



# MEMORANDUM

AGENDA ITEM #III.H

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DATE: MARCH 5, 2012

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: TURKEY POINT EXPANSION - DRAFT AGENCY REPORT ON THE POWER PLANT AND NON-TRANSMISSION ASSOCIATED FACILITIES

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## Overview

Council staff brings this agenda item to the Council to obtain authorization to prepare and submit the Agency Report identifying outstanding issues related to the power plant and non-transmission associated facilities portion of the Turkey Point nuclear power plant expansion under the site certification process. At this time, the Agency Report is due to the Florida Department of Environmental Protection (DEP) on March 23, 2012. Counsel for the SFRPC will submit a motion on March 2, 2012, requesting an extension of the deadline to August 15, 2012, the same as the recently revised deadline for Miami-Dade County. If the extension is granted, staff will bring the draft Agency Report to the Council at a future meeting prior to the revised deadline. If the motion is not granted, staff seeks authorization to submit the draft report to the Council's Executive Committee, to be convened in an emergency meeting, prior to submittal to DEP.

## Background

Florida Power and Light (FPL) is seeking approval to expand nuclear energy production at the Turkey Point Plant, in Miami-Dade County. The proposed "Turkey Point Expansion Project" consists of the construction of two new nuclear units, 6 and 7, and the placement of new transmission lines and other linear and non-linear facilities. The State of Florida will license both the transmission facilities and new electrical power plants in one proceeding pursuant to the State Power Plant Siting Act (PPSA), Chapter 403, Part II, Florida Statutes. FPL has submitted applications for state and federal approvals for the project. If approved, the new units would add 2,200 megawatts of electrical generation capacity.

The South Florida Regional Planning Council is an affected agency, as identified in Florida Statute 403.407(2) (a), and has been actively involved in the review and comment phase during the Site Certification process. This provides the Council the opportunity to ensure the project's consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*.

In June 2011 the Council submitted its Agency Report identifying issues related to the transmission line portion of the Site Certification Application. The deadline for submittal of the Agency Report for the power plant and non-transmission associated facilities is now approaching. Currently, the deadline for agencies to file their reports on this part of the application, as to matters within their jurisdiction, is March 23, 2012.

On February 10, 2012, DEP, Miami-Dade County and FPL filed a Stipulation and Joint Motion to Alter Schedule, which revised the schedule to provide that Miami-Dade County's Report on the power plant and non-transmission associated facilities is due on August 15, 2012. Council staff believes that it should be given the opportunity to obtain a full and current understanding of the regional issues prior to submittal of its Agency Report, and will request that the deadline for its agency report be revised to reflect the same date as Miami-Dade County's deadline: August 15, 2012. Counsel for FPL and Miami-Dade County have indicated that they do not object to the Council's request. However, Counsel for the DEP has indicated that the DEP does object to the SFRPC's extension request. Council staff believes that in order to meet its statutory obligations the extension is necessary to ensure that the SFRPC's review is consistent with its intergovernmental obligations under the SRPP, and a full understanding of Miami-Dade County's ultimate position on matters still being reviewed by the County, will enable the SFRPC to fulfill such obligation. Counsel for the SFRPC will submit a proposed order on March 2, 2012, but does not expect action on the order until after the March 5, 2012, meeting of the Council.

If the proposed order is granted, Council staff will bring the draft Agency Report to the Council at a future meeting prior to the revised deadline. If the proposed order is not granted, Council staff will be required to submit the Agency Report on March 23, and will base the report on the issues identified below. Staff will submit the draft report to the Executive Committee at an emergency meeting to be convened for that purpose.

#### Issues in the Agency Report

Issues identified by Council staff that have not been adequately addressed in the Site Certification Application, and in several rounds of additional information requests, relate to two primary concerns: (1) impacts to Natural Resources of Regional Significance, as identified in the SRPP; and (2) issues related to the potential impacts of sea level rise over the useful life of the proposed facilities.

The proposed construction of two new nuclear reactors and associated non-transmission facilities is expected to disturb more than 900 acres of sensitive coastal wetlands, 300 acres of which are situated within a mangrove protection area along Biscayne Bay and adjacent Biscayne National Park, both identified by the SRPP as Natural Resources of Regional Significance. Associated facilities of special concern include the reclaimed water treatment facility and reclaimed water pipelines, radial collector wells and associated pipelines, and access roads. The impacts are expected to affect the Biscayne Aquifer, as well as habitat that is used by a wide variety of rare, endangered and threatened species.

Council staff also is concerned that the proposal to build two new reactors at the Turkey Point site, which is in the Coastal High Hazard Area, has not adequately assessed the potential impacts of sea level rise over the useful life of the facilities. This concern has two dimensions: (1) the increasing hazard represented by storm events on the reactors and associated facilities as sea level increases in the coming 40-60 years; and (2) the impact of rising sea level on all of southern Miami-Dade County, including areas that host essential auxiliary facilities and provide access to the new generating facilities. FPL has not incorporated the best available data into its analysis, including the range of projected sea level rise adopted for planning purposes by the Southeast Florida Regional Climate Change Compact.

#### Recommendation

If the motion to extend the deadline for submittal of the Council's Agency Report on the plant and non-transmission associated facilities is not approved, authorize Council staff to prepare the Agency Report in time to comply with the existing March 23, 2012 deadline, addressing the issues as described above. Staff will submit a draft to the Executive Committee for review prior to submittal to the Department of Environmental Protection. If the motion to extend the deadline is approved, staff will bring the draft Agency Report to an upcoming Council meeting in time to meet the revised deadline.