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August 28, 2008

Mr. Mike Halpin, P.E.
Florida Energy & Siting Coordination Office
Department of Environmental Protection
2600 Blair Stone Road MS-48
Tallahassee, Florida 32399-2400

SUBJECT: Final Agency Report for Progress Energy Florida's Levy Nuclear Plant Units 1 and 2
Site Certification Application

Dear Mr. Halpin:

Pursuant to Section 403.526 of the Florida Statutes, Withlacoochee Regional Planning Council (WRPC) staff has written a final agency report for the transmission line portion of the above-referenced application. This statement seeks to identify the goals and policies of the WRPC's Strategic Regional Policy Plan (SRPP) that will be affected by this proposal. Council staff writes its report for the benefit of the public, the applicant and all interested parties to define anticipated impacts of the proposed project on the region's SRPP.

PROJECT OVERVIEW

Progress Energy Florida, Inc. proposes construction of a new nuclear power plant in unincorporated Levy County, Florida. A series of high-voltage electrical transmission lines and appurtenant facilities will be required for the bulk transfer of energy from the plant to market. The applicant seeks approval of eight electrical transmission facility corridors under the *Florida Electrical Transmission Line Siting Act*. Seven of the eight proposed electrical transmission lines corridors run through or are within the Withlacoochee Region of Citrus, Hernando, Levy, Marion, and Sumter counties. The applicant likewise proposes construction a new electrical substation in Citrus County and may opt to pursue construction of a new substation in Sumter County.

The applicant would designate a common route for the co-location of four 500-kV electrical transmission lines originating from the Levy Nuclear Plant. This area of co-location is referred to as the Levy Citrus Common Corridor (LCCC), and it would span a width of one mile and reach a distance of approximately 5.5 miles south of the proposed nuclear plant. The applicant anticipates final utility right-of-way requirements to vary between 700 to 1000 feet within the LCCC. In addition, two 69-kV transmission facilities would be required to supply electrical power for construction on the subject property. One 69-kV transmission line would be located

within the LCCC, while a separate facility will be located against the northwestern quadrant of the site, abutting US 19/98 and entirely within Levy County.

Although co-located within the LCCC, discrete transmission facilities would travel independent routes outside of the joint area. The Citrus 1 and Citrus 2 transmission lines (500-kV) would travel the length of the LCCC before turning west in the vicinity of CR 488 to terminate shortly at the Citrus County substation. The Crystal River transmission line (500-kV) would follow a separate but overlapping corridor route past the Citrus County substation, where it continues further west to its termination at the Crystal River Energy Complex.

By contrast the Sumter line would follow the LCCC but diverges east through Citrus, Marion and Sumter counties; after which it may terminate outside of the region if the associated new substation is constructed at all within the boundaries of Lake County. To detail, south of the LCCC, the Sumter line meets existing utility right-of-way as it travels east to the existing Holder substation. The Sumter line continues through the Ross Prairie and Andersen substations along a corridor centered on existing transmission facility right-of-way. The line then crosses SR 44, I-75 and Florida's Turnpike, and CR 468 to reach the proposed Central Florida South substation, located in the vicinity of the Sumter and Lake County line.

A number of 230-kV transmission lines are proposed. The Brookridge transmission line (230-kV) would travel from the Crystal River Energy Complex in Citrus County to the existing Brookridge substation in Hernando County. The Brooksville west line would travel within a corridor location between the Brookridge and Brooksville West substations. The Crystal River East transmission lines would consist of twin (230-kV) lines spanning the distance from the proposed Citrus County substation to the Crystal River East Substation.

ANALYSIS

1. Emergency Preparedness—Preparation, Response and Recovery

Proposed electrical transmission facilities may impact emergency preparedness, response and recovery from local to regional scales. Hazards may also exist due to the specific nature of high voltage electrical transmission. The SRPP preferences all hurricane evacuation routes as regionally significant facilities and systems. Moreover, proposed electrical transmission facilities constitute vital infrastructure, making corridor safety and security issues of interest to all localities within and surrounding designated corridors.

Reference the following SRPP goals and policies:

- Goal 3.1 All counties in the region will be prepared to respond to and recover from the impacts of all hazards.
- Policy 3.1.2 Periodically conduct a self-assessment of emergency preparedness, response and recovery capabilities.

- Policy 3.6.1 Limit industrial and public utility land use activities where extremely hazardous substances would routinely be used near large populations and/or public facilities.
- Goal 3.7 Hurricane evacuation clearance times for the region shall be reduced by requiring that new developments not degrade the existing evacuation level of service as identified in the Withlacoochee Hurricane Evacuation Study.
- Goal 5.8 Maintain adequate capacity on evacuation routes to complete movement of vulnerable populations prior to the onset of pre-landfall hazards.

Conditions:

- 1) To maintain consistency with the SRPP's emergency preparedness content, the applicant should work with affected local governments and other stakeholders to fully integrate new electrical transmission facilities into all emergency management planning processes.
- 2) Electrical transmission line facilities should be integrated into overall emergency management and response planning for the proposed nuclear power generation complex, so that the same standard of preparedness applies to all facilities covered by the site certification application process.
- 3) Establishment of utility rights-of-way traversing areas likely to be inundated by floodwaters is discouraged. Floodplains, coastal high hazard areas and hurricane storm surge zones, inland bodies of water, and other flood-prone areas are to be avoided. The applicant should recognize that adverse and unintended consequences could result when essential infrastructure serving a region fails due to area specific hazards.

2. Transportation

The efficient and economical transport of people and goods directly impacts regional quality of life and well-being. Consequently, the SRPP designates many roads, rail lines, and multi-purpose trails as having regionally significant status. Some regionally significant transportation facilities exist within transmission line corridors. These facilities include but are not necessarily limited to Interstate 75 and the Florida Turnpike, SR 44, the Suncoast Parkway, SR 50, SR 200, US 41, US 301, CR 484 (Marion), and CSX's rail freight main line.

The impact of transmission corridors on the land use/transportation relationship is relevant. Generally, designation of any utility right-of-way through the region's ground transportation system should not constrain the development of existing or planned roadways. To avoid unnecessary negative system impact, staff recommends the applicant coordinate the decision to place transmission lines near defined transportation routes, especially regionally significant high volume roads, with appropriate transportation planning entities. As applicable, this may include local planning agencies, Metropolitan Planning Organizations, FDOT, and others.

In addition, all of the region's airports are regionally significant. Transmission corridors should not be sited in such a way as to impede the development of the region's general aviation facilities now or in the future. Although the applicant's corridor selection and evaluation methodology seeks to "...maintain distance from registered public and private airports consistent with Federal Aviation Administration (FAA) and other applicable state and county regulations," staff notes proposed transmission corridors in the general vicinity of the Dunnellon, Crystal River and Hernando County Airports. WRPC staff emphasizes the importance of locating proposed transmission facilities pursuant to all operative airport safety and land use compatibility planning controls. Reference the following SRPP goals and policies:

- Goal 5.1 Access to a general aviation system and, reservation of future lands needed for aviation service expansion through the designation of future land uses that are compatible with future airport development and operations.

- Policy 5.1.3 Designate land uses that do not cause impediments or hazards to aviation, and acquire lands or easements that provide adequate buffers.

- Goal 5.4 Protect future right-of-way for regional transportation facilities from building encroachment and incompatible land uses through the designation of regional corridors.

- Goal 5.9 Plan for land use patterns that provide better opportunities for non-automotive trips.

Conditions:

- 1) Establishment of utility rights-of-way within transmission corridors should not constrain, impede or otherwise limit future development of the region's transportation system.

3. Economic Development

The SRPP identifies the Withlacoochee Region's abundance and quality of natural resources as positive locational aspects conducive to development of an eco-tourism industry. In particular, the plan names the region's forests, rivers, lakes, springs and rural character as primary economic assets. Increased regional incomes and employment are cited by the SRPP as principal regional benefits of eco-tourism. Accordingly, the SRPP prioritizes development of the region's eco-tourism industry as necessary for regional economic prosperity.

Transmission lines have the capacity to negatively impact the region's eco-tourism industry. Due to scale and material construction, transmission facilities will appear as noticeably unnatural, having a negative effect on the appearance and desired character of the region's landform. Thus, wherever possible, the visual impact of transmission facilities should be limited by effective mitigation. For transmission lines that are visible from regionally significant roadways and locations, the SRPP would require utilization of monopole design and other proven strategies to mitigate visual impact.

Equally important are those forms of mitigation that reinforce the positive image of the region as an eco-tourism destination. The SRPP explicitly supports co-location of trails in open space produced through utility rights-of-way, when that action promotes the health, welfare and safety of the public. Whereas some facility placement could visually detract, regional trail capacity enhancement and connectivity improvement will mitigate through offset of localized visible effects by adding and upgrading regional eco-tourism opportunities for the region as a whole. Therefore, staff encourages the applicant to work with existing regional stakeholders and the public to forward a process of coordinated planning to examine new trail development opportunities resulting from project certification. The clear starting point in this effort would be exchange of ideas with the Office of Greenways and Trails over possible cooperation in facility development.

However, the SRPP also names electrical transmission lines of 500kV and all multi-county electrical transmission lines as regionally significant facilities, having positive economic impact. On the whole, the region continues to experience population increase—albeit at a decreased rate—insomuch, construction of transmission line facilities should play a positive role in future development of the regional economy. Assessment of the cumulative effects of facility construction requires accounting of all beneficial and adverse impacts. Overall, the SRPP holds the net economic impact of this proposal to construct electrical transmission line facilities to be mixed, consisting of individual positive and negative effects. Because these impacts differ in type, strict comparison is not possible. Reference the following SRPP goals and policies:

- Goal 2.3 Cultivate an economic climate that provides economic stability, maximizes job opportunities and increases per capita income for the region's residents.

- Goal 2.9 Tourism directed primarily towards eco-tourism.

- Goal 2.11 To promote efficiency and economic productivity from economic development by ensuring that future economic development and transportation projects are properly sited to avoid and/or mitigate adverse impacts to incompatible adjacent land uses.

- Goal 2.12 To provide for the development and maintenance of adequate infrastructure and resources to support continued economic development in areas identified for growth in the local government comprehensive plans.

- Policy 2.7.2 Maintain land adjacent to agricultural areas in uses that are compatible with agricultural activities through comprehensive plans and land development regulations.

Conditions:

- 1) Wherever practical, utilize co-location of proposed electrical transmission lines with existing facilities to minimize adverse impacts to the appearance and character of the region's landform caused by the construction of new facilities.

- 2) Implement proven mitigation strategies—such as mono-pole design and materials choice—to effectively reduce to the lowest possible levels adverse visual impacts. As needed, other specific mitigation options could include limitation of pole structure height or control of span length for segments adjacent to roadways to reduce cumulatively the total visual impact of facility construction.
- 3) Co-location with agricultural use may represent a best case economic outcome. To the extent possible, staff urges the applicant to investigate how co-location with agricultural and other utility uses could forward renewable energy or bioenergy resource development potential. One simple application of this strategy would be to utilize transmission line right-of-way land area to supply biomass input for fuel or power generation, which constitutes a productive alternative to the maintenance costs associated with herbicide application and mechanical mowing of right-of-way.
- 4) To the greatest degree, present system design choices should facilitate co-location of future transmission facilities within established right-of-way; in all cases, flexibility should be pursued as a goal of project development to accommodate those needs along existing routes.
- 5) Any Environmental Resource Permit (ERP) issued should be conditioned on the creation of a trail development plan coordinated with the Office of Greenways and Trails, local governments, other stakeholders and involving public comment and participation.

4. Natural Resources

Staff expects a number of project impacts will relate to regionally significant natural resources and systems. The SRPP names a wide variety of natural resources including water bodies, certain wetlands, known habitat areas, ecological communities, and public lands as regionally significant. Of particular concern is where proposed corridor locations traverse areas having designated conservation or other protected status. Such areas serve vital natural system functions, where true mitigation of adverse impacts may or may not be possible.

Final review indicates that the following regionally significant public lands may be located within or around proposed transmission corridors: The Marjorie Harris Carr Cross Florida Greenway, Crystal River State Preserve, Withlacoochee State Forest, Halpata Tastanaki Preserve, Ross Prairie State Forest, Potts Preserve, Chassahowitzka National Wildlife Refuge, and Annutteliga Hammock. Likewise, proposed corridor routes may also directly or indirectly impact the following bodies of water: the Withlacoochee River, Lake Rousseau, Crystal River, and Lake Panasoffkee. Both the Withlacoochee and Crystal Rivers are designated as Outstanding Florida Waters (OFW). Staff has concern wherever proposed transmission line corridors cross natural resources of regional significance and advocates for in-corridor siting of utility rights-of-way that avoid such features or else minimize total scope of crossing.

Mr. Mike Halpin, P.E.
August 28, 2008
Page 7

Construction of electrical transmission facilities would require clearing of areas in preparation for construction. Maintenance of right-of-way would impose additional limitations and conditions on natural systems. Electrical transmission facilities would require the construction of new substations and other associated infrastructure. In all cases, the Region's SRPP can only support changes to regionally significant natural features and systems in proportion to the degree that restoration of original conditions remains possible.

Active development will disturb existing landform conditions. For construction activities near wetlands and surface water bodies, appropriate turbidity, erosion and sedimentation control measures should be implemented and maintained until such activities are completed and side slopes have been stabilized. These techniques could include the use of anchored silt fences, turbidity curtains, stacked hay bales, mulch, and sod along unstable slopes and embankments, and reduced construction vehicle activity. Permitting should require construction activities minimize disturbance, especially to sensitive areas including wetlands, hydric soils and slopes as well as disturbance to rivers, lakes and streams. Given the scale and magnitude of potential disturbance to wetlands, staff would ask that ERP review define mitigation obligations through a controlling Wetland Mitigation Plan (WMP).

In particular, staff has concern over the amount of impervious surface area that could accompany development of new electrical substations and some appurtenant facilities. The amount of impervious surface created by development equals a key measure of land use intensity. Impervious surface area necessarily limits infiltration of precipitation, groundwater recharge, may contribute to a reduction in the water table and potable water supplies, and reduces base flow to wetlands and surface water bodies. It also increases runoff and may present other unintended consequences. The applicant proposes to locate substations within generalized vicinities only, meaning exact impervious surface area coverage is not known at this time. Creation of a new impervious surface area is an independent variable adversely impacting regionally significant rivers, lakes and springs.

The Levy Citrus Common Corridor would cross the Marjorie Harris Carr Cross Florida Greenway and would be near the Crystal River State Park Preserve. The Brookridge corridor would traverse the Withlacoochee State Forest, Annutteliga Hammock, and the Chassahowitzka National Wildlife Refuge. The Sumter County line's proposed corridor route would cross the Withlacoochee State Forest, the Halpata Tastanaki Preserve, and Ross Prairie State Forest. Furthermore, the Sumter line would be located in the vicinity of Lake Panasoffkee, the Withlacoochee River, Potts Preserve, the Half Moon Wildlife Management Area and the Gum Slough Conservation Easement.

Thus, proposed transmission lines may create adverse impact through removal of existing habitat, change to vicinity conditions, and the introduction of new hazards to wildlife. The applicant has used data sources and observation to inventory occurrences of listed species within study area counties. But the scale and location of the project requires that the process of establishing impact to listed species, which has already been initiated, should be concluded by active wildlife management planning to address comprehensively questions of habitat loss and species interface.

From the SRPP's perspective, natural resource impacts of most concern are those which are unavoidable and cannot be mitigated. The applicant identifies soil disturbance, grading, construction of appurtenant facilities, surface water quality impacts, addition of impervious surface, wetland impacts, floodplain impacts, and loss of species habitat as potentially unavoidable impacts resulting from project development. To achieve any consistency with the SRPP, the applicant must demonstrate that mitigation actions go beyond the minimum level necessary for permit approval

Reference following SRPP goals and policies:

- Goal 4.3 Prevent further degradation and restore ground- and surface-water quality.
- Policy 4.3.3 Require new development to locate and construct impervious surfaces, buildings, lawns, and sewage facilities so that they do not adversely affect the quality of nearby surface waters.
- Policy 4.3.4 Require all development activities that create stormwater runoff to treat the water to meet state water quality standards before discharge.
- Goal 4.4 Maintain the integrity and natural value of floodplains, and manage floodplains through non-structural means.
- Policy 4.4.9 Make structural alterations to natural bodies of water only where necessary to restore natural system functions.
- Goal 4.8 Avoid adverse impacts to the natural functions of the region's wetlands or surface water systems from development and redevelopment.
- Policy 4.8.5 Prohibit new interference to the functions of coastal and riverain wetlands as integrated natural systems. Restore ecological functions of wetland systems where they have been degraded or destroyed.
- Policy 4.8.6 Design new transportation and utility facilities to avoid interference with the natural operation of wetlands, and in a sufficient size and height to accommodate the movement and migration of wildlife through the area.
- Policy 4.8.11 Reserve an upland buffer zone adjacent to wetlands, lakes, rivers, streams, springs and sinks as a water quality, quantity, and habitat protection buffer within which primary and secondary impacts to the wetland from activities such as drainage, filling, pesticide application, excavation, and construction are restricted. Define these buffer zones and the limits of all impacts to each feature's and buffer's function in a coordinated effort lead by local governments with assistance from the water management districts and the Departments of Environmental Protection and Community Affairs.
- Goal 4.9 Maintain and enhance the habitat and populations of native species of plants and animals.

- Policy 4.9.4 Encourage the use of native plants for landscaping.
- Goal 4.10 Reduce or mitigate the loss of habitat for endangered or threatened species in the region.
- Goal 4.11 Reduce the number of new development and redevelopments which adversely affect the environmental quality, physical character, or natural function of the region's exceptional geographic features and environmentally sensitive areas.
- Policy 4.11.5 Development adjacent to preservation and conservation areas should be compatible with the purposes of those areas. Where needed, the more recent development should provide buffers for previously existing land uses.
- Policy 4.12.5 Maintain reasonable public access at major lakes and rivers; choose new boat ramp locations that will minimize environmental disturbance.
- Policy 4.12.8 Consider utility line rights-of-way and abandoned railroad rights-of-way for nature trails, bicycle paths, and wildlife passageways.
- Policy 4.12.9 Retain public ownership and control of the Cross-Florida Greenway and use it for recreation, wildlife habitat, and for public purposes compatible with the foregoing.
- Policy 4.12.10 Cooperate with other local governments, regional, and state agencies, and non-profit trail organizations to develop a region-wide hiking and bike path system that connects urban areas with rural recreational areas.
- Policy 4.13.2 Cooperate with farmers and ranchers to encourage the use of best management practices in silviculture and agriculture to enhance wildlife habitat, conserve water, reduce erosion, and reduce the amount of pollutants entering the environment.

Conditions:

- 1) The applicant should engage the site design process to still further reduce the amount of impervious surface area created by the construction of electrical substations and appurtenant facilities serving transmission lines. Action beyond minimum standards necessary for permit approvals is meaningful.
- 2) Any Environmental Resource Permit (ERP) should include conditions to safeguard regionally significant resources by requiring disturbance of the landform's natural grade or vegetative cover during construction be restored as quickly as possible.

- 3) Environmental resource permitting conditions should require all types of wetland mitigation to be comprehensively examined as part of a Wetland Mitigation Plan (WMP) accompanying development. Off-site action, including wetland mitigation banking, should be evaluated as one appropriate response to a range of impacts.
- 4) Utility corridors provide options for the routing of transmission facilities. Siting of transmission facilities through lands with known conservation status, identified ecological communities and wildlife habitat, or endangered species is suboptimal and will result in adverse impact to the region's natural resources. In sum, utility rights-of-way should avoid crossing natural resources of regional significance. Adverse impact to regionally significant natural resources caused by crossing needs to be balanced through required mitigation action sufficient to equalize for no net decrease in regional environmental quality. Where this is infeasible, impact should not occur.
- 5) Water quality impacts may include change in surface drainage patterns, introduction of potential contaminants that have not been present in substantial volume with prior land uses, erosion and sedimentation impacts, and increased usage (with consequent potential discharge) of chemical contaminants. The applicant should recognize potential for impact and cooperate with all other public and private stakeholders. Mitigation of regional water quality impacts should be coordinated between regulatory agencies and all interested public entities. Such action should be mandated through permitting to include general stakeholder participation in the watershed management process as much as specific actions to meet the requirements of local government codes and planning initiatives like springs protection.
- 6) Environmental resource permitting conditions should guide subsurface explorations adequate to ensure that sinkhole formation will not stem from changes in drainage conditions owing to project development.
- 7) Environmental resource permitting should require wildlife management planning sufficient to coordinate interface between regionally significant listed species and proposed facilities, to identify where impacts to listed species or habitat areas will occur, how monitoring of impact will happen, and to implement effective mitigation. Specifically, Florida Fish and Wildlife Conservation Commission (FWC) mitigation findings related to impacted species should be mandated by permitting. Wildlife management planning could also integrate utility rights-of-way into existing green infrastructure as wildlife corridors or foster naturalized habitat areas as alternative best management practice for utility right-of-way area.

Mr. Mike Halpin, P.E.
August 28, 2008
Page 11

FINAL RECOMMENDATION

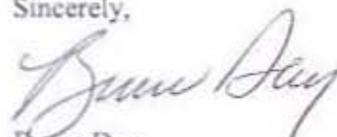
The goals and policies given above have organized final agency review for this portion of the application pursuant to the *Strategic Regional Policy Plan for the Withlacoochee Region*. The object of final agency review has been to determine if the site certification application for electrical transmission facilities is consistent with the requirements of the SRPP. Having noted areas of prospective adverse impact and the economic benefit of transmission line construction, a final recommendation on the transmission line portion of this site certification application may be given.

WRPC Staff note that proposed transmission line facilities are a necessary but accessory condition for the proper function of the proposed nuclear power plant. Therefore, provided the applicant satisfies or exceeds the conditions given herein to maintain consistency with the SRPP, WRPC staff does not object to approval to locate electrical transmission line facilities and appurtenant uses within rights-of-way located in corridors established through promulgation of the *Florida Electrical Transmission Line Siting Act*. Additionally, the applicant requires no variance, exemption, exception, or other relief from this agency to proceed further in the certification process.

Staff very much appreciates the opportunity to participate in the process.

Thank you.

Sincerely,



Bruce Day
Planning Director
Withlacoochee Regional Planning Council

BD/dc

Mr. Mike Halpin, P.E.
August 28, 2008
Page 12

Distribution

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Appendix II-J: Tampa Bay Regional Planning Council



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August 29, 2008

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DEPARTMENT OF
ENVIRONMENTAL PROTECTION

SEP 2 2008

SITING COORDINATION

Re: Progress Energy, Levy Nuclear Project Site Certification Application - Transmission Lines; DOAH No. 08-2727, DEP OGC No. 08-1621

Dear Mr. Halpin:

Attached is the preliminary Agency Report of the Tampa Bay Regional Planning Council for the above-referenced project, as required in Subsection 403.526(2)(a), Florida Statutes. The Tampa Bay Regional Planning Council will formally consider this report at its meeting on September 8, 2008. The agenda for that meeting is attached. At that time an adopted report will be provided to you.

If there are any questions, please call Suzanne Cooper, TBRPC Principal Planner, at (727) 570-5151 x 32.

Sincerely,

Manny Pumariega
TBRPC Executive Director

Attachments

cc: Renee F. Lee, Esquire
Ms. Jewel White Cole
Mr. Ken Buchman
Thomas Trask, Esquire
Suzanne Ennis, Esquire
Ms. Janice McLean
R. Alex Glenn, Esquire
Ms. Patricia Steed
Mr. Philip Laurien
Mr. Mike Moehlman



Tampa Bay Regional Planning Council

Agency Report

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PROGRESS ENERGY FLORIDA, INC., LEVY NUCLEAR PLANT TRANSMISSION LINE SITING APPLICATION

Progress Energy Florida, Inc. (PEF), has submitted to the FL Department of Environmental Protection an application for Site Certification for a 2200 megawatt nuclear facility to be located in Levy County, as well as for associated transmission lines, substations, access roads, a rail line, and water pipelines. Affected jurisdictions besides those in the Tampa Bay region include Withlacoochee, East Central and Central Florida regional planning councils; Levy, Citrus, Marion, Hernando, Sumter, Lake and Polk counties; and various cities and towns therein.

Within the Tampa Bay region, the project (PHP) is limited to corridor certification for a 230 kilovolt electric transmission line to connect the existing Griffin and Lake Tarpon substations in westernmost Polk and easternmost Pinellas counties, respectively, within Pinellas and Hillsborough counties and the cities of Tampa, Plant City and Oldsmar. The TBRPC review was restricted to the portion of the project within the Tampa Bay region and those jurisdictions. The length of the corridor under consideration within the Tampa Bay region is approximately 39 miles, and the width of the proposed corridor varies from approximately 300 feet to 1,000 feet wide, centered on the existing transmission line rights of way.

Progress Energy Florida has stated that "PEF proposes to construct the PHP transmission line entirely within an existing transmission line right of way, replacing the existing Higgins-Griffin 115 kV transmission line, which has been in place for over 50 years. The only exceptions to placing the new line in the existing ROW would be in locations where physical or legal considerations required the use of additional ROW, none of which are known at this time." Within this length it is likely that the existing lattice structures will be replaced by monopole structures 80 - 145-foot tall and 500 to 1,400 feet apart.

The project was reviewed for consistency with the Council's adopted *Future of The Region - A Strategic Regional Policy Plan for the Tampa Bay Region*.

- A. Consistency with the *Future of the Region: A Strategic Regional Policy Plan for the Tampa Bay Region* (2005).

The preferred corridor crosses a number of vegetative communities identified as Natural Resources of Regional Significance in the *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region* (2005) (Maps previously provided). If the transmission line is constructed within existing, maintained transmission line rights-of-way as planned, impact to regionally-significant natural resources will be prevented to the greatest degree possible. Transmission line construction and operation within natural habitats and wetlands would adversely affect habitat

values and hydroperiods, result in invasion by nuisance or exotic species; and create additional “edge,” changing the species composition to those adapted to the cleared condition and further reducing natural community values.

- B. It is recommended that the application for certification of the 230 kV transmission line through Hillsborough and Pinellas counties, including the cities of Plant City, Tampa and Oldsmar, be approved, subject to the recommended conditions set forth below.

Recommended Conditions of Certification, with accompanying relevant policies from *Future of the Region, A Strategic Regional Policy Plan for the Tampa Bay Region (2005)*:

1. The transmission line corridor which is certified should only cross Natural Resources of Regional Significance within existing transmission line right-of-way.

Policy 4.43: Protect, preserve, and restore all regionally-significant natural resources shown on the Map of Regionally-Significant Natural Resources.

2. Unavoidable impacts to Natural Resources of Regional Significance should be mitigated pursuant to adopted Council policies.

Policy 4.44: Allow impacts to regionally-significant natural resources only in cases of overriding public interest and when it is demonstrated and/or documented that mitigation will successfully recreate the specific resource. Mitigation should meet the following ratios, at minimum:

- LULC Habitat Dry 2:1
- LULC Habitat Wet 3:1

Policy 4.45: Ensure that mitigation by habitat re-creation employs native plant material which provides the same natural value and function. Monitor mitigation areas for a sufficient time to ensure success: a minimum 85 percent final coverage of desired species. Yearly maintenance and replanting should be undertaken to ensure final cover as necessary.

Policy 4.47: Recognize that mitigation efforts shall be:

- Performed within the same drainage basin where the unavoidable impacts to regionally significant wetlands occurs; and
- Allowed only after avoiding impact to the greatest extent possible; and that habitat creation, restoration, and enhancement, with long-term management, be considered as viable methods of impact mitigation.

Policy 4.48: Mitigation by restoring disturbed habitat of a similar nature, including the removal of exotic plant species, may be acceptable. The minimum acceptable ratio should be twice the habitat re-creation ratio set forth in policy 4.44.

Policy 4.57: Ensure that land use decisions are consistent with federal- and state-listed species protection and recovery plans, and adopted habitat management guidelines.

Policy 4.136: Hold recreation and park sites inviolate against diversion to other uses, except in cases of overriding public interest.

Policy 4.138: Protect the natural resources of regionally-significant parks, greenways, preserves, and conservation lands from incompatible land uses adjacent to these areas. Include pedestrian trails, where appropriate.

3. The certified corridor should have minimal impact on public and semi-public facilities and on the quality of life of adjacent residential neighborhoods.

Policy 2.19: Consider existing and future land use plans when siting public and semi-public facilities of affected jurisdictions and appropriate agencies and the impact on the quality of life of any adjacent residential neighborhood(s).

These comments and recommendations were approved by majority vote of the Tampa Bay Regional Planning Council on this 8th day of September, 2008.

Deborah Kynes, Chair

Appendix II-K: Citrus County

Public/Semi-Public, Institutional District (PSI)
Transportation/Communication/Utilities District (TCU)
Recreation District (REC)
Agriculture District (AGR)
Conservation District (CON)
Mobile Home Park (MHP)
Recreational Vehicle Park/Campground (RVP)

on the Generalized Future Land Use Map of the adopted Citrus County Comprehensive Plan, Ord. No. 89-04, as amended. The proposed project's transmission line corridors in Citrus County, as reflected in Site Certification Application, appear consistent with the future land use designations.

5. The project's transmission line corridors may be located in

Low Intensity Coastal and Lakes District (CL)
Rural Residential District (RUR)
Coastal and Lakes Residential District (CLR)
Central Ridge Residential District (CRR)
Low Density Residential District (LDR)
Medium Density Residential District (MDR)
High Density Residential District (HDR)
Planned Residential Development District (PDR)
Professional Service/Office District (PSO)
Coastal and Lakes Commercial District (CLC)
Neighborhood Commercial District (NEC)
General Commercial District (GNC)
Light Industrial District (LIND)
Industrial District (IND)
Extractive District (EXT)
Public/Semi-Public, Institutional District (PSI)
Transportation/Communication/Utilities District (TCU)
Recreation District (REC)
Agriculture District (AGR)
Conservation District (CON)
Mobile Home Park (MHP)
Recreational Vehicle Park/Campground (RVP)

under the County's land development regulations. Electric transmission corridors are an essential service which is an allowed use in all zoning districts pursuant to Section 2030 F of the county's land development code..

6. Accordingly, Citrus County submits its determination that the PEF Levy Nuclear Project's transmission line expansion and additions as proposed to be located in Citrus County, Florida is consistent with the County Land Development Code and recommends approval of the application as submitted.

7. Citrus County's Land Development Code (LDC) requires review of new electrical substations associated with transmission line expansions or additions as an administrative Level One Review by the County's Technical Review Team when located in these land use and zoning districts. To provide for this review, Citrus County believes that this information can be submitted at a later date, pursuant to the Power Plant Siting Act and an appropriate condition of certification for the PEF Levy Project. Upon final selection of the site for, and design of any proposed, Citrus Substation in Citrus County, PEF is required to submit to Citrus County information concerning proposed Citrus Substations necessary to demonstrate compliance with Citrus County's LDC, Chapter Two, Level One Review criteria and the substantive requirements of Section 4671, Transportation, Communication, and Utility Facility Standards. The County shall review the information submitted by the Applicant in accordance with the procedures for post-certification reviews under any final certification of the PEF Levy Project. The County may require such additional information for the applicant that is necessary for the County to conduct its review of this information and the proposed substation site and design under these provisions of the County LDC.

8. All line crossing Citrus County Right of Way or other County property will be designed for compliance with applicable county standards. All earthwork and land clearing shall comply with The Florida Stormwater, Erosion and Sedimentation Control Inspector's manual. All work conducted will be required to comply with the County's Noise limitation regulations as to volume and hours of operation.

Respectfully submitted this September 17th day of 2008.

Citrus County, Florida, a political
Subdivision of the State of Florida

Gary W. Maidhof, Director
Department of Development Services

Appendix II-L: Hernando County

**PROGRESS ENERGY FLORIDA, INC., LEVY COUNTY NUCLEAR
PLANT UNITS 1 & 2 TRANSMISSION LINE FACILITIES**

**SITING APPLICATION NO. PA08-51
DOAH CASE NO. 08-2727**

**HERNANDO COUNTY'S REPORT AS TO THE IMPACT
OF THE PROPOSED TRANSMISSION LINE CORRIDORS AND
RECOMMENDED CONDITIONS OF CERTIFICATION**

Pursuant to s. 403.526(2)(a)5., Hernando County through counsel submits the following report as to the impact of the proposed Progress Energy Florida (PEF) transmission line corridors through Hernando County, recommendation for action, and Conditions of Certification to be attached to any administrative approval of such corridors. This report by counsel in consultation with staff should be considered Hernando County's Final Report on the matter, subject to any revisions directed by the Board of County Commissioners as may be evidenced by a supplemental report to be filed at a later date as permitted by statute.

1. Preliminarily, Hernando County notes that the proposed PEF corridors will have a substantial impact on a number of county residents, citizens and businesses. The expansion of existing corridors and the addition of a new corridor in one part of the county may affect property values, add to existing aesthetic concerns, and raise numerous issues about safety, health and welfare of those who have chosen to reside or operate a business in proximity to such corridors.
2. Based on the foregoing concerns, Hernando County recommends that the proposed PEF transmission line corridors through its jurisdiction be **APPROVED**, provided that such approval includes the Conditions of Certification set forth below in order to minimize the impacts referenced in 1. above.
3. Hernando County proposes the following Conditions of Certification as the minimum necessary to comply with applicable provisions of the Hernando County Comprehensive Plan and otherwise applicable ordinances, regulations and internal PEF standards, in the interest of protecting the health, safety and welfare of residents, citizens and businesses, with citation to authority:
 - a. PEF should be required to use existing infrastructure rights of way where possible and feasible, to provide for aesthetic protection of the corridors from adjacent uses, and to comply with the requirements applicable to Public Service Facility overlay zoning in Hernando County. At a minimum, Conditions should be imposed to maximize property values for and minimize permanent impacts to existing homes and neighborhoods through screening, buffering, fencing, drainage control and/or other feasible, appropriate means, specifically including the setback requirements in the County's land development regulations. See Hernando County Code of Ordinances (HCC). App. A. Art. IV, s. 11 (Public Service Facility zoning, applicable in absence of state preemption of home rule).

See Exhibit A, attached. Comprehensive Plan (Comp Plan), Objective 1.01S and implementing policies. See Exhibit B attached.

b. PEF should be required to place transmission lines underground where feasible and/or to make maximum use of monopole towers for overhead lines. Comp Plan, Objective 1.01U and implementing policies.

c. No construction should take place in any Hernando County transmission line corridor until such corridor has been checked for ordnance and cleared by the U.S. Army Corps of Engineers (ACOE). The corridors are proposed in an area of Hernando County which has been the subject of several ACOE searches for World War II era ordnance, as the entire area was part of the Brooksville Turret Gunnery Range. See Exhibit C attached (August 13, 2008, letter from ACOE to a property owner immediately adjacent to the existing PEF transmission corridor in the Brookridge to Brooksville West segment of the proposed new corridor).

d. Conditions should be imposed requiring PEF to minimize the impact of construction, with respect to the type of equipment used, clearing and grubbing, dust control, soil stabilization, erosion control, drainage control, noise, burning, timing, and traffic disruption (including Maintenance of Traffic plans where required under County standards), all based on the nature of land uses adjacent to an approved corridor or specific right-of-way. Comp Plan, objective 1.01S and implementing policies. A specific Condition should be provided requiring compliance with Hernando County's Noise Ordinance. HCC Ch. 21, Art. VIII relating to noise regulation, as noted by PEF in its application (available online at <http://www.municode.com>).

e. PEF should be required to make provision for long-term aesthetics in the appearance of rights of way, including retention of existing vegetation where feasible and restrictions on the use of herbicides and other "best management practices," by compliance to the maximum extent possible with Hernando County landscaping regulations. HCC, Ch. 10, Art. II (available online at <http://www.municode.com>)

f. PEF should be mandated by a specific Condition to minimize impact to wetlands and ecosystems. Comp Plan, Objective 1.01U.

g. PEF should be required to give all appropriate assurances that electro-magnetic effects, the "induced or conducted ground currents," and other post-construction effects which PEF's own application acknowledges, will not be allowed to pose a threat of physical harm to occupants of adjoining uses. PEF application, ss. 9A5.5.5 and 9A6.5.5.

h. Provision of assurances that construction and operation of transmission lines will not affect the co-located natural gas lines in existing right-of-way so as to pose an unreasonable threat of harm to occupants of adjoining uses, and that construction of lines in the designated corridor will comply with setbacks and all other requirements as stated in the PEF Pipeline Collocation Guidelines, Exhibit D (<http://www.prgnprojectsolutions.com/landuseguide/collocation2003.htm>)

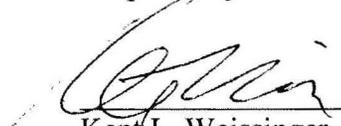
i. As recognized in the PEF application, a Condition of Certification should require compliance with right-of-way permitting as necessary for any crossings of Hernando County rights-of-way, including compliance with applicable County standards. HCC, s. 24-3.

j. PEF should be required to make post-certification submittals of its final design plan for new lines throughout the entire right-of-way within Hernando County to the County Development Department and to the County Public Works Department, Engineering Division, HCC Ch. 8; HCC App. A, Art. V, such submittal to include:

- (1) All protected trees over 4" dbh to be removed outside the right-of-way for all transmission lines or other associated PEF facilities, and protection methods for trees proposed for preservation. HCC Ch. 10, Art. II.
- (2) Contractor information, including 24/7 contact information and phone numbers. HCC Ch. 8; HCC App. A, Art. IV, s. 11.
- (3) Proposed locations and dimensions of all access roads. HCC Ch. 8; HCC App. A, Art. IV, s. 11; HCC 24-3.
- (4) Effect of transmission lines and construction on existing roads and other utilities in or crossing any certificated transmission line corridor. HCC, s. 24-3, PEF Collocation Policy.

k. PEF shall commit to co-location of Hernando County utilities, pedestrian facilities, or other public uses within certificated or other existing PEF transmission line corridors, to the extent compatible and feasible under present or future engineering and design constraints, at fair market value. PEF Collocation Policy.

Respectfully submitted,



8/27/08

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- (a) The owner/operator of a construction and demolition debris landfill shall be responsible for compensating the appropriate fire department for all expenses in the extinguishing or containing of a fire above the cost of an average fire call as determined by the Florida State Fire Marshal's *Output Report*:
- (b) The owner/operator of a construction and demolition debris landfill shall provide the county with financial assurance, easily accessible to the county, in the amount needed for closure and care of the facility once closed not to be less than five (5) years. This financial assurance shall be in one of the following methods: a bond, insurance, irrevocable letter of credit, or cash. The financial assurance may be of co-obligation between the county and the Florida Department of Environmental Protection.
- (c) The owner/operator of a proposed construction and demolition debris landfill shall provide to the county a copy of their Florida Department of Environmental Protection permit and/or any other such permits as required by the law, rule or regulation by any successor agency. If an owner/operator of a proposed construction and demolition debris landfill is unable to attain or is exempt from the Florida Department of Environmental Protection rules, the proposed landfill does not meet the requirements of this ordinance, and shall not be allowed to operate.
- (d) All facilities receiving more than one hundred (100) tons per day, shall install scales to weigh incoming C&D debris. Facilities receiving less than one hundred (100) tons per day shall submit an alternate procedure for calculating daily waste, subject to approval by the county.
- (e) Initial cover of six (6) inches of soil shall be applied and maintained in order to minimize adverse environmental, safety or health effects such as those resulting from birds, blowing litter, disease vectors, odors, or fires. The minimum frequency for applying cover is every two (2) weeks.
- (f) A minimum of one C&D spotter (per FDEP standards) shall be present on site for each one hundred (100) tons, or part thereof, of C&D debris disposed per day.
- (g) The Hernando County Waste Management Division will perform inspections at each privately owned C&D disposal facility no less than once per week. The purpose of these inspections will be to assess compliance with this ordinance and the Florida Department of Environmental Protection's rules and regulations, and to enforce the Hernando County Zoning Regulations.
- (h) Inspection frequency by county employees shall be as follows:
TABLE INSET:

Facility	Frequency
Accept less than 50 tons per day	Once a week
Accept 50--100 tons per day	Three times per week
Accept 100 tons or more per day	Five times per week

- (i) Owners/operators shall provide unrestricted access to their C&D disposal facilities for other county departments and personnel (code enforcement, sheriff's department, fire department) for compliance inspections.
- (j) Owner/operators shall maintain all records on-site for a minimum of three (3) years from the date of waste receipt. The following records shall be required:

Daily tons of C&D debris received.

Daily tons of C&D debris recycled and type (i.e., cardboard, concrete, wood, ferrous metal, etc.)

Name and address of the recycler or receiver of the recycled materials.

Daily tons of C&D debris disposed at the site.

Daily tons of rejected waste, type of waste, and the disposal location of the rejected waste.

(k) Owner/operators shall submit a quarterly report summarizing the above information to the Hernando County Waste Management Division on the fifteenth of the next month following each quarter (April 15th, July 15th, October 15th, and January 15th).

(l) Owner/operators shall submit a copy of the FDEP-required ground water monitoring well analyses to the Hernando County Waste Management Division after each sampling event.

(m) Owners/operators shall pay a regulatory fee to the county for each ton of C&D debris received, except for tons that are recycled and rejected. The fee shall be deposited into the Construction and Demolition Debris Revenue Account. The revenue generated by this regulatory fee will fund the cost of county inspections, and the remainder will help pay for any future cleanup costs resulting from C&D disposal facilities or illegal dumping sites.

(n) C&D disposal facility owners/operators shall pay the total regulatory fee due each month to the county no later than thirty (30) days following the end of each calendar month.

(o) The amount of the regulatory fee shall be established by resolution of the board.

(6) The following criteria must be met prior to the approval of a Public Service Facility Overlay District (PSFOD) for a communication tower site:

(a) The minimum setbacks provided for in this ordinance must be met, and the PSF Overlay shall apply to a defined compound area for that tower and associated facilities only.

(b) As part of the procedure when applying for a PSF, an applicant shall provide proof that a provider is connected with the application if the provider is not the applicant by the provision of a lease agreement or other documentation that commits a provider to locate on the proposed tower and submit to the County for inclusion in the record of any subsequent public hearing on the application the following materials:

(1) A map showing the search ring utilized by the applicant in determining the appropriate location; and, in the case of a PSF in a residential area, a depiction of how the proposed location permits provision of service that cannot reasonably be provided from outside the residential area;

(2) An inventory and a map showing all existing structures and towers within the search ring that are available for collocation;

(3) A map showing all existing Public Service Facility Overlay Districts (PSFOD) and towers or existing structures of an appropriate height, within the search ring. The map shall also indicate all PSFODs which have been approved for the placement of communication towers.

(4) An analysis by an engineer licensed by the State of Florida, demonstrating how the tower location enhances the provision of service to areas not served or underserved by existing facilities and attesting that he/she has reviewed the propagation maps and radio

frequency data, and that the submitted search ring is an accurate representation of the location and height requirements for the antenna array. The applicant shall also attest that coverage can not be provided from an existing structure or tower site.

(5) Provide evidence that the applicant has pursued collocation, use of approved sites, and use of existing structures of an appropriate height. Evidence shall consist of copies of all correspondence between the petitioner and the owner, operator, or manager of other structures, towers or land which can be utilized for collocation or the construction of a communication tower. Evidence shall also be provided as to the following matters, to the extent applicable to the application:

- i. No existing towers or structures are located within the geographic area required to meet the provider's engineering requirements;
- ii. Existing towers and structures are not of a sufficient height to meet the provider's engineering requirements;
- iii. Existing towers or structures do not have sufficient structural strength to support the provider's proposed antenna requirements;
- iv. Existing towers or structures would cause electromagnetic interference;
- v. The costs to add to an existing tower or structure exceed the development costs for a new tower; and/or
- vi. The applicant demonstrates other limiting factors that render existing towers or structures unsuitable.

(6) A visual line of sight analysis, including photo-simulated post construction renderings, to enable the County to assess the visual impact upon surrounding properties. Photo simulations shall depict the tower and antenna arrays for all potential collocated users.

(7) A description of viable alternatives for utilizing camouflage techniques.

(8) Proper access and parking for service vehicles must be demonstrated.

(c) For residential areas or districts the applicant must demonstrate to the satisfaction of the County that service cannot be provided from outside the residential area and that no alternative locations are available.

(d) Be compatible with the surrounding land uses:

- (1) Shall not have a negative material impact on surrounding land uses;
- (2) Shall not have a negative material impact on infrastructure; or
- (3) Shall not have negative material environmental impacts as allowed to be reviewed by applicable laws.

(4) Shall have minimal visual and functional conflict between the proposed use and nearby neighborhood uses.

(e) Submit a balloon test, which will allow the Board of County Commissioners to evaluate the impact of the communication tower on the surrounding land uses and the compatibility of the communication tower. This test shall consist of:

- (1) A balloon colored red, orange, or yellow and be no less than four feet in diameter;
- (2) The balloon is to be flown at the height of the proposed tower or a maximum of 199 feet if the tower is greater than 199 feet;
- (3) The balloon is to be flown for three consecutive days; except in the event of inclement weather, with the petitioner notifying the County of the delay. Nothing in this requirement should be construed as not having to fly the balloon for three days.