

Levy County
Office of the County Attorney

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July 7, 2008

Mr. Mike Halpin
Siting Administrator
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 48
Tallahassee, FL 32399-2400

Re: Site Certification Application
Progress Energy Florida – Levy Nuclear Project
PPSA No. PA08-51/DOAH Case No. 08-2727

Dear Mr. Halpin:

Levy County staff has completed its initial review of the above-referenced application for site certification ("Site Certification Application" or "Application") in accordance with Section 403.5066 of the Florida Electrical Power Plant Siting Act ("PPSA"). Levy County staff has determined that the Application is incomplete at this time. While the Application appears to be complete as it relates to the Levy County Comprehensive Plan requirements, the Application is not complete as it relates to zoning ordinances for the reasons contained in this letter. The qualified completeness determination as it relates to Comprehensive Plan requirements is subject to review of any additional information received in response to the requests for additional information contained herein.

First, the Site Certification Application lacks a statement of consistency with County zoning ordinances as required by Section 403.50663 of the PPSA. The Application fails to contain any statement concerning the status of the zoning. Additionally, copies of applicable zoning ordinances that apply to the project are not included in the Site Certification Application, as required by applicable sections of the Florida Administrative Code. The County requests a statement of consistency with the County zoning ordinances, as well as copies of the applicable County ordinances the applicant determines are applicable.

In addition, statements contained within the Application that refer to the County's zoning district and land use category designations as being one and the same are inaccurate for this site. The County requests information that will clarify these statements regarding the zoning and land use designations.

Further, the Site Certification Application lacks sufficient information for the County to make a determination as to the consistency of the proposed use with various provisions of the County's Land Development Code. There is insufficient information related to the requirement for a special exception use permit for the use as an electric generating facility in the zoning district for this site. In addition, the Site Certification Application does not contain sufficient information to make the determination that the electric generating facility will not result in such noise, odor, dust, vibration, offsite glare, substantial traffic or degradation of road infrastructure so as to adversely impact surrounding development or cause hazardous traffic conditions.

Although the County recently received an application for a special exception use permit, County staff has not had ample opportunity yet to determine whether the application packet is complete. In addition, the special exception application has not gone through the regular public review process, nor has the application received a final approval or denial from the Board of County Commissioners. The County requests sufficient information for the County to review and determine whether the proposed project meets the criteria for approval of a special exception use permit for an electric generating facility in this zoning district and to make determinations relating to the offsite impacts described in the previous paragraph.

The subject property contains areas designated as environmentally sensitive by the County's Land Development Code and Comprehensive Plan. The Application identifies threatened, endangered and listed species of concern on the site. The Application does not provide the applicable permit or letter of exemption from the appropriate State of Florida Water Management District and the Florida Department of Environmental Protection and any other applicable permitting agency related to these issues, as required by the County's Land Development Code. The County requests those permits or letters of exemption.

The Site Certification Application does not appear to address the impacts to the aquifer and connected groundwater systems resulting from the proposed project. The Application appears to contain inconsistencies regarding water withdrawals from the Floridan aquifer. The total average daily withdrawal of fresh water from the aquifer is unclear, based on the information provided in the Application. The County requests information indicating the impacts to the aquifer and connected groundwater, clarifying inconsistencies related to water withdrawals, and indicating total average daily withdrawal of fresh water from the aquifer.

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If you need additional information, or have any questions, feel free to contact me. You may also contact Robert Corbitt, Director, Levy County Development Department at (352) 486-5198, or Shenley Neely, Director, Levy County Planning Department at 352-486-5405.

Sincerely,



Anne Bast Brown
County Attorney

ABB/sph

cc: Fred Moody, County Coordinator
Rob Corbitt, Director, Development Department
Shenley Neely, Director, Planning Department
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legal/Progress Energy/completeness.site
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