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July 1, 2008

Ann Seiler
Florida Energy and Siting Office
2600 Blair Stone Rd.
Tallahassee, FL 32399

Re: Progress Energy's Site Certification Application Completeness Review – Levy County Nuclear Plant Unit 1 and 2

Dear Ms. Seiler,

Thank you for the opportunity to provide input on the sufficiency of the Progress Energy Site Certification Application for the Levy County Nuclear Plant Unit 1 and 2 (SCA). The Environmental Protection Commission staff (EPC) has completed our initial review of the SCA and has determined that additional information is needed for the purposes of our review. Please see the following staff comments below:

A. Air Management

1. The Environmental Report (Appendix 10.11, Volumes 8 and 9) fails to address reasonable precautions in the form of detailed methods, practices and procedures to control unconfined emissions of particulate matter generated during construction of the transmission lines as required by Chapter 62-296.320(4)(c), F.A.C.

2. Reasonable precautions may include, but not be limited to, methods such as enforced speed limits of 10 miles per hour for vehicles travelling over exposed soils and other un-stabilized materials, curtailing operations during high wind conditions if necessary, application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of soils on right-of-ways, and construction of poles and lines, application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, seeding and mulching access road surfaces and other areas disturbed by construction activities to stabilize the soils.

3. In addition, the SCA fails to address open burning and noise issues within Hillsborough County. Pursuant to Chapter 1-4 (Open Burning), Rules of the EPC, the open burning of any vegetative materials generated from clearing of right-of-ways and access roads must receive EPC authorization. The applicant is also subject to the provisions of Chapter 1-10 (Noise), Rules of the EPC. (See attached rules)

4. Please be aware that if the construction of transmission line requires the demolition of existing structures or buildings, the demolition activities may be subject to the National Emission Standards of Hazardous Air Pollutants (NESHAP), Subpart M, Asbestos. In Hillsborough County, the applicant may contact EPC staff for more guidance, as necessary.

B. <u>Waste Management</u>

1. The information provided is complete for EPC staff to review Waste issues. However, as it pertains to the proposed construction of transmission line corridor(s) within Hillsborough County, the applicant should contact the Waste Management Division in order to determine the locations of the any and all waste cleanup sites; petroleum cleanup and petroleum contamination sites; and historic landfills within the boundaries of the project sites.

2. The applicant must also ensure that the management of materials generated from the development or impact to any and all waste cleanup sites; petroleum cleanup and petroleum contamination sites; and historic landfills within the boundaries of the project are properly managed. Further the applicant should be made aware that the development or impact to areas filled with solid wastes or areas otherwise impacted by solid waste disposal in Hillsborough County requires the obtainment of a Director's Authorization from the Environmental Protection Commission.

C. <u>Wetlands Management</u>

The information provided is not sufficient for EPC staff to issue a wetlands impact authorization in Hillsborough County. To obtain a recommendation of approval from EPC staff for subsequently submitted permits or plans, the following items should be addressed:

1. Delineations:

Knowledge of the actual extent of the wetlands and other surface waters is necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11, Wetlands, Rules of the EPC. The wetlands can be delineated by either EPC or Southwest Florida Water Management District staff. Once the wetlands and other surface waters have been delineated, wetland surveys must be submitted to EPC staff for review and formal approval. The approved wetland line must then be incorporated into the development of a site plan. The wetland line must appear

on all site plans, labeled as "EPC Wetland Line", the wetland must be labeled as "Wetland Conservation/Preservation Area", and the setback labeled as "30/50-foot Wetland Conservation/Preservation Area Setback", pursuant to the Hillsborough County Land Development Code (LDC).

2. Wetland Impacts:

The project describes impacts to wetlands that have not been reviewed by staff or authorized by the Executive Director of the EPC. Although the EPC recognizes the statutory jurisdiction limitation of local environmental regulations pertaining to power plant sitings, the EPC provides the following comments as standard language for projects impacting wetlands in Hillsborough County. Chapter 1-11, Rules of the EPC, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible.

a. If it is the applicant's intention to proceed with the wetland impacts described within the submittal, a separate wetland impact/mitigation proposal and the appropriate review fee, as provided in Chapter 1-6, Rules of the EPC, must be submitted to the EPC for review. These impacts include, but are not limited to, improvements to existing facilities, creation of new facilities and the conversion of forest wetlands to herbaceous wetlands. Please be aware that a submittal provides no reliance that the wetlands may be developed as proposed and that EPC staff cannot approve plans at the construction phase if unapproved wetland impacts are depicted. Therefore, it is strongly recommended that EPC staff authorization to impact wetlands be obtained prior to the submittal of any permits or construction plans.

b. Chapter 1-11.01, Rules of the EPC, states that development requiring mitigation be an avenue of last resort when reasonable use of the property is otherwise unavailable. To complete a proposal to impact wetlands, the applicant must provide detailed information through a separate process.

c. Plans or permits must, at a minimum, include the following information and must be included in all future submittals. Please be advised that omission of any of the following may result in a recommendation of denial from EPC staff.

(1) Wetland lines, wetland areas and wetland setback lines must be labeled as "EPC Wetland Line", "Wetland Conservation/Preservation Area ", and "30/50-foot Wetland Conservation/Preservation Area Setback Line" respectively pursuant to the Hillsborough County Land Development Code. Failure to properly label these features on future plans may result in a recommendation of denial from this agency. The setback line must be shown in its entirety even if impacts to the setback are proposed.

Furthermore, where setback encroachments are proposed, a narrative shall be submitted describing the necessity for the setback encroachments proposed, and measures taken to protect the wetland areas from construction related impacts.

(2) All wetland impacts must be labeled, cross-hatched, and acreage calculated on all plan sheets where they appear. Proposed mitigation must be shown and labeled.

(3) Erosion control devices must be placed between the Wetland Conservation/Preservation Area and the area to be developed (typically along the wetland setback line). Suitable erosion control devices must be in place prior to any disturbance of materials on site, and must remain in place until all loose soils have been stabilized. The method of erosion control to be used (i.e., silt screens, etc.) must be stated and the placement (i.e., along the wetland setback) must be indicated.

(4) Cross-sections must be included where wetlands or the wetland setback interface with roads, stormwater sumps/ponds, or any other graded feature. These cross-sections must accurately depict the EPC Wetland Line and Wetland Setback Line, erosion control devices, the toe of fill, proposed and existing grades, and vertical and horizontal scales. The depths of any ponds proposed for excavation adjacent to wetlands must be shown along with hydrologic information for the wetlands.

(5) Construction plans must be submitted along with a complete set of drainage calculations that include all wetland seasonal water elevations.

3. General Comments/Conditions:

a. A 30/50-foot setback must be maintained around each Wetland Conservation/Preservation Areas and the **setback line must also be shown on all future plan submittals.** Land alterations within this setback are restricted, as per the Hillsborough County Land Development Code (LDC). Exceptions are allowed only with specific recommendation of the EPC and with approval of the Natural Resources Review Team of the Hillsborough County Planning and Development Management Department, and/or the Land Use Hearing Officer.

b. All efforts must be undertaken to prevent any erosion or turbid water from being discharged into wetlands and/or waters of the County. Turbid discharges that exceed 29 Nephelometric Turbidity Units above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-11, the EPC Wetland Rule. Silt screens or other EPC approved methods or erosion/turbidity control may be required. It is the responsibility of the owner/developer to insure

the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized. It is strongly recommended that all erosion control devices be regularly inspected during construction and modified if conditions warrant.

c. Any activity interfering with the integrity of wetland(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or his authorized agent, pursuant to Section 1-11.07, Rules of the Commission, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and Chapter 1-11, Rules of the EPC.
d. At any time prior to approval of construction plans for this project, EPC staff may identify other legitimate concerns as they become obvious.

D. <u>Environmental Resource Management Department</u>

No additional information needed.

E. <u>Water Management Department</u>

No additional information needed.

Again, thank you for the opportunity to participate in this completeness review and for considering our comments as part of your project evaluation. Should you have any questions, please feel free to contact me at 813-627-2600, extension 1254 or Sanford@epchc.org.

Sincerely,

Reginald Sanford
Chief, Enforcement and Analysis
Air Management Division