



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

August 3, 2010

Mr. John Jones
Nuclear Engineering
Florida Power and Light Company
700 Universe Blvd., ENG/JB D4416
Juno Beach, FL 33408

Dear Mr. Jones:

**Subject: Response to the Florida Power and Light 2008 and 2009 Annual Reports
Ground-Water Monitoring Program**

On June 23, 2010, South Florida Water Management District (District) staff had the opportunity to meet with representatives of Florida Power and Light (FPL) to discuss the referenced annual reports. The attachment to this letter summarizes the District's conclusions resulting from our review of the reports along with some action items to be implemented to improve the operations and assessment Interceptor Ditch System. It is our understanding from the meeting that FPL has already initiated some of the suggested improvements contained in this letter. The District looks forward to continuing to work with FPL to ensure the water resources in the vicinity of the Turkey Point Power Plant are protected.

We appreciate the cooperation and partnership of FPL in achieving our shared objectives of resource protection. I have asked Scott Burns to coordinate with FPL in the revisions to Interceptor Ditch Operation Procedures. Pursuant to Paragraph II (A) 4 of the Fifth Supplemental Agreement between Florida Power and Light and the South Florida Water Management District, dated October 16, 2009, agreed upon revisions will be accomplished by letter for incorporation into Exhibit C without having to amend the agreement.

Thank you for your continued attention to this matter and we look forward to working with you and your team.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol Ann Wehle".

Carol Ann Wehle
Executive Director

CAW/tb

Attachment

c: Terrie Bates, SFWMD
Scott Burns, SFWMD
Barbara Linkiewicz, FPL

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bc: Kenneth G. Ammon, P.E.
Ruth Holmes
Steve Krupa
Pete Kwiatkowski
Temperince Morgan
Deena Reppen
Tom Teets

South Florida Water Management District Response to the Florida Power and Light 2008 and 2009 Annual Reports Ground-Water Monitoring Program

In September 2009, the District received the subject annual reports. These reports were subsequently reviewed by the District to determine whether the objectives set forth in Paragraph A.1 of the 'Agreement between Florida Power and Light and the South Florida Water Management District, dated July 15, 1983' (Agreement) were met. On April 2, 2009, the District requested FPL to provide the data records that were used by FPL in the preparation of the annual reports. FPL timely responded on July 1, 2009 by providing extensive data files consisting of measurements and operations logs going back to the year 2000.

However, review of the data submitted revealed errors, omissions and inconsistencies that raise concerns as to whether the operations of the Interceptor Ditch were always consistent with the Revised Operating Manual contained in the 1983 Agreement. Groundwater quality and temperature data contained in the subject annual reports indicate measured values outside of historic extremes and indicate long term increasing trends in some of the monitoring wells suggesting saline water movement westward of the cooling canal system.

In addition, the reports contain conclusions that are inconsistent with the objectives identified in Paragraph A.1. of the Agreement. The purpose of the Interceptor Ditch System as defined in the Agreement is to restrict movement of saline water from the cooling canal system westward of the Levee 31E to those amounts which would occur without the existence of the cooling canal system. The subject annual reports do not identify the location and orientation of saline water westward of the Levee 31E that would occur without the existence of the cooling canal system, nor do they provide a comparative analysis of the westward extent of the saline water in 2008 and 2009 with respect to where saline water would be located had the cooling canal system not been implemented.

The conclusions contained in the report, that the Interceptor Ditch Program is continuing to be responsive and effective in performing its design function, is not recognized as a performance measure within the Agreement. In addition, the conclusion that no adverse impacts have occurred from the presence or operation of the cooling canal system is not defined in, or based on, any criteria defined in the Agreement.

Based on these findings, the District is unable to clearly determine that FPL's operations of the Interceptor Ditch are such that the objectives of Paragraph A.I. of the 1983 Agreement have been achieved.

On October 16, 2009, the District and FPL executed the Fifth Supplemental Agreement. It is recognized that this agreement supersedes and replaces the prior agreements. Paragraph II (D) 1. of the Fifth Supplemental Agreement states that:

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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.

Pursuant to this paragraph and upon consideration of the existing data related to the operations of the Interceptor Ditch System as described above, the District finds that the data acquired under and in support of the subject annual reports are insufficient at this time to evaluate the impacts of the cooling canal system and the interceptor ditch operations.

Consistent with these findings and the provisions of Paragraph II (D) 1., of the Fifth Supplemental Agreement referenced above, the District is requesting that FPL develop and submit a revised Interceptor Ditch Operation Procedures proposal for District review and approval by October 23, 2010. Examples of the types of revisions to be addressed include but are not limited to, re-assessment of the locations and survey elevations of surface water monitoring sites within the L-31E, interceptor ditch and cooling canal system; revisions to the measurement frequency and reporting of data collected under the Interceptor Ditch Operation Procedures; pump calibration and operational monitoring; and development of new methods to be used by FPL when analyzing the data to assess whether operations of the Interceptor Ditch System comport with Paragraph II (A) 1. of the Fifth Supplemental Agreement.

The District recognizes the efforts and actions FPL is taking to collect and analyze additional data as described in the Fifth Supplemental Agreement. The District agrees that FPL's additional data collection and analysis is a necessary step in evaluating existing as well as potential future conditions and impacts associated with the operation of the cooling canal system. Accordingly, the findings contained herein are limited to the specific aspects of the agreements (1983 and 2009) cited herein, based on existing data and analyses that are addressed in this letter.

It is not the intention of the District to invoke other provisions of the agreements explicitly or implicitly at this time. Likewise, these comments are not meant to state or imply that the District has reached conclusions on other provisions contained in the agreements, nor is the District limited to taking actions authorized pursuant to other provisions of the agreements in the future.