

MEMORANDUM

TO: Governing Board Members

FROM: Deena Reppen, Deputy Director, Regulatory and Public Affairs

DATE: September 28, 2009

SUBJECT: Authorize transmittal of the District's draft recommended Certification condition revisions on Modification "B" to the Florida Power and Light Company's (FPL's) West County Energy Center project to the Florida Department of Environmental Protection (Palm Beach County)

RECOMMENDATION

Staff recommends approval of a Resolution of the Governing Board of the South Florida Water Management District authorizing transmittal of the District's draft recommended revisions to the existing Conditions of Certification for proposed Modification "B" to the FPL West County Energy Center to the Florida Department of Environmental Protection (DEP), pursuant to Section 403.516(1)(c), F.S., and Rule 62-17.211(1)(b), F.A.C.

FPL is currently approved to use Floridan Aquifer water as the primary cooling, service, and process water source for Units 1 and 2. In addition, withdrawals from the L-10/L-12 Canal are allowed by the District at certain times, subject to an extensive set of conditions and limitations. Unit 3 is currently approved to use reclaimed water as the primary source. However, construction of the pipeline to supply reclaimed water to the power plant site is not anticipated to be completed until the summer of 2011, or possibly later. Under the proposed modification, reclaimed water provided by Palm Beach County will also become the primary cooling, service, and process water source for Units 1 and 2. After the plant is functioning on reclaimed water, FPL's currently approved rights to withdraw water from the L-10/L-12 Canal shall terminate. The right to use the Floridan Aquifer as a primary source shall also terminate. However, the Floridan Aquifer may continue to be used as a secondary, temporary source, with a maximum authorized withdrawal of 29.28 MGD for up to 90 days during a calendar year.

Unit 3 was approved under a separate Site Certification Application, at a later date, than Units 1 and 2. Until the reclaimed water supply infrastructure is completed and the plant is fully functioning on reclaimed water, a temporary increase in withdrawals from the upper Floridan aquifer and the L-10/L-12 Canal is authorized (from 7,053 MGY maximum to 10,687.2 MGY maximum). As part of the Application For Modification of Site Certification, FPL has submitted revised ground water modeling and staff has determined that it is consistent with District criteria (i.e., FPL has demonstrated that the potential for "harm" to existing water resources will be minimal).

Staff recommends that the DEP incorporate the attached revisions into the existing Conditions of Certification for the West County Energy Center project. Staff will continue to work with the DEP and FPL to reach agreement on a final set of revised conditions.

BACKGROUND

The ±220 acre power plant site is located in unincorporated Palm Beach County, approximately 3 miles west of Pratt-Whitney Road on the north side of S.R. 80 (Southern Boulevard). The proposed CERP C-51 and Southern L-8 Reservoir Project site is located adjacent to and east of the power plant site.

The Site Certification for West County Energy Center Units 1 and 2 was approved in December 2006. The Site Certification for West County Energy Center Unit 3 was approved in November 2008. Unit 1 went in commercial operation on August 27, 2009. Units 2 and 3 are currently under construction. Commercial operation of Unit 2 is scheduled for December 15, 2009. Commercial operation of Unit 3 is scheduled for June 1, 2011.

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