

**Florida Power Plant Siting
Act (PPSA) / Site
Certification Application
(SCA) and Other
Environmental Permitting**

Levy NRC COLA Application Site Visit

December 2-5, 2008



Progress Energy

Florida Power Plant Siting Act (“PPSA”)

- ❖ **“One-Stop” centralized State, Regional and Local permitting for new and expanded electrical power plants**
- ❖ **Incorporates all substantive regulatory standards of state, regional and local agencies**
- ❖ **PPSA certification is in lieu of separate state, regional and local permits and approvals**
- ❖ **PPSA process also looks at impacts beyond permit requirements**
- ❖ **PPSA: Sections 403.501- 403.518, Florida Statutes**
- ❖ **FDEP PPSA Rules: 62-17, Part I, F.A.C.**

Florida Power Plant Siting Act ("PPSA")

PPSA applies to:

- ❖ New or expanded steam electrical power plants which are greater than 75 MW, including nuclear.
- ❖ Solar electrical power plants which are greater than 75 MW.
- ❖ PPSA also applies to applicant-owned associated facilities for the plant: electrical transmission lines, water pipelines, access road, etc.

PPSA Site Certification Application (SCA) and COLA ER

- ❖ The proposed Levy Nuclear Plant is subject to the requirements of both the NRC's COLA process and Florida's Power Plant Siting Act (PPSA).
- ❖ The COLA Environmental Report (ER) and the PPSA Site Certification Application (SCA) have very similar information requirements, except that the SCA imposes some additional requirements.
- ❖ Progress Energy chose to incorporate relevant sections of the COLA ER within the SCA by reference (the ER is an attachment to the SCA document).

Site Certification Requirements

- ❖ Determination of Need by Florida Public Service Commission - required before PPSA certification.

(LNP Determination of Need issued on August 12, 2008)

- ❖ Site Certification Application (SCA) Review by FDEP and affected state, regional and local agencies.

(SCA submitted 06/02/08– Deemed Complete 10/30/08)

- ❖ Federal Environmental Permits – PSD (air), NPDES (water), USACE 404/10 (wetlands), etc. - to be issued separately by FDEP, USACE, others, as required.

SCA Reviewing Agencies

- ❖ **Department of Environmental Protection**
- ❖ **Department of Community Affairs**
- ❖ **Water Management District(s)**
- ❖ **Local Governments – Counties & Municipalities**
- ❖ **Fish and Wildlife Conservation Commission**
- ❖ **Regional Planning Council(s)**
- ❖ **Department of Transportation**
- ❖ **Others...**

PPSA/SCA Associated Facilities

- ❖ Certification of associated facilities is typically for a “corridor”, within which a final right-of-way (ROW) will be located.
- ❖ Corridor may be up to a mile in width, with unlimited length.
- ❖ Review process is for entire corridor.
- ❖ Corridor will be reduced to the boundaries of the ROW after certification (post-certification review).
- ❖ Corridors proposed for transmission lines, access roads and water pipelines.

Land Use Determination

- ❖ **Local governments to issue land use and zoning determination for electrical power plant site and non-linear associated facilities (typically within 45 days of filing SCA).**

(Levy County issued Land Use Determination 9/23/08)

- ❖ **Linear associated facilities (transmission lines, etc.) are excluded from determination.**

- ❖ **Affected persons have 21 days after public notice to challenge this determination.**

(Challenge period ending 11/07/08 without objection)

- ❖ **ALJ to hold hearing within 30 days on any challenge.**

Agency and FDEP Reports

- ❖ Required by PPSA for SCA reviewing agencies.
- ❖ Due 100 days after application is determined “completed” (or other agreed upon schedule). (Reports due 12/15/08)
- ❖ Agency reports to address:
 - Matters within the agency’s jurisdiction which may potentially be affected by the proposed project
 - Recommendation of approval or denial of project
 - Proposed conditions of certification
- ❖ FDEP submits a comprehensive Project Analysis Report containing agency reports, proposed conditions of certification and recommendation on final approval of project.

Site Certification Hearing

- ❖ Hearing held approximately 8 months after SCA filed in front of an Administrative Law Judge (ALJ). **(Levy Hearing to begin 02/23/09)**
- ❖ Hearing will be held in the vicinity of the proposed power plant (and associated facilities).
- ❖ Hearings may last several weeks.
- ❖ Hearing to address compliance with agency standards and PPSA criteria for certification.
- ❖ If petitions challenge separate federal permits, these petitions may be consolidated with site certification hearing.

Siting Board Action

- ❖ Parties may submit proposed recommended orders to ALJ after certification hearing.
- ❖ ALJ submits a Recommended Order to the Siting Board (Governor and Cabinet) within 45 days after filing of hearing transcript.
- ❖ The Siting Board to act upon certification within 60 days after receiving ALJ's recommendation.
- ❖ **LNP Site Certification expected by Sept. 2009**

Opportunities for Public Participation

- ❖ Citizens may attend local government's Informational Public Meeting if held;
- ❖ "Affected persons" may challenge a local government's land use determination, resulting in a hearing;
- ❖ Citizens may attend the Land Use Hearing if held;
- ❖ Citizens may attend the Certification Hearing;
- ❖ Citizens may attend Siting Board Meeting for Certification.

Note: Additional opportunities for involvement exist within the PSC Need Determination and federal permitting processes which are not outlined here.

PPSA CRITERIA FOR CERTIFICATION

Section 403.509(3), F.S.

- ❖ Provide reasonable assurance that operational safeguards are technically sufficient for the public welfare and protection.
- ❖ Comply with applicable nonprocedural requirements of agencies.
- ❖ Be consistent with applicable local government comprehensive plans and land development regulations.
- ❖ Meet the electrical energy needs of the state in an orderly and timely fashion.
- ❖ Effect a reasonable balance between the need for the facility as established pursuant to s. 403.519 and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facility.
- ❖ Minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.
- ❖ Serve and protect the broad interests of the public.

LNP PPSA TIMELINE

6/2/08	SCA Filed
7/14/08 Questions	Agency Completeness
9/23/08 Levy	Land Use Determination by County
11/7/08 Challenge	Deadline for Land Use
11/30/08	SCA Found Complete
12/15/08	Agency Reports
1/12/09	DEP Agency Report
2/23/09 to 4/17/09	Site Certification Hearing
9/09	Siting Board Action

Federal PSD Air Construction Permit

- | | |
|----------------------------|---|
| 6/2/08
FDEP
program) | PSD permit application submitted to
(Federally approved permit |
| 7/31/08 | Draft permit issued |
| 11/18/08 | PEF filed comments on draft permit |
| 12/08 | Expect new draft to be issued |
| comment | Draft permit will undergo public
prior to finalization |

Federal NPDES Water Permit

6/2/08 NPDES permit application submitted
to FDEP (approved Federally
delegated program)

7/15/08 Application deemed incomplete

8/28/08 Additional information submitted

10/10/08 Second incompleteness issued

12/08 Additional information to be
submitted

1/09 Expect draft permit which will go
through public comment



USACOE 404/10 Permitting

- Permit application for Federal dredge & fill / wetlands impacts submitted on 06/02/08 (joint application with State ERP portion of the SCA).
- USCOE will be issuing public notice to affected landowners in near future.
- Agency and public comment will occur over 30 to 60 day period following the notice.
- Wetlands and water impacts will be addressed by USCOE as cooperating agency to EIS.
- USCOE Permit to be issued after site certification and preparation of the EIS.

NRC and USACOE Coordination

7/08 LWA/COLA filed with NRC
10/6/08 NRC accepted Application
and informed USCOE
of intent to prepare EIS

Ongoing Coordination between NRC
and USCOE to update
existing NEPA MOU

NRC will be lead on EIS preparation and
USCOE will be cooperating agency

Cross Florida Barge Canal (CFBC) Environmental Resource

Permit

6/20/08 State ERP permit application submitted to
FDEP NE District Office (Jax)

6/30/08 “No Permit Required” determination
received from USACOE (no wetlands or
navigable waters impacts)

7/18/08 and FDEP requested additional information
10/17/08

12/08 Additional information expected to be
submitted

1/09 State-owned uplands and submerged
lands easements required for
project

1/09 Expect all final project authorizations



Additional Information

- ❖ Additional information about this proposed project can be found at the FDEP website:

www.dep.state.fl.us/siting/Highlights/applications.htm

- ❖ and at the Progress Energy website:

www.progress-energy.com/aboutenergy/poweringthefuture_florida/levy



Questions?