



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

May 29, 2009

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Eubanks:

**Subject: Palm Beach County, DCA# 09-1
SFWMD Comments on Proposed Comprehensive Plan Amendment
Package**

The South Florida Water Management District (District) has completed its review of Palm Beach County's (County) proposed comprehensive plan amendments addressing the Inland Logistics Center Overlay within the Everglades Agricultural Area.

The large size and generalized nature of the approximately 100,000 acre overlay make it difficult to analyze the potential impacts of the future facilities on the water resources and restoration efforts in the region. To assist the Department of Community Affairs (DCA) in considering present and future growth patterns in this pivotal location and managing potential cumulative environmental impacts generated by the conversion of land from agriculture to uses of greater intensity, the District offers the following recommendations for inclusion in DCA's review comments to Palm Beach County:

Flood Control/Stormwater:

- The existing permitted stormwater systems, designed for agricultural land uses, will not accommodate the volume of water that will be generated from increased impervious surfaces. As land uses transition from agriculture to more intensive uses, the increase in impervious surface will require a commensurate increase in onsite stormwater retention to ensure that Lake Okeechobee, the Everglades and restoration features do not receive increased loadings of pollutants.
- Changes in land use will necessitate modifications to Works of the District permits and other existing permits to appropriately protect the region's water resources.
- Because of ongoing rehabilitation to the Herbert Hoover Dike, the District recommends close coordination with the Federal Emergency Management Agency and the U.S. Army Corps of Engineers to meet flood control requirements.

As the County moves forward with planning and permitting and more detailed information about the proposed facilities is made available, the District and the Florida Department of Environmental Protection will be better able to assess specific water management system requirements.

Water Quality:

- Recognizing the challenges concerning nutrient loading in the Everglades Agricultural Area, the extensive restoration efforts underway, and the need to protect Lake Okeechobee and the Everglades, the District recommends developing a comprehensive treatment and monitoring plan necessary to maintain water quality and ensure no further introduction of nutrients or metals into the system.
- Specific features like building coverage, impervious area and location of constructed features within the overlay will determine the amount of the site that will need to be dedicated to water management and water quality treatment.

Water Supply:

- While Palm Beach County's regional water treatment plant may have existing and/or expansion capacity for facilities associated with an Inland Logistics Center, specific analyses will be required to provide the necessary data for determining the availability of water to meet both potable and non-potable water demands. Alternatively, future proposed projects in this area could choose to investigate self-supply from the Floridan Aquifer.
- As planning moves forward, Palm Beach County will be required to document wastewater needs. The region's high water table necessitates control of nutrients upstream of the Everglades. The County should include policies prohibiting septic tanks in the overlay area. The County is also strongly encouraged to add policies to promote 100 percent reuse. Due to the location of the overlay area, a higher level of treatment to reduce nutrients will likely be required to prevent degradation of the water resources of the Everglades region.

Hazardous Materials:

- Given the industrial nature of the proposed land use and to control potential pollutant releases from the site, the District recommends the inclusion of policies in the amendment to require best management practices for the storage, handling and emergency release response of hazardous waste and materials.

Ecosystem Restoration:

- The location of this proposed overlay requires careful review due to its proximity to Lake Okeechobee, potential Everglades restoration projects and proposed acquisition acres identified under agreement recently approved by the South Florida Water Management District Governing Board to acquire land from the United States Sugar Corporation for restoration purposes. In fact, the proposed 100,000 acre overlay lies over some of the proposed acquisition acres.

- The District recommends that appropriate buffers be created between development and Everglades restoration projects to protect the integrity of Everglades restoration projects and the water conservation areas.
- Additionally, the District recommends the continued participation of Palm Beach County in its comprehensive public planning process, which is determining viable configurations for constructing a managed system of water storage and treatment in association with the U.S. Sugar land acquisition. Participation in this extensive effort will help to ensure any land use changes in the Everglades Agricultural Area is consistent with the District's ecosystem restoration efforts in the region.

Offsite Impacts Associated with the Overlay:

- The cumulative impacts of rail and road expansions should be considered along with the indirect effects of induced growth and land use changes occurring through increased accessibility. All of the comments stated herein would be compounded should an increase in development occur. Along with the future assessment of specific locations for the facility, the potential for additional offsite water and natural resource impacts resulting from any new or expanded transportation projects should also be evaluated.

The District looks forward to continued discussions on these issues at each step in the process. The Palm Beach County Commission's leadership in appropriately directing future land use and development decisions is important to the District's overall restoration efforts in this region. We look forward to working closely with the Florida Department of Transportation in the planning and siting of a future Inland Logistics Center to ensure compatibility with current and future Everglades restoration projects. For assistance or additional information, please contact Kim Shugar, Director, Intergovernmental Programs at (561) 682-6016.

Sincerely,



Carol Ann Wehle
Executive Director
South Florida Water Management District

CAW/dr

c: Lorenzo Aghemo, PBC
Bob Dennis, DCA
Marjorie G. Craig, P.E., SFWMD
Terry Hess, TCRPC
John Mulliken, SFWMD
Kim Shugar, SFWMD
Jim Quinn, DEP



August 17, 2009

VIA HAND DELIVERY

Carol Wehle
Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

RE: SFWMD Comments on proposed ILC Amendment, DCA #09-1

Dear Ms. Wehle,

I would like to thank your staff for the recent opportunity to continue our discussions regarding the siting of an Inland Logistic Center (ILC) on approximately 318 acres located immediately east of our sugar mill, distribution center, and co-generation plant at Okeelanta. As you may already be aware, earlier this year Palm Beach County forwarded two Comp Plan amendments to the Department of Community Affairs (DCA). The first involved a proposed land use overlay encompassing 100,000 acres wherein a future ILC would potentially be sited. The second involved a 318 acre site specific land use plan amendment by the Florida Crystals Corporation.

Palm Beach County has decided to withdraw their proposed 100,000 acre overlay amendment. Florida Crystals still seeks to successfully site and operate an ILC at Okeelanta bringing much needed economic relief to this historically depressed region of our State. In your letter to the DCA dated May 29, 2009, you noted that the generalized nature of the then proposed overlay made it difficult for you to provide specific comments regarding the future impacts of an ILC in the Everglades Agricultural Area (EAA). Nevertheless, you did identify several areas of concern.

By this letter we hope to share our strategy for how we intend to address the Districts' general areas of concern. It is our belief that through an open and productive dialogue we will be able to anticipate all the issues which will have to be addressed as part of our Environmental Resource Permit (ERP) and federal dredge and fill permit applications.



1. Flood control/stormwater

As one of the few entities that for decades has operated industrial facilities in the EAA, Florida Crystals is very sensitive to the need to provide adequate flood control thru the management and treatment of stormwater. Consistent with the requirements of Part IV of Chapter 373, Florida Statutes, and the provisions of the Palm Beach County Comprehensive Plan (see attachment "A"), the project will include a stormwater management system capable of capturing and treating stormwater run-off on-site. Given the heightened sensitivity to discharges from this region, we look forward to working with your staff, to design a system that exceeds the current required levels of treatment and retention. This will ensure that no pollutants are discharged from the project site into Lake Okeechobee, the Everglades, STA's or any future restoration facilities. .

It is not expected that the volume of off-site discharges will be significant enough so as to require any modifications to the works of the District. If additional analysis suggests otherwise we are committed to work with your staff to accomplish said modifications.

2. Water Quality

Please be advised that in addition to the requirements of the ERP and federal permits, Florida Crystals will comply with the requirements of the Palm Beach County Land Use Plan relating to water quality protection and stormwater management. (see attachment "B").

We agree with the Districts' recommendation that a comprehensive treatment and monitoring plan be developed to maintain water quality. We are proud of the investment that we have made to date towards the implementation of the Everglades Forever Act as well as of our own on-farm best management practices which continue to yield reductions in nutrient discharges to Lake Okeechobee and the Everglades. We would welcome the opportunity to discuss with your staff the type of monitoring that would be necessary to ensure the appropriate safeguards are in place.

3. Water Supply

In addition to our existing water treatment plant at Okeelanta, please be advised that Florida Crystals recently obtained a letter from the Glades Utility Authority (GUA), a partnership between the tri-cities and Palm Beach County, indicating that the GUA has adequate permitted capacity to serve the ILC. Specifically, the Lake Region Water Treatment Plant has permitted capacity of 10 MGD and is currently operating at 5.5 MGD, leaving 4.5 MGD capacity to meet the projected peak demand of 0.96 MGD (0.3 MGD potable and 0.66 non-potable) of the ILC.



As noted by Mr. Ammon, both the Lake Region Water Treatment Plant (9 miles from site) and the existing Okeelanta water treatment plant are reverse osmosis plants and obtain their water from the Floridan Aquifer. Thus neither alternative will impact surficial water resources. Regardless of the ultimate source, Florida Crystals will work with Palm Beach County and the SFWMD to maximize the efficient use of water resources through the re-use of water and implementation of conservation strategies.

4. Wastewater

In your letter of May 29th, the District requested the prohibit the use of septic tanks, promote reuse and a higher level of treatment to reduce nutrients in order to prevent degradation of the water resources of the Everglades.

First, no septic tanks will be used on-site. Second, as stated above we will endeavor to utilize the water resources allocated to the ILC as efficiently as possible thru conservation and re-use. Details of the amount of water that may be re-claimed will be included in our ERP permit application. Lastly, be advised that pursuant to Goals, Objectives and Policies in the Utility Element of the County's Comp Plan (below), the Palm Beach Co Utilities Department is required to provide central water and sewer service to any site that is designated a Limited Urban Service Area (LUSA) to the site: Thus the County will provide services to the Okeelanta site once it is designated a LUSA as part of this land use change.

Palm Beach County Comp Plan - Utility Element

Policy 3.3-b: The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater services to any area designated by the BCC as a LUSA except those areas where the BCC has entered or enters into a written agreement that provides utility service area rights within a LUSA to another public or privately owned potable water, reclaimed water and wastewater utility, or in areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida law.

Alternately, should cost considerations require the consideration of alternatives, wastewater services could also be obtained from the Belle Glade Wastewater Treatment Plant, approximately 6 miles north of the site. This plant has a permitted capacity of 6.5 MGD and an average wastewater demand of 3 MGD, leaving a capacity of 3.0 MGD to meet the projected demand of the ILC. Lastly, If it was decided that the wastewater be treated at the existing Okeelanta package plant, this facility would need to be expanded to provide additional treatment requirements, such as advanced wastewater treatment, to prevent potential degradation of the water resources of the Everglades.



5. Hazardous Materials

In its comments to DCA the District recommended the inclusion of policies in the amendment to require best management practices for the storage, handling and emergency release response of hazardous waste and materials. Please be advised that Florida Crystals has proposed to the County Staff the following condition be placed on the land use amendment:

“A hazardous waste and materials management plan will be submitted to Palm Beach County, FDEP and SFWMD for review and approval prior to approval of development within the site. The management plan shall provide the best management practices for the storage, handling and emergency release response of hazardous waste and materials”

The implementation of this requirement, again ***in advance of any land development activities*** on the site will adequately protect the groundwater and surface water resources of the region.

6. Ecosystem Restoration

Given the requirement that both the District issue an ERP for the ILC, we are confident that no action will be approved at the proposed site which in any way jeopardizes the on-going state and federal Everglades restoration efforts. Nevertheless, please be advised that the Palm Beach County Comprehensive Plan already includes various Goals, Objectives and Policies aimed at promoting the restoration and protection of the Everglades. Specifically, the Conservation Element provides that:

Policy 3.1-m: The County shall not take any land use actions which are inconsistent with the State and the South Florida Water Management District efforts related to maintaining and/or improving water quality in Lake Okeechobee; particularly those included in an adopted surface water improvement and management plan.

Policy 3.1-p: The County shall coordinate with South Florida Water Management District (SFWMD) and, the United States Army Corps of Engineers (USACE), and other local, state, tribal and federal entities on development and implementation of the Comprehensive Everglades Restoration Plan (CERP), and other related ecosystem restoration initiatives in South Florida. Accordingly, the County's Water Supply Work Plan shall include an assessment of current and water needs and sources for the associated planning period considering the SFWMD's regional water supply plan approved pursuant to s. 373.0361.



As we were able to graphically illustrate for your staff at our recent meeting, the 318 acres which are the subject of the pending land use amendment are situated miles away from any of the water resource features contemplated in the various alternatives that are currently under consideration. We believe that thru our continued participation, as well as that of Palm Beach County in this effort will help ensure that any land use changes in the EAA are consistent with the District's restoration efforts.

To further this goal we have worked with the County to create the following condition to the proposed amendment in the hope of ensuring that the development of the ILC site will not conflict with restoration projects:

"The Applicant shall coordinate with the South Florida Water Management District prior to site plan approval to ensure that the development, and planned operation, maintenance and future expansion of the Inland Logistics Center will not conflict with the Everglades restoration projects and projects to improve Lake Okeechobee. "

7. Offsite Impacts Associated with the Overlay

Your staff made it very clear that when reviewing the ERP application the District will consider the cumulative impacts of rail and road expansions and new transportation projects and the indirect effects of induced growth and land use changes that may occur as a result of the construction of the 318 acre ILC. In preparation of the proposed land use amendment Florida Crystals conducted a traffic study which found that, with the exception of limited expansion to segments of Highway 80 within the existing urban development boundary in Belle Glade and Wellington, existing transportation corridors could be utilized and that no road expansions or new road corridors would be needed as a result of the traffic being generated by the 318 acre ILC.

The addendum to the traffic study also states that if more outbound truck traffic were to occur heading southbound to Broward County, **the four-lane US 27 corridor is projected to have available roadway capacity to accommodate additional truck traffic** within the five-year horizon analysis.

Furthermore, the Okeelanta site specific amendment is proximate to existing railway, which currently services the nearby existing agro-industrial facilities. It should be noted that the FDOT is conducting a feasibility study for a potential railroad within the US 27 right-of-way to connect from the Glades communities to Hialeah in Miami-Dade County. Due to the preliminary nature of that ongoing study, the Okeelanta traffic study did not include that new proposed railway corridor.



In closing, I hope that through our on-going face to face dialogue and this letter we have successfully conveyed our commitment to promote the expansion of the regions economy, while protecting Lake Okeechobee and the Everglades. Following what we hope will be a successful amendment adoption hearing before the Board of County Commissioners on August 25th, we will again call on your staff to outline a timetable for the submittal of our ERP permit application, and to advance some of the action items identified herein.

We look forward to not only meeting but exceeding the environmental performance of this project, and bringing much needed jobs to the region.

With kind regards,

FLORIDA CRYSTALS CORPORATION

A handwritten signature in cursive script that reads "Daniel Martell".

Daniel Martell, Vice President

cc: Kenneth Ammon, Executive Director (via Hand Delivery)
Thomas Oliff, Assistant Executive Director (via Hand Delivery)
Deena Reppen, Deputy Executive Director (via Hand Delivery)



Attachment "A"

PALM BEACH COUNTY COMPREHENSIVE PLAN STORMWATER MANAGEMENT GOALS, OBJECTIVES AND POLICIES

The following Policies from the Utility Element serve as criteria regarding stormwater treatment and monitoring to protect water quality:

GOAL 1 STORMWATER MANAGEMENT AND PROTECTION FROM INUNDATION AND FLOODING

It is the GOAL of Palm Beach County to ensure the provision of technically and economically feasible surface and storm water systems. These systems shall be adequate to maintain the adopted levels of protection from flooding and Stormwater inundation for existing and future land uses, and shall be compatible with the County's goals for land use management and the protection of critical environmental resources. [9J.5.011(2)(a), F.A.C.]

OBJECTIVE 1.1 Levels of Protection [9J-5.005(3) and 9J-5.011(2)(c)2 ,F.A.C.]

The levels of protection adopted for surface and storm water facilities shall be adequate to:

- 1. Provide protection from flooding and inundation consistent with the severity of the*

- potential threats to health, safety, welfare, and property;*
- 2. Maintain Stormwater runoff rates at levels compatible with safe conveyance capacities of receiving waters; and*
- 3. Mitigate degradation of water quality in surface and ground waters.*

Policy 1.1-d: No permit authorizing construction shall be issued by the County without adequate assurance of concurrent construction, by the developer, of tertiary and secondary drainage designed to provide protection in accordance with adopted level of protection standards. [9J-5.055(3)(a)1 and 2, F.A.C.]

OBJECTIVE 1.2 Impacts on Existing Flood Protection

Palm Beach County's land development shall continue to implement policies and regulations in the Unified Land Development Code (ULDC), which require that new development does not adversely impact the existing drainage, or flood protection capabilities of off-site lands.

[9J-5.0055(1)(e), F.A.C.]

Policy 1.2-a: Development orders subject to requirements of the Unified Land Development Code (ULDC) shall provide for the conveyance of all off-site discharge



to legal positive outfall via drainage facilities which are constructed in appropriate easements, with adequate capacity to accommodate the allowable discharge, without overflow to adjacent lands, or by providing alternative methods to meet the stormwater level of protection standards, approved by the County's Engineering Department and consistent with South Florida Water Management District's criteria. [9J-5.0055(1)(e), F.A.C.]

Policy 1.2-b: Development orders subject to requirements of the Unified Land Development Code (ULDC) shall provide for continued conveyance of existing inflows from off-site lands, in a manner that will not increase inundation elevations on adjacent lands, or downstream rates of discharge resulting from storms, up to and including the 25-year, three-day event. [9J-5.0055(1)(e) and 9J-5.011(2)(c)2(c), F.A.C.]

GOAL 2 STORMWATER QUALITY

It is the GOAL of Palm Beach County to promote, develop and implement programs and regulations oriented to improve the Stormwater quality, in coordination and cooperation with the South Florida Water Management District, special districts, and other entities involved in Stormwater management. [9J.5.011(2)(a), F.A.C.]

OBJECTIVE 2.1 Stormwater Quality Management

Water quality standards set by State Law or the SFWMD shall be addressed by the performance of Stormwater quality monitoring and enforcement as required by the NPDES program. [9-J.5011(2)(c)5(a), F.A.C.]

Policy 2.1-c: The County shall develop regulations establishing requirements for provision of additional on-site treatment, by the developer, when public policy determines the need for additional protection of sensitive receiving waters, or where existing discharges are determined to be causing or contributing to contravention of applicable water quality standards in the receiving water. [9-J.5011(2)(c)5(a), F.A.C.]

- 1. The work to identify impacted waters will be performed in accordance with (NPDES) permit governing the County, and the special districts which are also NPDES permittees. The findings of other agencies performing tests in addition to the NPDES program permittees should also be reflected.*
- 2. The results of this monitoring will be used to amend the standards specified in policies under Objective 1.1 of this sub-element, if necessary. Cross-Reference: See Conservation Element Policy 3.1-e of the and Coastal Management Element Policies 1.1-e through 1.1-g.*

GOAL 3: STORMWATER MANAGEMENT COORDINATION



It is the GOAL of Palm Beach County to promote sound management of stormwater and surface water to meet the future demands of the environment, urban growth and agriculture. [9J.5.011(2)(a), F.A.C.] Cross-Reference: See Conservation Element Policy 3.1-a.

Objective 3.2 Assessment of Stormwater Management Programs

Given the existing functional structure of stormwater systems in Palm Beach County, and the diversity of operational jurisdictions involved in the management of such systems, the County shall cooperate with the SFWMD and the Special Districts in the identification and assessment of stormwater and surface water problems and the definition of remediation strategies. [9-J.5015(3)(b)1, F.A.C.]

Policy 3.2-a: The County shall cooperate with the SFWMD and the Special Districts in establishing monitoring programs to evaluate whether adopted levels of protection from flooding and inundation are adequate. In this cooperative effort: [9-J.5015(3)(b)1, F.A.C.]

- 1. The County, within the Office of the County Engineer, shall continue the informal complaint review and referral process to monitor stormwater and surface water problems based on citizen inquiries, stormwater and surface water maintenance records and current file reports.
 - a. The County shall request that Special Districts compile and maintain similar records, with emphasis on situations affecting the primary and secondary systems under their jurisdiction.*
 - b. An inventory of basin-wide surface and storm water management situations and problems affecting the primary system shall be the responsibility of the SFWMD.**

Policy 3.2-b: The County shall cooperate with the SFWMD and the Special Districts, in investigating stormwater and surface water problems as to severity, frequency, cause and available remedies. Results shall be used to prepare an assessment of stormwater and surface water management needs, including recommended strategies for mitigation. Problem areas shall be identified and the entity with jurisdiction of such areas shall be notified. In this cooperative effort: [9-J.5015(3)(b)1, F.A.C.]

- 1. The County, within the Office of the County Engineer, shall conduct the investigation of secondary and tertiary systems within the County's jurisdiction.*
- 2. The County shall request that Special Districts conduct the investigation on primary and secondary systems within their jurisdiction.*
- 3. Basin-wide surface and storm water management situations and problems affecting the primary system shall be the responsibility of the SFWMD.*



Policy 3.2-c: When specific studies are undertaken and findings recommend more stringent requirements than those included in the Comprehensive Plan, the stricter requirements shall be considered for adoption into the Unified Land Development Code (ULDC). [9-J.5015(3)(b)1, F.A.C.]



Attachment "B"

PALM BEACH COUNTY COMPREHENSIVE PLAN WATER QUALITY GOALS, OBJECTIVES AND POLICIES

The following Policy from the Conservation Element serves as the criteria regarding monitoring of ground and surface water to protect water quality:

GOAL 3: PROTECTION OF SURFACEWATER AND GROUNDWATER QUALITY AND QUANTITY

*It is the **GOAL** of Palm Beach County to protect surface water and groundwater quality and quantity by discouraging activities that would damage or degrade water resources.*

OBJECTIVE 3.1 Quality and Quantity of Water Resources

The County shall preserve and protect both the quality and quantity of the County's water resources so that future development activities are conducted in a manner that, at a minimum, meet state water quality standards. [9J-5.013(3)(b)2 F.A.C.]

Policy 3.1-e: The County shall continue its existing surfacewater quality monitoring network to identify point-source and non-point source water quality problem areas and shall develop and implement a program designed to reduce non-point source discharges to surface waters. The County shall continue to coordinate with Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD) with their groundwater and surfacewater monitoring efforts. The County shall continue to enforce Surface Water Quality Standards throughout the County and the Stormwater Pollution Prevention Ordinance within the unincorporated areas. The County shall comply with the United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) stormwater permit requirements. The County shall conduct on-site inspections, water sampling, permitting, compliance and enforcement, and estuary enhancement as needed to help reduce the potential degradation of water quality due to stormwater runoff. Cross reference: Please also refer to Coastal Management Element Policies 1.1-e, f & g and the Utilities Element, Stormwater Management Sub-Element Objective 2.1.