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Prepared 7/9/08; Revised 9/5/08
Progress Energy Cert of Service

LEVY COUNTY FINAL AGENCY REPORT

In accordance with Section 403.526, Fla.Stat., Levy County (the “County”) hereby presents its Final Agency Report related to the certification of the transmission lines and corridor 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 transmission line corridor to be certified. The County recommends the approval of the certification of the transmission line corridor proposed to be located in Levy County, subject to the following conditions:

Condition 1: Concurrent with submittal to the applicable state agencies, the Applicant will provide copies of the following documents to the County for informational purposes (if not already previously submitted with the Application): 1) documents submitted for review and approval of the ERP; 2) final ERP when approved; 3) documents submitted for approval of plans for proposed clearing and/or burning of transmission line corridors; 4) final approval document, including final plans, for clearing and/or burning submitted in connection with item 3; 5) documents relating to compliance with any condition relating to post-construction reclamation activities, including plans for proper removal and disposal of debris, dismantling of temporary facilities, and erosion control measures including any mulching, reseeding, or resodding; 6) final approval document, including final plans, for items referred to in item 5; 7) documents required for development and approval of an avian protection plan, including proposed plan and any other submittals made to Florida Fish and Wildlife Conservation Commission in connection therewith; 8) final approval document, including final plan, for avian protection submitted in connection with item 7.

Supporting County Regulations:

Objective 1, Conservation Element, Levy County Comprehensive Plan

Objective 5 and supporting policies, Conservation Element, Levy County Comprehensive Plan

Objective 6, Conservation Element, Levy County Comprehensive Plan

Policy 6.14, Conservation Element, Levy County Comprehensive Plan

Objective 7, Future Land Use Element, Levy County Comprehensive Plan

Policy 3.5, Recreation and Open Space Element, Levy County Comprehensive Plan

Objective 5 and supporting policies, Conservation Element, Levy County Comprehensive Plan

Condition 2: Prior to construction of the transmission lines, the Applicant will provide studies or other analysis of potential noise anticipated from construction activities for transmission lines. In addition, the Applicant will provide studies or analysis of potential

noise from operation of the transmission lines. Noise levels from construction or operation of the transmission lines shall not exceed the requirements of the provisions of Division 2., Article VIII., Chapter 50, Levy County Code, as the same may be amended.

Supporting County Regulations:

Division 2., Article VIII., Chapter 50, Levy County Code

Condition 3: In the event the Applicant proposes any access to CR 40 for access to the transmission line corridor or the Applicant's adjacent property 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 the following items to the County: a completed County driveway permit form; 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; engineering and construction plans for such driveway access; maintenance of traffic plans for maintenance of traffic during construction of such driveway access; and any other documentation or information required by the County Road Department for its review of the use and construction of the driveway access. Such engineering and construction plans and other information and documentation shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, and the requirements of the County Road Department. 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. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer. 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. 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.

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. Unless the driveway access is proposed to also act as the heavy haul road, and the provisions of Condition 4 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. In addition, unless otherwise previously approved by the County, the Applicant shall also comply with all aspects of the approved maintenance of traffic plans. 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 County Regulations:

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 4: 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 the following to the County for its review and approval: a completed County driveway permit form; 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; engineering and construction plans providing for the design and construction of the heavy haul road within County right-of-way; 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; 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; 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; maintenance of traffic plans for use during the Applicant's proposed use of the heavy haul road for construction of the transmission lines and the power plant site; and 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. Such engineering and construction plans and other information and documentation shall meet requirements of the then-current Florida Department of Transportation manual, *Standard Specifications for Road and Bridge Construction*, and the requirements of the County Road Department, Development Department and County Engineer. 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. Such construction shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer. 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. 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.

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

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.

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.

After the completion of the use of the heavy haul road for construction or maintenance activities related to the transmission lines and the power plant site, 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 4, 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 County Regulations:

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

Appendix II-O: Pinellas County

**BOARD OF COUNTY
COMMISSIONERS**

Robert B. Stewart - Chairman
Calvin D. Harris - Vice Chairman
Ronnie E. Duncan
Susan Latvala
John Morroni
Karen Williams Seel
Kenneth T. Welch



September 17, 2008

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

Subject: Progress Energy Florida - Levy Nuclear Plant Site Certification Application

Dear Mr. Halpin:

Pinellas County staff has reviewed the referenced application, noting that the impacts to Pinellas County are expected to be associated with the alignment from the Kathleen Substation in Polk County that terminates at the Lake Tarpon Substation in Pinellas County, located at the southeastern border of the Brooker Creek Preserve. With this in mind, the following comments are provided.

Pinellas County's Brooker Creek Preserve

Pinellas County government currently owns and/or manages the approximately 8000-acre Brooker Creek Preserve located generally in the northeastern portion of the County. For well over 30 years, the County has been purchasing this land or, in some cases, has partnered with the Southwest Florida Water Management District and the Florida Communities Trust on associated environmental land acquisition. Consequently, Pinellas County and its citizens have a vested interest in ensuring the environmental integrity of the Preserve. The proposed corridor to the Lake Tarpon Substation would be adjacent to the extreme southeastern edge of the Preserve, including an area of wetlands, and some impact on the local flora and fauna is likely.

The Pinellas County Board of County Commissioners recently adopted the *Brooker Creek Preserve Management Plan*, the result of extensive public and technical involvement. As such, any corridor expansion in this location would need to be coordinated with Pinellas County, specifically the Environmental Management Department staff, to ensure that the integrity of the Preserve is not compromised.

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Transmission Line Expansion

Overall, Pinellas County recommends that transmission lines should be placed within (i.e., co-located within) the existing footprint of those corridors already impacted by highways/utility/transmission lines in order to minimize possible ecological impacts. Further, Pinellas County asserts that additional transmission lines should avoid all local, state, and federal conservation lands and waterways, even those already impacted by such corridors. This is particularly important in built-out counties such as Pinellas where significant financial expenditure, with extensive public support, have purposely set aside environmental lands for their intrinsic natural value, their contribution to local and regional biodiversity, and their relationship to the quality of life for Pinellas County residents. It is not clear in the certification proposal (or the recently reviewed and related document, *Progress Energy Florida, Inc., Ten-Year Site Plan 2008-2017* [dated April 2008]) that the Brooker Creek Preserve would remain excluded from the proposed route since a *corridor* is suggested for consideration but a specific or detailed siting plan is not available. Additionally, it is not clear if future expansion plans are expected beyond this proposal.

Relationship to the Progress Energy Florida, Inc., Ten Year Site Plan 2008-2017 (see attached comments sent to the Public Service Commission on June 13, 2008)

On June 13, 2008, Pinellas County provided comments to the Public Service Commission regarding the Ten Year Siting Plan for Progress Energy. The letter (see *Attachment One*) reflects the County's concerns over the short-range nature of a 10-year plan, and a need for more comprehensive versus site-by-site planning to meet long-range needs, and consideration of alternatives to traditional power generation sources. Also addressed in the letter was the recommendation that Progress Energy coordinate with local governments *prior* to identification of their proposed corridors.

Tampa Bay Regional Planning Council

Pinellas County notes that the Tampa Bay Regional Planning Council has already provided comments regarding the Certification Application, and agrees with the Council's comments, noting that additional information may be required in order to review the certification proposal adequately, particularly in regard to mitigation, noise, and listed species.

Recommendations for Conditions of Certification – Consistency with the Pinellas County Comprehensive Plan and relevant land development regulations

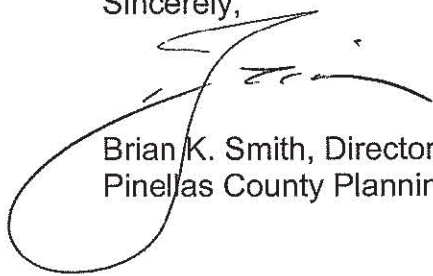
- The Pinellas County Comprehensive Plan represents Pinellas County's growth management plan. The goals, objectives and policies of the adopted Plan have regulatory standing pursuant to **Chapter 163, F.S.** *Attachment Two* to this letter depicts those goals, objectives and policies of the adopted Comprehensive Plan that need to be included as Conditions of Certification.
- Additionally, coordination with Pinellas County staff, including *Environmental Management* staff and *Building and Development Review* staff, is required prior to any final decisions on a specific corridor alignment and development of a specific plan for site development and maintenance.

- Maintenance activities are not to impact/compromise the adjacent Preserve, and should – if possible – complement the management strategies within the Preserve associated with the adopted *Brooker Creek Preserve Management Plan*.
- Submittal of a site plan, or other agreed-upon data, is requested to be provided to Pinellas County Building and Development Review Services prior to initiation of any site disturbance activity. The following regulatory sections of the **Pinellas County Land Development Code** must be adhered to in order to ensure public safety and protection of natural resources during and after site construction:
 - a) Division 5, Section 138-176 thru 181(Site Plan Requirements and Review Procedures).
 - b) Article II, Section 166 (Habitat Management, including requirements related to compensation, development/development activity, mitigation, and wetlands).
 - c) Section 166-37 (Intent).
 - d) Sections 166-49, 166-50, 166-53 (removal of exotics).
- Emergency management contacts and emergency site protocols need to be available and reviewed by the Pinellas County Emergency Management Department and Pinellas County Environmental Management.

In summary, Pinellas County's primary concerns are the need for coordination prior and during site development, adherence to Pinellas County Comprehensive Plan and land development regulation requirements, and compatibility with the *Brooker Creek Preserve Management Plan* (please refer to <http://www.pinellascounty.org/Environment/pagesHTML/BCPmngmtWeb/bcpm500.html>). In addition, questions remain regarding noise and mitigation plans, as well as future expansion plans. Finally, as pointed out in the letter sent by Pinellas County to the Public Service Commission in June 13, 2008, the lack of a long-range plan that explores alternative energy sources still remains an issue, although not to be addressed necessarily by this process.

Thank you for the opportunity to comment on the Certification application. Should you have any questions regarding the comments and recommendations provided, please contact me at (727) 464-8200.

Sincerely,



Brian K. Smith, Director
Pinellas County Planning Department

cc: Elizabeth Warren, Assistant County Administrator
William Davis, Director, Pinellas County Environmental Management
Al Navaroli, Pinellas County Building and Development Review

ATTACHMENT ONE

**Letter sent by Pinellas County to the Public Service Commission
on June 13, 2008**

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Robert B. Stewart - Chairman
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Susan Latvala
John Morroni
Karen Williams Seel
Kenneth T. Welch



June 13, 2008

Robert E. Graves
Public Service Commission -
Electric Reliability and Cost Recovery Section
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Subject: Progress Energy, Florida - 2008 Ten-Year Siting Plan

Dear Mr. Graves:

Thank you for providing a copy of Progress Energy, Florida's 2008 Ten-Year Siting Plan for review. Based on Pinellas County staff review, the following comments are submitted:

Re: page 3-37, a map is required in order to interpret the locations of the planned bulk transmission line additions in Pinellas County. Without a map, it is not possible to review for impacts.

Re: page 4-1: regarding the P.L. Bartow Plant – since this is the land use and environmental portion of the document, the discussion should mention that the location is adjacent to the Pinellas County Weedon Island Preserve, managed by the Environmental Lands Division (ELD) of the Pinellas County Department of Environmental Management. Actually, certain of the Progress Energy lands are also managed by the ELD as well. It is important that consideration by Progress Energy be given to compatibility with the adopted management plans for the County's preserve lands. Notably, coordination has occurred between County environmental staff and Progress Energy with regard to the repowering of the Bartow Plant with natural gas technology.

Overall, the siting plan should better address early and ongoing coordination with those governments affected by Progress Energy plans, including with regard to transmission corridors. This became apparent in association with the recently disclosed plans for the Levy County Nuclear Power Plant expansion and associated transmission lines.

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Re: Chapter 2, Conservation – the discussion only addresses measures directed at the customer. There does not appear to be a long-range discussion, or consideration of, alternate energy sources contemplated by the Utility. Since the State of Florida is committing to measures intended to reduce their “carbon footprint” and promoting alternate energy solutions as a means of planning for climate change, it would seem that Progress Energy should be planning with this in mind.

Chapter 4 only addresses plant location, not the environmental or land use impacts associated with the siting of transmission corridors – which can have as significant an impact on a county as the siting of a plant.

Sec. 186.801, F.S., is clear that electric utilities are to prepare 10 year plans with periodic updates. A longer range component would be useful however to the local governments reviewing for compatibility with comprehensive plans. In addition, a more integrated and comprehensive approach, with a statewide and regional emphasis, versus site-by-site, would be beneficial, including recognition of major ecological corridors and features, and consideration of such things as potential avoidance, or coordination with local governments in the planning stages, versus after corridors are drawn , etc.

Thank you for the opportunity to review the 2008 Ten-Year Siting Plan, and should you have any questions regarding the comments provided, do not hesitate to contact me, or Elizabeth Freeman of my staff, at (727) 464-8200.

Sincerely,



Brian K. Smith, Director
Pinellas County Planning Department

cc:

Elizabeth Warren, Asst. County Administrator
William Davis, Director, Pinellas County Environmental Management
Bruce Rinker, Pinellas County Environmental Lands Division

ATTACHMENT 2:
Goals, Objectives and Policies
from the Pinellas County Comprehensive Plan

Future Land Use and Quality Communities Element

- 1.2.3. Policy: Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.
- 1.2. 5. Policy: The Board shall implement land development regulations that are compatible with the density, intensity, and other relevant standards of those land use categories defined in the Future Land Use and Quality Communities Element.
- 3.1. Objective: The Pinellas County Land Development Code shall be applied in a manner that ensures compatibility between the Future Land Use Map, existing environmental conditions and constraints, as well as environmental management goals.
- 3.1.1 Policy: Environmentally-sensitive lands which are designated by the Preservation land use category on the Future Land Use Map, shall be protected through the application of existing land development regulations or the development of new regulations.
- 3.1.2. Policy: Designated preservation areas shall be retained as undeveloped land suitable for passive recreation, conservation, or aesthetic uses to provide opportunities to appreciate the natural environment.
- 3.1.3. Policy: The natural environment shall be both preserved and enhanced by a sensitive land use program which will include adherence to, but not be limited to, the following chapters of the Land Development Code: Habitat Management and Landscaping; Floodplain Management; Flood Damage Prevention; Site Development and Platting; Comprehensive Zoning Regulations; and any other applicable regulations that deal with on-site environmental concerns but also with surrounding land uses.
- 3.2 Objective: Pinellas County shall continue its proactive program for managing the impacts of development upon the County's natural resources (including wetlands, uplands, and the marine environment), and shall continue to ensure that these resources are successfully integrated into the urban environment such that the overall function and viability of these areas is maintained, or where practical, enhanced or restored.
- 3.2.1. Policy: Significant wetlands and twenty-five year floodplains shall continue to be protected and conserved by their existing designations of Preservation on the Future Land Use Map (FLUM), as adopted by the Board and based upon the comprehensive assessments performed by Pinellas County to evaluate, and subsequently identify, those wetland and floodplain resources with significant value or function.

- 3.2.2. Policy: Where development activity results in an adverse impact to wetlands, or unique ecosystems as determined by Pinellas County, mitigation by the developer shall be considered as one means to compensate for the loss of natural system function when the impact is unavoidable.
- 3.2.11. Policy: Pinellas County shall continue to identify and protect isolated wetlands and other environmentally sensitive vegetative communities and habitats through the site plan process, which includes the application of project-appropriate land development regulations, conservation easement requirements, staff review of pertinent vegetation and habitat information, specific permitting requirements, and field work by development review staff.
- 4.5.2. Policy: Public utilities shall be permitted in all future land use categories including planned residential developments and developments of regional impact provided the performance standards in the Power Plant Siting Act, Transmission Line Siting Act, Pinellas County Future Land Use and Quality Communities Element, Pinellas County Zoning Regulations, and any other applicable land development regulations are met.

Natural Resource Conservation and Management Element

- 2.1.3. Policy: Pinellas County shall continue to enforce existing ordinances that protect and conserve native ecosystems and wildlife habitat, including habitat for species of conservation concern, from destruction by development activities.
- 2.1.4. Policy: Pinellas County shall continue to require that the type, intensity and location of development be correlated inversely with important ecosystems and native wildlife species existing on each site.
- 2.1.5. Policy: Pinellas County shall continue to require that development of a site require maintenance or improvement of existing native vegetative communities and shall continue to require the removal of ecologically undesirable non-native vegetation.
- 2.1.16. Policy: Pinellas County will coordinate with Pasco and Hillsborough Counties regarding extension of regional ecological corridors and greenway systems, and will share information regarding land development proposals that might have extra-jurisdictional impacts on existing corridors.
- 3.1.2. Policy: Pinellas County will consider the impact of land use and zoning decisions, and site plan decisions, on environmental lands and resource-based parks, so that decisions do not inadvertently conflict with approved management plans or best management practices.
- 3.1.4. Policy: To foster environmental stewardship, the County's public outreach efforts will include information and education on best management practices for the neighbors of environmental lands and resource-based parks, as well as watershed concepts that demonstrate the impact of activities on nearby lands to the health of the preserve ecosystem.

Appendix II-P: Polk County

Growth Management Department

Thomas M. Deardorff, AICP
Department Director
thomasdeardorff@polk-county.net



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Bartow, FL 33831-9005
Ph: (863) 534-6467
Fax: (863) 534-6543

Board of County Commissioners

August 29, 2008

Mr. Michael Halpin
Florida Department of Environmental Protection
Siting Coordination Office
2600 Blair Stone Rd.
Tallahassee, FL 32399

Dear Mr. Halpin:

The Polk County Growth Management Department has reviewed the Progress Energy Florida, Inc. (PEF) Transmission Line proposal as it relates to Polk County. According to the application, the proposed transmission line corridor within Polk County will be co-located with Progress Energy's existing transmission line rights-of-way. Transmission lines are considered *Utilities, Class I* per the Polk County Land Development Code.

Since there are no proposed expansions to the existing PEF transmission line rights-of-way in Polk County (per page 9-A8-11 of the application), the referenced proposal will not be subject to review under the Land Development Code for the purpose of obtaining a permit. In addition, the project as proposed will not be subject to any procedural requirements as it relates to variances or special exceptions.

Please contact either Chandra Frederick, Land Development Division Director, or myself at (863) 534-6467, if you have any questions regarding our review.

Sincerely,

Thomas Deardorff, AICP
Growth Management Director

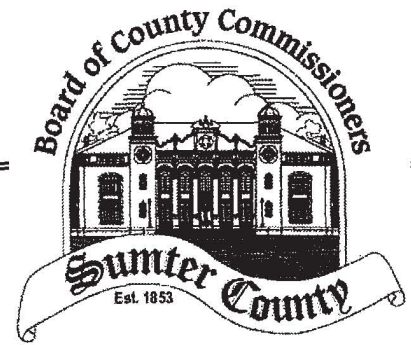
cc: Michael Herr, County Manager
Jim Freeman, Deputy County Manager
Chandra Frederick, Land Development Director
Ann Seiler, DEP, Siting Coordination Office

Appendix II-Q: Sumter County

Board of County Commissioners

Sumter County, Florida

910 N. Main Street, Room 201 • Bushnell, FL 33513-6146 • Phone (352) 793-0200 • FAX: (352) 793-0207
Website <http://sumtercountyfl.gov>



September 9, 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

Mr. Halpin:

Pursuant to Section 403.526(2)(a)5, Florida Statutes, Sumter County submits the following report related to Progress Energy Florida (PEF) transmission line corridor and proposed substation in Sumter County. This report contains a recommendation for action including conditions for certification to be attached to any approval for the proposed transmission line facilities.

1. The proposed PEF corridor in Sumter County will have an impact on numerous county residents, citizens, and property owners. The expansion of the existing corridors and addition of new corridors may affect property values, result in aesthetic concerns, impact development potential of some properties, and may result in concerns regarding the health, safety, and welfare of those who reside or own property within or adjacent to the PEF corridors.
2. Notwithstanding the foregoing concerns, Sumter County recommends the proposed transmission line corridors and proposed substation location within the County be approved subject to the following conditions to minimize impacts referenced above.
3. Sumter County proposes the following conditions as the minimum necessary to comply with the Sumter County Comprehensive Plan and Land Development Code and to protect the health, welfare, and safety of the citizens of Sumter County:

Richard "Dick" Hoffman, Dist 1
Chairman
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Randy Mask, Dist 5
Office: (352) 793-0200
Home: (352) 793-3930
910 N. Main Street
Bushnell, FL 33513

Doug Gilpin, Dist 2
2nd Vice Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

Bradley S. Arnold,
County Administrator
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513-6146

Michael E. Francis, Dist 3
(352) 753-1592 or 793-0200
910 N. Main Street
Bushnell, FL 33513

Gloria R. Hayward, Clerk & Auditor
(352) 793-0215
209 North Florida Street
Bushnell, FL 33513

Garry Breeden, Dist 4
Vice Chairman
(352) 793-0200
910 N. Main Street
Bushnell, FL 33513

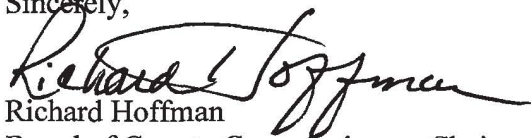
County Attorney
The Hogan Law Firm
Post Office Box 1120
Bushnell, Florida 33513

- a. PEF should use existing infrastructure right-of-ways wherever possible and feasible.
- b. PEF should provide for aesthetic protection of adjacent uses from the corridors. The aesthetic protection may be accomplished through screening, buffering, and fencing of the corridors.
- c. PEF should consider placing transmission lines underground, where feasible, and/or make maximum use of monopole towers for overhead lines.
- d. PEF should minimize construction impacts related to type of equipment used, clearing and grubbing, dust control, soil stabilization, erosion control, drainage control, noise, and traffic disruption.
- e. Where feasible, PEF should retain existing vegetation within the corridor.
- f. PEF should minimize impacts to wetlands and other sensitive habitats and must obtain and comply with all applicable environmental permitting from the Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, Southwest Florida Water Management District and any other applicable State or Federal agency.
- g. PEF should obtain appropriate permits from Sumter County for all applicable County right-of-way crossings.
- h. PEF shall coordinate construction traffic with Sumter County Public Works Division to minimize traffic disruption and to implement appropriate maintenance of traffic procedures.
- i. PEF should provide a post-certification submittal of the final design plan for the new transmission lines throughout Sumter County to the Sumter County Division of Planning & Development.
- j. PEF should commit to allow for the co-location of public utilities, pedestrian/trail facilities, or other public uses within the transmission line corridors, to the extent compatible and feasible based on engineering and design constraints.
- k. PEF should coordinate final transmission line plans with the County, Lake-Sumter Metropolitan Planning Organization, Florida Department of Transportation, and other impacted local governments to assure that the new transmission line locations will not hinder future transportation planning for the county and region.

1. If the proposed Central Florida Substation is located within unincorporated Sumter County, then PEF is required to obtain Special Use approval from the Sumter County Board of County Commissioners.
- m. PEF should coordinate with Sumter County Emergency Management for the management of these major transmission lines during times of emergency declaration.

If you have any question or require additional information do not hesitate to contact Bradley Arnold, County Administrator, or Brad Cornelius, Planning Manager, at (352) 793-0270.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Hoffman", is written over the printed name.

Richard Hoffman
Board of County Commissioners Chairman

Copy: Bradley Arnold, County Administrator
Brad Cornelius, Planning Manager
Derrill McAteer, County Attorney

Appendix II-R: Hillsborough County Environmental Protection Commission

COMMISSION
Brian Blair
Rose V. Ferlita
Ken Hagan
Al Higginbotham
Jim Norman
Mark Sharpe
Kevin White



Executive Director
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3629 Queen Palm Dr. • Tampa, FL 33619
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Admin. 627-2620 Waste 627-2640
Legal 627-2602 Wetlands 627-2630
Water 627-2670 ERM 627-2650
Air 627-2660 Lab 272-5157

September 2, 2008

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

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

Dear Mr. Halpin,

The staff of the Environmental Protection Commission of Hillsborough County has completed its review of information submitted in support of the transmission lines portion of the Progress Energy Florida Levy Nuclear Project Site Certification Application referenced above and recommends approval with the following Conditions of Certification:

Air Management

1. Noise

Pursuant to Chapter 1-10, Rules of the EPC, Noise Rule “Exceptions” exempts construction activities occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets, and change in work practice. Construction activities occurring at all other times shall be subject to the standards in the EPC noise Rule.



2. Particulate Matter (Fugitive Dust)

The project construction activities shall incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including, but not limited to, the methods, practices and procedures contained in Chapter 62-296.320(4)(c), Florida Administrative Code (F.A.C.).

- a.. These provisions are applicable to any activity, including vehicular movement; transportation of materials; construction, land alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.
- b. Reasonable precautions deemed necessary for this project include, but are not limited to, the following:
 - (1) Speed limit of 10 miles per hour or less shall be enforced on vehicles travelling over exposed soils and other un-stabilized materials.
 - (2) Curtail operations during high wind conditions
 - (3) Application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads, spreading of excess soils on right-of-ways, and construction and site development activities.
 - (4) Application of water or other dust suppressants to unpaved roads, open stock piles, soils spread on right-of-ways, and other similar activities.
 - (5) Seeding and mulching access road surfaces

3. Open Burning

Pursuant to Chapter 1-4, Rules of the Hillsborough County Environmental Protection Commission (EPC), all open burning within Hillsborough County is prohibited unless approved or permitted by EPC.

- a. The EPC issues temporary authorizations for all land clearing operations prior to commercial development, including the initial clearing of land for agricultural or construction purposes. Under these temporary authorizations, applicants are permitted to burn for up to six months at the same location. Authorizations are issued after the submission of an application, along with a fee payable to the EPC.
- b. Open burning that is expected to last for more than six months at the same location will require an air pollution permit, and must comply with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules that regulate open burning with a permanent air curtain incinerator. In Hillsborough County, EPC has been delegated authority to permit and enforce these State regulations. All applications, along with permit fees should be submitted to EPC.

4. Asbestos

The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos 40 CFR, Part 61, Subpart M promulgated by the U.S. EPA - Enforced by the State of Florida Department of Environmental Protection and delegated to the Environmental Protection Commission (EPC) within Hillsborough County applies to regulated asbestos renovation and demolition projects.

- a. Where demolition activities occur, asbestos demolition notification is required for all commercial facilities and for demolition projects involving residential structures with more than four dwelling units, residences that have been used as a business in the past, or if the demolition of more than one residential structure is planned.
- b. Any regulated removal of asbestos containing materials from structures to be renovated or demolished requires notification. Notification and the appropriate fee must be submitted to the EPC at least ten working days prior to the regulated renovation or demolition activity.
- c. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Chapter 469.003 Florida Statute, asbestos survey inspections must be performed by a licensed asbestos consultant. Phase I Environmental Assessment reports may not be used in lieu of a thorough asbestos survey inspection conducted by a trained and licensed asbestos consultant. A copy of the asbestos survey report should be maintained on site at all times. For demolition activities, include a copy of the asbestos survey report with the notification and fee.
- d. Asbestos containing waste materials must be disposed of per local, state and federal regulation.

Wetland Management

5. Avoidance and Minimization of Wetland impacts

The actual extent of wetlands and other surface waters is necessary to verify avoidance and minimization of wetland impacts. The wetland line must appear on all site plans. All wetland impacts must be labeled, cross-hatched and acreage calculated on all plan sheets. Proposed mitigation must be shown and labeled. The depths of any ponds proposed for excavation adjacent to wetlands must be shown along with hydrologic information on the wetlands. Construction plans must be submitted along with a complete set of drainage calculations that include all wetland seasonal water elevations. Setback lines must be shown on all plan submittals.

6. Turbidity and Erosion controls

Appropriate turbidity and erosion control measures must be implemented and depicted on construction plans and drawings.

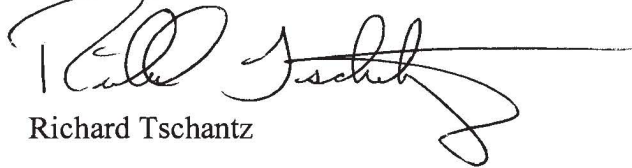
Waste Management

8. Historic Landfills

PEF must ensure that all historic landfills within the boundaries of the project in Hillsborough County are properly managed. 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 EPC.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Tschantz', with a long horizontal flourish extending to the right.

Richard Tschantz

cc: All parties of record (via electronic mail)

SERVICE LIST

IN RE: PROGRESS ENERGY FLORIDA
LEVY NUCLEAR PROJECT DEP
UNITS 1 AND 2

DOAH CASE NO.: 08-002727-EPP
OGC CASE NO.: 08-1621
PPSA NO.: PA08-51

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Appendix II-S: Public Comments