

**Collin Roehner**

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**From:** Office of Commissioner Brown  
**Sent:** Monday, July 18, 2016 10:38 AM  
**To:** Commissioner Correspondence  
**Subject:** 2016-07-17, Email from BBalboa, Docket No. 160021-EI and 160009  
**Attachments:** Environmental Groups Sue FPL Over Pollution at Turkey Point \_ Public News Service.pdf; Groups sue over Turkey Point.pdf; Federal lawsuit filed against FPL over Turkey Point discharges \_ www.mypalmbeachpost.pdf; FPL sued by environmentalists over cooling canals \_ Miami Herald.pdf; Environmental Groups Sue FPL Over Pollution at Turkey Point \_ Miami New Times.pdf; Environmental groups file lawsuit against FPL over Turkey Point nuclear issues \_ Utility Dive.pdf

Please place the following in Docket Correspondence, Consumers and Their Representatives, Docket Nos. 160021-EI and 160009.

Thank you.  
Joann

**From:** Beatrice Balboa [<mailto:beatricebalboa@gmail.com>]  
**Sent:** Sunday, July 17, 2016 8:46 PM  
**To:** Consumer Contact  
**Cc:** [eduardo.balbis@psc.state.fl.us](mailto:eduardo.balbis@psc.state.fl.us); Office Of Commissioner Graham; Office of Commissioner Brown; Office Of Commissioner Edgar; Ronald Brisé  
**Subject:** Re: Concerns

I was reading the latest news media article(s) regarding the latest Florida Power & Light Co. (FPL) environmental activities in Southeastern Florida with great interest. Please review and implement an action plan to thoroughly address this extremely troubling issue. Media reports continue to underscore the ongoing significant environmental law violations by FPL, despite strong evidence of adverse impact of these activities. It is imperative that these FPL activities be brought into compliance with Federal, State and County environmental laws and statutes. And yet, FPL may be requesting ratepayers to "foot the bill" for their wanton disregard for the rule of environmental law. Please coordinate, collaborate and cooperate on Federal, State and/or local jurisdictional levels in addressing these concerns potentially impacting adversely the public's health, finances, policies, trust, confidence, and quality of life issues. Thank you for your time in this matter and hope to hear from you soon.

Sincerely,

Beatrice Balboa

1010 South Ocean Boulevard, Apt. 1008

Pompano Beach, Fl 33062-6631

xxx

<http://www.utilitydive.com/news/environmental-groups-file-lawsuit-against-fpl-over-turkey-point-nuclear-iss/422677/>

<http://www.miaminewtimes.com/news/environmental-groups-sue-fpl-over-turkey-point-pollution-in-biscayne-bay-8597017>

<http://www.miamiherald.com/news/local/environment/article89456857.html>

<http://www.mypalmbeachpost.com/news/business/federal-lawfuit-filed-against-fpl-over-nuclear-pla/nrxzY/>

<http://keysnews.com/print/76137>

<http://www.publicnewsservice.org/2016-07-14/water/environmental-groups-sue-fpl-over-pollution-at-turkey-point/a52940-1>

# Utility Dive

## Environmental groups file lawsuit against FPL over Turkey Point nuclear issues

By [Robert Walton](#) | July 15, 2016

### Dive Brief:

The Southern Alliance for Clean Energy and the Tropical Audubon Society have filed a lawsuit in a U.S. district court, alleging Florida Power & Light has violated the Clean Water Act in operating its Turkey Point nuclear facility, and calling on the utility to fix pollution issues.

[The complaint \(http://www.cleanenergy.org/wp-content/uploads/COMPLAINT\\_CWA\\_07122016.pdf\)](http://www.cleanenergy.org/wp-content/uploads/COMPLAINT_CWA_07122016.pdf), filed in the Miami Division of the U.S. District Court, Southern District of Florida, comes just days after state regulators approved FPL's request to defer charging customers millions associated with developing new reactors at the site.

FPL recently [entered a consent order \(http://www.utilitydive.com/news/florida-regulators-order-fpl-to-fix-turkey-point-plant-water-quality/421327/\)](http://www.utilitydive.com/news/florida-regulators-order-fpl-to-fix-turkey-point-plant-water-quality/421327/) with the Florida Department of Environmental Protection, agreeing to take steps to improve water quality around the plant over a period of ten years. The facility has been leaking salty water into Biscayne Bay.

### Dive Insight:

SACE and the Tropical Audubon Society have asked a judge to determine FPL is in violation of the Clean Water Act, as a plume of salt water in Biscayne Bay is souring water quality and polluting the cooling canal. The utility's promises to clean up the area are not enough, according to officials backing the lawsuit.

"We think that it does not solve the problem going forward, and we have real concerns about its ability to effectively remediate the problem that has been generated over the past 40 years," said SACE Executive Director Stephen Smith. Canals used for cooling water are not keeping the bay safe, he said.

"This elaborate, 10 square mile, open industrial sewer is the best way to describe it," he said. "It is unique. It is a grand experiment that has systematically failed."

The lawsuit demands FPL cease discharging water into the canal, and asks the court to direct FPL "to remediate the pollutants that have migrated from the cooling canal system into Biscayne Bay and the ground water surrounding the cooling canal system."

Among other claims, the lawsuit says FPL failed to "adequately control the temperature of the cooling water in the cooling canal system, by failing to control the nutrient levels in the system, and by failing to properly operate the so-called 'interceptor' ditch to prevent widespread contamination of the ground water by saline water and other pollutants, including radioactive tritium."

As the controversy surrounding existing units at Turkey Point continues, FPL is also working to develop new reactors at the site. Ahead of an anticipated rate case, the utility

[asked regulators to defer some development costs \(http://www.utilitydive.com/news/florida-regulators-give-fpl-customers-a-break-from-nuclear-charges/422323/\)](http://www.utilitydive.com/news/florida-regulators-give-fpl-customers-a-break-from-nuclear-charges/422323/) until 2017, but by the end of this year, customers will already have paid more than \$280 million on the project.

#### Recommended Reading

Miami New Times: [Environmental Groups Sue FPL Over Turkey Point Pollution in Biscayne Bay \(http://www.miaminewtimes.com/news/environmental-groups-sue-fpl-over-turkey-point-pollution-in-biscayne-bay-8597017\)](http://www.miaminewtimes.com/news/environmental-groups-sue-fpl-over-turkey-point-pollution-in-biscayne-bay-8597017)

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Top Image Credit: [from FPL \(http://www.fpl.com/environment/plant/turkey\\_point.shtml\)](http://www.fpl.com/environment/plant/turkey_point.shtml)

#### Filed Under:

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# Environmental Groups Sue FPL Over Turkey Point Pollution in Biscayne Bay

BY JERRY IANNELLI

WEDNESDAY, JULY 13, 2016 AT 3:46 P.M.



Turkey Point's cooling canals are leaking radiation into Biscayne Bay, a new study confirms.

*[photo by U.S. Nuclear Regulatory Commission](#)*

In March, state regulators announced that the Turkey Point nuclear power plant had been **leaking dangerous saltwater into the Biscayne Bay**, and possibly the Biscayne Aquifer, the county's largest source of drinking water, leaving local politicians aghast.

But environmentalists say outrage isn't enough when dealing with the powerful Florida Power and Light, which runs the plant. That's why two groups have now sued to demand that FPL pay for its share of the cleanup.

"There's a saying that goes, if you're digging yourself in a hole, the first thing to do is stop digging," said Stephen A. Smith, executive director of Southern Alliance for Clean Energy

(SACE), in a telephone conference about the lawsuit. "This is an open industrial sewer, and FPL is just digging itself into a further hole."

The suit, filed in the U.S. Southern District of Florida by SACE and the Tropical Audubon Society, claims FPL has violated numerous sections of the U.S. Clean Water Act, as well as a pollution-abatement contract.

The legal action comes after regulators found more than 200 times the daily level of tritium, a radioactive isotope, in the Biscayne Bay water. Tritium is linked to nuclear power production, which led regulators to point their fingers at the only giant, (literally) smoking gun in the area: Turkey Point, which sits on the bay's shores near Homestead, about 25 miles south of downtown Miami.

While tritium **at that amount isn't believed to be dangerous to people**, its presence indicates that the plant's cooling canals are leaking. Up until the 1970s, FPL had just been dumping its hot cooling water straight into the bay, until a court order put a stop to all that.

So, FPL built a 5,800-acre, two-miles-wide-by-five-miles-long cooling canal adjacent to the bay. The leak from those canals carries a host of potential environmental **problems for sensitive ecosystems**.

"The cooling canal system is unlined and underlain by porous limestone geology, including the Biscayne Aquifer," the suit says. "The contaminated water in the cooling canal system has for many years discharged, and continues to discharge from the cooling canal system into Biscayne Bay" right from the pipes.

The SACE maintains that Turkey Point discharges 600,000 of "salt and other contaminants" into the Biscayne Aquifer each day.

SACE says the state has allowed FPL to operate on an expired permit for years, despite the fact that there had been signs of pollution emanating from the plant dating back to at least 2010.

"FPL is going to scream about money," Smith said. "But the reality is that if they continue to fail to clean this up, they're going to spend more and more money doing heroics, and it will ultimately cost more."

The activists also say they felt forced to get involved, since there appeared to be no real advocates fighting against FPL in the Miami area. "On the East Side, there has not been champion," Smith said. "We're going to call it like we see it. This is an open, industrial sewer, and FPL has to stop polluting the bay."

The suit asks the court for a declaratory judgement stating, flatly, that FPL has violated the

Clean water Act and its state permits, and additionally asks the state to force FPL to fix the problem. Friends of the Everglades, another environmental group, also says it plans to join the suit in 60 days.

The environmentalists are also asking the court to fine FPL up to \$37,500 a day for each day it's found to have violated the Clean Water Act.

"That seems to be the only thing that FPL responds to," Laura Reynolds, an SACE consultant, said.

An FPL spokesperson didn't immediately respond to a request for comment on the lawsuit.

*Update 5:30 p.m.:* Bianca Cruz, an FPL spokesperson, sent a statement calling the lawsuit a "publicity stunt" and saying FPL is working on environmental solutions. Here's her statement:

While SACE has been focused on politics and publicity stunts, we've been working with local and state agencies, scientists and other experts to make real progress on science-driven solutions to improve the long-term health of the canal system and the groundwater. The fact is this is the same lawsuit that SACE announced in March. It's just another publicity stunt from an anti-utility group with a long history of spreading false information and pursuing wasteful legal action.

SACE's lawsuit will do absolutely nothing to help the environment. In fact, it will very likely cause delays and increase costs of the environmental improvements by forcing countless hours of depositions and other activity that will divert the time and energy of the scientists and other employees who are currently working on solutions.

As SACE knows, the proper state and local agencies and their qualified experts have been using science and facts to make sure the right action is taken. A responsible environmental advocate would respect that process and not attempt to grab headlines and divert attention from the efforts to solve this.

Here's a copy of the suit:

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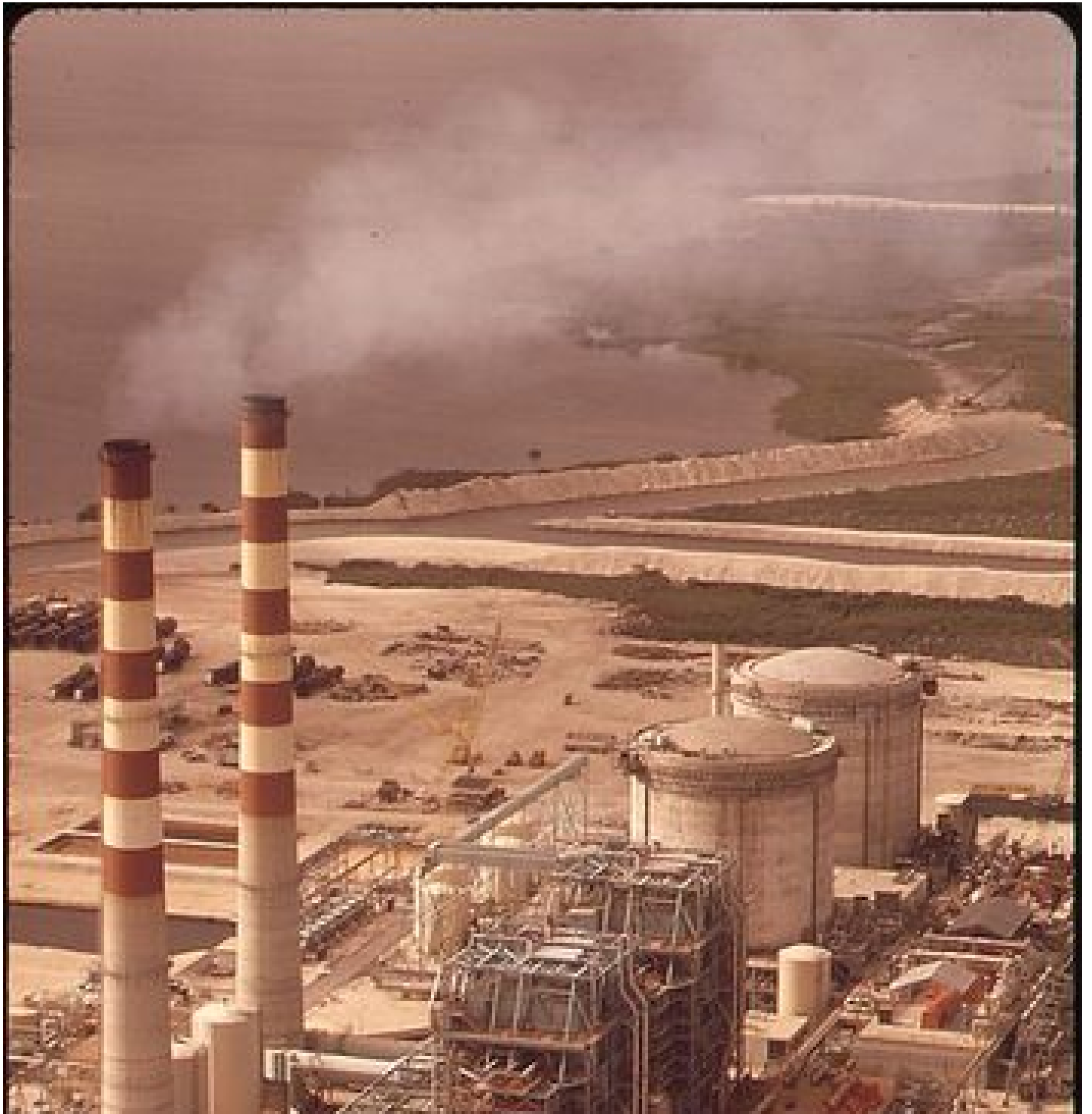
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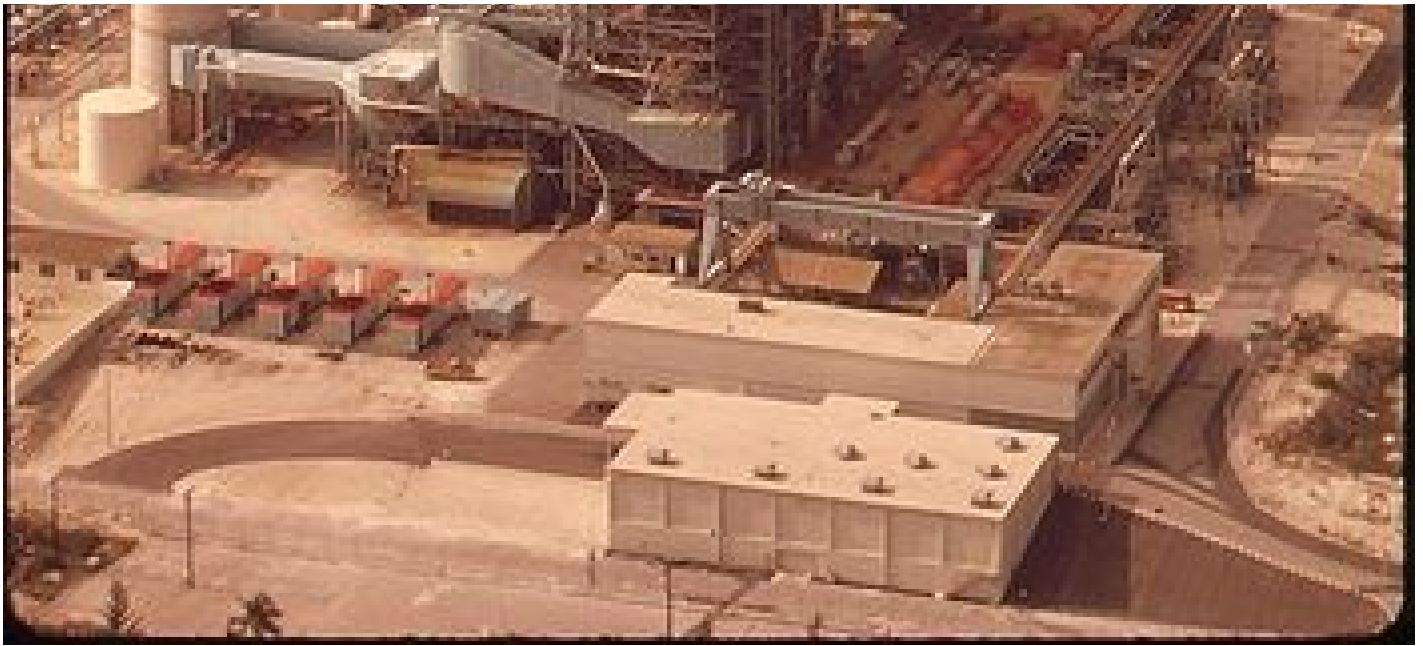


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## Environmental Groups Sue FPL Over Pollution at Turkey Point





July 14, 2016

The Turkey Point power station is the subject of a federal Clean Water Act lawsuit. (Fred Ward/U.S. National Archives and Records Administration via Wikimedia Commons)



MIAMI – Environmental advocates are wading into legal waters in an effort to protect Biscayne Bay from what they say is ongoing pollution from a Florida utility.

The Turkey Point power plant outside Miami pumps millions of gallons of fresh water into canals each day to cool its two nuclear reactors, and researchers say the discharge is posing a threat to the entire ecosystem, as well as the more than 3 million Floridians who get their drinking water from the Biscayne Aquifer.

Stephen Smith, executive director of the Southern Alliance for Clean Energy, says years of promises from Florida Power and Light to get the situation under control simply aren't enough.

"We think that it does not solve the problem going forward, and we have real concerns about its ability to effectively remediate the problem that has been generated over the past 40 years," he states.

Smith's group, along with the Tropical Audubon Society and Friends of the Everglades, filed a [federal lawsuit](#) against the utility, alleging violations of the Clean Water Act.

For years, environmentalists, residents and National Park Service officials have raised concerns about the hot and increasingly salty canals and a saltwater plume that extends for miles from the facility.

Florida Power and Light has said in the past it was working to clean up the Turkey Point facility and earlier this year issued a statement announcing "progress on several fronts" in the utility's effort to improve the water quality in and around the cooling system.

But Smith maintains the entire premise of using canals is flawed.

"This elaborate, 10 square mile, open industrial sewer is the best way to describe it," he stresses. "It is unique. It is a grand experiment that has systematically failed."

unique. It is a grand experiment that has systematically failed.

Smith adds that many nuclear power plants use cooling towers where the heat of the water transfers to the ambient air by evaporation. The utility is currently seeking permission to build two additional nuclear reactors at the site.

A final environmental impact statement on the proposal is slated for released in October.

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# Federal lawsuit filed against FPL over nuclear plant discharges

BUSINESS

By [Susan Salisbury](#) - Palm Beach Post Staff Writer



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Updated: 2:45 p.m. Thursday, July 14, 2016 | Posted: 4:58 p.m. Wednesday, July 13, 2016

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Saying Florida regulators have failed to protect the state's waters, the Southern Alliance for Clean Energy and Tropical Audubon Society have filed a federal lawsuit against [Florida Power & Light Co.](#) over alleged violations of the Clean Water Act related to [contaminated water discharges from its Turkey Point Power Plant](#).

The plant near Homestead includes two nuclear reactors that are cooled by a canal system that is polluting the Biscayne Aquifer as well as the surface waters of Biscayne Bay, the lawsuit filed Tuesday in federal court in Miami states. The aquifer supplies drinking water to more than 3 million South Floridians as far north as Boca Raton.

"We feel it is imperative that we pull the trigger on this Clean Water Act lawsuit as a vote of no confidence about what is happening in the state," SACE executive director Stephen Smith said Wednesday.

Calling the 2-mile-by-5 mile unlined cooling canal system an “open industrial sewer like nothing else in the world,” Smith said the remedies proposed in a June 20 consent order signed by FPL and the Florida Department of Environmental Protection won’t solve the problem and could worsen the situation.

Smith referred to the order as a “deal” that reads as though it were written by FPL for FPL.



A worker walks past the Turkey Point Nuclear Power Plant in 2002 near Florida City. (Joe Raedle / Getty Images)

FPL has been working with local and state agencies, scientists and other experts to improve the long-term health of the canal system and the groundwater, FPL spokeswoman Alys Daly said.

“The fact is this is the same lawsuit that SACE announced in March. It’s just another publicity stunt from an anti-utility group with a long history of spreading false information and pursuing wasteful legal action,” Daly said in an email.

On average about 600,000 pounds of salt seep from the canals into the groundwater every day and the salty plume has migrated underground at least 4 miles west, Smith said. Nitrogen, phosphorus, ammonia and radioactive tritium are among the pollutants being discharged.

“It’s failing as we speak,” Smith said. “This is not the best technology available for cooling water. Every other utility in the world has cooling towers.”

Alan Farago, conservation chair for Friends of the Everglades, which plans to join the lawsuit, said, “Friends of the Everglades has viewed the Turkey Point failure with alarm for many years.”

Laura Reynolds, a former Tropical Audubon director who now works as a SACE consultant, said the consent order issued last month was a recycled version of an earlier Miami-Dade County consent order.

“Any time you have a cleanup scenario, you have to stop the source. They haven’t even proposed that,” Reynolds said. “We are stepping in the regulators’ shoes and saying, ‘We can do better. We want to enforce the laws and protect the people and the environment.’ ”

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# FPL sued by environmentalists over South Florida cooling canals

## HIGHLIGHTS

Groups claim cooling canals violated the Clean Water Act

Suit seeks to halt pollution, clean up bay and groundwater

Also asks federal court to impose fines totaling nearly \$76 million



BY JENNY STALETOVICH  
[jstaletovich@miamiherald.com](mailto:jstaletovich@miamiherald.com)

Environmentalists sued Florida Power & Light this week, alleging the nation's sixth-largest electrical plant violated the Clean Water Act by leaking dirty water from its Turkey Point cooling canals into Biscayne Bay and fouling nearby groundwater.

The suit, filed by the Southern Alliance for Clean Energy and Tropical Audubon with Friends of the Everglades slotted to join later, asks a federal court to order FPL to stop the pollution and clean up an underground plume that has spread into the bay and four miles to the west. The groups also want FPL to pay up to \$37,500 a day for violations dating back to 2010, or nearly \$76 million.

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**“THIS IS REALLY A VOTE OF NO CONFIDENCE BECAUSE WE BELIEVE THAT THE SYSTEM HAS BECOME CAPTIVE.”**

Stephen Smith, executive director of the Southern Alliance for Clean Energy

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“This is really a vote of no confidence because we believe that the system has become captive,” said SACE executive director Stephen Smith. “The polluters of the state are able to control the regulators in such a way that effective regulatory action does not take place.”

ADVERTISING



The suit follows months of wrangling by environmentalists, neighboring cities and regulators over operation of the 40-year-old unlined canals that for years have been leaking through the region’s porous limestone.

The canal network, the only one its kind, is used to cool the plant’s two nuclear reactors as well as two old fossil fuel-powered units that are now being dismantled. Although FPL’s own records show engineers years ago warned that the canals might fail, it wasn’t until a regional drought caused water temperatures to spike in the summer of 2014 and twice caused the reactors to shut down that scrutiny intensified.

The state drew up a new management plan, which found the canals had failed and up to 600,000 pounds of salt a day were being loaded into the surrounding aquifer.

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# 600,000 pounds

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The amount of salt escaping daily from the aging cooling canals

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But the plan, which failed to pin the blame on FPL, quickly drew appeals and led an administrative law judge in February to conclude it lacked the “most fundamental element of an enforcement action: a violation.”

Increased monitoring by Miami-Dade County finally confirmed this winter that tritium, a radioactive isotope used to track canal water, had also turned up in Biscayne Bay. The findings finally seem to set the stage for a comprehensive clean-up.

But in June, the Florida Department of Environmental Protection issued a new administrative order that gives the utility 10 years to clean up the canals.

“It’s just a recycled agreement,” said Laura Reynolds, former director of Tropical Audubon and now a consultant for SACE. “It seems like it was written for FPL and by FPL and DEP just signed it.”

The fixes proposed by FPL — to remove salty canal water with a series of retraction wells and inject into the boulder zone using an existing deeper well and freshening canals with brackish water from the Floridian aquifer — do too little, the group said.

“Anytime you have a cleanup scenario you have to stop the source,” Reynolds said. “All they’re proposing is dilution and then storage of that dilution.”

FPL accused SACE of using the lawsuit to stage a “publicity stunt.”

“SACE’s lawsuit will do absolutely nothing to help the environment. In fact, it will very likely cause delays and increase costs of the environmental improvements by forcing countless hours of depositions and other activity that will divert the time and energy of the scientists and other employees who are currently working on solutions,” spokeswoman Bianca Cruz said in a statement.

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**SACE’S LAWSUIT WILL DO ABSOLUTELY NOTHING TO HELP THE ENVIRONMENT. IN FACT, IT WILL VERY LIKELY CAUSE DELAYS AND INCREASE COSTS.**

FPL spokeswoman Bianca Cruz

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“As SACE knows, the proper state and local agencies and their qualified experts have been using science and facts to make sure the right action is taken,” she wrote. “A responsible environmental advocate would respect that process and not attempt to grab headlines and divert attention from the efforts to solve this.”

The utility also said the group's suggested remedy — cooling towers routinely used in more modern reactors — would need water not readily available and are too expensive.

Miami-Dade County, which cited FPL for violating county water rules with the westward plume, is in the midst of negotiating its own fixes. Division of Environmental Resources Management Chief Lee Hefty said Wednesday he also hopes to issue a violation for bay waters in the next few weeks and is also working on additional monitoring.

“What we're interested in doing is making sure the facility is adequately monitored and that we all understand the relationship between the facility and water resources in the surrounding area,” he said.

But Smith worries the county's authority falls short of the true fixes needed. He suspects the utility also has more information that it is releasing, which discovery obtained during the lawsuit could expose.

“You have a 10-square mile open industrial sewer that is like nothing else in the world,” Smith said. “It is failing and has been failing for decades and it needs to be fixed once and for all.”

*Follow Jenny Staletovich on Twitter @jenstaletovich*



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# Groups sue over Turkey Point

Thursday, July 14, 2016

BY TIMOTHY O'HARA Citizen Staff  
[tohara@keysnews.com](mailto:tohara@keysnews.com)

Two environmental groups have filed a lawsuit against Florida Power & Light concerning the company's plan to clean up pollutants leaking from the Turkey Point nuclear power plant cooling canal, calling the plan inadequate.

The Southern Alliance for Clean Energy and Tropical Audubon Society filed a lawsuit against FPL under the Clean Water Act after an extensive review of evidence documenting discharges from the cooling canal system into the Biscayne Aquifer, the Florida Keys drinking water supply.

The water-intensive Turkey Point site includes two nuclear reactors and discharges at least 600,000 pounds of salt and other contaminants directly into the Biscayne Aquifer on a daily basis through its antiquated cooling canal system.

In March, the two organizations issued a 60-day notice of intent to file a citizen lawsuit.

Reports show Turkey Point's failing cooling canal system is effectively an "open industrial sewer" with discharges that contain a slew of pollutants including ammonia, phosphorus, total nitrogen, saltwater and tritium, the groups said in a press release Wednesday.

The biggest concern for the Florida Keys is a saltwater plume the cooling canal system has created, which is within 10 miles of the Florida Keys Aqueduct Authority's well field.

FKAA and the Monroe County government are following the situation but have agreed so far not to legally challenge an agreement between the Florida Department of Environmental Protection and FPL that gives FPL 10 years to retract the saltwater plume. The plan calls for the canals to be flushed with freshwater and the construction of a deep injection well to push the saltwater several thousand feet below into the ground.

"After careful review of the information that has come to light and FPL's 'proposed remedies' we feel forced to file this lawsuit which is a vote of no confidence that the proper actions are being taken to protect public health, the environment and the outstanding waters of Biscayne National Park," said Stephen A. Smith, executive director for the Southern Alliance for Clean Energy. "We believe our case will show there is compelling evidence that FPL has repeatedly violated the Clean Water Act by operating an open industrial sewer leading to historic and ongoing discharges to the surface waters of Biscayne Bay. These contaminants impact water quality and public health and safety, and FPL needs to take aggressive action to address the ongoing pollution and repair the damage that has been done."

A representative with the Southern Alliance for Clean Energy will give a presentation Wednesday at the Monroe County Commission meeting in Marathon.

FPL spokeswoman Bianca Cruz called the lawsuit political and a publicity stunt, and said FPL has been working with local and state agencies, scientists and other experts to make progress on science-driven solutions to improve the long-term health of the canal system and the groundwater.

"In fact, it will very likely cause delays and increase costs of the environmental improvements by forcing countless hours of depositions and other activity that will divert the time and energy of the scientists and other employees who are currently working on solutions," Cruz said.

[tohara@keysnews.com](mailto:tohara@keysnews.com)

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