

RESOLUTION NO. 087 - 2016

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA EXPRESSING ITS CONCERN OVER THE THREAT FLORIDA POWER & LIGHT COMPANY'S TURKEY POINT FACILITY'S COOLING CANAL SYSTEM POSES TO MONROE COUNTY'S SOURCE OF POTABLE WATER AND BISCAYNE BAY; EXPRESSING A DESIRE TO WORK COOPERATIVELY WITH MIAMI-DADE COUNTY AND OTHER AGENCIES WITH JURISDICTION TO PROTECT THE FLORIDA KEYS POTABLE WATER SUPPLY; ENCOURAGING THE FLORIDA KEYS AQUEDUCT AUTHORITY TO TAKE ALL STEPS NECESSARY TO PROTECT ITS WELLFIELDS IN FLORIDA CITY; DIRECTING THE CLERK TO DISTRIBUTE THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Monroe County is the southernmost county in the State of Florida and home to the world renowned Florida Keys; and

WHEREAS, Monroe County shares a common boundary with Miami-Dade County which is approximately 152 milesⁱ long; and

WHEREAS, the Florida Keys is home to approximately 75,000 full time residents plus several thousand part time residents many of whom reside full time in Miami-Dade County; and

WHEREAS, the Florida Keys Aqueduct Authority (FKAA) is the public entity created by the Legislatureⁱⁱ which has been vested with the responsibility for providing potable water to residents and businesses in the Florida Keys; and

WHEREAS, the FKAA draws potable water primarily from the Biscayne Aquifer through a wellfield located west of Florida Cityⁱⁱⁱ within Miami-Dade County; and

WHEREAS, Florida Power & Light Company (FPL) is the third-largest electric utility in the United States and provides powers to over 4.8 million customers^{iv} in the state; and

WHEREAS, FPL owns and operates its Turkey Point facility in southeast Miami-Dade County comprised of multiple power generating units; and

WHEREAS, the Turkey Point facility includes an approximately 5,900-acre network of unlined canals and an interceptor ditch on the western side of the network, or collectively the cooling canal system^v (CCS), which dissipates heat from the water used in the operation of FPL's nuclear Units 3 and 4, as well as Unit 1 when in operation; and

WHEREAS, FPL's CCS is located at its closest point less than two miles from the Miami-Dade/Monroe County line and approximately 9.5 miles from the FKAA's wellfield in Florida City; and

WHEREAS, that while the CCS has no direct surface water discharges, data shows that water from the CCS has moved beyond its boundaries; and

WHEREAS, the hypersaline plume extends two or three miles west of the CCS and continues to move westward and the plume is pushing the saline water interface, which is now four or five miles west of the CCS, at the rate of 400 to 600 feet per year.^{vi}; and

WHEREAS, Monroe County supports Miami-Dade County's Division of Environmental Resources Management (DERM) for issuing a Notice of Violation and Orders for Corrective Action (October 2, 2015) against FPL to redress alleged violations of the Miami-Dade County Code involving the CCS and entering into a Consent Agreement with FPL on October 6, 2015 to resolve those violations; and

WHEREAS, Miami-Dade County recently issued a Report^{vii} on March 7, 2016 indicating that:

- a. the long term water quality in the CCS is degrading;^{viii}
- b. water from the CCS is migrating outside its boundaries away from the Turkey Point facility property with impacts measured in both surface and groundwater;^{ix}
- c. monitoring data indicate that a hyper-saline groundwater plume originating from the CCS has migrated landward and is impacting water quality;^x
- d. results for recent tritium sampling (an isotope of hydrogen that is frequently associated with the operation of nuclear power plants) provide the most compelling evidence that water originating from the CCS is reaching tidal surface waters connected to Biscayne Bay;^{xi} and
- e. rainfall, pumping additional water into the CCS and operations of the CCS Interceptor Ditch lead to record high water stage in the CCS which would be expected to result in increased seepage of water from the CCS into surrounding ground waters and perhaps surface waters.^{xii}

WHEREAS, Monroe County is concerned that the westward migrating hypersaline plume in the Biscayne Aquifer places the Florida Keys' source of potable water in jeopardy; and

WHEREAS, Monroe County is also concerned that the eastern migration of the hypersaline plume into the tidal surface waters connected to Biscayne Bay (and potentially the Biscayne Bay Aquatic Preserve) places these water resources in jeopardy where Monroe County citizens fish and recreate; and

WHEREAS, Monroe County is working to gain a full understanding of all the solutions being proposed by DERM and the other agencies with jurisdiction over Turkey Point and the CCS including, but not limited to, the Florida Department of Environmental Protection (DEP), the South Florida Water Management District (SFWMD) and the Nuclear Regulatory Commission (NRC); and

WHEREAS, Monroe County desires to work cooperatively with Miami-Dade County leadership and other agencies with jurisdiction over Turkey Point and the CCS to ensure that the FKAA's wellfields are protected to the maximum extent possible now and in the future; and

WHEREAS, a comprehensive approach is needed to 1) stop the western movement of the hypersaline plume immediately, 2) remove the CCS discharges into the Biscayne Aquifer in an expedited manner and 3) address any impacts to Biscayne Bay; and

WHEREAS, Monroe County calls upon its partners at the FCAA to take all steps necessary to protect the Florida Key's supply of potable water, including potential partnering on the development of new technical data to better understand the extent of the hypersaline plume and potential threat to the FCAA's wellfields; and

WHEREAS, Monroe County reserves its right to initiate the conflict resolution provisions of the Florida Governmental Conflict Resolution Act^{xiii} and to bring an action under the Florida Environmental Protection Act^{xiv} or any other available Federal or State legal remedy at a later date should the Board deem such action appropriate;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

1. The above recitals are hereby incorporated into this resolution as restated herein constitute the legislative findings and intent of the Board of County Commissioners of Monroe County, Florida.
2. The Miami-Dade County leadership, the SFWMD and DEP are invited to open a dialog with Monroe County in support of finding comprehensive solutions to combat the western migration of the hypersaline plume stemming from FPL's Turkey Point CCS; remove the CCS discharges into the Biscayne Aquifer in an expedited manner; and address any impacts to Biscayne Bay.
3. Monroe County encourages the FCAA to take all steps necessary to protect the potable water supply for the Florida Keys including its wellfields in Florida City.
4. Monroe County is willing to provide material support to the FCAA to enhance its current efforts to protect the Florida City wellfields.
5. The Clerk for this Board shall furnish copies of this resolution to:
 - U.S. Senator Bill Nelson
 - U.S. Senator Marco Rubio
 - U.S. Representative Carlos Curbelo, District 26
 - Florida Governor Rick Scott
 - Florida Senate President Andy Gardiner
 - Florida House Speaker Steve Crisafulli
 - State Senator Dwight Bullard, District 39
 - State Senator Anitere Flores, District 37
 - State Representative Holly Raschein, District 120
 - Chairman of the Nuclear Regulatory Commission Stephen G. Burns
 - Chair, South Florida Water Management District Governing Board, Daniel O'Keefe
 - Executive Director, South Florida Water Management District Peter Antonacci
 - Secretary, Florida Department of Environmental Protection, Jon Steverson

- Miami Dade County Mayor Carlos Gimenez
- Chair, Florida Keys Aqueduct Authority Robert Dean
- Executive Director, Florida Keys Aqueduct Authority Kirk Zuelch

6. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County Florida, at a regular meeting of said Board held on the 20th day of April, 2016.

Mayor Heather Carruthers
Mayor pro tem George Neugent
Commissioner Danny L. Kolhage
Commissioner David Rice
Commissioner Sylvia Murphy

Yes
Not Present
Yes
Yes
Yes



ATTEST: AMY HEAVILIN, CLERK

Amy Robertson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: *[Signature]*
Mayor Heather Carruthers

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
[Signature]
ROBERT B. SHILLINGER, JR.
COUNTY ATTORNEY
Date 4-19-16

ⁱ Per Brian Davisson, Monroe County GIS Planner.

ⁱⁱ See, ch. 76-441, Laws of Florida.

ⁱⁱⁱ http://www.fkaa.com/our_water_source.htm

^{iv} <https://www.fpl.com/about/company-profile.html>

^v Consent Agreement in *Miami-Dade County v. Florida Power & Light Co.*, dated October 7, 2015.

^{vi} *Tropical Audubon Society v. FP&L and SFWMD*, Case 15-3845, ¶ 46 (DOAH Rec'd Order Dec. 31, 2015);

<https://www.doah.state.fl.us/ROS/2015/15003845.pdf>.

^{vii} Report on Recent Biscayne Bay Water Quality Observations Associated with Florida Power and Light Turkey Point Cooling Canal systems Operations – Directive 152884, dated March 7, 2016 (Miami-Dade Report).

^{viii} Miami-Dade Report pg. 1.

^{ix} Miami-Dade Report, pg. 5.

^x Miami-Dade Report pg. 3.

^{xi} Miami-Dade Report pg. 4.

^{xii} Miami Dade Report pg. 4

^{xiii} F.S. 164.101 *et seq.*

^{xiv} F.S. 403.412.