducted for a one-year period, after which protocols shall be reviewed for appropriateness. Any changes shall be submitted to the FWC.

2. Additional data shall be collected to determine changes in spatial distribution within the canal system. Data shall be collected monthly from the entire system. Monthly events shall consist of 3 to 4 nights per event, and data collected shall include animal size, GPS location, salinity, and air and water temperatures.

3. Additional data shall be collected to determine changes to growth and survival of crocodiles within the cooling canal system. The entire cooling canal system shall be monitored at least twice a year for five days and four nights per event. Data collected shall include biometric data for each individual hand captured or trapped.

4. If it is determined that there is a negative effect on crocodiles within the cooling canal system due to the Uprate project, the licensee shall monitor the crocodile population outside of the system, particularly in the FPL mitigation areas, to determine if there is no net negative effect. If growth and survival is affected within the system, then using telemetry data on crocodiles moving into and out of the system may show whether or not there is an overall change in the crocodile population at Turkey Point. A summary of monitoring efforts and results shall be included in the Annual Report.

5. If negative effects on crocodile habitat occur, as evidenced by monitoring of crocodile growth, population, and survivorship, FPL shall implement corrective actions in accordance with all applicable federal, state, and local regulatory requirements for the protection of endangered species habitat.

C. Annual Report

FPL shall submit an Annual Report including all data and statistical analyses resulting from the above monitoring requirements to FWC in order for FWC to assess changes in the crocodile population. The report shall be submitted beginning 12 months from initial monitoring, and every 12 months thereafter. Copies of these annual reports shall be provided to the DEP Siting Coordination Office, DERM and the Manager of the Biscayne Bay Aquatic Preserve. FPL shall notify DERM and the Manager of the Biscayne Bay Aquatic Preserve of any meeting with FWCC and DEP to address issues raised in these annual reports. [Chapter 68A – 27, F.A.C.; Miami-Dade CDMP Coastal Management – 1E]

XVIII. HISTORY

Unit 5 Certified on 02/07/05; signed by Governor Bush
Modified on 06/22/06; signed by Siting Administrator Oven
Modified on 04/24/07; signed by Siting Administrator Halpin
Units 3 & 4 Certified on 10/29/08; signed by Secretary Sole
Modified on 1/6/09; signed by Siting Administrator Halpin
Modified on 06/19/09; signed by Siting Administrator Halpin
Modified on 03/19/15 (E.1); signed by Deputy Secretary Cobb
Modified on 3/29/16 (E); signed by Governor Scott

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

April 16, 2013

Ms. Barbara Linkiewicz
Senior Director, Environmental Licensing & Permitting
FPL & NextEra Energy Resources
700 Universe Blvd.
Juno Beach, FL 33408

Dear Ms. Linkiewicz:

Subject: Consultation Pursuant to the October 14, 2009 Fifth Supplemental Agreement between the South Florida Water Management District and Florida Power & Light

The South Florida Water Management District (SFWMD), working with the Florida Department of Environmental Protection (FDEP), has recently completed its evaluation of the data, findings and conclusions contained in Florida Power and Light's (FPL) Turkey Point Comprehensive Pre-Uprate Report, October 31, 2012. The SFWMD acknowledges the significant work FPL has put into the collection, analysis and interpretation of the data associated with implementation of the comprehensive pre-uprate monitoring plan pursuant to Conditions of Certification IX and X of the Power Plant Site Certification for the FPL Turkey Point Units 3 and 4 and the "Fifth Supplemental Agreement between the South Florida Water Management District and Florida Power and Light Company" (Agreement).

Based on technical evaluation of all available information, the SFWMD has determined that saline water from FPL's Turkey Point Power Plant cooling canal system (CCS) has moved westward of the L-31E Levee in excess of those amounts that would have occurred without the existence of the CCS and has moved into the water resources outside the plant's property boundaries. With recognition of the effort that was initiated several months ago with the FPL, FDEP and SFWMD working group, the SFWMD is providing this written notice to FPL, pursuant to paragraph II(D)2. of the Agreement, to begin consultation with the SFWMD to identify measures to mitigate, abate or remediate the movement of saline water.

We recognize that these are challenging water resources issues and FPL is committing significant resources to analyzing the environmental conditions surrounding the CCS. I want to emphasize that the SFWMD is committed to continuing to work collaboratively with FPL and FDEP to better understand the factors contributing to the western movement of saline water and develop solutions that protect the area water resources and maintain FPL's mission of maintaining critical electric power generation operations at Turkey Point.

Sincerely,

Melissa L. Meeker
Executive Director

c: Jeff Littlejohn, Deputy Secretary Regulatory Programs, DEP
Phil Coram, Water Resource Management Division, DEP
Cindy Mulkey, Administrator, Siting Coordination Office, DEP

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF:

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408

OGC No. 14-0741

Turkey Point Power Plant
DEP State License No. PA03-45

ADMINISTRATIVE ORDER

I. STATUTORY AUTHORITY

The Department of Environmental Protection (Department) issues this Administrative Order under the authority of Sections 403.061(8), and 403.151, Florida Statutes (F.S.). The Department makes the following findings of fact.

II. FINDINGS OF FACT

1. Florida Power & Light Company ("FPL") is a "person" as defined under Section 403.031(5), F.S.
2. FPL owns and operates a steam electric power generating facility known as Turkey Point Power Plant ("Turkey Point" or "Facility"). The Facility consists of five steam electric generating units: three fossil fuel-fired units ("Units 1, 2 and 5") and two nuclear units ("Units 3 and 4"). Unit 2 is retired. Unit 1 has a continuous generating capacity of approximately 404 megawatts ("MW"). Unit 5 has a continuous generating capacity of approximately 1150 MW. Units 3 and 4 each have continuous generating capacity of approximately 820 MW.
3. The FPL property on which Turkey Point is located covers approximately 11,000 acres in unincorporated southeast Miami-Dade County, located, on the shores of Biscayne Bay and Card Sound, about 25 miles south of Miami and about nine miles east of Florida City. Properties adjacent to Turkey Point are almost exclusively undeveloped land.
4. FPL owns and operates a cooling canal system ("CCS"), an approximately 5,900-acre network of unlined canals at Turkey Point. FPL began construction on the CCS in 1970. In 1971, FPL signed a Consent Decree with the U.S. Department of Justice that required the construction, after permitting, of a closed-loop cooling configuration with limitations on make-up and blowdown water. The salinity of the blowdown water was not to exceed 110 percent of that in Biscayne Bay.
5. The Florida Department of Pollution Control (later to become the Florida Department of Environmental Protection), in 1971, issued Construction Permit No. IC-1286 for the CCS. In 1972, Dade County issued Zoning Use Permit No. W-49833 for the excavation of the proposed Alternate Cooling Water Return Canal. In 1973, the construction of the CCS was completed; and the CCS was closed from the surface waters of both Biscayne Bay and Card Sound, becoming a closed-loop system.
6. An approximate 18 foot deep interceptor ditch located along the west side of the CCS was designed and constructed to create a hydraulic barrier to keep water in the CCS from migrating inland or westward. During the dry season, when the natural groundwater gradient is westward from Biscayne Bay and Card Sound toward the Everglades, water is pumped from the interceptor ditch into the CCS to create an artificial ground water gradient from the Everglades into the interceptor ditch. The intent is to restrict the flow of saline water from the CCS toward the Everglades. FPL monitors and operates the CCS on a routine basis

and annual reports incorporating groundwater monitoring data, along with surface water stage, rainfall and pumpage data are provided to the South Florida Water Management District ("District").

7. In 1972, FPL entered into an agreement with the Central and Southern Florida Flood Control District (later to become the South Florida Water Management District or "District") addressing the operations and impacts of the CCS. The agreement has been updated several times, with the most recent version being the Fifth Supplemental Agreement between the District and FPL entered into on October 16, 2009 ("Fifth Supplemental Agreement").

8. The Fifth Supplemental Agreement brings forward much of the language and commitments from the prior agreements. Among these commitments is that "FPL shall operate the interceptor ditch system to restrict movement of saline water from the cooling canal system to those amounts which would occur without the existence of the cooling canal system." (See Section II(A)(1), Fifth Supplemental Agreement). The Fifth Supplemental Agreement also provides that if the District, in its sole discretion, determines that the interceptor ditch is not effective in restricting movement of the saline water westward of the L-31E canal to those amounts which would occur without the existence of the CCS, FPL, upon notification by the District, shall begin consultation with the District to identify measures to mitigate, abate or remediate impacts from the CCS and to promptly implement those approved measures.

9. Saltwater has been documented as early as the 1940s to occur near the base of the Biscayne aquifer west of the Turkey Point Facility, prior to construction of the Facility in 1970. Based on the groundwater test data collected in the early 1970s, it was determined that non-potable groundwater (TDS $\geq$ 10,000 mg/l) occurred beneath much of the proposed CCS, at a depth and within the deeper portions of the aquifer west of the site. The U.S. Geological Survey, using best available data, has produced several maps over the years that estimate the inland extent of saltwater at the base of the Biscayne aquifer in southeastern Miami-Dade County. Due to changes in monitoring locations, monitoring methods and area hydrology, the estimated inland position of saltwater shown on these maps has varied over the years. These studies did not include a determination of the thickness and orientation of the potable groundwater resources existing near the CCS prior to construction.

10. There is a freshwater lens northwest and west of the CCS, which extends from the surface to approximately 15 to 20 feet below the surface near the CCS and increases in thickness with distance. Well stations at the farthest locations to the west, TPGW-7, TPGW-8, and TPGW-9, each consist of a cluster of three wells; a deep well, an intermediate well, and a shallow well. The TPGW-8 and TPGW-9 well clusters are completely fresh and have remained this way throughout the monitoring period from July 2010 to the present date. The shallow and intermediate wells associated with the TPGW-7 well cluster are also fresh and have remained this way throughout the monitoring period. However, the deep well associated with the TPGW-7 well cluster has experienced an increasing trend in salinity and specific conductance beginning in September 2013.

11. The freshwater lens in southeast Miami-Dade County is an important natural resource that supports critical marsh wetland communities and is utilized by numerous existing legal water uses including irrigation, domestic self-supply and public water supply.

12. As part of the Fifth Supplemental Agreement and Turkey Point's State License No. PA03-45 Conditions of Certification, FPL was required to implement an extensive monitoring program for the CCS, entitled the Turkey Point Plant Groundwater, Surface Water and Ecological Monitoring Plan ("2009 Monitoring Plan"), incorporated as Exhibit A of the Fifth Supplemental Agreement. The purpose of the 2009 Monitoring Plan was to provide information to determine the vertical and horizontal effects, and extent, of saline CCS water on existing and projected surface and groundwater resources, and ecological conditions surrounding the Turkey Point Facility. The 2009 Monitoring Plan was amended on June 2, 2013 and on July 17, 2013 ("2009 Monitoring Plan, as Amended").

13. FPL expeditiously implemented the 2009 Monitoring Plan, installing an extensive monitoring network of 42 groundwater wells, 33 surface water stations, a meteorological station, and rainfall gauges at the CCS and

surrounding area. In addition, FPL continued to monitor five previously installed historic Turkey Point monitoring wells. Each new well station consisted of a cluster of three wells: a deep well, an intermediate well, and a shallow well. The groundwater and surface water stations measured and recorded specific conductance, salinity, water levels, and temperature at 15-minute intervals during 2010 through 2012. The sampling frequency of those stations was changed to hourly during the post uprate monitoring period commencing in February 2013. FPL collected groundwater and surface water chemistry data across the network of stations every three months, and it analyzed the samples for a broad suite of parameters. FPL also conducted ecological monitoring under the 2009 Monitoring Plan, which included analyzing the flora and fauna in Biscayne Bay, marshes and mangroves, along with porewater and soil chemistry sampling.

14. Consequently, FPL has collected a significant amount of data regarding the CCS and the surrounding area since the implementation of the 2009 Monitoring Plan and 2009 Monitoring Plan, as Amended. FPL has submitted a geology/hydrogeology report (October 2010), a bathymetric survey report (June 2010), an initial ecological condition characterization report (June 2012), three semi-annual reports (February 2011, March 2012, and February 2014), two pre-uprate annual reports (August 2012 and October 2012), an interim operation report (July 2013), two semi-annual data reports (July 2013 and February 2014), and one post uprate annual report (August 2014).

15. In order to establish a baseline of the saltwater orientation within the aquifer prior to the construction of the CCS, FPL and the District compiled and evaluated available groundwater quality data collected from 1971 - 1973. In August 2011, FPL documented the evaluation and findings in a report entitled "Saltwater Orientation in the Biscayne Aquifer in the Turkey Point Plant Vicinity Prior to Installation of the Cooling Canal System." The District in conjunction with technical staff from the Department reviewed and concurred with FPL's report.

16. There are many factors that may influence saltwater orientation and movement in southeastern Miami-Dade County, including sea level rise, storm surges, the CCS, groundwater withdrawals, mining, land use practices, other private uses and local and regional water management actions conducted as described in the USACOE Central and Southern Florida Project for Flood Control and Other Purposes, Master Water Control Manual, East Coast Canals Volume 5.

17. There have been a number of actions implemented by local, state and federal agencies in recent years to improve the area hydrology and limit inland saltwater intrusion in southeastern Miami-Dade County. These actions have included capping Biscayne aquifer withdrawals from area public water supply wells, requiring the development of alternative water supplies to prevent increased withdrawals of fresh groundwater near the coast, installation of plugs in the C-110, L-31E and Card Sound Road canals, design and permitting of water control structures on the Florida City Canal, and the initiation of operational changes at the S-20 structure.

18. FPL has implemented actions to improve the area hydrology and limit inland saltwater intrusion in southeastern Miami-Dade County. These actions have included implementing provisions of DEP Permit No. 0193232-001, Dade County Everglades Mitigation Bank, such as placement of an operable structure in the Card Sound Road Canal, emplacement of earthen berms along the L-31E Canal and historic operation of the CCS interceptor ditch.

19. Development of a comprehensive regional model of the area that takes into account all these factors in order to identify the causes and relative contributions from various sources associated with inland saltwater intrusion is considered to be a lengthy, expensive and potentially inconclusive process. Accordingly, such a model has not been developed.

20. Long term dissolved chloride data collected from four monitoring wells located west of the CCS (L-3, L-5, G-21 and G-28) from the early 1970s to the present indicate increases in salinities within the lower monitored horizon of each well. The deep monitoring horizons of the two wells located closest to the CCS, L-3 and L-5, have had salinity levels consistent with G-III ($\geq$ 10,000 mg/l TDS) groundwaters since CCS began operations. Salinity within the deep monitoring horizons of the two inland monitoring wells located

on Tallahassee Road (G-21 and G-28) have increased from potable G-II (< 10,000 mg/l TDS) to non-potable levels since the 1970's.

21. The 2009 Monitoring Plan includes a provision for FPL to conduct an assessment and present findings regarding the identification of potential tracer monitoring parameters for use in determining the occurrence of CCS waters in the region. FPL conducted a detailed evaluation of potential chemical tracer parameters and documented the findings in the August 2011 annual monitoring report. The District, working with the Department and Miami-Dade Department of Regulatory and Economic Resources ("Miami-Dade RER"), reviewed FPL's findings and recommendations along with independent evaluations to the data. In a letter to FPL dated September 26, 2012, the District, in consultation with the Department and Miami-Dade RER, identified tritium in conjunction with saline water as the tracer to be used by FPL in the estimation of the spatial extent of waters originating from the CCS, the rate/direction of any movement of these waters and estimates of percent contribution of waters originating from the CCS at various locations beyond the boundaries of the Facility.

22. The 2009 Monitoring Plan also required FPL to develop a water and salt budget for the CCS. This budget calculates components of water and salt inflow and outflow from the CCS on a daily basis that is summarized on a monthly basis. The water budget aids in understanding the dynamics of the CCS in response to climatic and operational changes.

23. On October 31, 2012, FPL submitted its Turkey Point Plant Comprehensive Pre-Uprate Monitoring Report (Pre-Uprate Report) to the District, Miami-Dade RER and the Department. Utilizing the tracer parameters, FPL identified the approximate landward extent of the CCS water. FPL reported CCS groundwater near the base of the aquifer at 20,000 feet west of the CCS around G-21 and 25,000 feet from the CCS west of G-28. Given that the CCS has been in operation since 1974 (approximately 38 years), the average rate of migration to the west is estimated between 525 (northern part) and 660 (southern part) feet per year. FPL concludes that the highest concentrations of CCS water occur in groundwater immediately adjacent to the west of the CCS. Further west from the CCS, there is evidence of CCS water in decreasing concentrations at depth out approximately 3 miles. In addition, the salt balance model identified an average daily loss of approximately 600,000 pounds per day of salt from the CCS.

24. Upon conducting an evaluation of the Pre-Uprate Report, and supporting data, the District, in consultation with the Department and Miami-Dade RER, concluded that the interceptor ditch was effective at restricting the westward movement of saline CCS water in the upper portion of the aquifer. However, the interceptor ditch system has not been effective at restricting the westward movement of the hypersaline water from the CCS into the deeper portions of the aquifer. As a result, saline water from the CCS has moved westward of the L-31E Canal in excess of those amounts that would have occurred without the existence of the CCS.

25. Units 3, 4 and 5 are licensed (State License No. PA03-45 or the "State License") under the Florida Electrical Power Plant Siting Act, pursuant to Sections 403.501-.518, F.S. Condition X.D. of the State License, provides, in part, that, if the Department, in consultation with the District and the Miami-Dade RER, determines that the monitoring data from the 2009 Monitoring Plan indicates harm or potential harm to the waters of the State, then additional measures shall be required to evaluate or to abate such impacts. The Department consulted with these agencies and, recognizing that all contributing factors affecting groundwater movement in the South Miami-Dade County region (including the saltwater migration to the west of the CCS) have not been fully established, determined that the CCS is one of the contributing factors in the western migration of CCS saline water. The Department determined the western migration of the saline water must be abated to prevent further harm to the waters of the State.

26. In a letter dated April 16, 2013, the District notified FPL of their determination and pursuant to the provisions of the Fifth Supplemental Agreement, initiated consultation with FPL for the mitigation, abatement or remediation of the saline water movement.

27. In a letter dated May 1, 2013, FPL responded to the District's letter by agreeing to consult and work with the District and Department to evaluate mitigation, abatement, and remediation options.

28. On June 18, 2013, FPL presented the District and Department with a proposal to manage the CCS groundwater located west of the L-31E Canal, and on July 15, 2013, FPL provided a technical memorandum and other documentation related to its proposal (the "FPL Proposal").

29. The FPL Proposal provides for reducing the salinity within the CCS to a level comparable to the salinity of Biscayne Bay through the addition of less saline ground and/or surface waters. FPL estimated that the addition of 14 million gallons per day of upper Floridan aquifer water would be sufficient to reduce the CCS salinity levels at or below that of Biscayne Bay and that the rate of westward movement of CCS saline waters would be reduced over a 30 year operational period. This estimate was based on a starting salinity in the CCS at or below 60 Practical Salinity Units (PSU).

30. FPL provided the District with all of the data, calculations and models used in the preparation of the FPL Proposal in order to allow the District to conduct a technical review. The District's independent evaluation generally concurs with FPL's conclusion that the reduction of salinity within the CCS would reduce the rate of westward movement of saline CCS water in the aquifer.

31. The District concluded the two dimensional model used by FPL was a reasonable proof of concept tool to address the CCS contribution but found it is limited in representing many of the hydrologic features and affects associated with the regional hydrogeologic system. The model slightly over-estimated the rate and distance of westward saline water movement when compared to long-term field data. Therefore, the model's future predicted westward saline migration estimates might be over stated.

32. Both FPL and District modeling suggest that reducing CCS salinities has the potential to moderate westward migration of CCS water compared to a no action option. Recognizing the limitations of the two dimensional model, the historic slow rate of saline water movement and management actions being taken by FPL, local, state and federal agencies to improve the area hydrology and limit inland saltwater intrusion in southeastern Miami-Dade County, the Department, in consultation with the District, concludes that there is a reasonable likelihood that the FPL Proposal will be effective in abating further westward movement of saline CCS water into potable waters of the State. The Department finds that to ensure the effectiveness of the FPL Proposal in abating westward movement of CCS water, the 2009 Monitoring Plan, as Amended, should remain in effect until this Order is terminated. Incorporation of an appropriate compliance monitoring program into the State License Conditions of Certification after this Order is terminated is prudent.

33. In August 2014, FPL submitted the first Annual Post-Uprate Monitoring Report to the District, Miami-Dade RER and the Department. FPL reported the salinity in the CCS had steadily increased since the first quarter of 2013. By the end of May 2014, the salinity in the CCS was averaging approximately 90 PSU.

34. Salinities at approximately 90 PSU and the reduced circulation flow in the CCS contributed, in part, to an algal bloom within the CCS reported by FPL in 2014. On June 18, 2014, FPL sent a request to the Department to temporarily add copper sulfate into the CCS to aid in controlling algae. The Department on June 28, 2104, acknowledged that request and application of copper sulfate began in early July 2014. During this time, Unit 1 was operating as needed and Unit 2 was retired. In order to increase circulation in the CCS, FPL ran the Unit 1 and 2 circulating pumps. Unit 5, which is authorized by the District to withdraw cooling water from the Floridan aquifer, was not using its full withdrawal allocation. On June 27, 2014, FPL received District approval to divert any excess allocation to the CCS to aid in salinity reduction. Despite the use of the excess allocation, the salinity remained high and water levels in the CCS were well below normal. On August 8, 2104, the District issued an emergency order to FPL that allowed FPL to divert water to the CCS that would otherwise be discharged to tide from the District's S-20F, S-20G, and S-21A water control structures, in excess of flows reserved for protection of fish and wildlife under Rule 40E-10.061, Florida Administrative Code. Based on these activities and improved weather conditions, algal counts were reduced from over 1.2 million cells/liter to just over 200,000 cells/liter. Salinity levels dropped from 90 PSU to 63 PSU in late October 2014. However, due to cessation of additional fresh water additions and the dry season, FPL reports salinities have increased to over 70 PSU in December 2014.

35. Reducing the salinity from a higher base salinity condition will require additional measures such as a greater addition of fresh water, removal of salt mass from the CCS, and alteration of CCS inflows and outflows. Higher precipitation amounts, lower temperatures, and higher regional water levels will also assist in reducing CCS salinity levels.

36. The Department and District agree that the historic regulatory role the District has held with regard to monitoring and operation of the CCS with FPL under the provisions of the Fifth Supplemental Agreement is redundant with the authorities vested with the Department through the Power Plant Siting Act. Accordingly, the Department finds that the State License shall be the sole license pursuant to State authorities to regulate the monitoring and operation of the CCS upon termination of this Order.

III. ORDER

Based on the foregoing findings of fact,

IT IS ORDERED,

37. Within ninety (90) days from the effective date of this Order, FPL shall submit to the Department, for review and approval, a detailed CCS Salinity Management Plan ("Management Plan"). FPL shall also provide the District and Miami-Dade RER a copy of the Management Plan.

    a. The primary goal of the Management Plan shall be to reduce the hypersalinity of the CCS to abate westward movement of CCS groundwater into class G-II (< 10,000 mg/L TDS) groundwaters of the State. This westward movement abatement shall be evidenced by decreasing salinity trends in the monitor wells located adjacent to the CCS specifically those designated as TPGW-1, TPGW-2, TPGW-13, L-3 and L-5. For the purposes of this Order, the term 'abate' or 'abatement' means to reduce in amount, degree or intensity; lessen; diminish. To achieve this goal, FPL shall reduce and maintain the average annual salinity of the CCS at a practical salinity of 34 and monitor salinity trends in groundwater wells as specified in Paragraph 37.f. below.

    b. The Management Plan shall specify all actions needed for implementation including: 1) a listing and descriptions of all permits or other approvals necessary for the construction and operation of related facilities; 2) a schedule, with milestones, for completion of all actions needed to implement the Management Plan; and 3) continuation of the 2009 Monitoring Plan, as Amended, along with additional monitoring as may be necessary to comply with the elements contained in Paragraphs 37.e., f., and g., below, including site locations, parameters measured and sampling frequencies. The schedule shall provide for the attainment of the CCS salinity reduction goal component within four years from the Effective Date of the Management Plan.

    c. The Management Plan shall describe the operational protocols for the salinity management facilities and the interceptor ditch system. The operational protocols and associated monitoring for interceptor ditch operations shall initially comport with the approved procedures of the modified Interceptor Ditch Operational Plan (IDOP) contained in the Fifth Supplemental Agreement. Based on the results of the Management Plan, FPL may propose modifications to the initial IDOP.

    d. The Management Plan may propose options, or combination of options, for reducing the salinity of the CCS. Among the options, FPL may propose to: 1) utilize the existing unused allocation of water for Unit 5 from the Floridan aquifer; 2) license and construct new Floridan wells; 3) utilize water from the L-31E canal consistent with District water reservation and consumptive use rule criteria; 4) utilize water from the Card Sound Canal consistent with Department and District rule criteria; 5) remove organic and sediment biomass within the CCS, and/or 6)

remove hypersaline water from within and/or beneath the CCS through use of an Underground Injection Control ("UIC") well.

e. The Management Plan shall provide for monitoring of salinity in the CCS to determine the effectiveness of salinity management operations in reducing salinity levels in the CCS, and shall include:

   i. Monitoring of salinity and water levels using existing monitoring facilities in the CCS and surface water within Biscayne Bay, and the L-31E/Interceptor Ditch/Canal 32 as needed, for monitoring salinity levels within the CCS, to support operational decision making of the interceptor ditch system, and for calculation of monthly CCS water and salt budgets.

   ii. All data shall be sampled, processed, compiled, and posted consistent with the Quality Assurance Project Plan (QAPP) requirements contained in the 2009 Monitoring Plan, as Amended.

f. The Management Plan shall include:

   i. The monitoring of the wells/well clusters identified in the 2009 Monitoring Plan, as Amended.

   ii. The installation and monitoring of a new deep well (to be designated as TPGW-15) located at the City of Homestead baseball complex, east of Kingman Rd. (SW152nd Ave.) near the western parking area. The deep well will have a screened interval open to the deep high flow interval identified in the same manner as those described in "Geology & Hydrogeology Report for FPL, Turkey Point Plant Groundwater, Surface Water, & Ecological Monitoring Plan, FPL, Turkey Point Plant Homestead, Florida" prepared by JLA Geosciences, Inc., October 2010. FPL shall install this monitoring well within 180 days of the Effective Date of the Management Plan.

   iii. The monitoring wells shall be utilized to collect water level, water quality data, and annual induction logs. All data shall be sampled, processed, analyzed, compiled and stored consistent with the QAPP requirements in the 2009 Monitoring Plan, as Amended.

g. The Management Plan shall describe the procedures for the monitoring data to be collected, analyzed, maintained, archived, and presented in electronic formats consistent with the procedures set forth in the QAPP contained in the 2009 Monitoring Plan, as Amended.

38. The Department, District, and Miami-Dade RER shall be notified by FPL at least five (5) days in advance of a sampling event and be allowed to attend the sampling and to collect split samples. The Department, District, and Miami Dade RER agree to provide FPL a copy of any split sampling results. The right of access shall be codified in a separate agreement mutually acceptable to FPL, the Department, the District, and Miami-Dade RER.

39. The Department shall review the Management Plan, and within thirty (30) days either: 1) notify FPL the Management Plan is approved; 2) request additional information; and/or 3) recommend changes to the Management Plan for FPL's consideration. If the Department requests additional information or recommends changes, FPL shall supply the additional information or revisions within the time frame specified in the request or recommendation. FPL shall be provided two opportunities to supply additional information or revisions. In the event that agreement cannot be reached after the second opportunity, the Department shall specify changes to the Management Plan to make it acceptable to conform to this Order and notify FPL.

40. The Management Plan shall become effective when the Department approves the Management Plan or provides notification to FPL of changes to the Management Plan that make it acceptable to the Department

("Effective Date of the Management Plan"). Upon the Effective Date, FPL shall implement the Management Plan.

41. Within ninety (90) days of the Effective Date of the Management Plan, FPL shall begin to monitor salinity in the CCS and any additional monitoring of groundwater wells in accordance with the approved Management Plan.

42. Within four years of the Effective Date of the Management Plan, the average annual CCS salinity as calculated per the approved Management Plan shall be reduced to or below a practical salinity of 34.

43. Thereafter, FPL shall continue to maintain the average annual salinity of the CCS at or below a practical salinity of 34 so long as the CCS is in operation and serving units under operation at Turkey Point or unless otherwise directed by amendment to this Order or as specified in the State License.

44. After the Effective Date of the Management Plan, FPL shall submit to the Department, District, and Miami-Dade RER written progress reports ("Progress Reports") every six months for at least four years or until all milestones have been completed as determined by the Department. The Progress Reports shall provide a summary of activities conducted during the reporting period, work to be conducted during the next reporting period, any milestones achieved, any schedule changes, and any problems encountered or anticipated and the corresponding corrective actions taken or proposed to be taken to resolve the problems. FPL shall submit the reports within thirty (30) days of the end of each reporting period.

45. FPL shall provide an annual comprehensive report (the "Annual Report") one year after the Effective Date of the Management Plan and each year thereafter for a period of five years to the Department, the District, and Miami-Dade RER. The Annual Report shall include:

    a. a brief summary of the status of implementation of the Management Plan;

    b. a description of monitoring and CCS salinity management activities conducted;

    c. graphic and tabular summaries of monitoring data (pumpage, water level and water quality);

    d. spreadsheet summaries of physical parameters, sample results, sampling field forms and laboratory results;

    e. monitoring well induction logging reports;

    f. monthly CCS water and salt budget calculations;

    g. operations and monitoring data/summaries associated with the interceptor ditch operational plan implementation; and

    h. conclusions regarding the success of the Management Plan in achieving the goals contained in Paragraph 37. a., above.

46. Within sixty (60) days after the Department's receipt of an Annual Report, the Department may send a written request to FPL that FPL address concerns, questions or omissions in the Annual Report. FPL shall respond within the time frame specified in the request.

47. Within ninety (90) days of submittal of the fifth Annual Report, the Department, in consultation with the District and Miami-Dade RER, will make a determination of whether FPL has achieved the goals contained in Paragraph 37.a. This determination will be based on whether the Annual Reports, and supporting data, clearly demonstrate: 1) FPL's compliance with Paragraphs 42 and 43 of this Order related to managing salinity levels in the CCS; and 2) decreasing salinity trends in the monitor wells TPGW-1, TPGW-2, TPGW-13, L-3 and L-5. The Department shall consider the degree to which external factors, beyond the control of FPL, could have effected groundwater salinity movement, including the factors listed in Paragraph 16, in determining the success of the Management Plan. FPL may request that a determination of successful compliance be made sooner than submittal of the fifth Annual Report. In such a case, the Department shall review the request in consultation with the District and Miami-Dade RER, and within 90

days, make a determination whether the Annual Reports and supporting data clearly demonstrate FPL's compliance with Paragraphs 37, 42, and 43 of this Order.

48. If the Department determines that FPL has successfully achieved the goals of the Management Plan, FPL may apply to the Department to modify, or the Department may unilaterally modify, the State License to include conditions related to maintaining average annual salinity levels in the CCS at or below a practical salinity of 34, monitoring and operation of the CSS, and applicable and appropriate provisions of the Fifth Supplemental Agreement. Upon the effective date of such State License modification, this Order is terminated.

49. If at any time the Department determines that the implementation of the Management Plan has not achieved the goals of the Management Plan, upon notification by the Department, FPL shall immediately begin consultation with the Department to identify additional measures to mitigate, abate or remediate impacts from the CCS, including the identification of other potential sources and responsible parties, and then FPL shall promptly implement those measures approved by the Department through modification of this Order.

50. At any time after the Effective Date of the Management Plan, FPL may propose an alternative method for CCS salinity management or monitoring and/or abatement of westward movement of saline water from the CCS. The Department, in consultation with the District and Miami-Dade RER, shall review and approve acceptable alternative method(s) using the same review and approval process contained in Paragraph 39 of this Order.

51. FPL, or any substantially affected person, may challenge any Department agency action under this Order. This specifically includes the right to file a petition requesting a formal or informal administrative hearing pursuant to Section 120.569 and 120.57, Florida Statutes, objecting to the Department's determination under Paragraph 47 of this Order. This Paragraph does not create, modify or expand FPL's rights provided under Chapter 120, Florida Statutes.

52. The Department may, for good cause shown, extend the dates in this Order in writing if requested by FPL.

53. The Department shall process in a timely manner and in accordance with applicable laws and regulations; any permit applications or other requests for approvals necessary to implement this Order. All the necessary permits or other approvals, as appropriate, shall be obtained prior to construction or implementation.

54. FPL shall maintain and operate its facilities in compliance with all other conditions of the State License.

55. Unless otherwise specified herein, reports or other information required by this Order shall be sent to: Siting Coordination Office, ATTN: Mail Station 5500, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, with copies sent to: Industrial Wastewater Program, ATTN: Mail Station 3545, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 and Applied Sciences Bureau, South Florida Water Management District, P.O. Box 24680, West Palm Beach, Florida 33416-4680.

56. FPL shall be entitled to relief from the time requirements in this Order in the event of force majeure, which includes, but is not limited to, delays in regulatory approvals, construction, labor, material, or equipment delays; acts of God or other similar events that are beyond the control of FPL. If any event occurs that causes delay or the reasonable likelihood of delay, in complying with the requirements of this order, FPL shall have the burden of demonstrating that 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. Economic circumstances shall not be considered circumstances beyond the reasonable control of FPL, nor shall 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 be a cause beyond the control of FPL, unless the cause of the contractor's late performance was also beyond the contractor's control. Delays in final agency action on a permit application or requested for approval are eligible for consideration under this paragraph, provided that none of those delays were a result of late submission by FPL. Upon occurrence of an event causing delay, or upon becoming aware of a potential for

delay, FPL shall notify the Department, in writing, of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which FPL intends to implement these measures. The written notification shall be sent to: Siting Coordination Office, ATTN: Mail Station 5500, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, with copies sent to: Industrial Wastewater Program, ATTN: Mail Station 3545, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 and Applied Sciences Bureau, South Florida Water Management District, P.O. Box 24680, West Palm Beach, Florida 33416-4680. If 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 for a period equal to the delay resulting from such circumstances.

57. FPL maintains all rights they may have to request a proceeding under Chapter 120, Florida Statutes, to challenge any proposed final agency action taken by the Department that affects FPL's substantial interests under this Order.

58. Failure to comply with the requirements of this Order shall constitute a violation of this order and may subject FPL to penalties as provided in Section 403.161, F.S.

59. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or the rules administered by the Department that are not specifically resolved by this Order. Nothing herein shall be construed to limit the Department's authority to take any action against FPL in response to or to recover the costs of responding to conditions at or from the Facility that require Department action to abate an imminent hazard to the public health, welfare, or the environment.

60. This Order is final when filed with the clerk of the Department unless a petition for an administrative proceeding (hearing) is filed in accordance with the notice set forth in the following Section.

IV. NOTICE OF RIGHTS

A person whose substantial interests are affected by the Department's decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within twenty-one days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within twenty-one days of publication of the notice or within twenty-one days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within twenty-one days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to FPL at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, addresses, email addresses, and telephone number of each petitioner; the Department order or permit identification number and the county in which the subject matter or activity is located;

(b) A statement of how and when each petitioner received notice of the Department action;

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, F.S., is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition, this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

DONE AND ORDERED on this 23 day of DECEMBER 2014 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clifford D. Wilson III
Interim Secretary

CLERK STAMP

FILED AND ACKNOWLEDGED on this date, under Section 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is acknowledged.

Clerk

12/23/14
Date

Copies furnished to State License Distribution List

MIAMI-DADE COUNTY
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

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

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

MIAMI-DADE COUNTY, through its DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT,

Complainant,

v.

FLORIDA POWER & LIGHT COMPANY,

Respondent.
_____/

CONSENT AGREEMENT

This Consent Agreement, entered into by and between the Complainant, MIAMI-DADE COUNTY, through its DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT ("DERM"), and the Respondent FLORIDA POWER & LIGHT COMPANY ("FPL"), pursuant to Section 24-7(15)(c) of the Code of Miami-Dade County, shall serve to redress alleged violations of Chapter 24 of the Code of Miami-Dade County located near, surrounding, or in the vicinity of the Cooling Canal System located at Turkey Point on FPL's property, as further described herein, in Miami-Dade County, Florida.

DERM and FPL enter into the following Consent Agreement:

FINDINGS OF FACT

1. DERM is a division of Miami-Dade County, a political subdivision of the State of Florida, which is empowered to control and prohibit pollution and protect the environment within Miami-Dade County pursuant to Article VIII, Section 6 of the Florida Constitution, the Miami-Dade County Home Rule Charter and Section 403.182 of the Florida Statutes.

2. Florida Power & Light Company ("FPL") is the owner and operator of the Turkey Point Power Plant, and FPL is the owner and operator of approximately a 5,900-acre network of unlined canals (the "Cooling Canal System" or "CCS") on the FPL property described in the map in Exhibit A (the "Property").

3. In 1971, FPL signed a Consent Decree with the U.S. Department of Justice that required the construction, after permitting, of a closed-loop cooling configuration, with no discharge to surface waters.

4. The Florida Department of Pollution Control (later to become the Florida Department of Environmental Protection), in 1971, issued Construction Permit No. IC-1286 for the CCS. In 1972, Dade County issued Zoning Use Permit No. W-49833 for the excavation of the proposed Alternate Cooling Water Return Canal. FPL represents that in 1973, the construction of the CCS was completed; and the CCS was closed from the surface waters of both Biscayne Bay and Card Sound, becoming a closed-loop system.

5. An approximate 18 foot deep interceptor ditch located along the west side of the CCS was designed and constructed to create a hydraulic barrier to keep water in the CCS from migrating inland or westward.

6. In 1972, FPL entered into an agreement with the Central and Southern Florida Flood Control District (later to become the South Florida Water Management District or "District") addressing the operations and impacts of the CCS. The agreement has been updated several times, with the most recent version being the Fifth Supplemental Agreement between the District and FPL entered into on October 16, 2009 ("Fifth Supplemental Agreement") which included an extensive monitoring program for the CCS, entitled the Turkey Point Plant Groundwater, Surface Water and Ecological Monitoring Plan ("2009 Monitoring Plan"), incorporated as Exhibit A of the Fifth Supplemental Agreement.

7. In a letter dated April 16, 2013, the District notified FPL of their determination that saline water from the CCS has moved westward of the L-31E Canal in excess of those amounts that would have occurred without the existence of the CCS, and pursuant to the provisions of the Fifth Supplemental Agreement, initiated consultation with FPL for the mitigation, abatement or remediation of the saline water movement.

8. DERM issued a Notice of Violation dated October 2, 2015 (the "NOV") to FPL, alleging violations of Chapter 24 of the Code of Miami-Dade County, for alleged violations of County water quality standards and criteria in groundwater attributable to FPL's actions, and specifically for groundwaters outside the boundaries of FPL's Cooling Canal System and beyond the boundaries of the Property.

9. The phrase "hypersaline water" as used herein is defined as water that exceeds 19,000 mg/L chlorides.

10. DERM maintains there is hypersaline water attributable to FPL's actions in the groundwaters outside the boundaries of the Property, which exceeds County water quality standards and criteria. FPL acknowledges the presence of hypersaline water in certain areas outside the boundaries of the Property. For waters that do not reach the level of hypersalinity, DERM and FPL do not agree on the applicable "background" standards for chlorides.

11. In 2013 and 2014, FPL experienced water quality issues within the CCS, including increases in temperature and salinity, and FPL sought approvals from various regulatory agencies for actions to improve the water quality within the CCS.

12. DEP issued an Administrative Order, No. 14-0741, on December 23, 2014, requiring FPL to, among other things, reduce and maintain the annual average salinity of the CCS at a practical salinity of 34, and that Administrative Order is currently the subject of an Administrative Hearing.

13. Both DERM and FPL agree and acknowledge that it would be beneficial to improve the water quality within the Cooling Canal System itself, and FPL has already undertaken some efforts to improve the CCS water quality.

14. This Consent Agreement requires FPL to take action to address the County's alleged violations of County water quality standards and criteria in groundwaters outside the CCS as described in the NOV. As part of these actions, this Consent Agreement also requires FPL to take into account its efforts to improve CCS water quality and the potential and actual impacts of such actions on water resources outside the CCS, to not cause or contribute to (i) the exacerbation of alleged violations of County water quality standards or criteria or (ii) future violations of County water quality standards or criteria in the groundwaters or surface waters outside the CCS.

15. FPL hereby agrees to the terms of this Consent Agreement without admitting the allegations made by the above-mentioned NOV.

16. In an effort to expeditiously resolve this matter and to ensure compliance with Chapter 24 of the Code of Miami-Dade County, and to avoid time consuming and costly litigation, the parties hereto agree to the following, and it is ORDERED:

REQUIREMENTS

17. FPL shall undertake the following activities to specifically address water quality impacts associated with the CCS, as alleged in the NOV. The objective of this Consent Agreement will be for FPL to demonstrate a statistically valid reduction in the salt mass and volumetric extent of 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 this Consent Agreement is to reduce the rate of, and, as an ultimate goal, arrest migration of hypersaline groundwater. Recognizing other factors beyond FPL's control may influence movement of groundwater in the surficial aquifer, FPL shall reasonably take into account such factors when developing and implementing remedial actions to minimize the timeframe for achieving compliance with this Consent Agreement.

a. Abatement.

i. DERM acknowledges that FPL is planning to undertake the following:

1. pursue permitting, construction and operation of up to six Upper Floridan Aquifer System wells in accordance with the Site Certification Modification that is the subject of DOAH Case No. 15-1559EPP.

2. continue the use of the existing marine wells (SW-1, SW-2, and PW-1) as a short term resource to lower and maintain salinities. FPL shall work to avoid the use of the marine wells, except under extraordinary circumstances.

3. continue operation of the authorized L-31E canal pumps as a short term resource only, in accordance with the terms and conditions of the applicable approvals. FPL acknowledges that the use of water from the L-31E canal is intended only as a short term resource to lower CCS salinity. FPL anticipates the need for this resource for the next two years to reduce salinity as it transitions into the long term resources that are intended to maintain the lower salinity in the CCS. FPL acknowledges that additional regulatory

approvals will be required for continuation of this activity beyond the expiration of the existing approvals.

ii. FPL shall evaluate alternative water sources to offset the CCS water deficit and reduce chloride concentration in the CCS, and as a means of abating the westward movement of CCS groundwater. FPL will consider the practicality and appropriateness of using reclaimed wastewater from the Miami-Dade County South District Waste Water Treatment Plant as an alternative water source. FPL will provide DERM a summary of its Alternative Water Supply plan within 180 days of executing the Consent Agreement. FPL recognizes the importance and potential for reuse water, and FPL will make good faith efforts to implement the use of reuse water where practicable.

iii. FPL shall also conduct a review of the Interceptor Ditch operations to determine if current design and/or operations can be practicably modified to improve its function recognizing the current status of the CCS and surrounding wetlands. FPL will provide a summary of its Interceptor Ditch Review within 180 days of executing the Consent Agreement.

iv. The alternative water sources and any modifications to Interceptor Ditch design or operation shall be authorized through the appropriate regulatory processes and shall be demonstrated to not create adverse impacts to surface waters, groundwater, wetland or other environmental resources consistent with the Fifth Supplemental Agreement.

b. Remediation. FPL shall develop and implement the following actions to intercept, capture, contain, and retract hypersaline groundwater (groundwater with a chloride concentration of greater than 19,000 mg/L) to the Property boundary to achieve the objectives of this Consent Agreement.

i. Phase I. FPL shall design, permit, and construct a Biscayne Aquifer Recovery Well System (RWS) based on the results of a variable density dependent groundwater model which shall be sufficient to support the design of the RWS to intercept, capture, and contain the hypersaline plume; support authorization through the appropriate regulatory processes; and demonstrate that it will not create adverse

impacts to groundwater, wetland (hydroperiod or water-stage), or other environmental resources. Final operation and design will be informed by an Aquifer Performance Test (APT). FPL shall provide its design and supporting information for the Recovery Well System and associated monitoring wells for DERM review and approval within 180 days of executing the Consent Agreement. FPL shall proceed with implementation within one year of executing the Consent Agreement, subject to regulatory timelines not in FPL's control. The initial design will be based on up to 12 MGD disposal capacity recognizing existing on-site capability. Efficacy of this design constraint will be reviewed in Phases 2, 3, and 4.

ii. Phase 2. FPL shall operate the RWS in accordance with all local, state, and federal regulatory requirements, collect data as required by the monitoring program, and employ the data to inform and reduce the uncertainty of the groundwater model. Status and efficacy of the system operation in meeting the objectives of this Consent Agreement and results of continued groundwater model refinement will be provided in the annual reports required in Paragraph 17d.

iii. Phase 3. After five years, FPL shall evaluate the effectiveness of the RWS in achieving the goal to intercept, capture, contain, and ultimately retract the hypersaline groundwater plume. This evaluation shall include estimated milestones and be based on the results of the monitoring data and refined groundwater/surfacewater model, which will be submitted to DERM. If the analysis indicates that the RWS is not anticipated to achieve the goal to intercept, capture, contain, and ultimately retract the hypersaline groundwater plume, FPL shall make recommendations for modifications to the project components and/or designs to ensure the ability of the system to achieve the objectives of the Consent Agreement. The evaluation and any proposed revisions shall be submitted to DERM for review and approval.

iv. Phase 4. After ten years, FPL shall review the results of the activities and progress to achieve the objectives of this Consent Agreement, and this evaluation shall be submitted to DERM. If monitoring demonstrates that the activities are not achieving the objectives of this Consent Agreement, FPL shall revise the project components and/or designs to ensure the ability of the system to achieve the objectives of this

Consent Agreement. The proposed revisions shall be submitted to DERM for review and approval.

c. Regional Hydrologic Improvement Projects. In addition, FPL agrees to undertake the following:

i. Raise control elevations in the Everglades Mitigation Bank. Within 30 days of the effective date of this Consent Agreement, FPL shall raise the control elevations of the FPL Everglades Mitigation Bank ("EMB") culvert weirs to no lower than 0.2 feet lower than the 2.4 foot trigger of the S-20 structure and shall maintain this elevation. After the first year of operation, FPL shall evaluate the change in control elevation, in regards to improvements in salinity, water quality, and lift in the area, and if FPL determines that the change in control elevations is not effective, or that FPL is negatively impacted in receiving mitigation credits as a result of this action, FPL will consult with DERM and propose potential alternatives.

ii. Fill portions of the Model Lands North Canal within the Everglades Mitigation Bank. Within 30 days of the effective date of the Consent Agreement, FPL shall seek all necessary regulatory approvals to place excavated fill from the adjoining roadway into the Model Lands North Canal within FPL's Everglades Mitigation Bank. Upon issuance of such regulatory approvals, FPL shall, starting on the east end, fill the Model Lands North Canal. This Consent Agreement only requires FPL to fill to the extent the fill is available from the adjoining roadway permitted to be degraded.

iii. If the District determines that flowage easements are needed from FPL in order to increase the operational stages of the S-20 water control structure as planned and approved by CERP, FPL agrees to provide such flowage easements for FPL owned land within the Everglades Mitigation Bank, in favor of the District within six months of the determination.

iv. FPL acknowledges the benefit of hydrologic restoration projects contemplated by the Comprehensive Everglades Restoration Project ("CERP"), as well as other government entities, adjacent and to the west of the CCS in controlling movement of hypersaline and saline waters in the Biscayne Aquifer. FPL commits to working with

local, state and federal agencies to facilitate implementation of these projects to promote improved hydrologic conditions.

d. Monitoring and Reporting. FPL shall conduct monitoring to evaluate the progress made in achieving the objectives of this Consent Agreement. This includes actions that result from satisfying the abatement, remediation and hydrologic improvement components of this Consent Agreement. FPL shall initiate the monitoring and reporting requirements identified below within 30 days of executing the Consent Agreement. The monitoring shall include the following:

i. FPL shall facilitate DERM access to all data from continuous electronically monitored stations.

ii. FPL shall continue to provide monthly and quarterly reports substantially consistent with those required in M-D Class I permit CLI-2014-0312, beyond the expiration of the permit.

iii. FPL shall employ Continuous Surface Electromagnetic Mapping (CSEM) methods to assess the location and orientation of the hypersaline plume west and north of the CCS.

iv. FPL shall add three groundwater monitoring clusters (shallow, mid and deep) to monitor groundwater conditions in the model lands basin. The well clusters shall be similar in design and function to existing groundwater monitoring wells in the region as part of the CCS monitoring program, and shall be geographically located in consultation with DERM.

v. FPL shall submit annual reports providing an evaluation of progress in achieving the objectives of this Consent Agreement, status of implementing projects identified above, and the results of monitoring to determine the impacts of these activities. Recommendations for refinements to the activities will be included in the annual report. This may include deletions of monitoring that is demonstrated to no longer be needed, or additional monitoring that is warranted based on observations.

SAFETY PRECAUTIONS

18. FPL shall maintain the subject property during the pendency of this Consent Agreement in a manner which shall not pose a hazard or threat to the public at large or the environment and shall not cause a nuisance or sanitary nuisance as set forth in Chapter 24 of the Code of Miami-Dade County, Florida.

VIOLATION OF REQUIREMENTS

19. This Consent Agreement constitutes a lawful order of the DERM Director and is enforceable in a civil court of competent jurisdiction. Violation of any requirement of this Consent Agreement may result in enforcement action by DERM. Each violation of any of the terms and conditions of this Consent Agreement by FPL shall constitute a separate offense.

SETTLEMENT COSTS

20. FPL hereby certifies that it has the financial ability to comply with the terms and conditions herein and to comply with the payment of settlement costs specified in this Agreement.

21. DERM has determined that due to the administrative costs incurred by DERM for this matter, a settlement of $30,000.00 is appropriate. FPL shall, within sixty (60) days of the effective date of this Consent Agreement, submit to DERM a check in the amount of $30,000.00 for full settlement payment. The payment shall be made payable to Miami-Dade County and sent to the Division of Environmental Resources Management, c/o Barbara Brown, 701 NW 1st Court, 6th Floor, Miami, FL 33136-3912.

22. In the event that FPL fails to submit, modify, implement, obtain, provide, operate and/or complete those items listed in paragraph 17 herein, FPL shall pay DERM a civil penalty of one hundred dollars ($100.00) per day for each day of non-compliance and FPL may be subject to enforcement action in a court of competent jurisdiction for such failure pursuant to those provisions set forth in Chapter 24 of the Code of Miami-Dade County. Any such payments shall be made by FPL to DERM within ten days of receipt of written notification and shall be sent to the Division of Environmental Resources Management, 701 NW 1st Court, 6th Floor, Miami, FL 33136-3912.

GENERAL PROVISIONS

23. FPL shall allow any duly authorized representative of DERM, with reasonable notification, to enter and inspect the CCS, Floridan wells, extraction wells, or any other relevant facilities, at any reasonable time for the purpose of ascertaining the state of compliance with the terms and conditions of this Consent Agreement. DERM shall comply with the plant safety and security precautions. FPL shall provide and maintain a point of contact at the Turkey Point Power Plant to assist DERM in accessing the facilities to be inspected.

24. On a quarterly basis (January, April, July, and October), DERM may collect surface and/or groundwater samples at the discretion of DERM at various monitoring locations in accordance with monitoring referenced in Paragraph 17 above.

25. FPL and DERM agree to cooperate and use best efforts moving forward related to this Consent Agreement.

26. Disputes related to or arising out of this Consent Agreement shall be construed consistent with the laws of the State of Florida and the United States, as applicable, and shall be filed in the state or federal courts of the State of Florida, as appropriate. Proceedings shall take place exclusively in the Circuit Court for Miami-Dade County, Florida or the United States District Court for the Southern District of Florida.

27. In consideration of the complete and timely performance by FPL of the obligations contained in this Consent Agreement, DERM waives its rights to seek judicial imposition of damages or civil penalties for the matters alleged in Notice of Violation and Consent Agreement.

28. Where FPL cannot meet timetables or conditions due to circumstances beyond FPL's control, FPL shall provide written documentation to DERM which shall substantiate that the cause(s) for delay or non-compliance was not reasonably in FPL's control. DERM shall make a determination of the reasonableness of the delay for the purpose of continued enforcement pursuant to paragraph 22 of this Consent Agreement.

29. DERM expressly reserves the right to initiate appropriate legal action to prevent or prohibit future violations of applicable laws, regulations, and ordinances or the rules promulgated thereunder.

30. Entry of this Consent Agreement does not relieve FPL of the responsibility to comply with applicable federal, state or local laws, regulations, and ordinances.

31. FPL acknowledges that this Consent Agreement is within the jurisdiction of Miami-Dade County. Nothing in this Consent Agreement is intended to expand, nor shall this Consent Agreement be construed to expand, the regulatory authority or jurisdiction of Miami-Dade County.

32. This Consent Agreement shall neither be evidence of a prior violation of this Chapter nor shall it be deemed to impose any limitation upon any investigation or action by DERM in the enforcement of Chapter 24 of the Code of Miami-Dade County.

33. This Consent Agreement shall become effective upon the date of execution by the DERM Director, or the Director's designee.

October 6, 2015
Date

Eric E. Silagy
President & CEO
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Respondent

Before me, the undersigned authority, personally appeared Eric Silagy, who after being duly sworn, deposes and says that they have read and agreed to the foregoing.

Subscribe and sworn to before me this 6th day of October, 2015 by Eric Silagy (name of affiant).

Personally known ✓ or Produced Identification _____.
(Check one)

Type of Identification Produced: _____.

LISA GROVE
MY COMMISSION # FF 154741
EXPIRES: December 14, 2016
Bonded Thru Budget Notary Service

Lisa Grove
Notary Public Signature

Lisa Grove
Notary Public Printed Name

DO NOT WRITE BELOW THIS LINE – GOVERNMENT USE ONLY

OCT 7, 2015
Date

Lee N. Hefty, DERM Director
Miami-Dade County

Witness

Barbara Brown
Witness

Exhibit A
FPL Turkey Point Property Boundary
for Purposes of Consent Agreement (~9000 acres)
0
0.5
1
2
Miles
2015_FPL_TP_facility_bnd90K.mxd - October 6, 2015

MIAMI-DADE COUNTY
Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 4th Floor
Miami, Florida 33136-3912
T 305-372-6700 F 305-372-6982

miamidade.gov

September 29, 2016

CERTIFIED MAIL NO. 7013 2630 0001 2419 4052
RETURN RECEIPT REQUESTED

Matthew J. Raffenberg
Director of Environmental Licensing and Permitting
Environmental Services Department
Florida Power & Light Company
700 Universe Blvd (JES/JB)
Juno Beach, FL 33408

Re: Proposed Groundwater Water Recovery System and Supporting Groundwater Model for the FPL Turkey Point power plant facility and Cooling Canal System (CCS) located at, near or in the vicinity of 9700 SW 344 Street, Miami-Dade County, Florida (DERM HWR-821, IW-3 & IW-16).

Dear Mr. Raffenberg :

On May 16, 2016, FPL submitted a three-dimensional, variable density dependent transient groundwater flow and transport Model (the Model) and a proposal for a groundwater recovery well system in fulfillment of paragraph 17.b. of the October 7, 2015 Consent Agreement (CA) between Miami-Dade County and FPL. On May 23, 2016, June 10, 2016, and July 14, 2016, FLP submitted supplemental information in support of the May 16, 2016 submittal.

Miami-Dade County, through the Department of Regulatory and Economic Resources' Division of Environmental Resources Management (DERM), with technical assistance from Miami-Dade County Water and Sewer Department and the University of Florida's School of Civil and Coastal Engineering (MDC Technical team), has reviewed the above mentioned submittal along with the supplemental information and provides the attached report along with the following comments:

1. Groundwater Flow and Transport Model

A. The Model and codes developed by FPL's team are appropriate for the intended application of supporting the design of a recovery well system to address the hypersaline plume (the Plume) west and north of the FPL property. Notwithstanding the appropriateness of the Model, the technical team finds that a reevaluation of the following Model assumptions and approaches is required to allow for a better understanding of the hydrogeology of the study area, inform Model revision, and improve the Model's ability as a predictive tool with respect to the Plume's response to the groundwater recovery system, and therefore guide modifications to the groundwater remediation system.

(i) The Model shall incorporate the surface water routing package developed by USGS (Surface-Water Routing (SWR) Process for Modeling Surface-Water Flow with the USGS Modular Groundwater Flow Model (MODFLOW) SWR1: http://water.usgs.gov/ogw/swr/).

(ii) The Model design shall incorporate significant water features such as quarries as well as significant recreational (e.g. golf courses) and other water users located within the Model domain.

(iii) Given the aquifer heterogeneity described in various local and regional studies relating to the Biscayne Aquifer in Miami-Dade County, the assumption of aquifer homogeneity with respect to hydraulic parameters across the Model domain shall be reevaluated. Available data (e.g. data from the WASD's Newton and Everglades Labor Camp Wellfields (copies attached) and the Florida Keys Aqueduct Authority's Wellfield) shall be utilized to evaluate and refine assumptions regarding hydraulic parameters within the Model domain.

(iv) Until the SWR package (referenced in Item 1.A.(i) above) is incorporated into the Model, the Model simulations using the River package shall properly account for the construction of the L-31E canal; specifically, the discontinuity between the northern and southern portions of the canal at the canal's intersection with the Florida City Canal.

(v) Re-evaluate the Model representation of net recharge, especially during the dry seasons, to properly account for evaporative losses.

(vi) Until the SWR package is incorporated into the Model, given that the Card Sound Canal is simulated as a drain, address how the Model accounts for the canal's contribution to the movement of the salt water interface.

(vii) Sensitivity runs shall be conducted to test the magnitude of the Model's responses on the range of simulated outputs to check changes in stresses, aquifer parameters, surface-groundwater interactions, and subsequent performance of the recommended remedial alternatives.

B. Other Review Comments

In addition to the above, the Model re-evaluation shall incorporate the applicable comments provided by the South Florida Water Management District (SFWMD) during the groundwater Modelling review meeting held at the DERM office on July 21, 2016, along with the comments provided by the Florida Keys Aqueduct Authority, included as an attachment to this correspondence.

2. Evaluation of Remedial Alternatives

The May 16, 2016 submittal and supplemental information described two different objectives for the recovery well system. Seven of the eight alternatives presented in the May 16, 2016 report targeted one or the other of the two objectives. The application of the same criteria to evaluate each option regardless of the target remedial objective results in an inherently biased screening procedure. Therefore, DERM does not concur with the matrix, ranking, and conclusions provided in the Applications Simulations Ranking Matrix.

3. Proposed Groundwater Monitoring Network

DERM has no objection to the monitoring network provided in the May 16, 2016 submittal - Turkey Point Recovery Well System Proposed Monitoring Network- and the revised proposal received on August 12, 2016 with the following modifications.

a. In addition to the new groundwater monitoring well clusters proposed FPL shall install additional well clusters within the Model Lands; specifically:

   i. An intermediate depth monitoring well located west of the proposed TPGW-17 Alt3 within the most western portion of the Plume.
   ii. A monitoring well cluster north-northwest of TPGW-12 to evaluate and monitor the behavior of the northern reaches of the Plume.
   iii. A monitoring well cluster located within the Plume west of the southernmost portion of the CCS and east-southeast of TPGW-4

   The additional wells shall be similar in design and function to the existing monitoring wells in the area.

b. Based on the location of the existing USGS wells G-3976 and G-3966 located NE and NW (well depths 107 feet) respectively of the proposed TPGW-20, DERM does not require the installation of the proposed TPGW-20 as a part of the groundwater recovery system monitoring network.

c. Based on the proposed location of the recovery well system monitoring wells L-3 and L-5 are not required to be included as a part of the monitoring program.

d. In addition, FPL shall propose a minimum number of surface water gauges within the Model Lands to evaluate potential impacts to the surrounding wetlands (i.e. hydroperiod, drawdown, stage) resulting from the operation of the groundwater recovery system.

4. Groundwater Recovery System

The information provided in the above mentioned reports indicate that the Model predicts that in the shallow and intermediate layers of the aquifer the proposed groundwater recovery system, represented by Alternative 3D, is capable of achieving the goals of interception, capture, containment and retraction of the Plume to the property boundary within the timeframe provided in the Model simulation. However, the Model simulation indicates that the eastern retraction of the Plume in the deep layers of the aquifer is not achieved under any of the contemplated alternatives.

Regardless of the above observations, DERM finds that the remedial system design proposed as Alternative 3D is a necessary component to any groundwater system to address the requirements of intercepting, capturing, containing and retracting the plume to the Property boundary pursuant to paragraph 17.b. of the CA. Based on the above, and given the urgency to initiate actions to address the Plume, while recognizing the need to collect additional data to conduct additional analysis and to refine the groundwater model for the purposes provided in Item 1.A. above, DERM hereby approves the conceptual design for the implementation of a Phase 1 groundwater recovery system as described in Alternative 3D, subject to the following conditions:

A. This approval is not intended to limit FPL's ability to initiate, prior to the implementation of the recovery system to be located west the FLP property boundary, one year of extraction from the base of Biscayne aquifer beneath CCS and adjacent to the Underground Injection Control (UIC) via the installation of a recovery well associated with the construction of the UIC well. FPL shall provide diagrams and construction details for the recover well and associated equipment along with copies of all applicable permits or authorization obtained for the construction of the recovery well, pumping and discharge.

B. Within 120 days of receipt of this correspondence FPL shall submit to DERM for review and approval a Phase I Remedial Action Plan which shall provide:

(i) A revised Model report which incorporates the elements provided above in Items 1.A. (ii), 1.A. (iii) (as feasible), Item 1.A. (iv), Item 1.A. (v), and Item 1.A. (vi), along with applicable comments from Item 1.B.. In addition, the Model shall demonstrate, pursuant to Section 24-48 and Section 24-48.3 of the Code of Miami-Dade County, Florida and paragraph 17.b.i. of the CA, that the proposed groundwater recovery system will not create potential adverse environmental impacts on the surrounding wetland areas (hydroperiod or water stage).

(ii) Copies of any permit, approval, or letter of no objection from SFWMD, Florida Department of Environmental Protection (FDEP) or any other regulatory agency with jurisdiction over the activities related to the design, construction, or operation of any component of the groundwater recovery system.

(iii) Design details and construction plans of the proposed groundwater recovery system which incorporates the revised groundwater Model required in 4.B.(i) above and which includes:

a. Recovery well construction details
b. Recovery well spacing and location with supporting justification
c. Flow rate per recovery well
d. Pumps specifications and supporting calculations, ancillary equipment, etc.
e. Piping specifications and layout

C. Subsequent to DERM approval of the Phase I Remedial Action Plan, and no more that sixty days prior to the start up of the recovery system, FPL shall conduct a baseline groundwater assessment, which shall include:

(i) Sampling of all designated wells (as specified in the DERM Phase I RAP approval) for chlorides, conductivity, and collection of groundwater and surface water elevation measurements.

(ii) A new Continuous Surface Electromagnetic (CSEM) survey which mimic the area of interest evaluated during the January to April 2016 survey adjusted such that it provides definition of the extent of the hypersaline plume to the north and northwest of the CCS. Correlation evaluation for range of chloride concentrations encountered within the entire area of interest (i.e. not limited to the hypersaline plume) shall be provided.

A baseline assessment report shall be included in the Phase I Remedial Action Status Report described below and shall include the CSEM survey calibration and supporting data, Excel file(s) with the chloride concentrations from the groundwater monitoring wells for each interval, along with the estimated chloride concentration based on the CSEM. Additionally, chloride contours, developed using the CSEM estimation, as well as groundwater monitoring data, shall be provided for each interval of interest and encompassing the range of (1000 mg/L to max. concentration) and which depicts the extent of the 19,000 ppm chloride shall be provided. The report shall also provide an estimate of the volume and aerial extent of the hypersaline plume located west and north of the FPL property boundary.

D. Within 15 months of the implementation and start up of the groundwater recovery system and annually thereafter, FPL shall submit a Phase I Remedial Action Annual Status Report that shall include without limitation:

(i) A refined groundwater Model, which shall incorporate the elements described in Item 1.A.(i) and 1.A.(vii) above, the data collected during the first year of the recovery system operation, along with geologic information obtained during the installation of the groundwater recovery system (including the newly installed monitoring wells) to facilitate a better understanding of the hydrogeology within the study area especially with respect to the deeper layers of the aquifer beneath the Lower High Flow Zone and to improve the Model simulation of saltwater conditions throughout the full aquifer vertical profile, and the Model's capability to predict the Plume's response to the groundwater recovery system.

(ii) The first annual CSEM survey.

(iii) Groundwater quality monitoring data from each designated well and screen interval, performance statistics, mass removal calculations per recovery well, cumulative volume of hypersaline water recovered, trends in water level elevations within the Model lands, chloride concentration trends per designated monitoring well and screen interval, along with the appropriate excel tables.

(iv) Groundwater contours utilizing both CSEM and laboratory data providing chloride contours per each interval (shallow, intermediate, and deep) encompassing the range of (1000 mg/L to max. concentration) and depicting the extent of the 19,000 ppm chloride contour.

(v) Estimates of the percent reduction of the aerial extent of the plume (baseline vs. end of the year of groundwater recovery) as well as the percent reduction of the volume of the plume (baseline vs. end of the year of groundwater recovery).

(vi) Groundwater elevation and drawdown contours along with a map depicting the cone of influence of the recovery wells.

(vii) An evaluation of the correlation between chloride concentrations from the groundwater monitoring wells for each interval versus the estimated chloride concentration based on the CSEM Model predictions.

(viii) An evaluation of the performance of the groundwater recovery system related to achieving the objectives of intercepting, capturing, containing and documentation of the extent of retraction of the plume.

(ix) Based on the evaluation and conclusions of the first year of data FLP shall provide recommendations for modification(s) to optimize the groundwater recovery system (as necessary, e.g. changes to extraction rates, modification to recovery well configuration in specific sub areas) to ensure that the system will achieve the goals of interception, capture, containment and ultimate retraction of the Plume, throughout the vertical extent of the aquifer. Any recommendations for modification shall be submitted to DERM for review and approval prior to implementation.

(x) Revised 5 and 10 year Model predictions and milestones developed for years 2 through 10 to evaluate the systems performance with respect to achieving the objectives as provided by paragraph 17.b. of the CA.

The information and evaluations required pursuant to Items D.(i) through D.(x) above shall include data tables (excel format), maps and graphs as appropriate.

E. Within 90 days of the completion of the first three years of the operation of the groundwater recovery system, FPL shall submit to DERM for review and approval a Performance and Compliance Report. The report shall evaluate the performance of the groundwater recovery system with respect to achieving the objectives of intercepting, capturing, containing and documentation of the extent of retraction of the plume, and achieving milestones developed pursuant to Item 4.D.(x) above and approved by DERM. The evaluation shall be supported by the cumulative annual status reports and groundwater monitoring data along with the yearly CSEM surveys and a refined Model.

If the evaluation indicates that the recovery system has failed to accomplish the above goals, then FPL shall propose a Remedial Action Plan modification which shall contemplate without limitation; injection wells, additional recovery wells to the west, additional disposal wells, or a combination thereof, to ensure the ability of the system to accomplish the objectives of the CA. Any proposed system modification shall be supported by a refined/recalibrated Model (which shall incorporate the review comments provided pursuant to Item 1 above and any additional Model review comments submitted as provided in Item 1 above and which shall utilize all the data collected to reduce uncertainty in the Model and improve the Model abilities as a predictive tool with respect to the Plume's response to the groundwater recovery system. The Model shall provide assurance that the proposed modified system will be effective in accomplishing the objectives provided by paragraph 17.b. of the CA.

F. FPL shall submit a Performance and Compliance Report at the end of 5 year and after 10 years of system operation. The report shall demonstrate the effectiveness of the recovery well system in achieving the objectives of intercepting, capturing, containing and retracting the plume to the Property boundary, as required by paragraph 17.b. of the CA, and consistent with the approved milestones. The demonstration that the objectives have been achieved shall be supported by the cumulative annual status reports and groundwater monitoring data, along with the yearly continuous surface electromagnetic (CSEM) surveys.

The report shall be submitted to DERM for review and approval within 90 days of the specified time period.

If the Year 5 and 10 evaluation indicates that recovery system has failed to accomplish the above objectives provided by the CA then FPL shall propose a comprehensive system modification which shall include changes to the recovery system which shall contemplate without limitation; injection wells, additional recovery wells to the west, additional disposal wells, or a combination thereof, to ensure the ability of the system to accomplish the objective of the CA. Any proposed system modification shall be supported by a refined/recalibrated Model and which shall utilize all the data collected to reduce uncertainty in the Model and improve the Model abilities as a predictive tool with respect to the Plume's response to the groundwater recovery system. The Model shall provide assurance that the proposed modified system will be effective in accomplishing the objectives provided by paragraph 17.b. of the CA.

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 via email at mayorw@miamidade.gov or via telephone at (305) 372 -6700.

Sincerely,

Wilbur Mayorga, P.E. Chief
Environmental Monitoring and Restoration Division

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MIAMI-DADE COUNTY
Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Environmental Resources Management
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May 15, 2017

CERTIFIED MAIL NO: 7015 0640 0001 5022 8517
RETURN RECEIPT REQUESTED

Matthew J. Raffenberg
Director of Environmental Licensing and Permitting
Environmental Services Department
Florida Power & Light Company
700 Universe Blvd (JES/JB)
Juno Beach, FL 33408

Re: Phase 1 Remedial Action Plan Submittal dated January 27, 2017 for the Florida Power and Light facility and Cooling Canal System (DERM HWR-851, IW-3 & IW-16) located at, near or in the vicinity of 9760 SW 344th Street, Homestead, Miami Dade County, Florida

Dear Mr. Raffenberg:

The Department of Regulatory and Economic Resources' Division of Environmental Resources Management (DERM) has reviewed the referenced submittal received January 27, 2017. DERM finds that the revised groundwater model (the model) submitted is adequate to support the design of the recovery well system (RWS) and as such DERM hereby approves the Phase 1 RAP subject to the following conditions:

1. DERM acknowledges that the model refinement provided in the referenced report included an evaluation of Comments 1.A. (iii), 1.A.(iv) and Comment 1.A.(vi) of DERM's September 29, 2016 correspondence and that Comment 1.A(ii) will be incorporated into the evaluation of causal influences on the position and orientation of the saltwater interface required pursuant to the FDEP Consent Order (OGC File N0: 16-0241). A copy of any report or model refinement incorporating said additional evaluation shall be provided to DERM at the time of submittal of the appropriate deliverable to the FDEP pursuant to the conditions of the aforementioned Consent Order. Any supporting modeling data files shall also be provided to DERM.

   Based on discussion during the meetings on February 8, 2017 and the March 10, 2017 teleconference between FPL, DERM and WASD, Miami-Dade County staff will work with FPL, prior to the submittal of the first Phase I Remedial Action Annual Status Report to evaluate the requirements of Comment 1.A.(i) and Comment 1.A.(v) as appropriate.

   FPL's response to Comment 1.A.(vii) of DERM's September 29, 2016 letter will be incorporated into model refinements conducted subsequent to the first year of operation of the groundwater recovery system and included in the first Phase I Remedial Action Annual Status Report.

2. Prior to the startup of the RWS (not to include the recovery well associated with the construction of the UIC well installed within the CCS) FPL shall install a groundwater monitoring well network which shall consist of three well clusters as required pursuant to the October 17, 2015 Consent Agreement (the CA) with Miami-Dade County specifically; TPGW-17Alt1 as approved via email

on February 27, 2017, TPGW-19 Alt provided in the April 12, 2017 email from FPL, and TPGW-18 as originally proposed in the May 16, 2016, submittal (and as identified as TPGW-18S in the email dated May 11, 2017).

Subsequent to the review of the first Phase I Remedial Action Annual Status Report, DERM will re-evaluate the monitoring program and modify if deemed necessary.

3. As provided in DERM's letter dated September 29, 2016, no more than 60 days prior to the startup of the recovery system FPL shall:

    a. Conduct a baseline groundwater assessment, which shall include sampling of the monitoring network wells, specifically; the newly installed monitoring well clusters – TPGW-17alt, TPGW-18, and TPGW-19alt as well as historical wells TPGW-1, TPGW-2, TPGW-4, TPGW-5, TPGW-7, TPGW-12, L-3, L-5, G-21, and G-28 for field parameters (temperature. specific conductance, salinity, density, and total dissolved solids (TDS)), chlorides, tritium, and groundwater elevation.

    Be advised that data from the historical wells, identified above in Item 3a, generated pursuant to any other permit or program requirement and obtained within six (6) months prior to the startup of the RWS, may substitute as baseline data.

    b. Conduct a new CSEM survey which shall, as provided in Item 4.c. (ii) of DERM's September 29, 2016 letter, cover the area of interest evaluated during the January to April 2016 CSEM survey and to the extent possible (given the potential for electromagnetic interference from the FPL transmission lines etc.,) provide additional definition of the extent of the hypersaline plume to the north and northwest of the CCS. Furthermore, the new CSEM survey and subsequent surveys shall also include results covering the area between the edge of the CCS and the FPL Turkey Point facility's property boundary to the north and west of the CCS. Additionally, the CSEM survey shall encompass the range of chloride concentrations for which the CSEM derived chlorinity provide a reliable correlation to measured chloride concentration (i.e., greater than 2000 mg/l as indicated in the Enercon Memo dated July 2016).

4. FPL shall utilize the data from the monitoring network defined in Condition 3 to evaluate for potential adverse impacts to the surrounding groundwater, wetlands (hydroperiod and stage) or other environmental resources pursuant to 17.b.i. of the CA. FPL shall provide access to all data from all monitoring including continuously monitored stations.

5. To allow for an evaluation of the cumulative drawdown from the simultaneous pumping of the interceptor ditch (ID) and RWS system, the continuous recorded data from the RWS monitoring network and ID monitoring stations shall be annotated (e.g. via time stamp) to clearly indicate periods during which the interceptor ditch (ID) pumps were active (i.e., ID pump[s] turned on, ID pump[s] turned off). Alternately if direct annotation of data is not feasible, FPL shall provide access to, or otherwise make available to DERM, all ID pumping information required by DERM for this evaluation.

6. FPL shall submit as-built drawings for the RWS as well as the newly installed monitoring wells within 120 days of startup of the groundwater recovery system. The as-built drawings shall include (as applicable):

a. Well construction details
b. Pumps specifications and supporting calculations, ancillary equipment, etc.
c. Piping specifications and layout
d. GPS locations of all recovery wells and newly installed monitoring wells
e. Description of automated sampling equipment

7. Prior to the startup of the RWS, FPL shall work with South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection and DERM to evaluate water elevation in the vicinity of the recovery well system as well as the interceptor ditch and, if deemed necessary, establish protocols that would allow the override of the pumping triggers outlined in the ID Operational Plan, in the event that the combined operation of the two systems (recovery well system and ID pumping operation) demonstrates a potential for adverse impacts to the surrounding wetlands (i.e. reduction of stage or hydroperiod).

8. The monitoring frequency proposed in the correspondence received on May 16, 2016 shall be modified to include weekly sampling for chlorides for the first month and monthly thereafter for the first quarter from the monitoring wells as well as the recovery wells. Sampling shall continue as proposed after the first quarter with the addition of chloride sampling from the recovery wells.

Based on the above, FPL shall submit a RWS Startup Report to DERM for review and approval within 30 days of the end of the first quarter after startup of the RWS to allow for an evaluation of the system's performance. The report shall include:

- A baseline sampling report along with the most recent CSEM survey (obtained within six weeks prior to system start up). The baseline report shall incorporate the requirements of DERM's September 29, 2016 letter.

- As-built drawings of the RWS, monitoring wells and ancillary equipment and piping. The as-built drawings shall be signed and sealed by a professional engineer registered in the State of Florida.

- Groundwater elevation and drawdown contours along with a map depicting the cone of influence for each well and a demonstration of the RWS capture zone.

- A description of any optimization to the system subsequent to start up.

- Data evaluation (if applicable, i.e., if the ID pumps were turned on during the period covered by the report) of the cumulative drawdown from the simultaneous pumping of the ID and RWS system, and an assessment (as applicable) of adverse impacts to wetland (hydroperiod or water-stage), or other environmental resources.

Subsequent to the submittal of the RWS Startup Report FPL shall submit quarterly RWS status reports for the first year of RWS operation. The quarterly status reports shall be due within 30 days of the end of the quarter and shall, at a minimum, provide groundwater elevation and drawdown contours and data evaluation (if applicable, i.e., if the ID pumps were turned on during the period covered by the report) of the cumulative drawdown from the simultaneous pumping of the ID and RWS system, and an assessment (as applicable) of adverse impacts to wetlands (hydroperiod or stage). After the completion of one year of RWS operations, additional reporting shall be as provided in accordance with DERM's September 29, 2016 correspondence.

If at any time the evaluation of the data collected during the RWS operation indicates impacts to groundwater (water quality impacts), wetland (hydroperiod or stage), or other environmental resources attributable to the system's operation or if the data evaluation indicates that the RWS is not achieving the objectives of the CA, DERM will require modifications to the RWS operations, or other action(s) deemed appropriate, to address the observed issues.

Based on the foregoing, the approved groundwater RWS shall be installed and operational on or before January 31, 2018.

The consultant collecting the samples shall perform field sampling work in accordance with the Standard Operating Procedures provided in Chapter 62-160, Florida Administrative Code (FAC), as amended. The laboratory analyzing the samples shall perform laboratory analyses pursuant to the National Environmental Laboratory Accreditation Program (NELAP) certification requirements. DERM shall be notified in writing at DERMPCD@miamidade.gov a minimum of three (3) working days prior to the implementation of any sampling or field activities. Please include the RER file number on all correspondence.

Be advised that failure to comply with the above deadlines and deliverables may result in additional enforcement action.

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 via email at willbur.mayorga@miamidade.gov or via telephone at (305) 372 -6700.

Sincerely

Wilbur Mayorga, P.E. Chief
Environmental Monitoring and Restoration Division

pc: Scott Burns, FPL - Scott.Burns@fpl.com
Alan Katz, FPL - Alan.Katz@fpl.com
Lee Hefty, DERM Director
Virginia Walsh, Ph.D., MDWASA
Lisa Spadafina/Craig Grossenbacher/Pamela Sweeney/Barbara Brown, DERM

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ATLANTIC CIVIL, INC.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	**OGC CASE NO. 14-0741**
	)	**DOAH CASE NO. 15-1746**
FLORIDA POWER AND LIGHT COMPANY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION,	)	
	)	
Respondents.	)	
	)	
CITY OF MIAMI,	)	
	)	
Petitioner,	)	
	)	
vs.	)	**DOAH CASE NO. 15-1747**
	)	
FLORIDA POWER AND LIGHT COMPANY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION,	)	
	)	
Respondents.	)	

FINAL ORDER

On February 15, 2016, an Administrative Law Judge (ALJ) with the Division of Administrative Hearings (DOAH) submitted a Recommended Order (RO) to the Department of Environmental Protection (DEP or Department) in the above referenced administrative proceeding. A copy of the RO is attached hereto as Exhibit A. The RO was served on counsel for the Petitioners, Atlantic Civil, Inc. (ACI), and City of Miami (the City) and counsel for the Respondent, Florida Power and Light Company (FPL), and the Respondent DEP. On March 1, FPL and DEP filed written Exceptions to the RO

and the City filed a written Exception to the RO. On March 11, ACI and the City responded to DEP and FPL's Exceptions. On March 11, DEP responded to the City's Exception. This matter is now on review before the Secretary of the Department for final agency action.

BACKGROUND

Five electrical generating units were built at FPL's Turkey Point Power Plant in southeast Miami-Dade County. Units 1 and 2 were built in the 1960s. Unit 2 ceased operating in 2010. Units 3 and 4 are Florida's first nuclear generating units, which FPL constructed in the 1970s. Unit 5 is a natural gas combined cycle generating unit brought into service in 2007. The Turkey Point cooling canal system (CCS) is a 5,900-acre network of canals, which provides a heat removal function for Units 1, 3, and 4, and receives cooling tower blowdown from Unit 5. FPL constructed the CCS to satisfy a 1971 consent judgment with the U.S. Department of Justice which required FPL to terminate its direct discharges of heated water into Biscayne Bay.

The CCS canals are unlined, so they have a direct connection to the groundwater. The original salinity levels in the CCS were probably the same as Biscayne Bay. However, because the salt in saltwater is left behind when the water evaporates, and higher water temperature causes more evaporation, the water in the CCS became saltier. Salinity levels in the CCS are also affected by rainfall, air temperature, the volume of flow from the power plant, and the rate of water circulation.

In 2008, when FPL applied for certification of the uprate of Units 3 and 4, it reported average salinity to be 50 to 60 Practical Salinity Units (PSU). This is a hypersaline condition, which means the salinity level is higher than is typical for

seawater, which is about 35 PSU. In late 2013, salinity levels in the CCS began to spike, reaching a high of 92 PSU in the summer of 2014. FPL took action to reduce salinity within the CCS by adding storm water from the L-31E Canal (pursuant to emergency orders), adding water from shallow saline water wells, and removing sediment build-up in the canals to improve flow. These actions, combined with more normal rainfall, decreased salinity levels in the CCS to about 45 PSU at the time of the final hearing.

Higher salinity makes water more dense so the hypersaline water in the CCS sinks beneath the canals and to the bottom of the Biscayne Aquifer, which is about 90 feet beneath the CCS. At this depth, there is a confining layer that separates the Biscayne Aquifer from the deeper Upper Floridan Aquifer. The confining layer stops the downward movement of the hypersaline plume and it spreads out in all directions. Historical data show that when the CCS was constructed in the 1970s, saltwater had already intruded inland along the coast due to water withdrawals, drainage and flood control structures, and other human activities.

The front or westernmost line of saltwater intrusion is referred to as the saline water interface. In the 1980s, the saline water interface was just west of the interceptor ditch, which runs generally along the western boundary of the CCS. The interceptor ditch was installed when the CCS was first constructed as a means to prevent saline waters from the CCS from moving west of the ditch. Now, the saline water interface is four or five miles west of the CCS, and it is still moving west. The hypersaline plume from the CCS is pushing the saline water interface further west.

Fresh groundwater in the Biscayne Aquifer in southeast Miami-Dade County is an important natural resource that supports marsh wetland communities and is utilized by numerous existing legal water uses including irrigation, domestic self-supply, and public water supply. The Biscayne Aquifer is the main source of potable water in Miami-Dade County and is designated by the federal government as a sole source aquifer under the Safe Drinking Water Act. Saltwater intrusion into the area west of the CCS is reducing the amount of fresh groundwater in the Biscayne Aquifer available for natural resources and water uses.

The 2008 Conditions of Certification included a Section X, entitled "Surface Water, Ground Water, Ecological Monitoring," which, among other things, required FPL and the South Florida Water Management District (SFWMD) to execute a Fifth Supplemental Agreement regarding the operation and management of the CCS.[1] New monitoring was required and FPL was to "detect changes in the quantity and quality of surface and ground water over time due to the cooling canal system." Section X.D. of the Conditions of Certification provides in pertinent part:

> If the DEP in consultation with SFWMD and [Miami-Dade County Department of Environmental Resources Management] determines that the pre- and post-Uprate monitoring data: is insufficient to evaluate changes as a result of this project; indicates harm or potential harm to the waters of the State including ecological resources; exceeds State or County water quality standards; or is inconsistent with the goals and objectives of the CERP Biscayne Bay Coastal Wetlands Project, then additional measures,

[1] When the CCS was first constructed, FPL and SFWMD's predecessor, the Central and Southern Florida Flood Control District, entered into an agreement to address the operation and management of the CCS. The agreement has been updated from time to time. The original agreement and updates called for monitoring the potential impacts of the CCS.

> including enhanced monitoring and/or modeling, shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:
>
> * * *
>
> 3. operational changes in the cooling canal system to reduce any such impacts;

DEP determined that the monitoring data indicates harm to waters of the State because of the contribution of CCS waters to westward movement of the saline water interface. Under the procedures established in the Conditions of Certification, this determination triggered the requirement for "additional measures" to require FPL to "evaluate or abate" the impacts.

The Fifth Supplemental Agreement requires FPL to operate the interceptor ditch to restrict movement of saline water from the CCS westward of Levee 31E "to those amounts which would occur without the existence of the cooling canal system." The agreement provides that if the District determines that the interceptor ditch is ineffective, FPL and SFWMD shall consult to identify measures to "mitigate, abate or remediate" impacts from the CCS and to promptly implement those approved measures. SFWMD determined that the interceptor ditch is ineffective in preventing saline waters from the CCS in deeper zones of the Biscayne Aquifer from moving west of the ditch, which triggered the requirement of the Fifth Supplemental Agreement for FPL to mitigate, abate, or remediate the impacts. Following consultation between DEP and SFWMD, the agencies decided that, rather than both agencies responding independently to address the harm caused by the CCS, DEP would take action. DEP then issued an Administrative Order to address the harm through implementation and enforcement of the Conditions of Certification.

DOAH PROCEEDING

On December 23, 2014, the DEP issued Administrative Order OGC No. 14-0741 (AO) related to the CCS. On February 9, 2015, petitions for administrative hearing challenging the AO were filed by Tropical Audubon Society, Inc., Blair Butterfield, Charles Munroe, and Jeffrey Mullins; Miami-Dade County; ACI; and the City of Miami. After referral to DOAH, the four cases were consolidated for hearing.

Prior to the final hearing in November 2015, Miami-Dade County; Jeffrey Mullins; and Tropical Audubon Society, Blair Butterfield, and Charles Munroe filed Notices of Voluntary Dismissal. The ALJ conducted the final hearing on November 2-4, 2015, in Miami, Florida. The five-volume transcript of the final hearing was filed with DOAH and the parties filed proposed recommended orders. The ALJ subsequently issued the RO.

SUMMARY OF THE RECOMMENDED ORDER

In the RO, the ALJ recommended that the Department enter a final order that rescinded the AO or amended it as described in the RO. (RO at page 31 and ¶ 95). The ALJ concluded that the AO was an unreasonable exercise of DEP's enforcement discretion for three reasons. (RO ¶¶ 92-95). First, the ALJ concluded that the AO lacked the fundamentals of an enforcement action because it did not charge a party with one or more violations of the law, which the party has the right to refute. (RO ¶¶ 66 and 92). Second, the ALJ concluded that the AO's success criteria did not require FPL to come into compliance with standards or specify a reasonable time to come into compliance. (RO ¶ 93). Third, the ALJ concluded that the AO's "success criteria are inadequate to accomplish DEP's stated purposes." (RO ¶ 94).

The ALJ found that the AO stated that western migration of saline water "must be abated to prevent further harm to the waters of the state," and that a detailed Salinity Management Plan shall have the goal of reducing hypersalinity of the CCS to abate westward movement of CCS groundwater. (RO ¶¶ 48 and 50). The ALJ found that the AO defined the term "abate" as "to reduce in amount, degree or intensity; lessen; diminish." (RO ¶ 70). However, the ALJ disagreed with the DEP's position that the AO's definition of "abate" was consistent with the meaning of the term in Section X.D. of the Conditions of Certification. (RO ¶¶ 70-89). The ALJ ultimately found that "[i]f the success criteria in the AO are achieved, hypersaline water will no longer sink beneath the CCS, the rate of saltwater intrusion will be slowed, and the existing hypersaline plume would begin to freshen." (RO ¶ 53).

STANDARDS OF REVIEW OF DOAH RECOMMENDED ORDERS

Section 120.57(1)(l), Florida Statutes, prescribes that an agency reviewing a recommended order may not reject or modify the findings of fact of the ALJ "unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based on competent substantial evidence." § 120.57(1)(l), Fla. Stat. (2015); *Charlotte Cty. v. IMC Phosphates Co.*, 18 So. 3d 1089 (Fla. 2d DCA 2009); *Wills v. Fla. Elections Comm'n*, 955 So. 2d 61 (Fla. 1st DCA 2007). The term "competent substantial evidence" does not relate to the quality, character, convincing power, probative value or weight of the evidence. Rather, "competent substantial evidence" refers to the existence of some evidence as to each essential element and as to its admissibility under legal rules of evidence. *See e.g., Scholastic*

Book Fairs, Inc. v. Unemployment Appeals Comm'n, 671 So. 2d 287, 289 n.3 (Fla. 5th DCA 1996); *Nunez v. Nunez,* 29 So. 3d 1191, 1192 (Fla. 5th DCA 2010).

A reviewing agency may not reweigh the evidence presented at a DOAH final hearing, attempt to resolve conflicts therein, or judge the credibility of witnesses. *See, e.g., Rogers v. Dep't of Health,* 920 So.2d 27, 30 (Fla. 1st DCA 2005); *Belleau v. Dep't of Envtl. Prot.,* 695 So. 2d 1305, 1307 (Fla. 1st DCA 1997); *Dunham v. Highlands Cty. Sch. Bd.,* 652 So. 2d 894 (Fla. 2d DCA 1995). If there is competent substantial evidence to support an ALJ's findings of fact, it is irrelevant that there may also be competent substantial evidence supporting a contrary finding. *See, e.g., Arand Construction Co. v. Dyer,* 592 So. 2d 276, 280 (Fla. 1st DCA 1991); *Conshor, Inc. v. Roberts,* 498 So. 2d 622 (Fla. 1st DCA 1986).

The ALJ's decision to accept the testimony of one expert witness over that of another expert is an evidentiary ruling that cannot be altered by a reviewing agency, absent a complete lack of any competent substantial evidence of record supporting this decision. *See, e.g., Peace River/Manasota Regional Water Supply Authority v. IMC Phosphates Co.,* 18 So. 3d 1079, 1088 (Fla. 2d DCA 2009); *Collier Med. Ctr. v. State, Dep't of HRS*, 462 So. 2d 83, 85 (Fla. 1st DCA 1985); *Fla. Chapter of Sierra Club v. Orlando Utils. Comm'n*, 436 So. 2d 383, 389 (Fla. 5th DCA 1983). In addition, an agency has no authority to make independent or supplemental findings of fact. *See, e.g., North Port, Fla. v. Consol. Minerals*, 645 So. 2d 485, 487 (Fla. 2d DCA 1994); *Fla. Power & Light Co. v. Fla. Siting Bd.*, 693 So. 2d 1025, 1026-1027 (Fla. 1st DCA 1997).

Section 120.57(1)(l), Florida Statutes, authorizes an agency to reject or modify an ALJ's conclusions of law and interpretations of administrative rules "over which it has

substantive jurisdiction." *See Barfield v. Dep't of Health,* 805 So. 2d 1008 (Fla. 1st DCA 2001); *L.B. Bryan & Co. v. Sch. Bd. of Broward Cty.*, 746 So. 2d 1194 (Fla. 1st DCA 1999); *Deep Lagoon Boat Club, Ltd. v. Sheridan*, 784 So. 2d 1140 (Fla. 2d DCA 2001). Considerable deference should be accorded to these agency interpretations of statutes and rules within their regulatory jurisdiction, and such agency interpretations should not be overturned unless "clearly erroneous." *See, e.g., Falk v. Beard*, 614 So. 2d 1086, 1089 (Fla. 1993); *Dep't of Envtl. Reg. v. Goldring*, 477 So. 2d 532, 534 (Fla. 1985). Furthermore, agency interpretations of statutes and rules within their regulatory jurisdiction do not have to be the only reasonable interpretations. It is enough if such agency interpretations are "permissible" ones. *See, e.g., Suddath Van Lines, Inc. v. Dep't of Envtl. Prot.,* 668 So. 2d 209, 212 (Fla. 1st DCA 1996).

If an ALJ improperly labels a conclusion of law as a finding of fact, the label should be disregarded and the item treated as though it were actually a conclusion of law. *See, e.g., Battaglia Properties v. Fla. Land and Water Adjudicatory Comm'n*, 629 So. 2d 161, 168 (Fla. 5th DCA 1994). However, neither should the agency label what is essentially an ultimate factual determination as a "conclusion of law" in order to modify or overturn what it may view as an unfavorable finding of fact. *See, e.g., Stokes v. State, Bd. of Prof'l Eng'rs*, 952 So. 2d 1224 (Fla. 1st DCA 2007).

Agencies do not have jurisdiction, however, to modify or reject rulings on the admissibility of evidence. Evidentiary rulings of the ALJ that deal with "factual issues susceptible to ordinary methods of proof that are not infused with [agency] policy considerations," are not matters over which the agency has "substantive jurisdiction." *See Martuccio v. Dep't of Prof'l Reg.,* 622 So. 2d 607, 609 (Fla. 1st DCA 1993); *Heifetz*

v. Dep't of Bus. Reg., 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985). Evidentiary rulings are matters within the ALJ's sound "prerogative . . . as the finder of fact" and may not be reversed on agency review. *See Martuccio,* 622 So. 2d at 609.

RULINGS ON EXCEPTIONS

A party that files no exceptions to certain findings of fact "has thereby expressed its agreement with, or at least waived any objection to, those findings of fact." *Envtl. Coalition of Fla., Inc. v. Broward Cty.*, 586 So. 2d 1212, 1213 (Fla. 1st DCA 1991); *see also Colonnade Medical Ctr., Inc. v. State of Fla., Agency for Health Care Admin.,* 847 So. 2d 540, 542 (Fla. 4th DCA 2003). However, an agency head reviewing a recommended order is free to modify or reject any erroneous conclusions of law over which the agency has substantive jurisdiction, even when exceptions are not filed. *See* § 120.57(1)(l), Fla. Stat. (2014); *Barfield v. Dep't of Health,* 805 So. 2d 1008 (Fla. 1st DCA 2001); *Fla. Public Employee Council, 79 v. Daniels*, 646 So. 2d 813, 816 (Fla. 1st DCA 1994).

Finally, in reviewing a recommended order and any written exceptions, the agency's final order "shall include an explicit ruling on each exception." *See* § 120.57(1)(k), Fla. Stat. (2015). However, the agency need not rule on an exception that "does not clearly identify the disputed portion of the recommended order by page number or paragraph, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record." *Id.*

RESPONDENTS' EXCEPTIONS

Enforcement discretion

It is well recognized that the choice of an enforcement remedy is committed to an administrative agency's discretion and is a matter of enforcement policy unsuitable for judicial review. *See Heckler v. Chaney,* 470 U.S. 821, 831 (1985); *Chau v. Securities and Exchange Comm'n*, ---F. Supp. 3d---, 2014 WL 6984236 *13 (S.D.N.Y. 2014) ("Congress has provided the SEC with two tracks on which it may litigate certain cases. Which of those paths to choose is a matter of enforcement policy squarely within the SEC's province."). Similarly, at the state level, enforcement procedures and remedies are left to the Department's prosecutorial discretion and is not an appropriate subject for DOAH review. *See, e.g., Sarasota Cnty. v. Dep't of Envtl. Regulation and Falconer*, 9 F.A.L.R. 1822 (Fla. Dep't Envtl. Reg. 1986); *Cobb v. Dep't of Envtl. Regulation,* 1988 WL 618161 *6 (Fla. Dept. of Env. Reg. 1988); *Christensen v. Smith and Dep't of Envtl. Regulation,* 1996 WL 533981 (Fla. Dept. of Env. Reg. 1996).

In Chapter 403, the Legislature authorized the Department to pursue various enforcement remedies, including that the Department may "[i]ssue such orders as are necessary to effectuate the control of air and water pollution and enforce the same by all appropriate administrative and judicial proceedings." § 403.061(8), Fla. Stat. (2015). Section 403.061(8) has been recognized by the courts as an enforcement remedy available to the Department. *See, e.g., Save Our Suwannee, Inc. v. State of Fla. Dep't of Envtl. Prot.,* No. 2001-CA-001266 (Fla. 2d Cir. Ct. March 5, 2004), *aff'd* 898 So. 2d 943 (Fla. 1st DCA 2005).

In this case the AO was issued after it was determined that the monitoring data indicated harm to waters of the State because of the contribution of CCS waters to westward movement of the saline water interface. Under the procedures established in the Conditions of Certification, this determination triggered the requirement for "additional measures" to require FPL to "evaluate or abate" the impacts. (RO ¶¶ 42-43). The ALJ described the AO in paragraphs 47 through 52 of the RO. The ALJ found that the AO states that western migration of saline water "must be abated to prevent further harm to the waters of the state," and that a detailed Salinity Management Plan shall have the goal of reducing hypersalinity of the CCS to abate westward movement of CCS groundwater. (RO ¶¶ 48 and 50). The ALJ ultimately found that "[i]f the success criteria in the AO are achieved, hypersaline water will no longer sink beneath the CCS, the rate of saltwater intrusion will be slowed, and the existing hypersaline plume would begin to 'freshen.'" (RO ¶ 53).

Chapter 403 is a remedial statute enacted for the public benefit, although containing some penal provisions. *See, e.g., Ranger Insurance Co. v. Bal Harbour Club, Inc.,* 509 So. 2d 940, 943 (Fla. 3d DCA 1985). "The test most often articulated for determining whether a particular provision of legislation is penal in character is whether the legislative aim in providing the sanction was to punish the individual for engaging in the activity involved or to regulate the activity in question." *Id.* at 943. The Department's choice to exercise its authority at this time in favor of remediation to protect the public health than in favor of punishment by charges and fines is a matter of enforcement discretion squarely within the Department's province. *See, e.g., Dep't of Envtl. Prot. v.*

South Palafox Props., LLC, Case No. 14-3674 (Fla. DOAH March 2, 2015; Fla. DEP May 29, 2015).

The RO reflects that the ALJ inappropriately invaded this exclusive province of the Department to choose an enforcement remedy by essentially finding that he would have chosen the penal remedy that charges FPL with "one or more violations of law." (RO ¶ 66).[2] Because of his opinion that a charging document was more appropriate, the ALJ concluded that the AO was not a reasonable exercise of enforcement discretion, which contained "infirmities" and should be rescinded. (RO ¶¶ 92-95).

The ALJ also concluded that Section 403.088(2)(e) "gives the DEP enforcement authority suited for [this] circumstance," but "DEP did not choose this approach." (RO ¶ 69). However, the plain language of Section 403.088(2)(e) gives the Department permitting authority to issue certain discharge permits under certain circumstances. The Department's final order in *Lane, et al. v. Department of Environmental Protection,* Case Nos. 05-1609, etc. (Fla. DOAH May 11, 2007; Fla. DEP Aug. 8, 2007), explained this permitting authority:

> The provisions of Section 403.088(2) (e) and (f), F. S., express the clear intent of the Florida Legislature to provide the DEP with the authority to issue permits that do not meet all the regular standards for the proposed activity, provided that at least one of the stated conditions of the statutory provision is met. Consequently, Sections 403.088(2) (e) and (f), constitute a limited statutory exception to the "reasonable assurance" permitting requirement set forth in Rule 62-4.070, F.A.C. *See e.g. Valencic v. Miami-Dade County Water and Sewer Dept.*, 23 FALR 1966, 1969 (Fla. DEP 2001), *aff.* 803 So.2d 719 (Fla. 1st DCA 2001).

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[2] Administrative enforcement is also authorized under the provisions of Section 403.121(2), Florida Statutes. This enforcement remedy is instituted by issuing a written notice of violation containing allegations (charges) regarding violations of the law. *See* § 403.121(2), Fla. Stat. (2015).

Lane, et al. v. Dep't of Envtl. Prot., Case Nos. 05-1609, etc. (Fla. DOAH May 11, 2007; Fla. DEP Aug. 8, 2007), *per curiam dismissed* 44 So. 3d 650 (Fla. 1st DCA 2010).

Contrary to the ALJ's conclusions in paragraphs 66, 69, 92-95, and as discussed above, the AO is an enforcement instrument authorized under Section 403.061(8). It contains findings, and it requires FPL to comply with Condition of Certification X.D. by submitting and implementing a Salinity Management Plan that will achieve the goals and timelines specified in the AO. (RO ¶¶ 47-53; Joint Ex. 1). And, its provisions can be enforced by appropriate administrative and judicial proceedings. *See* § 403.061(8), Fla. Stat. (2015). This legal conclusion interpreting Chapter 403, Florida Statutes, is as or more reasonable than those of the ALJ. *See, e.g., Fla. Audubon Soc. v. Sugar Cane Growers Coop. of Fla.*, 171 So. 3d 790, 797 (Fla. 2d DCA 2015) (reflecting that an agency bears the primary responsibility to interpret statutes within its regulatory expertise and jurisdiction).

Reasonable exercise of enforcement discretion

The ALJ identified three reasons for concluding that the AO is an unreasonable exercise of DEP's enforcement discretion. (RO ¶¶ 92-95). First, the ALJ concluded that the AO is procedurally flawed because it is not a charging document. (RO ¶¶ 66 and 92). As discussed above, the ALJ's conclusion that the AO must be a charging document is rejected. Also, as the ALJ points out, since the AO was not a charging document, "FPL did not come to the final hearing to defend against these charges." (RO ¶ 66).

Second, the ALJ concluded that the AO's success criteria do not require FPL to come into compliance with standards or specify a reasonable time to come into

compliance. (RO ¶ 93). This reason paraphrases the secondary authority cited for the AO in its opening paragraph. (Joint Ex. 1). Section 403.151 provides that "[a]ll rules or orders of the department which require action to comply with standards adopted by it, or orders to comply with any provisions of this act, may specify a reasonable time for such compliance." § 403.151, Fla. Stat. (2015). Having found that the AO "does not authorize any action" (RO ¶ 68), the ALJ then goes on to conclude that the AO does not represent the first category of orders described in Section 403.151. However, as an order designed to effectuate (i.e., bring about) the control of water pollution the AO represents the second category of order described in Section 403.151 and authorizes that such orders "may specify a reasonable time for . . . compliance." *See* §§ 403.151 and 403.061(8), Fla. Stat. (2015). This legal conclusion interpreting Chapter 403, is as or more reasonable than that of the ALJ. *See, e.g., Fla. Audubon Soc. v. Sugar Cane Growers Coop. of Fla.*, 171 So. 3d 790, 797 (Fla. 2d DCA 2015) (reflecting that an agency bears the primary responsibility to interpret statutes within its regulatory expertise and jurisdiction).

The third reason identified by the ALJ for concluding that the AO is an unreasonable exercise of DEP's enforcement discretion, is that the AO's "success criteria are inadequate to accomplish DEP's stated purposes." (RO ¶ 94). The ALJ's conclusions in paragraph 94 must be rejected because they are based on mistakes of fact and law regarding the AO's stated purpose and the success criteria. (Joint Ex. 1).

The ALJ found that the AO states that western migration of saline water "must be abated to prevent further harm to the waters of the state," and that a detailed Salinity Management Plan shall have the goal of reducing hypersalinity of the CCS to abate

westward movement of CCS groundwater. (RO ¶¶ 48 and 50). The ALJ acknowledges that the AO defines the term "abate" as "to reduce in amount, degree or intensity; lessen; diminish." (RO ¶ 70). However, the ALJ disagrees with the DEP's position that the AO's definition of "abate" is consistent with the meaning of the term in Section X.D. of the Conditions of Certification. (RO ¶¶ 70-89). And since the AO purports to implement and enforce Section X.D., the ALJ concluded that the AO does not "eliminate the CCS's contribution" to the "western movement of saltier groundwater." (RO ¶ 95).

Contrary to the ALJ's conclusion, the record reflects that the DEP's interpretation of the Conditions of Certification is supported by competent substantial evidence (T. Vol. II, p. 157; Joint Exhibit 1). Also, the DEP's interpretation is within the agency's substantive jurisdiction to "administer and manage" the Conditions of Certification, and to assure compliance with those Conditions. *See* §§ 403.504(14) and 403.514, Fla. Stat. (2015). The Department's legal conclusion interpreting the AO and the Conditions of Certification is more reasonable than that of the ALJ. *See, e.g., Fla. Audubon Soc. v. Sugar Cane Growers Coop. of Fla.*, 171 So. 3d 790, 797 (Fla. 2d DCA 2015) (reflecting that an agency bears the primary responsibility to interpret statutes within its regulatory expertise and jurisdiction).

In paragraph 53, the ALJ specifically found that "[i]f the success criteria in the AO are achieved, hypersaline water will no longer sink beneath the CCS, the rate of saltwater intrusion will be slowed, and the existing hypersaline plume would begin to freshen." (RO ¶ 53). Despite this finding, the ALJ concluded that the 34 PSU "success criterion" is not reasonable based on a mistaken belief that "it could be an unnecessary impediment" that would preclude FPL from proposing to "lower the salinity in the CCS

even further if it is practical and could achieve greater benefits." (RO ¶ 94.a.i. through 94.a.iii). The ALJ's conclusion is based on a mistake of fact reflected in paragraph 51. The record shows that the AO expressly contemplates that FPL may reduce CCS salinity below 34 PSU. (Joint Ex. 1, at paragraphs 42 and 43).

Contrary to the ALJ's conclusion, the Department finds that the 34 or below PSU success criterion is a reasonable exercise of enforcement discretion, for the reasons explained by the ALJ in paragraphs 94.a.i. through 94.a.iii. This legal conclusion is more reasonable than that of the ALJ. *See, e.g., Fla. Audubon Soc. v. Sugar Cane Growers Coop. of Fla.*, 171 So. 3d 790, 797 (Fla. 2d DCA 2015) (reflecting that an agency bears the primary responsibility to interpret statutes within its regulatory expertise and jurisdiction).

In paragraph 51, the ALJ also found that the AO's second success criterion was to demonstrate "decreasing salinity trends in four monitoring wells located near the CCS." (RO ¶ 51). The ALJ concludes that this success criterion is not reasonable because the decreasing trend is not quantified. (RO ¶ 94.b.i.). Yet, at the same time, the ALJ acknowledges that the achievement of this success criterion is related to the computer modeling relied on by DEP. (RO ¶ 94.b.ii.). The ALJ's analysis does not fully represent the requirements of the AO with regard to this success criterion. The AO requires that monitoring of salinity trends also include installation and monitoring of a new deep well "at the City of Homestead" in addition to the four monitoring wells located near the CCS. (Joint Ex. 1, paragraphs 37.a. and 37.f.). The AO also requires continued monitoring of "the wells/well clusters identified in the 2009 Monitoring Plan, as Amended." (Joint Ex. 1, paragraph 37.f.). The ALJ's findings and conclusions do not

form a basis for finding that the AO's second success criterion is unreasonable. This legal conclusion is more reasonable than that of the ALJ. *See, e.g., Fla. Audubon Soc. v. Sugar Cane Growers Coop. of Fla.*, 171 So. 3d 790, 797 (Fla. 2d DCA 2015) (reflecting that an agency bears the primary responsibility to interpret statutes within its regulatory expertise and jurisdiction).

In paragraphs 94.c. and 95, the ALJ's conclusion that the AO should require FPL to determine and terminate its contribution to the westward movement of the saline water interface relates back to his disagreement with the Department's definition of "abate" in the AO and the Conditions of Certification. As discussed above, the ALJ's disagreement is rejected and the AO's definition of "abate" is found to be a reasonable interpretation of the term as used in Section X.D. of the Conditions of Certification.

DEP Exception No. 2

DEP takes exception to a portion of paragraph 51 as not supported by competent substantial evidence. DEP argues that the plain language of the AO reflects that the first success criterion is to maintain salinity at or below 34 PSU. As discussed above, the ALJ's finding is a mistake of fact that is not supported by competent substantial evidence. In fact the competent substantial evidence supports modifying the ALJ's finding to accurately reflect the requirement of the AO's first success criterion (Joint Ex. 1, paragraphs 42 and 43); *see* § 120.57(1)(l), Fla. Stat. (2015).

Therefore, based on the foregoing reasons, DEP's Exception No. 2 to a portion of paragraph 51, is granted.

DEP Exception No. 4; FPL Exception No. 4

DEP takes exception to paragraphs 66 through 69 on the basis that they would intrude on the exclusive province of the Department to determine enforcement procedures and remedies. FPL takes exception to paragraphs 64 through 66, 92 and 93, on the basis that the ALJ misconstrued the nature of the AO. FPL argues that the ALJ failed to recognize the AO as a mechanism for enforcing and implementing the Conditions of Certification and erroneously concluded that it was not a reasonable exercise of enforcement discretion.

FPL specifically argues that in paragraph 64, the ALJ erroneously concludes that Condition X.D. is only directed at the Department. As FPL points out, the Condition, by its terms, is focused on potential harm to waters of the state caused by the CCS. Ultimately, FPL must implement "additional measures" to "abate" such impacts. (Joint Ex. 1, paragraph 25; Joint Ex. 2, Section X.D. of Conditions of Certification). Thus, the ALJ's conclusion in paragraph 64 that Condition X.D. is directed only to the Department is not a reasonable interpretation of its plain language. The interpretation of Condition X.D. is within the Department's substantive jurisdiction. Therefore, FPL's exception to paragraph 64 is granted.

FPL's exception to paragraph 65 is denied because the paragraph accurately describes the Conditions of Certification and the Respondents' arguments in the hearing.

The Respondents' exception to paragraph 66 is granted for the reasons discussed above; the AO is a type of enforcement remedy, but it is not a charging document.

DEP's exceptions to paragraphs 67 and 68 are denied because the paragraphs accurately describe the parties' arguments during the hearing.

DEP's exception to paragraph 69, where the ALJ states that Section 403.088(2)(e) gives DEP enforcement authority, is granted for the reasons discussed above.

FPL's exception to paragraphs 92 and 93 is granted for the reasons discussed above.

DEP Exception No. 6; FPL Exception Nos. 6 and 7

DEP takes exception to paragraphs 90 through 95 and FPL takes exception to paragraphs 91 and 94. As discussed above, these conclusions of the ALJ reflect his enforcement discretion analysis.

DEP's exception to paragraph 90 is denied because, as discussed above, the AO is an enforcement remedy that is subject to the reasonable exercise of enforcement discretion standard. The Respondents' exception to paragraph 91 is granted because the above discussion shows that the ALJ's three identified reasons for concluding that the AO is an unreasonable exercise of DEP's enforcement discretion (RO ¶¶ 92-95) are flawed. For those same reasons, the exceptions to paragraphs 92, 93, and 94, are granted.

DEP Exception No. 5; FPL Exception No. 5

DEP takes exception to paragraphs 70-89 and FPL takes exception to paragraphs 73-89 regarding the ALJ's analysis of the term "abate." For the reasons discussed above, the Department's legal conclusion interpreting the AO and the Conditions of Certification as having a consistent definition for "abate," is more

reasonable than that of the ALJ. *See, e.g., Fla. Audubon Soc. v. Sugar Cane Growers Coop. of Fla.*, 171 So. 3d 790, 797 (Fla. 2d DCA 2015) (reflecting that an agency bears the primary responsibility to interpret statutes within its regulatory expertise and jurisdiction).

Therefore, for the foregoing reasons, the exceptions to paragraphs 70-89 are granted.

Water quality violations

DEP Exception Nos. 1 and 7; FPL Exception No. 3

The Respondents take exception to paragraphs 38-40 and related portions of paragraphs 92 and 96. In paragraphs 38-40, the ALJ made the following findings of fact:

> 38. At the final hearing, a DEP administrator testified that DEP was unable to identify a specific violation of state groundwater or surface water quality standards attributable to the CCS, but DEP's position cannot be reconciled with the undisputed evidence that the CCS has a groundwater discharge of hypersaline water that is contributing to saltwater intrusion. Florida Administrative Code Rule 62-520.400, entitled "Minimum Criteria for Ground Water," prohibits a discharge in concentrations that "impair the reasonable and beneficial use of adjacent waters."
>
> 39. Saltwater intrusion into the area west of the CCS is impairing the reasonable and beneficial use of adjacent G-II groundwater and, therefore, is a violation of the minimum criteria for groundwater in rule 62-520.400.
>
> 40. In addition, sodium levels detected in monitoring wells west of the CCS and beyond FPL's zone of discharge are many times greater than the applicable G-II groundwater standard for sodium. The preponderance of the evidence shows that the CCS is contributing to a violation of the sodium standard.

The Respondents essentially argue that the ALJ should not have made independent findings regarding violations of water quality standards because of potential due

process problems identified by the ALJ in other paragraphs of the RO. (RO ¶¶ 66 and 92). DEP also argues that the findings in paragraphs 38-40 are internally inconsistent with the conclusions in paragraph 92. However, for the reasons discussed above, the ALJ's conclusions in paragraph 92 that the AO must be a charging document was rejected. DEP's exception to paragraph 92 was granted for the reasons discussed in the ruling on DEP Exception No. 6 above.

The conclusion that the AO is an enforcement remedy available to the Department, although not a charging document, does not preclude the ALJ's factual findings in paragraphs 38-40 and the reference to "current violations" in paragraph 96. The factual findings in paragraphs 38-40 are based on competent substantial evidence adduced at the hearing. (T. Vol. 1, p. 127; Joint Ex. 3; T. Vol. II, p. 209, lines 4-8, pp. 279-280; DEP Ex. 7; ACI Exs. 11 and 66). Most of that evidence formed the basis for the Department's finding of harm under Section X.D. of the Conditions of Certification leading to issuance of the AO. (T. Vol. 1, p. 127; Joint Ex. 3; T. Vol. II, pp. 279-280; ACI Ex. 11; DEP Ex. 7; ACI Ex. 66); *see* § 120.57(1)(l), Fla. Stat. (2015); *Heifetz v. Dep't of Bus. Reg.*, 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985).

Therefore, based on the foregoing reasons, the Respondents' exceptions to paragraphs 38-40, and 96, are denied.

FPL'S REMAINING EXCEPTIONS

FPL Exception No. 1

FPL takes exception to paragraph 34, where the ALJ found that "Respondents made no effort to show how any factor other than the CCS is currently contributing to the continuing westward movement of the saline water interface in this area of the

County." (RO ¶ 34). FPL argues that there is no competent substantial record evidence to support this finding. FPL cites to testimony from DEP and SFWMD witnesses to argue that there is competent substantial evidence regarding other factors. (T. Vol. 1, pp. 123-125; T. Vol. II, pp. 250-251). However, paragraph 34 is a reasonable inference from the totality of the witnesses' testimony. (T. Vol. 1, pp. 123-125; T. Vol. II, pp. 194-196; 239-240; T. Vol. II, pp. 250-251, 261-266); *see* § 120.57(1)(l), Fla. Stat. (2015); *Heifetz v. Dep't of Bus. Reg.*, 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985).

Therefore, based on the foregoing reasons, FPL's exception to paragraph 34 is denied.

FPL Exception No. 2

FPL takes exception to paragraphs 35, 49, and the second sentence of paragraph 54. FPL argues that these findings of fact are not supported by competent substantial evidence and are irrelevant to the disposition of this proceeding.

Contrary to FPL's argument, these findings of fact are supported by competent substantial record evidence. (T. Vol. I, p. 127, lines 19-20; T. Vol. I, p. 130, lines 17-19; Joint Ex. 1, paragraph 25; T. Vol. II, p. 250, lines 16-20; T. Vol. III, p. 403, lines 8-12; T. Vol. III, pp. 408-410); *see* § 120.57(1)(l), Fla. Stat. (2015); *Heifetz v. Dep't of Bus. Reg.*, 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985).

Therefore, based on the foregoing reasons, FPL's exception to paragraphs 35, 49, and the second sentence of paragraph 54, is denied.

Standing

DEP Exception No. 3

DEP takes exception to paragraphs 60-62 of the RO, where the ALJ concluded that the City of Miami and ACI established standing. DEP argues that in paragraph 60 the ALJ "mischaracterizes the holding in *Osceola County v. St. Johns River Water Management District,* 486 So. 2d 616 (Fla. 5th DCA 1986)." *See* DEP's Exceptions at page 5. That case arose from a petition for writ of prohibition filed with a district court of appeal and the question concerned the petitioner's standing to seek the writ of prohibition. *See Osceola Cty. v. St. Johns River Water Mgmt. Dist.,* 486 So. 2d 616, 617 (Fla. 5th DCA 1986) ("Respondent challenges Osceola County's standing to seek this writ."). DEP further argues that in paragraph 61, the ALJ incorrectly applied the *Osceola County* decision because the authority of a local government to approve a comprehensive plan under Chapter 163, Florida Statutes, is not within the zone of interests protected by the Department's Chapter 403 regulatory programs. The court in *Osceola County* did not address the question of standing to seek a Section 120.57(1) administrative hearing. However, in the other case cited by the ALJ in paragraphs 60 and 61, the court found that the City of St. Cloud's petition demonstrated standing. *See South Fla. Water Mgmt. Dist. v. City of St. Cloud*, 550 So. 2d 551, 552 (Fla. 5th DCA 1989). The City of St. Cloud's petition alleged that it had a substantial interest in the quality and availability of its water supply and that this interest would be adversely affected by the proposed water wells' construction. *Id.* at 553.

Therefore, the ALJ's conclusions of law in paragraphs 60 and 61 are modified to reject any reliance on the *Osceola County* case to answer the question of the City's

standing to seek a Section 120.57 administrative hearing. This conclusion of law is more reasonable than that of the ALJ because the question involves the Department's interpretation of Chapter 403, including the scope of interests protected by Chapter 403 proceedings. *See Friends of the Everglades v. Bd. of Trustees of the Internal Improvement Trust Fund,* 595 So. 2d 186, 189 (Fla. 1st DCA 1992) (reflecting that the statute defines the scope or nature of the proceeding); *Reily Enters., LLC v. Dep't of Envtl. Prot.*, 990 So. 2d 1248, 1251 (Fla. Fourth DCA 2008) (reflecting that the Department's Secretary reversed the ALJ's legal conclusion regarding standing).

In paragraph 62, the ALJ ultimately determined that "ACI and the City presented competent evidence that their substantial interests could be affected." (RO ¶ 62). The ALJ's conclusion of law in paragraph 57 stated that "[t]o establish standing, a party must present evidence to show that its substantial interests could be affected." (RO ¶ 57). *See St. Johns Riverkeeper, Inc. v. St. Johns River Water Mgmt. Dist.*, 54 So. 3d 1051, 1054 (Fla. 5th DCA 2011). Paragraph 62 is an ultimate factual finding that is supported by the ALJ's underlying findings of fact in paragraphs 4, 5, 6, 7, 31, 32, 36, 37, 56, and by competent substantial record evidence (T. Vol. II, pp. 300-302; City Ex. 40; Prehearing Stip. Section V. ¶¶ W-X; ACI Exs. 8 and 9).

Therefore, based on the foregoing reasons, the DEP's Exception No. 3 is granted as to paragraphs 60 and 61, which are modified as discussed above; and denied as to paragraph 62.

City of Miami's Exception No. 1

The City takes exception to paragraphs 58 and 59 of the RO, where the ALJ concluded that the doctrine of *parens patriae* does not allow a municipality to claim

standing to intervene in a DEP enforcement action. (RO ¶ 59). The City asserts that the ALJ should have extended the doctrine of *parens patriae* to encompass the City's standing to challenge the administrative order on behalf of its citizens. The City acknowledges that the ALJ ultimately held that the City had standing independent of *parens patriae*. However, the City filed this exception to "preserve the City's right to appellate review on a pure conclusion of law." *See* City's Exception at pages 1-2.

The ALJ's conclusions in paragraphs 58 and 59 are supported by the Florida Supreme Court precedent cited in paragraph 58 and by prior Department final orders. *See Engle v. Liggett Group, Inc.*, 945 So. 2d 1246 (Fla. 2006); *see e.g., Hamilton Cty. Bd. of Cty. Comm'rs v. TSI Southeast, Inc., and Dep't of Envtl. Reg.*, 12 F.A.L.R. 3774 (Fla. Dept. of Env. Reg. 1990), *aff'd,* 587 So. 2d 1378 (Fla. 1st DCA 1991). Therefore, the City of Miami's Exception No. 1 is denied.

CONCLUSION

Contrary to the ALJ's legal conclusions, the AO is an enforcement instrument authorized under Section 403.061(8). It contains findings, and it requires FPL to comply with Condition of Certification X.D. by submitting and implementing a Salinity Management Plan that will achieve the goals and timelines specified in the AO. (RO ¶¶ 47-53; Joint Ex. 1). The AO's provisions can be enforced by appropriate administrative and judicial proceedings. *See* § 403.061(8), Fla. Stat. (2015). The AO is a reasonable exercise of the Department's enforcement discretion under Sections 403.061(8) and 403.151. Thus, the ALJ recommendation to rescind the AO as an unreasonable exercise of enforcement discretion, or amend it as suggested in the RO, is rejected.

Notwithstanding the ultimate conclusion below, the record developed during this case raises issues of environmental concern which require further consideration. Accordingly, Department staff shall consider the findings of this order, specifically those related to the findings in the RO at paragraphs 38-40, as well as any other additional information staff might have available at this time, and take any further action as is necessary.

Having considered the applicable law in light of the written exceptions, responses, and the above rulings, and being otherwise duly advised, it is ORDERED that:

A. The Recommended Order (Exhibit A) is adopted, except as modified by the above rulings, and incorporated herein by reference.

B. The Department's Administrative Order issued on December 23, 2014, is hereby APPROVED.

JUDICIAL REVIEW

Any party to this proceeding has the right to seek judicial review of the Final Order under section 120.68, Florida Statutes, by filing of a Notice of Appeal under rule 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Agency Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal.

The Notice of Appeal must be filed within 30 days from the date this Final Order is filed with the Agency Clerk.

DONE AND ORDERED this 21st day of April, 2016, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

JONATHAN P. STEVERSON
Secretary

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED ON THIS DATE PURSUANT TO § 120.52, FLORIDA STATUTES, WITH THE DESIGNATED DEPARTMENT CLERK, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

Lea Crandall
CLERK

4-21-16
DATE

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order has been sent by electronic mail to:

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and by electronic filing to:

Division of Administrative Hearings
The DeSoto Building
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Tallahassee, FL 32399-1550

this 21st day of April, 2016.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

FRANCINE M. FFOLKES
Administrative Law Counsel

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ATLANTIC CIVIL, INC.,

Petitioner,

vs. Case No. 15-1746

FLORIDA POWER AND LIGHT COMPANY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondents.
_____/
CITY OF MIAMI,

Petitioner,

vs. Case No. 15-1747

FLORIDA POWER AND LIGHT COMPANY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondents.
_____/

RECOMMENDED ORDER

The final hearing in this case was held on November 2 through 4, 2015, in Miami, Florida, before Bram D. E. Canter, Administrative Law Judge of the Division of Administrative Hearings ("DOAH").

EXHIBIT A

APPEARANCES

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STATEMENT OF THE ISSUE

The issue to be determined in this case is whether the Administrative Order issued by DEP on December 23, 2014, is a reasonable exercise of its enforcement authority.

PRELIMINARY STATEMENT

On December 23, 2014, DEP issued Administrative Order OGC No. 14-0741 ("the AO") related to the cooling canal system at FPL's Turkey Point Power Plant in southeast Miami-Dade County. On February 9, 2015, petitions for administrative hearing challenging the AO were filed by Tropical Audubon Society, Inc., Blair Butterfield, Charles Munroe, and Jeffrey Mullins; Miami-Dade County; ACI; and the City of Miami. After referral to DOAH, the four cases were consolidated for hearing.

On April 16, 2015, Respondent FPL filed a motion to dismiss portions of the petitions on grounds that the petitions failed to allege sufficient grounds for standing. The motion was denied.

On October 2, 2015, ACI filed a motion for leave to file an amended petition for administrative hearing. The motion was granted except with respect to the request in ACI's Amended Petition that the Administrative Law Judge recommend "additional appropriate terms and criteria to halt and remediate the ongoing westward migration of saltwater intrusion in the Aquifer."

On October 9, 2015, Miami-Dade County filed a Notice of Voluntary Dismissal and Case No. 15-1745 was closed.

FPL filed a Motion for Partial Summary Recommended Order or Alternatively for Dismissal of Petitioner City of Miami, claiming the City lacked standing. The motion was denied.

On August 24, 2015, Petitioner Mullins filed a Notice of Voluntary Dismissal. On October 30, 2015, Petitioners Tropical Audubon Society, Butterfield, and Munroe filed an Agreed Notice of Voluntary Dismissal without Prejudice. Accordingly, Case No. 15-1744 was closed.

At the final hearing, Joint Exhibits J-1, J-2, J-3, J-5, J-6, and J-7 were admitted into evidence. DEP presented the testimony of Phillip Coram, a DEP Program Administrator who was accepted as an expert in environmental engineering; Terri Bates, Division Director of Water Resources at the South Florida Water Management District ("SFWMD"), and Jefferson Giddings, a Principal Scientist at SFWMD who was accepted as an expert in groundwater modeling. DEP Exhibits D-2, D-6, D-7, D-10, D-11, D-13, D-15, and D-16 were admitted into evidence.

FPL presented the testimony of Michael Sole, who is FPL's Vice President of Governmental Affairs; Steven Scroggs, a Senior Director of Project Development for FPL who was accepted as an expert in power plant engineering, design and siting; and

Peter Andersen, who was accepted as an expert in groundwater hydrology and groundwater flow and transport modeling. FPL Exhibits FPL-1 through FPL-6, FPL-9, FPL-11, FPL-14, FPL-15, FPL-25, and FPL-26 were admitted into evidence.

ACI presented the testimony of Steve Torcise, Jr., who is ACI's President; Marc Harris, who is a DEP employee responsible for issuing NPDES permits for power plants; William Nuttle, Ph.D., who was accepted as an expert in water salt budgets; and Edward Swakon, who was accepted as an expert in groundwater resources and groundwater monitoring. ACI Exhibits ACI-7, ACI-8, ACI-9, ACI-11, ACI-31, ACI-33, ACI-34, ACI-63, and ACI-66 were admitted into evidence.

The City presented the testimony of Miguel Augustin, who is the City's Controller; and Mark Crisp, who was accepted as an expert in design and function of electrical generating facilities and cooling systems. City Exhibits 40 and 43 were admitted into evidence. The City's motion for official recognition of its City Charter was denied, but a copy of the City Charter was accepted as a proffer.

The five-volume transcript of the final hearing was filed with DOAH. The parties filed proposed recommended orders that were considered in the preparation of this Recommended Order.

FINDINGS OF FACT

Parties

1. FPL is a subsidiary of NextEra Energy. It is a regulated Florida Utility providing electric service to 4.7 million customers in 35 counties.

2. FPL owns and operates the Turkey Point Power Plant, which includes a cooling canal system ("CCS") that is the subject of the AO at issue in this proceeding.

3. DEP is the state agency charged with administering the Florida Electric Power Plant Siting Act ("PPSA"), chapter 403, Part II, Florida Statutes. DEP has the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it. § 403.061, Fla. Stat. (2015).

4. ACI is a Florida corporation and the owner of 2,598 acres of land in southeast Miami-Dade County approximately four miles west of the Turkey Point CCS. ACI is engaged in agriculture and limerock mining on the land.

5. ACI withdraws and uses water from the Biscayne Aquifer pursuant to two SFWMD water use permits. ACI also has a Life-of-the-Mine Environmental Resource Permit issued by DEP for its mining activities. The Life-of-the-Mine permit requires that mining be terminated if monitoring data indicate the occurrence

of chloride concentrations greater than 250 milligrams per liter ("mg/L") in the mine pit.

6. The City of Miami is a municipal corporation located about 25-miles north of Turkey Point.

7. The City purchases water from Miami-Dade County, which withdraws the water from the Biscayne Aquifer.

Turkey Point

8. FPL's Turkey Point property covers approximately 9,400 acres in unincorporated Miami-Dade County, along the coastline adjacent to Biscayne Bay.

9. Five electrical generating units were built at Turkey Point. Units 1 and 2 were built in the 1960s. Unit 2 ceased operating in 2010. Units 3 and 4 are Florida's first nuclear generating units, which FPL constructed in the 1970s. Unit 5 is a natural gas combined cycle generating unit brought into service in 2007.

10. Units 1 through 4 pre-date the PPSA and were not certified when they were built. However, Units 3 and 4 were certified pursuant to the PPSA in 2008 when FPL applied to increase their power output, referred to as an "uprate." Unit 5 was built after the PPSA and was certified under the Act.

The CCS

11. The Turkey Point CCS is a 5,900-acre network of canals, which provides a heat removal function for Units 1, 3, and 4, and receives cooling tower blowdown from Unit 5.

12. FPL constructed the CCS pursuant to satisfy a 1971 consent judgment with the U.S. Department of Justice which required FPL to terminate its direct discharges of heated water into Biscayne Bay.

13. The CCS is not a certified facility under the PPSA, but it is an "associated facility," which means it directly supports the operation of the power plant.

14. The CCS functions like a radiator, using evaporation, convective heat transfer, and radiated heat loss to lower the water temperature. When cooling water enters the plant, heat is transferred to the water by flow-through heat exchangers and then discharged to the "top" or northeast corner of the CCS. Circulating water pumps provide counter-clockwise flow of water from the discharge point, down (south) through the 32 westernmost canals, across the southern end of the CCS, and then back up the seven easternmost canals to the power plant intake.

15. The full circuit through the CCS from discharge to intake takes about 48 hours and results in a reduction in water temperature of about 10 to 15 degrees Fahrenheit.

16. The CCS canals are unlined, so they have a direct connection to the groundwater. Makeup water for the CCS to replace water lost by evaporation and seepage comes from process water, rainfall, stormwater runoff, and groundwater infiltration.

17. When the CCS was first constructed, FPL and SFWMD's predecessor, the Central and Southern Florida Flood Control District, entered into an agreement to address the operation and management of the CCS. The agreement has been updated from time to time. The original agreement and updates called for monitoring the potential impacts of the CCS.

18. Operation of the CCS is also subject to a combined state industrial wastewater permit and National Pollution Discharge Elimination System ("NPDES") permit administered by DEP. The industrial wastewater/NPDES permit is incorporated into the Conditions of Certification.

Hypersaline Conditions

19. The original salinity levels in the CCS were probably the same as Biscayne Bay. However, because the salt in saltwater is left behind when the water evaporates, and higher water temperature causes more evaporation, the water in the CCS becomes saltier. Salinity levels in the CCS are also affected by rainfall, air temperature, the volume of flow from the power plant, and the rate of water circulation.

20. In 2008, when FPL applied for certification of the uprate of Units 3 and 4, it reported average salinity to be 50 to 60 Practical Salinity Units ("PSU"). This is a "hypersaline" condition, which means the salinity level is higher than is typical for seawater, which is about 35 PSU.

21. Higher salinity makes water denser, so the hypersaline water in the CCS sinks beneath the canals and to the bottom of the Biscayne Aquifer, which is about 90 feet beneath the CCS. At this depth, there is a confining layer that separates the Biscayne Aquifer from the deeper Upper Floridan Aquifer. The confining layer stops the downward movement of the hypersaline "plume" and it spreads out in all directions.

22. FPL estimated that the average daily loading of salt moving from the CCS into the Biscayne Aquifer is 600,000 pounds per day.

23. In late 2013, salinity levels in the CCS began to spike, reaching a high of 92 PSU in the summer of 2014. FPL believes the salinity spikes in recent years are attributable in part to lower than normal rainfall and to higher turbidity in the CCS caused by algal blooms. Reductions in flow and circulation during this period associated with the retirement of Unit 2 and the uprate of Units 3 and 4 could also have contributed to increased temperatures in the CCS, more evaporation, and higher salinity.

24. ACI presented evidence suggesting that the uprate of Units 3 and 4 could be the primary cause of recent, higher water temperatures and higher salinity.

25. The analyses that have been conducted to date are not comprehensive or meticulous enough to eliminate reasonable disagreement about the relative influence of the factors that affect salinity in the CCS.

26. FPL has taken action to reduce salinity within the CCS by adding stormwater from the L-31E Canal (pursuant to emergency orders), adding water from shallow saline water wells, and removing sediment build-up in the canals to improve flow. These actions, combined with more normal rainfall, have decreased salinity levels in the CCS to about 45 PSU at the time of the final hearing.

Saltwater Intrusion

27. Historical data show that when the CCS was constructed in the 1970s, saltwater had already intruded inland along the coast due to water withdrawals, drainage and flood control structures, and other human activities.

28. The "front" or westernmost line of saltwater intrusion is referred to as the saline water interface. More specifically, the saline water interface is where groundwater with total dissolved solids ("TDS") of 10,000 mg/L or greater meets groundwater with a lower chloride concentration. DEP

classifies groundwater with a TDS concentration less than 10,000 mg/L as G-II groundwater, and groundwater with a TDS concentration equal to or greater than 10,000 mg/L as G-III groundwater, so the saline water interface can be described as the interface between Class G-II groundwater and Class G-III groundwater.

29. In the 1980s, the saline water interface was just west of the interceptor ditch, which runs generally along the western boundary of the CCS. The interceptor ditch was installed when the CCS was first constructed as a means to prevent saline waters from the CCS from moving west of the ditch. Now, the saline water interface is four or five miles west of the CCS, and it is still moving west.

30. The groundwater that comes from the CCS can be identified by its tritium content because tritium occurs in greater concentrations in CCS process water than occurs naturally in groundwater. CCS water has been detected four miles west of the CCS.

31. Saline waters from the CCS have been detected northwest of the CCS, moving in the direction of Miami-Dade County's public water supply wellfields.

32. The hypersaline plume from the CCS is pushing the saline water interface further west.

33. Respondents identified factors that contributed to the saltwater intrusion that occurred before the CCS was constructed. However, while saltwater intrusion has stabilized in other parts of Miami-Dade County, it continues to worsen in the area west of the CCS.

34. Respondents made no effort to show how any factor other than the CCS is currently contributing to the continuing westward movement of the saline water interface in this area of the County.

35. The preponderance of the record evidence indicates the CCS is the major contributing cause of the continuing westward movement of the saline water interface.

36. Fresh groundwater in the Biscayne Aquifer in southeast Miami-Dade County is an important natural resource that supports marsh wetland communities and is utilized by numerous existing legal water uses including irrigation, domestic self-supply, and public water supply. The Biscayne Aquifer is the main source of potable water in Miami-Dade County and is designated by the federal government as a sole source aquifer under the Safe Drinking Water Act.

37. Saltwater intrusion into the area west of the CCS is reducing the amount of fresh groundwater in the Biscayne Aquifer available for natural resources and water uses.

Water Quality Violations

38. At the final hearing, a DEP administrator testified that DEP was unable to identify a specific violation of state groundwater or surface water quality standards attributable to the CCS, but DEP's position cannot be reconciled with the undisputed evidence that the CCS has a groundwater discharge of hypersaline water that is contributing to saltwater intrusion. Florida Administrative Code Rule 62-520.400, entitled "Minimum Criteria for Ground Water," prohibits a discharge in concentrations that "impair the reasonable and beneficial use of adjacent waters."

39. Saltwater intrusion into the area west of the CCS is impairing the reasonable and beneficial use of adjacent G-II groundwater and, therefore, is a violation of the minimum criteria for groundwater in rule 62-520.400.

40. In addition, sodium levels detected in monitoring wells west of the CCS and beyond FPL's zone of discharge are many times greater than the applicable G-II groundwater standard for sodium. The preponderance of the evidence shows that the CCS is contributing to a violation of the sodium standard.

Agency Response

41. The 2008 Conditions of Certification included a Section X, entitled "Surface Water, Ground Water, Ecological Monitoring," which, among other things, required FPL and SFWMD

to execute a Fifth Supplemental Agreement regarding the operation and management of the CCS. New monitoring was required and FPL was to "detect changes in the quantity and quality of surface and ground water over time due to the cooling canal system."

42. Section X.D. of the Conditions of Certification provides in pertinent part:

> If the DEP in consultation with SFWMD and [Miami-Dade County Department of Environmental Resources Management] determines that the pre- and post-Uprate monitoring data: is insufficient to evaluate changes as a result of this project; indicates harm or potential harm to the waters of the State including ecological resources; exceeds State or County water quality standards; or is inconsistent with the goals and objectives of the CERP Biscayne Bay Coastal Wetlands Project, then additional measures, including enhanced monitoring and/or modeling, shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:
>
> * * *
>
> 3. operational changes in the cooling canal system to reduce any such impacts;

43. DEP determined that the monitoring data indicates harm to waters of the State because of the contribution of CCS waters to westward movement of the saline water interface. Under the procedures established in the Conditions of Certification, this

determination triggered the requirement for "additional measures" to require FPL to "evaluate or abate" the impacts.

44. Pursuant to the Conditions of Certification, a Fifth Supplemental Agreement was executed by FPL and SFWMD, which, among other things, requires FPL to operate the interceptor ditch to restrict movement of saline water from the CCS westward of Levee 31E "to those amounts which would occur without the existence of the cooling canal system." The agreement provides that if the District determines that the interceptor ditch is ineffective, FPL and the District shall consult to identify measures to "mitigate, abate or remediate" impacts from the CCS and to promptly implement those approved measures.

45. SFWMD determined that the interceptor ditch is ineffective in preventing saline waters from the CCS in deeper zones of the Biscayne Aquifer from moving west of the ditch, which triggered the requirement of the Fifth Supplemental Agreement for FPL to mitigate, abate, or remediate the impacts.

46. Following consultation between DEP and SFWMD, the agencies decided that, rather than both agencies responding to address the harm caused by the CCS, DEP would take action. DEP then issued the AO for that purpose.

The AO

47. The AO begins with 36 Findings of Fact, many of which are undisputed background facts about the history of Turkey Point and the CCS.

48. Also undisputed is the statement in Finding of Fact 25 that "the CCS is one of the contributing factors in the western migration of CCS saline Water" and "the western migration of the saline water must be abated to prevent further harm to the waters of the state."

49. Findings of Fact 16-19 and 25 indicate there is insufficient information to identify the causes and relative contributions of factors affecting saltwater intrusion in the area west of the CCS. However, as found above, the preponderance of the record evidence indicates the CCS is the major contributing cause of the continuing westward movement of the saltwater interface.

50. In the "Ordered" section of the AO, FPL is required to submit to DEP for approval a detailed CCS Salinity Management Plan. The AO explains that "[t]he primary goal of the Management Plan shall be to reduce the hypersalinity of the CCS to abate westward movement of CCS groundwater into class G-II (<10,000 mg/L TDS) groundwaters of the State."

51. The goal of reducing hypersalinity of the CCS to abate westward movement of CCS groundwater into class G-II

groundwaters is to be demonstrated by two success criteria: (1) reducing and maintaining the average annual salinity of the CCS at a practical salinity of 34 within 4 years of the effective date of the Salinity Management Plan; and (2) decreasing salinity trends in four monitoring wells located near the CCS.

52. Although the AO states that FPL's proposal to withdraw 14 mgd from the Upper Florida Aquifer and discharge it into the CCS might accomplish the goal of the AO, the AO does not require implementation of this particular proposal. It is just one of the options that could be proposed by FPL in its Salinity Management Plan.[1/]

53. If the success criteria in the AO are achieved, hypersaline water will no longer sink beneath the CCS, the rate of saltwater intrusion will be slowed, and the existing hypersaline plume would begin to "freshen."

Petitioners' Objections

54. ACI and the City object to the AO because the success criteria do not prevent further harm to water resources. Maintaining salinity in the CCS to 34 PSU will not halt the western movement of the saline water interface.

55. They also contend the AO is vague, forecloses salinity management options that could be effective, and authorizes FPL's continued violation of water quality standards.

56. For ACI, it doesn't matter when the saline water interface will reach its property because, advancing in front of the saltwater interface (10,000 mg/L TDS) is a line of less salty water that is still "too salty" for ACI's mining operations. Years before the saline water interface reaches ACI's property, ACI's mining operations will be disrupted by the arrival of groundwater with a chloride concentration at or above 250 mg/L.[2/]

CONCLUSIONS OF LAW

Standing

57. To establish standing, a party must present evidence to show that its substantial interests could be affected. St. Johns Riverkeeper, Inc. v. St. Johns River Water Mgmt. Dist., 54 So. 3d 1051, 1054 (Fla 5th DCA 2011).

58. The City claims standing based on the doctrine of *parens patriae*, which generally recognizes an inherent authority of the state to protect persons who are unable to act on their own behalf and there is a sovereign interest involved. See Engle v. Liggett Group, Inc., 945 So. 2d 1246 (Fla. 2006). In Engle, the Court stated "it is clear that a state may sue to protect its citizens against the pollution of the air over its territory; or interstate waters in which the state has rights." Id. at 1260.

59. The City cites no case in which the City or any other local government was held to have standing under the doctrine *parens patriae* to participate in a proceeding like the present case. The Administrative Law Judge declines the City's invitation to be the first forum in Florida to extend the doctrine of *parens patriae* to allow a municipality to intervene in a DEP enforcement action.

60. The City holds no water use permit and, generally, an entity has no water rights unless it has obtained a permit for the water or is using water pursuant to a statutory exemption from permitting. See Tequesta v. Jupiter Inlet Corp., 371 So. 2d 663 (Fla. 1979). However, in Osceola County v. St. Johns River Water Management District, 486 So. 2d 616 (Fla. 5th DCA 1986), it was held that Osceola County had standing based of the potential effect of the decision on the County's "various statutory duties and responsibilities with respect to planning for water management and conservation." See also South Fla. Water Mgmt. Dist. v. City of St. Cloud, 550 So. 2d 551 (Fla. 5th DCA 1989).

61. All local governments have statutory duties and responsibilities with respect to planning for water management and conservation under section 163.3177(6)(c), Florida Statutes. Therefore, based on the precedent established in Osceola County

and City of St. Cloud, supra, it is concluded the City of Miami has standing in this proceeding.

62. ACI and the City presented competent evidence that their substantial interests could be affected.

The Nature of the Proceeding

63. The parties debated the nature of the proceeding that was initiated by the AO. The AO begins with a statement that it is being issued under the authority of sections 403.061(8). Section 403.061(8) is the authority to issue "such orders as are necessary to effectuate the control of air and water pollution and enforce the same by all appropriate administrative and judicial proceedings."

64. Respondents contend the AO resolves a "violation" of Section X.D. of the Conditions of Certification, but Section X.D. has not been violated. A "violation" involves doing something that is prohibited or failing to do something that is required. FPL has done nothing prohibited by Section X.D. and has not failed to do something required by Section X.D. The section is directed to DEP, which is required to determine whether harm has been caused, consult with other agencies, and then require additional measures to address the harm.

65. The Conditions of Certification do not say what procedure DEP should use. DEP admitted the AO is not a typical administrative order and referred to it as a "hybrid" between an

administrative order and a consent order. Still, Respondents also describe the AO as a "pure" enforcement action.

66. The AO lacks the most fundamental element of an enforcement action: charges. An agency enforcement action charges a party with one or more violations of law, which the party has the right to challenge and attempt to refute. DEP did not charge FPL with violating the minimum criteria for groundwater, with violating the conditions of its industrial wastewater permit, or with violating the primary groundwater standard for sodium. FPL did not come to the final hearing to defend against these charges.

67. DEP cites some of its final orders that involved consent orders, but the AO is not a consent order.

68. ACI and the City are wrong in characterizing the AO as a permit. The Salinity Management Plan required by the AO could possibly lead to a permit or a modification to the Conditions of Certification, but the AO's requirement for a plan is not an authorization for FPL to change any facilities or operations at Turkey Point. For comparison, SFWMD issued a water use permit to FPL (the subject of DOAH Case No. 15-3845) to withdraw water from the L-31E Canal and discharge it into the CCS to lower water temperature and salinity. A permit was necessary because a water withdraw was authorized. The AO does not authorize any action.

69. Section 403.088(2)(e) gives DEP enforcement authority suited for the circumstances associated with the CCS discharge. This statute provides that, if a discharge will not meet permit conditions or applicable statutes and rules, DEP "may issue, renew, revise, or reissue the operation permit" when one of six specified criteria is satisfied. The criteria pertain to actions to come into compliance or to demonstrate why non-compliance is justified. However, DEP did not choose this approach.

The Meaning of the Term "Abate"

70. DEP defines the term "abate" in Paragraph 37 of the AO as "to reduce in amount, degree or intensity; lessen; diminish" and believes it is consistent with the meaning of the term in Section X.D. of the Conditions of Certification. ACI and the City dispute this interpretation and contend the term "abate" means to stop or terminate. However, this dispute is largely moot because the AO states that "[f]or the purposes of this Order" the term "abate" means to reduce. With this caveat, the term "abate" in the AO can have a different meaning than it has in the Conditions of Certification. However, the following analysis of the law was undertaken to show that the term "abate," as used in the Conditions of Certification, does not mean to reduce.

71. The term "abate" is not defined in Section X.D. or elsewhere in the Conditions of Certification. Under Section III, the following statement appears:

> The meaning of terms used herein shall be governed by the definitions contained in chapter 373 and 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other relevant state or federal statute or regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department.

72. There is no definition of "abate" in chapter 373 or chapter 403, or in any regulation adopted pursuant thereto. DEP made no showing about the use of the term in a relevant statute or regulation of the Federal Government or another state. DEP chose to use a dictionary definition of the term "abate."

73. Respondents made no effort to show the definition in the AO is the "most commonly accepted meaning" of the term. The most commonly accepted meaning is a matter subject to objective determination. DEP cannot simply deem a definition to be the most commonly accepted meaning if it is not.

74. In Webster's New Collegiate Dictionary, the first definition entry for the word "abate" is "to put an end to." The second entry is similar to the definition in the AO; that

is, to reduce or lessen. Most suggested synonyms are associated with the meaning to reduce or lessen. See e.g., Thesaurus.com

75. However, the terms "abate" and "abatement" are regularly used in environmental law. Therefore, choosing one of the meanings of "abate" outside the environmental context is unnecessary and inappropriate.

76. Several environmental statutes use the phrase "prevent or abate." This usage is not free of ambiguity, but it is more likely to mean "prevent or, if it is already occurring, then stop." See e.g., §§ 376.308, 403.061(9) 403.081(4), and 403.191(1), Fla Stat.

77. Section 373.433, entitled "Abatement," refers to injunctions if certain water control structures are violating DEP or water management district standards. The meaning of "abatement" in this section is clearly to stop the violation, not merely to diminish it.

78. Section 376.12(1) refers to "abatement of a prohibited discharge," which means to stop the discharge.

79. Sections 376.09 and 376.305, pertaining to the removal of prohibited discharges, states that polluters shall immediately "contain, remove, and abate the discharge," which is not free of ambiguity regarding the intended meaning of the word "abate." There are a few other statutes with this kind of ambiguous wording.

80. Section 403.4154(3) authorizes DEP to "abate or substantially reduce" hazards caused by phosphogypsum stacks. In this section, the term abate is clearly intended to mean to stop and to be distinguished from "reduce."

81. Section 403.709 refers to an "abatement action" brought by DEP to bring an illegal waste tire site into compliance. In this context, the word "abatement" means to stop the violation of waste tire regulations.

82. Section 403.726 is entitled "Abatement of imminent hazard caused by hazardous substance" and includes a similar statement that DEP "shall take and any action necessary to abate or substantially reduce any imminent hazard." In this section, the term "abate" means to stop.

83. Section 403.727(1)(g) refers to statutory remedies "available to the department to abate violations of this act." In this context, the term "abate" means to stop.

84. Section 376.11(6) provides for payment of moneys from the Florida Coastal Protection Trust Fund for "the abatement of any other potential pollution hazards," which means to end the hazard, not to diminish it.

85. Finally, article II, section 7(a) of the Florida Constitution provides:

> It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall

> be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources.

It is likely that the word "abate" in section 7(a) was intended to mean to stop pollution. A state policy to only reduce pollution does not sound very ambitious.

86. When these uses of the term "abate" or "abatement" are objectively considered, it is clear that the most commonly accepted meaning for the term in Florida environmental laws is to stop, terminate, or end.

87. It is logical that a statute granting enforcement power to DEP would grant full power to stop a violation or harmful activity, rather than only the power to reduce the violation or activity. Therefore, even in the statutes cited above, where the use of the term "abate" did not make its meaning clear, it is likely that the intended meaning was to stop.

88. The use of the term "abate" or similar terms in Florida statutes has not been interpreted by DEP or any court to mean DEP must always require complete restoration of the harm caused or full compliance with a standard. DEP retains enforcement discretion. It is a separate question whether the circumstances in any case provide a reasonable basis for DEP to require less than complete restoration or full compliance.

89. If the term "abate" in Section X.D. was intended by the Siting Board to mean to lessen or diminish, that would mean the Siting Board, without explanation, meant to prevent DEP from exercising its full range of enforcement authority with respect to harm caused by the CCS. That is an unreasonable interpretation.

Reasonable Enforcement Discretion

90. Because the AO purports to be an enforcement action, the applicable standard of review in this case is whether the action taken by the Department is a reasonable exercise of its enforcement discretion.

91. ACI and the City have the burden to prove by a preponderance of the evidence that the AO is not a reasonable exercise of enforcement discretion. They met their burden.

92. The AO is not a reasonable exercise of DEP's enforcement discretion because FPL has not been charged with violations of law and afforded due process to address the charges through litigation, consent order, or settlement.

93. The AO is not a reasonable exercise of DEP's enforcement discretion because, without demonstrating a reasonable basis for doing so, DEP does not require FPL to come into compliance with standards or specify a reasonable time for FPL to come into compliance.

94. The AO is an unreasonable exercise of DEP's enforcement discretion because the success criteria are inadequate to accomplish DEP's stated purposes as explained below.

a. Maintaining Salinity at 34 PSU in the CCS

i. Requiring FPL to maintain salinity in the CCS at 34 PSU is based on 34 PSU being the average salinity of Biscayne Bay. However, in the context of addressing existing harm to the Biscayne Aquifer, it could be an unnecessary impediment. It was not shown why it is important not to allow the water in the CCS to become fresher than Biscayne Bay.

ii. The evidence presented shows that, the fresher the water in the CCS, the greater would be the freshening of the Biscayne Aquifer beneath and west of the CCS. Perhaps FPL would be able to explain in the Salinity Management Plan why economic, technological, ecological, or other considerations support the reasonableness of going no fresher than 34 PSU. However this record does not show the reasonableness of restricting FPL's options in this manner. FPL should be free to consider and propose options to lower the salinity in the CCS even further if it is practicable and could achieve greater benefits.

iii. Requiring salinity to be maintained at 34 PSU is also unreasonable because it forecloses all options that could achieve the goal of the AO to abate westward movement of CCS

groundwater into Class G-II groundwater without lowering the salinity of CCS water or not lowering it as much. Respondents did not explain in the record why FPL should be foreclosed from considering any option that achieves the goal of reducing the westward movement of CCS groundwater.

b. Decreasing Salinity Trends in Nearby Wells

i. Another success criterion in the AO is for FPL to demonstrate "decreasing salinity trends" in four monitoring wells near the CCS, but the decreasing trend is not quantified.

ii. The wording in the AO allows for achievement of this success criterion even with decreasing trends that are smaller than was predicted by the computer modeling upon which DEP relied. If decreasing salinity trends in wells near the CCS are smaller, then there would likely be less slowing of the westward movement of the saline water interface than was predicted by the modeling, and one of DEP's stated purposes would be thwarted.

iii. In addition, by only using wells near the CCS, the AO allows for the possibility that salinity trends near the CCS decrease as predicted by the computer modeling, but the predicted benefits at distance do not occur.

c. FPL's Contribution to the Harm

In this proceeding, DEP never stated that it had made a determination that FPL should not be required to terminate its contribution to the westward movement of the saline water

interface. Instead, DEP stated that FPL's contribution had not been determined. That was the reason given for the enforcement approach taken by DEP. However, the AO does not require FPL to determine its contribution.

95. All of the infirmities in the AO described above can be cured by amending the AO to delete the proposed success criteria and require FPL to submit a Salinity Management Plan that includes an analysis of the factors contributing to the western movement of saltier groundwater and options that could eliminate the CCS's contribution. In this amended form, the AO would not be an enforcement instrument, but would achieve DEP's apparent intent to require further analysis of the problem and its solution.

96. Petitioners' claim that DEP should take immediate enforcement action to stop FPL's current violations and prevent further harm is a claim that must be brought in a proceeding under section 403.412, section 120.69, or other law which allows for redress of injuries when DEP has chosen not to exercise its enforcement authority.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law it is

RECOMMENDED that the Department of Environmental Protection rescind the AO or amend it as described above.

DONE AND ENTERED this 15th day of February, 2016, in Tallahassee, Leon County, Florida.

BRAM D. E. CANTER
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 15th day of February, 2016.

ENDNOTES

[1/] FPL applied to modify the Conditions of Certification to authorize FPL to withdraw 14 mgd from the Upper Floridan Aquifer for use in the CCS. ACI challenged the proposed modification in a separate DOAH proceeding, a hearing was held, a Recommended Order was issued, and the matter is now pending before the Governor and Cabinet in their capacity as the State Siting Board.

[2/] TDS and chloride concentration are not equivalent, but can be considered roughly equivalent for the purpose of this finding.

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Petitioner,

v.

FLORIDA POWER & LIGHT COMPANY, INC.,

Respondent.
_____/

IN THE OFFICE OF THE SOUTHEAST DISTRICT

OGC File No.: 16-0241

NOTICE OF VIOLATION AND
ORDERS FOR CORRECTIVE ACTION

To: Florida Power & Light Company, Inc.
c/o J. E. Leon, Registered Agent
4200 West Flagler Street
Suite 2113
Miami, Florida 33134

Certified Return Receipt No. 7013 2630 0001 2651 6074

Pursuant to the authority of section 403.121(2), Florida Statutes, the State of Florida Department of Environmental Protection (Department) gives notice to Florida Power & Light Company, Inc. (Respondent) of the following findings of fact and conclusions of law with respect to violations of chapter 403, Florida Statutes.

FINDINGS OF FACT

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, and the rules promulgated thereunder in title 62, Florida Administrative Code.

2. Respondent is an active Florida corporation, registered to conduct business in the State of Florida. Respondent is a regulated Florida Utility providing electric service to 4.7 million customers in 35 counties.

3. Respondent owns and operates the Turkey Point Power Plant located on approximately 9,400 acres in unincorporated Miami-Dade County, Florida along the coastline adjacent to Biscayne Bay (Turkey Point), with a permitted address of 9670 S.W. 344 Street, Florida City, Miami-Dade County, Florida.

4. Turkey Point consists of five electrical generating units and also includes a cooling canal system (CCS). The CCS is made up of a 5,900-acre network of canals providing a heat removal function for the five electrical generating units.

5. Respondent is the permittee of National Pollutant Discharge Elimination System Industrial Wastewater Permit Number FL0001562 (Permit). Respondent operates the CCS under the Permit.

6. The CCS canals are unlined and have a direct connection to the groundwater.

7. On or about December 23, 2014, the Department issued an Administrative Order related to the CCS at Turkey Point.

8. On or about February 9, 2015, the Administrative Order was petitioned and subsequently referred to the Division of Administrative Hearings (DOAH) (Consolidated Case Numbers 15-1746 and 15-1747).

9. On February 15, 2016, the Administrative Law Judge issued a Recommended Order in DOAH Case Numbers 15-1746 and 15-1747 (Recommended Order).

10. On April 21, 2016, the Recommended Order, as modified in part, was adopted by the Department in Final Order Number 16-0111.

11. The following findings in the Final Order are hereby incorporated in this Notice of Violation:

a. The CCS is the major contributing cause to the continuing westward movement of the saline water interface;

b. The CCS groundwater discharge of hypersaline water contributes to saltwater intrusion;

c. Rule 62-520.400, Florida Administrative Code, prohibits a discharge in concentrations that impair the reasonable and beneficial use of adjacent waters;

d. Saltwater intrusion into the area west of the CCS is impairing the reasonable and beneficial use of adjacent G-II groundwater and therefore, is a violation of the minimum criteria for groundwater in rule 62-520.400, Florida Administrative Code.

12. Condition IV. 1. of the Permit requires that Respondent's discharge to groundwater shall not cause a violation of the minimum criteria for groundwater as specified in rules 62-520.400 and 62-520.430, Florida Administrative Code.

13. Section 403.161(1)(b), Florida Statutes, states, in part, it is a violation to fail

to comply with a permit issued by the Department.

CONCLUSIONS OF LAW

14. The Department has evaluated the Findings of Fact with regard to the requirements of chapter 403, Florida Statutes, and title 62, Florida Administrative Code. Based on the foregoing facts, the Department has made the following conclusions of law.

15. Respondent is a "person" as defined in section 403.031(5), Florida Statutes.

16. Respondent is the permittee of the Permit.

17. Respondent operates the CCS under the Permit.

18. The facts set forth above constitute a violation of section 403.161(1)(b), Florida Statutes, for failing to comply with Condition IV. 1. of the Permit.

ORDERS FOR CORRECTIVE ACTION

19. The Department has alleged that the activities related in the Findings of Fact constitute violations of Florida law. The Orders for Corrective Action state what you, Respondent, must do in order to correct and redress the violations alleged in this Notice. The Department will adopt the Orders for Corrective Action as part of its Final Order in this case unless Respondent either files a timely petition for a formal hearing or informal proceeding, pursuant to section 403.121(2)(c), Florida Statutes, or files written notice with the Department opting out of this administrative process, pursuant to section 403.121(2)(c), Florida Statutes. (See Notice of Rights.) If Respondent fails to comply with the corrective actions ordered by the Final Order, the Department is authorized to file suit seeking judicial enforcement of the Department's Order pursuant

to sections 120.69, 403.121, and 403.131, Florida Statutes.

20. Pursuant to the authority of sections 403.061(8) and 403.121, Florida Statutes, the Department proposes to adopt in its Final Order in this case the following specific corrective actions that will redress the alleged violations.

21. Within 21 days of the effective date of this Order, Respondent shall enter into consultations with the Department to address abatement and remediation measures necessary to address the violation set forth above. At the start of this consultation, Respondent shall provide the following information/data to the Department:

a. All final studies and analyses of the effects of the CCS on ground waters.

b. All final studies and analyses regarding abatement, remediation, modeling and/or prevention of the hypersaline plume, to which the CCS contributes.

22. Respondent and Department shall attempt to enter into an agreeable consent order or equivalent that incorporates corrective actions to abate and remediate the effects of the violation listed above. The consent order or equivalent shall, at a minimum, delineate actions to abate the CCS contribution to the hypersaline plume, reduce the size of the hypersaline plume, and prevent future harm to waters of the State.

23. If parties are unable to enter into a consent order or equivalent incorporating the terms described above, within 60 days of the effective date of this

Order, the Department may issue a comprehensive management plan to, at a minimum, abate the CCS contribution to the hypersaline plume, reduce the size of the hypersaline plume, and prevent future harm to waters of the State. Respondent shall implement the comprehensive management plan as issued by the Department.

24. Except as otherwise provided, all submittals required by this Order shall be sent to Elsa Potts, Program Administrator Water Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

NOTICE OF RIGHTS

25. Respondent's rights to negotiate, litigate or transfer this action are set forth below.

Right to Negotiate

26. This matter may be resolved if the Department and Respondent enter into a consent order, in accordance with section 120.57(4), Florida Statutes, upon such terms and conditions as may be mutually agreeable.

Right to Request a Hearing

27. Respondent has the right to a formal administrative hearing pursuant to sections 120.569, 120.57(1), and 403.121(2), Florida Statutes, if Respondent disputes issues of material fact raised by this Notice of Violation and Orders for Corrective Action (Notice). At a formal hearing, Respondent will have the opportunity to be represented by counsel or other qualified representative, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any

order or administrative law judge's recommended order.

28. Respondent has the right to an informal administrative proceeding pursuant to sections 120.569 and 120.57(2), Florida Statutes, if Respondent does not dispute issues of material fact raised by this Notice. If an informal proceeding is held, Respondent will have the opportunity to be represented by counsel or other qualified representative, to present to the agency written or oral evidence in opposition to the Department's proposed action, or to present a written statement challenging the grounds upon which the Department is justifying its proposed action.

29. If Respondent desires a formal hearing or an informal proceeding, Respondent must file a written responsive pleading entitled "Petition for Administrative Proceeding" within 20 days of receipt of this Notice. The petition must be in the form required by rule 28-106.2015, Florida Administrative Code.

(a) The Department's Notice identification number and the county in which the subject matter or activity is located;

(b) The name, address, and telephone number, and facsimile number (if any) of each respondent;

(c) The name, address, telephone number, and facsimile number of the attorney or qualified representative of respondent, if any, upon whom service of pleadings and other papers shall be made;

(d) A statement of when respondent received the Notice; and

(e) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.

A petition is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida, 32399-3000.

Right to Request Mediation

30. Respondent may request mediation after filing a petition for hearing. Requesting mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The mediation will be held if the parties enter a written agreement, which is described below, within 30 days after receipt of the Notice. The mediation must be completed within 60 days of the agreement unless the parties otherwise agree.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and

(g) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the

agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify the Respondent in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

Waivers

31. Respondent will waive the right to a formal hearing or an informal proceeding if a petition is not filed with the Department within 20 days of receipt of this Notice. These time limits may be varied only by written consent of the Department.

General Provisions

32. The allegations of this Notice together with the Orders for Corrective Action will be adopted by the Department in a Final Order if Respondent fails to timely file a petition for a formal hearing or informal proceeding, pursuant to section 403.121, Florida Statutes. A Final Order will constitute a full and final adjudication of the matters alleged in this Notice.

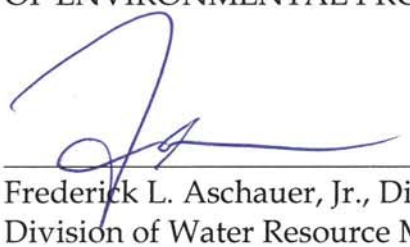
33. If Respondent fails to comply with the Final Order, the Department is authorized to file suit in circuit court seeking a mandatory injunction to compel compliance with the Order, pursuant to sections 120.69, 403.121 and 403.131, Florida Statutes. The Department may also seek to recover damages, all costs of litigation including reasonable attorney's fees and expert witness fees, and civil penalties of not more than $10,000 day for each day that Respondent has failed to comply with the Final Order.

34. The Department is not barred by the issuance of this Notice from maintaining an independent action in circuit court with respect to the alleged violations. If such action is warranted, the Department may seek injunctive relief, damages, civil penalties of not more than $10,000 per day, and all costs of litigation.

35. Copies of Department rules referenced in this Notice may be examined at any Department Office or may be obtained by written request to the person listed on the last page of this Notice.

DATED this 25th day of April, 2016.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Frederick L. Aschauer, Jr., Director
Division of Water Resource Management

Copies furnished to:
Larry Morgan, OGC Enforcement Section
Mail Station 35

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City, State, ZIP+4

Florida Power & Light Company, Inc.
c/o J.E. Leon, Registered Agent
4200 West Flagler Street, Suite 2113
Miami, FL 33134

PS Form 3800, August 2006 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Florida Power & Light Company, Inc.
c/o J.E. Leon, Registered Agent
4200 West Flagler Street, Suite 2113
Miami, FL 33134

COMPLETE THIS SECTION ON DELIVERY

A. Signature
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Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

April 25, 2016

Florida Power & Light Company, Inc.
c/o J.E. Leon, Registered Agent
4200 West Flagler Street
Suite 2113
Miami, Florida 33134

Certified US Mail Return Receipt
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Re: Warning Letter #WL16-00015IW13SED
Turkey Point Power Plant
Facility ID No.: FL0001562
Miami-Dade County

Dear Sir:

The Department is in receipt of a March 2016 "Report on Recent Biscayne Bay Water Quality Observations associated with Florida Power and Light Turkey Point Cooling Canal System Operations" (Report). The Report indicates recent sampling events "provide compelling evidence that water originating from the Cooling Canal System is reaching these tidal surface waters connected to Biscayne Bay." Information in the Report indicates possible violations of chapter 403, Florida Statutes, and chapters 62-302 and 62-520, Florida Administrative Code.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to section 403.161, Florida Statutes.

Please contact Elsa Potts, at (850) 245-8665, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

Frederick L. Aschauer, Jr., Director
Water Resource Management
Florida Department of Environmental Protection

cc: Elsa Potts, DEP

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c/o J.E. Leon, Registered Agent
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BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	)	IN THE OFFICE OF THE SOUTHEAST DISTRICT
v.	)	
FLORIDA POWER & LIGHT COMPANY,	)	OGC FILE NO. 16-0241

CONSENT ORDER

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.

The Department finds:

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 5th 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 Kjedahl 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 1st through May 31st 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, Florda.

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.

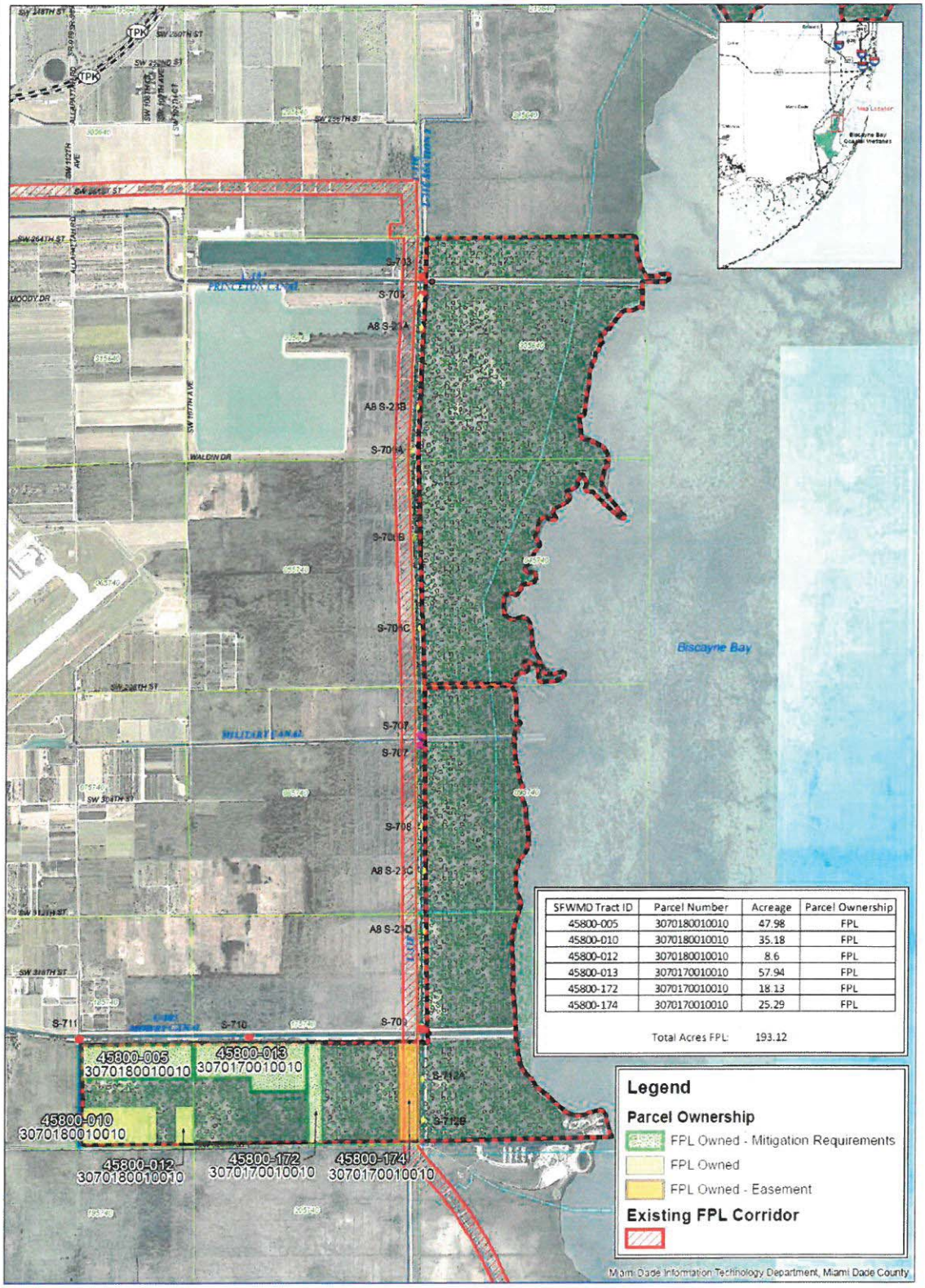
Clerk

Date 6/20/2016

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Attachment A



SFWMD Tract ID	Parcel Number	Acreage	Parcel Ownership
45800-005	3070180010010	47.98	FPL
45800-010	3070180010010	35.18	FPL
45800-012	3070180010010	8.6	FPL
45800-013	3070170010010	57.94	FPL
45800-172	3070170010010	18.13	FPL
45800-174	3070170010010	25.29	FPL

Total Acres FPL: 193.12

BBCW - Phase 1
L-31 East Flow-way
FPL Parcel Ownership - within Project

South Florida Water Management District
3301 Gun Club Rd, West Palm Beach, FL 33406
561-686-8800 - FL WATS 1-800-432-2045
P.O. Box 24680 - West Palm Beach, FL 33416-4680

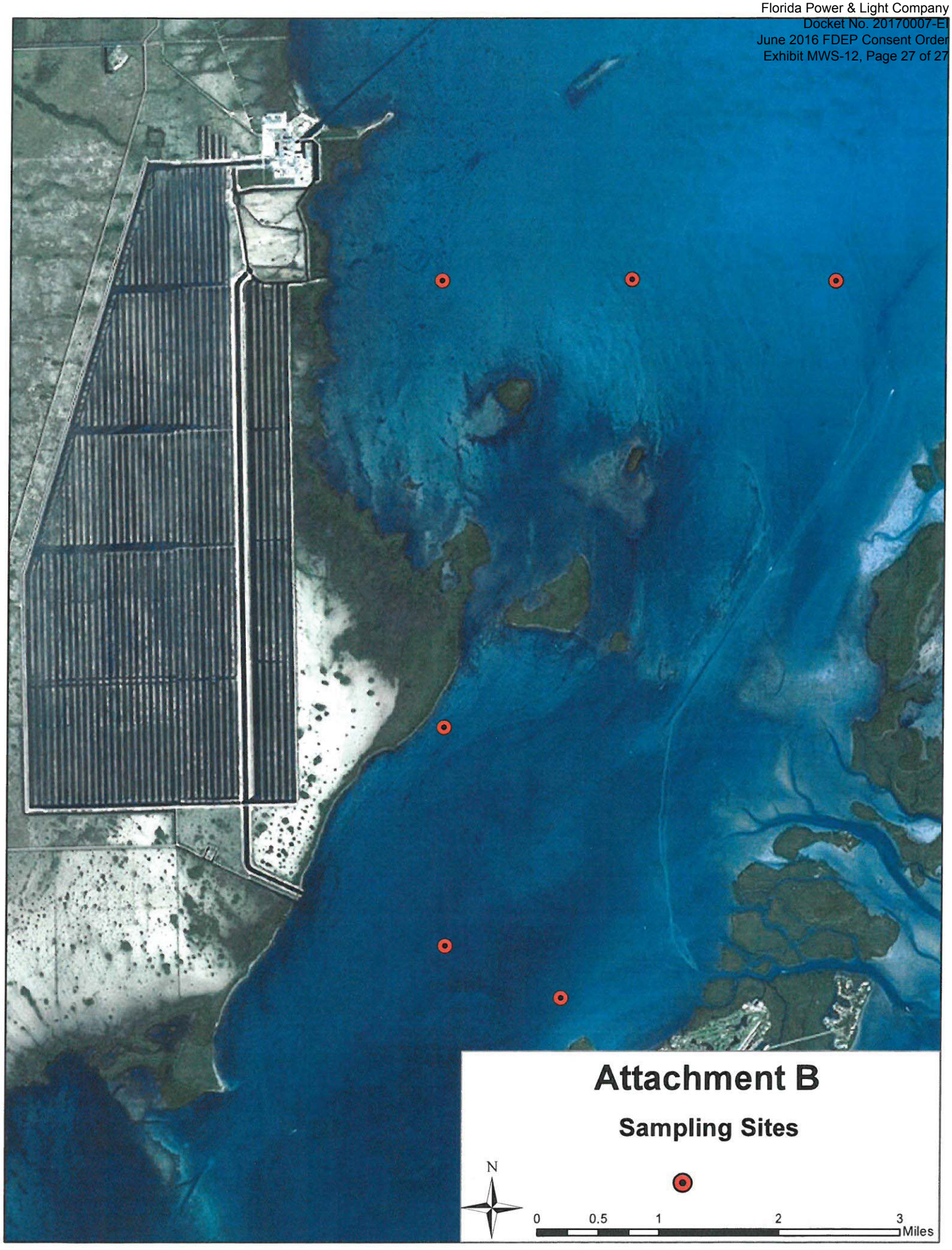
0 0.5 1 Miles

IMPORTANT DISCLAIMER
This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not a legal recording or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.

Map Date: June 2016

GEOSPATIAL SERVICES

User Name: hkostura Remedy Ticket: 00013976 Date Saved: 6/10/2016 1:42:22 PM \\ad.sfwmd.gov\dfsroot\data_g\plans_data\maps\prof\mxd\arm\BBCW PH1 L-31E_FPLwithinProject_Mitigation.mxd


Attachment B
Sampling Sites
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1
2
3
Miles

MIAMI-DADE COUNTY
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

August 15, 2016

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

Certified Mail No. 7009 0080 0000 1050 8141
Return Receipt Requested

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

Dear Mr. LaBauve:

Enclosed you will find an original of the above-referenced Consent Agreement Addendum which was executed today, August 15, 2016. Be advised that the date of execution initiates specific time periods with which FPL must comply as described in the Addendum.

If you have any questions concerning the above, please contact me at 305-372-6514 or email brownb@miamidade.gov. Thank you for your assistance in this matter.

Sincerely,

Barbara Brown

Barbara Brown
Special Projects Administrator
Regulatory Services

Enclosure

ec: Abbie Schwaderer-Raurell – CAO

ADDENDUM 1 TO THE OCTOBER 7, 2015 CONSENT AGREEMENT
BETWEEN
MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT
AND
FLORIDA POWER & LIGHT COMPANY

This Consent Agreement Addendum 1, entered into by and between Miami-Dade County Department of Regulatory and Economic Resources, Division of Environmental Resources Management (hereinafter referred to as "DERM"), and Florida Power & Light Company, (hereinafter referred to as "Respondent"), pursuant to Section 24-7(15)(c) of Chapter 24 of the Code of Miami-Dade County, shall serve to amend the October 7, 2015 Consent Agreement (Attachment 1) executed for the Turkey Point power plant facility and Cooling Canal System (CCS) located at, near or in the vicinity of 9700 SW 344 Street, Unincorporated, Miami-Dade County, Florida (DERM IW-3, IW-16, IW5-6229, DWO-10, CLI-2014-0312, HWR-851).

Subsequent to the Consent Agreement executed on October 7, 2015, a review of sampling data submitted by FPL and water quality sampling conducted by DERM revealed levels of ammonia as N exceeding the water quality standards set forth in Section 24-42(4) and clean-up target levels in Section 24-44(2)(f)(v)1, which constitutes water pollution as defined in Section 24-5 of the Code of Miami-Dade County. These results include ammonia as N in samples collected from surface water monitoring stations tidally connected to Biscayne Bay including, but not limited to, TPBBSW-7 and TPBBSW-8. This Consent Agreement requires FPL to take action to address the County's alleged violations of water quality standards and cleanup target levels relating to the exceedance of ammonia.

DERM and the Respondent agree to add Paragraph 34 to the October 7, 2015 Consent Agreement to address the referenced ammonia violations as follows:

34. Addendum 1.

    a. Within thirty (30) days of the execution of Addendum 1 of this Consent Agreement, the Respondent shall submit a Site Assessment Plan to DERM for review and approval which shall allow for the identification of the source(s) of the ammonia exceedances and the delineation of the vertical and horizontal extent of the subject ammonia exceedances in surface water. Said plan shall be adequate to address the ammonia exceedances to the surface waters surrounding the facility, including but not limited to, waters tidally connected to Biscayne Bay.

    b. Within sixty (60) days of DERM's approval of the Site Assessment Plan, the Respondent shall implement said plan and submit to DERM a Site Assessment Report for review and approval or approval with modifications which shall address the requirements of Item (a) above. The SAR shall include copies of the laboratory analytical reports, sampling logs, chain of custody forms and other information in accordance with the DERM approved Site Assessment Plan. All data submitted shall be in final form and no estimates or preliminary data will be accepted. All appropriate QA/QC documentation shall be submitted with the analytical results. In addition, all testing results submitted to DERM in response to this Addendum may be listed using the data form attached (Attachment 2).

c. Within ninety (90) days of approval of the Site Assessment Report, the Respondent shall submit to DERM for review and approval a Corrective Action Plan (CAP) prepared by a State of Florida registered professional engineer which, shall include, but not be limited to, the following:

   i. Design of an environmental restoration plan to correct the exceedences of ammonia standards and criteria,

   ii. Details of proposed process modifications or changes in operational systems to manage and control the source(s) of ammonia to prevent future violations of the provisions of Chapter 24 at the subject facility,

   iii. Physical, structural, or hydraulic modifications in the area of the CCS and adjacent surface waters to eliminate the contributions of CCS waters to the surface waters of Miami-Dade County, and

   iv. A time table for implementation and completion of the Corrective Action Plan.

d. Upon approval of the CAP, the Respondent shall implement said CAP in accordance with the approved timetable in order to cease discharges from the Turkey Point facility that cause or contribute to ammonia exceedances in violation of County water quality standards, cleanup target levels or which cause water pollution.

e. Within thirty (30) days of the execution of Addendum 1 to this Consent Agreement, the Respondent shall pay DERM administrative costs in the amount of five thousand dollars ($5,000.00). The payment shall be made payable to Miami-Dade County and sent to DERM, 701 NW 1st Court, 6th Floor, Miami, Florida 33136, Attention: Barbara Brown.

All other provisions of the October 7, 2015 Consent Agreement shall remain unchanged and in full force and effect for the duration of that Agreement.

This Consent Agreement Addendum 1 and the provisions herein shall become effective upon execution by the Director of DERM or the Director's designee.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURES APPEAR ON FOLLOWING PAGE]

8/12/2016
Date

Signature

Randall R. LaBauve
Print Name and Title

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Respondent

Notary Public State of Florida
Fannie Strickland
My Commission FF 992597
Expires 05/15/2020

Before me, the undersigned authority, personally appeared Randy P. LaBauve who after being duly sworn, deposes and says that he has read the foregoing.

Subscribed and sworn to before me this 12th day of August, 2016 by Randy R. LaBauve.
(Name of affiant)

Personally Known ✓ or Produced Identification ___.
(Check One)

Type of Identification Produced: _____

Notary Public

DO NOT WRITE BELOW THIS LINE OFFICE USE ONLY

8-15-2016
Date

Lee N. Hefty, Director
Environmental Resources Management

Barbara Brown
Witness

Witness

MIAMI-DADE COUNTY, through its DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT,

Complainant,

v.

FLORIDA POWER & LIGHT COMPANY,

Respondent.
_____/

CONSENT AGREEMENT

This Consent Agreement, entered into by and between the Complainant, MIAMI-DADE COUNTY, through its DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, DIVISION OF ENVIRONMENTAL RESOURCES MANAGEMENT ("DERM"), and the Respondent FLORIDA POWER & LIGHT COMPANY ("FPL"), pursuant to Section 24-7(15)(c) of the Code of Miami-Dade County, shall serve to redress alleged violations of Chapter 24 of the Code of Miami-Dade County located near, surrounding, or in the vicinity of the Cooling Canal System located at Turkey Point on FPL's property, as further described herein, in Miami-Dade County, Florida.

DERM and FPL enter into the following Consent Agreement:

FINDINGS OF FACT

1. DERM is a division of Miami-Dade County, a political subdivision of the State of Florida, which is empowered to control and prohibit pollution and protect the environment within Miami-Dade County pursuant to Article VIII, Section 6 of the Florida Constitution, the Miami-Dade County Home Rule Charter and Section 403.182 of the Florida Statutes.

2. Florida Power & Light Company ("FPL") is the owner and operator of the Turkey Point Power Plant, and FPL is the owner and operator of approximately a 5,900-acre network of unlined canals (the "Cooling Canal System" or "CCS") on the FPL property described in the map in Exhibit A (the "Property").

3. In 1971, FPL signed a Consent Decree with the U.S. Department of Justice that required the construction, after permitting, of a closed-loop cooling configuration, with no discharge to surface waters.

4. The Florida Department of Pollution Control (later to become the Florida Department of Environmental Protection), in 1971, issued Construction Permit No. IC-1286 for the CCS. In 1972, Dade County issued Zoning Use Permit No. W-49833 for the excavation of the proposed Alternate Cooling Water Return Canal. FPL represents that in 1973, the construction of the CCS was completed; and the CCS was closed from the surface waters of both Biscayne Bay and Card Sound, becoming a closed-loop system.

5. An approximate 18 foot deep interceptor ditch located along the west side of the CCS was designed and constructed to create a hydraulic barrier to keep water in the CCS from migrating inland or westward.

6. In 1972, FPL entered into an agreement with the Central and Southern Florida Flood Control District (later to become the South Florida Water Management District or "District") addressing the operations and impacts of the CCS. The agreement has been updated several times, with the most recent version being the Fifth Supplemental Agreement between the District and FPL entered into on October 16, 2009 ("Fifth Supplemental Agreement") which included an extensive monitoring program for the CCS, entitled the Turkey Point Plant Groundwater, Surface Water and Ecological Monitoring Plan ("2009 Monitoring Plan"), incorporated as Exhibit A of the Fifth Supplemental Agreement.

7. In a letter dated April 16, 2013, the District notified FPL of their determination that saline water from the CCS has moved westward of the L-31E Canal in excess of those amounts that would have occurred without the existence of the CCS, and pursuant to the provisions of the Fifth Supplemental Agreement, initiated consultation with FPL for the mitigation, abatement or remediation of the saline water movement.

8. DERM issued a Notice of Violation dated October 2, 2015 (the "NOV") to FPL, alleging violations of Chapter 24 of the Code of Miami-Dade County, for alleged violations of County water quality standards and criteria in groundwater attributable to FPL's actions, and specifically for groundwaters outside the boundaries of FPL's Cooling Canal System and beyond the boundaries of the Property.

9. The phrase "hypersaline water" as used herein is defined as water that exceeds 19,000 mg/L chlorides.

10. DERM maintains there is hypersaline water attributable to FPL's actions in the groundwaters outside the boundaries of the Property, which exceeds County water quality standards and criteria. FPL acknowledges the presence of hypersaline water in certain areas outside the boundaries of the Property. For waters that do not reach the level of hypersalinity, DERM and FPL do not agree on the applicable "background" standards for chlorides.

11. In 2013 and 2014, FPL experienced water quality issues within the CCS, including increases in temperature and salinity, and FPL sought approvals from various regulatory agencies for actions to improve the water quality within the CCS.

12. DEP issued an Administrative Order, No. 14-0741, on December 23, 2014, requiring FPL to, among other things, reduce and maintain the annual average salinity of the CCS at a practical salinity of 34, and that Administrative Order is currently the subject of an Administrative Hearing.

13. Both DERM and FPL agree and acknowledge that it would be beneficial to improve the water quality within the Cooling Canal System itself, and FPL has already undertaken some efforts to improve the CCS water quality.

14. This Consent Agreement requires FPL to take action to address the County's alleged violations of County water quality standards and criteria in groundwaters outside the CCS as described in the NOV. As part of these actions, this Consent Agreement also requires FPL to take into account its efforts to improve CCS water quality and the potential and actual impacts of such actions on water resources outside the CCS, to not cause or contribute to (i) the exacerbation of alleged violations of County water quality standards or criteria or (ii) future violations of County water quality standards or criteria in the groundwaters or surface waters outside the CCS.

15. FPL hereby agrees to the terms of this Consent Agreement without admitting the allegations made by the above-mentioned NOV.

16. In an effort to expeditiously resolve this matter and to ensure compliance with Chapter 24 of the Code of Miami-Dade County, and to avoid time consuming and costly litigation, the parties hereto agree to the following, and it is ORDERED:

REQUIREMENTS

17. FPL shall undertake the following activities to specifically address water quality impacts associated with the CCS, as alleged in the NOV. The objective of this Consent Agreement will be for FPL to demonstrate a statistically valid reduction in the salt mass and volumetric extent of 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 this Consent Agreement is to reduce the rate of, and, as an ultimate goal, arrest migration of hypersaline groundwater. Recognizing other factors beyond FPL's control may influence movement of groundwater in the surficial aquifer, FPL shall reasonably take into account such factors when developing and implementing remedial actions to minimize the timeframe for achieving compliance with this Consent Agreement.

a. Abatement.

i. DERM acknowledges that FPL is planning to undertake the following:

1. pursue permitting, construction and operation of up to six Upper Floridan Aquifer System wells in accordance with the Site Certification Modification that is the subject of DOAH Case No. 15-1559EPP.

2. continue the use of the existing marine wells (SW-1, SW-2, and PW-1) as a short term resource to lower and maintain salinities. FPL shall work to avoid the use of the marine wells, except under extraordinary circumstances.

3. continue operation of the authorized L-31E canal pumps as a short term resource only, in accordance with the terms and conditions of the applicable approvals. FPL acknowledges that the use of water from the L-31E canal is intended only as a short term resource to lower CCS salinity. FPL anticipates the need for this resource for the next two years to reduce salinity as it transitions into the long term resources that are intended to maintain the lower salinity in the CCS. FPL acknowledges that additional regulatory

approvals will be required for continuation of this activity beyond the expiration of the existing approvals.

ii. FPL shall evaluate alternative water sources to offset the CCS water deficit and reduce chloride concentration in the CCS, and as a means of abating the westward movement of CCS groundwater. FPL will consider the practicality and appropriateness of using reclaimed wastewater from the Miami-Dade County South District Waste Water Treatment Plant as an alternative water source. FPL will provide DERM a summary of its Alternative Water Supply plan within 180 days of executing the Consent Agreement. FPL recognizes the importance and potential for reuse water, and FPL will make good faith efforts to implement the use of reuse water where practicable.

iii. FPL shall also conduct a review of the Interceptor Ditch operations to determine if current design and/or operations can be practicably modified to improve its function recognizing the current status of the CCS and surrounding wetlands. FPL will provide a summary of its Interceptor Ditch Review within 180 days of executing the Consent Agreement.

iv. The alternative water sources and any modifications to Interceptor Ditch design or operation shall be authorized through the appropriate regulatory processes and shall be demonstrated to not create adverse impacts to surface waters, groundwater, wetland or other environmental resources consistent with the Fifth Supplemental Agreement.

b. Remediation. FPL shall develop and implement the following actions to intercept, capture, contain, and retract hypersaline groundwater (groundwater with a chloride concentration of greater than 19,000 mg/L) to the Property boundary to achieve the objectives of this Consent Agreement.

i. Phase I. FPL shall design, permit, and construct a Biscayne Aquifer Recovery Well System (RWS) based on the results of a variable density dependent groundwater model which shall be sufficient to support the design of the RWS to intercept, capture, and contain the hypersaline plume; support authorization through the appropriate regulatory processes; and demonstrate that it will not create adverse

impacts to groundwater, wetland (hydroperiod or water-stage), or other environmental resources. Final operation and design will be informed by an Aquifer Performance Test (APT). FPL shall provide its design and supporting information for the Recovery Well System and associated monitoring wells for DERM review and approval within 180 days of executing the Consent Agreement. FPL shall proceed with implementation within one year of executing the Consent Agreement, subject to regulatory timelines not in FPL's control. The initial design will be based on up to 12 MGD disposal capacity recognizing existing on-site capability. Efficacy of this design constraint will be reviewed in Phases 2, 3, and 4.

ii. Phase 2. FPL shall operate the RWS in accordance with all local, state, and federal regulatory requirements, collect data as required by the monitoring program, and employ the data to inform and reduce the uncertainty of the groundwater model. Status and efficacy of the system operation in meeting the objectives of this Consent Agreement and results of continued groundwater model refinement will be provided in the annual reports required in Paragraph 17d.

iii. Phase 3. After five years, FPL shall evaluate the effectiveness of the RWS in achieving the goal to intercept, capture, contain, and ultimately retract the hypersaline groundwater plume. This evaluation shall include estimated milestones and be based on the results of the monitoring data and refined groundwater/surfacewater model, which will be submitted to DERM. If the analysis indicates that the RWS is not anticipated to achieve the goal to intercept, capture, contain, and ultimately retract the hypersaline groundwater plume, FPL shall make recommendations for modifications to the project components and/or designs to ensure the ability of the system to achieve the objectives of the Consent Agreement. The evaluation and any proposed revisions shall be submitted to DERM for review and approval.

iv. Phase 4. After ten years, FPL shall review the results of the activities and progress to achieve the objectives of this Consent Agreement, and this evaluation shall be submitted to DERM. If monitoring demonstrates that the activities are not achieving the objectives of this Consent Agreement, FPL shall revise the project components and/or designs to ensure the ability of the system to achieve the objectives of this

Consent Agreement. The proposed revisions shall be submitted to DERM for review and approval.

c. Regional Hydrologic Improvement Projects. In addition, FPL agrees to undertake the following:

i. Raise control elevations in the Everglades Mitigation Bank. Within 30 days of the effective date of this Consent Agreement, FPL shall raise the control elevations of the FPL Everglades Mitigation Bank ("EMB") culvert weirs to no lower than 0.2 feet lower than the 2.4 foot trigger of the S-20 structure and shall maintain this elevation. After the first year of operation, FPL shall evaluate the change in control elevation, in regards to improvements in salinity, water quality, and lift in the area, and if FPL determines that the change in control elevations is not effective, or that FPL is negatively impacted in receiving mitigation credits as a result of this action, FPL will consult with DERM and propose potential alternatives.

ii. Fill portions of the Model Lands North Canal within the Everglades Mitigation Bank. Within 30 days of the effective date of the Consent Agreement, FPL shall seek all necessary regulatory approvals to place excavated fill from the adjoining roadway into the Model Lands North Canal within FPL's Everglades Mitigation Bank. Upon issuance of such regulatory approvals, FPL shall, starting on the east end, fill the Model Lands North Canal. This Consent Agreement only requires FPL to fill to the extent the fill is available from the adjoining roadway permitted to be degraded.

iii. If the District determines that flowage easements are needed from FPL in order to increase the operational stages of the S-20 water control structure as planned and approved by CERP, FPL agrees to provide such flowage easements for FPL owned land within the Everglades Mitigation Bank, in favor of the District within six months of the determination.

iv. FPL acknowledges the benefit of hydrologic restoration projects contemplated by the Comprehensive Everglades Restoration Project ("CERP"), as well as other government entities, adjacent and to the west of the CCS in controlling movement of hypersaline and saline waters in the Biscayne Aquifer. FPL commits to working with

local, state and federal agencies to facilitate implementation of these projects to promote improved hydrologic conditions.

d. Monitoring and Reporting. FPL shall conduct monitoring to evaluate the progress made in achieving the objectives of this Consent Agreement. This includes actions that result from satisfying the abatement, remediation and hydrologic improvement components of this Consent Agreement. FPL shall initiate the monitoring and reporting requirements identified below within 30 days of executing the Consent Agreement. The monitoring shall include the following:

i. FPL shall facilitate DERM access to all data from continuous electronically monitored stations.

ii. FPL shall continue to provide monthly and quarterly reports substantially consistent with those required in M-D Class I permit CLI-2014-0312, beyond the expiration of the permit.

iii. FPL shall employ Continuous Surface Electromagnetic Mapping (CSEM) methods to assess the location and orientation of the hypersaline plume west and north of the CCS.

iv. FPL shall add three groundwater monitoring clusters (shallow, mid and deep) to monitor groundwater conditions in the model lands basin. The well clusters shall be similar in design and function to existing groundwater monitoring wells in the region as part of the CCS monitoring program, and shall be geographically located in consultation with DERM.

v. FPL shall submit annual reports providing an evaluation of progress in achieving the objectives of this Consent Agreement, status of implementing projects identified above, and the results of monitoring to determine the impacts of these activities. Recommendations for refinements to the activities will be included in the annual report. This may include deletions of monitoring that is demonstrated to no longer be needed, or additional monitoring that is warranted based on observations.

SAFETY PRECAUTIONS

18. FPL shall maintain the subject property during the pendency of this Consent Agreement in a manner which shall not pose a hazard or threat to the public at large or the environment and shall not cause a nuisance or sanitary nuisance as set forth in Chapter 24 of the Code of Miami-Dade County, Florida.

VIOLATION OF REQUIREMENTS

19. This Consent Agreement constitutes a lawful order of the DERM Director and is enforceable in a civil court of competent jurisdiction. Violation of any requirement of this Consent Agreement may result in enforcement action by DERM. Each violation of any of the terms and conditions of this Consent Agreement by FPL shall constitute a separate offense.

SETTLEMENT COSTS

20. FPL hereby certifies that it has the financial ability to comply with the terms and conditions herein and to comply with the payment of settlement costs specified in this Agreement.

21. DERM has determined that due to the administrative costs incurred by DERM for this matter, a settlement of $30,000.00 is appropriate. FPL shall, within sixty (60) days of the effective date of this Consent Agreement, submit to DERM a check in the amount of $30,000.00 for full settlement payment. The payment shall be made payable to Miami-Dade County and sent to the Division of Environmental Resources Management, c/o Barbara Brown, 701 NW 1st Court, 6th Floor, Miami, FL 33136-3912.

22. In the event that FPL fails to submit, modify, implement, obtain, provide, operate and/or complete those items listed in paragraph 17 herein, FPL shall pay DERM a civil penalty of one hundred dollars ($100.00) per day for each day of non-compliance and FPL may be subject to enforcement action in a court of competent jurisdiction for such failure pursuant to those provisions set forth in Chapter 24 of the Code of Miami-Dade County. Any such payments shall be made by FPL to DERM within ten days of receipt of written notification and shall be sent to the Division of Environmental Resources Management, 701 NW 1st Court, 6th Floor, Miami, FL 33136-3912.

GENERAL PROVISIONS

23. FPL shall allow any duly authorized representative of DERM, with reasonable notification, to enter and inspect the CCS, Floridan wells, extraction wells, or any other relevant facilities, at any reasonable time for the purpose of ascertaining the state of compliance with the terms and conditions of this Consent Agreement. DERM shall comply with the plant safety and security precautions. FPL shall provide and maintain a point of contact at the Turkey Point Power Plant to assist DERM in accessing the facilities to be inspected.

24. On a quarterly basis (January, April, July, and October), DERM may collect surface and/or groundwater samples at the discretion of DERM at various monitoring locations in accordance with monitoring referenced in Paragraph 17 above.

25. FPL and DERM agree to cooperate and use best efforts moving forward related to this Consent Agreement.

26. Disputes related to or arising out of this Consent Agreement shall be construed consistent with the laws of the State of Florida and the United States, as applicable, and shall be filed in the state or federal courts of the State of Florida, as appropriate. Proceedings shall take place exclusively in the Circuit Court for Miami-Dade County, Florida or the United States District Court for the Southern District of Florida.

27. In consideration of the complete and timely performance by FPL of the obligations contained in this Consent Agreement, DERM waives its rights to seek judicial imposition of damages or civil penalties for the matters alleged in Notice of Violation and Consent Agreement.

28. Where FPL cannot meet timetables or conditions due to circumstances beyond FPL's control, FPL shall provide written documentation to DERM which shall substantiate that the cause(s) for delay or non-compliance was not reasonably in FPL's control. DERM shall make a determination of the reasonableness of the delay for the purpose of continued enforcement pursuant to paragraph 22 of this Consent Agreement.

29. DERM expressly reserves the right to initiate appropriate legal action to prevent or prohibit future violations of applicable laws, regulations, and ordinances or the rules promulgated thereunder.

30. Entry of this Consent Agreement does not relieve FPL of the responsibility to comply with applicable federal, state or local laws, regulations, and ordinances.

31. FPL acknowledges that this Consent Agreement is within the jurisdiction of Miami-Dade County. Nothing in this Consent Agreement is intended to expand, nor shall this Consent Agreement be construed to expand, the regulatory authority or jurisdiction of Miami-Dade County.

32. This Consent Agreement shall neither be evidence of a prior violation of this Chapter nor shall it be deemed to impose any limitation upon any investigation or action by DERM in the enforcement of Chapter 24 of the Code of Miami-Dade County.

33. This Consent Agreement shall become effective upon the date of execution by the DERM Director, or the Director's designee.

October 6, 2015
Date

Eric E. Silagy
President & CEO
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Respondent

Before me, the undersigned authority, personally appeared Eric Silagy, who after being duly sworn, deposes and says that they have read and agreed to the foregoing.

Subscribe and sworn to before me this 6th day of October, 2015 by Eric Silagy (name of affiant).

Personally known ✓ or Produced Identification _____.
(Check one)

Type of Identification Produced: _____.

LISA GROVE
MY COMMISSION # FF 154741
EXPIRES: December 14, 2018
Bonded Thru Budget Notary Service

Lisa Grove
Notary Public Signature

Lisa Grove
Notary Public Printed Name

DO NOT WRITE BELOW THIS LINE – GOVERNMENT USE ONLY

OCT 7, 2015
Date

Lee N. Hefty, DERM Director
Miami-Dade County

Witness

Barbara Brown
Witness

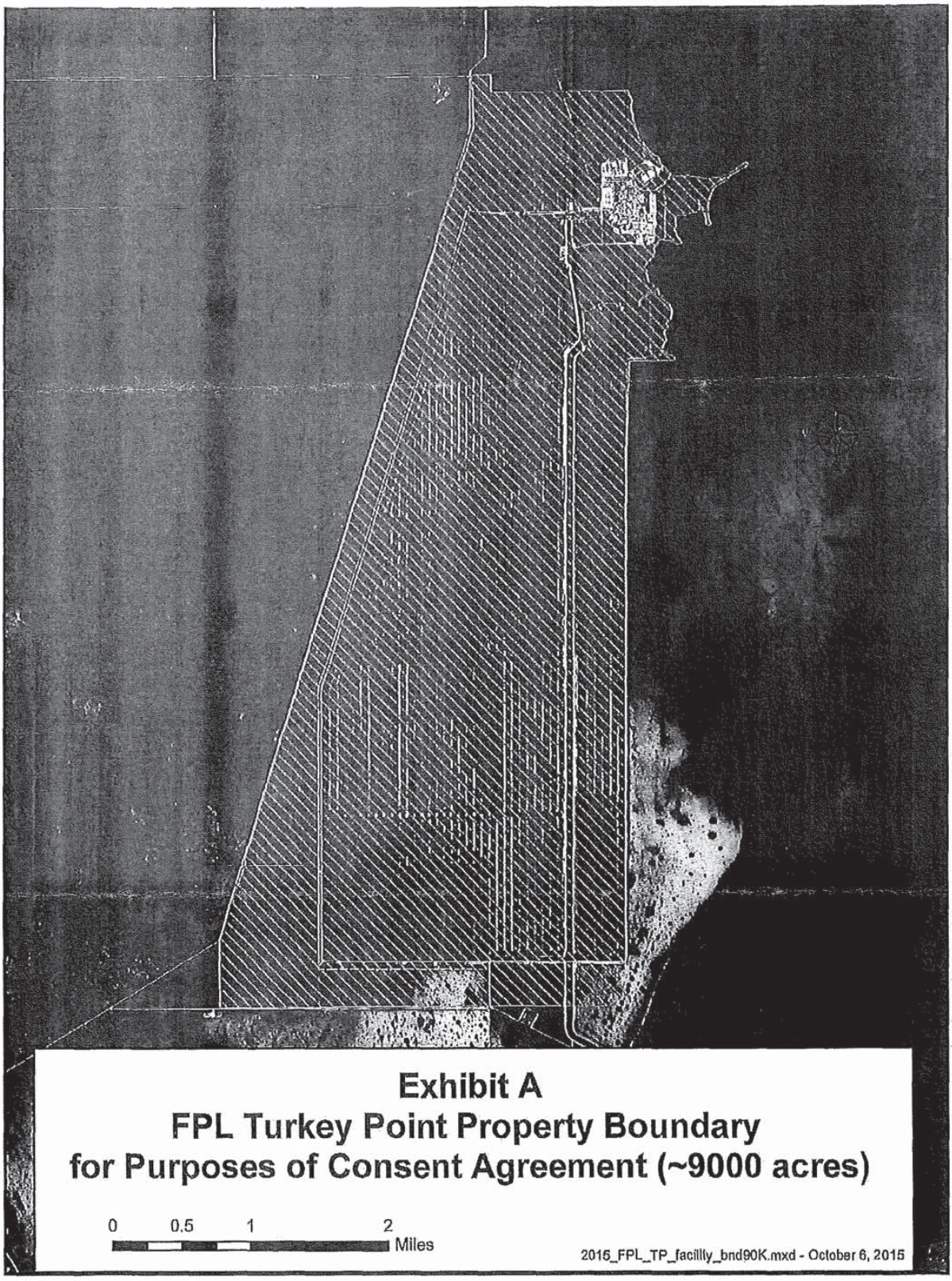


Exhibit A
FPL Turkey Point Property Boundary
for Purposes of Consent Agreement (~9000 acres)
0
0.5
1
2
Miles
2015_FPL_TP_facillly_bnd90K.mxd - October 6, 2015

FPL TURKEY POINT SAMPLING RESULTS

MONITORING LOCATION (SAMPLE ID)	COLLECTION DATE & TIME	SECONDS	FIELD TEMPERATURE (°C)	ANALYTICAL METHOD USED	CHLOROPHYLL a (mg/m^3)	CHLORIDE (mg/L)	SULFATE (mg/L)	NITROGEN, KJELDAHL (mg/L)	NITRATE NITRITE as N (mg/L)	PHOSPHORUS as P (mg/L)	ORTHO-PHOSPHATE as P, DISSOLVED (mg/L)	COPPER (mg/L)	SODIUM (mg/L)	FIELD pH	OXYGEN (mg/L)	SALINITY (PSU)	SPECIFIC CONDUCTANCE (umhos/cm)	TOTAL DISSOLVED SOLIDS	TURBIDITY (NTU)	AMMONIA as N, (TOTAL AMMONIA NH_3+NH_4) (mg/L)	AMMONIA, IONIZED NH_4 (mg/L)	AMMONIA, UNIONIZED NH_3 (mg/L)

MIAMI-DADE COUNTY
Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Environmental Resources Management
701 NW 1st Court, 4th Floor
Miami, Florida 33136-3912
T 305-372-6754 F 305-372-6759
miamidade.gov

December 21, 2016

Mr. Matthew J. Raffenberg, Director
Environmental Licensing and Permitting
Environmental Services Department
Florida Power & Light Company
700 Universe Blvd (JES/JB)
Juno Beach, FL 33408

Re: Site Assessment Plan (SAP) for Ammonia dated September 14, 2016 for FPL's Turkey Point Facility located at, near, or in the vicinity of 9700 SW 344 Street, Unincorporated Miami-Dade County, Florida (DERM IW-3, IW-16, IW5-6229, DWO-10, CLI-2014-0312, CLI-2016-0303, HWR-851).

Dear Mr. Raffenberg:

The Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) acknowledges receipt (received September 14, 2016) of the above referenced Site Assessment Plan (SAP) submitted in response to Condition 34.a. of the Consent Agreement Addendum executed on August 15, 2016 and hereby approves the Plan subject to the following:

1. Pursuant to the aforementioned Addendum, FPL is required to submit an SAP which shall allow for the identification of the source(s) of the ammonia exceedances and delineation of the vertical and horizontal extent of the subject ammonia exceedances in surface water. Said plan shall be adequate to address the ammonia exceedances to the surface waters surrounding the facility, including but not limited to, waters tidally connected to Biscayne Bay. Therefore, DERM requires that in addition to the surface water sampling locations proposed in FPL's submittal, the additional locations shown in Attachment A shall also be sampled and analyzed for the parameters identified in Table 1 of the SAP. Several of the monitoring sites shall also include the collection of a water sample only at the deepest depth interval, to be analyzed for tritium as noted on Attachment A. DERM will determine which tritium samples shall be submitted for laboratory analysis based on a review of the results submitted in the Site Assessment Report (SAR); therefore, these tritium data shall not be subject to the 60-day deadline specified below.

2. To quantify the impact of the tidal influence on surface water quality in the area DERM requires sampling at both high tide and low tide at each surface water sampling location with tidal connection to Biscayne Bay.

Delivering Excellence Every Day

3. The SAP asserts that "a review of available surface water quality data by FPL for Biscayne Bay indicates that ammonia concentrations have been recorded above the DERM criteria at many locations unrelated to Turkey Point. To allow for a comprehensive review of the required SAR, all existing available surface water quality data from areas in the vicinity of, but outside the potential influence of, the Turkey Point facility shall be provided and evaluated in the SAR to establish potential background ammonia concentrations in the surface waters. DERM will evaluate any background information provided and the merits of any conclusions regarding potential background contributions to the documented ammonia impacts. If the background information is deemed inadequate or inappropriate, FPL may be required to submit a background sampling plan to be reviewed and approved by DERM.

4. DERM acknowledges the report dated September 16, 2016 –Turkey Point Cooling Canal Nutrient Management Plan - submitted in fulfillment of Paragraph 21.b of the FDEP/FPL Consent Order OGC No.16-024. However, notwithstanding said document, FPL shall provide information regarding how the nutrient sources and nutrient fluxes within the Cooling Canal System may contribute to ammonia exceedances referenced in the August 15, 2016 Consent Agreement Addendum.

5. Porewater sampling for the same parameters listed in Table 1 of the SAP is recommended in association with the sediment sampling activity in order to characterize nutrient levels and nitrification/denitrification processes within the sediment layer. Sediment sampling shall be conducted at sampling locations with tidal connection to Biscayne Bay or Card Sound.

Therefore, within sixty (60) days of receipt of this letter, submit to DERM for review and approval two (2) copies of the required Site Assessment Report, one paper and one electronic PDF on CD, prepared in accordance with Section 24-44(2)(j)(iv), of the Code of Miami-Dade County, and which shall fulfill the requirements of Conditions 34.a. and 34.b. of the August 15, 2016 Consent Agreement Addendum and which includes the modifications noted above. The SAR shall include a proposal for a water quality monitoring program to evaluate the potential for temporal variation in the degree and extent of the ammonia plume as well as a proposal for monitoring subsequent to the implementation of an approved Corrective Action Plan. A review fee of one thousand three hundred and fifty dollars ($1350) shall be included with the submittal.

DERM has the option to split any samples deemed necessary with the consultant or laboratory at the subject site. The consultant collecting the samples must perform field sampling work in accordance with the Standard Operating Procedures provided in Chapter 62-160, Florida Administrative Code (FAC), as amended. The laboratory analyzing the samples must perform laboratory analyses pursuant to the National Environmental Laboratory Accreditation Program (NELAP) certification requirements. If the data submitted exhibits a substantial variance from the DERM split sample analysis, a complete resampling using two independent certified laboratories will be required.

DERM shall be notified in writing a minimum of three (3) working days prior to the implementation of the referenced plan including any sampling events. Email notifications shall be directed to DERMPCD@miamidade.gov. Please include the DERM case number HWR-851 on all correspondence.

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

Please let us know if you have any questions regarding this matter. The Department will arrange a meeting, at your request, to discuss any issues relating to the above.

Sincerely,

Craig K. Grossenbacher, Chief
Water Resources Coordination Division

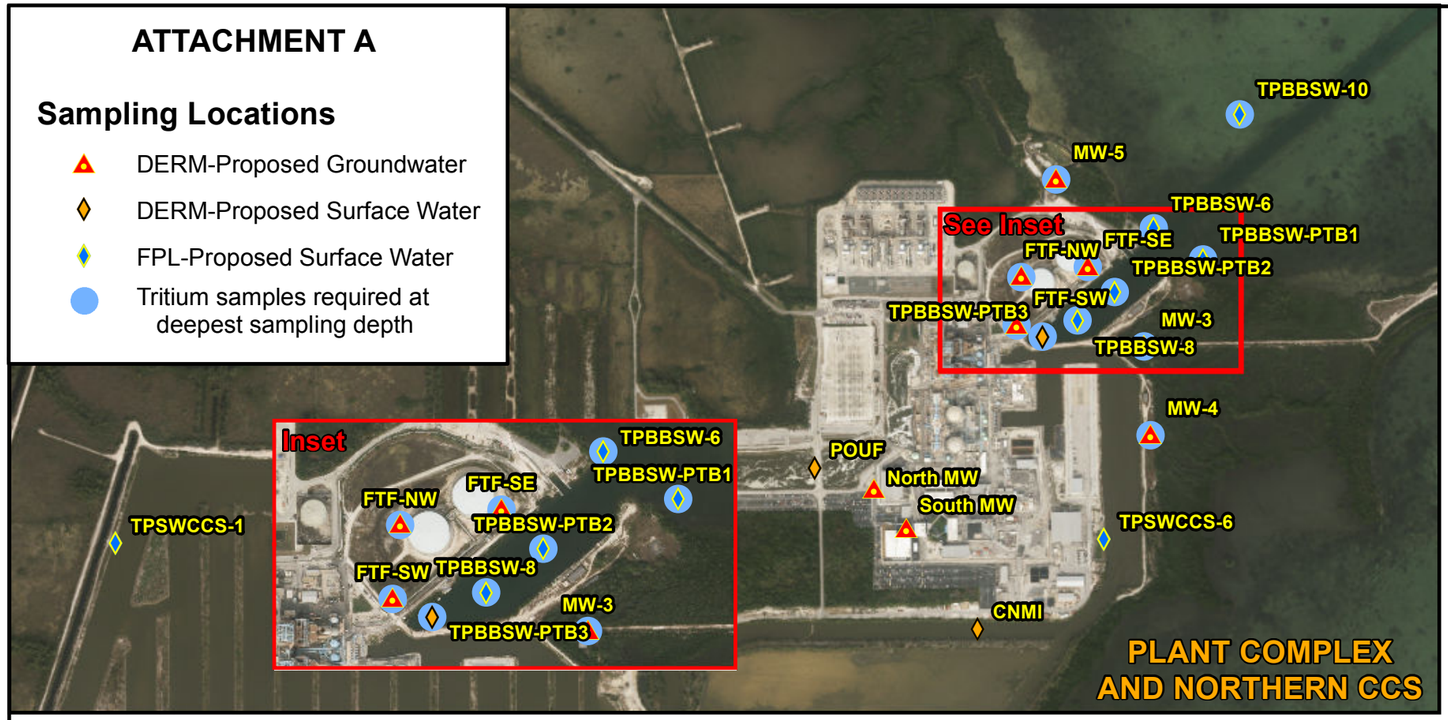
Attachment

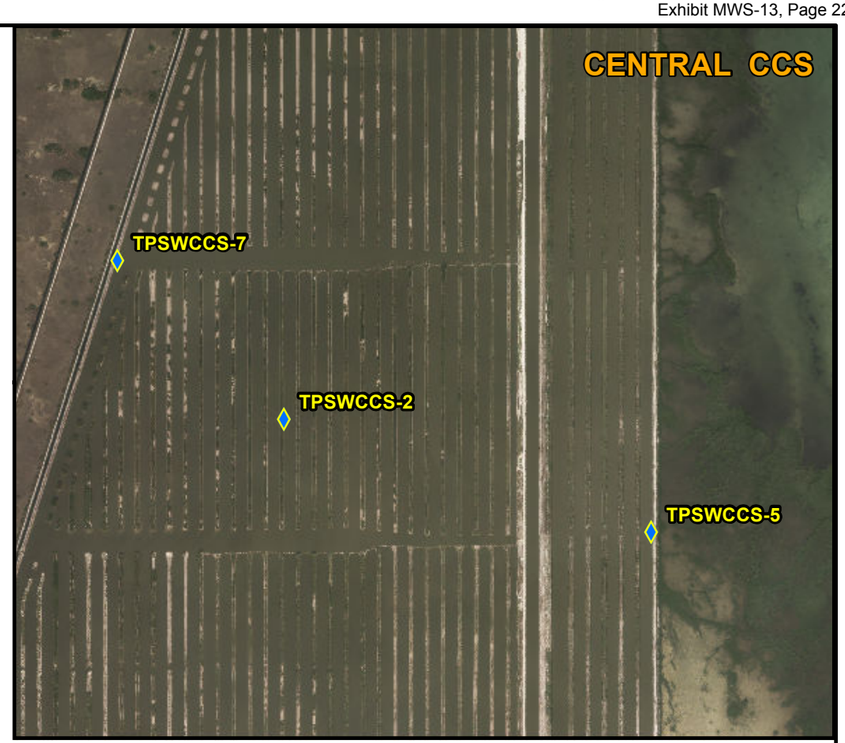
c: Scott Burns, FPL - Scott.Burns@fpl.com
Alan Katz, FPL - Alan.Katz@fpl.com
Lee Hefty, DERM Director
Wilbur Mayorga, DERM
Lisa Spadafina, DERM
Virginia Walsh, Ph.D., MDWASD
Barbara Brown, DERM

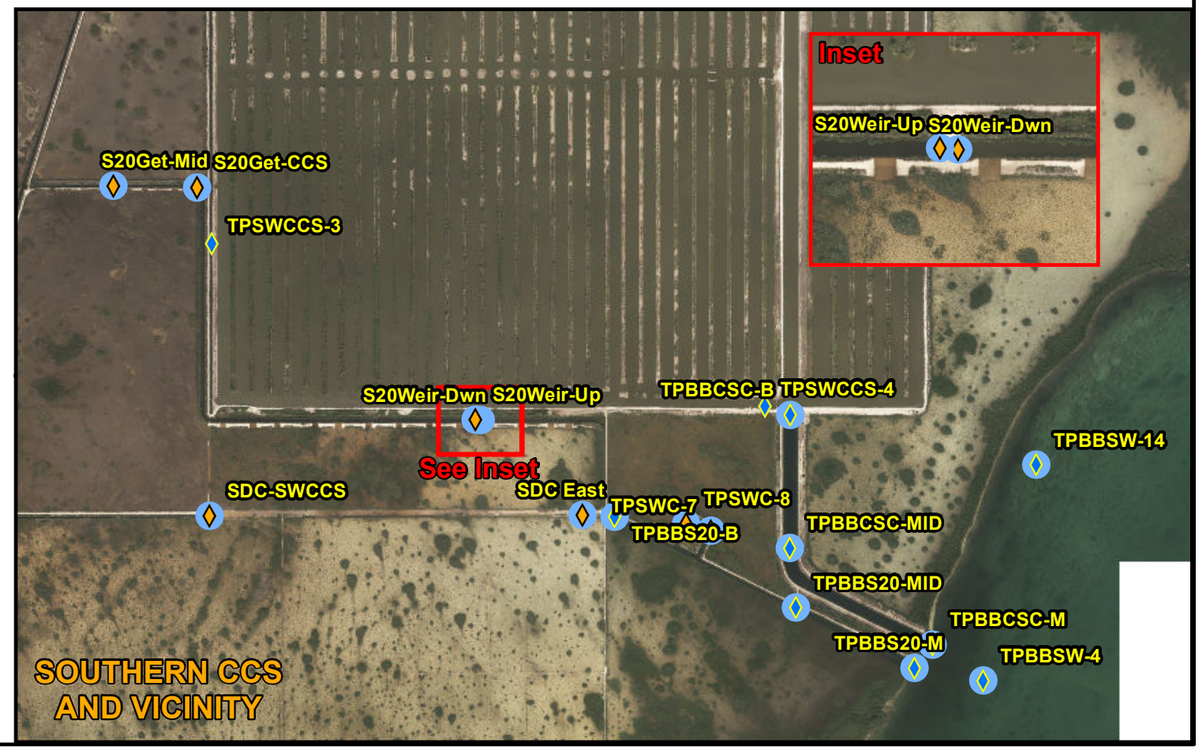
ATTACHMENT A

Sampling Locations

- DERM-Proposed Groundwater
- DERM-Proposed Surface Water
- FPL-Proposed Surface Water
- Tritium samples required at deepest sampling depth







TPCCMP Projected O&M Costs

Description of Expenditures	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Total	Requirement
Recovery Well System	$ 6,953,997	$ 1,553,999	$ 81,500	$ 581,500	$ 81,500	$ 81,500	$ 81,500	$ 81,500	$ 81,500	$ 581,500	$ 10,159,996	Miami - Dade County Consent Agreement
Groundwater Monitoring Clusters to Model Conditions in Model Lands Basin	$ 1,854,558	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,854,558	Miami - Dade County Consent Agreement Addendum
Recovery Well System - UIC Deep Injection Wells Testing & Monitoring	$ 912,599	$ 961,942	$ 961,942	$ 961,943	$ 961,943	$ 961,943	$ 961,943	$ 961,943	$ 961,943	$ 961,943	$ 9,570,084	Miami - Dade County Consent Agreement
Sediment Removal	$ 10,513,814	$ 5,250,000	$ 5,250,000	$ 5,250,000	$ 250,000	$ 250,000	$ 250,000	$ 250,000	$ 250,000	$ -	$ 27,513,814	State of Florida Consent Order
Additional Monitoring Cluster Wells	$ 1,837,072	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,837,072	State of Florida Consent Order
Nutrient Management Plan / Algae Control & Remediation	$ 2,333,497	$ 3,000,000	$ 1,000,000	$ 1,000,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 7,333,497	State of Florida Consent Order
Monitoring / Mitigation /Reporting/CSEM & Project Support	$ 8,672,795	$ 2,833,882	$ 2,463,933	$ 2,495,787	$ 1,342,052	$ 1,342,052	$ 1,342,052	$ 1,342,052	$ 1,342,052	$ 1,342,052	$ 24,518,709	State of Florida Consent Order
Monitoring and Reporting - Monthly and Quarterly Reports	$ 4,571,594	$ 5,205,096	$ 4,721,097	$ 4,738,060	$ 4,756,039	$ 4,756,039	$ 4,756,039	$ 4,756,039	$ 4,756,039	$ 4,352,071	$ 47,368,113	State of Florida Consent Order
Total ECRC O&M	**$ 37,649,926**	**$ 18,804,919**	**$ 14,478,472**	**$ 15,027,290**	**$ 7,391,534**	**$ 7,391,534**	**$ 7,391,534**	**$ 7,391,534**	**$ 7,391,534**	**$ 7,237,566**	**$ 130,155,843**	

TPCCMP Projected Capital Costs

Description of Expenditures	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Total	Requirement
Barge Canal Turning Basin Back Fill	$ 13,128,375	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 13,128,375	State of Florida Consent Order
Turtle Point Back Fill	$ 5,630,071	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 5,630,071	State of Florida Consent Order
Recovery Well System	$ 20,364,279	$ 4,331,557	$ 118,400	$ 118,400	$ 118,400	$ 118,400	$ 118,400	$ 118,400	$ 118,400	$ 118,400	$ 25,643,036	Miami - Dade County Consent Agreement
Floridan Aquifer System Wells		$ 1,831,909	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,831,909	
Total ECRC Capital	**$ 39,122,725**	**$ 6,163,466**	**$ 118,400**	**$ 118,400**	**$ 118,400**	**$ 118,400**	**$ 118,400**	**$ 118,400**	**$ 118,400**	**$ 118,400**	**$ 46,233,391**	

$ 176,389,234 Total Project 2017-2026
$ 176.4

Florida Power & Light Company
Docket No. 20170007-EI
TPCCMP Project O&M Expenses and Capital Costs
Exhibit MWS-14, Page 1 of 1

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD MS 3505
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

NOTICE OF PERMIT

SENT BY E-MAIL TO:
(dwayne.harper@fpl.com)

In the Matter of an
Application for Permit by:

Florida Power & Light Company (FP&L)
Ft. Lauderdale Plant
4300 SW 42nd Avenue
Fort Lauderdale, FL 33314

PA File No. FL0001503-006-IW1S
Broward County

Attention: Dwayne Harper
PGD Plant General Manager

Enclosed is Permit Number FL0001503 to Florida Power & Light Company, 700 Universe Blvd., Juno Beach, Florida, 33408 to operate wastewater treatment and effluent disposal facilities for Units 4 and 5 of the Lauderdale Power Plant located in Broward County, Florida, issued under Section 403.0885, Florida Statutes and DEP Rule 62-620, Florida Administrative Code.

Any party to this order (permit) has the right to seek judicial review of the permit under Section 120.68, Florida Statutes, by the filing of a Notice of Appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this notice is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elsa A. Potts

Elsa Potts, P.E, Program Administrator

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on 06/08/15 to the listed persons.

[Clerk Stamp]

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52 (9), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Shirley Shields 06/08/15
(Clerk) (Date)

Copies furnished by e-mail to:

EPA Region 4 (r4npdespermits@epa.gov)
Karrie-Jo Shell, Power Plant NPDES Permits, EPA Region 4 (shell.karrie-jo@epamail.epa.gov)
Tim Ryan, Chairman, Board of Broward County Commissioner (tryan@broward.org)
FWC, Conservation Planning Services (fwcconservationPlanningServices@myfwc.com)
Jim Valade, U.S. Fish and Wildlife Service (jim_valade@fws.gov)
Florida Department of Economic Opportunity, State Land Planning Agency (DCPPermits@deo.myflorida.com)
Florida Department of State, Bureau of Historic Preservation (compliancepermits@dos.myflorida.com)
U.S. Army Corps of Engineers (james.j.mcadams@usace.army.mil)
Timothy Powell (timothy.powell@fpl.com)
Meghna Pandya, FPL Juno Beach (meghna.pandya@fpl.com)
Susan Mazur, FPL Juno Beach (susan.mazur@fpl.com)
Janice Szuflita, DEP West Palm Beach (janice.szuflita@dep.state.fl.us)

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD MS 3505
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

STATE OF FLORIDA
INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408

PERMIT NUMBER: FL0001503 (Major)
FILE NUMBER: FL0001503-006-IW1S
ISSUANCE DATE: June 8, 2015
EFFECTIVE DATE: June 25, 2015
EXPIRATION DATE: June 24, 2020

Mr. Dwayne Harper
4300 SW 42nd Avenue
Fort Lauderdale, FL 33314

FACILITY:

FPL - Lauderdale Power Plant
4300 SW 42nd Avenue
Fort Lauderdale, FL 33314
Broward County
Latitude: 26°4' 7.38" N Longitude: 80°11' 56.76" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and applicable rules of the Florida Administrative Code (F.A.C.) and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

FACILITY DESCRIPTION:
The facility is an electric generating plant with a total nameplate rating of 1,874 megawatts (MW). The existing facility consists of two natural gas fired combined-cycle generating units (Units 4 and 5), two banks of twelve simple-cycle gas turbine units, and eight fuel storage tanks. Each combined-cycle unit consists of two combustion turbines (CT) each of which exhaust through a separate heat recovery steam generator (HRSG). Each HRSG converts the heat from the CT exhaust into steam. The steam produced from the two HRSG units drives one single-reheat turbine generator. Each combined-cycle unit has a net summer continuous capability of 430 megawatts (MW). Each bank of simple-cycle gas turbines has a net capability of 504 MW.

Units 4 and 5 have a condenser once-through cooling water (OTCW) system and an auxiliary equipment cooling water (AECW) system that uses water from the Dania Cutoff Canal, a coastal marine waterbody. Plant intake screens consist of bar (coarse) screens, traveling screens and a floating trash boom. Screen wash water and debris removed from the screens flow together through intake structure troughs which discharge into a trash bucket that traps the debris and allows the wash water to return to the Dania Cutoff Canal. The open cooling water circulating pumps discharge into a common header which routes the water through three closed cooling water heat exchangers. The cooling water is then released to the discharge canal via two (one per each unit) 24-inch reinforced plastic discharge pipes. The plant's discharge canal discharges into an on-site once-through cooling pond. After passing through the cooling pond the water passes under State Road 84 and discharges via Outfall D-001 into the South Fork of the New River (Class III marine).

WASTEWATER TREATMENT:

Boiler blowdown, metal cleaning wastes, and pretreated oily waste streams are treated in the plant' s wastewater treatment system prior to discharge to the discharge canal. Additional wastewater treatment includes chlorination with chlorine gas, sodium hypochlorite, or similar chlorination compounds for once-through cooling water and auxiliary-equipment cooling

water; pH-adjustment (if necessary) of reverse osmosis reject-water, and neutralization of demineralizer-regeneration water. These wastewaters are discharged to the discharge canal, which in turn discharges to an on-site, once-through cooling pond. The once-through cooling pond discharges from Outfall D-001 through a culvert to the South Fork of the New River, a Class III Marine surface water body. Additional permitted surface water discharges include stormwater through Outfall D-00B1 and intake-screen wastewater and strainer backwash water through Outfall D-009. Outfalls D-00B1 and D-009 discharge to the Dania Cutoff Canal.

REUSE OR DISPOSAL:

Surface Water Discharge D-001: An existing 332 MGD annual average daily flow (AADF) discharge to the South Fork of New River (WBID 3277A), Class III Marine waters, from **Outfall D-001**, via a culvert at the downstream end of the once-through cooling pond system. The point of discharge is located approximately at latitude 26° 05' 09" N, longitude 80°10' 55" W.

Surface Water Discharge D-0B1: An existing storm water discharge to Dania Cutoff Canal (WBID 3277E), Class III Marine Waters. The point of discharge is located approximately at latitude 26°4' 5" N, longitude 80° 11' 44" W.

Surface Water Discharge D-009: An existing intake screen washwater and strainer backwash water discharge from **Outfall D-009** to Dania Cutoff Canal (WBID 3277E), Class III Marine waters. The point of discharge is located approximately at latitude 26° 04' 05" N, longitude 80° 11' 58" W.

Internal Outfall I-012: An existing permitted discharge to the discharge canal to the cooling pond.

Internal Outfall I-013: An existing permitted discharge to the discharge canal to the cooling pond.

Internal Outfall I-015: An existing permitted discharge to the discharge canal to the cooling pond.

Internal Outfall I-1B2: An existing permitted stormwater discharge to the discharge canal to the cooling pond.

Internal Outfall I-01E: An existing permitted discharge to the discharge canal to the cooling pond.

Internal Outfall I-11A: An existing permitted discharge to the discharge canal to the cooling pond.

Internal Outfall I-11B: An existing permitted discharge to the discharge canal to the cooling pond.

Internal Outfall I-16A: An existing permitted discharge to the discharge canal to the cooling pond.

Internal Outfall I-1B3: An existing permitted stormwater discharge to the discharge canal to the cooling pond

Internal Outfall I-16B: An existing permitted discharge to the discharge canal to the cooling pond.

Internal Outfall I-01D: An existing permitted discharge to the discharge canal to the cooling pond.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in this Cover Sheet and Part I through Part IX on pages 1 through 29 of this permit.

PERMITTEE: Florida Power & Light
FACILITY: Lauderdale Power Plant

PERMIT NUMBER: FL0001503-003 (Major)
EXPIRATION DATE: June 24, 2020

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Surface Water Discharges

1. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge Cooling Pond Discharge from Outfall D-001 to South Fork New River. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monito ring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max Max	Report Report 380	Daily Maximum Monthly Average Annual Average	Daily	Calculated	EFF-3	
Temperature, Water	Deg F	Max Max	101.1 99.0	Daily Maximum Monthly Average	Continuous	Recorder	EFF-3	June -Sept
		Max Max	99.0 96.0	Daily Maximum Monthly Average				October - May
Solids, Total Dissolved (TDS)	mg/L	Max Max	Report Report	Daily Maximum Monthly Average	Bi-monthly	Grab	EFF-3	
pH	s.u.	Min Max	6.5 8.5	Daily Minimum Daily Maximum	Bi-monthly	Grab	EFF-3	
Copper, Total Recoverable	ug/l	Max	Report	Single Sample	Quarterly	Grab	EFF-3 INT-1	See Condition I.A.3 below
Chronic Whole Effluent Toxicity, 7-Day IC25 (Mysidopsis bahia)	percent	Min	100	Single Sample	Semi-annually	Grab	EFF-3	
Chronic Whole Effluent Toxicity, 7-Day IC25 (Menidia beryllina)	percent	Min	100	Single Sample	Semi - annually	Grab	EFF-3	

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.1. and as described below:

Monitoring Site Number	Description of Monitoring Site
INT-1	OTCW intake for Unit 4
EFF-3	The point of discharge from the cooling pond prior to entering the South Fork New River.

3. The permittee may request a reduction in monitoring by permit revision if monitoring results indicate copper levels below the WQS for a period of four quarters or if the permittee demonstrates that the discharge copper level in the discharge is statistically equal to or less than the intake.

4. The permittee shall comply with the following requirements to evaluate chronic whole effluent toxicity of the discharge from outfall D-001.

a. Effluent Limitation
   (1) In any routine or additional follow-up test for chronic whole effluent toxicity, the 25 percent inhibition concentration (IC25) shall not be less than 100% effluent. [Rules 62-302.530(61) and 62-4.241(1)(b), F.A.C.]
   (2) For acute whole effluent toxicity, the 96-hour LC50 shall not be less than 100% effluent in any test. Acute toxicity testing is not required except as provided in 3.g.(4). [Rule 62-302.500(1)(a)4. and 62-4.241(1)(a), F.A.C.]

b. Monitoring Frequency
   (1) Routine toxicity tests shall be conducted once every six months, pursuant to the existing established schedule and lasting for the duration of this permit.

c. Sampling Requirements
   (1) For each routine test or additional follow-up test conducted, a total of three grab samples of final effluent shall be collected and used in accordance with the sampling protocol discussed in EPA-821-R-02-014, Section 8.
   (2) The first sample shall be used to initiate the test. The remaining two samples shall be collected according to the protocol and used as renewal solutions on Day 3 (48 hours) and Day 5 (96 hours) of the test.
   (3) Samples for routine and additional follow-up tests shall not be collected on the same day.

d. Test Requirements
   (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five test dilutions: **100%, 50%, 25%, 12.5%,** and **6.25%** final effluent.
   (2) The permittee shall conduct 7-day survival and growth chronic toxicity tests with a mysid shrimp, **Americamysis (Mysidopsis) bahia**, Survival, Growth and Fecundity Test, and an inland silverside, **Menidia beryllina**, Larval Survival and Growth Test, concurrently.
   (3) All test species, procedures and quality assurance criteria used shall be in accordance with **Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Saltwater Organisms**, 4th ed., EPA-821-R-02-014. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the above method is revised, the permittee shall conduct chronic toxicity testing in accordance with the revised method.
   (4) The control water and dilution water used shall be artificial sea salts as described in EPA-821-R-02-014, Section 7.2. The test salinity shall be determined as follows:
      (a) For the **Americamysis bahia** bioassays, the effluent shall be adjusted to a salinity of 20 parts per thousand (ppt). The salinity of the control/dilution water (0% effluent) shall be 20 ppt. If the salinity of the effluent is greater than 20 ppt, no salinity adjustment shall be made to the effluent and the test shall be run at the effluent salinity. The salinity of the control/dilution water shall match the salinity of the effluent.
      (b) For the **Menidia beryllina** bioassays, the effluent shall be adjusted to 5 ppt. The salinity of the control/dilution water (0% effluent) shall be 5 ppt. If the salinity of the effluent is greater than 5 ppt, no salinity adjustment shall be made to the effluent and the test shall be run at the effluent salinity. The salinity of the control/dilution water shall match the salinity of the effluent.
      (c) If the salinity of the effluent requires adjustment, a salinity adjustment control should be prepared and included with each bioassay. The salinity adjustment control is intended to identify toxicity resulting from adjusting the effluent salinity with artificial sea salts. To prepare the salinity adjustment control, dilute the control/dilution water to the salinity of the effluent and adjust the salinity of the salinity adjustment control at the same time and to the same salinity that the salinity of the effluent is adjusted using the same artificial sea salts.

e. Quality Assurance Requirements
   (1) A standard reference toxicant (SRT) quality assurance (QA) chronic toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly chronic

toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.

(2) If the mortality in the control (0% effluent) exceeds 20% for either species in any test or any test does not meet "test acceptability criteria", the test for that species (including the control) shall be invalidated and the test repeated. Test acceptability criteria for each species are defined in EPA-821-R-02-014, Section 14.12 (**Americamysis bahia**) and Section 13.12 (**Menidia beryllina**). The repeat test shall begin within 21 days after the last day of the invalid test.

(3) If 100% mortality occurs in all effluent concentrations prior to the end of any test and the control mortality is less than 20% at that time, the test (including the control) shall be terminated with the conclusion that the test fails and constitutes non-compliance.

(4) Additional follow-up tests shall be evaluated for acceptability based on the observed dose-response relationship as required by EPA-821-R-02-014, Section 10.2.6., and the evaluation shall be included with the bioassay laboratory reports.

f. Reporting Requirements

(1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:

(a) Routine and Additional Follow-up Test Results: The calculated IC25 for each test species shall be entered on the DMR.

(2) A bioassay laboratory report for each routine test shall be prepared according to EPA-821-R-02-014, Section 10, Report Preparation and Test Review, and mailed to the Department at the address below within 30 days after the last day of the test.

(3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-014, Section 10, and mailed within 30 days after the last day of the second valid additional follow-up test.

(4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.

(5) The same bioassay data shall not be reported as the results of more than one test.

(6) All bioassay laboratory reports shall be sent to:
Florida Department of Environmental Protection
Tallahassee Office
2600 Blair Stone Road, M.S. 3545
Tallahassee, Florida 32399-2400

g. Test Failures

(1) A test fails when the test results do not meet the limits in 3.a.(1).

(2) Additional Follow-up Tests:

(a) If a routine test does not meet the chronic toxicity limitation in 3.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests according to 3.d. on each species that failed the test on each species that failed the test in accordance with 3.d.

(b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.

(c) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5%, and 6.25% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be statistically analyzed according to the Appendices in EPA-821-R-02-014.

(3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.

(a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.

(b) The Department shall review and approve the plan before initiation.

(c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
(d) Progress reports shall be submitted quarterly to the Department at the address above.
(e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 3.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in 3.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-014, a repeat test shall be initiated within 21 days after the last day of the invalid routine test.
(f) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 3.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive valid routine whole effluent toxicity tests. If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of terminating the plan.

(4) If chronic toxicity test results indicate greater than 50% mortality within 96 hours in an effluent concentration equal to or less than the effluent concentration specified as the acute toxicity limit in 3.a.(2), the Department may revise this permit to require acute definitive whole effluent toxicity testing.
(5) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for acute or chronic whole effluent toxicity permit limit violations.

[62-4.241, 62-620.620(3)]

5. The permittee shall maintain current intake traveling screen practices so as to assure that the screens are cycled at least twice during each 24 hours of continuous operation unless precluded by repair or maintenance requirements. The intake through-screen velocity shall be maintained at current levels such that existing maximum velocity is not exceeded.

6. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge stormwater from Outfall D-0B1 to Dania Cut-Off Canal. Occasionally, the runoff may mix with de minimis quantities of process water from minor leaks or spills from the steam generating facilities associated with these units. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Maximum	Quarterly, when discharging	Calculated	EFF-8	See Condition I.A.9
Solids, Total Suspended	mg/L	Max	50.0	Daily Maximum	Quarterly, when discharging	Grab	EFF-8	See Condition I.A.9
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	Weekly, when discharging	Grab	EFF-8	

7. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.6 and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-8	Stormwater runoff discharge from Outfall D-00B1 prior to entering the Dania Cutoff Canal.

8. Discharge of intake screen washwater and strainer backwash via Outfall D-009 to the Dania Cutoff Canal is permitted without limitation or monitoring requirements, except that there shall be no discharge of floating solids or visible foam in other than trace amount and no discharge of a visible oil sheen at any time.

9. Monitoring is not required if a discharge results from rainfall in excess of the 10-year, 24-hour rainfall event.

10. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. *[62-302.500(1)(a)]*

B. Internal Outfalls

1. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge Demineralizer Regeneration Wastewater from I-012 to the discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition .C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Per batch of process	Calculated	EFF-12	
Oil and Grease	mg/L	Max Max	15.0 20.0	Monthly Average Daily Maximum	Once every 2 months, when discharging	Grab	EFF-12	
Solids, Total Suspended	mg/L	Max Max	30 100	Monthly Average Daily Maximum	Once every 2 months, when discharging	Grab	EFF-12	
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	Once every 2 months, when discharging	Grab	EFF-12	
Nitrogen, Total	mg/l	NA	Report	Single Sample	Quarterly	Grab	EFF-12	See Condition I.B14
Phosphorus, Total	mg/l	NA	Report	Single Sample	Quarterly	Grab	EFF-12	See Condition I.B14

2. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.1. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-12	Demineralizer regeneration wastewater discharge prior to entering the discharge canal.

3. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge Wastewater treatment system effluent from I-013 to discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

	Effluent Limitations	Monitoring Requirements	

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Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Recording Flow Meter with Totalizer	EFF-13	
Oil and Grease	mg/L	Max Max	15 20	Monthly Average Daily Maximum	Semi-annual	Grab	EFF-13	
Solids, Total Suspended	mg/L	Max Max	30.0 100.0	Monthly Average Daily Maximum	Semi-annual	Grab	EFF-13	
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	Monthly	Grab	EFF-13	
Nitrogen, Total	mg/l	NA	Report	Single Sample	Quarterly	Grab	EFF-13	See Condition I.B.14
Phosphorus, Total	mg/l	NA	Report	Single Sample	Quarterly	Grab	EFF-13	See Condition I.B.14

4. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.3. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-13	Wastewater treatment system effluent discharge of low volume waste (not including metal cleaning waste) prior to entering the discharge canal.

5. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge metal cleaning wastewater[1] from I-015 to discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow, Total Volume	Mgal	Max Max	Report Report	Daily Maximum Monthly Total	Continuous, when discharging	Recording Flow Meter with Totalizer[2]	EFF-14	See Condition I.B.7
Copper, Total Recoverable	mg/L	Max	1.0	Daily Maximum	Per batch of process[3]	24-hr Composite[4]	EFF-14	See Condition I.B.8

[1] Metal cleaning waste may be batch treated separately from other waste-streams and discharged from the wastewater treatment system to the discharge canal through the same Outfall (I-13) from which treated low volume waste is discharged. However, the discharge outfall for treated metal cleaning waste shall be designated as Outfall I-015 for the purpose of identifying the discharge and establishing effluent limitation and monitoring requirements.
[2] Flow meters shall be calibrated at least once a year in accordance with the manufacturer's recommendations. Calibration records shall be maintained on-site in accordance with Section V.2 of this permit.
[3] or once per day, whichever is more frequent.
[4] Shall be defined as a composite of samples taken at the beginning, middle, and end of discharge period.

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			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Iron, Total Recoverable	mg/L	Max	1.0	Daily Maximum	Per batch of process[3]	24-hr Composite[4]	EFF-14	See Condition I.B.8
Oil and Grease	mg/L	Max	15.0	Daily Maximum	Per batch of process[3]	24-hr Composite[4]	EFF-14	
Solids, Total Suspended	mg/L	Max	30	Daily Maximum	Per batch of process[3]	24-hr Composite[4]	EFF-14	

6. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.5. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-14	Wastewater treatment system effluent discharge of metal cleaning waste prior to entering the discharge canal.

7. The volume of metal cleaning waste generated during boiler chemical cleaning shall also be reported.

8. For wastes resulting from the evaporation of spent boiler chemical cleaning wastes, the quantities of total iron and total copper shall not exceed the quantity determined by multiplying the volume of spent boiler chemical cleaning waste evaporated times 1.0 mg/l.

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9. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge stormwater from I-1B2 and I-1B3 to discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Maximum	Weekly, when discharging	Calculated	EFF-9 EFF-10	See condition I.B.11
Solids, Total Suspended	mg/L	Max	50.0	Daily Maximum	Quarterly, when discharging	Grab	EFF-9 EFF-10	See condition I.B.11
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	Quarterly, when discharging	Grab	EFF-9 EFF-10	

10. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.9. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-9	Stormwater runoff discharge from Outfalls I-01B2 prior to entering the onsite canal.
EFF-10	Stormwater runoff discharge from Outfalls I-01B3 prior to entering the onsite canal.

11. Monitoring is not required if a discharge results from rainfall in excess of the 10-year, 24-hour rainfall event.

12. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge reverse osmosis reject water from I-01E to discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Weekly	Calculated	EFF-11	
Oil and Grease	mg/L	Max Max	15.0 20.0	Monthly Average Daily Maximum	Semi-annual	Grab	EFF-11	
Solids, Total Suspended	mg/L	Max Max	30.0 100.0	Annual Average Daily Maximum	Once every 2 months	8-hour flow proportioned composite	EFF-11	

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Nitrogen, Total	mg/l	NA	Report	Single Sample	Quarterly	Grab	EFF-11	See Condition I.B.14
Phosphorus, Total	mg/l	NA	Report	Single Sample	Quarterly	Grab	EFF-11	See Condition I.B.14

13. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.12. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-11	Reverse Osmosis reject wastewater prior to entering the discharge canal.

14. The permittee may request a reduction in Nitrogen and Phosphorus monitoring from quarterly to semi-annual after four quarters of sampling for Outfall I-013, I-015, and I-01E.

15. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge Unit 4 once-through cooling water and auxiliary equipment cooling water from I-11A to discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

		Effluent Limitations			Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Calculated	INT-1	
Temperature, Water	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Meter	EFF-1	See Condition I.B.20
		Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Meter	INT-1	See Condition I.B.20
Temperature Rise (ΔT), Water	Deg F	Max Max	13.2 Report	Monthly Average Daily Maximum	Daily	Calculated	EFF-1	
Oxidants, Total Residual	mg/L	Max Max	0.20 0.20	Daily Maximum Monthly Average	Weekly	Multiple Grab	EFF-1	See Condition I.B.19
Chlorination Duration (AECW)	min	Max	1440	Daily Maximum	Daily	Calculated	INT-3	
Chlorination Duration (OTCW)	min	Max	120	Daily Maximum	Daily	Calculated	INT-5	
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	Weekly	Grab	EFF-4	See Condition I.B.21

16. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.14 and as described below:

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Monitoring Site Number	Description of Monitoring Site
INT-1	OTCW intake for Unit 4
EFF-1	OTCW discharge for Units 4.
INT-3	Point of chlorine addition for AECW for Unit 4
INT-5	Point of chlorine addition for OTCW for Units 4.
EFF-4	A location after combination of once-through cooling water from Units 4 and/or 5 with Outfalls I-16, I-01E and/or I-012, as appropriate but prior to entering the cooling pond or mixing with any other waste stream.

17. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge Unit 5 once-through cooling water and auxiliary equipment cooling water from I-11B to Discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Calculated	INT-2	
Temperature (F), Water	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Meter	EFF-2	See Condition I.B.20
Temperature (F), Water	Deg F	Max Max	Report Report	Daily Maximum Monthly Average	Continuous	Meter	INT-2	See Condition I.B.20
Temp. Diff. between Intake and Discharge	Deg F	Max Max	13.2 Report	Monthly Average Daily Maximum	Daily	Calculated	EFF-2	
Oxidants, Total Residual	mg/L	Max	0.20 0.20	Daily Maximum Monthly Average	Weekly	Multiple Grab	EFF-2	See Condition I.B.19
Chlorination Duration (AECW)	min	Max	1440	Daily Maximum	Daily	Meter	INT-4	
Chlorination Duration (OTCW)	min	Max	120	Daily Maximum	Daily	Meter	INT-6	
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	Weekly	Grab	EFF-4	See Condition I.B.21

18. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.19. and as described below:

Monitoring Site Number	Description of Monitoring Site
INT-2	OTCW intake for Unit 5.
EFF-2	OTCW for Unit 5
INT-4	Point of chlorine addition for AECW for Unit 5
INT-6	Point of chlorine addition for OTCW for Unit 5
EFF-4	A location after combination of once-through cooling water from Units 4 and/or 5 with Outfalls I-16, I-01E and/or I-012, as appropriate but prior to entering the cooling pond or mixing with any other waste stream.

19. Total Residual Oxidants (TRO) means the value obtained using the amperometric titration method for total residual chlorine or the Hach model 19300 or equivalent). Testing for TRO by titration shall be conducted according to either the low-level amperometric method, or the DPD calorimetric method as specified in section 4500-CI E. or 4500 CI G., respectively, Standard Methods for the examination of Water and Waste water, 18th Edition (or most current edition).

    The permittee shall collect samples when chlorine is in use. TRO monitoring requirements for either Unit 4 or 5 are not applicable for any week in which chlorine is not added to that unit. No more than one unit shall discharge total residual oxidant at any one time.

    Multiple grabs for TRO shall be defined as once per five minutes during TRO discharge periods of 30 minutes or less and once per 15 minutes for periods exceeding 30 minutes with no less than four analyses during the period of TRO discharge (sampling shall be continued until the end of the TRO discharge).

20. The permittee shall maintain and operate continuous recording temperature devices at the intake, the condenser outlet, and point of discharge from the cooling pond to monitor compliance with thermal limits.

21. The pH shall be monitored once per day during periods when all OTCW and AECW pumps are off-line and wastewaters from Outfalls I-16A, I-16B, I-01E and/or I-012 are being discharged.

22. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge Unit 4 Heat Recovery Steam Generator (HRSG) boiler blowdown from I-16A to discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Calculated	EFF-5	
Oil and Grease	mg/L	Max Max	15.0 20.0	Monthly Average Daily Maximum	Monthly	Grab	EFF-5	
Solids, Total Suspended	mg/L	Max Max	30.0 100.0	Monthly Average Daily Maximum	Monthly	8-hr FPC	EFF-5	

23. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.21. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-5	HRSG boiler blowdown discharge from Unit 4 but prior to entering the onsite canal or mixing with any other waste stream.

24. Discharge of Hydrazine in Units 4 and 5 HRSG blowdown and in plant lay-up water is authorized without limitation or monitoring requirements.

25. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge Unit 5 Heat Recovery Steam Generator (HRSG) boiler blowdown from I-16B to discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

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			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max Max	Report Report	Daily Maximum Monthly Average	Monthly	Calculated	EFF-6	
Oil and Grease	mg/L	Max Max	15.0 20.0	Monthly Average Daily Maximum	Monthly	Grab	EFF-6	
Solids, Total Suspended	mg/L	Max Max	30.0 100.0	Monthly Average Daily Maximum	Monthly	8-hr FPC	EFF-6	

26. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.24. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-6	HRSG boiler blowdown discharge from Unit 5 but prior to entering the onsite canal or mixing with any other waste stream.

27. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge construction dewatering from I-01D to discharge canal to cooling pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with Permit Condition I.C.3.:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	Report	Daily Maximum	Daily, when discharging	Calculated	EFF-7	
Oil and Grease	mg/L	Max	Report	Daily Maximum	Monthly, when discharging	Grab	EFF-7	
Solids, Total Suspended	mg/L	Max	50.0	Daily Maximum	Monthly, when discharging	Grab	EFF-7	
Turbidity	NTU	Max	Report	Daily Maximum	Monthly, when discharging	Grab	EFF-7	
pH	s.u.	Min Max	6.0 9.0	Daily Minimum Daily Maximum	Monthly, when discharging	Grab	EFF-7	

28. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.B.26. and as described below:

Monitoring Site Number	Description of Monitoring Site
EFF-7	Construction related dewatering prior to entering the discharge canal or alternatively hydraulic dredge return water discharge prior to entering the on-site intake canals.

C. Other Limitations and Monitoring and Reporting Requirements

1. The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at http://www.dep.state.fl.us/labs/library/index.htm. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:

   a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;

   b. The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and

   c. If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

   When the analytical results are below method detection or practical quantitation limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

   Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. *[62-4.246, 62-160]*

2. The permittee shall provide safe access points for obtaining representative influent and effluent samples which are required by this permit. *[62-620.320(6)]*

3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Unless specified otherwise in this permit, monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below. DMRs shall be submitted for each required monitoring period including periods of no discharge.

REPORT Type on DMR	Monitoring Period	Due Date
Monthly	first day of month - last day of month	28th day of following month

REPORT Type on DMR	Monitoring Period	Due Date
Quarterly	January 1 - March 31 April 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 30	July 28 January 28
Annual	January 1 - December 31	January 28

The permittee may submit either paper or electronic DMR forms. If submitting paper DMR forms, the permittee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department, and shall mail the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

If submitting electronic DMR forms, the permittee shall use the electronic DMR system(s) approved in writing by the Department and shall electronically submit the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms. *[62-620.610(18)]*

4. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southeast District at the address specified below:

   Florida Department of Environmental Protection
   Southeast District Office
   Water Facilities Program
   3301 Gun Club Road, MSC 7210-1
   West Palm Beach, Florida 33406

   Phone Number - (561) 681-6600
   FAX Number - (561) 681-6755
   (All FAX copies and e-mails shall be followed by original copies.)
   [62-620.305].

5. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. *[62-620.305]*

6. If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected on the day of the next discharge. *[62-620.320(6)]*

7. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid. The permittee shall dispose of all known PCB equipment, articles, and wastes in accordance with:

   a. Department-issued permits governing soil thermal treatment (Chapter 62-713, F.A.C.) or Department-approved landfills provided the PCB concentrations meet the Florida landfill's permitted limit when concentrations are less than 50 ppm; or

   b. 40 CFR 761 when concentrations are greater than or equal to 50 ppm.
   [40 CFR part 423.12(b)(2)].

8. There shall be no discharge of floating debris, scum, oil, or other matter in such amounts as to form nuisances or produce color, odor, taste, turbidity, or other conditions to such degree as to create a nuisance or otherwise interfere with the beneficial use of the receiving waters in accordance with Rules 62-302.500(1)(a) and 62-302.530(500)(b), F.A.C. Any such discharges to waters of the State shall be reported to the Department when submitting DMR's.

9. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream that ultimately may be released to waters of the State is prohibited unless specifically authorized elsewhere in a permit; except products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit. The permittee shall consult with the Florida Fish and Wildlife Commission, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service if threatened or endangered species may be exposed to the product. In the event the permittee proposes to use biocides, corrosion inhibitors, or additives not authorized in this permit, or not previously reported to the Department, that ultimately may be released to waters of the State, the permittee shall notify the Department in writing a minimum of thirty (30) days prior to instituting the use of such product. The product shall not be used prior to a determination by the Department that a permit revision is not required or prior to Department approval. Such notification shall include:

   a. Name and general composition of product

   b. Frequencies of use

   c. Quantities to be used

   d. Proposed effluent concentrations;

   e. Acute and/or chronic toxicity data (laboratory reports shall be prepared, depending on the test type, according to Section 12 of EPA document no. EPA-821-R-02-012 entitled, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters for Freshwater and Marine Organisms, Section 10 of EPA document no. EPA-821-R-02-013 entitled, Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms or Section 10 of EPA document no. EPA-821-R-02-014 entitled, Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, or most current addition).

   f. Product data sheet

   g. EPA registration number, if applicable.

10. The permittee is authorized to use only those water treatment chemicals at the frequency and dosage rates described in the permit application submitted to the Department for renewal of the current permit. Only one antiscalant chemical above shall be used at any given time. Permit revisions are not necessary for use of chemicals equivalent to those being used if the alternative chemicals consist of the same constituents, at the same concentrations and are used at the current rate. The use of other chemicals that are not chemical equivalents or current chemicals at higher dosage rates or frequencies is not authorized and will require a permit revision. The permittee is responsible for maintaining documentation on-site which demonstrates equivalency of any new water treatment products from another vendor or manufacturer with a different product name from those described in the permit application.

    The Permittee may elect to use products or cleaners other than those listed above, provided the generated wastewater is collected and taken offsite to an approved wastewater treatment facility.

11. A revision to this permit is not necessary for the following activities:

    a. Structural changes that do not change the quality, nature, or quantity of the discharge of wastes or that do not cause water pollution; and

    b. Construction, replacement or repair of components at the facility which does not change the permitted treatment works or the terms and conditions of this permit.

Records of these activities shall be kept by the permittee (activity description, start date and length of activity). The documentation shall be kept on-site in accordance with permit condition V.2, and made available to Department staff upon request.

[62-620.200(26)(a) & (b)]

12. Discharge of any waste resulting from the combustion of toxic, hazardous, or metal cleaning wastes to any waste stream which ultimately discharges to waters of the State is prohibited, unless specifically authorized elsewhere in this permit.

13. The permittee shall continue compliance with the facility's manatee protection plan approved by the Department on August 18, 1999.

II. SLUDGE MANAGEMENT REQUIREMENTS

1. The disposal of sludge or other solids generated from the plant's wastewater treatment and containment system shall be reused, reclaimed, or otherwise disposed of in accordance with the requirements of Chapter 62-701, F.A.C.

2. The permittee shall be responsible for proper treatment, management, use, and land application or disposal of its sludges. *[62-620.320(6)]*

3. Storage, transportation, and disposal of sludge/solids characterized as hazardous waste shall be in accordance with requirements of Chapter 62-730, F.A.C. *[62-730]*

4. The permittee shall keep records of the amount of sludge or residuals disposed, transported, or incinerated in (Please specify units). If a person other than the permittee is responsible for sludge transporting, disposal, or incineration, the permittee shall also keep the following records:

   a. Name, address and telephone number of any transporter, and any manifests or bill of lading used;
   b. Name and location of the site of disposal, treatment or incineration;
   c. Name, address, and telephone number of the entity responsible for the disposal, treatment, or incineration site.

III. GROUND WATER REQUIREMENTS

Section III is not applicable to this facility.

IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

Section IV is not applicable to this facility.

V. OPERATION AND MAINTENANCE REQUIREMENTS

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. *[62-620.320(6)]*

2. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.

   a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;

   b. Copies of all reports required by the permit for at least three years from the date the report was prepared;

   c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;

d. A copy of the current permit;

e. A copy of any required record drawings; and

f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule. The Storm water Pollution Prevention Plan (SWPPP) shall be implemented in accordance with Part VII of this permit.

Improvement Action	Completion Date
1. Continue implementing the existing SWPPP	Effective date of permit

[62-620.320(6)]

2. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal no later than one-hundred and eighty days (180) prior to the expiration date of this permit. Application shall be made using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. *[62-620.335(1) and (2)]*

3. The permittee shall submit a copy of the Manatee Protection Plan, including any amendments, with the permit renewal application to each of the following agencies no later than one-hundred and eighty days (180) prior to the expiration date of this permit:

Florida Department of Environmental Protection
Industrial Wastewater Section, Mail Station 3545
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Florida Fish and Wildlife Conservation Commission
Bureau of Protected Species Management
620 South Meridian Street
OES-BPS
Tallahassee, Florida 32399-1600

And

US Fish and Wildlife Service
Jacksonville Field Office
7915 Baymeadows Way, Suite 200
Jacksonville, Florida 32256-7517

4. The permittee shall submit the information required by the applicable provisions of 40 CFR 122.21(r) in accordance with the following:

a. Within three months of the effective date of this permit, the permittee shall schedule a meeting with the Department to discuss the facility's plan to address the requirements of Section 316(b) of the Clean Water Act (CWA), including the applicable requirements under 40 CFR 122.21(r), any previous data and/or studies which the facility intends to use to satisfy any requirements under §122.21(r), and the proposal for a peer review group, if required.

b. Within six months of the effective date of this permit, the permittee shall submit to the Department a Plan of Study (POS) to address the timely implementation of the 316(b) cooling water intake regulations. The POS shall include a schedule for the submittal of all applicable §122.21(r) forms, any associated reports, and peer review documentation. All applicable forms, reports, and associated material shall be submitted as soon as practicable but no later than 180 days prior to the expiration date of the permit (also the due date for submission of the permit renewal application).

VII. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

1. In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a Stormwater Pollution Prevention (SWPP) Plan for the facility covered by this permit. The SWPP Plan shall be prepared in accordance with good engineering practices and in accordance with the factors outlined in 40 CFR §125.3(d)(2) or (3) as appropriate. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants, including mercury, in stormwater discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the SWPP Plan required under this part as a condition of this permit. The plan shall include, at a minimum, the following items:

   a. Specific individual(s) within the facility organization as members of a SWPP Team that are responsible for developing the SWPP Plan and assisting the facility or operations manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's SWPP Plan.

   b. A description of potential sources which may reasonably be expected to add significant amounts of pollutants to stormwater discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials that may potentially be significant pollutant sources. The plan shall include, at a minimum:
      (1) Drainage
         (a) A site map indicating an outline of the portions of the drainage area of each stormwater outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in stormwater runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Item (2)(c) (spills and leaks) have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing areas; and storage areas.
         (b) For each area of the facility that generates stormwater discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in stormwater discharges associated with industrial activity. Factors to consider include the toxicity of chemical; quantity of chemicals used, produced or discharged; the likelihood of contact with stormwater; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.
      (2) An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to stormwater between the time of three years prior to the effective date of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with stormwater runoff between the time of three years prior to the effective date of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in stormwater runoff; and a description of any treatment the stormwater receives.

(3) A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility after the date of three years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.
(4) A summary of existing discharge sampling data describing pollutants in stormwater discharges from the facility, including a summary of sampling data collected during the term of this permit.
(5) A narrative description of the potential pollutant sources from the following activities if applicable: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; loading/unloading areas; and on-site waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g. biochemical oxygen demand, etc.) of concern shall be identified.

c. A description of stormwater management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of stormwater management controls shall address the following minimum components, including a schedule for implementing such controls:
(1) Good housekeeping requires the maintenance of areas that may contribute pollutants to stormwater discharges in a clean, orderly manner.
(2) A preventive maintenance program shall involve timely inspection and maintenance of stormwater management devices (e.g. cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.
(3) Areas where potential spills that can contribute pollutants to stormwater discharges can occur and their accompanying drainage points shall be identified clearly in the SWPP Plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to personnel.
(4) In addition to or as part of the comprehensive site evaluation required under paragraph (4) of this section, qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.
(5) Employee training programs shall inform personnel responsible for implementing activities identified in the SWPP Plan or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the SWPP Plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.
(6) A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of stormwater discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
(7) Non-Stormwater Discharges
(a) The plan shall include a certification that each "stormwater-only" discharge authorized under this permit has been tested or evaluated for the presence of non-stormwater discharges. (This section is not applicable to those discharges authorized under this permit that have been identified in the application as having non-stormwater components.) The certification shall include the identification of potential significant sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with paragraph (6) of this section. Such certification may not be feasible if the facility operating the stormwater discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the stormwater

pollution plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-stormwater at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Department in accordance with paragraph (iii) below.

(b) Except for flows from firefighting activities, sources of authorized non-stormwater discharges that are combined with stormwater discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.

(c) Failure to Certify. Any facility that is unable to provide the certification required (testing for non-stormwater discharges), must notify the Department. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-stormwater discharges; the results of such test or other relevant observations; potential sources of non-stormwater discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-stormwater discharges to surface waters of the State of Florida which are not authorized by an NPDES permit are unlawful, and must be terminated or dischargers must submit appropriate NPDES permit application forms.

(8) The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

(9) The plan shall contain a narrative consideration of the appropriateness of traditional stormwater management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The plan shall provide that those measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to stormwater discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices; reuse of collected stormwater (such as for a process or as an irrigation source); inlet controls (such as oil/water separators); infiltration devices; and, detention or retention devices.

d. A Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but, except as provided in paragraph (4)(d) of this section, in no case less than once a year. Such evaluations shall provide:

(1) Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural stormwater management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

(2) Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with paragraph (2) of this section (description of potential pollutant sources) and pollution prevention measures and controls identified in the plan in accordance with paragraph (3) of this section (measures and controls) shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than twelve weeks after the inspection.

(3) A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPP Plan, and actions taken in accordance with paragraph (4)(b) of this section shall be made and retained as part of the SWPP Plan for at least one year after coverage under this permit terminates. The report shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the SWPP Plan and this permit. The report shall be signed in accordance with paragraph (6) (signatory requirements) of this section.

e. Consistency with other plans. SWPP Plans may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC), plans developed for the facility under section 311 of the CWA or Best

Management Practices (BMP) Programs otherwise required by an NPDES permit for the facility as long as such requirement is incorporated into the SWPP Plan.

f. Signatory Authority and Management Responsibilities. The SWPP Plan shall be signed in accordance with Rule 62-620.305, Florida Administrative Code, and shall be reviewed by the facility engineer and facility manager. A copy of the plan shall be retained at the facility and shall be made available to the Department upon request, or in the case of a stormwater discharge associated with industrial activity that discharges through a municipal separate storm sewer system, to the operator of the municipal system.

g. Plan Review. The Department may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this Part. Within 30 days of such notification from the Department, the permittee shall make the required changes to the plan and shall submit to the Department a written certification that the requested changes have been made.

h. Keeping Plans Current. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance of the facility which has a significant effect on the potential for the discharge of pollutants to surface waters of the State of Florida; if the SWPP Plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under paragraph (2) (description of potential pollutant sources) of this section; or, in otherwise achieving the general objectives of controlling pollutants in stormwater discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department in the same manner as described in paragraphs (6) and (7) of this section.

[62-620.100(3)(m)]

VIII. OTHER SPECIFIC CONDITIONS

A. Specific Conditions Applicable to All Permits

1. Where required by Chapter 471 or Chapter 492, F.S., applicable portions of reports that must be submitted under this permit shall be signed and sealed by a professional engineer or a professional geologist, as appropriate. *[62-620.310(4)]*

2. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Department's Central District Office, are made a part hereof.

3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.

4. The permittee shall provide verbal notice to the Department's Southeast District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, or wastewater sludges. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's Central District Office in a written report within 7 days of the sinkhole discovery. *[62-620.320(6)]*

B. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:

   a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;
      (1) One hundred micrograms per liter,
      (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony, or

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;
(1) Five hundred micrograms per liter,
(2) One milligram per liter for antimony, or
(3) Ten times the maximum concentration value reported for that pollutant in the permit application.

[62-620.625(1)]

C. Impoundment Design, Construction, Operation, and Maintenance

1. All impoundments used to hold or treat wastewater and other associated wastes shall be operated and maintained to prevent the discharge of pollutants to waters of the State, except as authorized under this permit.

2. Operation and maintenance of any impoundment shall be in accordance with all applicable State regulations.

D. Duty to Reapply

1. The permittee is not authorized to discharge to waters of the State after the expiration date of this permit, unless:

   a. the permittee has applied for renewal of this permit at least 180 days before the expiration date (December 26, 2015) using the appropriate forms listed in Rule 62-620.910, F.A.C., and in the manner established in the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.; or

   b. the permittee has made complete the application for renewal of this permit before the permit expiration date.

   [62-620.335(1)-(4), F.A.C.]

2. When publishing Notice of Draft and Notice of Intent in accordance with Rules 62-110.106 and 62-620.550, F.A.C., the permittee shall publish the notice at its expense in a newspaper of general circulation in the county or counties in which the activity is to take place either

   a. Within thirty days after the permittee has received a notice; or

   b. Within thirty days after final agency action.

   Failure to publish a notice is a violation of this permit.

E. Reopener

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:

   a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;

   b. Controls any pollutant not addressed in the permit.

   The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, EPA established Total Maximum Daily Loads (TMDLs), or other information show a need for a different limitation, monitoring requirement, or more stringent requirements or any applicable standards pertaining to the operation and maintenance of coal combustion waste impoundments.

3. The Department or EPA may develop a TMDL during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

4. The permit shall be reopened for revision as appropriate to address new information that was not available at the time of this permit issuance or to comply with requirements of new regulations, standards, or judicial decisions relating to CWA 316(b).

IX. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1)]*

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2)]*

3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. *[62-620.610(3)]*

4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. *[62-620.610(4)]*

5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5)]*

6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6)]*

7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7)]*

8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8)]*

9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:

   a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;

   b. Have access to and copy any records that shall be kept under the conditions of this permit;

   c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and

   d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

   [62-620.610(9)]

10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10)]*

11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11)]*

12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12)]*

13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13)]*

14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. *[62-620.610(14)]*

15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15)]*

16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted

facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16)]*

17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
    a. A description of the anticipated noncompliance;
    b. The period of the anticipated noncompliance, including dates and times; and
    c. Steps being taken to prevent future occurrence of the noncompliance.

    [62-620.610(17)]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, F.A.C., and 40 CFR 136, as appropriate.
    a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
    b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
    c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
    d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
    e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
    f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.

    [62-620.610(18)]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19)]*

20. The permittee shall report to the Department's Tallahassee any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
    a. The following shall be included as information which must be reported within 24 hours under this condition:
        (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,

(2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
(3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
(4) Any unauthorized discharge to surface or ground waters.

b. Oral reports as required by this subsection shall be provided as follows:
(1) For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph 20(a)(4) that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
(a) Name, address, and telephone number of person reporting;
(b) Name, address, and telephone number of permittee or responsible person for the discharge;
(c) Date and time of the discharge and status of discharge (ongoing or ceased);
(d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
(e) Estimated amount of the discharge;
(f) Location or address of the discharge;
(g) Source and cause of the discharge;
(h) Whether the discharge was contained on-site, and cleanup actions taken to date;
(i) Description of area affected by the discharge, including name of water body affected, if any; and
(j) Other persons or agencies contacted.
(2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Tallahassee within 24 hours from the time the permittee becomes aware of the circumstances.

c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Tallahassee shall waive the written report.

[62-620.610(20)]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX.17, 18 or 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX.20 of this permit. *[62-620.610(21)]*

22. Bypass Provisions.

a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.

b. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(3) The permittee submitted notices as required under Permit Condition IX.22.b. of this permit.

c. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

d. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX.22.a. 1 through 3 of this permit.

e. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX.22.a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions.

a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
   (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
   (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.

b. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
   (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
   (2) The permitted facility was at the time being properly operated;
   (3) The permittee submitted notice of the upset as required in Permit Condition IX.5. of this permit; and
   (4) The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.

c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.

d. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23)]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENTOF
ENVIRONMENTAL PROTECTION

Elsa A. Potts

Elsa A. Potts, P.E.
Program Administrator
Industrial Wastewater Program
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Attachment(s):
Discharge Monitoring Report

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: D-001
MONITORING GROUP DESCRIPTION: Cooling pond discharge to South Fork New River
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 Y Mon. Site No. EFF-3	Permit Requirement		380 (An.Avg.)	MGD						Daily; 24 hours	Calculated
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-3	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Daily; 24 hours	Calculated
Temperature (F), Water (JUN - SEP)	Sample Measurement										
PARM Code 00011 1 Mon. Site No. EFF-3	Permit Requirement						99.0 (Mo.Avg.)	Deg F		Continuous	Recorder
Temperature (F), Water (JUN - SEP)	Sample Measurement										
PARM Code 00011 Q Mon. Site No. EFF-3	Permit Requirement						101.1 (Day.Max.)	Deg F		Continuous	Recorder
Temperature (F), Water (OCT - MAY)	Sample Measurement										
PARM Code 00011 R Mon. Site No. EFF-3	Permit Requirement						96.0 (Mo.Avg.)	Deg F		Continuous	Recorder
Temperature (F), Water (OCT - MAY)	Sample Measurement										
PARM Code 00011 S Mon. Site No. EFF-3	Permit Requirement						99.0 (Day.Max.)	Deg F		Continuous	Recorder

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 32 of 55

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: FPL - Lauderdale Power Plant

MONITORING GROUP NUMBER: D-001

PERMIT NUMBER: FL0001503-003-IW1S

MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Solids, Total Dissolved (TDS)	Sample Measurement										
PARM Code 70295 1 Mon. Site No. EFF-3	Permit Requirement					Report (Mo.Avg.)	Report (Day.Max.)	mg/L		Bi-monthly; every 2 months[1]	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-3	Permit Requirement				6.5 (Day.Min.)		8.5 (Day.Max.)	s.u.		Bi-monthly; every 2 months[1]	Grab
Copper, Total Recoverable	Sample Measurement										
PARM Code 01119 1 Mon. Site No. EFF-3	Permit Requirement					Report (Single Sample)		ug/L		Quarterly	Grab
Copper, Total Recoverable	Sample Measurement										
PARM Code 01119 P Mon. Site No. INT-1	Permit Requirement					Report (Single Sample)		ug/L		Quarterly	Grab

[1] During months that do not require sampling enter "MNR" to indicate that no sampling required for that month.

ISSUANCE/REISSUANCE DATE:

DEP Form 62-620.910(10), Effective Nov. 29, 1994

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 33 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward

OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: D-001
MONITORING GROUP DESCRIPTION: Cooling pond discharge to South Fork New River
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING NOT REQUIRED: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Toxicity
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
7-DAY CHRONIC STATRE Mysidopsis bahia(Routine)	Sample Measurement										
PARM Code TRP3E P Mon. Site No. EFF-3	Permit Requirement				100 (Min.)			percent		Semi-Annually; twice per year	Grab
7-DAY CHRONIC STATRE Mysidopsis bahia(Additional)	Sample Measurement										
PARM Code TRP3E Q Mon. Site No. EFF-3	Permit Requirement				100 (Min.)			percent		As needed	As required by the permit
7-DAY CHRONIC STATRE Mysidopsis bahia(Additional)	Sample Measurement										
PARM Code TRP3E R Mon. Site No. EFF-3	Permit Requirement				100 (Min.)			percent		As needed	As required by the permit
7-DAY CHRONIC STATRE Menidia beryllina(Routine)	Sample Measurement										
PARM Code TRP6B P Mon. Site No. EFF-3	Permit Requirement				100 (Min.)			percent		Semi-Annually; twice per year	Grab
7-DAY CHRONIC STATRE Menidia beryllina(Additional)	Sample Measurement										
PARM Code TRP6B Q Mon. Site No. EFF-3	Permit Requirement				100 (Min.)			percent		As needed	As required by the permit
7-DAY CHRONIC STATRE Menidia beryllina(Additional)	Sample Measurement										
PARM Code TRP6B R Mon. Site No. EFF-3	Permit Requirement				100 (Min.)			percent		As needed	As required by the permit

*ENTER "MNR" IN THE RESULTS COLUMN FOR EACH TEST THAT IS NOT REQUIRED.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 34 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: D-0B1
MONITORING GROUP DESCRIPTION: Stormwater Runoff From Equipment Area
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-8	Permit Requirement		Report (Day.Max.)	MGD						Quarterly, when discharging	Calculated
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-8	Permit Requirement						50.0 (Day.Max.)	mg/L		Quarterly, when discharging	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-8	Permit Requirement				6.0 (Day.Min.)		9.0 (Day.Max.)	s.u.		Weekly, when discharging	Grab

I certify under penalty of law that this document and all attachments were prepared under my direction or sunpervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachmets here):

ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 35 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-012
MONITORING GROUP DESCRIPTION: Demineralizer Regeneration Wastewater
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-12	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Per batch of process	Calculated
Oil and Grease	Sample Measurement										
PARM Code 00556 1 Mon. Site No. EFF-12	Permit Requirement					15.0 (Mo.Avg.)	20.0 (Day.Max.)	mg/L		Once every 2 months, when discharging	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-12	Permit Requirement					30 (Mo.Avg.)	100 (Day.Max.)	mg/L		Once every 2 months, when discharging	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-12	Permit Requirement				6.0 (Day.Min.)		9.0 (Day.Max.)	s.u.		Once every 2 months, when discharging	Grab
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. EFF-12	Permit Requirement				Report (Single Sample)			mg/L		Quarterly	Grab
Phosphorus, Total	Sample Measurement										
PARM Code 00665 1 Mon. Site No. EFF-12	Permit Requirement				Report (Single Sample)			mg/L		Quarterly	Grab

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 36 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-013
MONITORING GROUP DESCRIPTION: Wastewater Treatment System Effluent
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-13	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Continuous	Flow Totalizer
Oil and Grease	Sample Measurement										
PARM Code 00556 1 Mon. Site No. EFF-13	Permit Requirement					15 (Mo.Avg.)	20 (Day.Max.)	mg/L		Semi-Annually; twice per year	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-13	Permit Requirement					30.0 (Mo.Avg.)	100.0 (Day.Max.)	mg/L		Semi-Annually; twice per year	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-13	Permit Requirement				6.0 (Day.Min.)		9.0 (Day.Max.)	s.u.		Monthly	Grab
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. EFF-13	Permit Requirement				Report (Single Sample)			mg/L		Quarterly	Grab
Phosphorus, Total	Sample Measurement										
PARM Code 00665 1 Mon. Site No. EFF-13	Permit Requirement				Report (Single Sample)			mg/L		Quarterly	Grab

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 37 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-015
MONITORING GROUP DESCRIPTION: Metal Cleaning Wastewater
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow, Total Volume	Sample Measurement										
PARM Code 82220 1 Mon. Site No. EFF-14	Permit Requirement	Report (Mo.Total)	Report (Day.Max.)	Mgal/month						Continuous	Flow Totalizer
Copper, Total Recoverable	Sample Measurement										
PARM Code 01119 1 Mon. Site No. EFF-14	Permit Requirement						1.0 (Day.Max.)	mg/L		Per batch of process	24-hr TPC
Iron, Total Recoverable	Sample Measurement										
PARM Code 00980 1 Mon. Site No. EFF-14	Permit Requirement						1.0 (Day.Max.)	mg/L		Per batch of process	24-hr TPC
Oil and Grease	Sample Measurement										
PARM Code 00556 1 Mon. Site No. EFF-14	Permit Requirement						15.0 (Day.Max.)	mg/L		Per batch of process	24-hr TPC
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-14	Permit Requirement						30 (Day.Max.)	mg/L		Per batch of process	24-hr TPC

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NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 38 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-01D
MONITORING GROUP DESCRIPTION: Construction Dewatering
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-7	Permit Requirement		Report (Day.Max.)	MGD						Daily, when discharging	Calculated
Oil and Grease	Sample Measurement										
PARM Code 00556 1 Mon. Site No. EFF-7	Permit Requirement						Report (Day.Max.)	mg/L		Monthly, when discharging	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-7	Permit Requirement						50.0 (Day.Max.)	mg/L		Monthly, when discharging	Grab
Turbidity	Sample Measurement										
PARM Code 00070 1 Mon. Site No. EFF-7	Permit Requirement						Report (Day.Max.)	NTU		Monthly, when discharging	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-7	Permit Requirement				6.0 (Day.Min.)		9.0 (Day.Max.)	s.u.		Monthly, when discharging	Grab

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Florida Power & Light Company
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FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 39 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-01E
MONITORING GROUP DESCRIPTION: Reverse Osmosis Reject
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-11	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Weekly	Calculated
Oil and Grease	Sample Measurement										
PARM Code 00556 1 Mon. Site No. EFF-11	Permit Requirement					15.0 (Mo.Avg.)	20.0 (Day.Max.)	mg/L		Semi-Annually; twice per year	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 Y Mon. Site No. EFF-11	Permit Requirement					30.0 (An.Avg.)	100.0 (Day.Max.)	mg/L		Once every 2 months	8-hr FPC
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. EFF-11	Permit Requirement				Report (Single Sample)			mg/L		Quarterly	Grab
Phosphorus, Total	Sample Measurement										
PARM Code 00665 1 Mon. Site No. EFF-11	Permit Requirement				Report (Single Sample)			mg/L		Quarterly	Grab

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ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 40 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-11A
MONITORING GROUP DESCRIPTION: Unit 4 Once-through Cooling Water
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 7 Mon. Site No. INT-1	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Continuous	Calculated
Temperature (F), Water	Sample Measurement										
PARM Code 00011 1 Mon. Site No. EFF-1	Permit Requirement					Report (Mo.Avg.)	Report (Day.Max.)	Deg F		Continuous	Meter
Temperature (F), Water	Sample Measurement										
PARM Code 00011 Q Mon. Site No. INT-1	Permit Requirement					Report (Mo.Avg.)	Report (Day.Max.)	Deg F		Continuous	Meter
Temp. Diff. between Intake and Discharge	Sample Measurement										
PARM Code 61576 1 Mon. Site No. EFF-1	Permit Requirement					13.2 (Mo.Avg.)	Report (Day.Max.)	Deg F		Daily; 24 hours	Calculated
Oxidants, Total Residual	Sample Measurement										
PARM Code 34044 1 Mon. Site No. EFF-1	Permit Requirement					0.20 (Mo.Avg.)	0.20 (Day.Max.)	mg/L		Weekly	Grab
Chlorination Duration	Sample Measurement										
PARM Code 78739 7 Mon. Site No. INT-3	Permit Requirement						1440 (Day.Max.)	min		Daily; 24 hours	Calculated

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ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 41 of 55

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: FPL - Lauderdale Power Plant

MONITORING GROUP NUMBER: I-11A

PERMIT NUMBER: FL0001503-003-IW1S

MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Chlorination Duration	Sample Measurement										
PARM Code 78739 Q Mon. Site No. INT-5	Permit Requirement						120 (Day.Max.)	min		Daily; 24 hours	Calculated
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-4	Permit Requirement				6.0 (Day.Min.)		9.0 (Day.Max.)	s.u.		Weekly	Grab

ISSUANCE/REISSUANCE DATE:

DEP Form 62-620.910(10), Effective Nov. 29, 1994

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 42 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-11B
MONITORING GROUP DESCRIPTION: Unit 5 Once-through Cooling Water
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 7 Mon. Site No. INT-2	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Continuous	Calculated
Temperature (F), Water	Sample Measurement										
PARM Code 00011 1 Mon. Site No. EFF-2	Permit Requirement					Report (Mo.Avg.)	Report (Day.Max.)	Deg F		Continuous	Meter
Temperature (F), Water	Sample Measurement										
PARM Code 00011 Q Mon. Site No. INT-2	Permit Requirement					Report (Mo.Avg.)	Report (Day.Max.)	Deg F		Continuous	Meter
Temp. Diff. between Intake and Discharge	Sample Measurement										
PARM Code 61576 1 Mon. Site No. EFF-2	Permit Requirement					13.2 (Mo.Avg.)	Report (Day.Max.)	Deg F		Daily; 24 hours	Calculated
Oxidants, Total Residual	Sample Measurement										
PARM Code 34044 1 Mon. Site No. EFF-2	Permit Requirement					0.20 (Mo.Avg.)	0.20 (Day.Max.)	mg/L		Weekly	Grab
Chlorination Duration	Sample Measurement										
PARM Code 78739 7 Mon. Site No. INT-4	Permit Requirement						1440 (Day.Max.)	min		Daily; 24 hours	Meter

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COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

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Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 43 of 55

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: FPL - Lauderdale Power Plant

MONITORING GROUP NUMBER: I-11B

PERMIT NUMBER: FL0001503-003-IW1S

MONITORING PERIOD From: _____ To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Chlorination Duration	Sample Measurement										
PARM Code 78739 Q Mon. Site No. INT-6	Permit Requirement						120 (Day.Max.)	min		Daily; 24 hours	Meter
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-4	Permit Requirement				6.0 (Day.Min.)		9.0 (Day.Max.)	s.u.		Weekly	Grab

ISSUANCE/REISSUANCE DATE:

DEP Form 62-620.910(10), Effective Nov. 29, 1994

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 44 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-16A
MONITORING GROUP DESCRIPTION: Unit 4 Heat Recovery Steam Generator (HRSG) Boiler Blowdown
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-5	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Monthly	Calculated
Oil and Grease	Sample Measurement										
PARM Code 00556 1 Mon. Site No. EFF-5	Permit Requirement					15.0 (Mo.Avg.)	20.0 (Day.Max.)	mg/L		Monthly	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-5	Permit Requirement					30.0 (Mo.Avg.)	100.0 (Day.Max.)	mg/L		Monthly	8-hr FPC

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Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 45 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-16B
MONITORING GROUP DESCRIPTION: Unit 5 Heat Recovery Steam Generator (HRSG) Boiler Blowdown
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-6	Permit Requirement	Report (Mo.Avg.)	Report (Day.Max.)	MGD						Monthly	Calculated
Oil and Grease	Sample Measurement										
PARM Code 00556 1 Mon. Site No. EFF-6	Permit Requirement					15.0 (Mo.Avg.)	20.0 (Day.Max.)	mg/L		Monthly	Grab
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-6	Permit Requirement					30.0 (Mo.Avg.)	100.0 (Day.Max.)	mg/L		Monthly	8-hr FPC

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Exhibit MWS-15, Page 46 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

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MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-1B2
MONITORING GROUP DESCRIPTION: Stormwater Runoff from Equipment Area
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-9	Permit Requirement		Report (Day.Max.)	MGD						Weekly, when discharging	Calculated
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-9	Permit Requirement						50.0 (Day.Max.)	mg/L		Quarterly, when discharging	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-9	Permit Requirement				6.0 (Day.Min.)		9.0 (Day.Max.)	s.u.		Quarterly, when discharging	Grab

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Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 47 of 55

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: FPL - Lauderdale Power Plant
MAILING ADDRESS: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

FACILITY: FPL - Lauderdale Power Plant
LOCATION: 4300 SW 42nd Avenue
Fort Lauderdale, FL 33314-

COUNTY: Broward
OFFICE: Southeast District

PERMIT NUMBER: FL0001503-003-IW1S

LIMIT: Final
CLASS SIZE: MA
MONITORING GROUP NUMBER: I-1B3
MONITORING GROUP DESCRIPTION: Stormwater Runoff from Equipment Area and non-Equipment Area
RE-SUBMITTED DMR: ☐
NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Industrial

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 1 Mon. Site No. EFF-10	Permit Requirement		Report (Day.Max.)	MGD						Weekly, when discharging	Calculated
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 1 Mon. Site No. EFF-10	Permit Requirement						50.0 (Day.Max.)	mg/L		Quarterly, when discharging	Grab
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFF-10	Permit Requirement				6.0 (Day.Min.)		9.0 (Day.Max.)	s.u.		Quarerly, when discharging	Grab

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

ISSUANCE/REISSUANCE DATE:

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 48 of 55

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

Resubmitted DMR: Check this box if this DMR is being re-submitted because there was information missing from or information that needed correction on a previously submitted DMR. The information that is being revised should be clearly noted on the re-submitted DMR (e.g. highlight, circle, etc.)
No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.
Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units.
No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.
Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.
Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.
Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.
Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 49 of 55

PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

To calculate the monthly average, add each reported value to get a total. For flow, divide this total by the number of days in the month. For all other parameters, divide the total by the number of observations.
Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.
Time Sample Obtained: Enter the time the sample was taken.
Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.
Detection Limits: Record the detection limits of the analytical methods used.
Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.
Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)
Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).
Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.
Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).
Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.
Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.
No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.
$CBOD_5$: Enter the average $CBOD_5$ of the reclaimed water discharged during the period shown in duration of discharge.
TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.
Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.
Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.
No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.
Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

Florida Power & Light Company
Docket No. 20170007-EI
FDEP Industrial Wastewater Facility ("IWWF") Permit for PFL
Exhibit MWS-15, Page 50 of 55

Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

October 10, 2016

Sent by Electronic Mail to:
(Dwayne.Harper@fpl.com)

Mr. Dwayne Harper
Plant General Manager
Florida Power & Light (FPL)
4300 SW 42nd Avenue
Fort Lauderdale, Florida 33314

RE Lauderdale Power Plant
NPDES Permit No. FL0001503
Permit File No. FL0001503-007-IWF/MM
Minor Permit Revision – DMR Submittal via EzDMR

Dear Mr. Harper:

Pursuant to Rule 62-620.325(2), Florida Administrative Code (F.A.C.), the Florida Department of Environmental Protection (Department) has initiated a minor permit revision for the above referenced National Pollutant Discharge Elimination System (NPDES) permit to incorporate new electronic Discharge Monitoring Report (DMR) submittal requirements. Beginning December 21, 2016, this minor permit revision will require the electronic submittal of DMRs using the Department's Electronic Discharge Monitoring Report (EzDMR) System.

In October 2015, the U.S. Environmental Protection Agency (EPA) finalized its NPDES Electronic Reporting Rule. This rule requires an NPDES-regulated entity to electronically submit DMRs beginning December 21, 2016. *Title 40 Code of Federal Regulations (CFR) §127.16*. On August 16, 2016, the Department adopted and incorporated by reference the requirements of the EPA's NPDES Electronic Reporting Rule. These requirements are adopted in Rule 62-620.100, F.A.C. (https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-620).

This letter must be attached to Wastewater Permit No. FL0001503 and becomes a part of and subject to all conditions of that permit. All other monitoring requirements, permit limits, and the permit expiration date remain unchanged. If you have any questions regarding this permit revision, please contact Marc Harris, P.E. at (850) 245-8590.

Note, because you are already using EzDMR, you should not need to make any changes as a result of this permit revision.

The Department will issue the proposed permit revision unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes (F.S.), within

fourteen days of receipt of this notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, agency_clerk@dep.state.fl.us.

Under Rule 62-110.106(4), F.A.C., a person may request an extension of the time for filing a petition for an administrative hearing. The request must be filed (received by the Clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. Section 120.60(3), F.S., however, also allows that any person who has asked the Department in writing for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for an extension of time within fourteen days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, F.A.C.:

(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the determination;
(c) A statement of when and how the petitioner received notice of the Department's decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the Department's proposed action;
(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, F.S., is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for an extension of time) is filed in accordance with the above. Upon the timely filing of a petition (or request for an extension of time), this permit revision will not be effective until further order of the Department.

Any party to the permit revision has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, agency_clerk@dep.state.fl.us, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when this permit action is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elsa A. Potts

Elsa A. Potts, P.E.
Program Administrator
Industrial Wastewater Program
Division of Water Resource Management
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8336

FILING AND ACKNOWLEDGMENT

FILED, on this date, under Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF PERMIT REVISION and all copies were mailed before the close of business on 10/10/2016.

Shirley Shields
Clerk

10/10/2016
Date

Attachment I: Revised Permit Condition I.C.3.

Permit Condition I.C.3 is hereby revised as follows:

Monitoring requirements under this permit are effective on the first day of the second month following the effective date of the permit. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Unless specified otherwise in this permit, monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below. DMRs shall be submitted for each required monitoring period including periods of no discharge.

REPORT Type on DMR	Monitoring Period	Submit by
Monthly	first day of month - last day of month	28th day of following month
Quarterly	January 1 - March 31 April 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 31	July 28 January 28
Annual	January 1 - December 31	January 28

The permittee may submit either electronic or paper DMR forms before December 21, 2016. As of December 21, 2016, the permittee is required to submit electronic DMR forms, unless the permittee has a waiver from the Department in accordance with 40 CFR 127.15.

If submitting electronic DMR forms, the permittee shall use the electronic DMR system approved by the Department (EzDMR) and shall electronically submit the completed DMR forms using the DEP Business Portal at http://www.fldepportal.com/go/. Reports shall be submitted to the Department by the twenty-eighth (28th) of the month following the month of operation. Data submitted in electronic format is equivalent to data submitted on signed and certified paper DMR forms.

If submitting paper DMR forms, the permittee shall make copies of the attached DMR forms, without altering the original format or content unless approved by the Department, and shall mail the completed DMR forms to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

Florida Department of Environmental Protection
Data and Information Services, Mail Station 3551
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

[62-620.610(18)]

NPDES/IWW

Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the matter of:
Approval of FPL Lauderdale Plant
Manatee Protection Plan

DEP Permit No. FL0001503
Broward County

Mr. Ron Hix
Florida Power & Light Company
P.O. Box 088801
North Palm Beach, FL 33408-08801

NOTICE OF AGENCY ACTION

The Department of Environmental Protection hereby gives notice of its approval of the enclosed Manatee Protection Plan for the FPL Lauderdale Plant, completed June 23, 1999 pursuant to Specific Condition 13 of Permit Number FL0001503.

A person whose substantial interests are affected by the Department action may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes.

The petition must contain the information set forth below and must be filed (received) in the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within twenty-one days of receipt of this notice of intent. Petitions filed by any other person must be filed within twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:
(a) The name, address, and telephone number of each petitioner; the Department case identification number and the county in which the subject matter or activity is located;
(b) A statement of how and when each petitioner received notice of the Department action;
(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of the material facts disputed by the petitioner, if any;
(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
(f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this order. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mimi Drew
Director
Division of Water Resource Management

2600 Blair Stone Road
Tallahassee, FL 32399-2400
(850) 487-1855

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF AGENCY ACTION and all copies were mailed before the close of business on 08-18-99 to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under section 120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

S. Shields 08-18-99

(Clerk) (Date)

Copies furnished to:

Tim Powell, DEP Southeast District
Kipp Frohlich, FWC Tallahassee
Jennifer Fitzwater, DEP Office of General Counsel
Scott Cowan, Chairman, Board of Broward County Commissioners
Jim Valade, U.S. Fish and Wildlife Service
Save the Manatee Club

NPDES File

Florida Fish and Wildlife Conservation Commission

James L. "Jamie" Adams, Jr., Bushnell
Barbara C. Barsh, Jacksonville
Patrick E. Geraghty, Ft. Myers
Quinton L. Hedgepeth, DDS, Miami
H.A. "Herky" Huffman, Deltona
Thomas B. Kilber, Lakeland
David K. Meehan, St. Petersburg
Julie K. Morris, Sarasota
Tony Moss, Miami
Edwin P. Roberts, DC, Pensacola
John D. Rood, Jacksonville

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

620 South Meridian Street
Tallahassee, FL 32399-1600
www.state.fl.us/gfc
(850)487-3796
TDD (850)488-9542

July 6, 1999

Vince Seibold
Florida Department of Environmental Protection
Industrial Wastewater Section
Mail Station 3545
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED
JUL 09 1999
Industrial Wastewater Section

Dear Vince;

I have attached the Manatee Protection Plan dated June 23, 1999 for Florida Power & Light's (FPL) Lauderdale facility. The Bureau of Protected Species Management has reviewed the attached plan and with this letter acknowledges our acceptance of this plan as that required by permit condition 13, of the FPL-Lauderdale's NPDES permit. Pursuant to the agreed upon approval protocol for the NPDES Manatee Protection Plans, I have provided the following chronological list recounting the submittal of Florida Power & Light-Lauderdale's draft Manatee Protection Plans and our corresponding responses.

July 17, 1998	The Bureau of Protected Species Management receives a draft manatee protection plan from Florida Power & Light for their Lauderdale facility.
September 10, 1998	The Bureau of Protected Species Management provides comments and recommends modifications to FPL regarding their Lauderdale facility's draft Manatee Protection Plan
December 17, 1998	FPL provides the Bureau of Protected Species Management a second draft of the FPL-Lauderdale Manatee Protection Plan.
February 23, 1999	The Bureau of Protected Species Management provides recommended final changes to FPL-Lauderdale's Manatee Protection Plan
May 28, 1999	The Bureau of Protected Species Management provides the U. S. Fish and Wildlife Service (USFWS) with a copy of the FPL-Lauderdale draft Manatee Protection Plan for review and comment.

June 1, 1999	The USFWS provides several recommended modifications to the FPL-Ft Lauderdale final draft plan.
June 3, 1999	The Bureau of Protected Species receives a carbon copy of the USFWS letter to the Department's Industrial Wastewater Section providing their concurrence to the attached Manatee Protection Plan for the FPL-Ft Lauderdale facility dated June 23, 1999.
June 30, 1999	The Bureau of Protected Species Management receives concurrence from FPL-Lauderdale on the attached Manatee Protection Plan dated June 23, 1999.

If you have any questions or need further information, please call me at suncom 292-4330.

Sincerely,

OFFICE OF ENVIRONMENTAL SERVICES

R. Kipp Frohlich
Biological Administrator
Bureau of Protected Species Management

\rrm
NPDES.099\IWW-FPL-Lauderdale-ltr 706.doc
ENV 7-2
Attachment

cc: R Hix
J Valade

Florida Power & Light - Lauderdale
Manatee Protection Plan

Purpose:

The purpose of the Lauderdale Plant Manatee Protection Plan is to set forth Florida Power & Light Company's (FPL) procedures to comply with Specific Condition 13 of the facility's State Industrial Wastewater Permit Number FL0001503 that was issued on January 16, 1998. This Specific Condition reads, in part:

13. The permittee, in so far as required to comply with Tasks 25 and 251 of the U.S. Fish and Wildlife Service (USFWS) "Florida Manatee Recovery Plan," shall develop a plan and procedures addressing potential manatee impacts. ....All plans, if required, shall include an implementation schedule and address, at a minimum:

    (a) Plans to minimize disruption to warm-water outflows during the winter and response procedures in case of disruptions.

    (b) Strategy to maintain discharge temperatures that will sustain manatees during cold events

    (c) Plan to monitor ambient and discharge temperatures

    (d) Precautions to minimize hazards to manatees at intake and outfall areas.

    (e) Timely communication to manatee recovery program personnel of any long term changes in the availability of warm water

Compliance with Specific Condition 13:

1. This Manatee Protection Plan will be in effect during the term of the permit mentioned above. In order for the plant's warm water discharge to provide a safe, warm water refuge for the manatees and to comply with Specific Condition 13, FPL will take the following actions:

    a) In the case of an unplanned shutdown or plant failure that will affect the warm water refuge from November 15 through March 31, when the ambient water temperature is below 61°F, the Florida Wildlife Conservation Commission (FWCC) and USFWS will be notified no later than four (4) hours after the event has occurred. The following agency representatives shall be notified in the above referenced event or if any distressed manatees are observed at any time:

    FWCC - Florida Marine Research Institute - Marine Mammal Pathobiology Lab: (813)-893-2904
    USFWS - Jacksonville Field Office: (904) 232-2580

    The FWCC, Bureau of Protected Species Management (BPSM) shall be provided a schedule of any anticipated in-water work within the discharge canal or work that will affect the warm water refuge during the period of November 15 through March 31 each year. No routine in-water maintenance work shall occur in the discharge canal from November 15 through March 31, unless it is considered essential by FPL and approved by BPSM prior to the start of work. If emergency in-water work is needed, the BPSM will be notified and consulted no later than two weeks following the commencement of the activity. All vessels used in the operation or associated with the activity shall be operated pursuant to the attached standard manatee construction conditions.

b) From November 15 through March 31 each year, to coincide with the time of greatest manatee abundance, if the ambient water temperature falls below 61°F, the FPL Lauderdale plant shall endeavor to operate in a manner that maintains the water temperature in an adequate portion of the discharge canal at or above 68°F, until such time as the ambient water temperature reaches 61°F, unless otherwise authorized by BPSM and the USFWS, or unless safety or reliability of the plant would be compromised.

c) The FPL Lauderdale power plant will provide personnel from the BPSM, USFWS, Florida Marine Research Institute, USGS-Sirenia Project, or a designee of these agencies, access to the FPL Lauderdale power plant property to conduct manatee research and monitoring activities which may include, placing, maintaining and downloading data from temperature data loggers. These temperature data loggers will be used to collect air and water temperature data in an ongoing research effort to better understand manatee behavior patterns in response to artificial warm water refugia and environmental variables. The temperature data loggers will be placed in the discharge canal and at ambient water and air locations. Access would be limited to normal business hours (8:00am - 5:00pm) unless arrangements are made in advance with the FPL Lauderdale power plant.

d) Intake Area: No special surveys will be required for the intake area.

Discharge Area: No special surveys will be required for the discharge canal.

e) Should FPL decide to retire these units, notice will be provided to FWCC and USFWS as soon as practical after a definite decision is made or, if possible, at least five years prior to the date of retirement.

f) To assist in documenting long-term use patterns of this facility, FPL should conduct periodic aerial surveys of manatees at the Lauderdale facility. The continuation of the ongoing statewide aerial survey that FPL has funded in the past years meets these criteria.

g) The FPL Lauderdale Power Plant will provide phone numbers for weekday and weekend notification of appropriate plant personnel for the purpose of allowing FWCC or USFWS to coordinate manatee rescue operations as necessary.

2.) FPL actions, pursuant to this plan, that will be conducted on a one-time basis unless there are significant physical or operational changes to the FPL Lauderdale power plant.

a) Provide a site map of the facility as a part of the plan that includes the following information;

1. The location of the intake pipes and outfall pipes.
2. Proximate streams, rivers, bays, etc.
3. The location of the condenser inlet and outlet temperature monitoring stations.
4 The location of any fuel barge docking facilities in relation to the discharge canal.
5 The delineation of the no-entry boundary at the discharge canal

b) In order to evaluate and determine what portions of the thermal discharge will provide a sufficient warm water refuge for manatees under potential cold stress water conditions; the FPL Lauderdale power plant will, within two (2) years of the effective date of this plan, provide a profile of the thermal gradient (either actual or calculated) of the discharge canal waters, as well as its gross bathymetry, at the mean rate of discharge when the ambient water temperature reaches a seasonal low.

FLORIDA POWER & LIGHT -- LAUDERDALE PLANT
MANATEE PROTECTION PLAN

1a) STANDARD MANATEE CONSTRUCTION CONDITIONS FOR ARTIFICIAL WARM WATER REFUGIA DURING THE PERIOD OF NOVEMBER 15 THROUGH MARCH 31.

The permittee shall comply with the following manatee protection conditions:

a. The permittee shall instruct all personnel associated with in-water work within the discharge canal and/or the warm water refuge of the potential presence of manatees and the need to avoid collisions with manatees. All vessels used in the operation or in association with the in-water work shall have an observer on board responsible for identifying the presence and location of manatee(s).

b. 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 of 1972, The Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.

c. All vessels associated with in-water work associated with the discharge canal and/or warm water refuge shall operate at "no wake/idle" speeds at all times while in the manatee warm water refuge area. All vessels will follow routes of deep water whenever possible.

d. If manatee(s) are seen within the discharge canal and/or warm water refuge area all appropriate precautions shall be implemented to ensure protection of the manatee(s). These precautions shall include the immediate shutdown of equipment if necessary. Activities will not resume until the manatee(s) has departed to a safe distance on its own volition.

e. Any collision with and/or injury to a manatee shall be reported immediately to the Florida Wildlife Conservation Commission at 1-888-404-FWCC (1-888-404-3922). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580).

United States Department of the Interior
U. S. FISH AND WILDLIFE SERVICE
7915 BAYMEADOWS WAY, SUITE 200
JACKSONVILLE, FLORIDA 32256-7517

IN REPLY REFER TO:

June 8, 2017

Michael Sole, Vice President
Environmental Services
Florida Power and Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

Dear Mr. Sole:

The U.S. Fish and Wildlife Service (Service) recently met with Florida Power and Light Company's (FP&L) staff to discuss plans to modernize the Dania Beach Clean Energy Center (DBCEC), formerly known as the FP&L Ft. Lauderdale Power Plant. The Company is considering a temporary replacement of the existing plant's warm water discharge during the modernization process to prevent the take of manatees known to winter at the site.

As discussed, modernization efforts will include closing the plant for an extended period of time while the plant is demolished and rebuilt. The plant closure will require the temporary shutdown of the plant's warm water discharge during winters when the site is typically used by hundreds of wintering manatees. Ultimately, modernization of the plant will extend the plant's operational lifespan and that of the warm water discharge.

At present, there are no authorizations in place under either the Marine Mammal Protection Act of 1972 or the Endangered Species Act of 1973 for the incidental take of manatees and their critical habitat. The manatees' winter habitat is the most important biological factor limiting the Florida manatee population and its protection is integral to full recovery of this species. Therefore, FP&L must take steps to avoid the loss of any manatees during the modernization process and insure that there is no loss of manatee winter habitat in both the near and long term.

Adherence to the DBCEC's NPDES Permit Manatee Protection Plan during modernization activities should ensure that manatees are not taken. Specifically, the permit requires the discharge of suitably warm water when nearby waters reach the specified trigger temperature. Replacement of the plant's warm water discharge with a temporary discharge, such as those used during modernization of other FP&L energy centers, will provide the warm water necessary to

sustain manatees during the shutdown and will insure that FP&L meets this requirement of the permit.

FP&L is a valued partner in the conservation and recovery of the manatee and we are confident that you will make every effort to protect for manatees as you move forward with this important project. We look forward to working with you on this initiative. Please do not hesitate to contact us if you have any questions or concerns. Thank you,

Sincerely,

Jay B. Herrington
Field Supervisor

cc: Leo Miranda, ARD-ES, USFWS Atlanta
Larry Williams, State Supervisor, USFWS Vero Beach

LEGEND
- Lauderdale Facility Boundary
- Discharge Pipe
- Intake Pipe
- Sheet Pile
- Heater Area

0 1,000 2,000
Feet

REFERENCE(S)
LAUDERDALE FACILITY BOUNDARY, A.R. TOUSSAINT & ASSOCIATES, INC., 1989
MANATEE HEATER AREA, FPL, 2017

CLIENT
FPL

PROJECT
MANATEE TEMPORARY
HEATING SYSTEM

TITLE
GENERAL LOCATION MAP

YYYY-MM-DD	2017-06-16
DESIGNED	NRL
PREPARED	NRL
REVIEWED	KAB
APPROVED	KFK

PROJECT NO.	CONTROL	REV.	FIGURE
1773823	E004	0	1

G:\PROJECTS\FPL\Dania Beach Energy Center\99 PROJECTS\1773823 SCAE GeneralRequests\02 PRODUCTION\MXD\1773823 E004 ManateeHeaterLocMap.mxd

IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN MODIFIED FROM: ANSI A
0 1 inch

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

Sent by E-mail to:
(christopher.costanzo@fpl.com)

In the Matter of an
Application for Permit by:

Florida Power & Light Company (FPL)
Christopher Costanzo
Site Vice President
6501 S. Ocean Dr.
Jensen Beach, Florida 34957

St. Lucie County
St. Lucie Power Plant Units 1 and 2
NPDES Permit No. FL0002208
PA File No. FL0002208-017-IW1S

NOTICE OF PERMIT

Enclosed is Permit Number FL0002208 to operate Units 1 and 2 of the St. Lucie Power Plant, issued under Chapter 403, Florida Statutes

Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any.

Any party to this order (permit) has the right to seek judicial review of the permit action under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when this document is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Elsa A. Potts

Elsa A. Potts, P.E.
Program Administrator
Industrial Wastewater Program
Division of Water Resource Management

3. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter in such amounts as to form nuisances. *[62-302.500(1)(a)]*

4. At monitoring location EFF-2, the heated water temperature shall not exceed 115°F and 30°F above ambient at any time. In the event that the permittee should have to utilize the 117° F maintenance activity temperature limit, the permittee shall submit with the Discharge Monitoring Report a summary of cooling water system maintenance activities and associated maximum discharge temperature reading and temperature difference above ambient. In determining the temperature differential, the time of travel through the plant may be considered. The permittee shall submit with the Discharge Monitoring Report a summary of cooling water system maintenance activities and associated maximum discharge temperature reading and temperature difference above ambient. The summary will include a brief explanation of nuisance activities. In the event that discharge temperature exceeds the temperature limitations, the permittee shall notify the Department within 5 days.

   Circulating water system maintenance (including, but not limited to, condenser and/or circulating water pump maintenance) shall mean:

   a. Repair or scheduled preventive activities that maintain the facility's circulating water system and its support systems within its as-designed capacity; and

   b. Results in at least one circulating water pump being shut down, or equivalent loss of heat removal, on each unit being shut down and in such amounts as to form nuisances.

5. Heated water from Outfall D-001 shall not cause the ocean surface temperature to exceed 97°F as an instantaneous maximum at any point extending seaward from the most seaward 18-foot depth contour line (three-fathom bottom depth contour) which is offshore from Hutchinson Island. In addition, during June, July, August, and September, no heated water from Outfall D-001 with a temperature above 92°F shall move shoreward past the 18-foot depth contour line into adjacent coastal waters. Further, no heated water with a temperature above 90°F move shoreward past the 18-foot depth contour line into coastal waters during the period October thru May.

   Heated water discharged from any port of the multi-port diffuser shall not exceed 17°F above ambient temperature in the receiving body of water outside a thermal mixing zone extending 5.50 meters seaward along the center line and 2.15 meters each side of the centerline of each port (a total area of 12 square meters for each port). Heated water discharged from the Y diffuser shall not exceed 17°F above ambient temperature in the receiving body of water outside a circular thermal mixing zone with a 13.93-meter radius originating at the mid-point between the orifices of the Y diffuser (a total area of 610 square meters for both Y diffusers). The total area of the thermal mixing zone for the facility (multi-port and Y diffusers) shall not exceed 1306 square meters.

   [62-302.520, F.A.C.]

6. Total Residual Oxidants (TRO) means the value obtained using testing procedures for Total Residual Chlorine (TRC) found in 40 CFR 136.3.

   Total residual oxidants shall not exceed a maximum instantaneous concentration of 0.10 mg/L at any one time as measured at monitoring location EFF-2 when automated TRO monitors are operational.

   If automated TRO monitors are inoperable for more than 7 days, TRO monitoring shall be conducted at least one time per week on not less than three grab samples collected from the condensers at the beginning, middle and end of the chlorination process. The total daily chlorination duration of 120 minutes per unit per day may consist of multiple chlorination periods of less than 120 minutes.

7. Mixing zones for Total Residual Oxidants (TRO) and Temperature are granted as follows:

   The mixing zones are defined as the area from the surface to bottom in the Atlantic Ocean encompassed by an area with the following sizes and centered along the discharge pipe:

Parameter	Final Mixing Zone Size (m^2)
Total Residual Oxidants (2 hours limit per day)	1306
Temperature	1306

8. Neither free available chlorine (FAC), total residual oxidant (TRO), nor any other Department-approved biocide shall be discharged from any condenser for more than two hours in any one day and not more than any one tower shall discharge FAC, TRO or other biocide at any one time. TRO and biocide monitoring shall be adequate to document compliance with this requirement. Chlorine shall not be used in conjunction with any other biocide during treatment of the condensers. *[40 CFR 423.13(b)(2)]*

9. Auxiliary equipment cooling water may receive continuous low-level chlorination.

10. The intake through-screen velocity shall be maintained at current levels such that existing maximum velocity is not exceeded. *[62-620.100(3), F.A.C., C.W.A. 316(b)]*

11. The permittee shall maintain current intake traveling screen practices at Units 1 and 2 so as to assure that the screens are cycled twice during each 24 hours of continuous operation unless precluded by repair/maintenance requirements. *[62-620.100(3), F.A.C., C.W.A. 316(b)]*

12. Material collected on the intake screens shall be removed and disposed of in accordance with all existing federal, state and or local laws and regulations that apply to waste disposal. Such material shall not be returned to the receiving waters. *[62-620.100(3), F.A.C., C.W.A. 316(b)]*

13. The permittee shall complete all studies and gather all information required under 40 CFR 122.21(r)(2-13) necessary to establish impingement mortality and entrainment BTA requirements in accordance with the schedule in Permit Condition VI.4. *[62-620.100(3) F.A.C., C.W.A. 316(b)]*

14. Nothing in this permit authorizes take for the purposes of a Facility's compliance with the federal Endangered Species Act. *[40 CFR 125.95(b)(1)]*

15. The permittee shall comply with the following requirements to evaluate chronic whole effluent toxicity of the discharge from outfall D-001.

    a. Effluent Limitation
       (1) In any routine or additional follow-up test for chronic whole effluent toxicity, the 25 percent inhibition concentration (IC25) shall not be less than 100% effluent. *[Rules 62-302.530(61) and 62-4.241(1)(b), F.A.C.]*
       (2) For acute whole effluent toxicity, the 96-hour LC50 shall not be less than 100% effluent in any test. *[Rules 62-302.500(1)(a)4. and 62-4.241(1)(a), F.A.C.]*

    b. Monitoring Frequency
       (1) Routine toxicity tests shall be conducted semiannually, the first starting within 60 days of the issuance date of this permit and lasting for the duration of this permit.
       (2) If a test within the sequence of the four is deemed invalid based on the acceptance criteria in EPA-821-R-02-014, but is replaced by a repeat valid test initiated within 21 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of evaluating the reduction of monitoring frequency.

    c. Sampling Requirements
       (1) For each routine test or additional follow-up test conducted, a total of three 24-hour composite samples of final effluent shall be collected and used in accordance with the sampling protocol discussed in EPA-821-R-02-014, Section 8.
       (2) The first sample shall be used to initiate the test. The remaining two samples shall be collected according to the protocol and used as renewal solutions on Day 3 (48 hours) and Day 5 (96 hours) of

f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

3. During the period of operation authorized by this permit, the wastewater facility shall, as part of the regular maintenance schedule, review the structural integrity of all outfalls, including all outfalls which have been taken out of service.

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule. The Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented in accordance with Part VII of this permit.

Improvement Action	Completion Date
1. Continue implementing the existing SWPP Plan	Issuance date of permit

[62-620.320(6)]

2. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal no later than one-hundred and eighty days (180) prior to the expiration date of this permit. Application shall be made using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. *[62-620.335(1) and (2)]*

3. Within six months of the effective date of this permit, the permittee shall schedule a meeting with the Department to discuss the contents of a mixing zone(s) re-evaluation plan for the mixing zones listed in Condition I.A.7 and the re- evaluation plans shall be implemented in accordance with the following schedule:

Action Item	Completion Date
1. Submission of Plan for Mixing Zone Evaluation	Issuance Date of Permit plus 12 months
2. Implement Plan for Mixing Zone	Within 24 months of Department Approval
3. Submission of Results of Mixing Zone Evaluation	180 Days Prior to Permit Expiration

[62-620.335(1)-(4)]

4. The permittee shall submit the information required by the applicable provisions of 40 CFR 122.21(r) in accordance with the following:

   a. Within three months of the effective date of this permit, the permittee shall schedule a meeting with the Department to discuss the facility's plan to address the requirements of Section 316(b) of the Clean Water Act (CWA), including the applicable requirements under 40 CFR 122.21(r)(2-13), any previous data and/or studies which the facility wishes to use to satisfy any requirements under §122.21(r)(2-13), and the proposal for a peer review group.

   b. Within six months of the effective date of this permit, the permittee shall submit to the Department a Plan of Study (POS) to address the timely implementation of the 316(b) cooling water intake regulations. The POS shall include a schedule for the submittal of 122(r)(2-13) forms and any associated reports. All applicable forms, reports, and associated material shall be submitted as soon as practicable but no later than 180 days prior to the expiration date of the permit (also the due date for submission of the permit renewal application).

5. The permittee shall complete a chlorine optimization study according to the following schedule:

Action Item	Completion Date
1. Notify the Department of Initiation of Chlorination Optimization Study	Issuance Date of Permit plus 12 months
2. Submit Summary Report of Phase I of Chlorination Optimization Study	Upon Completion
3. Submit Quarterly Reports of Phase II of Chlorination Optimization Study until completion	Every three months until completion
4. Notify Department of Completion of Chlorination Optimization Study	Upon completion
5. Submit Final Chlorination Optimization Study Report following permit issuance.	Upon completion but within two years following permit issuance
6. Incorporate Chlorination Optimization Strategy	Upon completion of Chlorination Optimization Study

VII. STORMWATER POLLUTION PREVENTION PLANS

1. In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

   a. Definitions

      (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
      (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
      (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
      (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.
      (5) "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.
      (6) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
      (7) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
      (8) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
      (9) "SWPPP" means a Storm Water Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other

f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

3. During the period of operation authorized by this permit, the wastewater facility shall, as part of the regular maintenance schedule, review the structural integrity of all outfalls, including all outfalls which have been taken out of service.

VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule. The Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented in accordance with Part VII of this permit.

	Improvement Action	Completion Date
1.	Continue implementing the existing SWPP Plan	Issuance date of permit

[62-620.320(6)]

2. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal no later than one-hundred and eighty days (180) prior to the expiration date of this permit. Application shall be made using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. *[62-620.335(1) and (2)]*

3. Within six months of the effective date of this permit, the permittee shall schedule a meeting with the Department to discuss the contents of a mixing zone(s) re-evaluation plan for the mixing zones listed in Condition I.A.7 and the re- evaluation plans shall be implemented in accordance with the following schedule:

	Action Item	Completion Date
1.	Submission of Plan for Mixing Zone Evaluation	Issuance Date of Permit plus 12 months
2.	Implement Plan for Mixing Zone	Within 24 months of Department Approval
3.	Submission of Results of Mixing Zone Evaluation	180 Days Prior to Permit Expiration

[62-620.335(1)-(4)]

4. The permittee shall submit the information required by the applicable provisions of 40 CFR 122.21(r) in accordance with the following:

   a. Within three months of the effective date of this permit, the permittee shall schedule a meeting with the Department to discuss the facility's plan to address the requirements of Section 316(b) of the Clean Water Act (CWA), including the applicable requirements under 40 CFR 122.21(r)(2-13), any previous data and/or studies which the facility wishes to use to satisfy any requirements under §122.21(r)(2-13), and the proposal for a peer review group.

   b. Within six months of the effective date of this permit, the permittee shall submit to the Department a Plan of Study (POS) to address the timely implementation of the 316(b) cooling water intake regulations. The POS shall include a schedule for the submittal of 122(r)(2-13) forms and any associated reports. All applicable forms, reports, and associated material shall be submitted as soon as practicable but no later than 180 days prior to the expiration date of the permit (also the due date for submission of the permit renewal application).

5. The permittee shall complete a chlorine optimization study according to the following schedule: