

**COUNTY COMMISSIONERS
LEVY COUNTY, FLORIDA**



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December 2, 2008

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

**VIA ELECTRONIC MAIL ONLY
HARD COPY WILL NOT FOLLOW**

Re: Site/Transmission Line Certification Application Units 1 & 2
Progress Energy Florida – Levy Nuclear Project
PPSA No. PA08-51/DOAH Case No. 08-2727/DEP Case No. 08-1621

Dear Mr. Halpin:

Levy County has reviewed the portions of the above-referenced application related to the site and associated facilities proposed to be located in Levy County. As a result of its review, and pursuant to Section 403.507, Fla.Stat., the County prepared its Final Agency Report relating to the certification of the proposed site and associated facilities. That report is enclosed with this letter.

If you have any questions or concerns, please do not hesitate to contact me at the number listed above, or Anne Bast Brown, County Attorney, at (352) 486-3389.

Sincerely,

S/

Nancy Bell, Acting Chair
Board of County Commissioners

cc: Attached service list
Enc.

legal/ProgressEnergy/letter.finalreport.site
LR2006-233

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LEVY COUNTY FINAL AGENCY REPORT

In accordance with Section 403.507, Fla.Stat., Levy County (the "County") hereby presents its Final Agency Report related to the certification of the site and associated facilities proposed to be located in Levy County in connection with the application ("Application") filed by Progress Energy Florida, Inc. ("Applicant"), in the administrative proceeding styled Progress Energy Florida - Levy Nuclear Projects 1 & 2, PPSA No. PA08-51, DOAH Case No. 08-2727, DEP Case No. 08-1621. The County represents that there are no County nonprocedural requirements not specifically listed in the Application from which a variance, exemption, exception, or other relief is necessary in order for the proposed site and associated facilities to be certified. The County recommends the approval of the certification of the site and associated facilities proposed to be located in Levy County, subject to the following conditions, which conditions shall be binding on the Applicant, any owner of the site property, or their assigns:

NOTE: References to Exhibits A, B, and C to SE 2-08, are references to those documents which constitute exhibits to a Special Exception submitted by the Applicant for the use of the site for an electrical power generating facility, which Special Exception was approved by the Board of County Commissioners of Levy County, on September 20, 2008. The Special Exception will be referred to herein as "SE 2-08". Exhibits A, B, and C to SE 2-08 are attached to this Final Report in PDF format and are included herein by this reference. The term "Special Exception area" as used in this Final Report means the area described and depicted on Exhibit A of SE 2-08 as the property that is the subject of SE 2-08.

Condition A:

1. At least sixty (60) days prior to any construction activities on the site or any associated facilities, the Applicant shall provide all of the following to the County for its review and approval:

(a) Completed County building permit forms for any structures on the site or for associated facilities that do not consist of facilities of electric utilities as defined in Section 366.02, Fla.Stat., which are directly involved in the generation, transmission, or distribution of electricity, or that are not otherwise exempt from the requirements of the Florida Building Code. For every structure Applicant intends to construct on the site or for associated facilities that Applicant contends is exempt from the Florida Building Code, Applicant shall provide a description of the structure or facility and the basis for the contended exemption.

(b) Copies of all development approvals and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County, with the exception of the Federal Combined Construction Operating License.

(c) A detailed site plan depicting that all development is contained within the designated Development Areas as shown on Exhibits A and B to SE 2-08 (herein "the Development Areas"), with the exception of fencing, industrial rail spur, temporary uses incidental to the construction of the facility, transmission lines and pipelines, berms, guard houses, water wells, monitoring wells, and internal roads necessary to provide internal access to these listed structures, and is setback a minimum of 1,000 feet from any property boundary where abutting properties are not under the same ownership as the subject property.

(d) A detailed site plan depicting development within the proposed Development Areas, which reflects the areas, locations, sizes, and heights shown on Exhibit B to SE 2-08 and the tables on Exhibit C to SE 2-08, and which reflects any changes to those items shown on such Exhibits B and C to SE 2-08 in building, pavement, and/or structure size or height, relocation of buildings, pavement, and/or structures within the 954 acres of Development Area. Any such changes to Exhibit B and Exhibit C to SE 2-08 depicted on the site plan shall conform to the special exception requirements for electric generating facilities and the notes listed on Exhibit B to SE 2-08, which all shall allow for construction and operation of nuclear electric generating facilities subject to the Florida Electrical Power Plant Siting Act, Section 403.501 through 403.518, Fla.Stat., consisting of two reactor units generating a total electrical load of 3,000 megawatts and the necessary support services and structures required for the construction and operation of such facility including offices, training facilities, rail lines, storage areas, warehousing, first aid facilities, staging areas, parking lots, electrical transmission facilities, cooling towers, retention basins, shooting range, emergency notification equipment, fencing and security facilities, and temporary uses necessary for the construction of such facility including but not limited to concrete and/or asphalt batch plants.

(e) A detailed site plan that depicts that all outdoor lighting will be directional and shall not radiate directly onto adjacent properties not under the same ownership as the subject property. There shall not be any off-site glare to adjacent properties not under the same ownership as the subject property. Applicant shall also include a photometric lighting plan.

(f) A detailed site plan depicting that the maximum structure height does not exceed 250 feet.

(g) A detailed site plan depicting paved pervious parking areas and services areas. Additional pervious parking areas and service drives necessary for internal circulation shall be permitted throughout the Special Exception area.

(h) A detailed site plan of the Special Exception area depicting that the maximum impervious surface does not exceed 20 percent of the total Special Exception area.

(i) An updated traffic study for the site and associated facilities, reflecting projected traffic during construction and operational phases for the site and associated facilities. Such traffic study will be used to calculate the appropriate road impact fees for the site and associated facilities.

2. All documentation and other information submitted in response to Condition A.1. above shall meet all requirements and conditions of SE 2-08, and all applicable provisions of the Levy County Land Development Code and the Florida Building Code, and the requirements of the County Development Department, County Road Department, and County Engineer.

3. After review and approval by the County Development Department, the County Road Department, and the County Engineer, the Applicant will be permitted to perform the development of the site and associated facilities proposed by the documentation provided in Condition A.1. above, as such development has been approved by the County Departments and County Engineer.

4. Any development of the site and associated facilities shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer.

Supporting State and County Regulations:

Section 125.01(1)(h) and (cc), Fla.Stat.

Chapter 553, Part IV, Fla.Stat.

Florida Building Code

Section 102.2, Florida Building Code

Chapter 50, Levy County Code

Chapter 50, Article VIII, Levy County Code

Section 50-131, Levy County Code

Section 50-132, Levy County Code

Section 50-715, Levy County Code

Section 50-796 through 50-823, Levy County Code

Conditions of SE 2-08, approved by the Board of County Commissioners
September 2, 2008

Condition B: Concurrent with the submittal of the documentation required in Condition A, or concurrent with the requests for inspections or for other services to which fees apply, as the case may be, the Applicant shall pay all of the County's fees for building permits, inspections, and any other fees related to the building permits for structures that are not exempt from the provisions of the Florida Building Code, as provided in Levy County Resolution 2007-24.

Supporting County Regulations:

Sections 1 and 10, Art. VII, Florida Constitution

Sections 125.01(1)(h) and (cc), Fla.Stat.

Section 403.511(4), Fla.Stat.
Chapter 553, Part IV, Fla.Stat.
Florida Building Code
Section 102.2, Florida Building Code
Chapter 50, Levy County Code
Section 50-131, Levy County Code
Levy County Resolution 2007-24

Condition C: Prior to County's approval of the development of the site and associated facilities contemplated in SE 2-08 and Condition A, and prior to construction of any development of the site and associated facilities contemplated by SE 2-08 or in Condition A, the Applicant shall pay all of the County's emergency medical system impact fees and road impact fees for the site and associated facilities in accordance with Chapter 47, Articles III and IV, Levy County Code.

Supporting County Regulations:
Sections 1 and 10, Art. VII, Florida Constitution
Section 403.511(4), Fla.Stat.
Chapter 47, Article III, Levy County Code
Chapter 47, Article IV, Levy County Code

Condition D: Throughout the construction and operation of the site and associated facilities, the following conditions shall be maintained or met:

(a) The use of the site is limited to the construction and operation of not more than two (2) nuclear reactor powered electrical generating plants and associated support structures, accessory structures and uses identified and shown on Exhibit B to SE 2-08. Any other uses shall not be allowed without an amendment to SE 2-08 approved by the Board of County Commissioners of Levy County.

(b) No permanent entrance to the site shall be constructed from CR 40 for the purpose of operational phase work force access. This is not to preclude a roadway to provide access for the construction and maintenance of the site and associated facilities, and of electricity transmission lines and water lines used to convey cooling water pumped from the Cross Florida Barge Canal or return lines pumping water to the Crystal River Discharge Canal, emergency access or similar incidental access uses. This condition does not preclude the temporary use of the heavy haul road for the delivery of heavy equipment or materials for construction of the power plant(s), transmission lines, substation or water supply and return lines.

(c) Construction and operation activities within the Special Exception area, including transmission and pipeline construction, shall not adversely impact adjacent properties not owned by the Applicant. Storm water run-off, and excessive dust, smoke, noise, glare and vibrations shall be considered adverse impacts.

(d) Operational characteristics, such as noise, dust, vibrations and traffic shall at all times comply with all local, state and federal ordinances, laws and regulations. With regard to sound levels, maximum sound levels produced will not exceed 65 (dba) as measured from the property line of any adjacent property not under the same ownership as the subject property, sound levels will not exceed 55 (dba) between 10 p.m. and 7 a.m. as measured at the property line. With regard to vibrations, no vibration shall be transmitted which is discernable without instruments beyond the property line of the Special Exception area. The Applicant, or property owner or their assigns, shall promptly provide proof of compliance with any of the levels contained in this condition or with any other applicable ordinances, laws, or regulations relating to any operational characteristics in the event the County receives a complaint.

(e) Permanent roadway access to the site shall only be from U.S. Hwy. 19.

(f) Areas depicted as ponds are for stormwater detention only and will not be used for cooling or waste disposal purposes.

(g) The Special Exception area will not be used as a base for off-site utility line maintenance.

(h) The natural vegetation on the portions of the properties outside the designated Development Areas shall be maintained in its natural vegetated state.

(i) A 100-foot natural vegetated buffer shall be maintained along the site property's perimeter where abutting properties are not under the same ownership as the site property. An access road for agricultural or other low-impact uses may be integrated into the buffer.

Supporting County Regulations:

Section 125.01(1)(h), Fla.Stat.

Section 50-715, Levy County Code

Sections 50-796 through 50-823, Levy County Code

Conditions of SE 2-08, approved by the Board of County Commissioners
September 2, 2008

Condition E:

1. In the event the Applicant proposes any access to CR 40 for access to the site through Applicant's property that is adjacent to CR 40 for any purpose, and such access will not concurrently or later act as the heavy haul road (herein "driveway access"), at least thirty (30) days prior to any construction activities related to such driveway access, the Applicant shall provide all the following items to the County:

- (a) A completed County driveway permit form.
- (b) A detailed description of the proposed uses for such driveway access, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the driveway access.
- (c) Engineering and construction plans for such driveway access.
- (d) Maintenance of traffic plans for maintenance of traffic during construction of such driveway access.
- (e) Any other documentation or information required by the County Road Department for its review of the use and construction of the driveway access.

2. Such engineering and construction plans, and other information and documentation, and the construction of the proposed driveway access, shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction* and any Special Provisions adopted by the County Engineer in accordance with the provisions thereof, and the then-current Florida Department of Transportation manual, *Design Standards for the Design, Construction, Maintenance, and Utility Operations on the State Highway System*, and the requirements of the County Road Department.

3. After review and approval of such engineering and construction and maintenance of traffic plans by the County Road Department and County Engineer, the Applicant may construct the driveway access in accordance with such approved plans.

4. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer.

5. Prior to final approval by the County, the Applicant shall be required to pay the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the driveway access, as provided in Levy County Resolution 2007-24.

6. No use of the driveway access for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Applicant of the County's fees as provided herein.

7. After final inspection approval, the use of the driveway access shall be limited to the uses contemplated and addressed in the description of the proposed use of the driveway access previously submitted for review.

8. Unless the driveway access is proposed to also act as the heavy haul road, and the provisions of Condition F for the heavy haul road have been met, the driveway access shall not be used to transport any equipment or other items that exceed the weight capacity of CR 40 as posted or that were not contemplated or addressed in the description of the proposed uses of the driveway access previously submitted for review.

9. Unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans.

10. The Applicant shall maintain the driveway access in good condition and shall make any repairs to CR 40 caused by use of such driveway access.

Supporting State and County Regulations:

Sections 1 and 10, Art. VII, Florida Constitution

Section 125.01(1)(m), Fla.Stat.

Section 336.02, Fla.Stat.

Section 336.045, Fla.Stat.

Section 403.511(4), Fla.Stat.

Section 62-17.133, F.A.C.

Objective 1, Transportation Element, Levy County Comprehensive Plan

Policy 4.2, Transportation Element, Levy County Comprehensive Plan

Section 50-381, Levy County Code

Section 50-715, Levy County Code

Levy County Resolution 2007-24

Condition F:

1. At least sixty (60) days prior to any activities in the transmission line corridor, the power plant site, or any of the Applicant's adjacent property, that may utilize the heavy haul road, or any other use of the heavy haul road across CR 40, the Applicant shall provide all of the following to the County for its review and approval:

(a) A completed County driveway permit form.

(b) A detailed description of the proposed uses for such heavy haul road across CR 40 and adjacent right-of-way, including but not limited to

estimated traffic volume, traffic composition, and proposed weights of loads that will use the heavy haul road.

(c) Engineering and construction plans providing for the design and construction of the heavy haul road within County right-of-way.

(d) Engineering and construction plans depicting any structural improvements that may be required to prevent and prohibit degradation of the structural integrity of CR 40 and the adjacent right-of-way as a result of the Applicant's proposed use of the heavy haul road.

(e) Engineering and construction plans depicting the proposed location, design, and construction of the temporary connection to CR 40 Applicant proposes to use for the heavy haul road.

(f) Maintenance of traffic plans for use during construction of both the heavy haul road and any improvements to CR 40 and adjacent right-of-way required to maintain structural integrity of CR 40.

(g) Maintenance of traffic plans for use during the Applicant's proposed use of the heavy haul road for construction of any development on the site or the associated facilities, or for any other purpose; and

(h) Any other documentation or information required by the County Road Department, Development Department, or County Engineer for review of the Applicant's use and construction of the heavy haul road and any related improvements to CR 40.

2. Such engineering and construction plans and other information and documentation, and the construction of the heavy haul road, shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction* and any Special Provisions adopted by the County Engineer in accordance with the provisions thereof, and the then-current Florida Department of Transportation manual, *Design Standards for the Design, Construction, Maintenance, and Utility Operations on the State Highway System*, and the requirements of the County Road Department, Development Department and County Engineer.

3. After review and approval of the engineering and construction plans and maintenance of traffic plans by the County through its Road Department, Development Department, County Engineer, and the Levy County Sheriff (only maintenance of traffic plans need to be reviewed by Sheriff), the Applicant may construct the heavy haul road, any structural improvements required to maintain the integrity of CR 40 and the adjacent right-of-way, and improvements constituting the connection of the heavy haul road to CR 40, each to be in accordance with the approved plans.

4. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer.

5. Prior to final approval by the County, the Applicant shall be required to pay the County all of the County's fees for driveway connection permits, inspections, and any other fees related to the heavy haul road, as provided in Levy County Resolution 2007-24.

6. No use of the heavy haul road for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Applicant of the County's fees as provided herein.

7. After final inspection approval, the use of the heavy haul road shall be limited to the uses contemplated and addressed in the engineering plans submitted for prior review.

8. Unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans.

9. Prior to use of the heavy haul road, the Applicant also shall provide a schedule for the loads that Applicant proposes to transport across CR 40 using the heavy haul road that will exceed the weight capacity of CR 40 as posted. The Applicant may amend such schedule upon 48 hours notice to the County of any such amendment.

10. Throughout the Applicant's use of the heavy haul road, the Applicant shall continuously maintain that portion of CR 40 traversed by the heavy haul road to meet rolling straight edge requirements contained in the most current edition of Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*. The County shall have the ability to inspect CR 40 at any time for compliance with this maintenance provision. The Applicant shall pay all of the County's costs for staff time and other costs incurred in connection with any such inspections upon request for payment by the County. In the event that the rolling straight edge requirements are not being met on that portion of CR 40 traversed by the heavy haul road at any time, the County shall have the ability to suspend the Applicant's use of the heavy haul road until sufficient improvements are made to maintain the rolling straight edge requirements described herein.

11. After the completion of the use of the heavy haul road for construction or maintenance activities related to the site and associated facilities, the Applicant shall make any repairs to CR 40 and the adjacent right-of-way in the area of the heavy haul road that have been caused by the Applicant's use of CR 40 and the adjacent right-of-way.

NOTE: As an alternative to compliance with this Condition F, the Applicant may enter into a development agreement with the County to provide for the provision of plans, construction and operation of the heavy haul road. Any such agreement shall be entered into and fully executed by both the Applicant and the County prior to any use of the heavy haul road.

Supporting State and County Regulations:

Sections 1 and 10, Art. VII, Florida Constitution

Section 125.01(1)(m), Fla.Stat.

Section 336.02, Fla.Stat.

Section 336.045, Fla.Stat.

Section 403.511(4), Fla.Stat.

Section 62-17.133, F.A.C.

Objective 1, Transportation Element, Levy County Comprehensive Plan

Policy 4.2, Transportation Element, Levy County Comprehensive Plan

Section 50-381, Levy County Code

Section 50-715, Levy County Code

Levy County Resolution 2007-24

