

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board Panel

In the Matter of	)		
	)		
Progress Energy Florida, Inc.	)	Docket No.	52-029-COL
	)		52-030-COL
(Combined License Application,	)		
Levy County Nuclear Power Plant, Units 1 and 2)	)	ASLBP No.	09-879-04-COL

**MOTION TO DISMISS AS MOOT THE ASPECTS OF CONTENTION 4 RELATED TO ACTIVE DEWATERING DURING LEVY NUCLEAR PLANT OPERATIONS**

**I. INTRODUCTION**

Pursuant to 10 C.F.R. § 2.323(a), Progress Energy Florida, Inc. (“Progress”), hereby moves this Atomic Safety and Licensing Board (the “Board”) to dismiss as moot the aspects of Contention 4 related to active dewatering during operations of Levy Nuclear Plant (“Levy”) in Levy County, Florida. Active dewatering during operations is moot because there have been three fundamental changes since Contention 4 was admitted. (1) Any dispute over the impacts from active dewatering at the site during operations is moot because the four production wells described in the Environmental Report (“ER”) have been relocated off-site in order to minimize environmental impacts. (2) The State of Florida has issued conditions on the use of groundwater during operations at Levy and the NRC relies on these conditions in evaluating the potential environmental impacts. (3) The environmental impact analysis by the Nuclear Regulatory Commission (“NRC”) of active dewatering during operations differs from, and does not rely on, Progress’s analysis in the ER, rendering the compliance of the ER with NRC regulations moot. This Motion is supported by a Statement of Material Facts as to which Progress asserts that there is no genuine dispute (Attachment A).

## II. PROCEDURAL BACKGROUND

This proceeding involves the Combined Construction Permit and Operating License Application (“COLA”), submitted by Progress on July 28, 2008, for Levy. Joint Intervenors<sup>1</sup> filed their Petition to Intervene and Request for Hearing on February 6, 2009, (“JI Petition”) alleging several separate contentions. On July 8, 2009, the Board found portions of three contentions to be admissible, including portions of Contention 4 (Environmental Impacts of Dewatering and Salt Drift).<sup>2</sup>

On July 20, 2009, Progress appealed LBP-09-10. With regard to Contention 4, the Commission stated that, as clarified by the Board, Contention 4 warranted further proceedings only to the extent the NRC relies on the analysis in the ER. The Commission stated:

The Board’s observations concerning Part 51 are correct, and clarify the basis that was presented by Petitioners. 10 C.F.R. Part 51 implements NEPA Section 102(2), consistent with NRC’s domestic licensing and related regulatory authority. The agency may comply with NEPA without requiring that the applicant submit an environmental report, but NEPA and Council on Environmental Quality (CEQ) regulations permit agencies to request information from an applicant for a license or permit that will require a NEPA analysis. In order to facilitate our compliance with NEPA, we require a combined license applicant to submit a complete environmental report with its application, which is essentially the applicant’s proposal for the draft environmental impact statement. ... [W]e do not find that the Board erred as a matter of law by citing 10 C.F.R. Part 51 as a basis for Contention 4. Our rules require that, to the extent an environmental issue is raised in the applicant’s ER, a petitioner must file contentions on that document. Although the ultimate burden with respect to NEPA lies with the NRC Staff, our policy with respect to the identification of issues for hearing has long been that such issues must be raised as early as possible.

Progress Energy Florida, Inc. (Combined License Application, Levy County Nuclear Power Plant, Units 1 and 2), CLI-10-02, 71 NRC \_\_\_, slip op. at 8-9 (Jan. 7, 2010) (footnotes omitted).

On August 26, 2009, the Governor and Cabinet of the State of Florida, sitting as a siting board, issued its Final Order on Site Certification (“Florida Final SC Order”) for Levy.<sup>3</sup> The Florida Final SC

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<sup>1</sup> The Green Party of Florida, the Ecology Party of Florida, and Nuclear Information and Resource Service are referred to as “Joint Intervenors.”

<sup>2</sup> Progress Energy Florida, Inc. (Levy County Nuclear Power Plant, Units 1 and 2), LBP-09-10, 70 NRC 51, 147 (2009) (“LBP-09-10”). Contention 4, as admitted, is quoted in Attachment A to this Motion.

<sup>3</sup> The Florida Final SC Order is attached to the Progress Motion to Compel Disclosure of Bases for Expert Opinion With Regard to Contention 4 (Nov. 30, 2009) (“Motion to Compel”) as Attachment 4.

Order approved and enclosed the Administrative Law Judge's recommendation and associated Conditions of Certification ("COC"). The Florida Department of Environmental Protection ("FDEP") issued final orders modifying the COC on January 12, 2010 and February 23, 2010.<sup>4</sup>

On August 5, 2010, the NRC Staff provided an analysis in its Draft Environmental Impact Statement for Levy, NUREG-1941 (August 2010) ("DEIS").<sup>5</sup>

### III. THIS MOTION IS TIMELY

This motion is timely as it meets both the absolute deadline and the timeliness trigger established by the Board for motions for summary disposition.

- This Motion is filed before March 17, 2011, the absolute deadline for motions for summary disposition of environmental issues established by the Board.<sup>6</sup>
- This Motion is filed on or before the timeliness deadline applicable to this Motion. The Board established a general timeliness trigger that "dispositive motions may be filed twenty (20) days after the occurrence or circumstance from which the motion arises ... provided that the moving party commences sincere efforts to contact and consult all other parties within ten (10) days of the occurrence or circumstance."<sup>7</sup> As discussed under "Certification" below, Progress started a sincere effort to contact and consult the other parties within ten days of when the DEIS was first made available. The ISO allows for an additional extension if needed to further facilitate possible settlement. ISO at 11 n.24.

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<sup>4</sup> These two orders and the updated version of the COC (dated Feb. 23, 2010) are attached to this Motion as Attachment B.

<sup>5</sup> See NRC Letter from Scott C. Flanders, Director Division of Site and Environmental Reviews, NRR, to John Elnitsky, Progress Energy Vice President, Nuclear Plant Development (Aug. 5, 2010). This letter was forwarded to the Parties by the NRC Staff (J. Martin) on that same date. NRC Staff Filing, (NRC Eleventh Status Report) (Aug. 5, 2010).

<sup>6</sup> Licensing Board Order (Revising Deadline for Motions for Summary Disposition of Environmental Matters) at 2 (Apr. 7, 2010) (unpublished).

<sup>7</sup> Progress Energy Florida, Inc. (Levy County Nuclear Power Plant, Units 1 and 2), LBP-09-22, 70 NRC \_\_\_, slip op. at 14-15 (Aug. 27, 2009) ("ISO") (emphasis in original).

On August 20, 2010, the Board granted such an extension for forty days or until October 4, 2010.<sup>8</sup>

#### IV. APPLICABLE LAW

Where “a contention is ‘superseded by the subsequent issuance of licensing-related documents’ ... the contention must be disposed of or modified.” Duke Energy Corp. (McGuire Nuclear Station, Units 1 and 2; Catawba Nuclear Station, Units 1 and 2), CLI-02-28, 56 NRC 373, 382 (2002) (footnote omitted). Motions for summary disposition are available in 10 C.F.R. Part 2, Subpart L proceedings. In a Subpart L proceeding, such as this one, the Board must apply the summary disposition standard set forth in Subpart G. See 10 C.F.R. § 2.1205(c). Under this standard, a moving party is entitled to summary disposition of a contention as a matter of law “if the filings in the proceeding ... together with the statements of the parties and the affidavits, if any, show that there is no genuine issue as to any material fact.” 10 C.F.R. § 2.710(d)(2); see also Carolina Power & Light Co. (Shearon Harris Nuclear Power Plant), CLI-01-11, 53 NRC 370, 384 (2001); Advanced Medical Systems, Inc. (One Factory Row, Geneva, Ohio 44041), CLI-93-22, 38 NRC 98, 102-03 (1993). With or without supporting affidavits, the movant is required to include a statement of material facts as to which the movant contends that there is no genuine issue to be heard. See 10 C.F.R. § 2.710(a).

It is the Staff, not the applicant, that has the legal duty to perform a NEPA analysis and to issue appropriate NEPA documents. Pa’ina Hawaii, LLC, CLI-06-18, 64 NRC 1, 5 (2006) (citing Wetlands Action Network v. Army Corps of Eng’rs, 222 F.3d 1105, 1114 (9th Cir. 2000), cert. denied, 534 U.S. 815 (2001)). The NRC Staff will be responsible for information in the applicant’s ER which it uses. USEC Inc. (American Centrifuge Plant), CLI-06-10, 63 NRC 451, 474 & n.144 (2006) (citing 10 C.F.R. § 51.41). The long-standing NRC policy that issues identified for hearing must be raised as early as possible engenders a corresponding “migration tenet” that environmental issues raised about the ER may be deemed to be challenges to the DEIS. Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage

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<sup>8</sup> Licensing Board Order (Granting Joint Motion for Extension of Time) (Aug. 20, 2010) (unpublished).

Installation), LBP-01-23, 54 NRC 163, 172 n.3 (2001), citing Louisiana Energy Services, L.P. (Claiborne Enrichment Center), CLI-98-3, 47 NRC 77, 84 (1998). This migration tenet, while generally applicable, does not apply where the DEIS is sufficiently different from the ER. McGuire/Catawba, CLI-02-28, 56 NRC at 383. A DEIS analysis that differs from the ER analysis will moot a contention challenging the analysis in the ER as inadequate. Private Fuel Storage, (Independent Spent Fuel Storage Facility), LBP-01-22, 54 NRC 155, 161 (2001); cf. Southern Nuclear Operating Co. (Early Site Permit for Vogtle ESP Site), LBP-08-2, 67 NRC 54, 63-64 (2008) (stating the migration tenet does not apply unless the substance of the DEIS and ER are on equivalent matters (*in pari materia*)).

**V. THE BOARD SHOULD DISMISS THE ASPECTS OF CONTENTION 4 RELATED TO ACTIVE DEWATERING DURING LEVY OPERATIONS**

With regard to Contention 4, Joint Intervenors allege that the ER fails to comply with 10 C.F.R. Part 51 because it fails to adequately address, and inappropriately characterizes as SMALL, certain specified impacts to wetlands, floodplains, special aquatic sites, and other waters including impacts resulting from active dewatering and connection of the site to the underlying aquifer. LBP-09-10 at 147. However, there have been three fundamental changes since the COLA was submitted rendering moot the assertions of inadequacies in the ER in addressing active dewatering during Levy operations: (1) any dispute over the impacts from active dewatering at the site during operations is moot because the four production wells have been relocated off-site in order to minimize environmental impacts; (2) unlike the ER, the DEIS relies on the COC in evaluating the potential environmental impacts of the use of groundwater during operations at Levy; and (3) the DEIS analysis differs from and does not rely on Progress's analysis of active dewatering during operations in the original ER. Therefore, any issue associated with compliance of the ER with 10 C.F.R. Part 51 is now moot.

**A. RELOCATING THE PRODUCTION WELLS OFF-SITE MOOTS ANY ISSUE ASSOCIATED WITH ACTIVE DEWATERING ON-SITE DURING OPERATIONS**

There is no dispute that the ER described four production wells on-site as the source for the freshwater portion of the Raw Water System ("RWS") during operations. Specifically, Joint Intervenors

expert, Dr. Bacchus, alleged that the RWS will be supplied from production wells installed into the freshwater aquifer at the site, stating that “[f]our groundwater supply wells have been requested to be located at the proposed LNP site.” JI Petition, Bacchus Declaration at ¶ 25; see also, JI Petition at 41-42. Consistent with the allegations of the Joint Intervenors,<sup>9</sup> in admitting Contention 4, the Board narrowed the dewatering issue to impacts “associated with the connection of the site to the underlying Floridan aquifer system.” LBP-09-10 at 106.

There is also no dispute that in a revision to the water use permit application submitted to the State of Florida in November 2008, the four production wells were relocated from the Levy site to adjacent Progress properties. DEIS, Figure 2-12. The wellfield was relocated to the southern portion of the property reflecting comments from the relevant Florida agency, the Southwest Florida Water Management District (“SWFWMD”), to minimize the predicted amount of groundwater drawdown and reduce the potential impact on wetlands. This revision is described in a report provided to SWFWMD and provided as Attachment C to this Motion (“Report 74”). Because the production wells have been relocated off-site in order to minimize environmental impacts, there has been a fundamental change in how active dewatering will support operation of Levy.

Once construction of Levy is complete, the source of water for the RWS will not be on-site. As defined in Contention 4, active dewatering is pumping and using water from the aquifer. LBP-09-10 at 104. Therefore, the impacts to the aquifer under the Levy site from active dewatering during operations are associated with the withdrawal of water at four production wells in the Progress-owned adjacent properties.<sup>10</sup> Report 74 at 3-4 and Exh. 3. Because there is no longer active dewatering on-site during operation of Levy, this aspect of Contention 4 is moot.

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<sup>9</sup> The Board concludes that Contention 4 is “intended to be viewed as a single ‘whole cloth’.” LBP-09-10 at 88. In describing aspects of Contention 4 related to dewatering, the Board describes Contention 4 as addressing both the on-site and off-site impacts of on-site dewatering. LBP-09-10 at 104.

<sup>10</sup> For clarity, a smaller, temporary construction well would be located on-site. FDEP Order of Jan. 12, 2010 (Attachment B).

**B. SIGNIFICANT DIFFERENCES IN THE ANALYSES IN THE ORIGINAL ER AND THE DEIS OF ACTIVE DEWATERING DURING LEVY OPERATIONS MOOT THIS ASPECT OF CONTENTION 4**

Not only does the DEIS reflect that the production wells have been relocated off-site to adjacent Progress-owned properties, but also the DEIS analyses differ from, and do not rely on, Progress's analysis of active dewatering during operations in the ER. Any issue associated with ER compliance with 10 C.F.R. Part 51 for active dewatering during operations is now moot. The NRC Staff is responsible for NEPA compliance; therefore, the information in the ER is relevant only to the extent to which the NRC Staff relies on it. 10 C.F.R. § 51.45. As clarified by the Board, Joint Intervenors raised in Contention 4, not compliance with NEPA, but ER compliance with 10 C.F.R. Part 51. Because the analysis of active dewatering during operations in the ER has been superseded by the Staff's own analysis in the DEIS, the Board should find no probative value in exploring the adequacy of the assessment in the ER. The DEIS analysis differs from the ER in two significant ways: (1) the DEIS considers two reports of groundwater modeling reports that differ from the modeling discussed in the original ER; and (2) the DEIS relies on the conditions on the use of groundwater during operations at Levy in the COC in evaluating the potential environmental impacts.

There is no dispute that the Joint Intervenors alleged the environmental analysis indirect and cumulative impacts in the ER inadequate. Specifically, the Board (a) found that the Joint Intervenors "allege that the ER's coverage of indirect and cumulative impacts associated with the dewatering that will result from the ... operation of the proposed LNP project" is deficient and inadequate; and (b) concluded that Joint Intervenors "fairly raise the issue as to whether, under the rule of reason, they are significant enough to have been included in the ER under 10 C.F.R. § 51.45." LBP-09-10 at 104.

In addition, there is no dispute that the ER identifies a potential for groundwater use to have localized effects on surface water bodies and wetlands, and that the ER assesses these potential impacts by a groundwater model that estimated potential impacts on other groundwater users, indirectly supporting Progress's assessment that the impacts would be SMALL. ER, Rev. 0 § 5.2.2.3 at 5-21 to 5-22. After Contention 4 was admitted, the ER was revised to reflect relocating the four production wells

off-site, but the basis for the analysis was unchanged from assessing the potential impacts by groundwater modeling on other users. ER, Rev. 1 § 5.2.2.3 at 5-21 to 5-22. As discussed in Section V.A, above, the DEIS reflects the relocation of the four production wells from on-site to off-site. DEIS, Figure 2-12. In addition, the NRC Staff's analysis differs from the analysis in the ER in two significant ways.

**1. THE DEIS CONSIDERS NEW GROUNDWATER ANALYSES THAT DIFFER FROM THE ANALYSIS IN THE ORIGINAL ER**

The DEIS does not rely solely on Report 74, the groundwater assessment discussed the ER (Revision 1) used to simulate active dewatering conditions in order to evaluate the impacts to the aquifer, but also considers a second evaluation. DEIS at 2-28 to 2-29, 5-5, 5-23 to 5-24. At the NRC's request, analysis of the revised southern wellfield location described in Report 74 was revised to be partially re-calibrated to the USGS potentiometric map contours. The revised analysis was not incorporated in the ER and is described in a report provided as Attachment D to this Motion ("Report 123"). Unlike the original ER that relied on analysis other than that provided in the later-issued Reports 74 and 123, the DEIS considers both Reports 74 and 123, but concludes that groundwater modeling efforts are uncertain and not dispositive. DEIS at 5-27.

**2. THE DEIS CONSIDERS CONCLUSIONS BY THE STATE OF FLORIDA ABOUT THE IMPACTS OF GROUNDWATER USE DURING LEVY OPERATIONS**

The DEIS analysis of indirect and cumulative impacts from active dewatering considers other information besides groundwater modeling. DEIS at 5-27. Specifically, the DEIS states:

Near-term alterations of the groundwater supply due to projected use of 1.58 Mgd of groundwater for LNP operations are expected to be minor, based on the results of predictive simulations, and on conditions imposed for certification by the State of Florida that limit the allowable drawdown caused by pumping from the LNP wellfield (see Section 5.2.2.2).

DEIS at 7-14; see also DEIS at 7-15, 7-52, 10-9, Table 10-4 at 10-25. Unlike the ER, the DEIS analysis considers the COC. DEIS at 5-27 to 5-28. Consideration of the information in the COC by the DEIS is consistent with the NRC commitment to minimize duplication between NEPA and State or local reviews. 10 C.F.R. § 51.70(c).

10 C.F.R. Part 51 implements, with limitations, Section 102(2) of the National Environmental Policy Act of 1969 (“NEPA”), as amended. In admitting Contention 4, the Board specifically clarified that Joint Intervenors had not raised an issue associated with NEPA, but only whether the ER complied with 10 C.F.R. Part 51. LBP-09-10 at 87-88, 101-102, 106, 149. Because the NRC Staff’s analysis of active dewatering during operations in the DEIS does not rely on or adopt the analysis provided in the ER related to the simulated drawdown in the Floridan and surficial aquifers, the question of whether Progress complied with 10 C.F.R. Part 51 requirements in this regard is no longer material to this proceeding.

In Contention 4, Joint Intervenors allege, in part, that Progress did not provide adequate information on the potential indirect and cumulative consequences associated with active dewatering from on-site production wells during Levy operations. To minimize the potential impacts, the production wells were relocated off-site. Furthermore, the DEIS analysis which considered the off-site wells does not rely on the analysis of on-site wells presented in the original ER to evaluate the potential impacts. The NRC Staff’s analysis of the potential impacts of active dewatering during operations differs from the ER and does not find the groundwater model used in the Levy ER dispositive. Instead, the NRC DEIS includes consideration of the COC which are not discussed in the ER. Consequently, the Board should hold that there is no probative value in addressing whether the Progress ER analysis of active dewatering from on-site production wells during Levy operations complies with 10 C.F.R. Part 51. Thus, Joint Intervenors allegation that the Progress ER fails to comply with 10 C.F.R. Part 51 for analysis of the impacts associated with active dewatering during operations is now moot.

## **VI. CONCLUSION**

For the reasons stated above, the Board should grant this Motion.

### **CERTIFICATION**

I certify that this Motion is not interposed for delay, prohibited discovery, or any other improper purpose, that I believe in good faith that there is no genuine issue as to any material fact relating to this Motion, and that the moving party is entitled to a decision as a matter of law, as required by 10 C.F.R. §§ 2.1205 and 2.710(d). Specifically, this Motion is filed well before the expected hearing date and is

expected to lead to expediting the proceeding by eliminating an issue associated with Contention 4 that is no longer relevant. See 10 C.F.R. § 2.710(d)(1); ISO at 15 n.30.

I certify that I have made a sincere effort to contact the other parties in this proceeding within ten days of the publication of the Levy DEIS, to explain to them the factual and legal issues raised in this Motion, and to resolve those issues. I certify that, after this consultation, the Parties could not reach agreement. The NRC Staff does not oppose this Motion and does not plan to file a response.

Respectfully Submitted,

/Signed electronically by Robert B. Haemer/  
John H. O'Neill, Jr.  
Robert B. Haemer  
Ambrea Watts  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
2300 N Street, NW  
Washington, DC 20037-1128  
Tel. (202) 663-8148  
Counsel for Progress Energy Florida, Inc.

Dated: September 30, 2010

Attachment A  
Statement of Material Facts Not in Dispute

Statement of Material Facts as to Which No Genuine Issue Exists

Progress hereby submits, in support of its Motion to Dismiss as Moot The Aspects of Contention 4 Related to Active Dewatering During Levy Nuclear Plant Operations, this Statement of Material Facts as to which Progress contends that there is no genuine dispute to be heard.

A. General

1. On July 28, 2008, Progress submitted a Combined Construction Permit and Operating License Application (“COLA”) for two AP1000 units at the proposed Levy County Nuclear Plant (“Levy”) site. Part 3 of the COLA is the Environmental Report (“ER”).

2. On February 6, 2009, Joint Intervenors filed their Petition to Intervene and Request for Hearing (“JI Petition”), including Contention 4 alleging “[o]missions, misrepresentations and failures of proposed Levy Nuclear Plant (LNP) environmental report (ER) to address adverse direct, indirect and cumulative environmental impacts.” JI Petition at 32.

3. In its Memorandum and Order of July 8, 2009, LBP-09-10, the Board admitted Contention 4, in part, as follows:

Progress Energy Florida (PEF’s) Environmental Report fails to comply with 10 C.F.R. Part 51 because it fails to adequately address, and inappropriately characterizes as SMALL, certain direct, indirect, and cumulative impacts, onsite and offsite, of constructing and operating the proposed LNP facility:

A. Impacts to wetlands, floodplains, special aquatic sites, and other waters, associated with dewatering, specifically:

1. Impacts resulting from active and passive dewatering;
2. Impacts resulting from the connection of the site to the underlying Floridan aquifer system;
3. Impacts on Outstanding Florida Waters such as the Withlacoochee and Waccasassa Rivers;
4. Impacts on water quality and the aquatic environment due to alterations and increases in nutrient concentrations caused by the removal of water; and
5. Impacts on water quality and the aquatic environment due to increased nutrients resulting from destructive wildfires resulting from dewatering.

B. Impacts to wetlands, floodplains, special aquatic sites, and other waters, associated with salt drift and salt deposition resulting from cooling waters (that use salt water) being situated in an inland, freshwater wetland area of the LNP site.

C. As a result of the omissions and inadequacies described above, the Environmental Report also failed to adequately identify, and inappropriately characterizes as SMALL, the proposed project's zone of:

1. Environmental impacts,
2. Impact on Federally listed species,
3. Irreversible and irretrievable environmental impacts, and
4. Appropriate mitigation measures.

LBP-09-10 at 149 (footnote omitted).

4. On August 26, 2009, the Governor and Cabinet of the State of Florida, sitting as a siting board, issued its Final Order on Site Certification for Levy<sup>1</sup> including associated Conditions of Certification ("COC"). The Florida Department of Environmental Protection ("FDEP") issued final orders modifying the COC on January 12, 2010 and February 23, 2010.

5. On January 7, 2010, the Nuclear Regulatory Commission ("NRC" or "Commission") affirmed the Board's decision to admit Contention 4, clarifying that it was not reversible error to admit Contention 4 based on compliance with 10 C.F.R. Part 51 rather than NEPA. CLI-10-02 at 8. The Commission noted that, as restated by the Board, the affected aquatic resources identified in Contention 4 are "the aquifer system underlying the project area, the Withlacoochee and Waccasassa Rivers, and the fresh water wetlands in the area of the project site." Id. at 14-15.

#### B. Active Dewatering During Levy Operations

6. On August 5, 2010, the NRC issued its Draft Environmental Impact Statement for Levy, NUREG-1941 (Aug. 2010) ("DEIS"). The DEIS provides an analysis of the potential environmental impacts for the proposed action of issuing a COL for Levy, including on the aquifer underlying the project area. The NRC analysis of the potential impacts of active dewatering during Levy operations differs from, and does not rely on, the groundwater model in the ER. DEIS at 5-27.

7. The water supply source for Levy operations will be four production wells drawing from the Upper Floridan aquifer. ER, Rev. 0 at Fig. 4.2-1.

8. In late 2008, the location of the four production wells was relocated from the Levy site to adjacent Progress-owned property south of the LNP site. ER, Rev. 1 at Fig. 4.2-1; DEIS, Fig. 2-12.

9. The wellfield was relocated to Progress-owned property south of the LNP site to reduce potential impacts of active dewatering during Levy operations on the aquifer underlying the project area. Report 74 at 2.

10. The DEIS does not rely on the groundwater modeling described in the ER, Rev. 0. Instead, it considers groundwater modeling described in Reports 74 and 123 and the requirements of the COC. DEIS at 5-27 to 5-28, 7-14, 7-15, 7-52, 10-9, Table 10-4 at 10-25.

Attachment B  
Florida Department of Environmental Protection  
Orders of January 12, 2010 and February 23, 2010  
Revised Conditions of Certification, dated February 23, 2010



# Florida Department of Environmental Protection

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

January 12, 2010

Mr. John Hunter  
Lead Environmental Specialist  
Progress Energy Florida, Inc.  
299 First Avenue North  
Mail Code: PEF-903  
St. Petersburg, FL 33701

RE: Progress Energy Levy Nuclear Plant  
Modification to Conditions of Certification  
Alteration of Submittal Dates  
DEP Case Number PA08-51A  
OGC Case Number 09-3933

## **FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION**

Dear Mr. Hunter:

On November 18, 2009 the Florida Department of Environmental Protection (Department) received a request from the Southwest Florida Water Management District to modify the Conditions of Certification for the Progress Energy Florida (PEF) Levy Nuclear Plant (LNP). The request is to alter specific submittal date requirements set forth in the Conditions of Certification.

The Department has reviewed the modification request. On or before November 20, 2009, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification.

On December 11, 2009, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW). Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to

become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Levy Nuclear Plant are hereby modified as follows:

**I. through XXVII.** No Change

**XXVIII. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
GROUNDWATER WITHDRAWAL QUANTITIES AND FACILITIES**

<b>District ID/ Owner ID</b>	<b>Water Allocation Average Gallons per Day</b>	<b>Well Casing/Depth Feet</b>	<b>STATUS</b> <u><b>LOCATION</b></u>
<b>1/PW-1</b>	<b>395,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>2/PW-2</b>	<b>395,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>3/PW-3</b>	<b>395,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>4/PW-4</b>	<b>395,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>5/CW-1*</b>	<b>90,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>TOTAL ALL WELLS</b>	<b>1,580,000</b>		

\* Temporary Construction Well (not a Permanent Production Well)

\*\* Estimated

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301, F.A.C., District Basis of Review (BOR) Sections 3.2, 3.4, 4.1, 4.4, 4.8, 4.10]*

**A. Special Conditions**

All conditions referring to the District shall mean the

Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 34604-6899

**1. Submit Reports/Data**

a. All reports and data required by these conditions of certification shall be submitted to the District (and copied to the DEP Siting Office) according to the due dates contained in the specific condition. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal. The Licensee may use the District’s website to submit data, plans or reports online. To set up an account, the Licensee can address the request to [permitdata@watermatters.org](mailto:permitdata@watermatters.org). All mailed reports and data are to be sent to:

Permit Data Section, Regulation Performance Management Department  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 34604-6899

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report required herein.

Submission of data: Unless submitted online or otherwise indicated in the special condition, an original (no copies) is required for data submittals such as meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data

b. Within sixty (60) days of Certification, the Licensee shall designate one individual responsible for receiving and responding to District notices and correspondence related to these conditions of certification. Notification to the District of the designee, including address and telephone number shall be in written form.

c. Prior to the construction and operation of the construction well (District ID No. 5; Licensee ID No. CW-1), the Licensee shall submit for District review and approval, under the provisions of Section A: Condition X of this Certification, the information required by the District's "Small General Permit" application form and any required supplemental forms (40D-2.101(2)(c), F.A.C. – March 2009).

*[Sections 373.016, 373.219, 373.236, F.S.; Rules 40D-2.301(1) and 40D-2.381(1), (2) and (4), F.A.C.; BOR Section 6.2]*

## **2. Environmental Impacts, Monitoring and Mitigation**

### **a. Environmental Assessment**

#### **i. Environmental Monitoring Plan**

~~Licensee shall submit a~~ An Environmental Monitoring Plan (EMP) shall be submitted no less than 3 years prior to any production well use in excess of 100,000 gallons per day (annual average) for production purposes. The EMP shall be approved and implemented a minimum of one-year prior to initial use of the first production well in excess of 100,000 gallons per day (annual average) for production purposes. ~~for District review and approval within 90 days of conditions of certification issuance.~~ The monitoring plan, at a minimum shall utilize the District's Wetland Assessment Procedure to evaluate the relative condition of surface waters and wetlands in areas potentially affected by water withdrawals of Licensee. Upon District approval, the plan shall be implemented and monitoring reports shall be provided in the annual monitoring report required by Condition No. A.2.a.v. After five years of monitoring following groundwater use rising to more than 1.25 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee may request the District release the Licensee from monitoring. If the District concurs with the request, the District will request DEP modify the conditions of certification to remove the monitoring condition.

#### **ii. Data Collection**

Licensee shall maintain and monitor the environmental monitoring sites included in the approved monitoring plan. Water levels for monitor wells staff gauges, and piezometers for the sites included in the monitoring plan shall be referenced to National Geodetic Vertical Datum (NGVD) and reported in a form acceptable to the District by the 10th day of each month for the preceding month. The time and date that the elevation is

taken shall be included. Any changes to the methods or frequency of monitoring for any of these data collection programs must be approved by the District.

iii. Staff Gauges

Licensee shall install and thereafter maintain District-approved staff gauges and shall report measurements of water levels, as indicated in the monitoring plan. Water levels shall be recorded and reported to the District on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded as indicated in the monitoring plan. The frequency of recording may be modified by the District as necessary to ensure protection of the resource.

iv. Monitoring Wells and Piezometers

Licensee shall monitor water levels in the monitor wells and piezometers as specified in the monitoring plan. Reports of the data shall be submitted to the District in a form acceptable to the District. All data shall be referenced to NGVD. The frequency of water-level recording may be modified by the District as necessary to ensure the protection of the resource.

v. Annual Environmental Monitoring Reports

Following implementations of the EMP, the Licensee shall submit an annual environmental monitoring data summary by January 1st of each year for the preceding water year (October 1 - September 30). The Annual Monitoring Report shall include all raw data, essential graphs, tables, and text. Monitoring progress at each site shall be summarized in the Annual Monitoring Report, as specified below. Licensee shall submit three copies of the Annual Monitoring Report each year. Interpretive reports of environmental conditions shall incorporate all environmental monitoring sites used. The Annual Monitoring Report shall assess relationships between water level fluctuations, well pumpage, atmospheric conditions, and drainage factors related to the environmental condition of the wetlands and surface waters in the vicinity of the Levy Nuclear Plant. Pumpage data, wetland, water level data collected from the aquifer and for the region, and environmental parameters collected at the monitoring sites and in the region (SWFWMD data shall be used for information of the region) shall be used for the report results. Statistical trend analysis, such as double-mass curve analysis, multiple linear regression, time series analysis and/or factor analysis shall be performed to analyze the interactions of rainfall and pumpage on surficial water levels, potentiometric levels in the semi-confined aquifers, surface waters, and wetland water levels, rate of soil subsidence, and evidence of vegetational succession. Data shall be obtained through field measurements and aerial photo interpretation. A brief summary of any recommended changes to the monitoring requirements shall be provided. Upon review of those recommended changes, SWFWMD may approve changes to the monitoring requirements under the approved Environmental Monitoring Plan.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 2.381(1), 2.381(4), F.A.C.; BOR Sections 1.5, 4.2, 5.8]*

### 3. Alternative Water Supply Implementation

The Licensee shall investigate the development of one or more alternative water supply projects to supply the water supply demands to offset all or a portion of the groundwater allocated by these conditions of certification. Alternative water supplies include seawater desalination, brackish surface or ground water, water that has been reclaimed after one or more uses, stormwater, and any other water supply source designated as non-traditional. If adverse impacts are detected or predicted through the Environmental Monitoring as specified in Condition A.2. or through aquifer performance testing or groundwater modeling as specified in Conditions A.4.a. and A.4.b. below, Licensee shall either mitigate such adverse impacts in accordance with a plan submitted by the Licensee and approved by the District or, by selecting and implementing an Alternate Water Supply project in accordance with the following schedule:

- a. Within 3 years of completion of site aquifer testing specified in condition, A.4.a. the Licensee shall submit for District approval, an Alternative Water Supply Plan. The Alternative Water Supply Plan shall evaluate, identify, and propose alternative water supply development of one million five hundred eighty thousand (1,580,000) gallons per day (gpd).
- b. Within 4 years of completion of site aquifer testing and modeling specified in condition A.4.a., Licensee shall submit to the District, a preliminary design of the approved alternative water supply project that the Licensee will implement.
- c. Within 3 years of groundwater use rising to more than 1.25 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee shall provide an analysis of environmental conditions as specified in Condition A.4.a. above. The Licensee may ask for a time extension or waiver for implementing the Alternate Water Supply project if the District confirms that adverse environmental impacts have not been detected or are not predicted to occur. The Alternate Water Supply project schedule shall be maintained unless the District confirms that adverse environmental impacts have not been detected or are not predicted to occur. If adverse environmental impacts are occurring or are predicted to occur, the Alternative Water Supply quantity required to be developed will be determined based upon a revised hydrogeologic evaluation performed by the Licensee and accepted by the District.
- d. With 4 years of completion of site aquifer testing specified in condition A.4.a., submit to the Florida Department of Environmental Protection and the District, applications for authorization to develop and use 1,580,000 gpd of alternative water sources for the project as appropriate, unless an extension of time or waiver has been granted by the District.
- e. Within 4 years of completion of site aquifer testing specified in condition A.4.a., submit to the District an alternative water supply implementation schedule detailing the dates when construction will begin and end, and the date when water will be delivered from the project for use by the Licensee.

f. Compliance with the Alternative Water Supply Implementation Schedule is required by the Licensee, unless extended or otherwise modified in writing by the District. Each year, by March 1, after the triggers described above, the Licensee shall submit to the District a status report describing the progress made on the Alternative Water Supply Implementation Schedule, including the specific actions taken to meet the requirements set forth above. If the project has fallen behind schedule, Licensee shall provide just cause for the delay and/or explain how the Licensee will comply with the schedule described herein.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301(1); BOR Section 3.1(pending amendment)]*

#### **4. Aquifer Testing and Groundwater Impact Analysis**

a. For the purpose of confirming Upper Floridan transmissivity and leakance values used in Licensee's groundwater flow model, a step-drawdown test shall be performed on the production wells. A multi-well constant-rate test shall be performed on two of the following production wells: District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, after the wells have been fully developed. Constant-rate multi-well test locations will be based on step-drawdown tests, water quality, and other data submitted to the District prior to the multi-well constant-rate site selections. The constant-rate tests shall be performed in accordance with the specifications in an Aquifer Performance Testing (APT) Plan submitted to and approved by the District. The APT Plan shall be submitted to the District ~~within 90 days of the approval of the conditions of certification~~ at least 6 months prior to the start of construction of the first production well to support plant operations. The step-drawdown and constant-rate tests shall be conducted by the Licensee within 6 months of completion of construction of the wells included in the APT Plan and , or within 6 months of the final approval of the APT Plan, whichever occurs later. In addition, these tests must be completed at least 5 years prior to initial the use of any of the first production wells in excess of 100,000 gallons per day (annual average) for production purposes. All recorded raw data and a full report analyzing the data shall be submitted to the District within ninety (90) days of completion of all the tests.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301(1); BOR Sections 1.5, 4.2, 4.5, 4.6, 4.8, 4.13]*

b. If any of the transmissivity or leakance values derived from either the step-drawdown or the multi-well constant-rate tests referenced in condition A.4.a. above, differ significantly from the values used in the groundwater flow model submitted as part of Licensee's application, the Licensee will revise its submitted Focused Telescoping Mesh Refinement groundwater model of the wellfield area based on the results of the aquifer tests described in Condition No. A.4.a. above. Significantly different transmissivity or leakance values shall mean any well having either a leakance or transmissivity value twenty (20) percent higher or lower than those included in the Licensee's submitted groundwater flow model. The revised model will include wellfield-specific Upper Floridan aquifer transmissivity or leakance values and properties derived from well drilling and the aquifer tests described in Condition ~~no~~ No. A.4.a.. The modeling parameters, including but not limited to the following: surficial aquifer transmissivity/hydraulic conductivity and thickness, Upper Floridan aquifer thickness and transmissivity/hydraulic conductivity, measured groundwater levels (NGVD) and gradients, aquifer leakage, and aquifer boundary conditions, may require revision to reasonably represent aquifer conditions. The revised model must also reflect a groundwater impact analysis including

cumulative and incremental analysis to evaluate the pumping effects on other water users, and other analysis to confirm that the withdrawal meets the District's conditions of issuance for water-use permits. If required, all groundwater modeling and a full report, meeting District modeling guidelines, shall be submitted to the District within one-hundred eighty (180) days of completion of the aquifer tests described in Condition No. A.4.a. above. Upon acceptance of the report by the District, the Licensee will complete any required Alternative Water Supply Implementation Plans as specified above.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 2.381(1), (4); BOR sections 4.2, 5.4, 5.5, 5.6, 5.7]*

## **5. Compliance Reporting**

The Licensee shall submit a compliance report beginning the fifth year after groundwater use rising to at least 1.25 million gallons per day (average annual daily withdrawal quantity) and at 5 year intervals thereafter. The report must contain sufficient information to demonstrate reasonable assurance that the withdrawals and use of water authorized by these conditions of certification continue to meet the substantive requirements set forth in Chapter 40D-2, F.A.C., and the District's Water Use Permit Information Manual Part B, Basis of Review. The compliance report shall include:

- a. Information documenting water demands and updated demand projections demonstrating that allocations from all sources in the conditions of certification will continue to be needed for the remainder of the conditions of certification duration;
- b. Documentation verifying that the sources are capable of supplying the needs authorized by these conditions of certification without causing harm to water and water-related resources;
- c. Documentation verifying that the use of water is efficient and that the Licensee is implementing all feasible water conservation measures;
- d. An updated ground water modeling analysis and data analysis demonstrating that the use of groundwater does not interfere with legal uses existing at the time of issuance of the conditions of certification;
- e. An updated ground water modeling analysis, along with statistical analyses of water-level and wetland monitoring data, demonstrating that the use does not cause adverse impacts to wetlands, and surface waters, or violations of MFLs;
- f. Documentation that ground water withdrawals by the Licensee are not causing or contributing to significant water quality deterioration, including but not limited to review and statistical analyses of groundwater level and water quality data collected by the Licensee under these conditions of certification;
- g. Information demonstrating that the lowest quality source of water is being used to meet the water demands.

Following review of this report and as requested by the District, DEP may modify the conditions of certification to ensure that the use continues to meet the substantive conditions for the consumptive use of water as set forth in Section 373.223, F.S., and Chapter 40D-2, F.A.C.

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4), F.A.C.]*

## **6. Pumpage Reporting**

Licensee shall meter withdrawals and record meter readings from each withdrawal point and water supply line on a monthly basis within the last week of the month. The meter readings shall be reported to the District on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.

Licensee shall install meters on District ID Nos. 1, 2, 3, 4, 5, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, CW-1, within 90 days of completion of construction of the withdrawal facilities.

All meters shall adhere to the following descriptions and shall be installed and maintained as follows:

a. All meters shall be non-resettable, totalizing flow meters that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring devices or alternative accounting or reporting methods are proposed, prior to installation, the Licensee shall submit documentation that the other measuring devices or accounting methods meet the accuracy requirement provided below. If the alternative accounting method involves a meter belonging to another entity or to an alternative water supply provider, the Licensee shall submit documentation from the owner/supplier that the meter readings conform to these meter requirements. Such documentation is subject to approval by the District. Approval for other measuring devices, accounting methods, or reporting methods must be obtained in writing from the Brooksville Regulation Department Director.

i. The flow meter(s) or other approved flow-measuring device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

ii. Accuracy testing requirements:

a) For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.

b) The meter shall be tested for accuracy on-site, as installed, every five years beginning from the date of its installation for new meters or from the date of initial issuance of the permit.

c) The testing frequency will be decreased if the Licensee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.

d) The test will be accepted by the District only if performed by a person certified on the test equipment used as described in the section entitled Flow Meter Verification, below.

e) If the actual flow is found to be greater than 5% different from the measured flow, within 30 days the Licensee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

b. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line. Existing systems that would require retrofitting to achieve the above standards will not be required to retrofit provided it is documented on the Flow Meter Accuracy Verification Form, Form No. LEG-R. 021.000 (07/08) that the flow meter is accurately and reliably measuring flow over different flow ranges or for the permanent operating flow.

c. If a metered withdrawal point, AWS inflow line or re-pump withdrawal point is not utilized during a given month, the meter report shall be submitted to the District showing the same meter reading that was submitted the previous month.

d. Broken or malfunctioning meter:  
If the meter or other flow-measuring device malfunctions or breaks, the Licensee shall:

- i. Notify the District within 15 days of discovering the malfunction or breakage;
- ii. Replace the broken or malfunctioning meter with a repaired or new meter, subject to the specifications given above, within 30 days of the discovery; and
- iii. Submit estimates of their pumpage as described below.

If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, the withdrawal point shall not lack a fully functioning meter for more than 60 consecutive days.

e. While the meter is not functioning correctly, the Licensee shall document the total amount of time in minutes that the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data are submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

f. In the event a new meter is installed to replace a broken meter, the meter and its installation shall meet the specifications of the District. The Licensee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1),(3), 40D-2.381(1), (4); F.A.C.; BOR 5.1, 6.2]*

## **7. Distribution Flexibility**

The average day, peak monthly, and maximum daily, if applicable, quantities for District ID No(s) 1, 2, 3, 4, 5, Licensee ID No(s) PW-1, PW-2, PW-3, PW-4, CW-1, shown above in the production withdrawal table are estimates based on projected distribution of pumpage, and are for water use inventory and impact analysis purposes. The quantities listed in the table for these individual sources are not intended to dictate the distribution of pumpage from the withdrawal sources. The Licensee may make adjustments in pumpage distribution as necessary up to 125 percent on an average basis, up to 125 percent on a peak monthly basis, so long as adverse environmental impacts do not result and other conditions of this certification are complied with. In all cases, the total average annual daily withdrawal and the total peak monthly daily withdrawal are limited to the quantities set forth above.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301, F.A.C., BOR sections 3.2, 3.4, 4.1]*

## **8. Water Quality Sampling**

a. Water quality samples shall be collected and analyzed for parameters and at the frequencies specified below. Water quality samples from production wells shall be collected from all wells, unless infeasible. If sampling is infeasible, Licensee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, Licensee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Brooksville Regulation Department Director. Reports of the analyses shall be submitted to the Permit Data Section, Regulation Performance Management Department, (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequencies of sampling and analyses may be modified by the Brooksville Regulation Department Director, as necessary to ensure the protection of the resource.

<u>District ID No.</u>	<u>Licensee ID No.</u>	<u>Minimum Pumping Time (minutes)</u>	<u>Parameter</u>	<u>Sampling Frequency</u>
1	PW-1	20 minutes	Chlorides, Sulfates, and T.D.S.	February, May, August and November
2	PW-2	20 minutes		
3	PW-3	20 minutes		
4	PW-4	20 minutes		

Water quality samples shall be collected quarterly and on the same week of the months specified.

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

b. Water quality samples from monitor wells shall be collected and analyzed for the District ID No., parameter(s), and frequency (ies) specified in the table below. Water quality samples shall be collected after pumping the monitor wells(s) to a constant temperature, pH, and conductivity. Sampling method(s) shall be designed to collect water quality samples that are chemically representative of the zone to be sampled. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories". The Licensee's sampling procedure(s) shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. A report describing the sampling and chain of custody procedures shall be included with the first data submitted after the date this permit is granted, and upon any change in sampling and/or analytical method(s). Any variance in sampling and/or analytical methods shall have prior approval of the District. Reports of the analyses shall be submitted to the District on District forms on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory that undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.

<u>District ID No.</u>	<u>Licensee ID No.</u>	<u>Parameter</u>	<u>Sample Frequency</u>
<del>5</del>	TBD	Chlorides, Sulfates, and TDS	May, September
6	TBD		
7	TBD		
8	TBD		
9	TBD		
10	TBD		

Water quality samples shall be collected based on the following timetable:

Semi-annually                      Same week of months specified

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

c. The District with DEP's concurrence, reserves the right to set chloride, sulfate or TDS concentration limits on any production well in the future to prevent long-term upward trends or other significant water quality changes from occurring, based on data collected and after a sufficient data base has been established to determine limits. These limits shall be required after discussions with the Licensee. At such time as the concentration in any water sample reaches or exceeds the designated concentration limits, the Licensee shall take appropriate action to reduce concentrations to below those set for the particular well. If the District determines that long-term upward trends or other significant water quality changes are occurring, the District may consult with FDEP to reconsider the quantities included in these conditions of certification.

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

d. During drilling of District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, water quality samples shall be collected at intervals of the change of drill rod or 30 feet, whichever is less, from 150 feet to a maximum depth of five feet above the bottom of the well when drilling on reverse air. Regardless of the specified sample collection interval, a sample shall be collected from the depth which corresponds to five feet above the bottom of the well. Samples shall be collected during reverse air drilling, or other appropriate method with prior approval by the District.

Samples shall be analyzed by a certified laboratory for Chloride, Sulfate, and Specific Conductivity. Licensee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Reports of the analyses shall be submitted to the Permit Data Section, Regulation Performance Management Department (using District forms) within thirty days of sampling, and shall include the signature of an authorized representative and the certification number of the Florida Department of Health certified laboratory utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories".

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or by Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

e. Monthly water levels for monitor wells for the sites included in the table below shall be referenced to NGVD, and reported in a form acceptable to the District by the tenth day of each month for the preceding month. The time and date that the elevation is taken shall be included. Changes to the methodology, extent, or frequency of monitoring at any of these sites may be modified by the District, as necessary to ensure the protection of the resources.

<u>District ID No.</u>	<u>Licensee Site No.</u>
<del>5</del>	<del>TBD</del>
6	TBD
7	TBD
8	TBD
9	TBD
10	TBD

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

## **9. Wells**

a. Well construction permits shall be obtained from the District by the Licensee for all wells to be constructed for this project. Well construction shall conform to requirements set forth in District and DEP rules for well construction.

*[Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.041, F.A.C.; WUP BOR 6.2]*

b. Wells not in use with no installed pumping equipment shall be capped or valved in a water tight manner in accordance with Rule 62-532.500(3)(a)(4), F.A.C.

*[Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.037, 40D-3.041, 40D-3.521, 62-532.500, F.A.C.]*

c. Within 90 days of the completion of each proposed well, Licensee shall submit to the District specific capacity (well testing) information from any test performed by the Water Well Contractor or pump installer on the well. This information shall include:

- i. Static water level before pumping
- ii. Duration of test pumping
- iii. Gallons per minute pumped
- iv. Final water level measured during pumping

If step-drawdown tests were performed, the information listed above shall be submitted for each step. A report analyzing the results shall be presented.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.301(2), F.A.C.]*

d. Within 90 days of construction, Licensee shall submit to the Permit Data Section, Regulation Performance Management Department, the specific locations of District ID Nos. 1, 2, 3, 4, 5, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, CW-1, on an original blue line aerial with a minimum scale of one inch equals 800 feet, or by latitude/longitude. Intake and mainline diameters for each of the above pumps shall be reported at the time of location reporting.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.301(2), F.A.C.]*

e. ~~Within one year of conditions of certification issuance,~~ Prior to start of construction activity that involves withdrawal of groundwater, the Licensee shall develop and implement a Water Conservation Plan (Plan) that includes practices currently employed or planned. This Plan shall address water conservation measures related to the construction phase of the project. In addition, the Licensee shall update this Plan, or submit a separate Plan, to address the operation phase of the project no later than one-year prior to the anticipated commercial operation of the first unit. For planned components, include an estimated time-frame for implementation for each. The Plan must indicate that technically and economically feasible water conservation opportunities have been or will be employed.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 3.4 (pending amendment)]*

f. The lowest quality water source, including reclaimed water, surface water and stormwater, must be used for each consumptive use authorized by these conditions of certification when available, except when Licensee demonstrates that the use of the lower quality water source is determined to be not economically, environmentally, or technologically feasible, in accordance with the District's Water Use Permit Information Manual Part B, Basis of Review, Sections 4.4 and 4.11.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 4.4, 4.11]*

g. Wetlands and other surface waters may not be adversely impacted as a result of the water use authorized by these conditions of certification. If unacceptable adverse impacts occur, the District will request that DEP modify the conditions of certification to curtail or abate the unacceptable adverse impacts, unless the impacts can be mitigated by Licensee.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 2.8, 4.2, 4.13, 6.2]*

h. A construction dewatering plan shall be provided to the District, for approval 6 months prior to the conduct of the dewatering. This plan shall include the details of the dewatering system, discharge quantities and location, a monitoring plan, and other details as appropriate to demonstrate that the dewatering plans meet the Districts Conditions of Issuance as included in 40D-2.301 and comply with all applicable Environmental Resource Permit construction dewatering requirements.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR Sections 3.5, 5.4, 5.5]*

**B. STANDARD CONDITIONS:**

Licensee shall comply with the following Standard Conditions:

1. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if Licensee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the conditions set forth herein, the District shall seek revocation of any conditions of certification.

2. These conditions of certification are imposed based on information provided by Licensee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of this certification, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the District shall seek modification these conditions of certification or revocation of the certification authorized by DEP.

3. Licensee shall not deviate from any of the District- imposed conditions of this certification without written approval by the District.

4. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, Licensee agrees that portions of these conditions of certification shall be modified, or declared inactive as necessary to address the water shortage.

5. The District shall collect water samples from any withdrawal point listed in these conditions of certification or shall require Licensee to submit water samples when the District determines there is a potential for adverse impacts to water quality.

6. Licensee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. Licensee shall either accompany District staff onto the property or make provision for access onto the property.

7. Licensee shall cease or reduce any surface water withdrawals as directed by the District if water levels in surface water fall below applicable minimum water level established in Chapter 40D-8 or rates of flow in streams fall below the minimum levels established in Chapter 40D-8.

8. Licensee shall cease or reduce withdrawals if water levels in aquifers fall below the minimum levels established by the District.

9. Licensee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the District adopts specific conservation requirements for Licensee's water use classification, these conditions of certification shall be modified accordingly.

10. The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, these conditions of certification shall be subject to them upon notice and after a reasonable period for compliance.

11. Licensee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, Licensee shall be required to mitigate the impacts. Adverse impacts include:

a. A reduction in water levels which impairs the ability of the well to produce water;

b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or

c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer water body.

12. Licensee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the Licensee shall be required to mitigate the impacts. Adverse impacts include:

a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses;

b. Sinkholes or subsidence caused by reduction in water levels;

c. Damage to crops and other vegetation causing financial harm to the owner; and

d. Damage to the habitat of endangered or threatened species.

13. When necessary to analyze impacts to the water resource or existing users, Licensee shall be required to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

14. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

15. Licensee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.

16. The annual average daily withdrawal quantity is determined by calculating the total quantity of water to be withdrawn over a one year period, divided by 365 days, which results in a gallons per day (gpd) quantity pursuant to Basis of Review, Section 3.2, Permitted Withdrawal Quantities. This is a running 12-month average, whereby each month the annual average daily quantity is recalculated based on the previous 12-month pumpage.

[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1),  
F.A.C.; BOR Section 6.1]

**XXIX-XLIX.** No Change

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd, MS 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to the this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.

Michael P. Halpin, P.E.  
Administrator,



Siting Coordination Office

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to §120.52  
Florida Statutes, with the designated  
Department Clerk, receipt of which is  
hereby acknowledged.

Essie Turner 1-12-10 Clerk      Date

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# Florida Department of Environmental Protection

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Michael W. Sole  
Secretary

February 23, 2010

Mr. John Hunter  
Lead Environmental Specialist  
Progress Energy Florida, Inc.  
299 First Avenue North  
Mail Code: PEF-903  
St. Petersburg, FL 33701

RE: Progress Energy Florida Levy Nuclear Plant  
Modification to Conditions of Certification  
Alteration of Submittal Dates  
DEP Case Number PA08-51B  
OGC Case Number 09-4277

## **FINAL ORDER MODIFYING CONDITIONS OF CERTIFICATION**

Dear Mr. Hunter:

On December 16, 2009 the Florida Department of Environmental Protection (Department) received a request from Progress Energy Florida (PEF) to modify the Conditions of Certification for the PEF Levy Nuclear Plant (LNP). The request is for a 90-day extension of the date set forth in the Conditions of Certification for the submittal of the Comprehensive Mitigation Plan.

The Department has reviewed the modification request. On or before January 8, 2010, all parties to the certification proceeding were provided with notice by certified mail of the Department's intent to modify the Conditions of Certification for this facility, along with a copy of the proposed Order Modifying Conditions of Certification. On January 22, 2010, notice of the Department's intent to modify the Conditions of Certification for this facility was published on the Florida Administrative Weekly (FAW).

Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of notice by mail to such party's last address of record in which to file a written objection to the modification; that any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested modification has 30 days from the date of publication of the public notice in the Florida Administrative Weekly to object in writing; that failure to act within the time frame constitutes a waiver of the right to become a party; and that the Department will issue an Order Modifying the Conditions of Certification for this facility if no written objections are received by the Department.

No objections to the modification have been received by the Department. The Conditions of Certification for the Levy Nuclear Plant are hereby modified as follows:

**I. through XXIII.** No Change

**XXIV. Wetlands Mitigation**

**A. Wetlands Mitigation Plan**

~~Within 180 days following certification,~~ By May 24, 2010, the Licensee shall provide to the Department for review and approval, refinements to the updated Wetland Mitigation Plan submitted on January 13, 2009, that fully offset the functional loss, as required by 62-345, F.A.C., all impacts to jurisdictional wetlands remaining after minimization and avoidance to those jurisdictional wetlands has been demonstrated. Mitigation will be in accordance with applicable rules and any "Comprehensive Mitigation Plan" approved by the Department. The submittal deadline may be further extended upon agreement between the Licensee and the Department upon a demonstration that reasonable progress has been made by the Licensee toward preparation of the proposed Plan and that additional time is warranted to complete the proposed Plan within the additional time requested.

*[62-345, F.A.C.]*

**XXIV.B. No Change**

**XXV- XLIX. No Change**

A complete set of the Conditions of Certification (including attachments) can be viewed and downloaded from the following website: <http://www.dep.state.fl.us/siting/certification.htm>. Copies of the Conditions of Certification and/or attachments may also be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd, MS 48, Tallahassee, Florida 32399-3000, (850) 245-2002.

Any party to this Order has a right to seek judicial review of it pursuant to Section 120.68, Florida Statutes by filing a Notice of Appeal, pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000, and by filing a copy of the Notice of Appeal, accompanied by the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty days from the date this Order is filed with the Clerk of the Department of Environmental Protection.

Executed in Tallahassee, Florida.



Michael P. Halpin, P.E.  
Administrator,  
Siting Coordination Office

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to §120.52  
Florida Statutes, with the designated  
Department Clerk, receipt of which is  
hereby acknowledged.

*Essie Turner* *Feb 23, 2010*  
Clerk Date

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STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



Levy Nuclear Power Plant  
Units 1 & 2  
Progress Energy Florida  
PA08-51B

CONDITIONS OF CERTIFICATION

Plant and Associated Facilities  
And  
Transmission Lines

Modified February 23, 2010

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- Appendix A NPDES permit No. FL0633275-001-IW1S/NP
- Appendix B Title V Air Operation Permit xxxxxxxx-xxx-AV
- Appendix C Air Construction Permit PSD-FL-403
- Appendix D ERP Permit 38-272432-002-ES
- Appendix E Levy County SE Approval
- Appendix F Board of Trustees Easement No. 31959

**SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES  
GENERAL and COMMON CONDITIONS**

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**I. CERTIFICATION CONTROL**

A. Pursuant to s. 403.501-518, F.S., the Florida Electrical Power Plant Siting Act, this certification is issued to Progress Energy Florida (PEF) as owner/operator of the Levy Nuclear Plant and associated facilities. PEF shall be responsible for the compliance with the conditions herein. Under the control of these Conditions of Certification PEF may construct, operate, and maintain two 1,150 MW (nominal) Westinghouse AP1000 nuclear reactors, makeup and blowdown pipelines and intake structures, a heavy haul road, two mechanical draft cooling towers, four 4,000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps, and other miscellaneous ancillary equipment. The plant is located on approximately 300 acres of the 3,105 acre site in Levy County, Florida.

B. Also under the control of these Conditions of Certification, Progress Energy Florida (PEF) will construct, operate and maintain the following transmission lines as part of the Levy Nuclear Power Plant;

- Two 500-kilovolt (kV) transmission lines, approximately 9 miles (including approximately 2 miles on the plant site and 7 miles on the certified corridor), each connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard (LNP) in Levy County to the proposed Citrus Substation near US19 and CR488 in Citrus County, also known as the Citrus 1 and 2 transmission lines (or LPC Lines);
- One 500-kV transmission line, approximately 59 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the proposed Central Florida South Substation near the boundary between Sumter County and the City of Leesburg in Lake County, also known as the Sumter transmission line (or LCFS Line);
- One 500-kV transmission line, approximately 14 miles, connecting the proposed Levy Nuclear Plant Units 1 and 2 switchyard in Levy County to the Crystal River Energy Complex (CREC) Switchyard in Citrus County, also known as the Crystal River transmission line (or LCR Line);
- Two 230-kV transmission lines, approximately 0.75 miles each, connecting the proposed Citrus Substation near US19 and CR488 in Citrus County to the Crystal River East Substation in Citrus County, also known as the Crystal River East 1 and 2 transmission lines (or CCRE Lines);
- One 230-kV transmission line, approximately 38 miles, connecting the Crystal River Energy Complex (CREC) Switchyard in Citrus County to the Brookridge Substation in Hernando County, also known as the Brookridge transmission line (or CB Line);
- One 230-kV transmission line, approximately 3 miles, connecting the Brookridge Substation in Hernando County to the Brooksville West Substation in Hernando County, also known as the Brooksville West transmission line (or BBW Line);
- One 230-kV transmission line, approximately 50 miles passing through Polk, Hillsborough and Pinellas Counties, connecting the Kathleen Substation to the Lake Tarpon Substation, also known as the Kathleen transmission line (or PHP Line) (from existing Griffin substation to existing Lake Tarpon substation, existing 115kV line will be replaced with new 230kV line); and

**SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES**  
**GENERAL and COMMON CONDITIONS**

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- Two 69-kV construction/administration radial transmission lines, the North line of 375 ft in length and the South line of 4.5 miles in length, providing site and administration power for the proposed Levy Nuclear Plant Units 1 and 2, also known as the Levy North and Levy South transmission lines (or IO/IS Lines).

C. These Conditions of Certification, unless specifically amended or modified, are binding upon PEF and shall apply to the construction, operation and maintenance of the Certified Project. If a conflict should occur between the design criteria of this Certified Project and the Conditions of Certification, the Conditions shall prevail unless amended or modified. In any conflict between any of these Conditions of Certification, the more specific condition governs.

*[Section 403.531, and 403.511F.S.]*

**II. APPLICABLE RULES**

The construction and operation of the Certified Project shall be in accordance with all applicable non-procedural provisions of Florida Statutes and Florida Administrative Code, including, but not limited to, the non-procedural portions of the following regulations, except to the extent a variance, exception, exemption or other relief is granted in the final order of certification: Chapter 403 (Environmental Control), Florida Statutes (F.S.), and Chapters 40D-2 through 4 (Consumptive Use of Water, Regulation of Wells, Individual Environmental Resource Permits), 40D-8 (Water Levels and Rates of Flow), 40D-9 (District Land Use Rules), 40-D21 (Water Shortage Plan), 40-D40 (General Environmental Resource Permits), 62-4 (Permits), 62-17 Part I (Electrical Power Plant Siting), 62-256 (Open Burning), 62-296 (Stationary Sources-Emission Standards), 62-297 (Stationary Sources-Emission Monitoring), 62-301 (Surface Waters of the State), 62-302 (Surface Water Quality Standards), 62-330 (Environmental Resource Permitting), 62-340 (Delineation of the Landward Extent of Wetlands and Surface Waters), 62-345 (Uniform Mitigation Assessment Method), 62-531 (Water Well Contractor Licensing Requirements), 62-532 (Water Well Permitting and Construction Requirements), 62-550 (Drinking Water Standards, Monitoring and Reporting), 62-555 (Permitting, Construction, Operation, and Maintenance of Public Water Systems), 62-560 (Requirements for Public Water Systems That Are Out of Compliance), 62-600 (Domestic Wastewater Facilities), 62-601 (Domestic Wastewater Treatment Plant Monitoring), 62-604 (Collection Systems and Transmission Facilities), 62-610 (Reuse of Reclaimed Water and Land Application), 62-621 (Generic Permits), 62-650 (Water Quality Based Effluent Limitations), 62-660 (Industrial Wastewater Facilities), 62-699 (Treatment Plant Classification and Staffing), 62-701 (Solid Waste Management Facilities), 62-762 (Aboveground Storage Tank Systems), 62-769 (Florida Petroleum Liability and Restoration Insurance Program), 62-770 (Petroleum Contamination Site Clean-Up Criteria), 62-780 (Contaminated Site Clean-Up Criteria), and 62-814 (Electric and Magnetic Fields), Florida Administrative Code (F.A.C.).

*[Section 403.511. F.S.]*

**III. DEFINITIONS**

Unless otherwise indicated herein, the meaning of terms used herein shall be governed by the definitions contained in Chapters 373 and 403, Florida Statutes, and any regulation adopted pursuant thereto. In the event of any dispute over the meaning of a term used in these conditions which is not defined in such statutes or regulations, such dispute shall be resolved by reference to the most relevant definitions contained in any other state or federal statute or

**SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES  
GENERAL and COMMON CONDITIONS**

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regulation or, in the alternative by the use of the commonly accepted meaning as determined by the Department. As used herein, the following shall apply:

- A. “Application” shall mean the Site Certification Application (SCA) filed by PEF for the Certified Facilities, as supplemented.
- B. “ARPC” shall mean the Apalachee Regional Planning Council.
- C. “Certified Facility” or “Certified Facilities” shall mean the certified electrical power generation facilities and all associated structures, including but not limited to: nuclear steam generating units, transformers, substations, fuel and water storage tanks, air and water pollution control equipment, storm water control ponds and facilities, cooling towers, and related structures, but not including the certified transmission lines.
- D. “Certified Project” shall mean the Certified Facilities and the Certified Transmission Lines.
- E. “Certified Transmission Line” or “Certified Transmission Lines” shall mean one or more of the transmission lines, as defined in Section 403.522(22), F.S., included in the Application.
- F. “CFRPC” shall mean the Central Florida Regional Planning Council.
- G. “Complete” shall mean the post-certification filing provides the data required by the relevant Condition of Certification.
- H. “DCA” shall mean the Florida Department of Community Affairs.
- I. “DEM” shall mean the Division of Emergency Management.
- J. “DEP” or “Department” shall mean the Florida Department of Environmental Protection.
- K. “DHR” shall mean the Florida Department of State, Division of Historical Resources.
- L. “District-owned lands” shall mean lands owned by the Water Management District at the time of certification.
- M. “DOH” shall mean the Department of Health.
- N. “DOT” shall mean the Florida Department of Transportation.
- O. “ECFRPC” shall mean the East Central Florida Regional Planning Council.
- P. “Emergency conditions” shall mean urgent circumstances involving potential adverse consequences to human life or property as a result of weather conditions or other calamity, and necessitating new or replacement facility or access components or facilities.
- Q. “Feasible” or “practicable” shall mean reasonably achievable considering a balance of land use impacts, environmental impacts, engineering constraints, and costs.
- R. “FWC” shall mean the Florida Fish and Wildlife Conservation Commission.
- S. “Licensee” shall mean Florida Power Corporation dba Progress Energy Florida, Inc., which has obtained a certification order for the Certified Project.

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T. “Listed species” shall mean the species listed in the Application as endangered, threatened or species of special concern by FWC, the Florida Department of Agriculture and Consumer Services, or the U.S. Fish and Wildlife Service.

U. “NCFRPC” shall mean the North Central Florida Regional Planning Council.

V. “NED” shall mean the DEP Northeast District Office.

W. “NEFRPC” shall mean the Northeast Florida Regional Planning Council.

X. “NRC” shall mean the United States Nuclear Regulatory Commission.

Y. “NFWWMD” shall mean the Northwest Florida Water Management District.

Z. “PEF” shall mean Florida Power Corporation, d/b/a Progress Energy Florida, Inc., the Applicant/Licensee.

AA. “Post-certification submittal” shall mean a submittal made by the Licensee pursuant to a Condition of Certification.

BB. “ROW” shall mean the transmission or pipeline right-of-way to be selected by the Licensee within the certified corridor in accordance with the Conditions of Certification.

CC. “SFRPC” shall mean the South Florida Regional Planning Council.

DD. “SFWMD” shall mean the South Florida Water Management District.

EE. “SJRWMD” shall mean the St. Johns River Water Management District.

FF. “SRWMD” shall mean the Suwanee River Water Management District.

GG. “SWD” shall mean the DEP Southwest District Office.

HH. “SWFRPC” shall mean the Southwest Florida Regional Planning Council.

II. “SWFWMD” shall mean the Southwest Florida Water Management District.

JJ. “State water quality standards” shall mean the numerical and narrative criteria applied to specific water uses or classifications set forth in Chapter 62-302, F.A.C., as revised through December 7, 2006.

KK. “TBRPC” shall mean the Tampa Bay Regional Planning Council.

LL. “TCRPC” shall mean the Treasure Coast Regional Planning Council.

MM. “Wetlands” shall mean those areas meeting the definition set forth in Section 373.019(25), F.S., as delineated pursuant to Chapter 62-340, F.A.C., and ratified by Section 373.4211, F.S.

NN. “WFRPC” shall mean the West Florida Regional Planning Council.

OO. “WRPC” shall mean the Withlacoochee Regional Planning Council.

*[Section 403.511, F.S.]*

**IV. DESIGN AND PERFORMANCE CRITERIA**

Certification, including these Conditions of Certification, is predicated upon preliminary design ranges and performance criteria. Final engineering design will be within the ranges described in the Application and explained at the certification hearing. Conformance to

**SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES  
GENERAL and COMMON CONDITIONS**

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those criteria, unless specifically modified in accordance with Section 403.516, F.S., and Rule 62-17.211, F.A.C., is binding upon the licensee in the design, construction, operation and maintenance of the Certified Project. In any instance where a conflict occurs between the Application's design criteria and the Conditions of Certification, the Conditions shall prevail.

*[Section 403.531, F.S.]*

**V. FACILITIES OPERATION**

The Licensee shall at all times properly operate and maintain the Certified Project and related appurtenances, and systems of treatment and control that are installed and used to achieve compliance with the conditions of this certification, and are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the approval and when required by Department rules.

*[Rule 62-4.160, F.A.C.]*

**VI. RECORDS MAINTAINED AT THE FACILITY**

1. These Conditions of Certification or a copy thereof shall be kept at the work site of the approved activity or other location approved by the department.

2. The Licensee shall hold at the facility, or other location designated by this approval or otherwise approved by the department, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation required by this approval, copies of all reports required by this approval, and records of all data used to complete the application for this approval. These materials shall be retained at least three (3) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule or federally required permit issued by the Department. The Licensee shall provide copies of these records to the Department upon request. If the Licensee becomes aware of relevant facts that were not submitted or were incorrect in any report to the Department, such facts or information shall be promptly submitted or corrected.

*[Rule 62-4.160, F.A.C.]*

**VII. CHANGE IN DISCHARGE OR EMISSIONS**

All discharges or emissions authorized herein shall be consistent with the terms and conditions of this certification. The discharge or emission of any pollutant not identified in the Application, or more frequently than, or at a level in excess of that authorized herein, shall constitute a violation of the certification. Any anticipated facility expansions, production increases, or process modifications which may result in new, different or increased discharge or emission of pollutants, change in fuel, or expansion in generating capacity must be reported by submission of an appropriate application for amendment, certification or modification pursuant to Chapter 403.516, F.S.

*[Section 403.516, F.S.]*

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GENERAL and COMMON CONDITIONS**

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**VIII. RIGHT OF ENTRY/MONITORING**

A. Upon presentation of credentials or other documents as may be required by law, the Licensee shall allow authorized representatives of DEP or other agencies with jurisdiction over a portion of the Certified Project:

1. At reasonable times, to enter upon the Certified Project in order to monitor activities within their respective jurisdictions for purposes of assessing compliance with this certification; or
2. During business hours, to enter the Licensee's premises in which records are required to be kept under this certification; and to have access to and copy any records required to be kept under this certification.

B. When requested by DEP, on its own behalf or on behalf of another agency with regulatory jurisdiction, the Licensee shall within 10 working days, or such longer period as may be mutually agreed upon by DEP and the Licensee, furnish any information required by law, which is needed to determine compliance with the certification. If the Licensee becomes aware that relevant facts were not submitted or were incorrect in the Application or in any report to DEP or other agencies, such facts or information shall be corrected promptly.

*[Section 403.531, F.S.; Rule 62-4.160, F.A.C.]*

**IX. SUBMITTALS AND NOTICES REQUIRED BY CONDITIONS**

Post-certification submittals and notices shall be sent, as specified in these Conditions, to the agencies specified in these Conditions at the following addresses, unless PEF and DEP are notified in writing of an agency's change in address for such submittals and notices:

Florida Department of Environmental Protection  
Siting Coordination Office, MS 48  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399-3900

Florida Department of Environmental Protection  
Southwest District Office  
13051 N Telecom Parkway  
Temple Terrace, FL 33637-0926

Florida Department of Environmental Protection  
Northeast District Office  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7577

Florida Department of Community Affairs  
Office of the Secretary  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399-2100

Florida Fish & Wildlife Conservation Commission  
Office of Policy and Stakeholder Coordination  
620 South Meridian Street  
Tallahassee, FL 32399-1600

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Florida Department of Transportation  
District Administration  
605 Suwannee Street  
Tallahassee, Florida 32399-0450

Florida Department of Agriculture and Consumer Services  
Division of Forestry  
3125 Conner Boulevard  
Tallahassee, Florida 32399-1650

East Central Florida Regional Planning Council  
Office of the Executive Director  
631 North Wymore Rd., Ste 100  
Maitland, FL 32751

Withlacoochee Regional Planning Council  
Office of the Executive Director  
1241 S.W. 10<sup>th</sup> Street  
Ocala, FL 34471-0323

Tampa Bay Regional Planning Council  
Office of the Executive Director  
4000 Gateway Centre Blvd., Ste. 100  
Pinellas Park, FL 33782

St. Johns River Water Management District  
Office of General Counsel  
4049 Reid Street  
Palatka, FL 32178-1429

Southwest Florida Water Management District  
Office of General Counsel  
2379 Broad Street  
Brooksville, FL 34604-6899

Florida Department of State,  
Division of Historical Resources  
500 S. Bronough Street  
Tallahassee, FL 32399-0250

Levy County  
Planning Department  
P.O. Box 1373  
Bronson, FL 32621

Citrus County  
Planning Department  
Citrus County Courthouse  
110 N. Apopka Ave.  
Inverness, Florida 34450

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Sumter County  
Planning Department  
910 North Main Street, Suite 301  
Bushnell, FL 33513

Hernando County  
Planning Department  
20 North Main Street, Room 363  
Brooksville, FL 34601-2849

Hillsborough County  
Planning Department  
County Center, 26th Floor  
601 E. Kennedy Blvd.,  
Tampa, FL 33602

Hillsborough County Environmental Protection Commission  
Director Office  
Roger P. Stewart Center  
3629 Queen Palm Dr  
Tampa, FL 33619-1309

Polk County  
Planning Department  
330 W. Church Street  
Bartow, FL 33830

Pinellas County  
Planning Department  
600 Cleveland Street, Suite 750  
Clearwater, FL 33755

Marion County  
Planning Department  
601 SE 25<sup>th</sup> Avenue  
Ocala, FL 34471-9109

*[Section 403.511, F.S.]*

**X. PROCEDURES FOR POST-CERTIFICATION SUBMITTALS**

**A. Purpose of Submittals**

Conditions of Certification which provide for the post-certification submittal of information to DEP or other agencies by the Licensee are for the purpose of facilitating the agencies' monitoring of the effects arising from the location of the Certified Project and the construction and maintenance of the Certified Project. This monitoring is for DEP to assure, in consultation with other agencies with applicable regulatory jurisdiction, continued compliance with the Conditions of Certification, without any further agency action.

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**B. Filings**

All post-certification submittals of information by PEF are to be filed with the DEP Siting Coordination Office, the DEP Southwest and Northeast District Offices, and any other agency that is required to receive a submittal by any Condition of Certification. As required by Section 403.5113(2), F.S., each post-certification submittal will be reviewed by each agency with regulatory authority over the matters addressed in the submittal on an expedited and priority basis.

The Licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the Licensee are identified. A summary shall be provided as a separate document for each transmission line. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the DEP Siting Coordination Office and any affected agency or agency subunit to which the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or equivalent.

Condition Number	Requirement and Timeframe	Due Date	Name of Agency or Agency Subunit to whom the submittal is required to be provided

**C. Completeness**

DEP shall promptly review each post-certification submittal for completeness. This review may include consultation with the other agency (ies) receiving the post-certification submittal with regulatory jurisdiction over the matter addressed in the submittal. DEP’s finding of completeness shall specify the area of the Certified Project affected, and shall not delay further processing of the post-certification submittal for non-affected areas. PEF may request that DEP Siting Coordination Office hold a meeting within 15 days after submittal to discuss any completeness issues. PEF may continue to supplement the submittal with additional information through the 25<sup>th</sup> day.

If any portion of a post-certification submittal is found to be incomplete, PEF shall be so notified. Failure to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness. Subsequent findings of incompleteness, if any, shall address only the newly filed information.

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**D. Interagency Meetings**

DEP may conduct an interagency meeting with other agencies, which received a post-certification submittal. The purpose of such an interagency meeting shall be for the agencies with regulatory jurisdiction over the matters addressed in the post-certification submittal to discuss whether compliance with the Conditions of Certification has been provided. Failure of DEP to conduct an interagency meeting or any agency to attend an interagency meeting shall not be grounds for DEP to withhold a determination of compliance with these Conditions nor to delay the timeframes for review established by these Conditions. At DEP's request, PEF shall conduct a field inspection with the agency representative in conjunction with the interagency meeting.

**E. Determination of Compliance**

DEP shall give written notification within 90 days, to the Licensee and the other agency(ies) to which the post-certification information was submitted of its determination whether there is demonstration of compliance with the conditions of certification. If it is determined that compliance with these conditions has not been provided, PEF shall be notified with particularity of the deficiencies and possible corrective measures suggested. Failure to notify PEF in writing within 90 days of receipt of a complete post-certification submittal shall constitute a determination of compliance.

**F. Commencement of Construction**

If DEP does not object within the time period specified in paragraph E. above, PEF may begin construction pursuant to the terms of the Conditions of Certification and the subsequently submitted construction details.

**G. Water Quality Certification**

For each post-certification submittal which addresses matters within DEP's environmental resource permitting jurisdiction, DEP shall provide to the U.S. Army Corps of Engineers (USCOE) a letter stating that the Licensee has met the requirements for 33 United States Code (U.S.C.) 1341. This letter shall be sent concurrently with a determination of compliance pursuant to paragraph E above, or as soon as practicable upon request by PEF more than 90 days after the filing of a complete post-certification submittal addressing matters with DEP's environmental resource permitting jurisdiction.

**H. Coastal Zone Consistency**

Pursuant to Section 380.23, F.S., DEP's letter to the USCOE under paragraph G above constitutes the state's concurrence that the licensed activity or use is consistent with the federally approved program under the Florida Coastal Management Act.

**I. Revisions to Design Previously Reviewed for Compliance**

The Licensee shall submit to DEP, for its review, any proposed revisions to the project's site specific design that were previously reviewed for compliance with these Conditions during the post-certification review process. Such submittals shall include the same type of information required for the original submittal and shall be submitted prior to construction/implementation.

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**J. Variation to Submittal Requirements**

DEP, in consultation with the appropriate agencies that have regulatory authority over a matter to be addressed in a post-certification submittal, and PEF may jointly agree to vary any of the post-certification submittal requirements, provided the information submitted is sufficient to provide reasonable assurances of compliance with these Conditions of Certification.

**K. Disputes**

Any agency which received a post-certification submittal pursuant to these Conditions may dispute a determination that a submittal provides reasonable assurances of compliance with the Conditions of Certification made by DEP on matters within that agency's jurisdiction by following the procedures set forth in Chapter 120, F.S. The agency's statement disputing DEP's determination shall state with particularity the location to which the agency's dispute relates. Work in areas other than the location to which the agency's dispute relates will not be affected by the agency's dispute.

*[Sections 403.511, 373.413, 373.416, 120.569, and 380.23, F.S.; 62-17.191, 62-17.201, and 62-17.205, F.A.C.]*

**XI. DISPUTE RESOLUTION**

If a situation arises in which mutual agreement cannot be reached between DEP and another agency receiving a post-certification submittal or between DEP and PEF regarding compliance with the Conditions of Certification, then the matter shall be immediately referred to the Division of Administrative Hearings (DOAH) for disposition in accordance with the provisions of Chapter 120, F.S. PEF or DEP may request DOAH to establish an expedited schedule for the processing of such a dispute.

*[Sections 403.511, and 120.57, F.S.]*

**XII. SEVERABILITY**

The provisions of this certification are severable, and if any provision of this certification or the application of any provision of this certification to any circumstance is held invalid, the remainder of the certification or the application of such provision to other circumstances shall not be affected thereby.

*[Section 403.511, F.S.]*

**XIII. ENFORCEMENT**

A. The terms, conditions, requirements, limitations and restrictions set forth in these Conditions of Certification are binding and enforceable pursuant to Sections 403.141, 403.161, and 403.514, 403.727, and 403.859 through 403.861, F.S. Any noncompliance by the Licensee with a Condition of Certification constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, license termination, license revocation, or license revision. The Licensee is placed on notice that the Department will review this certification periodically and may initiate enforcement action for any violation of these Conditions.

B. All records, notes, monitoring data and other information relating to the construction or operation of the Certified Project which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the Certified Project arising under the Florida Statutes or Department rules, except that such evidence shall only be

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used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

*[Sections 403.141, 403.161 and 403.514, F.S.]*

**XIV. REVOCATION OR SUSPENSION**

The certification shall be final unless revised, revoked or suspended pursuant to law. This certification may be suspended or revoked pursuant to Section 403.512, Florida Statutes, or for violations of any of these Conditions of Certification. This approval is valid only for the specific processes and operations identified within the Application and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this approval may constitute grounds for revocation and enforcement action by the Department. Any enforcement action, including suspension and revocation, shall only affect the portion(s) of the Certified Project that are the cause of such action, and other portions of the Certified Project shall remain unaffected by such action.

*[Section 403.512, F.S.]*

**XV. SAFETY**

The overall design, layout, and operation of the Certified Project shall be such as to minimize hazards to humans and the environment. Security control measures shall be utilized to prevent exposure of the public to hazardous conditions. The applicable Federal Occupational Safety and Health Standards shall be complied with during construction and operation.

**XVI. CIVIL AND CRIMINAL LIABILITY**

This certification does not relieve the Licensee from civil or criminal penalties for noncompliance with any conditions of this certification, applicable rules or regulations of the Department, or any other state statutes or regulations which may apply. As provided in Section 403.511, F.S., the issuance of this certification conveys neither any vested rights nor any exclusive privileges. Neither does it authorize any injury to human health or welfare, animal or plant life, public or private property or any invasion of personal rights.

This certification does not allow any infringement of federal, state, or local laws or regulations, nor does it allow the Licensee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order or permit from the Department or these Conditions of Certification. This approval is not a waiver of any other Department approval that may be required for other aspects of the total project under federally delegated or approved programs.

*[Rule 62-4.160, F.A.C.]*

**XVII. PROPERTY RIGHTS**

A. The issuance of this certification does not convey any property rights in either real or personal property, or any exclusive privileges thereto. The Licensee shall obtain title, lease, easement, or right of use from the State of Florida to any sovereign submerged or other state-owned uplands occupied or utilized by the Certified Project.

B. If any portion of the project is located on sovereign submerged lands, state-owned uplands, or within an aquatic preserve, then the project must comply with the applicable portions of Chapters 18-2, 18-20 and 18-21, F.A.C., and Chapters 253 and 258, F.S. If any portion of the

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Certified Project is located on sovereign submerged lands, the Licensee must submit section G of the Joint Application for Environmental Resource Permits to the Department prior to construction. If any portion of the Certified Project is located on state-owned uplands, the Licensee must submit an Upland Easement Application to the Department prior to construction.

C. If a portion of the Certified Project is located on sovereign submerged lands or state-owned uplands owned by the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Article X, Section 11 of the Florida Constitution, then the activity requires a proprietary authorization. The activity is not exempt from the need to obtain a proprietary authorization. The Department has the responsibility to review and take action on requests for proprietary authorization in accordance with Section 18-2.018 or 18-21.0051, F.A.C.

D. The Licensee is hereby advised that Florida law states: “No person shall commence any excavation, construction, or other activity involving the use of sovereign or other state lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund or the Department of Environmental Protection under Chapter 253, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.” Pursuant to Chapter 18-14, F.A.C., if such work is done without consent, or if a person otherwise damages state land or products of state land, the Board of Trustees may levy administrative fines of up to \$10,000 per offense.

E. The terms, conditions, and provisions of the required lease or easement shall be met. Construction of this activity shall not commence on sovereign submerged lands or state owned uplands, title to which is held by the Board of Trustees of the Internal Improvement Trust Fund, until all required lease or easement documents have been executed to the satisfaction of the Department.

*[Section 403.511, F.S.; Chapters 253 and 258, F.S., Chapter 3.1.1. of the B.O.R.; 18-2, 18-14, 18-21, 62-343.900(1), Section G, and 62-4.160 and 62-340, F.A.C.; Upland Easement Application and Section G of the Environmental Resource Permit Application Form.]*

**XVIII. PROCEDURAL RIGHTS**

Except as specified in Chapter 403, F.S., or Chapter 62-17, F.A.C., no term or Condition of Certification shall be interpreted to preclude the post-certification exercise by the Licensee of whatever procedural rights it may have under Chapter 120, F.S., including those related to rule-making proceedings.

*[Chapter 120, F.S.]*

**XIX. MODIFICATION OF CERTIFICATION**

A. Pursuant to Section 403.516(1)(a), F.S., Section 120.569(2)(n), F.S., and Rule 62-17.211, F.A.C., the Siting Board hereby delegates the authority to the Department of Environmental Protection to modify, after notice and receipt of no objection by a party or other substantially affected person, any conditions which would not otherwise require approval by from the Siting Board. In addition, the Department is delegated the authority to modify conditions as follows:

1. The Department may modify any condition of this certification after notice and opportunity for hearing except those pertaining to fuel change.

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2. The certification shall be modified to conform to subsequent DEP-issued amendments, modifications, or renewals of any separately issued Prevention of Significant Deterioration (PSD) permit, Title V Air Operation permit, Underground Injection Control (UIC) permit, or National Pollutant Discharge Elimination System (NPDES) permit for the project. In the event of a conflict, the more stringent of the conditions of such permits or of these Conditions of Certification shall be controlling.

3. The Department may grant modifications necessary to meet licensing conditions or requirements imposed on PEF by any federal regulatory agency. The Licensee shall notify DEP at least 30 days prior to the issuance of the federal license that would require such a modification, if known, or in any event, as soon as the federal agency notifies the Licensee.

4. The Department may authorize the reconstruction of a ROW or component of the Certified Project necessary to avoid or mitigate an emergency condition. Such a modification shall be obtained only when an emergency replacement must be further modified after the emergency conditions requiring the original reconstruction are no longer present.

B. DEP shall make a good faith effort to give written notice to the parties to the original certification, at their last address of record, of any proposed modification of certification.

C. Any modification to these conditions shall affect only the components of the Certified Project that are the subject of the modification request or the Department's proposed order of modification.

D. An electrical power plant certified pursuant to this act shall comply with rules adopted by the department subsequent to the issuance of the certification which prescribe new or stricter criteria, to the extent that the rules are applicable to electrical power plants. Except when express variances, exceptions, exemptions, or other relief have been granted, subsequently adopted rules which prescribe new or stricter criteria shall operate as automatic modifications to certifications.

E. Upon written notification to the department, any holder of a certification issued pursuant to this act may choose to operate the certified electrical power plant in compliance with any rule subsequently adopted by the department which prescribes criteria more lenient than the criteria required by the terms and conditions in the certification which are not site-specific.

F. No term or condition of certification shall be interpreted to preclude the postcertification exercise by any party of whatever procedural rights it may have under chapter 120, including those related to rulemaking proceedings. This subsection shall apply to previously issued certifications.

*[Sections 120.569(2)(n), 403.511(5)(a) and 403.516, F.S.; Rule 62-17.211, F.A.C.]*

**XX. TRANSFER OF CERTIFICATION**

This certification is transferable in whole or in part, upon Department approval, to an entity determined to be competent to construct, operate and maintain the Certified Project in accordance with these Conditions of Certification. A transfer of certification of all or part of the Certified Project shall be initiated by the Licensee's filing with the Department and the parties a notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for

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compliance with the certification. The provisions of Chapter 120, F.S., will apply to the Department's approval or denial of the transfer.

*[Chapter 120, and Section 403.511, F.S.; Rules 62-17.211 and 40D-4.351, F.A.C.]*

**XXI. EROSION/RUNOFF CONTROL**

1. PEF shall compact or otherwise stabilize any fill material placed around newly installed structures, to reduce erosion, turbidity, nutrient loading and sedimentation in the receiving waters.

2. Grass seed and mulch or sod must be installed and maintained on exposed slopes prior to finalization of construction, and at all times measures must be taken to prevent erosion, sedimentation or turbid discharges into wetlands or waters of the state, where the soils have been disturbed during construction.

3. To control runoff which may reach and thereby pollute waters of the state, necessary measures shall be utilized to settle, filter, treat or absorb silt-containing or pollutant-laden storm water to ensure against spillage or discharge of excavated material that may cause turbidity in excess of 29 Nephelometric Turbidity Units (NTU) above background in waters of the state. Control measures may consist of sediment traps, barriers, berms, and vegetation plantings, and must be maintained in effective condition at all locations where sediment has the potential to reach nearby wetlands until construction in the area is completed and disturbed soil areas are stabilized. Exposed or disturbed soil shall be protected and stabilized as soon as possible to minimize silt and sediment-laden runoff. The pH of the runoff shall be kept within the range of the applicable nonprocedural requirements in Rule 40D-4, F.A.C.

4. PEF shall ensure that adjacent properties are not impacted by wind erosion, or emissions of unconfined particulate matter in accordance with Rule 62-296.320(4)(c)1., F.A.C., by taking appropriate measures to stabilize affected areas. (For the portions of the Certified Transmission Lines within Hillsborough County, the Hillsborough County Environmental Protection Commission will be the entity responsible for enforcement of this condition.)

*[Section 403.511, F.S.; Rules 40D-4.381, and 62-296.320, F.A.C.; Rule 1-3.26 of the Hillsborough County Environmental Protection Commission]*

**XXII. CONSTRUCTION PRACTICES**

**A. Open Burning**

Any open burning in connection with initial land clearing shall be in accordance with the non-procedural requirements of Chapter 62-256, F.A.C., Chapter 5I-2, F.A.C., Uniform Fire Code Section 33.101, Addendum. Prior to any burning of construction-generated material, after initial land clearing that is allowed to be burned in accordance with Chapter 62-256, F.A.C., PEF shall seek approval from the either DEP Southwest or Northeast District Office, as appropriate, whose approval may be granted in conjunction with the Division of Forestry. Burning shall not occur if not approved by the appropriate agency or if the Department or the Division of Forestry has issued a ban on burning due to fire safety conditions or due to air pollution conditions. A copy of any submittal by PEF relating to open burning shall be submitted to Levy County and/or Hillsborough County Environmental Protection Commission, for any open burning that will take place in Levy or Hillsborough County, respectively, for informational

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purposes. A copy of any submittal by PEF relating to open burning within Pinellas County or within 5 miles of Pinellas County shall be submitted to Pinellas County for informational purposes.

*[Section 403.511, F. S.; Chapters 51-2 and 62-256, F.A.C.]*

**B. Solid Wastes**

Solid wastes resulting from construction shall be disposed of in accordance with the non-procedural requirements of applicable regulations of Chapter 62-701, F.A.C.

*[Section 403.511, F.S.; Chapter 62-701, F.A.C.]*

**C. Hazardous Substances and Spills**

1. If hazardous substances are used in the construction or maintenance of the Certified Project, PEF shall provide the DEP with reasonable assurances that such hazardous substances will not enter stormwater drains or waterbodies.

2. Fuel and other petroleum product spills that enter stormwater drains or waterbodies, or fuel and other petroleum product spills that are in excess of 25 gallons shall be contained, cleaned up, and immediately reported to the appropriate DEP District Water Resources Office (NED - ph: 904-807-3302; SWD - ph: (813) 632-7600). A copy of any submittal by PEF pursuant to this paragraph, for any spills located in Pinellas County, shall be provided to Pinellas County for informational purposes. Smaller ground surface spills shall be cleaned up as soon as practical.

*[Sections 403.511 and 403.414, F.S.; Chapter 40D-4, F.A.C.]*

**XXIII. HERBICIDES**

Herbicides applied at the plant site or in any ROW shall only be those registered by the U.S. Environmental Protection Agency and which have state approval. Herbicide application rates and concentrations will be in accordance with label directions and will be carried out by a licensed applicator, meeting all federal, state and local regulations. Herbicide applications shall be selectively applied to targeted vegetation. Broadcast application of herbicide shall not be used in the ROW unless effects on non-targeted vegetation are minimized.

*[Sections 403.061, 403.088, 487.031 and 487.041, F.S.]*

**XXIV. WETLANDS MITIGATION**

**A. Wetlands Mitigation Plan**

By May 24, 2010, the Licensee shall provide to the Department for review and approval, refinements to the updated Wetland Mitigation Plan submitted on January 13, 2009, that fully offset the functional loss, as required by 62-345, F.A.C., all impacts to jurisdictional wetlands remaining after minimization and avoidance to those jurisdictional wetlands has been demonstrated. Mitigation will be in accordance with applicable rules and any "Comprehensive Mitigation Plan" approved by the Department. The submittal deadline may be further extended upon agreement between the Licensee and the Department upon a demonstration that reasonable progress has been made by the Licensee toward preparation of the proposed Plan and that additional time is warranted to complete the proposed Plan within the additional time requested.

*[62-345, F.A.C.]*

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**B Certified Transmission Lines**

1. For each Certified Transmission Line, mitigation may not be required by DEP if the project is not located within wetlands, is not expected to adversely impact wetlands or complies with the following conditions:

a. All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and

b. The Licensee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right-of-way, and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and

c. Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portions of the right-of-way; and

d. Erosion control methods shall be implemented as necessary to ensure that state water quality standards for turbidity are met. Diversion and impoundment of surface waters shall be minimized; and

e. The proposed construction and clearing shall not adversely affect threatened and endangered species; and

f. The proposed construction and clearing shall not result in a permanent change in existing ground surface elevation.

g. Where fill is placed in wetlands, the clearing to ground of forested wetlands is restricted to 4.0 acres per 10-mile section of the project, with no more than one impact site exceeding 0.5 acres. The impact site which exceeds 0.5 acres shall not exceed 2.0 acres. The total forested wetland clearing to the ground per 10-mile section shall not exceed 15 acres. The 10-mile sections shall be measured from the beginning to the terminus, or vice versa, and the section shall not end in a wetland.

h. Clearing or fill must not occur within 550 feet from the shoreline of a named waterbody designated as an Outstanding Florida Waterbody (OFW).

2. If a Certified Transmission Line does not comply with the requirements of paragraph A above, mitigation can be required. For construction in wetlands that does not comply with those requirements, PEF shall propose a mitigation plan as a post-certification submittal under Condition IX. The following information shall be provided to the DEP Southwest and Northeast Districts' Environmental Resource Permitting Sections for review:

a. detailed description, location map, and recent aerial photograph of each wetland impact area in which the Rule 62-341.620(2)(b)-(i), F.A.C., limitations were not met;

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- b. acreage of the type and quality of wetland being impacted at each such site;
- c. narrative, drawings, location map, and aerial photographs showing and explaining the proposed mitigation, or in the case of a mitigation bank, the name and location of the bank;
- d. detailed description of the existing conditions at the impact site and, unless a mitigation bank is proposed, at the mitigation area;
- e. acreage and wetland type of the proposed mitigation, or for a mitigation bank, the type and number of credits;
- f. if not a mitigation bank, documentation providing reasonable assurance that the proposed mitigation will be successful; and
- g. an analysis pursuant to Chapter 62-345, F.A.C., to the extent applicable.
- h. To the extent mitigation will be provided from a mitigation bank, a credit reservation letter will be provided from the selected bank demonstrating the necessary credits are being set aside to offset project impacts.

3. Mitigation plans must be found to fully offset the functions and values provided by wetlands that will be degraded or eliminated to the abundance and diversity of fish, wildlife and listed species, and the habitat of fish, wildlife and listed species. DEP will work with PEF in the development of acceptable mitigation plans for the impact areas using UMAM. The mitigation plans proposed by PEF shall be submitted for review and compliance monitoring to DEP under Condition VIII. Provide the supporting UMAM information required in Chapter 62-345, F.A.C. A restoration plan will be provided for the impact areas by PEF.

4. If DEP, upon review of the proposed mitigation plan, determines that the proposed mitigation is inadequate to offset the loss of wetland values described above from this project, PEF may propose additional or alternative mitigation or dispute the determination pursuant to Condition IX.

5. If the proposed mitigation plan is deemed acceptable by DEP and does not involve the use of a mitigation bank, the construction conditions, success criteria and a monitoring plan will be incorporated into the construction conditions as an Attachment.

6. No construction within wetlands subject to the regulatory jurisdiction of DEP that does not comply with the non-procedural limitations of Rule 62-341.620(2)(b)-(i), F.A.C., or paragraph A above, shall commence until DEP approves a mitigation plan, and, if a bank is not used, mitigation construction conditions, success criteria and a monitoring plan are incorporated into the certification conditions.

7. PEF shall be deemed to have met the requirements of this condition if PEF satisfies the criteria of either Section 3.3 or Appendix 4(3) of the SWFWMD's Basis of Review for Environmental Resource Permit Applications (February 2007) or SJRWMD's ERP Basis of Review as appropriate, and Chapter 62-345, F.A.C., if applicable.

*[Section 373.414, 403.511, and 403.814(6), F.S.; 40D-4.091, 40D-4.301, 40D-4.302, 62-341.620, F.A.C., and 62-345, F.A.C.]*

**SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES  
GENERAL and COMMON CONDITIONS**

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**XXV. DEPARTMENT OF TRANSPORTATION**

**A. Post-Certification Reviews of FDOT Matters**

**1. Access Management to the State Highway System:**

Any access to the State Highway System will be subject to the requirements of Rule Chapters 14-96, State Highway System Connection Permits, and 14-97, Access Management Classification System and Standards, F.A.C.

**2. Overweight or Overdimensional Loads:**

Operation of overweight or overdimensional loads by the Licensee on State transportation facilities during construction and operation of the Certified facilities, including the Certified Transmission Lines, will be subject to safety and permitting requirements of Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

**3. Use of State of Florida Right-of-Way or Transportation Facilities:**

All usage and crossing of State of Florida right-of-way or transportation facilities will be subject to Rule Chapter 14-46, Utilities Installation or Adjustment, F.A.C.; Florida Department of Transportation's Utility Accommodation Manual (Document 710-020-001); Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Standard Specifications for Road and Bridge Construction; and pertinent sections of the Florida Department of Transportation's Project Development and Environmental Manual.

U.S. 19/SR 55 and U.S. 41 have been identified as Florida Intrastate Highway System (FIHS) and Strategic Intermodal System's (SIS) facilities. The placement of transmission lines and pipelines should take into consideration the planned widening of these facilities to the extent that DOT already owns the property rights planned for future widening. If future widening is required, the cost of relocating or reconstructing the certified transmission lines and pipelines within those roads ROWs will be borne by the Licensee to the extent required by Section 337.403, F.S., and Rule Chapter 14-46, F.A.C.

**4. Standards:**

The Manual on Uniform Traffic Control Devices; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; Florida Department of Transportation's Utility Accommodation Manual; and pertinent sections of the Department of Transportation's Project Development and Environmental Manual will be adhered to in all circumstances involving the State Highway System and other state transportation facilities.

**5. Drainage:**

Any drainage onto State of Florida right-of-way and transportation facilities will be subject to the requirements of Rule Chapter 14-86, Drainage Connections, F.A.C., including the attainment of any permit required thereby.

**SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES  
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**6. Use of Air Space:**

Any newly proposed structure or alteration of an existing structure will be subject to the requirements of Chapter 333, F.S., and Rule 14-60.009, Airspace Protection, F.A.C. Additionally, notification to the Federal Aviation Administration (FAA) is required prior to beginning construction, if the structure exceeds notification requirements of 14 CFR Part 77, Objects Affecting Navigable Airspace, Subpart B, Notice of Construction or Alteration. Notification will be provided to FAA Southern Region Headquarters using FAA Form 7460-1, Notice of Proposed Construction or Alteration in accordance with instructions therein. A subsequent Determination by the FAA stating that the structure exceeds any federal obstruction standard of 14 CFR Part 77, Subpart C for any structure that is located within a 10-nautical-mile radius of the geographic center of a public-use airport or military airfield in Florida will be required to submit information for an Airspace Obstruction Permit from the Florida Department of Transportation or variance from local government depending on the entity with jurisdictional authority over the site of the proposed structure. The FAA Determination regarding the structure serves only as a review of its impact on federal airspace and is not an authorization to proceed with any construction. However, FAA recommendations for marking and/or lighting of the proposed structure are made mandatory by Florida law. For a site under Florida Department of Transportation jurisdiction, application will be made by submitting Florida Department of Transportation Form 725-040-11, Airspace Obstruction Permit Application, in accordance with the instructions therein.

**7. Level of Service on State Roadway Facilities**

All traffic impacts to State roadway facilities on the FIHS or the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to the requirements of the level of service standards adopted by local governments pursuant to Rule Chapter 14-94, Statewide Minimum Level of Service Standards, Florida Administrative Code, in accordance with Section 163.3180(10), Florida Statutes. All traffic impacts to State roadway facilities not on the FIHS, the SIS, or funded by Section 339.2819, Florida Statutes, will be subject to adequate level of service standards established by the local governments.

**8. Railroad Grade Crossings**

Any newly proposed railroad crossing must comply with the criteria established in Rule Chapter 14-57, Florida Administrative Code (FAC).

**B. Best Management Practices**

1. Traffic control during facility construction and maintenance will be subject to the standards contained in the Manual on Uniform Traffic Control Devices; Rule Chapter 14-94, Statewide Minimum Level of Service Standards, F.A.C.; Florida Department of Transportation's Design Standards for Design, Construction, Maintenance and Utility Operation on the State Highway System; Florida Department of Transportation's Standard Specifications for Road and Bridge Construction; and Florida Department of Transportation's Utility Accommodation Manual, whichever is more stringent.

2. It is recommended that PEF encourage transportation demand management techniques by doing the following:

a. Placing a bulletin board on site at staging and show-up areas for car pooling advertisements.

**SECTION A. PLANT AND ASSOCIATED TRANSMISSION LINES  
GENERAL and COMMON CONDITIONS**

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b. Requiring that heavy construction vehicles remain onsite or at staging areas for the duration of construction to the extent practicable.

3. If the licensee uses contractors for the delivery of any overweight or overdimensional loads to the site during construction, PEF should ensure that its contractors adhere to the necessary standards and receive the necessary permits required under Chapter 316, F.S., and Rule Chapter 14-26, Safety Regulations and Permit Fees for Overweight and Overdimensional Vehicles, F.A.C.

*[Chapters 14-26, 14-46, 14-57, 14-86, 14-94, 14-96, and 14-97, F.A.C.; Chapters 316 and 333, F.S.; Sections 337.401-404, F.S.; 14 C.F.R. Part 77]*

**XXVI. DEPARTMENT OF STATE - DIVISION OF HISTORICAL RESOURCES**

A. With respect to the Certified Project, if historical or archaeological artifacts are discovered at any time within the Certified Project site, the Licensee shall notify the DEP Siting Office, the applicable DEP District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073.

B. With respect to the Certified Transmission Lines, after the ROW has been selected, PEF shall conduct a survey of sensitive cultural resource areas, as determined in consultation with the Department of State, Division of Historical Resources (DHR). A qualified cultural resources consultant will identify an appropriate work plan for this project based on a thorough review of the certified corridor. Prior to beginning any field work, the work plan will be reviewed in consultation with DHR. Upon completion of the survey, the results will be compiled into a report which shall be submitted to DHR. If practicable, sites considered to be eligible for the National Register shall be avoided during construction of the transmission line and access roads, and subsequently during maintenance of the ROWs. If avoidance by the proposed ROW of any discovered sites is not practicable, impact shall be mitigated through archaeological salvage operations or other methods acceptable to DHR, as appropriate. If historical or archaeological artifacts are discovered at any time within the project site, PEF shall stop work immediately and shall notify the DEP Southwest District office and the Bureau of Historic Preservation, Division of Historical Resources, R.A. Gray Building, Tallahassee, Florida 32399-0250, telephone number (850) 487-2073, and PEF shall consult with DHR to determine appropriate action. For informational purposes, PEF shall provide a copy of the cultural resources surveys to Hillsborough County for the portions of the certified transmission lines within Hillsborough County.

*[Sections 267.061 and 403.531, F.S.]*

## SECTION B. PLANT SPECIFIC CONDITIONS

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### SECTION B: Plant Specific Conditions

The conditions in Section B relate to the Certified Facilities. The conditions relating to the Certified Transmission Lines can be found in Section C.

### XXVII. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### A. Flood Control Protection

Any construction of new facilities for the certified plant and associated facilities shall be protected from flood damage by construction in such a manner as to comply with the appropriate Levy County flood protection requirements or by flood proofing or by raising the elevation of the facilities above the 100-year flood level, whichever is more stringent. However, existing facilities and in-water structures are not required to comply with such flood control protection standards.

#### B. Toxic, Deleterious or Hazardous Materials

1. The Licensee shall not discharge to surface waters wastes which are acutely toxic, or present in concentrations which are carcinogenic, mutagenic, or teratogenic to human beings or to significant locally occurring wildlife or aquatic species. The Licensee shall not discharge to ground waters wastes in concentrations which, alone or in combination with other substances, or components of discharges (whether thermal or non-thermal) are carcinogenic, mutagenic, teratogenic, or toxic to human beings or are acutely toxic to indigenous species of significance to the aquatic community within surface waters affected by the ground water at the point of contact with surface waters. Specific criteria are established for such components in Section 62-520.420, F.A.C.

2. The Licensee shall report all spills of materials having potential to significantly pollute surface or ground waters and which are not confined to a building or similar containment structure, by telephone immediately after discovery of such spill. The Licensee shall submit a written report within forty-eight hours, excluding weekends, from the original notification. The telephone report shall be submitted by calling the DEP Northeast District Office Industrial Wastewater Compliance/Enforcement Section. After normal business hours, the Licensee shall contact the State Warning Point by calling (850) 413-9911 or (850) 413-9912. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any Material Safety Data Sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the size and extent of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures used and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow.

*[62-520.420, F.A.C.]*

#### C. Federal Permits

##### 1. Industrial Wastewater Discharge Permits

Any discharges during construction and operation shall be in accordance with all applicable provisions of NPDES permit No. FL0633275-001-IW1S/NP (attached as Appendix A) as well as any subsequent modifications, amendments and/or renewals.

## SECTION B. PLANT SPECIFIC CONDITIONS

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### 2. Air Permits

The operation of the Levy Nuclear Plant shall be in accordance with all applicable provisions of Title V Air Operation Permit xxxxxxxx-xxx-AV, and air construction permit PSD-FL-403. Title V Air Operation Permit xxxxxxxx-xxx-AV, and air construction permit PSD-FL-403 are incorporated by reference herein as part of this Certification and attached as Appendix B and Appendix C.

The provisions of the above shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Title V Air Operation Permit Number xxxxxxxx-xxx-AV as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

*Note: This condition will be modified upon Title V issuance to reflect the Title V permit number.*

In accordance with air construction permit 0170004-017-AC which includes a determination of Best Available Retrofit Technology (BART), Crystal River Unit 1 and Unit 2 will cease to be operated as coal-fired units by December 31, 2020. This date assumes timely licensing, construction and commencement of commercial operation of the Licensee's proposed new nuclear units (Levy County Units 1 and 2). The shutdown (or repowering) of Units 1 and 2 coal-fired units is contingent upon completion of the first fuel cycle for Levy County Unit 2. The Licensee shall timely advise the Department of any developments that would delay the shutdown (or repowering) of Units 1 and 2 beyond the completion of the first fuel cycle for Levy County Unit 2.

*[Rule 62-296.340 (BART), F.A.C]*

### **D. Radiological**

#### **1. Decommissioning**

Upon application to the U.S. Nuclear Regulatory Commission (NRC) for authority to decommission the plant, the Licensee shall provide the Department a copy of the plan submitted to NRC for radioactive materials removal and/or containment for the site. Should the Department's review of the written plan reveal deficiencies, the Department shall bring such deficiencies to the attention of the Licensee and the NRC and maintains the right to initiate a request, consistent with NRC procedural requirements that remedial action be taken to correct the deficiencies.

#### **2. Emergency Plan**

The applicant shall work with the State Division of Emergency Management and the State Department of Health, Bureau of Radiation Control, and Levy, Citrus and Marion Counties in biennial updating of the emergency procedures and evacuation planning as necessary, including but not limited to: hurricane evacuations; improvements in communication and warning systems; and in updating predicted plume overlays in accordance with NRC-required emergency plans .

## SECTION B. PLANT SPECIFIC CONDITIONS

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### 3. Radiological Release Limitations

The recommendation in the Power Plant Site Certification Analysis that certification be issued is based in part upon the fact that in order to obtain a construction permit and operating license from NRC, the Licensee must comply with all applicable regulations, requirements, and standards of the NRC which limit the release of radioactive materials in solid waste, liquid or gaseous effluents to the environment. The above NRC regulations, requirements and standards include the following:

- a. Standards for Protection Against Radiation, U.S. Nuclear Regulatory Commission Rules and Regulations, Title 10, Chapter 1, Part 20, Code of Federal Regulations, as presently in effect or hereafter amended.
- b. Limitations and conditions for the controlled release of radioactive materials in solid, liquid and gaseous effluents contained in the Radiological Environmental Monitoring Program required by Title 10, 10 CFR 50, as presently in effect or hereafter amended.

The Department has the statutory duty to insure that the location and operation of Levy Nuclear Plant Unit 1 and Unit 2 will produce minimal adverse effects on human health, the environment, the ecology and the land and its wildlife, and the ecology of State waters and their aquatic life. (Fla. Stat. Section 403.502.) The Department has determined that the construction and operation of the Levy Nuclear Plant must comply with the above radiological release limitations in order to minimize adverse effects on human health and the environment. This certification is conditioned upon compliance by the applicant with the applicable above regulations, requirements and standards.

The NRC has the duty and responsibility imposed by statute, to enforce compliance by the Licensee with NRC standards and technical specifications, to assure that the construction and operation of the Levy Nuclear Plant will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. See Section 103(d) of the Atomic Energy Act, 42 U.S.C. section 2133(d) (1970); accord. 42 U.S.C. section 2332(a) (1970) including any revisions.

However, should the Department determine that the NRC has failed to discharge its duty and responsibility, it may bring any such deficiencies to the attention of the Licensee and the NRC, and maintains the right to initiate a request, consistent with NRC procedural requirements, that appropriate enforcement action be taken to correct the deficiencies.

Should such appropriate enforcement action not be forthcoming, and the Department determines that such enforcement action is necessary to insure that adverse effects on human health and the environment by continued operation of the Levy Nuclear Plant are minimized, the Department reserves the right to take appropriate State enforcement action pursuant to Chapter 403, Florida Statutes, against the applicant for violation of any of the above radiological release limitations on the grounds that the violation of such limitations constitutes a violation of this express condition of certification.

### 4. Monitoring

The Licensee shall comply with the most recent State Department of Health Environmental Surveillance Agreement or its equivalent or future replacement. Should the State Department of Health determine that additional monitoring is required, it may take

## SECTION B. PLANT SPECIFIC CONDITIONS

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appropriate action to require such monitoring pursuant to NRC authority by modification of this condition of certification.

### **5. Interagency Agreement**

Pursuant to NRC regulations, the licensee shall implement an Emergency Response Capability Agreement with the Florida Department of Health, a copy of which shall be submitted to the Siting Office.

### **6. Reservation of Legal Rights**

The Department recognizes that the NRC has exclusive authority in certain areas related to the construction and operation of the Levy Nuclear Plant. These conditions of certification do not limit, expand or supersede any federal requirement or restriction under federal law, regulation, or regulatory approval or license. Compliance with the conditions herein does not constitute a waiver of the Licensee's responsibility to comply with all applicable NRC requirements. Licensee's acceptance of these radiological conditions of certification does not constitute a waiver by Licensee of any claim that any such radiological conditions are invalid under the doctrine of federal preemption or otherwise by law.

### **7. Annual Radiological Environmental Operating Report**

Upon submittal to the NRC, a copy of the Annual Radiological Environmental Operating Report for the Levy Nuclear Plant shall be provided to the Department's Siting Coordination Office.

### **8. Notification of NRC License**

The licensee shall notify the Department's Siting Coordination Office of any amendments, modification, or renewals of NRC-issued Operating Licenses for the certified facility.

## **E. Potable Water Supply System**

1. The potable water supply system shall be designed and operated in conformance with Chapters 62-550, Lead & Copper Rule 40 CFR 141, Subpart I, 62-555, 62-560, and 62-699 F.A.C. (<http://www.dep.state.fl.us/water/rulesprog.htm#dw>). Information as required in Chapters 62-550, Lead & Copper Rule 40 CFR 141, Subpart I, 62-555, 62-560, and 62-699, F.A.C., shall be submitted to the Department prior to construction and operation of any potable water system. The operation of the potable water supply system shall be certified in accordance with Chapters 62-602 and 62-699, F.A.C. All monitoring reports shall be submitted to the Department's Northeast District Office, Potable Water Section and the Siting Office.

2. All the potable well(s) shall be constructed according to public well standards found in 62-532, F.A.C.

3. All potable well(s) shall meet the required setbacks as found in 62-555.312, F.A.C.

4. The list of requirements for a Preliminary Design Report (PDR) can be found in 62-555.520(4), F.A.C. A preliminary design report or specifications, details, and design drawings are required for approval of a potable water system and shall be submitted to the Department's Northeast District Office, Potable Water Section and the Siting Office prior to construction and use.

## SECTION B. PLANT SPECIFIC CONDITIONS

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5. This system will be a non-transient non-community public water system. A demonstration of financial, managerial, and technical capacity (capacity development) form must be completed and submitted to the Department's Northeast District Office, Potable Water Section and the Siting Office. Rule 62-555.525, F.A.C.

*[62-550, Lead & Copper Rule 40 CFR 141, Subpart I, 62-555, 62-560, and 62-699, F.A.C.]*

### **F. Domestic Wastewater**

The domestic wastewater treatment and disposal facilities shall be designed and operated in accordance with any applicable provisions of Chapters 62-4, 62-600, 62-601, 62-604, 62-610, 62-611, 62-620 and 62-640 F.A. C . At least 180 days prior to commencing construction of the domestic wastewater treatment and disposal facilities, the licensee shall submit final plans for the domestic wastewater facilities to the Siting and DEP Northeast District Offices for review and approval. The submittal shall include calculations, drawings, reports, completed permit application forms and a preliminary engineering report with information for the domestic wastewater treatment and disposal facilities. All documents must be signed and sealed by a professional engineer and professional geologist registered in the State of Florida. The Licensee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment.

*[Rules 62-4, 62-600, 62-601, 62-604, and 62-610, 62-611, 62-620, and 62-640, F.A.C.]*

### **G. Solid Waste**

1. The licensee is not authorized to process or dispose solid waste on-site. Except for temporary, short-term storage in designated containers, storage of solid waste on-site shall not be allowed unless specifically authorized through a modification to this certification.

2. The applicant shall collect and store solid waste from routine operations and/or construction and demolition activities in vendor provided or other suitable containers, and shall dispose the waste at authorized off-site facilities in accordance with the Site Certification Application and Chapter 62-701, F.A.C.

*[62-701, F.A.C.]*

### **H. Stormwater/Wastewater Discharges**

1. At least 90 days prior to construction of the facility or a portion of the project that may affect stormwater, the licensee shall submit final plans for the surface water management system for that portion of the facility to the Siting and DEP Northeast District Offices for review and approval. The submittal shall include calculations, drawings, reports and permit applications with information for the site, associated access roads and structure pads, drainage analysis, stormwater management system, wastewater treatment and disposal, etc. Floodplain analysis shall address flow rates on the site using a minimum of three cross-sections and provide a tabular summary. The data summary should include stage or water elevation, basin areas and volumes of cut and fill and calculations of the compensating storage for pre and post conditions. Site plans shall show the stage as the difference between the 100 year storm event and the elevation of the seasonal high water level in NGVD 29 basis.

## SECTION B. PLANT SPECIFIC CONDITIONS

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*[Rules 40E-4, 40E-40, and SWFWMD Basis of Review]*

2. At least 48 hours prior to commencement of any construction at the site, the licensee shall submit to the Department an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date. When the duration of construction will exceed one year, the licensee shall submit construction status reports to the Department on an annual basis utilizing an "Annual Status Report Form" (Form No. 62-343.900(4), F.A.C.). Status Report Forms shall be submitted the following June of each year.

*[Rules 40E-4.381, and 62-343.900, F.A.C.]*

3. Within 30 days after completion of construction of a stormwater management system, the licensee shall submit to the Siting Office and copy the DEP NED Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.) and a copy of the "as-built" drawings. The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the Department that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor.

*[Rules 40E-4.381; and 62-343.900, F.A.C.]*

4. Any delineation of the extent of a wetland or other surface water submitted as part of the application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this license or a formal determination under section 373.421(2), F.S., provides otherwise.

*[Rule 40E-4.381, F.A.C.]*

5. Prior to start of construction, the licensee shall prepare a Storm Water Pollution Prevention Plan and submit a copy of the National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) to use a Multi-Sector Generic Permit (MSGP) for stormwater discharges (as applicable) to the DEP NPDES Stormwater Notices Center. Prior to the commencement of construction, the licensee shall provide to the Department the appropriate wastewater, dewatering, construction and stormwater permit application(s) to detail and identify treatment and discharges to ground and/or surface waters.

6. All information submitted must be signed and sealed in accordance with Chapter 62-4.050, F.A.C., and Chapter 471, Florida Statutes.

### **I. Water Facilities Groundwater Monitoring Requirements**

Although there are no proposed direct discharges of contaminants to ground water, there are specific industrial processes and operations at power plants that may have a potential for ground water contamination. Therefore, the following are requirements pursuant to

## SECTION B. PLANT SPECIFIC CONDITIONS

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Chapter 62-520, F.A.C. The DEP Northeast District Office has monitoring and compliance jurisdiction over any on-site discharges that may occur. The DEP Southwest District Office has monitoring and compliance jurisdiction over discharges associated with any Industrial Waste permit with outfalls to the Crystal River Energy Complex.

1. A minimum of 18 months prior to initial operation of the facility, the Licensee shall submit two copies each of a final Ground Water Monitoring Plan to the Ground Water Sections of the Department's Northeast District Office as a post-certification submittal, in accordance with Rule 62-520.600, F.A.C. No fees will be required. Pursuant to Chapters 492 and 471, F.S., the ground water monitoring plan shall be signed and sealed by the professional geologist or professional engineer who prepared or approved it. The Department has 30 days to review the submittal, and send out a request for additional information, if necessary. Approval will be determined within 90 days of submittal, once the plan is considered complete.

2. Excluding solid waste sites and stormwater ponds, the final Ground Water Monitoring Plan shall address pre-operational (i.e.: prior to initial startup of facility operations) and post-operational (i.e.: during facility operations) monitoring of all lined systems (i.e.: wastewater discharge basins, cooling water conveyance systems, runoff sites, and raw and spent fuel storage sites, and all basins, sumps, or tanks that contain waste disposal liquids). There shall be no unlined storage or disposal sites without prior approval. Solid waste requirements shall be in accordance with the specific section(s) of the conditions of certification.

3. The final Ground Water Monitoring plan must be a comprehensive submittal tailored to water facilities operations including pertinent information from previous proposals in the original Site Certification Application, the locations of proposed background monitor wells (i.e.: wells labeled MWB-1, MWB-2, etc.) and down gradient monitor wells (i.e.: wells labeled MWD-3, MWD-4, etc.) in relation to property lines, basins, buildings, ponds, etc. on an aerial photo. The following information shall also be included: well construction details and well depths; ground water flow direction(s); frequency of monitoring, parameters and determinations for parameters, water sampling and chemical analysis protocol; pre- and post-operational monitoring requirements; potential offsite & onsite influences of contamination sources; soil types and lithology above and below water level; ½ mile survey of potable wells around the facility; cones of depression of water supply wells or wellfields within the facility that may affect the monitor well locations; and any other information that is significant to this project.

4. Once the Ground Water Monitoring Plan is approved, it will become part of the Site Certification by reference. Requests for modifications to the plan must be submitted to the Department's Northeast District, and the Siting Offices. The Department may make modifications to the plan after periodic reviews of the facility's files.

5. The Licensee shall give at least 72-hours notice to the Department's Northeast Office, prior to the installation of any monitoring wells detailed in the approved Groundwater Monitoring Plan.

6. Any new monitor well(s) identified in the approved Ground Water Monitoring Plan shall be installed, a minimum of 12 months prior to initial operation of the facility.

## SECTION B. PLANT SPECIFIC CONDITIONS

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7. Prior to construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location in order to establish the well depth and screen interval.

8. Within 30 days after installation of a new monitoring well, the Licensee shall submit to the Department's Northeast District Offices detailed information on the well's location and construction on DEP Form(s) 62-522.900(3), Monitor Well Completion Report.

9. All ground water monitoring wells shall be constructed and developed in accordance with Department guidelines and installed by a licensed water well contractor.

10. Due to the facility having lined systems with no direct discharges to ground water, excluding stormwater, a zone of discharge is not allowed.

11. The ground water minimum criteria specified in Rule 62-520.400 F.A.C., and all primary and secondary standards in Rule 62-550, F.A.C. shall be met at the down gradient wells, with the exception of condition 14. below.

12. Twelve months prior to facility operation, the Licensee shall begin sampling the pre-operational monitoring wells in accordance with the conditions of certification and the approved ground water monitoring plan prepared in accordance with Rule 62-520.600, F.A.C.

13. Upon placing facility in operation, the Licensee shall begin sampling the post-operational monitoring wells in accordance with the conditions of certification and the approved ground water monitoring plan prepared in accordance with Rule 62-520.600, F.A.C.

14. If the concentration for any monitoring parameter in the natural background quality of the ground water is greater than the state standard, or in the case of pH is also less than the minimum, the representative natural background quality shall be the prevailing standard.

15. Water levels shall be recorded before evacuating monitor wells for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.01 foot.

16. Ground water monitoring wells shall be purged prior to sampling to obtain representative samples.

17. Analyses shall be conducted on unfiltered samples, unless filtered samples have been approved by the Department's Northeast District Office as being more representative of ground water conditions.

18. The Licensee shall ensure that all laboratory analytical data are from a certified laboratory that meets the requirements of Chapter 62-160, F.A.C. Minimum detection limits shall be at or below the ground water standards and/or criteria.

19. The Licensee shall ensure that all samples are taken by appropriately trained personnel following the Department approved Standard Operating Procedures Manual for Field Sampling, in accordance with Rule 62-160, F.A.C.

20. Ground water monitoring results shall be submitted on Form 62-620.910(10), or such other format as approved by the department, in accordance with the following schedule deadlines, where applicable. A customized Ground Water Monitoring Well

**SECTION B. PLANT SPECIFIC CONDITIONS**

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Report with specific parameters will be generated and provided to the Licensee for use, after approval of the Ground Water Monitoring Plan. If the Licensee elects to enter the monitoring results into the Department’s electronic system, the hard copy of the report is not required to be submitted for that monitoring period.

<b>Sample Period</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Semi Annual</b>	<b>Annual</b>	<b>Report Deadline</b>	
(January-March)	Monthly sampling results are due 30 days after last day of the monitoring month.	X			April 28 <sup>th</sup>	
(April-June)		X			July 28 <sup>th</sup>	
(July-September)		X			October 28 <sup>th</sup>	
(October-December)		X			January 28 <sup>th</sup>	
(January-June)				X		July 28 <sup>th</sup>
(July-December)				X		January 28 <sup>th</sup>
(January-December)					X	January 8th

21. If any monitoring well becomes damaged or cannot be sampled for some reason, the Licensee shall notify the Department's Northeast District Office immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department's Northeast District Office.

22. All piezometers and wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.

23. All correspondence, reports, plans and summaries pertaining to ground water monitoring shall be directed to the Ground Water Section of the Department’s Northeast District Office with copies to the Siting Office.

**J. Withlacoochee River**

In the event that any state or federally funded projects required for the maintenance, preservation or enhancement of surface waters of the State require modifications to the Cross Florida Barge Canal, the Department may choose to seek to modify this certification after notice and opportunity for hearing.

**K. Coastal and Aquatic Managed Areas**

Within 180 days following certification, licensee shall submit a Crystal Bay Surface Water Monitoring Plan for review and approval pursuant to Chapter 62-302, F.A.C to the DEP Office of Coastal and Aquatic Managed Areas and the DEP Siting Office. At a minimum, the plan shall include the following components unless otherwise approved by CAMA:

1. Equally spaced monitoring points from the point of discharge into the Bay to the edge of the St. Martins Marsh and Big Bend Seagrasses Aquatic Preserves. Each monitoring point shall include salinity and temperature. The Licensee should determine from

**SECTION B. PLANT SPECIFIC CONDITIONS**

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discharge modeling data the appropriate number of water quality sites and locations (This could range from 8-40 monitoring points along transects).

2. Discharge, nutrient sampling for Total Phosphorus (TP), and Nitrogen (TN), Total Suspended Solids (TSS) and Dissolved Oxygen (DO) shall be included at each monitoring point.

3. Specific monitoring locations, sampling frequencies, methods, specific parameters to be monitored.

4. Duplication of monitoring frequency or sample points with those of other monitoring plans (such as that required by FFWCC under COC XXVII.B.) is not a requirement of the CAMA plan. As such, it is acceptable to incorporate the above requirements within a larger monitoring plan, provided that the above elements of the CAMA monitoring plan are maintained and the related monitoring data is clearly singled out. If the Department determines that the pre- and post operation monitoring indicate potential adverse changes in the surface waters in close proximity to either of the Aquatic Preserves due to the LNP discharges, then the Department may propose additional measures to evaluate or to abate such impacts. Water quality monitoring reports should be made readily available to St. Martins Marsh and Big Bend Seagrasses Aquatic Preserves.

*[62-302.700(9)(f)4, F.A.C. and 62-302.700(9)(f)38, F.A.C.]*

**L. Incorporation of Separate ERP Licenses Obtained Prior to Certification**

The operation of the Levy Nuclear Plant shall be in accordance with all applicable provisions of ERP Permit 38-272432-002-ES. ERP Permit 38-272432-002-ES is incorporated by reference herein as part of this Certification and attached as Appendix D.

Upon certification by the Siting Board, the licensee shall comply with the substantive provisions and limitations set forth in ERP Permit 38-272432-002-ES as part of these Conditions of Certification. Such provisions shall be fully enforceable as conditions of this certification and may only be amended in accordance with the provisions herein. Any violation of such provisions shall be a violation of these Conditions of Certification.

**XXVIII. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

**GROUNDWATER WITHDRAWAL QUANTITIES AND FACILITIES**

<b>District ID/ Owner ID</b>	<b>Water Allocation Average Gallons per Day</b>	<b>Well Casing/Depth Feet</b>	<b>LOCATION</b>
<b>1/PW-1</b>	<b>395,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>2/PW-2</b>	<b>395,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>3/PW-3</b>	<b>395,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>4/PW-4</b>	<b>395,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>5/CW-1*</b>	<b>90,000</b>	<b>100/300**</b>	<b>PROPOSED</b>
<b>TOTAL ALL WELLS</b>	<b>1,580,000</b>		

\* Temporary Construction Well (not a Permanent Production Well)

\*\* Estimated

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*[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301, F.A.C., District Basis of Review (BOR) Sections 3.2, 3.4, 4.1, 4.4, 4.8, 4.10]*

### A. Special Conditions

All conditions referring to the District shall mean the

Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 34604-6899

#### 1. Submit Reports/Data

a. All reports and data required by these conditions of certification shall be submitted to the District (and copied to the DEP Siting Office) according to the due dates contained in the specific condition. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal. The Licensee may use the District's website to submit data, plans or reports online. To set up an account, the Licensee can address the request to [permitdata@watermatters.org](mailto:permitdata@watermatters.org). All mailed reports and data are to be sent to:

Permit Data Section, Regulation Performance Management Department  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 34604-6899

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report required herein.

Submission of data: Unless submitted online or otherwise indicated in the special condition, an original (no copies) is required for data submittals such as meter readings and/or pumpage, rainfall, water level, evapotranspiration, or water quality data

b. Within sixty (60) days of Certification, the Licensee shall designate one individual responsible for receiving and responding to District notices and correspondence related to these conditions of certification. Notification to the District of the designee, including address and telephone number shall be in written form.

c. Prior to the construction and operation of the construction well (District ID No. 5; Licensee ID No. CW-1), the Licensee shall submit for District review and approval, under the provisions of Section A: Condition X of this Certification, the information required by the District's "Small General Permit" application form and any required supplemental forms (40D-2.101(2)(c), F.A.C. – March 2009).

*[Sections 373.016, 373.219, 373.236, F.S.; Rules 40D-2.301(1) and 40D-2.381(1), (2) and (4), F.A.C.; BOR Section 6.2]*

## SECTION B. PLANT SPECIFIC CONDITIONS

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### 2. Environmental Impacts, Monitoring and Mitigation

#### a. Environmental Assessment

##### i. Environmental Monitoring Plan

An Environmental Monitoring Plan (EMP) shall be submitted no less than 3 years prior to any production well use in excess of 100,000 gallons per day (annual average) for production purposes. The EMP shall be approved and implemented a minimum of one-year prior to initial use of the first production well in excess of 100,000 gallons per day (annual average) for production purposes. The monitoring plan, at a minimum shall utilize the District's Wetland Assessment Procedure to evaluate the relative condition of surface waters and wetlands in areas potentially affected by water withdrawals of Licensee. Upon District approval, the plan shall be implemented and monitoring reports shall be provided in the annual monitoring report required by Condition No. A.2.a.v. After five years of monitoring following groundwater use rising to more than 1.25 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee may request the District release the Licensee from monitoring. If the District concurs with the request, the District will request DEP modify the conditions of certification to remove the monitoring condition.

##### ii. Data Collection

Licensee shall maintain and monitor the environmental monitoring sites included in the approved monitoring plan. Water levels for monitor wells staff gauges, and piezometers for the sites included in the monitoring plan shall be referenced to National Geodetic Vertical Datum (NGVD) and reported in a form acceptable to the District by the 10th day of each month for the preceding month. The time and date that the elevation is taken shall be included. Any changes to the methods or frequency of monitoring for any of these data collection programs must be approved by the District.

##### iii. Staff Gauges

Licensee shall install and thereafter maintain District-approved staff gauges and shall report measurements of water levels, as indicated in the monitoring plan. Water levels shall be recorded and reported to the District on or before the tenth day of the following month. To the maximum extent possible, water levels shall be recorded as indicated in the monitoring plan. The frequency of recording may be modified by the District as necessary to ensure protection of the resource.

##### iv. Monitoring Wells and Piezometers

Licensee shall monitor water levels in the monitor wells and piezometers as specified in the monitoring plan. Reports of the data shall be submitted to the District in a form acceptable to the District. All data shall be referenced to NGVD. The frequency of water-level recording may be modified by the District as necessary to ensure the protection of the resource.

##### v. Annual Environmental Monitoring Reports

Following implementations of the EMP, the Licensee shall submit an annual environmental monitoring data summary by January 1st of each year for the preceding water year (October 1 - September 30). The Annual Monitoring Report shall include

## SECTION B. PLANT SPECIFIC CONDITIONS

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all raw data, essential graphs, tables, and text. Monitoring progress at each site shall be summarized in the Annual Monitoring Report, as specified below. Licensee shall submit three copies of the Annual Monitoring Report each year. Interpretive reports of environmental conditions shall incorporate all environmental monitoring sites used. The Annual Monitoring Report shall assess relationships between water level fluctuations, well pumpage, atmospheric conditions, and drainage factors related to the environmental condition of the wetlands and surface waters in the vicinity of the Levy Nuclear Plant. Pumpage data, wetland, water level data collected from the aquifer and for the region, and environmental parameters collected at the monitoring sites and in the region (SWFWMD data shall be used for information of the region) shall be used for the report results. Statistical trend analysis, such as double-mass curve analysis, multiple linear regression, time series analysis and/or factor analysis shall be performed to analyze the interactions of rainfall and pumpage on surficial water levels, potentiometric levels in the semi-confined aquifers, surface waters, and wetland water levels, rate of soil subsidence, and evidence of vegetational succession. Data shall be obtained through field measurements and aerial photo interpretation. A brief summary of any recommended changes to the monitoring requirements shall be provided. Upon review of those recommended changes, SWFWMD may approve changes to the monitoring requirements under the approved Environmental Monitoring Plan.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 2.381(1), 2.381(4), F.A.C.; BOR Sections 1.5, 4.2, 5.8]*

### **3. Alternative Water Supply Implementation**

The Licensee shall investigate the development of one or more alternative water supply projects to supply the water supply demands to offset all or a portion of the groundwater allocated by these conditions of certification. Alternative water supplies include seawater desalination, brackish surface or ground water, water that has been reclaimed after one or more uses, stormwater, and any other water supply source designated as non-traditional. If adverse impacts are detected or predicted through the Environmental Monitoring as specified in Condition A.2., or through aquifer performance testing or groundwater modeling as specified in Conditions A.4.a. and A.4.b. below, Licensee shall either mitigate such adverse impacts in accordance with a plan submitted by the Licensee and approved by the District or, by selecting and implementing an Alternate Water Supply project in accordance with the following schedule:

- a. Within 3 years of completion of site aquifer testing specified in condition, A.4.a.the Licensee shall submit for District approval, an Alternative Water Supply Plan. The Alternative Water Supply Plan shall evaluate, identify, and propose alternative water supply development of one million five hundred eighty thousand (1,580,000) gallons per day (gpd).
- b. Within 4 years of completion of site aquifer testing and modeling specified in condition A.4.a., Licensee shall submit to the District, a preliminary design of the approved alternative water supply project that the Licensee will implement.
- c. Within 3 years of groundwater use rising to more than 1.25 million gallons per day (average annual daily withdrawal quantity) from all the wells included in this site certification, the Licensee shall provide an analysis of environmental conditions as specified in Condition A.4.a. above. The Licensee may ask for a time extension or waiver for implementing the Alternate Water Supply project if the District confirms that adverse environmental impacts

## SECTION B. PLANT SPECIFIC CONDITIONS

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have not been detected or are not predicted to occur. The Alternate Water Supply project schedule shall be maintained unless the District confirms that adverse environmental impacts have not been detected or are not predicted to occur. If adverse environmental impacts are occurring or are predicted to occur, the Alternative Water Supply quantity required to be developed will be determined based upon a revised hydrogeologic evaluation performed by the Licensee and accepted by the District.

d. With 4 years of completion of site aquifer testing specified in condition A.4.a., submit to the Florida Department of Environmental Protection and the District, applications for authorization to develop and use 1,580,000 gpd of alternative water sources for the project as appropriate, unless an extension of time or waiver has been granted by the District.

e. Within 4 years of completion of site aquifer testing specified in condition A.4.a., submit to the District an alternative water supply implementation schedule detailing the dates when construction will begin and end, and the date when water will be delivered from the project for use by the Licensee.

f. Compliance with the Alternative Water Supply Implementation Schedule is required by the Licensee, unless extended or otherwise modified in writing by the District. Each year, by March 1, after the triggers described above, the Licensee shall submit to the District a status report describing the progress made on the Alternative Water Supply Implementation Schedule, including the specific actions taken to meet the requirements set forth above. If the project has fallen behind schedule, Licensee shall provide just cause for the delay and/or explain how the Licensee will comply with the schedule described herein.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301(1); BOR Section 3.1(pending amendment)]*

### **4. Aquifer Testing and Groundwater Impact Analysis**

a. For the purpose of confirming Upper Floridan transmissivity and leakance values used in Licensee's groundwater flow model, a step-drawdown test shall be performed on the production wells. A multi-well constant-rate test shall be performed on two of the following production wells: District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, after the wells have been fully developed. Constant-rate multi-well test locations will be based on step-drawdown tests, water quality, and other data submitted to the District prior to the multi-well constant-rate site selections. The constant-rate tests shall be performed in accordance with the specifications in an Aquifer Performance Testing (APT) Plan submitted to and approved by the District. The APT Plan shall be submitted to the District at least 6 months prior to the start of construction of the first production well to support plant operations. The step-drawdown and constant-rate tests shall be conducted by the Licensee within 6 months of completion of construction of the wells included in the APT Plan, or within 6 months of the final approval of the APT Plan, whichever occurs later. In addition, these tests must be completed at least 5 years prior to initial use of the first production wells in excess of 100,000 gallons per day (annual average) for production purposes. All recorded raw data and a full report analyzing the data shall be submitted to the District within ninety (90) days of completion of all the tests.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301(1); BOR Sections 1.5, 4.2, 4.5, 4.6, 4.8, 4.13]*

## SECTION B. PLANT SPECIFIC CONDITIONS

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b. If any of the transmissivity or leakance values derived from either the step-drawdown or the multi-well constant-rate tests referenced in condition A.4.a. above, differ significantly from the values used in the groundwater flow model submitted as part of Licensee's application, the Licensee will revise its submitted Focused Telescoping Mesh Refinement groundwater model of the wellfield area based on the results of the aquifer tests described in Condition No. A.4.a. above. Significantly different transmissivity or leakance values shall mean any well having either a leakance or transmissivity value twenty (20) percent higher or lower than those included in the Licensee's submitted groundwater flow model. The revised model will include wellfield-specific Upper Floridan aquifer transmissivity or leakance values and properties derived from well drilling and the aquifer tests described in Condition ~~no~~ No. A.4.a. The modeling parameters, including but not limited to the following: surficial aquifer transmissivity/hydraulic conductivity and thickness, Upper Floridan aquifer thickness and transmissivity/hydraulic conductivity, measured groundwater levels (NGVD) and gradients, aquifer leakage, and aquifer boundary conditions, may require revision to reasonably represent aquifer conditions. The revised model must also reflect a groundwater impact analysis including cumulative and incremental analysis to evaluate the pumping effects on other water users, and other analysis to confirm that the withdrawal meets the District's conditions of issuance for water-use permits. If required, all groundwater modeling and a full report, meeting District modeling guidelines, shall be submitted to the District within one-hundred eighty (180) days of completion of the aquifer tests described in Condition No. A.4.a. above. Upon acceptance of the report by the District, the Licensee will complete any required Alternative Water Supply Implementation Plans as specified above.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 2.381(1), (4); BOR sections 4.2, 5.4, 5.5, 5.6, 5.7]*

### **5. Compliance Reporting**

The Licensee shall submit a compliance report beginning the fifth year after groundwater use rising to at least 1.25 million gallons per day (average annual daily withdrawal quantity) and at 5 year intervals thereafter. The report must contain sufficient information to demonstrate reasonable assurance that the withdrawals and use of water authorized by these conditions of certification continue to meet the substantive requirements set forth in Chapter 40D-2, F.A.C., and the District's Water Use Permit Information Manual Part B, Basis of Review. The compliance report shall include:

- a. Information documenting water demands and updated demand projections demonstrating that allocations from all sources in the conditions of certification will continue to be needed for the remainder of the conditions of certification duration;
- b. Documentation verifying that the sources are capable of supplying the needs authorized by these conditions of certification without causing harm to water and water-related resources;
- c. Documentation verifying that the use of water is efficient and that the Licensee is implementing all feasible water conservation measures;
- d. An updated ground water modeling analysis and data analysis demonstrating that the use of groundwater does not interfere with legal uses existing at the time of issuance of the conditions of certification;

## SECTION B. PLANT SPECIFIC CONDITIONS

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e. An updated ground water modeling analysis, along with statistical analyses of water-level and wetland monitoring data, demonstrating that the use does not cause adverse impacts to wetlands, and surface waters, or violations of MFLs;

f. Documentation that ground water withdrawals by the Licensee are not causing or contributing to significant water quality deterioration, including but not limited to review and statistical analyses of groundwater level and water quality data collected by the Licensee under these conditions of certification;

g. Information demonstrating that the lowest quality source of water is being used to meet the water demands.

Following review of this report and as requested by the District, DEP may modify the conditions of certification to ensure that the use continues to meet the substantive conditions for the consumptive use of water as set forth in Section 373.223, F.S., and Chapter 40D-2, F.A.C.

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4), F.A.C.]*

### **6. Pumpage Reporting**

Licensee shall meter withdrawals and record meter readings from each withdrawal point and water supply line on a monthly basis within the last week of the month. The meter readings shall be reported to the District on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month.

Licensee shall install meters on District ID Nos. 1, 2, 3, 4, 5, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, CW-1, within 90 days of completion of construction of the withdrawal facilities.

All meters shall adhere to the following descriptions and shall be installed and maintained as follows:

a. All meters shall be non-resettable, totalizing flow meters that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring devices or alternative accounting or reporting methods are proposed, prior to installation, the Licensee shall submit documentation that the other measuring devices or accounting methods meet the accuracy requirement provided below. If the alternative accounting method involves a meter belonging to another entity or to an alternative water supply provider, the Licensee shall submit documentation from the owner/supplier that the meter readings conform to these meter requirements. Such documentation is subject to approval by the District. Approval for other measuring devices, accounting methods, or reporting methods must be obtained in writing from the Brooksville Regulation Department Director.

i. The flow meter(s) or other approved flow-measuring device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

ii. Accuracy testing requirements:

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a) For newly metered withdrawal points, the flow meter installation shall be designed for inline field access for meter accuracy testing.

b) The meter shall be tested for accuracy on-site, as installed, every five years beginning from the date of its installation for new meters or from the date of initial issuance of the permit.

c) The testing frequency will be decreased if the Licensee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.

d) The test will be accepted by the District only if performed by a person certified on the test equipment used as described in the section entitled Flow Meter Verification, below.

e) If the actual flow is found to be greater than 5% different from the measured flow, within 30 days the Licensee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

b. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line. Existing systems that would require retrofitting to achieve the above standards will not be required to retrofit provided it is documented on the Flow Meter Accuracy Verification Form, Form No. LEG-R. 021.000 (07/08) that the flow meter is accurately and reliably measuring flow over different flow ranges or for the permanent operating flow.

c. If a metered withdrawal point, AWS inflow line or re-pump withdrawal point is not utilized during a given month, the meter report shall be submitted to the District showing the same meter reading that was submitted the previous month.

d. Broken or malfunctioning meter:  
If the meter or other flow-measuring device malfunctions or breaks, the Licensee shall:

i. Notify the District within 15 days of discovering the malfunction or breakage;

ii. Replace the broken or malfunctioning meter with a repaired or new meter, subject to the specifications given above, within 30 days of the discovery; and

iii. Submit estimates of their pumpage as described below.

If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, the withdrawal point shall not lack a fully functioning meter for more than 60 consecutive days.

e. While the meter is not functioning correctly, the Licensee shall document the total amount of time in minutes that the withdrawal point was used for each month

## SECTION B. PLANT SPECIFIC CONDITIONS

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and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data are submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

f. In the event a new meter is installed to replace a broken meter, the meter and its installation shall meet the specifications of the District. The Licensee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1),(3), 40D-2.381(1), (4); F.A.C.; BOR 5.1, 6.2]*

### **7. Distribution Flexibility**

The average day, peak monthly, and maximum daily, if applicable, quantities for District ID No(s) 1, 2, 3, 4, 5, Licensee ID No(s) PW-1, PW-2, PW-3, PW-4, CW-1, shown above in the production withdrawal table are estimates based on projected distribution of pumpage, and are for water use inventory and impact analysis purposes. The quantities listed in the table for these individual sources are not intended to dictate the distribution of pumpage from the withdrawal sources. The Licensee may make adjustments in pumpage distribution as necessary up to 125 percent on an average basis, up to 125 percent on a peak monthly basis, so long as adverse environmental impacts do not result and other conditions of this certification are complied with. In all cases, the total average annual daily withdrawal and the total peak monthly daily withdrawal are limited to the quantities set forth above.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rule 40D-2.301, F.A.C., BOR sections 3.2, 3.4, 4.1]*

### **8. Water Quality Sampling**

a. Water quality samples shall be collected and analyzed for parameters and at the frequencies specified below. Water quality samples from production wells shall be collected from all wells, unless infeasible. If sampling is infeasible, Licensee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, Licensee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Brooksville Regulation Department Director. Reports of the analyses shall be submitted to the Permit Data Section, Regulation Performance Management Department, (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequencies of sampling and analyses may be modified by the Brooksville Regulation Department Director, as necessary to ensure the protection of the resource.

**SECTION B. PLANT SPECIFIC CONDITIONS**

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District <u>ID No.</u>	Licensee <u>ID No.</u>	Minimum Pumping <u>Time (minutes)</u>	<u>Parameter</u>	<u>Sampling Frequency</u>
1	PW-1	20 minutes	Chlorides,	February, May,
2	PW-2	20 minutes	Sulfates, and	August and November
3	PW-3	20 minutes	T.D.S.	
4	PW-4	20 minutes		

Water quality samples shall be collected quarterly and on the same week of the months specified.

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

b. Water quality samples from monitor wells shall be collected and analyzed for the District ID No., parameter(s), and frequency (ies) specified in the table below. Water quality samples shall be collected after pumping the monitor wells(s) to a constant temperature, pH, and conductivity. Sampling method(s) shall be designed to collect water quality samples that are chemically representative of the zone to be sampled. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories". The Licensee's sampling procedure(s) shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. A report describing the sampling and chain of custody procedures shall be included with the first data submitted after the date this permit is granted, and upon any change in sampling and/or analytical method(s). Any variance in sampling and/or analytical methods shall have prior approval of the District. Reports of the analyses shall be submitted to the District on District forms on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory that undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.

District <u>ID No.</u>	Licensee <u>ID No.</u>	<u>Parameter</u>	<u>Sample Frequency</u>
6	TBD	Chlorides,	May, September
7	TBD	Sulfates, and TDS	

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8	TBD
9	TBD
10	TBD

Water quality samples shall be collected based on the following timetable:

Semi-annually	Same week of months specified
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Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

c. The District with DEP's concurrence, reserves the right to set chloride, sulfate or TDS concentration limits on any production well in the future to prevent long-term upward trends or other significant water quality changes from occurring, based on data collected and after a sufficient data base has been established to determine limits. These limits shall be required after discussions with the Licensee. At such time as the concentration in any water sample reaches or exceeds the designated concentration limits, the Licensee shall take appropriate action to reduce concentrations to below those set for the particular well. If the District determines that long-term upward trends or other significant water quality changes are occurring, the District may consult with FDEP to reconsider the quantities included in these conditions of certification.

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

d. During drilling of District ID Nos. 1, 2, 3, 4, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, water quality samples shall be collected at intervals of the change of drill rod or 30 feet, whichever is less, from 150 feet to a maximum depth of five feet above the bottom of the well when drilling on reverse air. Regardless of the specified sample collection interval, a sample shall be collected from the depth which corresponds to five feet above the bottom of the well. Samples shall be collected during reverse air drilling, or other appropriate method with prior approval by the District.

Samples shall be analyzed by a certified laboratory for Chloride, Sulfate, and Specific Conductivity. Licensee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Reports of the analyses shall be submitted to the Permit Data Section, Regulation Performance Management Department (using District forms) within thirty days of sampling, and shall include the signature of an authorized representative and the certification number of the Florida Department of Health certified laboratory utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories".

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Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or by Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

e. Monthly water levels for monitor wells for the sites included in the table below shall be referenced to NGVD, and reported in a form acceptable to the District by the tenth day of each month for the preceding month. The time and date that the elevation is taken shall be included. Changes to the methodology, extent, or frequency of monitoring at any of these sites may be modified by the District, as necessary to ensure the protection of the resources.

District	Licensee
<u>ID No.</u>	<u>Site No.</u>
6	TBD
7	TBD
8	TBD
9	TBD
10	TBD

*[Sections 373.016, 373.219, 373.223(1), 373.236, F.S.; Rules 40D-2.301(1), 40D-2.381(1), (4); F.A.C.; BOR 6.2]*

### 9. Wells

a. Well construction permits shall be obtained from the District by the Licensee for all wells to be constructed for this project. Well construction shall conform to requirements set forth in District and DEP rules for well construction.

*[Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.041, F.A.C.; WUP BOR 6.2]*

b. Wells not in use with no installed pumping equipment shall be capped or valved in a water tight manner in accordance with Rule 62-532.500(3)(a)(4), F.A.C.

*[Sections 373.016, 373.219, 373.223(1), 373.308, 373.313, F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.037, 40D-3.041, 40D-3.521, 62-532.500, F.A.C.]*

c. Within 90 days of the completion of each proposed well, Licensee shall submit to the District specific capacity (well testing) information from any test performed by the Water Well Contractor or pump installer on the well. This information shall include:

- i. Static water level before pumping
- ii. Duration of test pumping
- iii. Gallons per minute pumped
- iv. Final water level measured during pumping

## SECTION B. PLANT SPECIFIC CONDITIONS

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If step-drawdown tests were performed, the information listed above shall be submitted for each step. A report analyzing the results shall be presented.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.301(2), F.A.C.]*

d. Within 90 days of construction, Licensee shall submit to the Permit Data Section, Regulation Performance Management Department, the specific locations of District ID Nos. 1, 2, 3, 4, 5, Licensee ID Nos. PW-1, PW-2, PW-3, PW-4, CW-1, on an original blue line aerial with a minimum scale of one inch equals 800 feet, or by latitude/longitude. Intake and mainline diameters for each of the above pumps shall be reported at the time of location reporting.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), 40D-3.301(2), F.A.C.]*

e. Prior to start of construction activity that involves withdrawal of groundwater, the Licensee shall develop and implement a Water Conservation Plan (Plan) that includes practices currently employed or planned. This Plan shall address water conservation measures related to the construction phase of the project. In addition, the Licensee shall update this Plan, or submit a separate Plan, to address the operation phase of the project no later than one-year prior to the anticipated commercial operation of the first unit. For planned components, include an estimated time-frame for implementation for each. The Plan must indicate that technically and economically feasible water conservation opportunities have been or will be employed.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 3.4 (pending amendment)]*

f. The lowest quality water source, including reclaimed water, surface water and stormwater, must be used for each consumptive use authorized by these conditions of certification when available, except when Licensee demonstrates that the use of the lower quality water source is determined to be not economically, environmentally, or technologically feasible, in accordance with the District's Water Use Permit Information Manual Part B, Basis of Review, Sections 4.4 and 4.11.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 4.4, 4.11]*

g. Wetlands and other surface waters may not be adversely impacted as a result of the water use authorized by these conditions of certification. If unacceptable adverse impacts occur, the District will request that DEP modify the conditions of certification to curtail or abate the unacceptable adverse impacts, unless the impacts can be mitigated by Licensee.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR 2.8, 4.2, 4.13, 6.2]*

h. A construction dewatering plan shall be provided to the District, for approval 6 months prior to the conduct of the dewatering. This plan shall include the details of the dewatering system, discharge quantities and location, a monitoring plan, and other details as appropriate to demonstrate that the dewatering plans meet the Districts Conditions of Issuance

## SECTION B. PLANT SPECIFIC CONDITIONS

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as included in 40D-2.301 and comply with all applicable Environmental Resource Permit construction dewatering requirements.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR Sections 3.5, 5.4, 5.5]*

### **B. STANDARD CONDITIONS:**

Licensee shall comply with the following Standard Conditions:

1. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if Licensee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the conditions set forth herein, the District shall seek revocation of any conditions of certification.
2. These conditions of certification are imposed based on information provided by Licensee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of this certification, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the District shall seek modification these conditions of certification or revocation of the certification authorized by DEP.
3. Licensee shall not deviate from any of the District- imposed conditions of this certification without written approval by the District.
4. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, Licensee agrees that portions of these conditions of certification shall be modified, or declared inactive as necessary to address the water shortage.
5. The District shall collect water samples from any withdrawal point listed in these conditions of certification or shall require Licensee to submit water samples when the District determines there is a potential for adverse impacts to water quality.
6. Licensee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. Licensee shall either accompany District staff onto the property or make provision for access onto the property.
7. Licensee shall cease or reduce any surface water withdrawals as directed by the District if water levels in surface water fall below applicable minimum water level established in Chapter 40D-8 or rates of flow in streams fall below the minimum levels established in Chapter 40D-8.
8. Licensee shall cease or reduce withdrawals if water levels in aquifers fall below the minimum levels established by the District.
9. Licensee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the District adopts specific conservation requirements for Licensee's water use classification, these conditions of certification shall be modified accordingly.

## SECTION B. PLANT SPECIFIC CONDITIONS

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10. The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, these conditions of certification shall be subject to them upon notice and after a reasonable period for compliance.

11. Licensee shall mitigate any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, Licensee shall be required to mitigate the impacts. Adverse impacts include:

- a. A reduction in water levels which impairs the ability of the well to produce water;
- b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
- c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer water body.

12. Licensee shall mitigate any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the Licensee shall be required to mitigate the impacts. Adverse impacts include:

- a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses;
- b. Sinkholes or subsidence caused by reduction in water levels;
- c. Damage to crops and other vegetation causing financial harm to the owner; and
- d. Damage to the habitat of endangered or threatened species.

13. When necessary to analyze impacts to the water resource or existing users, Licensee shall be required to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.

14. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.

15. Licensee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.

16. The annual average daily withdrawal quantity is determined by calculating the total quantity of water to be withdrawn over a one year period, divided by 365 days, which results in a gallons per day (gpd) quantity pursuant to Basis of Review, Section 3.2, Permitted Withdrawal Quantities. This is a running 12-month average, whereby each month the annual average daily quantity is recalculated based on the previous 12-month pumpage.

*[Sections 373.016, 373.219, 373.223(1), F.S.; Rules 40D-2.301(1), 40D-2.381(1), F.A.C.; BOR Section 6.1]*

### **XXIX. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

#### **A. Listed-Species Conditions**

##### **Listed Species Occurring or Potentially Occurring in the Project Area**

**SECTION B. PLANT SPECIFIC CONDITIONS**

<b>Common Name</b>	<b>Scientific Name</b>	<b>FL Status</b>	<b>Federal Status</b>
Gopher frog	<i>Rana capito</i>	SSC	
Eastern indigo snake	<i>Drymarchon couperi</i>	T	T
Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SSC	
Short-tailed snake	<i>Stilosoma extenuatum</i>	T	
Gopher tortoise	<i>Gopherus polyphemus</i>	T	
Florida scrub jay	<i>Aphelocoma coerulescens</i>	T	T
Little blue heron	<i>Egretta caerulea</i>	SSC	
White ibis	<i>Eudocimus albus</i>	SSC	
Southeastern American kestrel	<i>Falco sparverius paulus</i>	T	
Florida sandhill crane	<i>Grus canadensis pratensis</i>	T	
Bald Eagle	<i>Haliaeetus leucocephalus</i>	**	**
Red-cockaded woodpecker	<i>Picoides borealis</i>	SSC	E
Florida mouse	<i>Podomys. floridanus</i>	SSC	
Sherman’s fox squirrel	<i>Sciurus niger shermani</i>	SSC	
Florida black bear	<i>Ursus americanus floridanus</i>	T	
Florida manatee	<i>Trichechus manatus latirostris</i>	E	E

\*SSC = Species of Special Concern; T= Threatened; E= Endangered;

\*\*While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and federal Bald and Golden Eagle Protection Act.

**1. General Listed-Species Surveys**

a. The Licensee will coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the Certified Facilities, with appropriate buffers as defined by the survey protocols, prior to conducting detailed surveys.

b. Surveys will be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys will be provided to the FWC and coordination will occur with the FWC on appropriate impact mitigation methodologies.

*[Article IV, Sec. 9, Fla. Constitution; Section 379.2291, Florida Statutes (F.S.), Sections 403.507 and 403.5113(2), F.S., and Rule 68A-27, Florida Administrative Code (F.A.C.)]*

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## SECTION B. PLANT SPECIFIC CONDITIONS

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### 2. Gopher Tortoise

Information on the gopher tortoise and permitting can be found on FWC's website.

a. The Licensee will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and current FWC-approved Gopher Tortoise Permitting Guidelines or FWC-approved subsequent versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other permittees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October.

b. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

c. The Licensee will coordinate with and provide the FWC a completed gopher tortoise relocation permit(s) application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a post-certification submittal. This permit application will provide information on the location for on-site recipient areas and any off-site FWC approved recipient site, as well as, appropriate mitigation contributions.

d. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

e. To the maximum extent practicable or feasible, all staging and storage areas should be sited to avoid impacts to gopher tortoise burrows and habitat.

*[Article IV, Sec. 9, Fla. Const.; Sections 403.507 and 403.5113(2), F.S., Section 379.2291, F.S.; and Rule 68A-27.004, F.A.C.]*

### 3. Bald Eagle

a. The Licensee will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC Eagle Management Guidelines, outlined in the FWC Bald Eagle Management Plan, dated April 9, 2008, or any subsequent FWC-approved versions. In areas where bald eagle nests are present,

## SECTION B. PLANT SPECIFIC CONDITIONS

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efforts will be made to avoid construction activities during the nesting season (October 1 – May 15) or when eagles are present before October 1 or after May 15.

b. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season (May 16 – September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or USFWS-approved subsequent versions.

c. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be obtained from the FWC, as authorized by Section 379.2291 F.S., and Rule 68A-16.002, F.A.C., and minimization and conservation measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.

[ Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-1 7.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.002, F.A.C.]

### 4. Florida Scrub-Jay

a. The Licensee will coordinate with the FWC prior to clearing and construction of the Certified Facilities to insure that surveys for Florida scrub-jays (*Aphelocoma coerulescens*) are in accordance with FWC- and USFWS-approved protocols (Fitzpatrick et al. 1991)\*.

b. The Licensee will conduct the surveys and provide the FWC with the Florida scrub-jay survey results and identify where impacts to Florida scrub-jays cannot be avoided.

c. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to Florida scrub-jays cannot be avoided.

[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-1 7.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]

\*Fitzpatrick, J. W., G.E. Woolfenden, M.T. Kopeny. 1991. Ecology and development-related requirements of the Florida scrub-jay (*Aphelocoma coerulescens*). Nongame Wildl. Prog. Tech. Rep. No. 8, Fla. Game Fresh Water Fish Comm., Tallahassee.

### 5. Red-Cockaded Woodpeckers

a. The Licensee will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (*Picoides borealis*) to insure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003, and the USFWS Red-Cockaded Woodpecker Recovery Plan, or subsequent FWC-approved or USFWS-approved versions of wither plan.

b. The Licensee will conduct the surveys and provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.

c. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

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*[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]*

### 6. Avian Protection Plan

The Licensee will coordinate with the FWC in the development of an Avian Protection Plan that delineates a program designed to reduce the operational and avian risks that result from avian interactions with the Certified Facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:

<http://www.fws.gov/migratorybirds/issues/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf>

*[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S., 68A-27 F.A.C. and Rule 68A-16.001 F.A.C.]*

### 7. Florida Manatee

a. The Standard Manatee Conditions for In-Water Work (revision 2005) shall be followed for all in-water activity located where waters are accessible to manatees. These are enclosed as Attachment 1. Blasting or pile hammering activities to break rock shall be prohibited in or adjacent to waters accessible to manatees. If no other alternative exists, a modification of these conservation measures can be requested. An adequate Blast and Protected Species Watch Plan must be submitted to and approved by the Imperiled Species Management Section of the FWC prior to these methodologies being used.

b. At least 60 days prior to the beginning of in-water construction or demolition activities located where waters are accessible to manatees, the Licensee shall contact the FWC to determine whether observers will be required, how many observers will be needed and who those observers will be. The Licensee may provide the FWC with a list of prospective observers or the FWC will provide a list. Observers must be approved by the FWC prior to construction and be equipped with polarized sunglasses to aid in observation. The manatee observer must be on site during all in-water construction activities and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. Movement of a work barge, other associated vessels, or any in-water work associated with construction or demolition activities shall not be performed after sunset, when the possibility of spotting manatees is negligible. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion to the FWC's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at [fcmpmail@myfwc.com](mailto:fcmpmail@myfwc.com).

c. If a cofferdam is used during in-water construction to minimize release of sediment to the Cross Florida Barge Canal, the area inside (behind) the cofferdam must be checked for the presence of manatees during and after installation of the barrier before further work occurs to determine that manatees have not been entrapped.

d. At the earliest point in the final design phase of the project and prior to construction in waters accessible to manatees, the Licensee must submit a complete final description and final design of the Cooling Water Intake Structure (CWIS) plan to be approved by the FWC with regard to manatee safety issues. The description should include the width of

## SECTION B. PLANT SPECIFIC CONDITIONS

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proposed vertical bar screens and the means by which they will be secured to the structure, the location and type of material proposed for screens and the method of securing the screens, the location of the pump and pump house, and a complete explanation of how access by manatees to the pump mechanism will be prevented. A final CWIS plan approved by the FWC must be implemented prior to the facility operation and maintained for the life of the facility.

e. At the earliest point in the final design phase of the project and prior to construction in waters accessible to manatees, the Licensee must submit a complete description and final design of the trash rack/rake plan, which must be approved by the FWC. The description must include the type (brand) of trash rack proposed, the proposed rack installation angle, and if a rake/rake gripper (or other moving element for cleaning or straining) is proposed as part of the mechanism, a description of the rake gripper, the size (in inches) of the rake gripper opening, the proposed descent velocity of the rake or other straining mechanism, the proposed type of operation of the rake (automated or manual), and the proposed location of the trash rack relative to the CWIS forebay. A final trash rack/rake plan must minimize risks to manatees, must be approved by the FWC, implemented prior to the facility operation and maintained for the life of the facility.

f. To reduce the risk of entrapment and drowning of manatees, grating shall be installed over any existing or proposed pipes or culverts greater than 8 inches, but smaller than 8 feet in diameter that are submerged or partially submerged and reasonably accessible to manatees. Bars or grates no more than 8 inches apart shall be placed on the accessible end(s) during all phases of the construction process and as a final design element to restrict manatee access.

*[Article IV, Sec. 9, Fla. Const., Section 403.507, F.S., Section 403.5113(2), F.S., Rule 62-17.191, F.A.C., Section 379.2291, F.S. and 68A-27 F.A.C.]*

### **B. Biological Survey and Monitoring Conditions**

The Licensee may request modification of the following applicable FWC conditions upon issuance by the Department of Environmental Protection, in consultation with the FWC, of Final NPDES permit FL0633275-001-IWISINP

#### **1. Cross Florida Barge Canal and Withlacoochee River Survey and Monitoring**

Field data are needed in order to determine if there are any impacts of the proposed withdrawals in the Cross Florida Barge Canal and the Withlacoochee River below the Lake Rousseau Dam.

a. Within 180 days following certification of the Levy County Nuclear Facility, the Licensee shall submit to the DEP Siting Office and FWC a Cross Florida Barge Canal and Withlacoochee River Baseline Survey and Monitoring Plan (CRSMP). Unless otherwise agreed to by the Licensee and FWC, in consultation with DEP, the CRSMP shall include, at a minimum, the following components and may include additional components as proposed by either the FWC or Licensee:

i. Nekton pre-operational survey and post-operational monitoring should be based on a stratified-random sampling design, with a minimum of 12 samples per month in the Cross Florida Barge Canal, a minimum of 6 samples per month in the Withlacoochee River downstream of Lake Rousseau, and a minimum of 6 samples per month in

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the area just off the entrance to the Cross Florida Barge Canal. Ideally the sampling effort would be divided between bag seines and otter trawls, with a ratio of two seine hauls to one trawl haul. This study design will allow comparison between monitoring results of nekton communities, and possible changes in these communities, in the CFBC and Withlacoochee River with systems north and south of the CFBC. Ideally the number of samples necessary per month would be based on preliminary sampling and subsequent power analysis (to determine power to detect change). If additional gear is deemed more appropriate, these should be provided in the nekton monitoring study design.

ii. Plankton (ichthyoplankton and meroplankton) preoperational survey and post-operational monitoring should be based on a stratified random sampling design, with a minimum of 12 samples per month in the Cross Florida Barge Canal, a minimum of 6 samples per month in the area just off the entrance to the Cross Florida Barge Canal, and in the Withlacoochee River. The surveys should employ standard plankton sampling gear. Ideally the number of samples necessary per month would be based on preliminary sampling and subsequent power analysis (to determine power to detect change). The plankton monitoring should, at a minimum, include sampling at night.

iii. Additional hydrographic survey sites may be needed, depending on the data available from previous studies, to characterize circulation and flow from the Withlacoochee River south to the Barge Canal, across and into the Barge Canal, and south towards the Crystal River Energy Complex. Specific survey and monitoring locations, sampling frequencies and methods, and specific parameters to be surveyed and monitored shall be approved by the FWC, in consultation with DEP and SWFWMD.

iv. Pre-operational surveys and monitoring shall be conducted for a period of time to be determined by statistical analysis in coordination between the FWC and the Licensee in order to establish seasonal/climatological baseline, biological and water quality conditions. This timeframe will not exceed the period of time that is available prior to operation of the facility.

v. Pre-operational survey and post-operational monitoring shall be conducted for a period of time to be determined by statistical analysis in coordination between the FWC, in consultation with DEP, and the Licensee, utilizing the same pre-operational survey methodologies in order to identify and characterize biological and water quality impacts associated with the project for any needed mitigation purposes.

vi. In accordance with federal regulations related to the project's intake structure, an impingement and entrainment study shall be developed and implemented for use during operations to validate the assumptions of limited or no impingement and entrainment of organisms.

vii. An adaptive management approach shall be applied during pre-operational surveying and post-operational monitoring plan development in order to accommodate for less expensive data collection methodologies that may become available.

viii. This CRSMP, including survey and monitoring locations, shall be approved prior to implementation. The FWC, in consultation with DEP and SWFWMD, shall indicate approval or disapproval of the submitted plan within 90 days of the originally submitted information. The FWC will transmit its findings to the DEP-Siting Office for

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coordination and transmittal to the licensee. In the event that additional information is needed from the licensee to complete and approve the Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

ix. Upon approval, the Licensee will start implementation of the CRSMP.

b. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the survey and monitoring requirements, hydrographic analysis documenting the flow and circulation patterns in the nearshore areas, and a summary report at the end of the baseline period. These reports shall be submitted to the FWC, and DEP Siting Office for review. If the FWC, in consultation with DEP and SWFWMD, in their review of the yearly progress reports, determines inadequacies or the need to modify the CRSMP, FWC will notify DEP and the Licensee and a joint meeting will be held to discuss the findings. At the end of the baseline monitoring period, the Licensee will hold a joint meeting with the DEP and EWC to discuss the results. At that time, the FWC, in consultation with DEP and SWFWMD, and the Licensee will determine what, if any, modifications need to be made to the CRSMP for monitoring once the Plant begins operations. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee.

c. If the CRSMP is determined to need modifications for monitoring during the operation of the Plant, the Licensee will submit, within 180 days after notification of needed modifications, a revised CRSMP to the FWC and the DEP Siting Office for review. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that additional information from the licensee is necessary to complete and approve the CRSMP, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP-Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

d. The Licensee will submit, after initiation of operations at the Levy Plant, an annual report, including all data and statistical analyses resulting from the monitoring requirements and an analysis comparing the current data to the preoperational survey (baseline) data to the FWC and the Siting Office. If the FWC, in consultation with DEP and SWFWMD, determines that the pre-operational survey and post-operational monitoring data indicate harm or potential harm to the ecological resources of the waters of the State and/or indicate exceedance of State water quality standards, or if these data are insufficient to evaluate changes, then additional measures shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

- i. Enhanced monitoring and/or modeling, and mitigative measures;
- ii. Operational changes in the cooling water intake system to reduce any such impacts;
- iii. Other measures to abate impacts as may be described in the Canal and River Monitoring Plan.

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e. The Licensee will submit a summary report, including all data and statistical analyses from the baseline monitoring and an analysis comparing the current data to the baseline data, to the FWC and the DEP Siting Office. The summary report should be submitted a minimum of 6 months before renewal of the NPDES permit.

*[Article N, Sec. 9, Flu. Const., Section 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2401 F.S., Rules 68A-1.002 Florida Administrative Code (F.A.C), 68A-4.001, F.A. C and Chapter 68A-27, F.A.C.]*

### **2. Levy Nuclear and Crystal River Energy Complex Combined Discharge Survey and Monitoring**

a. Within 180 days following certification of the Levy County Nuclear Facility, the Licensee will submit to the FWC and the DEP Siting Office a LNP Combined Discharge Survey and Monitoring Plan (Discharge Monitoring Plan). Unless otherwise agreed to by the Licensee and FWC, in consultation with DEP, the Discharge Monitoring Plan shall include, at a minimum, the following components:

i. A broad-based, pre-operational survey and a postoperational monitoring plan, for a period of time to be determined by statistical analysis in coordination between the DEP, FWC and the Licensee, that is available prior to operation of the facility, that includes sites outside of the existing or predicted plume areas to allow for a comparison of the plume area sites to a "control site." This time frame will not exceed the period of time that is available prior to operation of the facility.

ii. Specific survey and monitoring locations, sampling frequencies and methods, and specific parameters to be surveyed and monitored.

iii. The survey and monitoring will include, at minimum, protocols to monitor seagrass, oyster and hardbottom resources. Monitoring of physical and chemical parameters shall include, at minimum, surface and bottom temperature, salinity, dissolved oxygen (DO), total nitrogen, total phosphate, and water column transparency data collection.

iv. Intensive survey and monitoring of the central areas of the existing and future predicted plume areas during the first and second summers of the combined discharge. This should include measurements of DO at the surface and at the bottom measured on a regular schedule (quarterly at minimum, monthly if possible), and, within the zone of plume impact, DO at the bottom measured overnight 3 to 4 times during each summer.

v. The Discharge Monitoring Plan, including survey and monitoring locations, shall be approved prior to implementation. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that additional information from the licensee is necessary to complete and approve the Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the licensee for additional information no later than 30 days after receipt of the submitted information.

vi. The Discharge Monitoring Plan shall be implemented upon approval. As noted above, upon issuance of Final NPDES permit FL0633275-001-IWIS/NP, the

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Licensee may request to DEP, in consultation with FWC, modification of the FWC conditions of certification.

b. The Discharge Monitoring Plan and results of monitoring data collected over the course of the previous and current CREC operating period and NPDES permits will be submitted to the DEP and FWC so as to provide a basis for developing the LNP Discharge Mitigation Plan, if needed.

c. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the survey and monitoring requirements, and a summary report at the end of 5 years after approval of the Discharge Monitoring Plan of the Levy County Nuclear facility and submit the report to the FWC and DEP Siting Office for review. If in the review of the yearly progress reports, the FWC, in consultation with DEP and SWFWMD, determines inadequacies or the need to modify the Discharge Monitoring Plan, FWC will notify the DEP-Siting Office and the Licensee to discuss the findings. At the end of the baseline monitoring period, the Licensee will contact DEP and FWC to discuss the results. At that time, the FWC, in consultation with DEP and SWFWMD, and the Licensee will determine what if any modifications need to be made to the Discharge Monitoring Plan for monitoring once the Plant begins operations.

d. If the Discharge Monitoring Plan is determined to need modifications for monitoring during the operation of the Plant, the Licensee will submit, within 180 days, a revised Discharge Monitoring Plan to the Agencies for review. The FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that additional information from the licensee is necessary to complete and approve the Discharge Monitoring Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP-Siting Office and the licensee for additional information no later than 30 days after receipt of the submitted information.

e. The Licensee will submit, after initiation of operations at the Levy Plant, a yearly progress report, including all data and statistical analyses from the baseline surveys and monitoring and an analysis comparing the current data to the baseline data, to the Agencies. If the FWC, in consultation with DEP and SWFWMD, determines that the pre-operational survey and post-operational discharge monitoring data are insufficient to evaluate changes, indicate harm or potential harm to the ecological resources of the waters of the State and/or exceed State water quality standards, then additional measures shall be required to evaluate or to abate such impacts. Additional measures include but are not limited to:

- i. Enhanced monitoring and/or modeling, and mitigative measures;
- ii. Operational changes in the discharge or water cooling system to reduce any such impacts;
- iii. Other measures to abate impacts as may be described in the Plan.

f. The Licensee will submit a summary report, including all data and statistical analyses from the baseline survey and an analysis comparing the current data to the

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baseline data to FWC and the DEP Siting Office. The summary report should be submitted a minimum of 6 months before renewal of the NPDES permit.

g. If FWC, in consultation with DEP and the Licensee find that the monitoring demonstrates no impact from Levy, then licensee may request that FWC, in consultation with DEP amend the monitoring plan or terminate it.

*[Article N, Sec. 9, Flu. Const., Section 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2401 F.S., Rules 68A-1.002 Florida Administrative Code (F.A.C.), and Chapter 68A-2 7, F.A.C.]*

### C. Mitigation

#### 1. Cross Florida Barge Canal and Withlacoochee River

a. FWC, in consultation with DEP and SWEWMD, will review the CRMP Annual Reports. If after the review and analysis of the data and reports there is an indication of adverse impacts, FWC, in consultation with DEP and SWFWMD, will notify the DEP-Siting Office and the Licensee of the need for mitigation. Within 180 days following notification from DEP-Siting Office of the need for mitigation, the Licensee will submit to the DEP and FWC a Withlacoochee River and/or the Cross Florida Barge Canal Mitigation Plan (CFJ3CWR Mitigation Plan). The CFBCWR Mitigation Plan may include the following components:

i. Plans to alleviate changes in flow, water quality, or biology, as determined from the survey and monitoring, in the Withlacoochee River between Lake Rousseau and the CFBC

ii. Possible operational changes in the cooling water intake system to reduce any such impacts.

iii. The CFBCWR Mitigation Plan shall be approved by FWC, in consultation with DEP and SWFWMD, prior to implementation. FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that FWC, in consultation with DEP and SWFWMD, requires additional information for the licensee to complete and approve the CFBCWR Mitigation Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

iv. Upon approval by FWC, in consultation with DEP and SWFWMD, the Licensee will start implementation of the CFBCWR Mitigation Plan.

v. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the implementation of the CFBCWR Mitigation Plan, and a summary report at the end of 5 years or a minimum of 6 months before renewal of the NPDES permit, and submit the report to FWC and DEP for review. If the FWC, in consultation with DEP and SWFWMD in their review of the yearly progress reports determine inadequacies or the need to modify the CFBCWR Mitigation Plan, they will notify the DEP-Siting Office and the Licensee to discuss the findings. If the hydrographic monitoring from the

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Canal and River Monitoring Plan indicates changes to the circulation and flow due to the LNP a proposal will be developed to restore circulation patterns.

*[Article IV, Sec. 9, Flu. Const., Section 403.507 and 403.509, F.S. Section 379.1025 F.S., Section 379.2291 F.S. ; Section 379.2401 F.S., Rules 68A-1.002 F.A. C., 68A-4.001, F.A. C and Chapter 68A-27, F.A.C.]*

### 2. Crystal River Combined Discharge

a. FWC, in consultation with DEP and SWFWMD, will review the Discharge Monitoring Plan Annual Reports. If after the review and analysis of the data and reports there is an indication of adverse impacts, EWC, in consultation with DEP and SWFWMD, will notify the Licensee of the need for mitigation for impacts caused by the LNP discharge. Within 180 days following notification through the DEP Siting Office of the need for mitigation, the Licensee will submit to FWC and the DEP Siting Office a Levy Nuclear Discharge Mitigation Plan (LNP Mitigation Plan). The Plan may include the following components:

i. Remedial action options if the Levy Nuclear discharge has adverse impacts on water quality and physical parameters, seagrasses, oysters, or other marine organisms.

ii. Development of a hydrologic model for restoring flows and circulation if deemed necessary from the Canal and River Monitoring Plan.

iii. If the hydrologic modeling, from item 2 above, indicates positive changes, then consideration should be given to re-establishing the "flow-through cuts" along the Crystal River Intake Canal spoil piles.

iv. Operational changes in the discharge or water cooling system to reduce any such impacts.

v. The LNP Mitigation Plan shall be approved prior to implementation. FWC, in consultation with DEP and SWFWMD, shall indicate its approval or disapproval of the submitted plan within 90 days of the originally submitted information. The FWC will transmit its findings to the DEP-Siting Office for coordination and transmittal to the licensee. In the event that FWC, in consultation with DEP and SWFWMD, require additional information for the licensee to complete and approve the LNCREC Mitigation Plan, the FWC, in consultation with DEP and SWFWMD, shall make a written request to the DEP-Siting Office and the Licensee for additional information no later than 30 days after receipt of the submitted information.

vi. Upon approval by FWC, in consultation with DEP and SWFWMD, the Licensee will start implementation of the LNP Mitigation Plan.

b. The Licensee will prepare yearly progress reports, including all data and statistical analyses resulting from the implementation of the LNCREC Mitigation Plan, and a summary report submitted 6 months before the application for renewal of the NPDES permit, and submit the report to FWC and the DEP Siting Office for review. If the FWC, in consultation with DEP and SWEWMD, in their review of the yearly progress reports determine inadequacies or the need to modify the LNCREC Mitigation Plan, FWC will notify the DEP-Siting Office and the Licensee to discuss the findings.

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*[Article IV, Sec. 9, Fla. Const., Section 403.507 and 403.509, F.S.; Section 379.1025 F.S., Section 379.2291 F.S., Section 379.2401 F.S., Rules 68A-1.002 F.A. C, Chapter 68A-27, F.A. C.]*

### **XXX. LEVY COUNTY – PLANT REQUIREMENTS**

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

#### **A. Documentation/Submittals Requirements**

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

a. A detailed site plan depicting that all development within the 3 105-acre site is contained within the designated Development Areas as shown on Exhibits A and B to SE 2-08 (herein the Development Areas), with the exception of fencing, temporary uses incidental to the construction of the facility, transmission lines and pipelines, berms, guard houses, water wells, monitoring wells, and internal roads necessary to provide internal access to these listed structures, and is setback a minimum of 1,000 feet from any property boundary where abutting properties are not under the same ownership as the subject property.

b. A detailed site plan depicting development within the proposed Development Areas, which reflects the areas, locations, sizes, and heights shown on Exhibit B to SE 2-08 and the tables on Exhibit C to SE 2-08, and which reflects any changes to those items shown on such Exhibits B and C to SE 2-08 in building, pavement, and/or structure size or height, relocation of buildings, pavement, and/or structures within the 954 acres of Development Area. Any such changes to Exhibit B and Exhibit C to SE 2-08 depicted on the site plan shall conform to the special exception requirements for electric generating facilities and the notes listed on Exhibit B to SE 2-08, which all shall allow for construction and operation of nuclear electric generating facilities subject to the Florida Electrical Power Plant Siting Act, Section 403.501 through 403.5 18, Fla. Stat., consisting of two reactor units generating a total electrical load of 3,000 megawatts and the necessary support services and structures required for the construction and operation of such facility including offices, training facilities, storage areas, warehousing, first aid facilities, staging areas, parking lots, electrical transmission facilities, cooling towers, retention basins, shooting range, emergency notification equipment, fencing and security facilities, and temporary uses necessary for the construction of such facility including but not limited to concrete and/or asphalt batch plants.

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

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d. detailed site plan depicting that the maximum structure height does not exceed 250 feet.

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

f. A detailed site plan depicting paved pervious parking areas and service areas. Additional pervious parking areas and service drives necessary for internal circulation shall be permitted throughout the special exception area.

g. A detailed site plan of the special exception area depicting that the maximum impervious surface does not exceed 20 percent of the total special exception area.

h. An updated traffic study for the site and associated facilities, reflecting projected traffic during construction and operational phases for the site and associated facilities. Such traffic study may also be used to calculate the appropriate Levy County road impact fees for the site and associated facilities.

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

3. Any development of the site and associated facilities that is contained in and approved as part of the detailed site plan submitted to Levy County and any building permit shall be subject to inspection and approval by Levy County through its Road Department, Development Department, and/or County Engineer, as appropriate.

4. At least 30 days prior to commencement of construction of the particular building, a completed County building permit forms shall be submitted to the Levy County Building Department for any structures on the site or for associated facilities that do not consist of facilities of electric utilities as defined in Section 366.02, Fla. Stat., which are directly involved in the generation, transmission, or distribution of electricity, or that are not otherwise exempt from the requirements of the Florida Building Code. For every structure Licensee intends to construct on the site or for associated facilities that Licensee contends is exempt from the Florida Building Code, Licensee shall provide a list of the exempt structures or facilities.

5. Final development approval shall be contingent upon the Licensee obtaining all development/approval and permits from all applicable state and federal agencies that are necessary for the particular development activity to be approved by the County, with the exception of the Federal Combined Construction Operating License.

6. The schedule for and the content and detail of any of the above informational submittals to Levy County may be altered upon agreement between Levy County and the Licensee. Further, any amendments by Levy County to SE 2-08 may be approved by Levy County without further modification to this certification or to these conditions. Any future amendment to SE 2-08 shall be submitted to the Department's Siting Office by Licensee. If an amendment to SE 2-08 also requires modification or amendment of this certification, then such modification or amendment shall also be obtained by Licensee.

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*[Section 125.01 (l)(h) and (cc), F.S. ; Chapter 553, Part IV, F.S. ; Florida Building Code; Section 102.2, Florida Building Code; Chapter 50, Levy County Code; Chapter 50, Article PTIJ Levy County Code; Sections 50-131, 50-132, 50-715, and 50-796 through 50-823, Levy County Code; Conditions of SE 2-08, approved by the Board of County Commissioners September 2, 2008]*

### **B. Building/Construction Fees**

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

*[Sections 1 and 10, Art. VII, Florida Constitution; Sections 125.01(1)(h) and (cc), F.S.; Section 403.511(4), F.S.; Chapter 553, Part IV, F.S.; Florida Building Code; Section 102.2, Florida Building Code; Chapter 50, Levy County Code; Section 50-131, Levy County Code; Levy County Resolution 2007-24]*

### **C. Impact Fees**

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

*[Sections 1 and 10, Art. VII, Florida Constitution; Section 403.511(4), F.S. Chapter 47, Article III, Levy County Code; Chapter 47, Article IV, Levy County Code]*

### **D. Construction and Operation**

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

1. The use of the site is limited to the construction and operation of not more than two (2) nuclear reactor powered electrical generating plants and associated support structures, accessory structures and uses identified and shown on Exhibit B to SE 2-08. 2. No permanent entrance to the site shall be constructed from CR 40 for the purpose of operational phase work force access. This is not to preclude a roadway to provide access for the construction and maintenance of the site and associated facilities, and of electricity transmission lines and water lines used to convey cooling water pumped from the Cross Florida Barge Canal or return lines pumping water to the Crystal River Discharge Canal, emergency access or similar incidental access uses. This condition does not preclude the temporary use of the heavy haul road for the delivery of heavy equipment or materials for construction and maintenance of the power plant(s), transmission lines that parallel that road, substation or water supply and return lines.

2. Construction and operation activities within the Special Exception area, including transmission and pipeline construction, shall not adversely impact adjacent properties

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not owned by the Licensee. Storm water run-off, and excessive dust, smoke, noise, glare and vibrations shall be considered adverse impacts.

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

4. Permanent roadway access to the site shall only be from U.S. Hwy. 19.

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

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

7. Landscaping requirements of Levy County shall be met by the maintenance of the natural vegetation on the portions of the properties outside the designated development areas under SE 2-08.

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

*[Section 125.01(1)(h), F.S.; Section 50-715, Levy County Code; Sections 50-796 through 50-823, Levy County Code; Conditions of SE 2-08, approved by the Board of County Commissioners September 2, 2008]*

### **E. Driveway Access for and Heavy Haul Road Crossing of County Road 40**

1. In the event the Licensee proposes any access to CR 40 for access to the transmission line corridor or the site through Licensee's property adjacent to CR 40 for any purpose, including transmission lines, and such access will not concurrently or later act as the heavy haul road (herein "driveway access") and for the heavy haul road's crossing of CR40\* (herein "heavy haul road crossing"), at least sixty (60) days prior to any construction activities related to such driveway access or heavy haul road crossing, the Licensee shall provide the following items to the County:

a) the information necessary for a completed County driveway permit form;

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\* This includes the heavy haul road's crossing of the entire right-of-way for CR 40, from right-of-way line to right-of-way line.

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b) a detailed description of the proposed uses for such driveway access or heavy haul road crossing, including but not limited to estimated traffic volume, traffic composition, and proposed weights of loads that will use the driveway access or heavy haul road crossing;

c) engineering and construction plans for such driveway access or heavy haul road crossing, including for the heavy haul road crossing:

i) 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 Licensee's proposed use of the heavy haul road; and

ii) engineering and construction plans depicting the proposed location, design, and construction of the temporary connection to CR 40 that Licensee proposes to use for the heavy haul road;

d) maintenance of traffic plans for maintenance of traffic during construction of such driveway access or heavy haul road crossing, including maintenance of traffic plans during construction of any improvements to CR 40 and adjacent right-of-way required to maintain structural integrity of CR 40 and for use during the Licensee's proposed use of the heavy haul road crossing for construction or maintenance of the transmission lines and the power plant site;

e) and any other documentation or information, in accordance with established and generally applicable industry standards, required by the County Road Department, Development Department, or County Engineer for the County's review of the use and construction of the driveway access or heavy haul road crossing and any related improvements to CR 40.

2. 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* any Special Provisions adopted by the County Engineer in accordance with the provisions thereof, and the then-current Florida Department of Transportation manual, *Design Standards for the Design, Construction, Maintenance, and Utility Operations on the State Highway System*, and the requirements of the County Road Department, Development Department, and County Engineer, in accordance with established and generally applicable industry standards.

3. After review and approval of such engineering and construction and maintenance of traffic plans by the County Road Department, Development Department, County Engineer, and the Levy County Sheriff (only maintenance of traffic plans need to be reviewed by Sheriff), the Licensee may construct the driveway access and heavy haul road crossing, any structural improvements required to maintain the integrity of CR 40 and the associated right-of-way, and improvements constituting the connection of the heavy haul road to CR 40, each to be in accordance with such approved plans. If the County does not respond within thirty days following the Licensee's submittal of engineering, construction, and maintenance of traffic plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted plans.

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

5. Prior to final approval by the County, the Licensee 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 and heavy haul road crossing, as provided in Levy County Resolution 2007-24. In addition, the Licensee shall pay all of the County's costs for staff time and other costs incurred in connection with any inspections related to the construction, use or maintenance of the driveway access or heavy haul road crossing upon request for payment by the County and the County's submittal to the Licensee of itemized documentation of its expenses.

6. No use of the driveway access and heavy haul road crossing for any purpose shall be allowed prior to the final inspection approval by the County and payment by the Licensee of the County's fees as provided herein. If the County does not respond within thirty days following the Licensee's submittal of engineering, construction, and maintenance of traffic plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted plans.

7. After final inspection approval, the use of the driveway access and the heavy haul road crossing shall be limited to the uses contemplated and addressed in the description of the proposed use of the driveway access and heavy haul road crossing previously submitted for review, and the driveway access shall not be used to transport any equipment or other items that exceed the weight capacity of CR40 as posted or that were not contemplated in the description of the proposed uses of the driveway access previously submitted for review. If further uses are required for the project, the Licensee can submit revised plans (listed in paragraph 1 above) for review by the County; no further uses will be allowed until reviewed and approved by the County. If the County does not respond within thirty days following the Licensee's submittal of revised plans (described in paragraph 1 above), the Licensee can proceed with construction in accordance with the submitted revised plans.

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

9. The Licensee shall maintain the driveway access and heavy haul road crossing of CR 40 in good condition and shall make any repairs to CR 40 caused by construction, maintenance, use or existence of the driveway access or heavy haul road crossing within 200 feet of either side of the driveway access and heavy haul road crossing. In the event the County determines any such repairs to CR 40 are required the County shall notify Licensee. In the event Licensee fails to make such repairs to CR 40 after notification of the need for such repairs by County, then the County may make such repairs and charge the costs thereof to Licensee, who shall pay such costs promptly. Throughout the Licensee's use of the heavy haul road, the Licensee 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, where damage or repairs are needed due to the Licensee's use of CR 40. The County shall have the ability to inspect CR 40 at any time for compliance with this maintenance provision. In the event that the rolling straight edge requirements are not being met on the heavy haul road's crossing of CR 40 at any time, the County shall have the ability to suspend the Licensee's use of

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the heavy haul road's crossing of CR 40 until sufficient improvements are made to maintain the rolling straight edge requirements described herein.

10. Prior to Licensee's use of the heavy haul roads crossing, the Licensee shall provide one week's advance notice for each load that Licensee proposes to transport across CR 40 using the heavy haul road. The Licensee may amend such schedule upon 48 hours notice to the County of any such amendment.

*[Sections 1 and 10, Art. VII, Florida Constitution; Section 125.01(1)(m), F.S.; Section 336.02, F.S.; Section 336.045, F.S.; Section 403.511(4), F.S.; Section 62-17.133, F.A.C.; Sections 50-381, and 50-715, Levy County Code; Objective 1 and Policy 4.2, Transportation Element of Levy County Comprehensive Plan;; Levy County Resolution 2007-24]*

### **XXXI. WITHLACOOCHEE REGIONAL PLANNING COUNCIL**

#### **A. Emergency Preparedness**

1. To maintain consistency with the SRPP's emergency preparedness content, the licensee is encouraged to work with affected local governments and other stakeholders to fully integrate the plant into all emergency management planning processes.

2. The licensee is encouraged to integrate each of the main plant's associated facilities 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. Due to the flood-prone nature of the site and vicinity, the licensee is encouraged to organize and implement hazard mitigation efforts of the type employed at more vulnerable coastal power stations. Adverse and unintended consequences could result when essential infrastructure serving a region fails to operate because of area specific hazards.

*[Policies 3.1.2, 3.6.1, 3.8.6, and Goals 3.1, 3.7, 5.8, Strategic Regional Policy Plan (SRPP)]*

#### **B. Transportation**

1. The Licensee is encouraged to ensure that development of the main plant and associated facilities does not constrain, impede or otherwise limit future development of the region's transportation system.

2. In conjunction with all interested parties, the licensee is encouraged to examine how plant construction and operation could impact the use of the Cross Florida Barge Canal; a necessary preliminary task would be for all interested parties to initiate a capacity analysis to help inform the decision-making process.

3. The licensee is encouraged to be an active stakeholder in the transportation planning process, working within local and state processes alike, to forward best case outcomes for regionally significant transportation facilities.

*[Policies 5.2.1, 5.5.7, 5.7.2, and Goals 5.2, 5.4, 5.5, 5.9, SRPP]*

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### C. Economic Development

1. The licensee is encouraged to cooperate broadly with workforce development agencies, community colleges and universities, as well as economic development organizations to maximize local employment during plant construction and operations.
2. To protect the region's viability as an eco-tourism destination, the licensee is encouraged to ensure that associated facilities make the least visible impact to viewsheds.
3. Co-location with other uses to the greatest extent possible may represent a best case economic outcome. Staff urges investigation of the methods that would make such activity feasible.
4. The licensee is encouraged to design and place associated facilities so that future expansion will be located in proximity to existing improvements or in common facility corridors as a practical approach to safeguard the region's character as an eco-tourism destination.

*[Policies 2.3.7, 2.3.10, 2.7.2, 4.15.1, and Goals 2.3, 2.9, 2.11, 2.12, SRPP]*

### D. Natural Resources

1. The licensee is encouraged to engage the site design process to still further reduce the amount of impervious surface area created by the main plant and associated facilities. Action beyond minimum standards necessary for approval is meaningful.
2. Where feasible, the licensee is encouraged to make all impact monitoring data publicly accessible when available.

*[Policies 4.3.3, 4.3.4, 4.4.9, 4.8.5, 4.8.6, 4.8.11, 4.9.4, 4.11.5, 4.12.5, 4.12.8, 4.12.9, 4.12.10, 4.13.2, and Goals 4.3, 4.4, 4.8, 4.9, 4.10, 4.11, SRPP]*

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## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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### SECTION C: Transmission Line Specific Conditions

The conditions in Section C relate to the Certified Transmission Lines.

#### XXXII. EMERGENCY REPORTING

Replacement of Certified Transmission Lines including ROW access roads constructed under this certification necessitated by emergency conditions shall not be considered a modification pursuant to Section 403.516, F.S. (2008). An oral report of the emergency shall be made to DEP as soon as possible. Within 14 calendar days after correction of an emergency or such longer time as authorized by Executive Order, which would require PEF to perform an activity not in accordance with the Conditions of Certification, a report to DEP shall be made outlining the details of the emergency and the steps taken for its temporary relief. The report shall be a written description of all of the work performed and shall set forth any pollution control measures or mitigative measures which were utilized or are being utilized to prevent pollution of waters, harm to sensitive areas, or alteration of archaeological or historical resources.

*[Section 403.511, F.S.]*

#### XXXIII. CERTIFIED CORRIDORS

A map of the corridors for the Certified Transmission Lines is attached hereto in Attachment 2.

*[Section 403.511, F.S.]*

#### XXXIV. ROW LOCATION

A. PEF shall co-locate the Certified Transmission Lines' ROW to the extent feasible within or adjacent to existing public rights-of-way for those portions of the corridor which include such existing public rights-of-way. To the extent a widened road right-of-way has been acquired by the appropriate governmental agency at the time of final transmission line design, PEF's design shall reflect that new widened right-of-way.

B. To the extent feasible PEF shall locate the Certified Transmission Lines' ROW so as to avoid the taking of homes.

C. PEF will locate the Certified Transmission Lines' ROW so as to avoid Outstanding Florida Waterbodies (OFW) to the extent feasible and practicable, and locate the ROW within an OFW only upon a showing that the ROW alignment is clearly in the public interest.

D. Unless the underground facility owner is responsible for resolving the conflict, to the extent practicable and utilizing the typical structures shown in the Application, after finalization of the ROW and prior to construction, access roads, culverts and structures shall be located to avoid conflict with existing underground water and sewer facilities properly documented in county records.

*[Sections 403.526(2)(b)3, 403.522(18), 403.526(2)(a)5, and 258.007(4), F.S.]*

#### XXXV. PROCESS FOR REVIEW OF ROW LOCATION

A. Prior to the finalization of the ROW location, three copies of the most recent available aerial photographs at a scale of 1" = 400' with wetland locations generally identified

## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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shall be submitted to DEP Siting Coordination Office, and one copy each to DEP Southwest and Northeast District Offices, State Forest, Office of Greenways & Trails (OGT), DOT, DCA, SWFWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, Pinellas and Hillsborough Counties, and the Hillsborough County EPC, delineating the corridors of the Certified Transmission Lines and the transmission lines' ROW for the areas within each agency's jurisdiction. In addition, PEF shall note on the aerial photographs new construction within the corridors that has occurred since the photograph was taken. PEF shall notify all parties of such filing and, if needed, shall meet with DEP to discuss the ROW location. This information may be submitted in segments and on a line-by-line basis. The agencies receiving the aerial photographs from PEF shall have an opportunity to review the photographs and to notify DEP, within 12 days of PEF's submittal of the aerial photographs to the agencies, of any apparent conflicts with applicable regulations and/or requirements of the Conditions of Certification. However, this paragraph shall not operate to avoid the need for post-certification submittals and compliance reviews otherwise required by the Conditions of Certification.

B. After review of the aerial photographs and comments from the other reviewing agencies, if DEP Siting Coordination Office has reason to believe that the construction of the transmission lines, access roads or pads within PEF's designated ROW cannot be accomplished in compliance with the Conditions of Certification, PEF shall be so notified in writing, with copies to other parties to the certification proceeding of the particular basis for DEP's conclusion, and possible corrective measures which would bring the Project into compliance. If such notice is not received within 15 days of PEF's submittal of the aerial photographs to the agencies, PEF may proceed with design of the transmission lines on the noticed ROW.

C. The acquisition of a particular ROW or the expenditure of funds toward acquisition of a particular ROW prior to the agencies' review pursuant to this condition will be at PEF's risk, and no party will be stopped by such acquisition to seek disapproval of the construction of the transmission lines or access road within the ROW in accordance with these Conditions of Certification.

D. After PEF has acquired interest in the entire length of the transmission lines' ROW, PEF shall:

1. File a statement with the clerk of the circuit court for each county through which the corridors pass certifying that all lands required for the transmission lines' ROW within the corridors have been acquired. PEF shall also file with the appropriate county Planning Department a map at the scale of 1" = 400' showing the boundaries of the acquired ROW.

2. File with DEP Siting Coordination Office a map at a scale of 1" = 400' showing the boundaries of the acquired ROW, if such boundaries are different from those shown in the filing required by paragraph A above. Such maps shall comply with the requirements of paragraph A. If the boundaries have not changed, PEF shall file a statement with DEP Siting Coordination Office accordingly.

E. Once the ROW has been determined, PEF will submit information to each county, as appropriate, that is consistent with information typically submitted for appropriate County ROW permits.

*[Sections 403.511, F.S.; 62-17.191, F.A.C.]*

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## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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### XXXVI. DRAINAGE AND EROSION CONTROL

#### A. Maintenance of Drainage/Hydroperiod

1. PEF shall employ best management practices, construction techniques, and adequate culverting in order to maintain existing drainage patterns along the Certified Transmission Lines' ROW. Within all wetland areas affected, wetland control elevations shall be established and maintained. This condition shall not preclude PEF from improving preconstruction hydroperiods provided such improvement can be achieved in compliance with the other Conditions of Certification. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Access roads and other nonexempt surface water management system facilities constructed in upland areas shall meet the conditions set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual, including but not limited to Section 4.4, or if appropriate, the SJRWMD's Environmental Resource Permitting Information Manual.

*[Sections 373.416 and 403.511, F.S.; Rules 40D-4.091, 40D-4.301, and 40D-4.302, F.A.C.]*

### XXXVII. ELECTRIC AND MAGNETIC FIELD EFFECTS

#### A. Bee Hives

PEF shall advise beekeepers, known at the time the ROW is established or acquired, having bee hives within or near the ROW of the potential effect of the Certified Transmission Lines on bee hives.

*[Section 403.511, F.S.]*

#### B. Radio and Television Interference

PEF shall investigate all complaints and take appropriate corrective action for impacts to radio or television reception caused by the Certified Transmission Lines.

*[Section 403.511, F.S.]*

#### C. Electric and Magnetic Fields

The Certified Transmission Lines shall comply with the applicable electric and magnetic field standards set forth in Chapter 62-814, F.A.C. The electric and magnetic fields associated with any configuration developed during the final design of this project that is not shown in the Application shall be provided to DEP on DEP Form 62-814.900 at least 90 days prior to the start of construction, or such shorter time period to which the DEP Siting Coordination Office agrees, as required by Rule 62-814.520(3), F.A.C.

*[Section 403.523(10), F.S.; Chapter 62-814, F.A.C.]*

### XXXVIII. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### A. Submittals for Activities Within Wetlands or Other Surface Waters

1. Prior to the projected commencement of construction of any portion of the Certified Transmission Lines in wetlands or other surface waters, PEF shall provide to DEP's Southwest and Northeast Districts' Environmental Resource Permitting Sections all information necessary for a complete *Joint Environmental Resource Permit application*, DEP Form No. 62-

## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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343.900(1), with copies to SWFWMD, Withlacoochee Regional Planning Council, East Central Florida Regional Planning Council, Tampa Bay Regional Planning Council, and Levy, Citrus, Sumter, Hernando, Pinellas and Hillsborough Counties, and the Hillsborough County EPC for informational purposes for the portions of the Certified Transmission Lines in each agency's or district office's jurisdiction. Information may be submitted by discrete sections of the ROW and/or on a line-by-line basis; PEF shall consult with the DEP to identify mutually agreeable sections for purposes of wetlands submittals. The completed form for each section shall be reviewed pursuant to Condition X. "Construction" in this context shall include land clearing, excavation, and the placement of structure pads, access roads, culverts, fill materials, and related activities. Construction activities shall not include the stringing of conductors.

2. PEF shall provide reasonable assurance that the construction, operation and maintenance of the Certified Transmission Lines, including any access roads and structures constructed within wetlands and other surface waters, satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and the applicable portions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. Pursuant to Rule 62-17.665(7)(d), F.A.C., the Licensee shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD nonprocedural requirements.

3. The post-certification submittal shall include a signed and sealed Professional Land Surveyors' survey of wetland and surface water areas as defined pursuant to Chapter 62-340, F.A.C., and verified by appropriate agency staff. Available SWFWMD-approved wetland and surface water verifications within the boundaries of the PEF ROW may be used and reproduced for this delineation consideration.

4. The Licensee shall provide to the Department's District Office and Water Management District, as appropriate, information necessary to demonstrate that compensation will be provided for all proposed fill impacts to the regulated floodplain in accordance with Rules 40D-4.381(1)(h), and 62-343.900, F.A.C. The Licensee shall also demonstrate that the project, as proposed, will not cause a reduction in flood conveyance.

*[Sections 373.414, 373.416, 403.526(2)(b)3., 403.522(18), 403.526(2)(a)5., F.S.; 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, 40D-4.381, 62-17.665(7)(d), 62-340, and 62-343.900(1)(Section E and C), F.A.C.]*

### **B. Consultation with Wetland Agencies**

At the request of PEF, DEP Siting Coordination Office may conduct an interagency meeting for PEF to consult with the wetlands resource permitting staffs of DEP, SWFWMD or SJRWMD as appropriate, prior to the finalization of possible access road locations, transmission line structure locations, and the establishment of water control structure types and general locations in wetlands which are to be reflected in any post-certification submittals. At DEP's request, PEF shall conduct a field inspection with the agencies' staff representatives in conjunction with the interagency meeting.

*[Section 403.523, F.S.]*

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## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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### C. Reduction and Elimination of Impacts

#### 1. Access Roads, Culverts, and Structures

a. Where the ROW crosses wetlands or other surface waters, PEF shall utilize adjacent existing PEF access roads and public roads for access to the Certified Transmission Lines' ROW for construction, operation and maintenance purposes to the extent practicable.

b. All access roads and structure pads which must be constructed in areas where an existing PEF access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands to the extent practicable. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

c. Where practicable, PEF shall make an effort to reduce or eliminate impacts to wetlands and other surface waters within the corridors for the Certified Transmission Lines except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. For example, where practicable, the length of the span between transmission line structures shall be varied and other design changes made, which shall include but not be limited to a reduction in pad size, elimination of access roads, use of finger fill from existing ROWs and/or modification of construction techniques shall be considered to eliminate or reduce wetland impacts, except where otherwise provided by section 3.2.1.2.

d. In the event temporary fill is used to facilitate construction of the transmission lines, the temporary fill shall be removed where necessary to minimize impacts to wetlands or habitats of listed species.

#### 2. Wetland Clearing

a. PEF shall use only restrictive clearing practices during construction and maintenance of the transmission line where it crosses forested wetlands. Restrictive clearing, as used in this condition, is the removal of vegetation by hand, usually with chain saws, or with low-ground-pressure shear or rotary machines to reduce soil compaction and damage to ground cover. These methods may be used alone or in combination, as may be appropriate for specific sites. All cut vegetation must be removed from wetlands unless other techniques, such as mulching or burning in place, are agreed to by DEP Siting Coordination Office and Levy County (for portions of the transmission lines located in Levy County) in the post-certification review process. To ensure no more than necessary vegetation is removed, best management practices will be applied to any clearing on each side of the outer conductors, along new access roads, and in the structure pad areas. Removable construction matting in conjunction with best management practices may be used in wetlands to support equipment. The remainder of the ROW in wetland areas shall not be cleared; however, vegetation that has an expected mature height greater than 14 feet may be removed. In addition, danger timber (trees or limbs likely to contact a conductor if felled) within or outside the right-of-way may be removed.

b. Tree stumps under the conductors, within access roads and in the structure pads may be removed, sheared, or ground to 6 inches below the ground line to allow for travel and construction activities. Tree stumps in the areas outside the conductors, access roads, and structure pads shall be left in place to preserve the root mat to the extent practicable and in

**SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS**

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compliance with Section 163.3209, F.S., the American National Standards Institute (ANSI), National Electrical Safety Code (NESC), and North American Electrical Reliability Corporation (NERC) standards.

*[Sections 373.414 and 373.416, F.S.; Rules 40D-4.091, 40D-4.101, 40D-4.301, 40D-4.302, and 40D-4.381, F.A.C.]*

**D. Greenways and Trails**

The Licensee shall abide by the terms of the terms and conditions set forth in the Board of Trustees (BOT) of the Internal Improvement Trust Fund of the State of Florida Easement No. 31959. Easement No. 31959 is incorporated by reference herein as part of this Certification and attached as Appendix F. The provisions of Easement No. 31959 shall be conditions of this certification. The licensee shall comply with the substantive provisions and limitations set forth in Easement No. 31959 as part of these Conditions of Certification, and as those provisions may be modified, amended, or renewed in the future by the BOT or Department. Such provisions shall be fully enforceable as conditions of this certification. Any violation of such provisions shall be a violation of these Conditions of Certification.

**XXXIX. FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

**A. Listed Species Occurring or Potentially Occurring in the Corridors**

Common Name	Scientific Name	FL Status	Federal Status
Gopher frog	Rana capito	SSC	
Eastern indigo snake	Drymarchon couperi	T	T
Florida pine snake	Pituophis melanoleucus mugitus	SSC	
Short-tailed snake	Stilosoma extenuatum	T	
Gopher tortoise	Gopherus polyphemus	T	
Florida scrub jay	Aphelocoma coerulescens	T	T
Little blue heron	Eareta caerulea	SSC	
White ibis	Euudocimusa lbus	SSC	
Southeastern American kestrel	Falcosp aiverius paulus	T	
Florida sandhill crane	Grus canadensis vratensis	T	
Whooping crane	Grus americana	SSC	E*(federal lands)
Bald Eagle	Haliaeetus leucocephalus	**	**
Red-cockaded woodpecker	Picoides borealis	SSC	E
Snail kite	Rostrhamus sociabilis plumbeus	E	E

**SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS**

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Florida mouse	Podomys. floridanus	SSC	
Sherman’s fox squirrel	Sciurus niger shermani	SSC	
Florida black bear	Ursus americanus floridanus	T*	

SSC = Species of Special Concern; E= Endangered; T= Threatened

\*except in Baker and Columbia Counties or in Apalachicola National Forest

\*\*While the bald eagle has been both state and federally delisted, it is still governed by the state bald eagle management plan and the federal Bald and Golden Eagle Protection Act.

**B. General Listed Species Survey**

1. The Licensee will coordinate with the FWC to obtain and follow the current survey protocols for all listed species that may occur within the transmission line corridors prior to conducting detailed surveys for the selected transmission line ROW, with appropriate buffers as defined by the survey protocols, once access has been obtained.

2. Surveys will be conducted prior to clearing and construction in accordance with the survey protocols. The results of those detailed surveys will be provided to FWC, as well as Levy and Pinellas Counties (for portions of the certified transmission lines within each county's jurisdiction) for informational purposes, and coordination will occur with the FWC on appropriate impact mitigation methodologies.

3. This information may be submitted in segments and on a line-by-line basis for the certified transmission lines.

**C. Gopher Tortoise**

1. The Licensee will conduct surveys for gopher tortoises (*Gopherus polyphemus*), in accordance with the FWC-approved Gopher Tortoise Management Plan (adopted in 2007) and FWC-approved Gopher Tortoise Permitting Guidelines, or subsequent FWC-approved versions of the Plan or Guidelines. A burrow survey covering a minimum of 15% of the potential gopher tortoise habitat to be impacted by development is required in order to apply for a relocation permit. Immediately prior to capturing tortoises for relocation, a 100% survey is required to effectively locate and mark all potentially occupied tortoise burrows and to subsequently remove the tortoises. Burrow survey methods are outlined in Appendix 4, Methods for Burrow Surveys on Development (Donor) and Recipient Sites. Surveys must be conducted within 90 days of when an application is submitted to the FWC; however, surveys shall not be conducted within 30 days of any ground disturbance or clearing activities on the donor site. All surveys completed by authorized agents or other licensees are subject to field verification by the FWC. The gopher tortoise surveys should be conducted during the months of April through October. The results of the gopher tortoise surveys will be provided to the SWFWMD for portions of the transmission lines that cross District-owned lands for informational purposes.

2. A permit is not required for activities that occur more than 25 feet from a gopher tortoise burrow entrance, provided that such activities do not harm gopher tortoises or violate rules protecting gopher tortoises. Examples of such violations noted in the past by the FWC include, but are not limited to, killing or injuring a tortoise more than 25 feet away from its burrow; harassing a tortoise by blocking access to its burrow, and altering gopher tortoise habitat to such an extent that resident tortoises are taken.

## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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3. The Licensee will coordinate with and provide the FWC a detailed gopher tortoise relocation permit application in accordance with the FWC-approved Gopher Tortoise Management Plan and Gopher Tortoise Permitting Guidelines as a postcertification submittal. This permit application will provide information on the location for on-site recipient areas and any off-site FWC-approved recipient site, as well as appropriate mitigation contributions.

4. Any commensal species observed during the burrow excavations that are listed by the U.S. Fish and Wildlife Service (USFWS) or FWC will be relocated in accordance with the applicable guidelines for that species.

5. To the maximum extent practicable or feasible, all staging and storage areas should be sited to avoid impacts to gopher tortoise burrows and habitat.

### **D. Bald Eagle**

1. The Licensee will avoid impacts to bald eagle (*Haliaeetus leucocephalus*) nests where possible. If impacts cannot be avoided within the 660-foot nest buffer zone, construction activities will be conducted consistent with the FWC-approved Bald Eagle Management Guidelines, outlined in the FWC-approved Bald Eagle Management Plan, dated April 9, 2008, or any subsequent FWC-approved versions. In areas where bald eagle nests are present, efforts will be made to avoid construction activities during the nesting season (October 1 - May 15, or when eagles are present before October 1 or after May 15).

2. In accordance with the FWC Eagle Management Guidelines, for construction areas that fall within 330 feet of an active or alternate bald eagle nest, construction activities will be conducted only during the non-nesting season

(May 16 - September 30). Any construction activities that fall within 660 feet of the nest during the nesting season will be conducted following USFWS-approved Bald Eagle Monitoring Guidelines, dated 2007, or USFWS-approved subsequent versions.

3. In areas where adverse impacts to nests cannot be avoided, resulting in nest disturbance, the information required for an FWC Eagle Permit will be obtained from the FWC, as authorized by Section 372.072, F.S., and Rule 68A-16.002, F.A.C, and minimization, and conservation measures outlined in the FWC Bald Eagle Management Plan will be followed, as applicable.

### **E. Red-Cockaded Woodpecker**

1. The Licensee will coordinate with the FWC prior to conducting surveys for red-cockaded woodpeckers (*Picoides borealis*) to ensure that surveys are in accordance with the FWC-approved Red-Cockaded Woodpecker Management Plan, adopted in 2003 and the USFWS-approved Red-Cockaded Woodpecker Recovery Plan, or any subsequent FWC-approved or USFWS-approved versions of either plan.

2. The Licensee will provide the FWC with the red-cockaded woodpecker survey results and identify where impacts to red-cockaded woodpeckers cannot be avoided.

3. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to red-cockaded woodpeckers cannot be avoided.

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## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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### F. Avian Protection Plan

The Licensee will coordinate with the FWC in the development of an Avian Protection Plan for the Certified Transmission Lines that delineates a program designed to reduce the operational and avian risks that result from avian interactions with electric utility facilities with the goal of reducing avian mortality. Guidelines for the Avian Protection Plan can be found on the USFWS website at:

<http://www.fws.gov/migratorybirds/issues/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%2005.pdf>. A copy of the Avian Protection Plan for transmission lines in Levy County will be submitted to Levy County for informational purposes.

[Article IV, Sec. 9, Fla. Constitution; 403.5113(2), F.S.; Rule 62- 17.191, F.A.C.; 379.2291, F.S.; Rule 68A-27, and 68A-16.001 F.A.C.]

### G. Florida Scrub-Jay

1. The Licensee will coordinate with the FWC prior to clearing and construction of the certified transmission lines to ensure that surveys for Florida scrub-jays (*Aphelocorna coeulescens*) are in accordance with FWC- and USFWS-approved protocols (Fitzpatrick et al. 1991)".

2. The Licensee will conduct the surveys, in areas of likely scrub jay occurrence, and provide the FWC with the Florida scrub-jay survey results and identify where impacts to Florida scrub-jays cannot be avoided.

3. The Licensee will coordinate with the FWC to determine mitigative measures for areas where impacts to Florida scrub-jays cannot be avoided.

[Article N, Sec. 9, Flu. Const., Section 403.507, F.S., Section 403.51 13(2), F.S., Rule 62-17.191, F.A. C., Section 379.2291, F.S., Chapter 68A-27, F.A. C., and Rule 68A-16.001, F.A. C.]

\* Fitzpatrick, J.W., G.E. Woolfenden, M.T. Kopeny. 1991. Ecology and development-related requirements of the Florida scrub-jay (*Aphelocoma coeulescens coeulescens*). Nongame Wildl. Prog. Tech. Rep. No. 8, Fla. Game Fresh Water Fish Comm., Tallahassee.

## **XL. SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

A. PEF shall provide reasonable assurance that the construction, operation and maintenance of non-exempt surface water management system structures and access roads in support of the proposed transmission line facilities will satisfy the criteria set forth in Rules 40D-4.301 and 40D-4.302, F.A.C., and applicable provisions of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual. PEF shall provide sufficient information on a post-certification basis to demonstrate that there is reasonable assurance of compliance with SWFWMD substantive permitting requirements, including avoidance of secondary wetland dredging and/or filling impacts and avoidance of floodplain impacts. Where necessary, equivalent floodplain compensation to achieve no net loss in floodplain storage will be provided.

B. To the extent practicable and utilizing the typical structures shown in the Application, access roads, culverts and structures shall be located to avoid conflict with existing

## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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or permitted surface water management systems, permitted water withdrawal facilities or agricultural ground and surface water management projects as documented in SWFWMD records.

C. During location of the ROW and design of the transmission line in areas where the transmission line will cross over, on, under, or otherwise use SWFWMD-owned lands, PEF will consult with the SWFWMD with respect to the location of the ROW and the design of the transmission line in such areas with a view to maximizing the compatibility of the transmission line with the purposes for which the land was acquired by SWFWMD to the extent practicable and in compliance with the National Electrical Safety Code and good engineering practices.

D. For transmission line easements that will cross over, on, under, or otherwise use SWFWMD lands, PEF will provide independent appraisals of the land to be included in the transmission line ROW and will provide compensation to SWFWMD in an amount agreed upon by SWFWMD and PEF. For lands acquired for conservation purposes, such amount shall be sufficient to compensate SWFWMD for the fair-market value of the land in addition to the loss of intended use of the land within the transmission line ROW. For lands acquired for other purposes, compensation shall be based upon the highest and best use of the property.

E. Prior to the commencement of any activities associated with the construction of any portion of the transmission line corridor or substation that will cross over, on, under, or otherwise affect SWFWMD lands, PEF shall provide a survey of the transmission line ROW and footprint of the substation. The survey shall be prepared using procedures acceptable to the SWFWMD and signed and sealed by a registered surveyor pursuant to Chapter 472, F.S.

F. In the event PEF seeks to use SWFWMD lands outside of the transmission line ROW for access during construction of the transmission line and/or for inspection and maintenance after construction, PEF shall submit to the SWFWMD a detailed plan identifying the proposed route, type and number of vehicles to be used and the frequency of such use. All use of SWFWMD lands outside the transmission line ROW shall be in accordance with Chapter 40D-9, F.A.C., or with Progress Energy's existing easement rights.

*[Sections 373.085, 373.089, 373.093, 373.099, 373.414 and 373.416, F.S.; Rules 40D-4.301 and 40D-4.302, F.A.C., District Environmental Resource Permit Manual Part B, Basis of Review Chapter 4; Chapter 40D-9, F.A.C.]*

### **XLI. WITHLACOCHEE REGIONAL PLANNING COUNCIL**

#### **A. Emergency Preparedness**

1. PEF will work with affected local governments and other stakeholders to fully integrate new electrical transmission facilities into all emergency management planning processes to maintain consistency with the SRPP's emergency preparedness content.

2. Electrical transmission line facilities will 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 certification.

*[Section 186.505-507, F.S.]*

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### **XLII. HERNANDO COUNTY**

For the portions of the certified transmission lines to be constructed, operated, and maintained within Hernando County:

#### **A. Final Design Submittal**

1. Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line ROW within Hernando County shall be provided to Hernando County for informational purposes showing:

a. A tree survey showing trees over 4" dbh within PEF easements or rights-of-way (ROW) in the area paralleling Hexam Road from the existing PEF 115 kV Crystal River-Brookridge transmission line ROW eastward to the existing Brookridge substation (approximately 1.7 miles in length).

b. Contact information, including a twenty-four hour, seven-day contact and phone numbers, for the person(s) responsible for PEF construction within Hernando County.

c. Proposed locations and dimensions of all access roads.

2. Prior to construction, PEF shall contact Sunshine One Call and obtain a listing of known existing utilities within the transmission line ROW and shall provide Hernando County, for informational purposes, a post-certification submittal showing as existing site conditions within the PEF transmission line ROW on the final design plan the following facilities (to the extent known to PEF):

a. The name, location and width of existing or platted street public right-of-way within or crossing the transmission line rights-of-way or easements.

b. Approximate location, size and depth of sewers, water mains and storm drains, and approximate location of power and phone lines within the right-of-way.

c. Location and size of any known above ground utilities, such as electric power lines, within PEF's transmission line ROW or easements.

#### **B. Existing Infrastructure**

PEF, where feasible and practicable, will use existing infrastructure rights of way within Hernando County which maximizes compatibility with adjacent land uses.

#### **C. Consultation with the U.S. Army Corp of Engineers (ACOE)**

PEF shall confer with ACOE, for portions of the transmission line that are within the Brooksville Turret Gunnery Range prior to construction.

#### **D. Noise**

PEF shall comply with Hernando County's noise ordinance.

#### **E. Vegetation Management**

PEF, where feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability

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Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission. PEF will not remove trees outside the transmission line ROW, other than danger trees as required by the standards referenced above.

### **F. Crossing of Hernando County ROW or Other County Property**

For all portions of the PEF transmission line ROW crossing Hernando County ROW or other county property, the transmission lines will be designed for compliance with applicable county standards, found in the Hernando County Facilities Design Guidelines. Although a ROW permit will not be required, PEF shall comply with Maintenance of Traffic requirements in Hernando County's Facilities Design Guidelines and shall be subject to the indemnification requirements of the standard county permit with respect to any claim for loss or damage against the county arising directly from PEF negligent construction or maintenance activity that occurs on county ROW or other county property, to the extent of PEF's proportionate responsibility for any such claim.

### **G. Natural Gas Pipelines**

PEF will design and construct all transmission lines in a manner that prevents damage to known existing utilities within PEF's transmission line ROW, including natural gas pipelines, to the extent feasible and in compliance with applicable safety requirements.

### **H. Compliance with Safety Standards**

PEF will construct, operate and maintain the proposed transmission lines in compliance with the DEP Electric and Magnetic Field Rules set forth in Chapter 62-814, F.A.C., and in compliance with the National Electrical Safety Code Rule 232 C1c relating to induced currents.

### **I. Joint Use of Rights of Way and Easements**

PEF shall confer with Hernando County, upon the County's request, to address the co-location of pedestrian facilities or other public uses within the PEF transmission line ROW, to the extent compatible and feasible under present or future engineering and design constraints.

*[Hernando County Code, Ch. 21, Art. VIII, and Ch. 24, Art. I; and Hernando County Facilities Design Guidelines promulgated thereunder.]*

## **XLIII. LEVY COUNTY – TRANSMISSION LINES**

For the portions of the certified transmission lines to be constructed, operated, and maintained within Levy County:

### **A. Noise**

Noise levels from operation of the transmission lines shall not exceed the requirements of the provisions of Division 2, Article VIII, Chapter 50, Levy County Code, in effect at the time of certification. Upon request of the County, PEF shall make best efforts to minimize the noise levels associated with construction of the transmission lines to the extent practicable.

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## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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*[Article VIII, Chapter 50, Levy County Code]*

### **XLIV. HILLSBOROUGH COUNTY**

For the portions of the certified transmission lines to be constructed, operated, and maintained within Hillsborough County:

#### **A. Final Design Submittal**

Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line ROW within Hillsborough County shall be provided to Hillsborough County for informational purposes showing:

1. PEF-owned right-of-way, existing PEF transmission and distribution easements and road rights-of-way and the location of any known facilities as recorded on Sunshine State One Call of Florida on these existing rights-of-way, whether transmission structures, above-ground facilities, underground utilities, sewers, water mains, storm drains, or telephone lines.
2. Construction time-tables, phasing, and construction traffic to be generated by the transmission line construction, to the extent practicable, including providing periodic updates as to the construction progress as appropriate.
3. Location, size, and type of all proposed stormwater management facilities, if applicable.

#### **B. Planning and Growth Management**

1. PEF, to the extent feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission.
2. During the construction of the proposed transmission line, PEF will convey to the person(s) responsible for PEF construction within Hillsborough County that all construction truck traffic going to the construction site shall follow the County's Truck Route Plan to the greatest extent practicable. A truck may leave a designated truck route and drive on a County road that is restricted to truck traffic, only if the truck can reach its destination without crossing another truck route. Truck routes can be found on the Truck Route Plan Map and in County Resolution R05-022. Copies of both are available on the 20th floor of the County Center at 601 East Kennedy Blvd., Tampa, FL 33601.
3. Where the transmission line ROW is located within Hillsborough County rights-of-way, PEF will provide all information necessary to comply with all applicable non-procedural conditions of the County's Utility Accommodation Guide and Rights-of-Way Use Procedures Manual related to maintenance of traffic during construction.
4. PEF shall comply with the County's noise restrictions in County Code of Ordinances, Section 26-4.1, in its daytime use of construction equipment. If PEF is required to

## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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conduct nighttime construction and upon the County's request PEF shall confer with the county regarding construction techniques to minimize noise levels during nighttime construction.

5. PEF shall confer with the County, upon the County's request, to discuss the ability to co-locate public recreational trails or other compatible uses within the transmission line ROW.

6. Upon the request of the County, where the transmission line ROW crosses county rights-of-way, PEF, during the design of the transmission line, will consult with the County and will make best efforts to minimize conflicts with the County's existing infrastructure and utilities and proposed and future utilities and infrastructure work and capital improvement projects, to the extent those proposed and future projects are reflected in County-approved planning documents, to the extent practicable and in compliance with National Electric Safety Code and other regulatory requirements.

7. With respect to the areas of the transmission line ROW within Hillsborough County rights-of-way, PEF shall contact the Greater Tampa Utilities Group (GTUG) as well as individual private and public utilities located within the County's right-of-way and coordinate the design and construction of the proposed transmission line with such entities. Prior to construction, PEF shall provide the County's Right-of-Way Management office with dates of PEF attendance of the GTUG meetings and coordination efforts with GTUG.

8. During design and prior to construction of the transmission line, PEF shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the transmission line ROW. PEF shall provide the County with a copy of the utility companies with facilities located within the County's right-of-way along the transmission line ROW. PEF must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

9. After certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of pavement or if other construction activities require temporary lane closures, PEF shall contact the County's Right-of-Way Management office to coordinate the work, and, if applicable, PEF shall provide as a post-certification submittal the information necessary for a Temporary Traffic Control Permit (TTC) or a signed, sealed, site specific Maintenance of Traffic (MOT) plan. Additionally, PEF shall provide the County with a MOT plan for the construction of entrances and exits that involve the County's rights-of-way. Notwithstanding the foregoing, to the extent practicable and in compliance with National Electrical Safety Code (NESC) and North American Electrical Reliability Corporation (NERC) standards, PEF shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations without prior notice to the County.

10. Where the transmission line right of way parallels a county right of way, during the design of the transmission line, Progress Energy will attempt to locate the transmission line poles longitudinally within the transmission line right of way along the county right-of-way outside of the ultimate configuration for all future traffic infrastructure projects that are reflected in County-approved planning documents at the time of certification. However, in locating the transmission poles, Progress Energy shall not be required or expected to acquire or to sever the property of a third party in order to accommodate the County's future traffic

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**SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS**

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infrastructure projects for which property rights have not been acquired at the time of certification.

*[Hillsborough County Code of Ordinances, Section 26-4.1; Chapter 29; Chapter 34, Article XII.]*

**XLV. SUMTER COUNTY**

For the portions of the transmission lines to be constructed, operated, and maintained within Sumter County:

A. PEF shall retain existing vegetation within the transmission line ROW to the extent feasible and in compliance with the vegetation removal requirements of the National Electrical Safety Code (NESC) and North American Reliability Corporation (NERC) for safety and reliability.

B. PEF shall comply with Sumter County’s noise ordinance.

C. PEF shall provide the information necessary to complete the appropriate Sumter County permits for all applicable County right-of-way crossings.

D. PEF shall coordinate construction traffic with Sumter County Public Works Division to minimize traffic disruption and to implement appropriate maintenance of traffic procedures.

E. PEF shall consult with Sumter County, upon Sumter County’s request, to discuss the ability to co-locate public utilities, pedestrian/trail facilities, or other public uses within the transmission line ROW, so long as proposed uses are compatible with safe and reliable line operation and maintenance and consistent with PEF’s ROW utilization program.

F. PEF shall consult with the County and Lake-Sumter Metropolitan Planning Organization to minimize to the extent practicable conflicts between the new transmission line and planned transportation projects in Sumter County for which property rights have been acquired.

G. PEF shall coordinate with Sumter County Emergency Management for the management of these major transmission lines during times of emergency declaration.

*[Sumter County Land Development Code, Sections 13-12, 13-524, 13-527, 13-612, 13-647; Sumter County Code of Ordinances, Chapter 16, Article VI, and Sections 8-1 and 20-87; Sumter County Comprehensive Plan Objectives 3.1.13 and 7.1.6.]*

**XLVI. CITRUS COUNTY**

For the portions of the transmission lines to be constructed, operated and maintained in Citrus County:

PEF shall comply with Citrus County’s noise ordinance, if applicable.

**XLVII. HILLSBOROUGH COUNTY ENVIRONMENTAL PROTECTION COMMISSION**

For the portions of the certified transmission lines to be constructed, operated, and maintained within Hillsborough County:

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## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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### A. 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 practices. Construction activities occurring at all other times shall be subject to the standards in the EPC noise Rule.

### B. 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 PEF provides information to the EPC Director necessary to demonstrate compliance with EPC Rules 1-4.08 and 1-4.09 through submission of an Application for Open Burning for Land Clearing and the applicable fee. This information shall be provided with five days' advance notice of the burning.

### C. 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 administered in Hillsborough County by the Environmental Protection Commission (EPC) within Hillsborough County applies to regulated asbestos renovation and demolition projects.

1. 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.

2. 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.

3. Prior to the start of any demolition or renovation activities, a thorough asbestos inspection must be performed. According to Section 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.

4. Asbestos containing waste materials must be disposed of per local, state and federal regulation.

### D. Waste Management

Pursuant to Chapter 1-7, Part II, Rules of the Hillsborough County Environmental Protection Commission (EPC), for the portions of the transmission line ROW within Hillsborough County, PEF shall address solid waste disposal in Hillsborough County and

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## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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demonstrate compliance with EPC Rule 1-7.2.02 through submission of the information necessary, for a complete Application for Director's Authorization and the applicable fee, prior to construction.

*[Rules of the Hillsborough County Environmental Protection Commission (EPC), Chapters 1-4, 1-6, 1-7 (Part II), 1-10; Air Pollution Control Specific Operating Agreement between the State of Florida DEP and Hillsborough County, Section 1.3.]*

### **XLVIII. PINELLAS COUNTY**

For the portions of the certified transmission lines to be constructed, operated and maintained in Pinellas County:

#### **A. Vegetation Management**

PEF, where feasible and practicable, will retain existing vegetation in the transmission line ROW and practice "best management practices" with respect to vegetation management in the transmission line ROW to the extent feasible and in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and 2133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission.

*[Pinellas County Code, Sections 166-3 7, 166-49.1*

### **XLIX. CITY OF TAMPA**

For the portions of the certified transmission lines to be constructed, operated, and maintained within the City of Tampa:

#### **A. Final Design Submittal**

Prior to construction, a post-certification submittal of PEF's final design plan including pole locations throughout the entire transmission line right-of-way (ROW) within the City of Tampa shall be provided to the City of Tampa for informational purposes showing:

1. PEF-owned right-of-way, existing PEF transmission and distribution easements and road rights-of-way and the location of any known facilities on these existing rights-of-way, whether transmission structures, above-ground facilities, underground utilities, sewers, water mains, storm drains, or telephone lines.
2. Construction time-tables, phasing, and construction traffic to be generated by the transmission line construction, to the extent practicable, including providing periodic updates as to the construction progress as appropriate.
3. Location, size, and type of all proposed stormwater management facilities, if applicable.

#### **B. Land Development**

1. PEF will not remove trees or conduct site clearing outside the transmission line ROW, other than clearing or pruning of danger trees as required by the standards referenced below. In the event that such should occur, this condition can be enforced pursuant to Condition No. XIII(A) above.

## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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2. During construction, operation and maintenance, PEF, will retain existing vegetation in the transmission line ROW and will practice “best management practices” with respect to vegetation management in the transmission line ROW in compliance with Section 163.3209, Fla. Stat., which incorporates by reference North American Electrical Reliability Corporation (NERC) standard FAC-003-1, American National Standards Institute (ANSI) standards A300 (Part I)-2001 and Z133.1-2000, and National Electrical Safety Code (NESC) standards adopted by the Florida Public Service Commission. Prior to the commencement of construction, PEF will submit to the City its vegetation maintenance plan, including PEF’s trimming specifications and maintenance practices in compliance with Section 163.3209, F.S.

3. During the construction of the proposed transmission line, PEF will direct its contractors responsible for PEF construction within the City of Tampa that all construction truck traffic going to the construction site shall follow the City’s Truck Routes as established in City of Tampa Code Section 25-182 as amended at the time of certification. A truck may leave a designated truck route and drive on a City road that is restricted to truck traffic, only if the truck can reach its destination without crossing another truck route. Truck traffic shall comply with all requirements contained within the City of Tampa Code sections 25-182 and 25-183.

4. As a post-certification submittal and at least forty-five days prior to the initiation of construction, where the transmission line ROW is located within City rights-of-way, or for any activities in City rights-of-way including street closures and traffic detours into City streets, PEF will provide the information to the City of Tampa Public Works Department, Transportation Division necessary to complete an Application and Permit for Construction and Maintenance Operations within Public Rights-of-Way and to comply with the applicable non-procedural requirements in the Department of Public Works’ Transportation Technical Manual related to maintenance of traffic during construction.

5. PEF shall comply with the City of Tampa noise restrictions in City Code Sections 5-301.2 and 14-151-during construction, to the extent applicable.

6. PEF shall confer with the City, upon the City’s request, to discuss the ability to co-locate public recreational trails or other compatible uses within the transmission line ROW.

7. Where the transmission line ROW crosses City rights-of-way, PEF, during the design of the transmission line, will consult with the City and will make best efforts to minimize conflicts with the City’s existing infrastructure and utilities and proposed and future utilities and infrastructure work and capital improvement projects, to the extent those proposed and future projects are reflected in City-approved planning documents at the time of certification and to the extent practicable and in compliance with National Electric Safety Code and other regulatory requirements.

8. With respect to the areas of the transmission line ROW within City rights-of-way, PEF shall contact the Greater Tampa Utilities Group (GTUG) as well as individual private and public utilities located within the City’s right-of-way and coordinate the design and construction of the proposed transmission line with such entities. Prior to construction, PEF shall provide the City of Tampa’s Public Works Department, Transportation Division’s Right-of-Way Management Section with dates of PEF attendance of the GTUG meetings and coordination efforts with GTUG.

## SECTION C. TRANSMISSION LINE SPECIFIC CONDITIONS

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9. During design and prior to construction of the transmission line, PEF shall contact Sunshine One Call and obtain a listing (design and construction tickets) of all of the known existing underground utilities within the transmission line ROW. PEF shall provide the City with a copy of the utility companies with facilities located within the City's right-of-way along the transmission line ROW. PEF must also follow safe digging practices and the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

10. After certification of the corridor and prior to the commencement of construction, if any construction will be within fifteen (15) feet of the edge of pavement or if other construction activities require temporary lane closures, PEF shall contact the City's Department of Public Works Transportation Division to coordinate the work, and, if applicable, PEF shall provide as a post-certification submittal the information necessary for ROW use authorizations from the City. To the extent practicable and in compliance with National Electrical Safety Code (NESC) and North American Electrical Reliability Corporation (NERC) standards, PEF shall refrain from closing any lanes or roads in the traffic patterns of schools (while in session), hospitals, emergency facilities, and fire stations without prior notice to and in coordination with the City.

11. PEF will construct, operate and maintain the proposed transmission lines in compliance with the National Electrical Safety Code Rule 232 C1c relating to induced currents. In the event that existing City of Tampa water lines or mains in the area of the proposed PHP corridor in the City of Tampa (as shown on the attached maps) are adversely impacted from the increased current provided by the proposed PHP transmission line, PEF will remediate the impacts by replacement or reimbursement for the replacement or repair of the damaged facilities, at the City's option.

### **C. Hillsborough River**

1. All access roads and structure pads which must be constructed in areas where an existing PEF access road or public road is not available shall be constructed in a manner which reduces or eliminates adverse impacts to on-site and adjacent wetlands and other surface waters, including the Hillsborough River, to the extent practicable. PEF shall be deemed to have satisfied this condition if the access and finger roads satisfy the criteria of Rules 40D-4.301 and 40D-4.302, F.A.C.

2. Where practicable, PEF shall make an effort to reduce or eliminate impacts to wetlands and other surface waters, including the Hillsborough River, within the corridors for the Certified Transmission Lines except as otherwise provided in section 3.2.1.2 of Part B, Basis of Review of SWFWMD's Environmental Resource Permitting Information Manual.

*[City of Tampa Code of Ordinances, Sections 5-301.2, 14-151, 25-182, 25-183; Chapter 22, Article IV.]*

### **HISTORY**

Certification Issued 08/26/09; signed by Governor Crist;

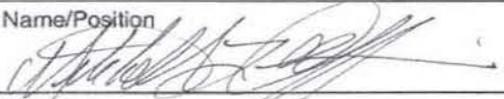
Modified January 12, 2010; signed by Administrator Halpin

Modified February 23, 2010; signed by Administrator Halpin

Attachment C  
Revised Conceptual Wellfield Layout and  
Evaluation of Simulated Drawdown Impacts for Levy Nuclear Plant  
Technical Memorandum No. 338884-TMEM-074  
Dated November 14, 2008  
("Report 74")

**ATTACHMENT A**  
**Tech Memo Approval Form**

Tech Memo Number: 338884-TMEM-074  
 Revision: 1  
 Project: Progress Energy COLA - PEF  
 Review Date: 11/7/2008

<b>Tech Memo Title:</b> Revised Conceptual Wellfield Layout and Evaluation of Simulated Drawdown Impacts, Levy Nuclear Plant			
<b>Revision History:</b>			
Revision Number	Description	Approval Date	Affected Pages
0	Initial Submittal	08/11/2008	All
1	SWFWMD staff requested further analysis	11/14/2008	All
<b>Document Review and Approval</b>			
Originator:	Christopher Peters/Geologist		
	Name/Position		Date 11/11/08
Reviewer	Mitch Griffin/Engineer		
	Name/Position		Date 11/11/08
Project Manager:	Lorin Young/Deputy PM		
	Name/Position		Date 11/14/2008 Approval Date
	Signature		

# Revised Conceptual Wellfield Layout and Evaluation of Simulated Drawdown Impacts, Levy Nuclear Plant

PREPARED FOR: Progress Energy  
PREPARED BY: CH2M HILL  
DATE: October 27, 2008

I certify that this report was prepared under my supervision and direction.



Christopher J. Peters, P.G.  
Florida Professional Geologist PG 2361

10/27/08

## 1.0 Introduction

This technical memorandum (TM) documents the simulated hydrologic impacts associated with the proposed normal daily withdrawal of 1.58 million gallons per day (mgd) of groundwater from the upper Floridan aquifer (UFA) to provide fresh water for Progress Energy Florida's (PEF's) proposed Levy Nuclear Plant (LNP). The impacts were evaluated using a MODFLOW (Harbaugh, Banta, Hill, and McDonald, 2000) groundwater flow model developed by CH2M HILL. A new model was prepared by CH2M HILL in response to questions raised by Southwest Florida Water Management District (SWFWMD) staff in their review of the SCA Volume 5, Section D 10.09, Water Use Permit, Attachment B, Groundwater Modeling (Progress Energy, 2008).

The revised groundwater model was exported from the SWFWMD's District-Wide Regulation Model, Version 2 (DWRM2) (Environmental Simulations Inc., 2004) using the telescopic mesh refinement (TMR) process, which creates a site-specific model from the regional DWRM model. Since the location of the wellfield and number of wells had changed significantly from the previous submittal, it was judged more appropriate to start with a new TMR extraction to better reflect the revised wellfield scenario. No changes, other than those documented herein, were made to the model design or hydraulic properties.

The wellfield configuration for LNP has been refined to avoid and minimize potential impacts to surface waters, wetlands, and adjacent users. The analysis presented in this memorandum is based on the revised conceptual wellfield layout and the well locations may be further refined as the design of LNP proceeds.

## 2.0 Model Revision Objectives

After their initial review, the SWFWMD staff requested further analysis of the following:

- Extent of water-level drawdown in the surficial and Floridan aquifers resulting from withdrawals of LNP and existing permitted users.
- Lake level and spring flow impacts (where applicable).
- Impact of simulated drawdown on wetlands.

### 3.0 Model Modifications

Three modifications were made to the TMR model created from the DWRM2 model:

- Two springs (Little King and Big King) were added to the model.
- Model cells that used MODFLOW's River (RIV) package to represent wetlands were changed to variable-head cells (i.e., the River package was not used to represent wetlands). This change was made based on SWFWMD staff concerns that MODFLOW's River package could provide an infinite source of water to the model and artificially limit simulated drawdowns. Model cells that used the RIV package to represent Lake Rousseau and the Withlacoochee River were not modified.
- The length of model stress period 3 was increased to 60 years to represent the expected operating life of the facility.

#### 3.1 Springs

Two springs were identified within the LNP model domain: Little King and Big King Springs, which were not included in the SWFWMD's DWRM2 model (Environmental Simulations Inc., 2004). Exhibit 1 depicts their locations relative to the LNP site and the model domain. Brief descriptions of these springs can be found in Appendix C of Scott et al. (2004).

The springs were added to Layer 4 of the model, which represents the Upper Floridan aquifer. The springs were simulated using MODFLOW's drain (DRN) package. The DRN package allows water to be removed from a model cell based on the head differential between the model-calculated water level for that model cell and a specified elevation for the drain. The simulated flow is modulated by the conductance term, which is a product of the cell area and hydraulic conductivity.

Neither discharge nor elevation data were available for the springs. It was assumed that the pre-development (stress period 1) discharge from each spring was on the order of 3 mgd. This is consistent with the springs' classification as third-magnitude springs (Scott, et al., 2004). The model drain elevations and conductance values were adjusted so that the simulated flux from each spring under pre-development conditions (Stress Period 1) was on the order of 3 mgd. Exhibit 2 summarizes the details on each spring added to the model.

#### 3.2 Wellfield

The layout and operation of the proposed wellfield were modified. The original wellfield layout included four wells on 1,000-foot (ft) spacing located northeast of the plant. The revised conceptual layout, documented in this memorandum, includes four wells located in the southern portion of the LNP site. Two wells are located along County Road 40 with two

wells located to the north, on the eastside of the heavy haul road. Exhibit 3 depicts the original and revised wellfield layouts.

Each well was simulated to pump at a constant rate of 0.395 mgd, for a total withdrawal of 1.58 mgd. The previous simulation incorporated a daily rotation; however, after discussion with SWFWMD staff, it was determined that an equal allocation of pumpage among all four wells would be more representative of the long-term impacts associated with the proposed 60-year operating life of the facility.

### **3.3 Time Discretization**

The model includes three stress periods. Stress Period 1 is a steady-state stress period that represents pre-development conditions; there are no well withdrawals simulated from the model. Stress Period 2, also steady-state, includes all other users except LNP. It is intended to provide an assessment of currently-permitted impacts. Stress Period 3 is the predictive phase of the simulation. In the SWFWMD's DWRM2 model, its length is 1 year. For this simulation, its length was increased to 60 years to represent the expected life of the facility.

### **3.4 Summary of Modifications**

A new groundwater flow model was exported from the SWFWMD's DWRM2 model using the TMR procedure. The model was modified to include Little King and Big King springs, which were added to the model as MODFLOW drain cells. MODFLOW river cells used to represent wetlands were removed from the model. The duration of Stress Period 3 was increased to 60 years to represent the expected operating life of the facility. No other changes were made to the model.

## **4.0 Results**

### **4.1 Existing Impacts**

Details on adjacent Individual and General Water Use Permits (WUPs) included in the model domain are summarized in Exhibit 4 and the locations of wells in all categories of WUPs (including smaller general permits) are depicted in Exhibit 5. No modifications were made to their simulated withdrawal rates or locations, which are from the DWRM2 model.

Exhibit 6 depicts the simulated drawdown impacts (relative to pre-development conditions) on the SAS and UFA, without LNP's proposed pumping.

Immediately north of the proposed LNP site, there is approximately 0.4 ft of drawdown associated with WUP 001726001. South of the site, there is approximately 0.1 ft of drawdown resulting from the Town of Inglis' pumpage (WUP 008953003). The simulated drawdowns in the SAS and UFA are virtually identical, which is attributed to the DWRM2 model's designation of Stress Period 2 as steady-state.

### **4.2 Average-Day Impacts**

The following sections discuss *incremental* and *cumulative* simulated drawdown impacts. Incremental drawdown impacts are those additional simulated drawdown impacts relative to 2001 water levels. Cumulative drawdown impacts are those of LNP's proposed wellfield,

as well as the impact of adjacent permitted users. The cumulative drawdown is referenced to assumed pre-development water levels. Both cumulative and incremental impacts include the pumping from adjacent permitted users.

#### **4.3.1 Drawdown**

Incremental impacts (relative to 2001 conditions) for the SAS and UFA after 1 year and 60 years are depicted in Exhibits 7 and 8, respectively. Exhibit 7 depicts approximately 0.3 ft of simulated drawdown in the SAS and UFA in the central portion of the LNP wellfield after 1 year. The simulated drawdown increases slightly to 0.4 ft in the UFA in the central portion of the wellfield after 60 years of operation (Exhibit 8). Simulated drawdowns at individual wells are approximately 0.5 ft in the immediate vicinity of each well. Simulated incremental impacts to wetlands are discussed in Section 5.

Exhibits 9 and 10 depict the simulated average-day cumulative drawdown impacts in the SAS and UFA after 1 year and 60 years, respectively. Exhibit 9 depicts approximately 0.5 ft of simulated drawdown in the SAS and UFA in the central portion of the LNP wellfield after 1 year of operation. The simulated drawdown increases slightly to 0.6 ft in the UFA in the immediate vicinity of one of the wells after 60 years of operation (Exhibit 10).

The simulated 0.1-ft drawdown contour extends approximately 2.25 miles away from the proposed wellfield and encompasses several adjacent permitted users. The greatest impact on an adjacent user is approximately 0.2 ft to several users located approximately 1.25 miles west of the proposed wellfield. An additional 0.2 ft of drawdown on another user's pumped well is not expected to cause any adverse impacts to their ability to pump water.

#### **4.3.2 Lakes and Springs**

The simulated average-day impacts to lakes and springs were quantified by calculating the difference in net flux through the model cells representing those features for model runs with and without LNP's withdrawals. Lakes and rivers are simulated in the model by MODFLOW's River (RIV) package and springs are simulated using MODFLOW's Drain (DRN) package. Since the only change made to the model in this case was the addition of LNP's pumpage, any difference in model-simulated flux (flow into or out of river or drain cells) can be attributed to LNP's simulated withdrawals.

Exhibit 11 summarizes the simulated impacts on lakes and springs. As a groundwater flow model, MODFLOW cannot directly simulate water levels in rivers and lakes, since these features are represented as specified-head boundary conditions so only the aquifer/river flux (flow) is variable in those modeled cells. With no LNP withdrawals, there is a total flux of 98.3 mgd from river cells into the SAS and UFA, and 216.3 mgd from the SAS and UFA into river cells, for a net flux of 118.0 mgd from the SAS and UFA into river cells. With the simulated withdrawals from LNP, there is a change of net flux of 1.1 mgd less discharge from the SAS and UFA to the river cells. This 1.1 mgd reduction equates to approximately 0.9 percent of the model-simulated discharge to the rivers.

The model-simulated change in discharge from the drain cells representing Big King and Little King Springs decreases by 0.01 mgd (7 gpm). This change is approximately one third of one percent of the flow from these springs.

## 4.4 Maximum Week Impacts

The most conservative maximum pumping rate for the LNP facility is 5.8 mgd. This projection is the summary of the four main processes that utilize the freshwater supply. Those include potable, service water, demineralized water, and fire protection systems. The facility design capacities for each water system were used to calculate the maximum pumping rate capacity for the wellfield. While it is highly unlikely that all four processes would be pumping at their maximum design capacity at the same time, the wellfield must be designed to meet this improbable scenario.

The most likely scenario that could result in the maximum pumping rate would be during facility maintenance that occurs annually for one week. A second model simulation was conducted to evaluate incremental drawdown impacts associated with 1 week of pumpage at a rate of 5.8 mgd. It was assumed that all four wells would be operating simultaneously, each at a rate of 1.45 mgd.

Exhibit 12 depicts the simulated maximum week incremental drawdown impact in the SAS and UFA at the end of the simulation. The simulated 0.1-ft drawdown contour extends one mile or less from the central portion of the proposed wellfield. Adjacent users may experience drawdown impacts of 0.1 to 0.2 ft of drawdown under maximum-week conditions.

## 5.0 Wetlands

In accordance with the SWFWMD Basis of Review for Water Use Permits, withdrawal of water must not cause unacceptable adverse impacts to environmental features, such as surface water bodies, protected species habitat, and wetlands (Section 4.2). Lacking permanent surface water bodies or significant protected species habitat, the predominant environmental features of concern on the LNP property are wetlands.

Wetlands within the project area were delineated and the lines were subsequently field-verified by the Wetland Evaluation and Delineation Section (WEDS) of the FDEP. A wetland map was compiled using the field delineated wetland boundaries in areas to be impacted by construction, and photo-interpreted wetland boundaries in on-site areas that will be undisturbed. Offsite wetlands were mapped using data from the Florida Land Use and Cover Classification System (FLUCCSIII) database.

Cypress swamp (FLUCCS Code 621) is the predominant wetland type in the vicinity of the LNP site, followed by bottomland (FLUCCS Code 615), wetland forested mixed (FLUCCS Code 630), and wet prairies (FLUCCS Code 643). The LNP site is characterized by stands of planted slash pine interspersed with isolated pond cypress swamps. The cypress swamps have been logged and exhibit varying successional stages, from relatively intact systems to remnant cypress savannah with largely herbaceous vegetation. Historic aerial photographs suggest that most of the wetlands classified as wet prairies by FLUCCS were previously cypress systems that were clear cut. While ditching is limited on-site, water table dynamics in the wetlands have been modified through silvicultural activities such as clear-cutting, bedding, and access road construction.

The SCA submittal contained an evaluation of the predicted drawdown in the surficial aquifer as a result of pumping the Floridan aquifer at the site. The original simulated drawdown in the SAS as a result of pumping the UFA at the average-day rate of 1.58 mgd from four wells separated by 1,000 ft estimated that the wetland area with 1.0 ft or greater predicted drawdown was approximately 138 acres. In response to comments from the FDEP, SWFWMD, Levy County, and other agencies, several alternative wellfield layouts were evaluated in an effort to reduce the potential impact of the drawdown on wetlands.

Exhibit 13 shows the incremental SAS drawdown effects from the revised wellfield layout overlaid on the wetland map of the site for 1 year of withdrawals. Exhibit 14 shows the incremental SAS drawdown after 60 years of withdrawals. Drawdowns are below 0.3 ft throughout most of the wellfield and site, and are less than 0.5 ft in the immediate vicinity of all of the wells but one after 1 and 60 years. There are no wetlands located within the 0.5 ft or greater simulated drawdown contours of the SAS. With the reduced SAS drawdown predicted from the model, the wet season water level of the on-site wetlands is expected to remain within the normal range of water levels, and the hydroperiods of these wetlands are expected to remain within a normal range and duration.

## 6.0 Conclusions

An evaluation of simulated withdrawal of 1.58 mgd of UFA groundwater for the proposed LNP project indicates that:

- Simulated *incremental* and *cumulative* SAS and UFA drawdown in the wellfield after 60 years of operation do not exceed 0.5 ft anywhere in the wellfield except in the immediate vicinity of some wells.
- There are no wetlands with either an incremental or cumulative drawdown of 0.5 foot or greater within the proposed wellfield's area of influence.
- Under Average Day conditions, the operation of the LNP wellfield decreased the model-simulated surficial and Floridan aquifer discharge into river cells used to represent rivers and lakes by approximately 1.1 mgd, or about 0.9 percent of the simulated total flux between the Floridan aquifer and river cells in the model.
- The simulated impacts to Lake Rousseau and the lower Withlacoochee River (measured at the bypass canal) of 1.1 mgd are insignificant compared to the 37 year recorded average daily discharge of 687 mgd through the Bypass Canal.
- Under Average Day conditions, the operation of the LNP wellfield decreased the model-simulated discharge from the drain cells representing Big King and Little King springs by approximately 0.01 mgd, or about 0.3 percent of their total simulated flux.

The operation of LNP's proposed wellfield is not expected to adversely impact adjacent permitted users of the Floridan aquifer. The model predicts less than 0.2 ft of additional drawdown on the nearest other UFA user under Average Day conditions. The model simulation for Maximum Week withdrawals estimates an additional 0.1 to 0.2 ft of drawdown at the nearest Floridan aquifer well. Wetland impacts are not expected to occur during the short duration (1 week) of the maximum week withdrawal.

## 7.0 References

Environmental Simulations Inc., 2004. Development of the District Wide Regulation Model for the Southwest Florida Water Management District. Contract 02CON000177.

Harbaugh, A.W., E.R. Banta, M.C. Hill, and M.G. McDonald, 2000. MODFLOW-2000, the U.S. Geological Survey Modular Ground-Water Model - User Guide to Modularization Concepts and the Ground-Water Flow Process. U.S. Geological Survey Open-File Report 00-92.

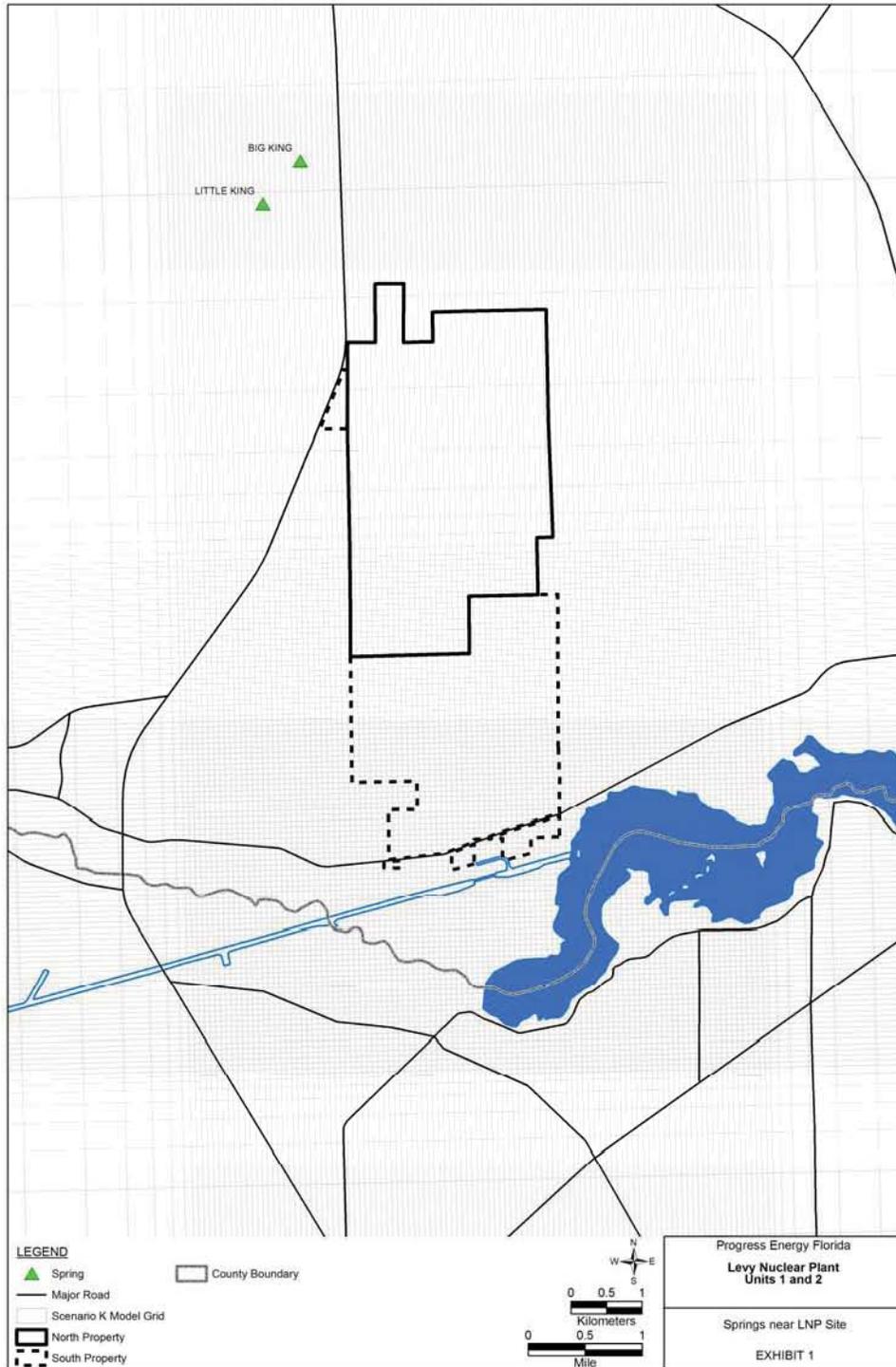
Progress Energy, 2008. Site Certification Application.

Scott, T.M., G.H. Means, R.P. Meegan, R.C. Means, S.B. Upchurch, R.E. Copeland, J. Jones, T. Roberts, and A. Willet, 2004. Springs of Florida, Version 1.1. Florida Geological Survey Bulletin 66.

# Exhibits

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**EXHIBIT 1**  
Springs near LNP Site



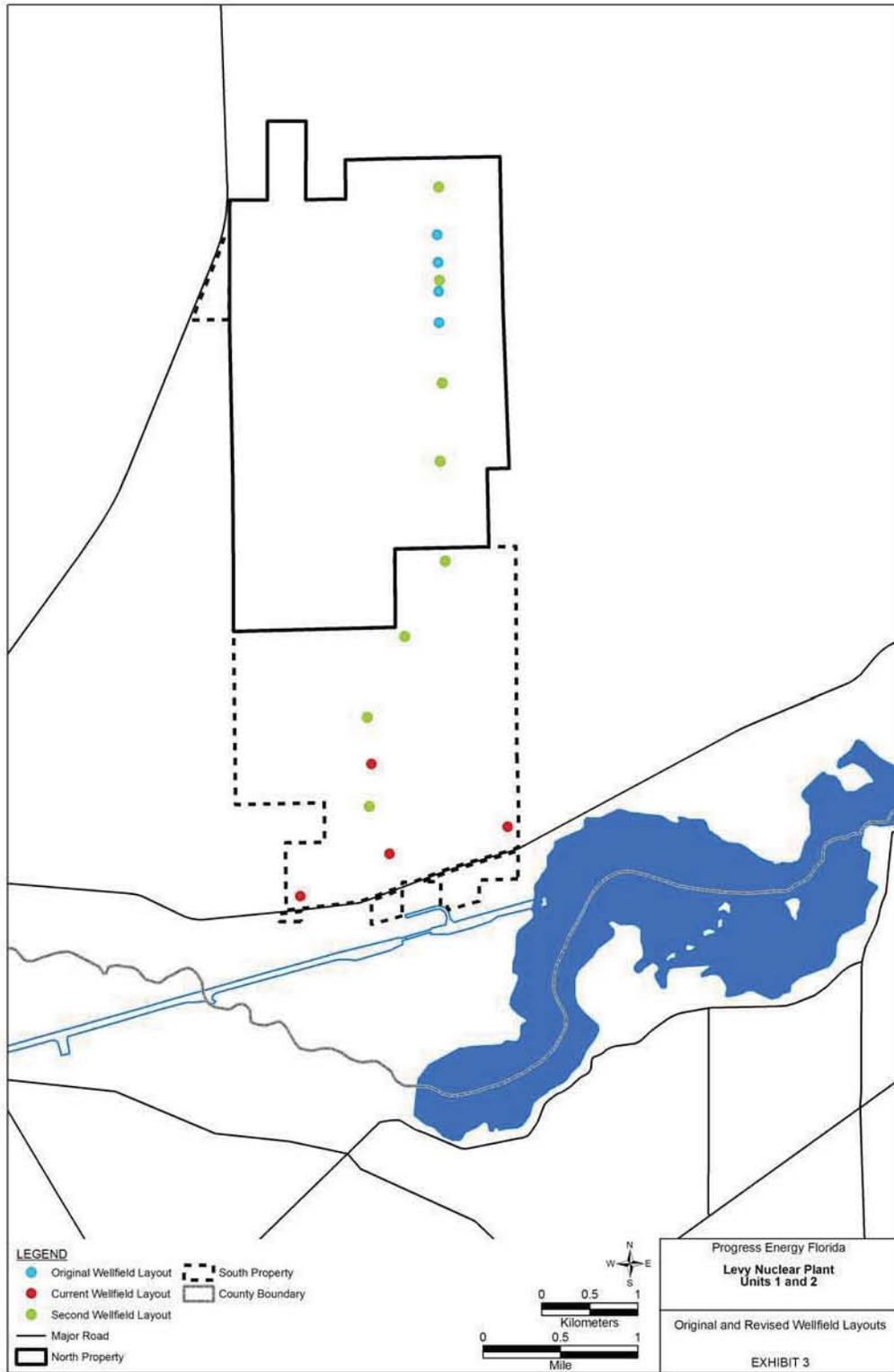
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**EXHIBIT 2**

## MODFLOW Drain Cell Parameters Used to Simulate Springs

<b>Spring</b>	<b>Model Layer</b>	<b>Model Row</b>	<b>Model Column</b>	<b>Drain Elevation, ft</b>	<b>Conductance, ft<sup>2</sup>/d</b>	<b>Stress Period 1 Flow, mgd</b>
Big King	4	5	36	5.5	1x10 <sup>6</sup>	3.07 mgd
Little King	4	6	29	4.7	1x10 <sup>6</sup>	2.92 mgd

**EXHIBIT 3**  
Original and Revised Wellfield Layouts

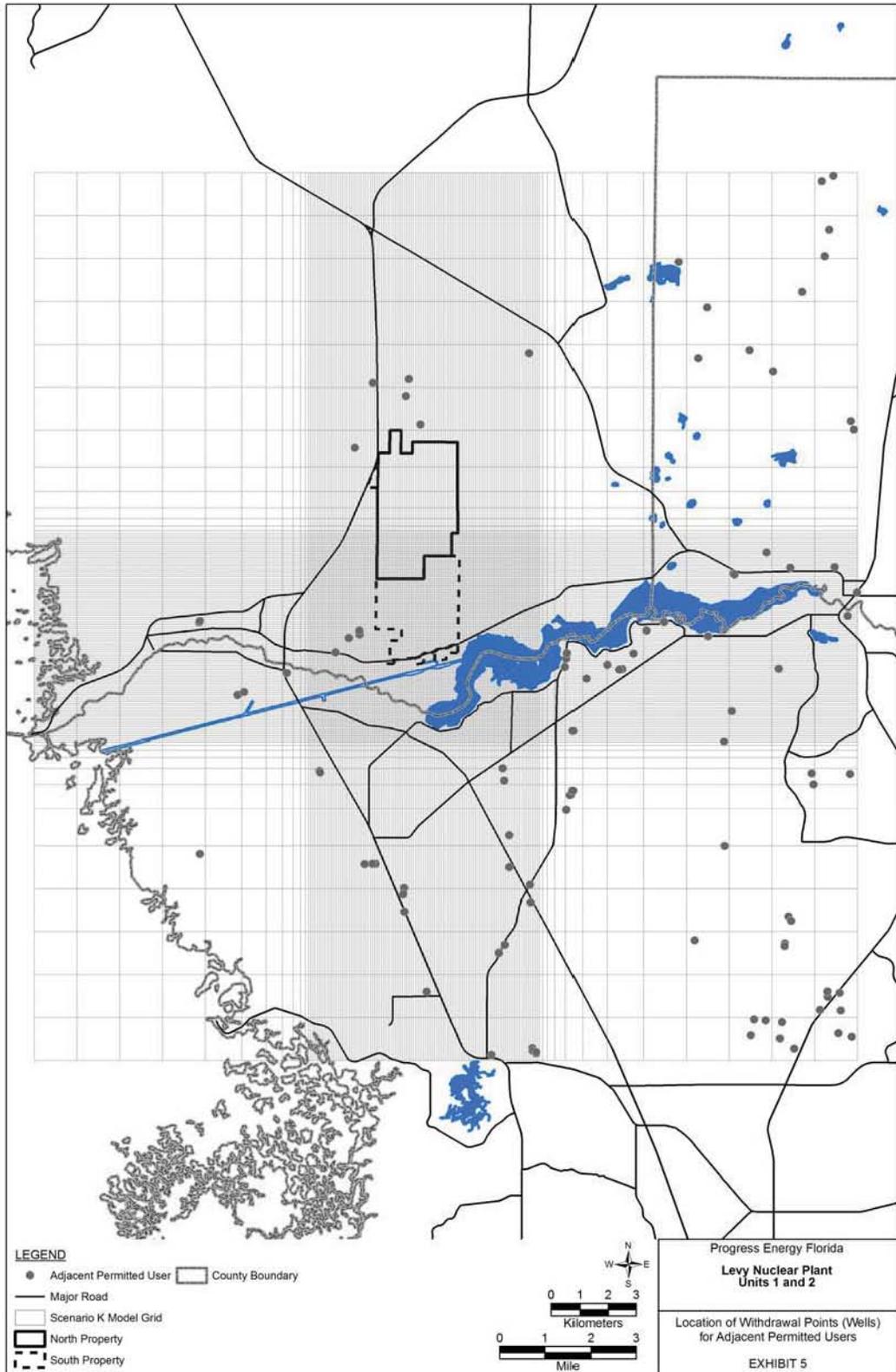


**Exhibit 4**

## Adjacent Water Use Permits

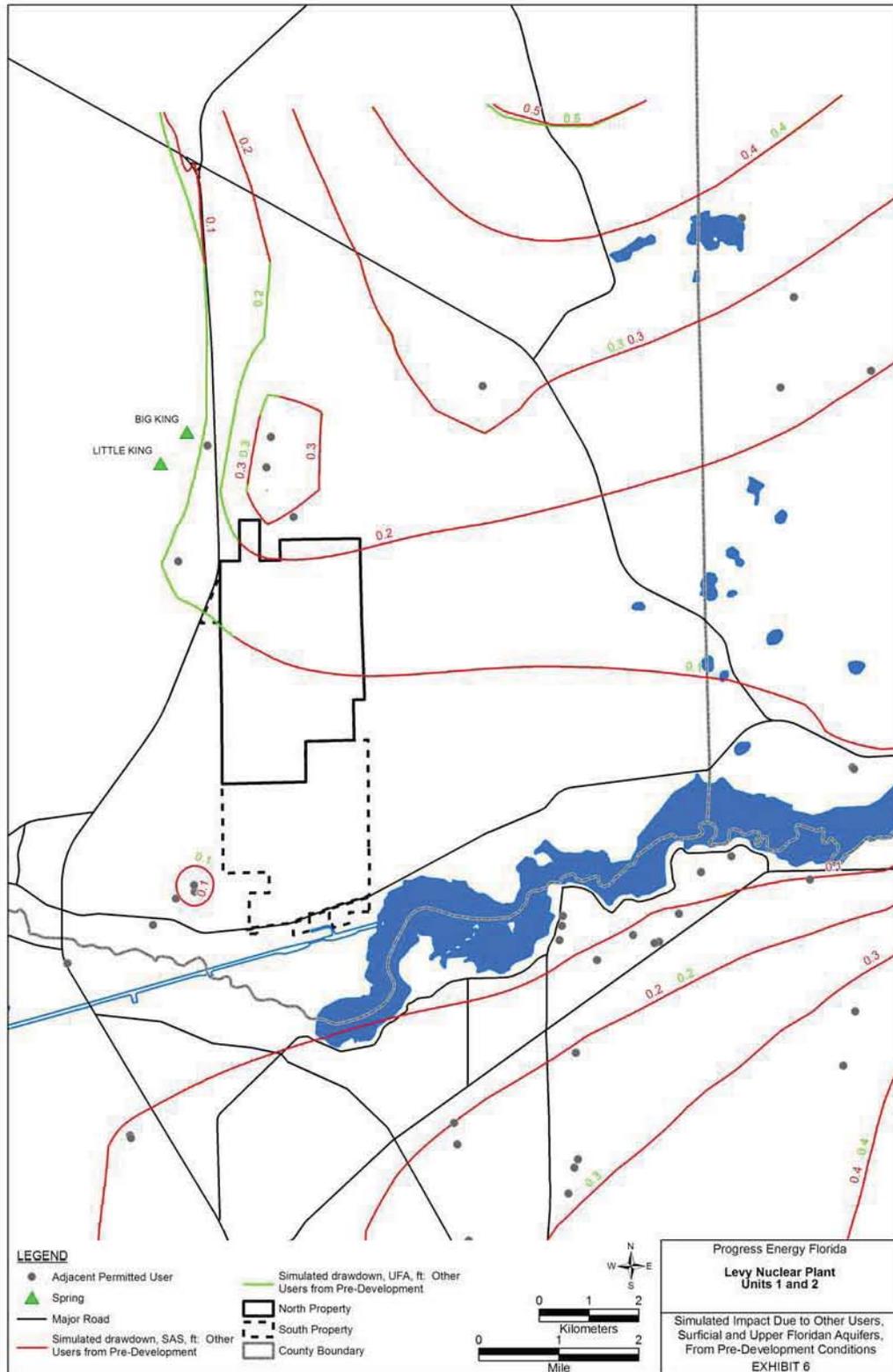
<b>Permit No.</b>	<b>Permit Holder</b>	<b>Expiration Date</b>	<b>Simulated Pumpage (gpd)</b>
<b>Individual Permit Holders</b>			
207	CITY OF CRYSTAL RIVER	12/18/2011	613,139
2842	CITRUS COUNTY WATER RESOURCES DE	11/18/2007	924,260
4153	ROLLING OAKS UTILITIES INC	6/24/2018	789,520
4257	RAINBOW SPRINGS UTILITIES LC	7/27/2010	92,820
4695	FLORIDA POWER CORP DBA PROGRESS	11/26/2017	629,500
7819	CEMEX INC	3/2/2008	23,400
8785	BLACK DIAMOND PROPERTIES INC	3/30/2009	126,480
<b>General Permit Holders</b>			
1726	MARGARET & LONNIE KNIGHT	5/3/2011	203,600
2999	MARION UTILITIES INC	9/3/2008	123,850
6121	RANDY & SARA WIRKUS	6/16/2004	140,950
6798	EDWARD J. GERRITS, INC.	5/18/2009	264,090
7145	ROMEO RIDGE RANCH	10/9/2012	2,440
7755	TOWN OF YANKEETOWN	6/4/2014	106,380
8339	CITY OF DUNNELLON	10/8/2014	347,281
8953	TOWN OF INGLIS	2/22/2015	178,400
9964	PINE RIDGE COUNTRY CLUB & PINE RIDGE INVESTMENT GROUP LP	12/28/2010	243,060
10260	BRASSBOYS ENTERPRISES, INC DBA	4/16/2013	131,090
11281	METAL INDUSTRIES INC	9/6/2011	130,501
12144	PETER DEROSA	1/31/2011	94,500
<b>Small General Permit Holders</b>			
1272	LEWIS K RUNNELS	1/20/2010	60,880
3646	RAINBOW LAKES ESTATES MUNICIPAL SERVICE DISTRICT	12/3/2015	1,840
4294	CITRUS HMA INC	10/16/2010	82,730
4484	GREAT AMERICAN MANAGEMENT AND INVESTMENTS, INC.	9/30/1998	2,760
5550	DALE WRIGHT	1/20/2009	76,050
5891	AMSOUTH BANK OF FLORIDA	1/10/2006	1,730
6965	JOANE H MILLER	6/24/2015	66,170
<b>Small General Permit Holders, continued</b>			
6992	COKE E MARKHAM	6/26/2009	50,160
7296	CRYSTAL POINTE PROPERTY OWNERS ASSOCIATION INC	11/29/2010	14,890
7352	KELLY GARDINER	9/20/2014	1,120
8189	HAMIC ESTATES INC	12/27/2015	1,110
8834	RONNIE D. CANNON & EDESEL ROWAN, TRUSTEE	7/23/2014	55,060
8874	GTE FEDERAL CREDIT UNION	4/10/2013	600
8902	FLORIDA SHERIFFS YOUTH RANCHES INC	5/6/2003	5,620
9188	WEST NATURE COAST INVESTMENT INC	5/16/1998	1,470
9204	GEORGE W & SHEILA A SIKES	4/9/2018	3,960
9909	GARY A POE	3/7/2010	36,300
10192	HOLLINSWOOD TREE NURSERIES	11/28/2012	75,060
10937	GULF TO LAKES ASSOCIATES LTD	8/9/2014	61,270
11098	DONNA S COLLI	1/23/2014	55,750
11184	KINNARI, INC.	12/31/2004	15,840
11308	LEVAUGHN ROBINSON	7/8/2015	67,150
11383	INTERNAL IMPROVEMENT TRUST FUND	1/11/2016	26,700
11579	COOL SPRINGS RANCH LLC	3/14/2017	75,050
12032	LEN & NANCY ANN NOWRY	2/18/2010	23,020
12049	CITRUS CO BOCC	4/14/2014	430
12121	CRYSTAL RIVER UNITED METHODIST CHURCH	11/30/2010	43,920

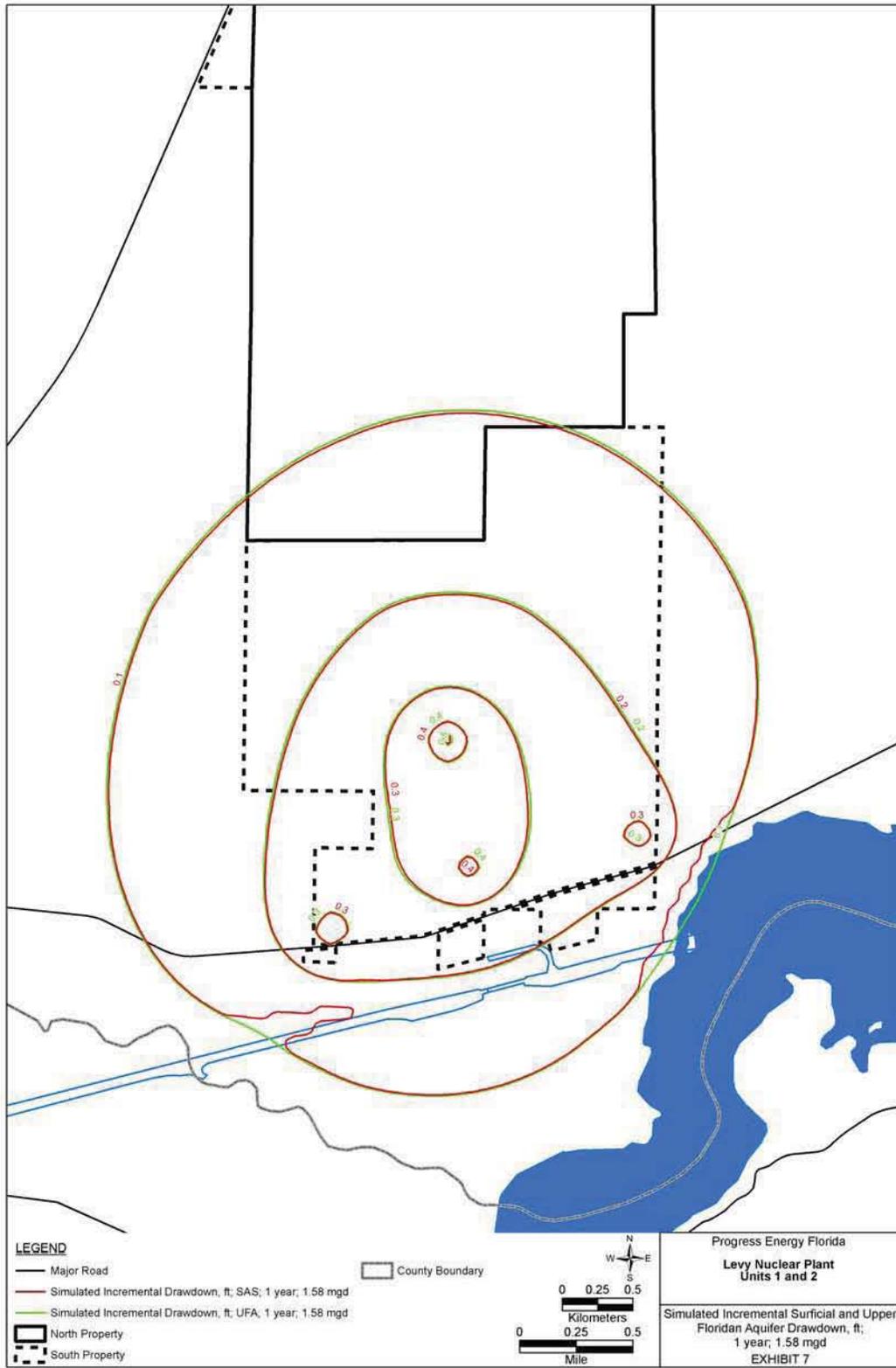
**EXHIBIT 5**  
 Locations of Withdrawal Points (wells) for Adjacent Permitted Users



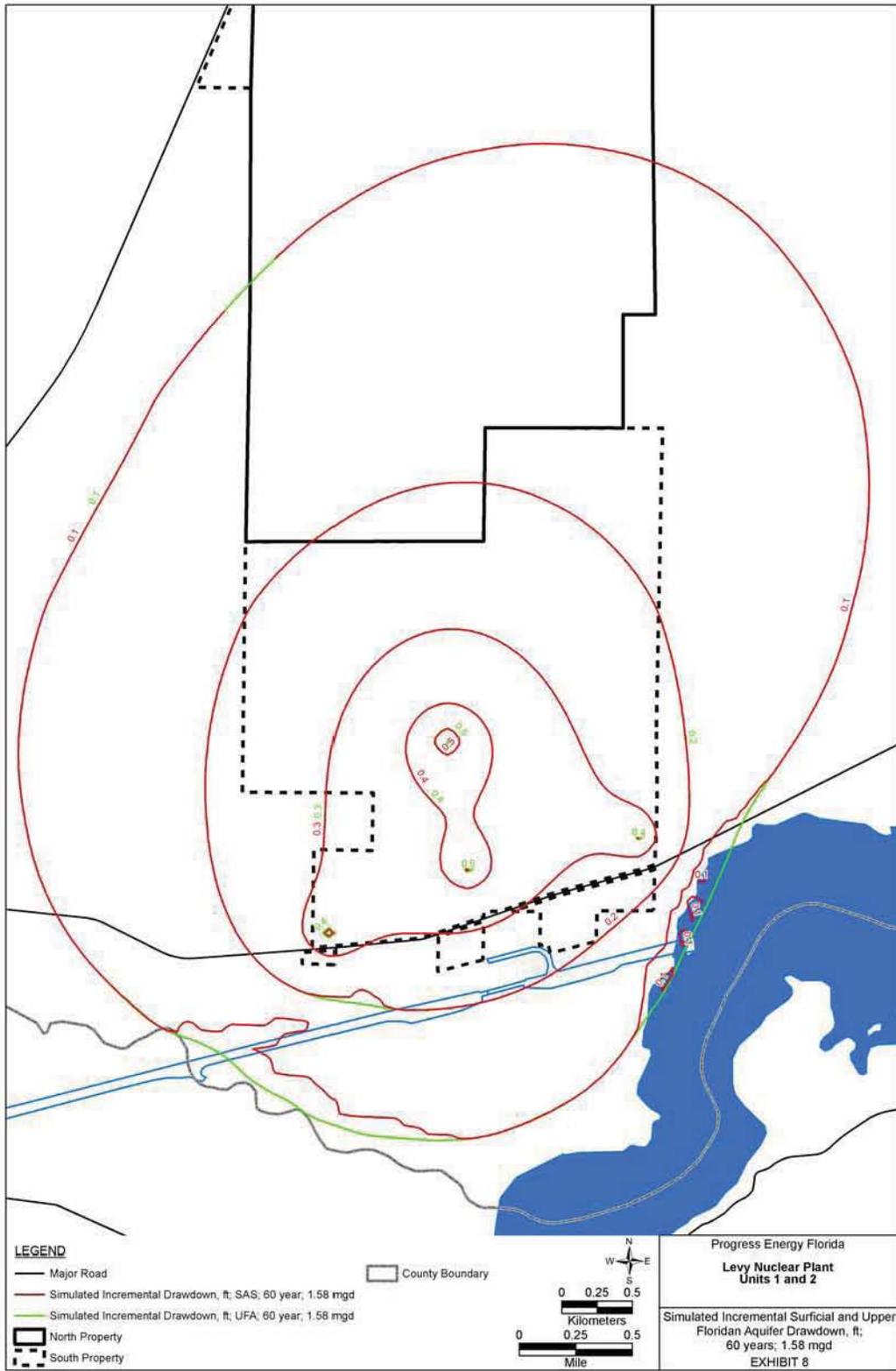
**EXHIBIT 6**

Simulated Impact due to Other Users, Surficial and Upper Floridan Aquifers, from pre-Development Conditions

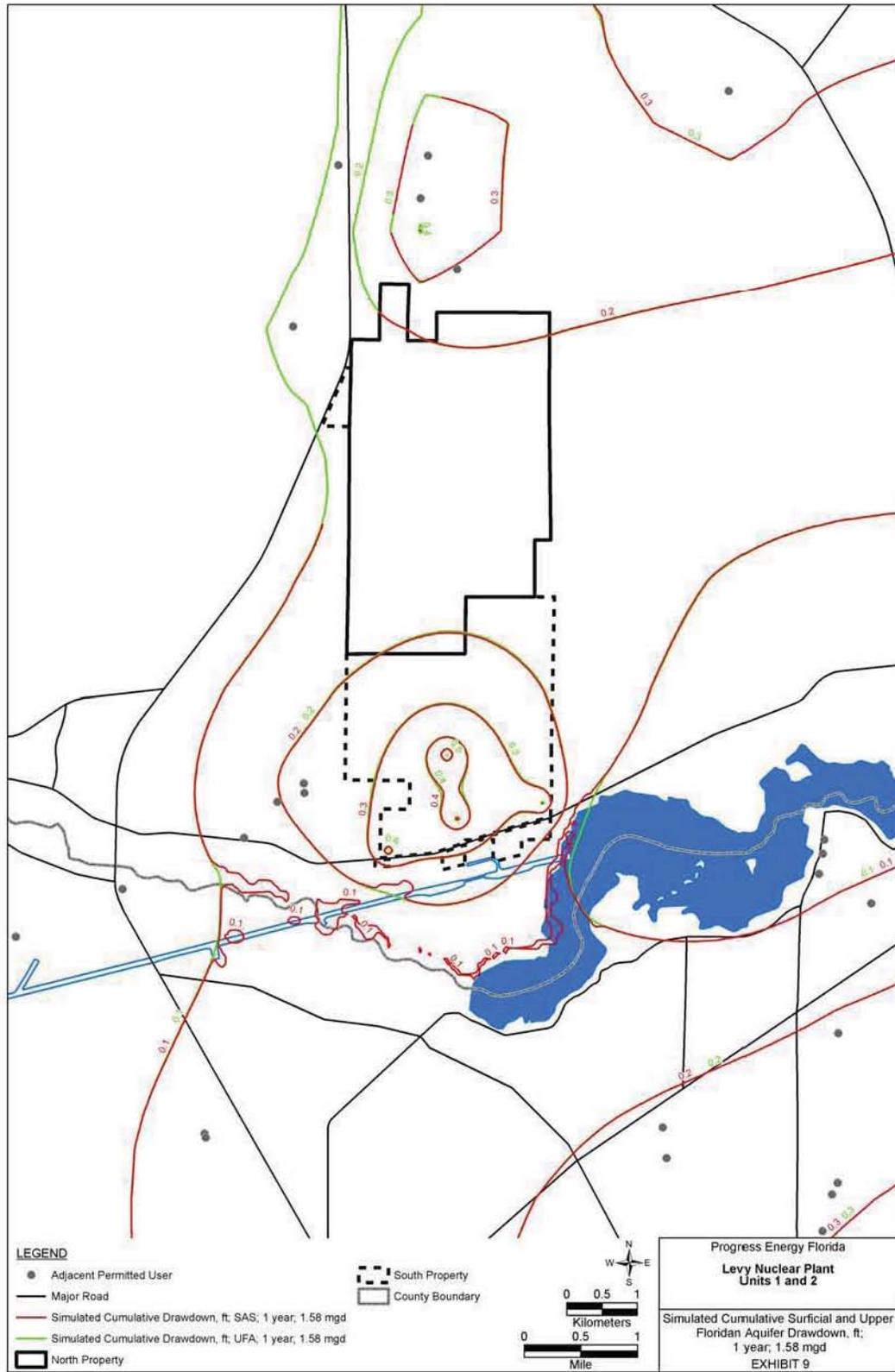




**EXHIBIT 8**  
 Simulated Incremental SAS and UFA Drawdown, ft; 60 years; 1.58 mgd



**EXHIBIT 9**  
 Simulated Cumulative SAS and UFA Drawdown, ft; 1 year; 1.58 mgd





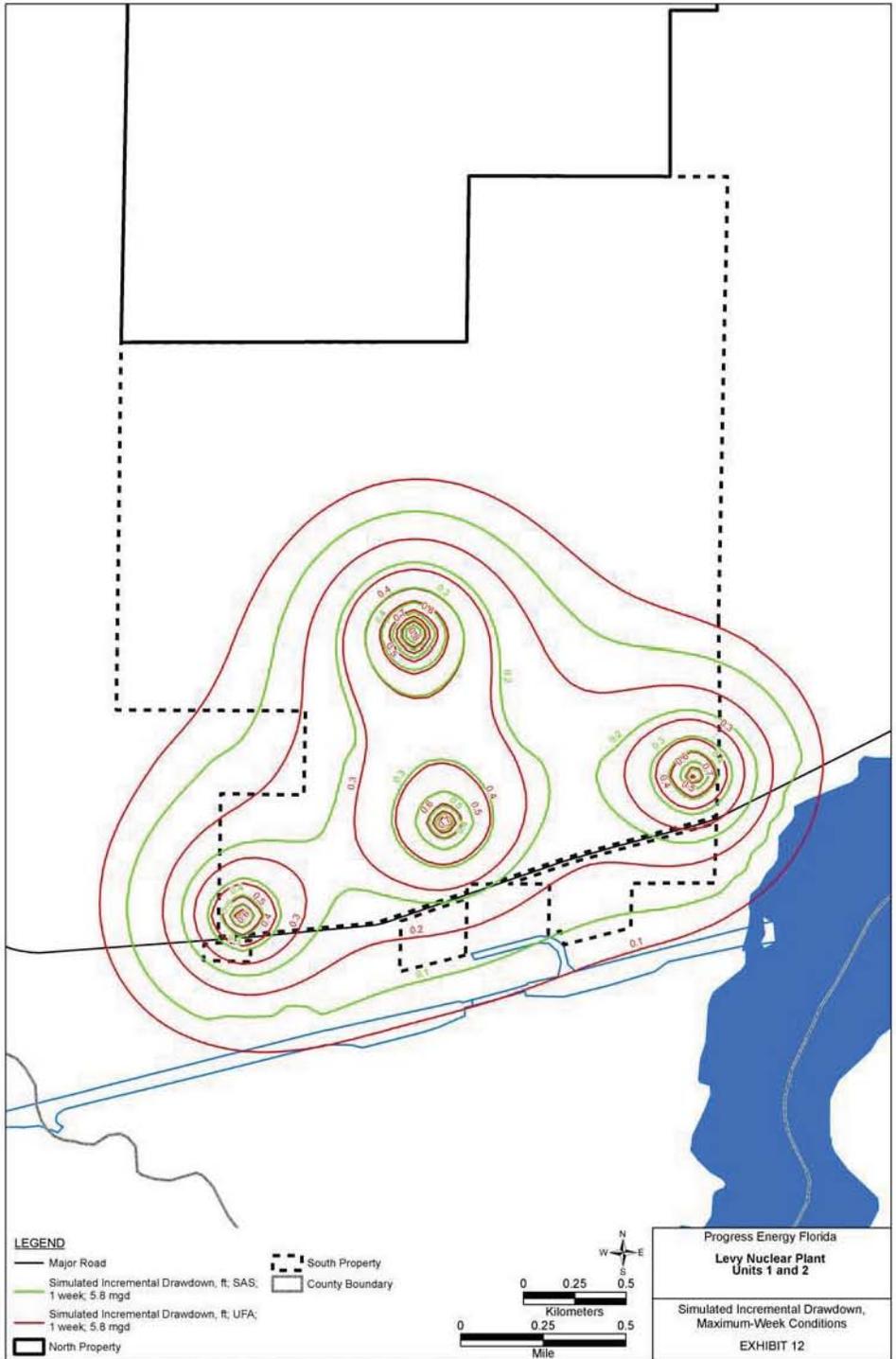
**EXHIBIT 11**

Simulated Impacts (mgd) to Lakes and Springs, Average-Day Conditions

	No LNP Withdrawals		With LNP Withdrawals		Difference	
	River	Springs	River	Springs	River	Springs
<b>Into Aquifer from:</b>	98.3		99.0		-0.7	N/A
<b>Out from Aquifer to:</b>	216.3	5.87	215.9	5.86	0.4	0.01
<b>Net</b>	-118.0	-5.87	-116.8	-5.86	-1.1	-0.01

All units are million gallons per day (mgd)

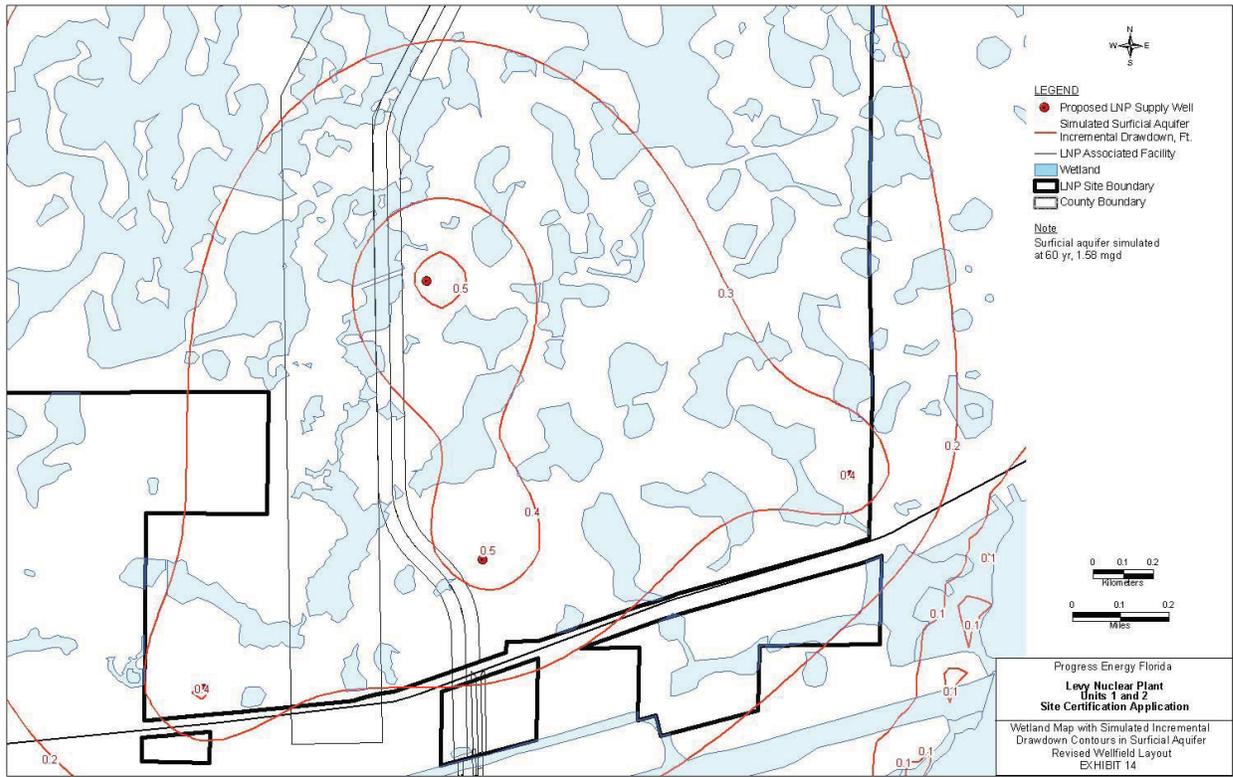
**EXHIBIT 12**  
 Simulated Incremental Drawdown, Maximum-Week Conditions



**EXHIBIT 13**  
 Simulated Incremental SAS Drawdown and Wetlands, 1 yr, 1.58 mgd



**EXHIBIT 14**  
 Simulated Incremental SAS Drawdown and Wetlands, 60 yrs, 1.58 mgd



Attachment D  
Revised Groundwater Model Evaluation of Simulated Drawdown Water Impacts,  
Levy Nuclear Plant  
Technical Memorandum No. 338884-TMEM-123  
Dated December 7, 2009  
("Report 123")

# Tech Memo Approval Form

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Tech Memo Number: 338884-TMEM-123

Revision: 0

Project: 338884

Review Date: 12/07/09

<b>Tech Memo Title:</b> Revised Groundwater Model Evaluation of Simulated Drawdown Water Impacts, Levy Nuclear Plant			
<b>Revision History:</b>			
Revision Number	Description	Approval Date	Affected Pages
0	Initial submittal for Owner Acceptance Review.	12/07/09	All
<b>Document Review and Approval</b>			
Originator:	Amanda Berens/Project Scientist	12/07/09	
	_____ Name/Position	_____ Date	
	*Original on file with CH2M HILL Document Control Signature		
Reviewer	Jeff Lehnen/Technical Manager	12/07/09	
	_____ Name/Position	_____ Date	
	*Original on file with CH2M HILL Document Control Signature		
Project Manager:	Lorin Young/Project Manager	12/07/09	
	_____ Name/Position	_____ Approval Date	
	*Original on file with CH2M HILL Document Control Signature		

# Revised Groundwater Model Evaluation of Simulated Drawdown Impacts, Levy Nuclear Plant

PREPARED FOR: Progress Energy  
PREPARED BY: CH2M HILL  
DATE: November 24, 2009

## 1.0 Introduction

This technical memorandum (TM) documents an additional evaluation of the simulated hydrologic impacts associated with the proposed normal daily withdrawal of 1.58 million gallons per day (mgd) of groundwater from the Upper Floridan Aquifer (UFA) to provide raw water for Progress Energy Florida, Inc.'s (PEF's), Levy Nuclear Plant Units 1 and 2 (LNP).

Impacts were evaluated using a MODFLOW (Harbaugh, et al., 2000) groundwater flow model developed by CH2M HILL. The groundwater model was exported from the Southwest Florida Water Management District's (SWFWMD's) District-Wide Regulation Model, Version 2 (DWRM2) (Environmental Simulations Inc., 2004) using the telescopic mesh refinement (TMR) process, which creates a site-specific model from the regional DWRM2. Changes made to the model design and hydraulic properties are detailed in Section 3.0.

The first evaluation of simulated hydrologic impacts associated with the proposed LNP raw water wellfield was documented in a TM entitled, "Revised Conceptual Wellfield Layout and Evaluation of Simulated Drawdown Impacts, Levy Nuclear Plant" (338884-TMEM-074) (CH2M HILL, 2008). In response to the U.S. Nuclear Regulatory Commission's (NRC's) Request for Additional Information (RAI) 5.2.2-4, CH2M HILL completed a second evaluation by revising the model documented in 338884-TMEM-074. These revisions and associated simulation results are documented in this TM. This TM refers to the model documented in 338884-TMEM-074 as the "DWRM2 TMR model" and to the model documented in this TM as the "revised TMR model."

The revised TMR model is intended to better simulate the published 2007 U.S. Geological Survey (USGS) potentiometric surface maps and to better approximate the water levels measured in the field during site investigations to support the Environmental Report for the Combined License Application. The proposed raw water wellfield location has not changed from the layout proposed for the State of Florida Site Certification and is shown on Figure 1.

## 2.0 Model Structure and Properties

The following sections describe the layout of the finite difference grid, model layering, time discretization, recharge, boundary conditions, well withdrawals, and model modifications. Hydraulic properties are discussed in Section 3.

### 2.1 Finite Difference Grid

The revised TMR model grid consists of 122 rows and 131 columns, containing 47,946 cells, of which 31,963 are active. Each cell ranges in height and width from a minimum of 250 feet to a maximum of 5,000 feet. The location and configuration of the revised TMR model grid are presented on Figure 2. No changes were made to the DWRM2 TMR model grid in the revised TMR model.

### 2.2 Layering

The DWRM2 TMR model includes five layers representing (in descending order) the surficial aquifer system (SAS), upper intermediate aquifer system (IAS), lower IAS, UFA, and Lower Floridan Aquifer (LFA) system. Based on borings completed during field investigation activities at the LNP site during 2007, the IAS is not present at the location of the LNP site (PEF, 2008). Therefore, the IAS layers were removed in the revised TMR model.

The revised TMR model consists of the following layers (in descending order):

- Layer 1 - SAS (unconfined)
- Layer 2 - UFA system (confined)
- Layer 3 - LFA system (confined)

### 2.3 Time Discretization

The revised TMR model includes three stress periods. Stress Period 1 is a steady-state stress period that represents pre-development conditions; there are no well withdrawals simulated during this stress period. Stress Period 2, also steady-state, includes permitted groundwater withdrawals adjacent to the LNP, excluding withdrawals from the LNP; it is intended to provide an assessment of currently permitted impacts. Stress Period 3 is the predictive phase of the simulation and includes LNP withdrawals in addition to adjacent permitted groundwater withdrawals within the model domain. No changes were made to the DWRM2 time discretization in the revised TMR model.

### 2.4 Recharge

Recharge is applied to the uppermost layer (Layer 1) and is calculated as net recharge. The evapotranspiration function is not used. Figure 3 shows the range of net recharge values in the revised TMR model domain. Over most of the LNP site, net recharge ranges from 3.7 to 8.6 inches per year (in/yr). Higher recharge values occur in the southeastern corner of the property, ranging from 8.7 to 19.4 in/yr. No changes were made to the DWRM2 TMR model recharge in the revised TMR model.

## 2.5 Boundary Conditions

Each layer in the revised TMR model has boundary conditions that govern flow into and out of the layer. Figures 4, 5, and 6 present the boundary conditions in Layer 1 (SAS), Layer 2 (UFA), and Layer 3 (LFA), respectively. The boundary conditions for the SAS and UFA presented on Figures 4 and 5 include the boundary condition modifications discussed further in Sections 2.7 and 3.3.

Figure 4 presents the boundary conditions in Layer 1 (SAS). Layer 1 is laterally bounded by constant head cells. The vertical boundary conditions include active, drain, and river cells. Modifications were made to the Layer 1 boundary conditions and are described further in Section 3.3.

Figure 5 presents the boundary conditions in Layer 2 (UFA). Layer 2 is laterally bounded by constant head cells. The vertical boundary conditions include active and drain cells. No flow cells are present in the southwestern corner of the model domain and represent the 10,000 milligrams per liter (mg/L) salinity boundary. Modifications were made to the Layer 2 boundary conditions and are described further in Section 3.3.

Figure 6 presents the boundary conditions in Layer 3 (LFA). The majority of the LFA consists of no flow cells representing the 10,000 mg/L salinity boundary. Constant head and active cells are present in the northeastern corner of the model domain.

## 2.6 Well Withdrawals

Withdrawals by permitted users adjacent to the LNP site and within the modal domain are simulated in Stress Periods 2 and 3 of the revised TMR model. LNP withdrawals are simulated in Stress Period 3 of the revised TMR model. Withdrawals within the revised TMR model domain are described below in Subsections 2.6.1 and 2.6.2.

### 2.6.1 LNP Wellfield

The raw water wellfield layout includes four wells located in the southern portion of the LNP site. Three wells are located just north of County Road 40, and one well is located approximately 0.9 mile to the north of County Road 40, on the eastside of the heavy haul road. Figure 1 depicts the wellfield layout.

For the average day simulations, each well was simulated to pump at a constant rate of 0.395 mgd, for a total withdrawal of 1.58 mgd; for the maximum week simulations, each well was simulated to pump at a constant rate of 1.45 mgd, for a total withdrawal of 5.8 mgd.

### 2.6.2 Adjacent Permitted Users

Details on adjacent Individual, General, and Small General Water Use Permits included in the model domain are summarized in Table 1, and the locations of permitted wells are depicted on Figure 2. No modifications were made to the simulated withdrawal rates or locations of these permitted wells, which are from the DWRM2 TMR model. Adjacent permitted users withdraw a total of 3.51 mgd of water from the UFA (Layer 2) in the DWRM2 TMR and revised TMR models. Withdrawal rates of adjacent permitted users are based on reported 2001 withdrawal rates.

## **2.7 Model Modifications**

Three modifications were made to the DWRM2 TMR model for the original evaluation of simulated hydrologic impacts associated with the proposed LNP wellfield as documented in 338884-TMEM-074. These modifications were retained in the Revised TMR model and are discussed in the following subsections.

### **2.7.1 Springs**

Two springs were identified within the LNP model boundary conditions: Little King and Big King Springs (Scott, et al., 2004), which were not included in the DWRM2 TMR model. Figure 2 depicts their locations relative to the LNP site and the revised TMR model domain.

The springs were added to Layer 2 of the model, which represents the UFA. The springs were simulated using MODFLOW's drain package. The drain package allows water to be removed from a model cell based on the head differential between the model-calculated water level for that model cell and a specified elevation for the drain. The simulated flow is modulated by the conductance term, which is a product of the cell area and hydraulic conductivity.

Neither discharge nor elevation data were available for the springs. It was assumed that the pre-development (Stress Period 1) discharge from each spring was on the order of 3 mgd. This is consistent with the springs' classification as third-magnitude springs (Scott, et al., 2004). The model drain elevation and conductance values were adjusted so that the simulated flux from each spring under pre-development conditions (Stress Period 1) was on the order of 3 mgd.

### **2.7.2 Wetlands**

Model cells that used MODFLOW's river package to represent wetlands were changed to variable-head cells (that is, the river package was not used to represent wetlands). This change was made based on SWFWMD staff concerns that MODFLOW's river package could provide an infinite source of water to the model and artificially limit simulated drawdowns. Model cells that used the river package to represent Lake Rousseau and the Withlacoochee River were not modified.

### **2.7.3 Time Discretization**

In the DWRM2 TMR model, the length of Stress Period 3 is 1 year. For the revised TMR model, two additional periods of 7 days and 60 years were used to simulate maximum weekly withdrawals and to represent the expected life of the facility, respectively.

## **3.0 Model Calibration**

### **3.1 Calibration Objectives**

In response to NRC's RAI 5.2.2-4, the DWRM2 TMR model was recalibrated to accomplish the following:

1. Reproduce the USGS 2007 potentiometric surface for the UFA. For example, the USGS 2007 UFA potentiometric surface identifies an area of high groundwater elevation (approximately 70 feet) east of the LNP site; the DWRM2 TMR model documented in 338884-TMEM-074 simulates a potentiometric surface of approximately 40 feet in this area.
2. Simulate observed water level elevations at the site from SAS (Layer 1) and UFA (Layer 2) monitoring wells.

### **3.2 Calibration Targets**

The following calibration targets were used:

- Site Water Elevation Data – The only available water level elevation data for the site were collected at SAS (Layer 1) and UFA (Layer 2) monitoring wells during 2007. It is assumed that these represent steady-state conditions and that they are roughly equivalent to 2001 water levels (see Subsection 2.6.2). Where more than one site monitoring well was located within a single model cell, only the well with the average water elevation closest to the mean value for that cell was used as a calibration target.
- USGS Water Elevation Data – Water elevation data used to compile the USGS 2007 UFA potentiometric surface were obtained or estimated for four wells from the USGS data within the revised TMR model domain. In addition, water elevation data were obtained for two additional UFA wells within the model domain used for the original DWRM2 steady-state calibration (performed by SWFWMD), but not used to compile the USGS 2007 UFA potentiometric surface.
- USGS 2007 UFA Potentiometric Surface – Additional calibration targets were synthesized from the USGS 2007 UFA potentiometric surface where no well water level data were available.

### **3.3 Additional Modifications**

Three additional modifications were made to the revised TMR model to help meet the calibration objectives, as noted below.

1. Springs – As discussed above, Little King and Big King Springs were added to the revised TMR model. The springs are located approximately 0.5 mile apart (Figure 2). Due to the length of the cells in the area of the springs (5,000 feet), the spring discharges were combined into one model cell in the revised TMR model.
2. Lakes – Three constant head river boundary cells were added to Layer 1 (SAS) of the revised TMR model to represent lakes located east of the site. The location of these river cells are shown on Figure 4.
3. Boundary Conditions – Boundary conditions in the UFA (Layer 2) were modified in the revised TMR model to be equal to the average values of the USGS 2007 UFA May and September potentiometric surface contours, where they intersected the model boundaries. The UFA boundary conditions are shown on Figure 5.

### 3.4 Calibration Parameters

The following parameters were modified during the calibration of the revised TMR model:

- Hydraulic conductivity of the SAS (Layer 1)
- Transmissivity of the UFA (Layer 2)
- Inter-layer leakance between the SAS (Layer 1) and the UFA (Layer 2)
- Conductance of the new constant head (river) cells representing lakes east of the site, as detailed in Subsection 3.3

Inter-layer leakance between the UFA (Layer 2) and the LFA (Layer 3) was included in early calibration iterations, but the calibration results were found to be insensitive to changes in this parameter. Therefore, it was not included in later calibration iterations of the revised TMR model, and the values were left unchanged.

### 3.5 Calibration Procedure

A steady-state calibration was performed using average 2007 water elevations at calibration targets (derived from both site measurements and USGS data). The revised TMR model was recalibrated using Model-Independent Parameter Estimation (PEST) (Doherty, 2004), a model-independent parameter estimation software tool that is integrated with Groundwater Vistas. The calibration parameters discussed in Section 4.4 were adjusted to obtain the best possible match with the observed site 2007 water levels in the SAS, UFA, and USGS 2007 UFA potentiometric surface. Since the only new water level data in the SAS were from the onsite monitoring wells, the SAS was only calibrated to the site conditions. Offsite areas were not constrained in PEST; therefore, there are some areas with flooded or dry cells and unusual looking contour lines.

## 4.0 Calibration/Modification Results

After the PEST calibration process, the root mean square (RMS) calibration error is 1.27 feet. RMS error is a method of quantifying the difference between the observed and simulated heads at all calibration targets.

Table 2 summarizes the calibration residuals (difference between observed and simulated water elevations) at each calibration target. Calibration residuals for the revised TMR model range from -3.25 to 3.87 feet across the model grid and from -0.56 to 2.35 feet at the LNP site. Figure 7 presents scatter plots of observed and simulated water elevations (in both the SAS and UFA) after the calibration. Table 3 summarizes the pre-calibration and calibrated model parameters. Figures 8, 9, and 10 present the calibrated hydraulic conductivity values in the SAS, leakance between the SAS and UFA, and transmissivity in the UFA, respectively.

Analysis of slug test and aquifer test data collected at the site indicates that the hydraulic conductivity of the SAS at the site ranges from 0.9 to 75 feet per day (ft/day) and that the transmissivity of the UFA at the site ranges from 600 to 67,600 square feet (ft<sup>2</sup>)/day (FSAR RAI Response 2.4.12-12). The calibrated SAS hydraulic conductivity of the revised TMR model ranges from 0.7 to 85 ft/day at the LNP site (Figure 8). The calibrated UFA

transmissivity of the revised TMR model predominantly ranges from 7,920 to 250,000 ft<sup>2</sup>/day at the LNP site (Figure 10). The calibrated revised TMR model simulates hydraulic conductivity and transmissivity values of the SAS and UFA within approximately an order of magnitude of actual site measurements. Some variation from actual site measurements is expected because slug and aquifer tests may have measured the hydraulic parameters of only a portion of the Floridan aquifer.

The phreatic and potentiometric surfaces in the SAS and UFA simulated by the revised TMR model are presented on Figures 11 through 14. Figure 11 presents the simulated UFA potentiometric surface at the end of Stress Period 2 (existing conditions) in comparison to the USGS 2007 UFA potentiometric surface. The calibrated revised TMR model simulates a UFA potentiometric surface closely matching that developed by the USGS.

Figure 12 presents the simulated SAS phreatic surface at the end of Stress Period 2 (existing conditions). It should be noted that the only SAS calibration targets were located at the LNP site; therefore, the accuracy of the simulated phreatic surface will decrease with distance from the site. Figures 13 and 14 present the simulated UFA potentiometric surface and SAS phreatic surface at the end of Stress Period 1 (pre-development conditions), respectively.

## **5.0 Predictive Simulation Results**

Two predictive simulations were conducted: average daily and maximum weekly withdrawals.

### **5.1 Existing Impacts**

As described in Section 2.6, the revised TMR model simulates reported 2001 withdrawals by adjacent permitted users. The simulated existing impacts from these users from pre-development conditions for the SAS and the UFA are presented on Figures 15 and 16, respectively. Simulated existing drawdown at the LNP site ranges from 0 to approximately 0.4 foot in both the SAS and the UFA.

### **5.2 Average Day Impacts**

LNP operations will require an average of 1.58 mgd (total) from the four water supply wells. Figure 17 presents the revised TMR model water budget under these withdrawal conditions.

Figures 18 and 19 present the simulated phreatic and potentiometric surfaces after 1 year of operation in the SAS and the UFA, respectively. Simulated incremental drawdowns (resulting from LNP withdrawals only) for this period are presented on Figures 20 and 21. The simulated 0.5-foot incremental drawdown contour extends a maximum of approximately 1 mile from the supply wells in the SAS and a maximum of approximately 1.1 miles from the supply wells in the UFA. Simulated cumulative drawdowns (resulting from LNP and adjacent withdrawals) after 1 year of operation at the SAS and the UFA are presented on Figures 22 and 23, respectively.

Figures 24 and 25 present the simulated phreatic and potentiometric surfaces after 60 years of operation (the expected life of the facility) in the SAS and UFA, respectively. Simulated incremental drawdowns (resulting from LNP withdrawals only) for this period are presented on Figures 26 and 27. The simulated 0.5-foot incremental drawdown contour extends a maximum of approximately 3 miles from the supply wells in both the SAS and the UFA. Simulated cumulative drawdowns (resulting from LNP and adjacent withdrawals) after 60 years of operation at the SAS and the UFA are presented on Figures 28 and 29, respectively.

Figures 30 and 31 present the simulated incremental SAS drawdown at 1 year and 60 years of operation, respectively, with nearby wetlands.

### **5.3 Maximum Week Impacts**

LNP operations will require a maximum of 5.8 mgd (total) for 7 consecutive days from the four water supply wells. Figures 32 and 33 present the simulated incremental drawdowns (resulting from LNP withdrawals only) for this 7-day period, for the SAS and the UFA, respectively. The simulated 0.5-foot incremental drawdown contour extends a maximum of approximately 0.2 mile from the supply wells in the SAS and a maximum of approximately 0.6 mile from the water supply wells in the UFA.

## **6.0 Conclusions**

The revised TMR model more closely simulates the USGS published potentiometric surface map of the UFA. The simulated drawdown impacts are greater than those from the DWRM2 TMR model. The differences are a result of the revised aquifer parameter values and distribution. Actual field conditions will be confirmed by the environmental monitoring and testing discussed below.

As part of the “Conditions of Certification, adopted by the Final Order on Certification for the Progress Energy Levy Nuclear Power Plant Units 1 & 2,” dated August 26, 2009, PEF will develop an Aquifer Performance Testing (APT) plan and an Environmental Monitoring Plan (EMP) for the proposed LNP raw water wellfield. The purpose of the APT plan is to measure the actual aquifer parameters in the wellfield to verify and, if necessary, revise the DWRM2 TMR model to incorporate field measured values. The EMP provides a framework for monitoring the hydrology and ecology of wetlands in the vicinity of the LNP wellfield that could potentially be affected by groundwater drawdowns resulting from operation of the LNP raw water wellfield. These required actions from the Conditions of Certification will ensure that the actual field conditions are understood at the wellfield location and that nearby wetlands are monitored to evaluate for any potential impacts from the groundwater withdrawals.

## **7.0 References**

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Environmental Simulations Inc., 2004. Development of the District Wide Regulation Model for the Southwest Florida Water Management District. Contract 02CON000177.

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# Tables

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**TABLE 1**

## Adjacent Water Use Permits

<b>Permit No.</b>	<b>Permit Holder</b>	<b>Expiration Date</b>	<b>Simulated Pumpage (gpd)</b>
<b>Individual Permit Holders</b>			
207	CITY OF CRYSTAL RIVER	12/18/2011	613,139
2842	CITRUS COUNTY WATER RESOURCES DE	11/18/2007	924,260
4153	ROLLING OAKS UTILITIES INC	6/24/2018	789,520
4257	RAINBOW SPRINGS UTILITIES LC	7/27/2010	92,820
4695	FLORIDA POWER CORP DBA PROGRESS	11/26/2017	629,500
7819	CEMEX INC	3/2/2008	23,400
8785	BLACK DIAMOND PROPERTIES INC	3/30/2009	126,480
<b>General Permit Holders</b>			
1726	MARGARET & LONNIE KNIGHT	5/3/2011	203,600
2999	MARION UTILITIES INC	9/3/2008	123,850
6121	RANDY & SARA WIRKUS	6/16/2004	140,950
6798	EDWARD J. GERRITS, INC.	5/18/2009	264,090
7145	ROMEO RIDGE RANCH	10/9/2012	2,440
7755	TOWN OF YANKEETOWN	6/4/2014	106,380
8339	CITY OF DUNNELLON	10/8/2014	347,281
8953	TOWN OF INGLIS	2/22/2015	178,400
9964	PINE RIDGE COUNTRY CLUB & PINE RIDGE INVESTMENT GROUP LP	12/28/2010	243,060
10260	BRASSBOYS ENTERPRISES, INC DBA	4/16/2013	131,090
11281	METAL INDUSTRIES INC	9/6/2011	130,501
12144	PETER DEROSA	1/31/2011	94,500
<b>Small General Permit Holders</b>			
1272	LEWIS K RUNNELS	1/20/2010	60,880
3646	RAINBOW LAKES ESTATES MUNICIPAL SERVICE DISTRICT	12/3/2015	1,840
4294	CITRUS HMA INC	10/16/2010	82,730
4484	GREAT AMERICAN MANAGEMENT AND INVESTMENTS, INC.	9/30/1998	2,760
5550	DALE WRIGHT	1/20/2009	76,050
5891	AMSOUTH BANK OF FLORIDA	1/10/2006	1,730
6965	JOANE H MILLER	6/24/2015	66,170
6992	COKE E MARKHAM	6/26/2009	50,160
7296	CRYSTAL POINTE PROPERTY OWNERS ASSOCIATION INC	11/29/2010	14,890
7352	KELLY GARDINER	9/20/2014	1,120
8189	HAMIC ESTATES INC	12/27/2015	1,110
8834	RONNIE D. CANNON & EDSSEL ROWAN, TRUSTEE	7/23/2014	55,060
8874	GTE FEDERAL CREDIT UNION	4/10/2013	600
8902	FLORIDA SHERIFFS YOUTH RANCHES INC	5/6/2003	5,620
9188	WEST NATURE COAST INVESTMENT INC	5/16/1998	1,470
9204	GEORGE W & SHEILA A SIKES	4/9/2018	3,960
9909	GARY A POE	3/7/2010	36,300
10192	HOLLINSWOOD TREE NURSERIES	11/28/2012	75,060
10937	GULF TO LAKES ASSOCIATES LTD	8/9/2014	61,270
11098	DONNA S COLLI	1/23/2014	55,750
11184	KINNARI, INC.	12/31/2004	15,840
11308	LEVAUGHN ROBINSON	7/8/2015	67,150
11383	INTERNAL IMPROVEMENT TRUST FUND	1/11/2016	26,700
11579	COOL SPRINGS RANCH LLC	3/14/2017	75,050
12032	LEN & NANCY ANN NOWRY	2/18/2010	23,020
12049	CITRUS CO BOCC	4/14/2014	430
12121	CRYSTAL RIVER UNITED METHODIST CHURCH	11/30/2010	43,920

Notes:

gpd = gallon per day

**TABLE 2**  
Calibration Results

<b>Target Name</b>	<b>Layer</b>	<b>Average Water Elevation (feet)</b>	<b>Revised TMR Model Simulated Water Elevation (feet)</b>	<b>Revised TMR Model Residual (feet)</b>
<b><i>LNP Site Targets</i></b>				
MW-1S	1	37.61	37.55	0.06
MW-2S	1	38.25	38.13	0.12
MW-3S	1	42.38	42.28	0.10
MW-4S	1	42.14	41.69	0.45
MW-5S	1	39.04	38.80	0.24
MW-7S	1	39.47	39.64	-0.17
MW-9S	1	39.24	39.80	-0.56
MW-11S	1	38.97	38.76	0.21
MW-15S	1	39.3	39.42	-0.12
OW-2	1	39.22	39.16	0.06
OW-7	2	39.12	37.56	1.56
MW-6D	2	38.61	36.26	2.35
MW-8D	2	39.35	37.72	1.63
MW-10D	2	38.96	37.61	1.35
MW-12D	2	37.91	36.10	1.81
MW-16D	2	38.95	37.65	1.30
<b><i>USGS 2007 Potentiometric Surface Targets</i></b>				
T&J_Ranch	2	69.74	68.59	1.15
JT_Goethe <sup>1</sup>	2	63	59.13	3.87
Mancini_N <sup>1</sup>	2	49	51.17	-2.17
Geothe_Road <sup>1</sup>	2	26.81	30.06	-3.25
Tidewater_1 <sup>1</sup>	2	52.38	51.06	1.32
ROMP_125 <sup>1</sup>	2	3.21	4.14	-0.93
Syn2 <sup>1</sup>	2	10	11.45	-1.45
Syn3 <sup>1</sup>	2	10	10.04	-0.04
Syn4 <sup>1</sup>	2	10	9.77	0.23
Syn9 <sup>1</sup>	2	10	11.21	-1.21
Syn10 <sup>1</sup>	2	10	10.24	-0.24
Syn11 <sup>1</sup>	2	10	10.10	-0.10
Syn12 <sup>1</sup>	2	10	9.99	0.01
Syn13 <sup>1</sup>	2	10	9.96	0.04
Syn14 <sup>1</sup>	2	10	10.97	-0.97
Syn15 <sup>1</sup>	2	10	10.74	-0.74
Syn16 <sup>1</sup>	2	20	17.69	2.31
Syn17 <sup>1</sup>	2	20	19.74	0.26
Syn18 <sup>1</sup>	2	20	20.15	-0.15
Syn19 <sup>1</sup>	2	20	20.31	-0.31
Syn20 <sup>1</sup>	2	20	19.69	0.31
Syn21 <sup>1</sup>	2	20	20.46	-0.46

**TABLE 2**  
Calibration Results

<b>Target Name</b>	<b>Layer</b>	<b>Average Water Elevation (feet)</b>	<b>Revised TMR Model Simulated Water Elevation (feet)</b>	<b>Revised TMR Model Residual (feet)</b>
Syn22 <sup>1</sup>	2	30	31.20	-1.20
Syn23 <sup>1</sup>	2	30	31.49	-1.49
Syn24 <sup>1</sup>	2	30	30.02	-0.02
Syn25 <sup>1</sup>	2	30	29.33	0.67
Root Mean Square Error				1.27

Notes:

<sup>1</sup> Average 2007 water elevation estimated from USGS 2007 potentiometric surface.

**TABLE 3**  
Summary of Calibrated Parameters

<b>Hydraulic Conductivity (ft/day) / Transmissivity (ft<sup>2</sup>/day)</b>			
<b>Aquifer</b>	<b>Value</b>	<b>DWRM2 TMR</b>	
		<b>Model</b>	<b>Revised TMR Model</b>
Surficial Aquifer System	Range	11.1 - 23.9	0.75 - 135
	Average	16	9.41
Upper Floridan Aquifer System	Range	20,184 - 5,383,400	7920 - 11,592,030
	Average	156,179	228,809
Lower Floridan Aquifer System <sup>1</sup>	Range	300,000	300,000
	Average	300,000	300,000

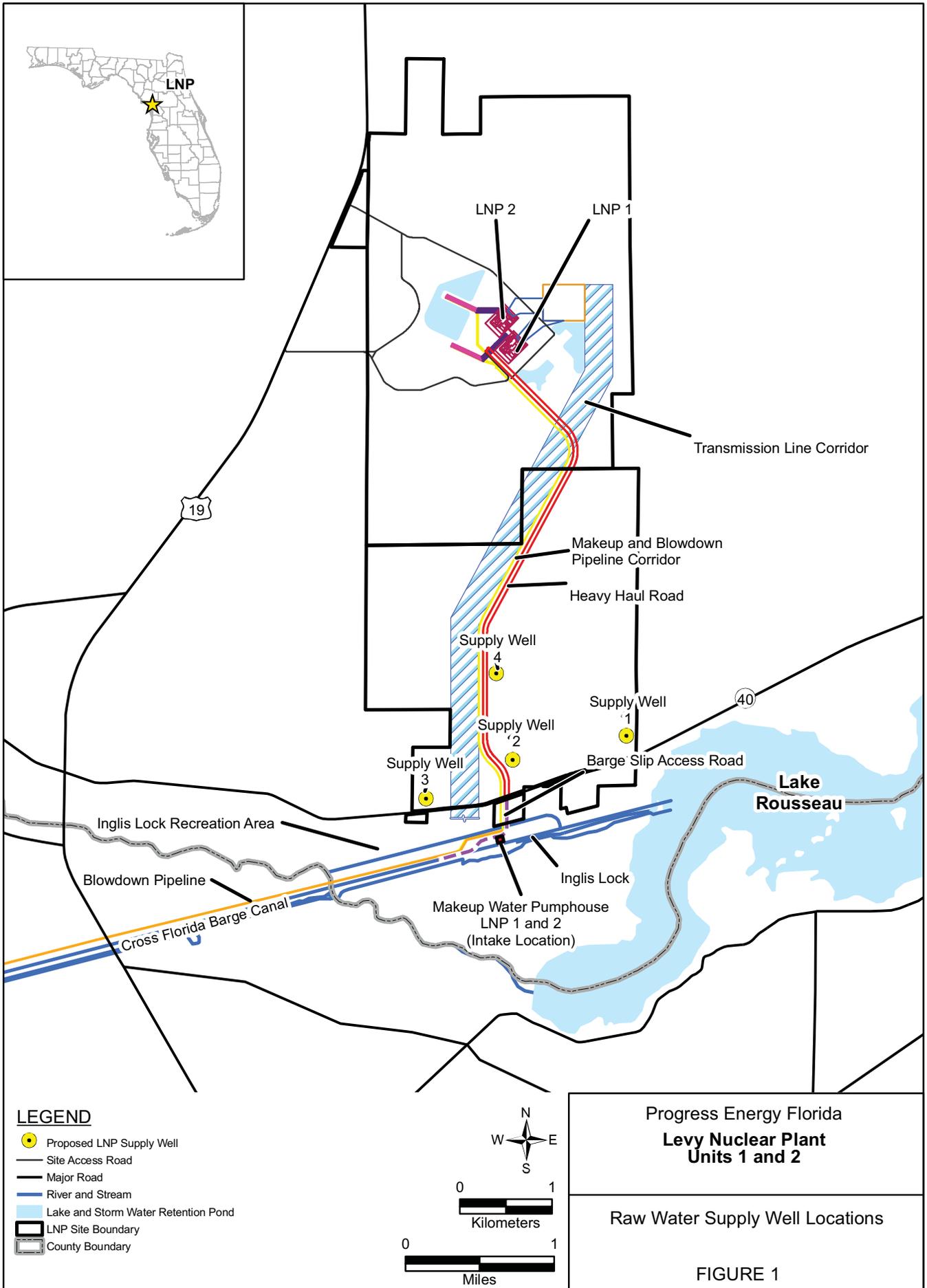
<b>Leakance (1/day)</b>			
<b>Aquifer</b>	<b>Value</b>	<b>DWRM2 TMR</b>	
		<b>Model</b>	<b>Revised TMR Model</b>
Surficial Aquifer System	Range	0.006 - 0.51	0.00000043 - 1.59
	Average	0.33	0.010
Upper Floridan Aquifer System <sup>1</sup>	Range	0.000012 - 0.001	0.000012 - 0.001
	Average	0.001	0.001
Lower Floridan Aquifer System <sup>1</sup>	Range	0	0
	Average	0	0

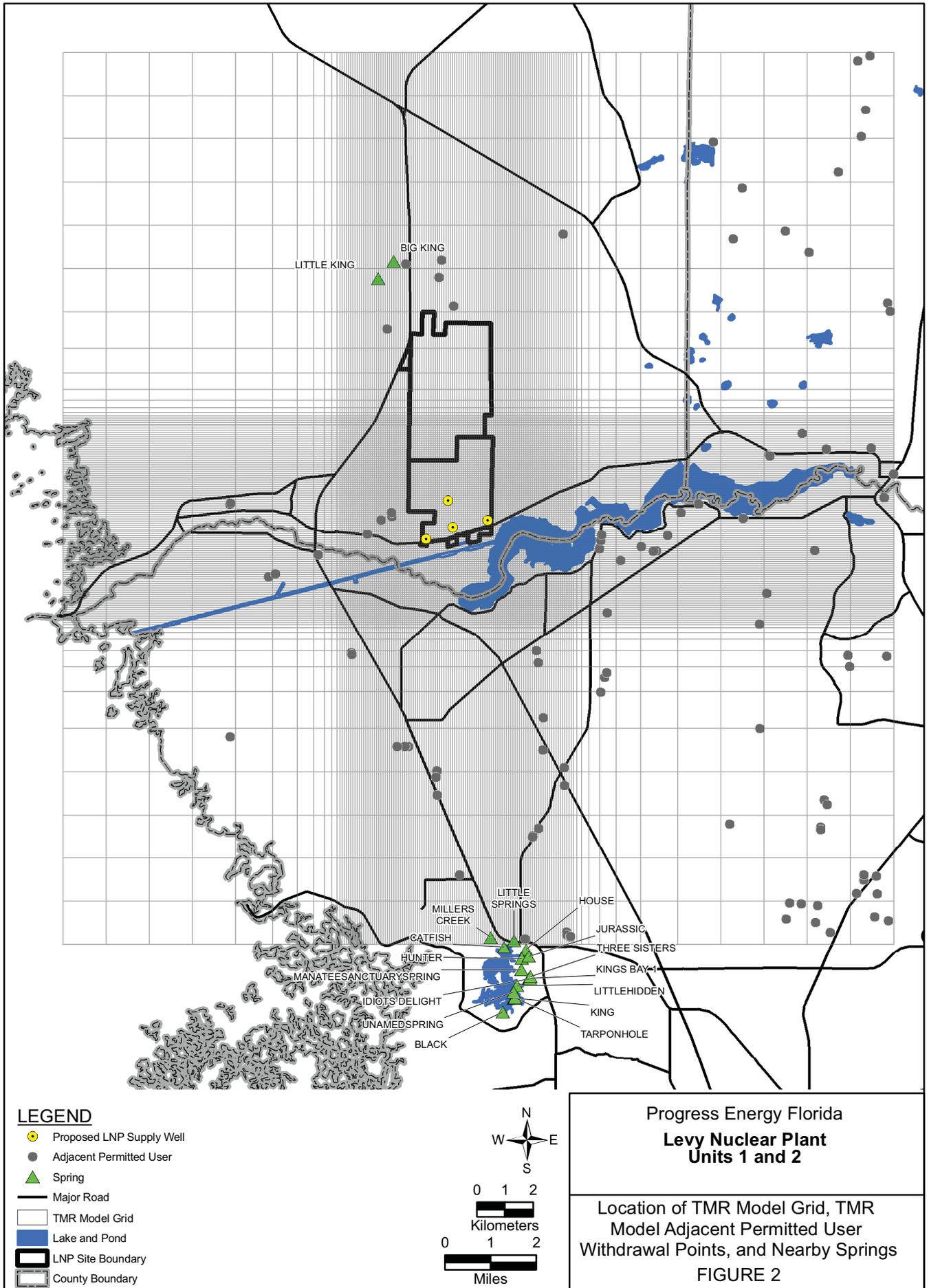
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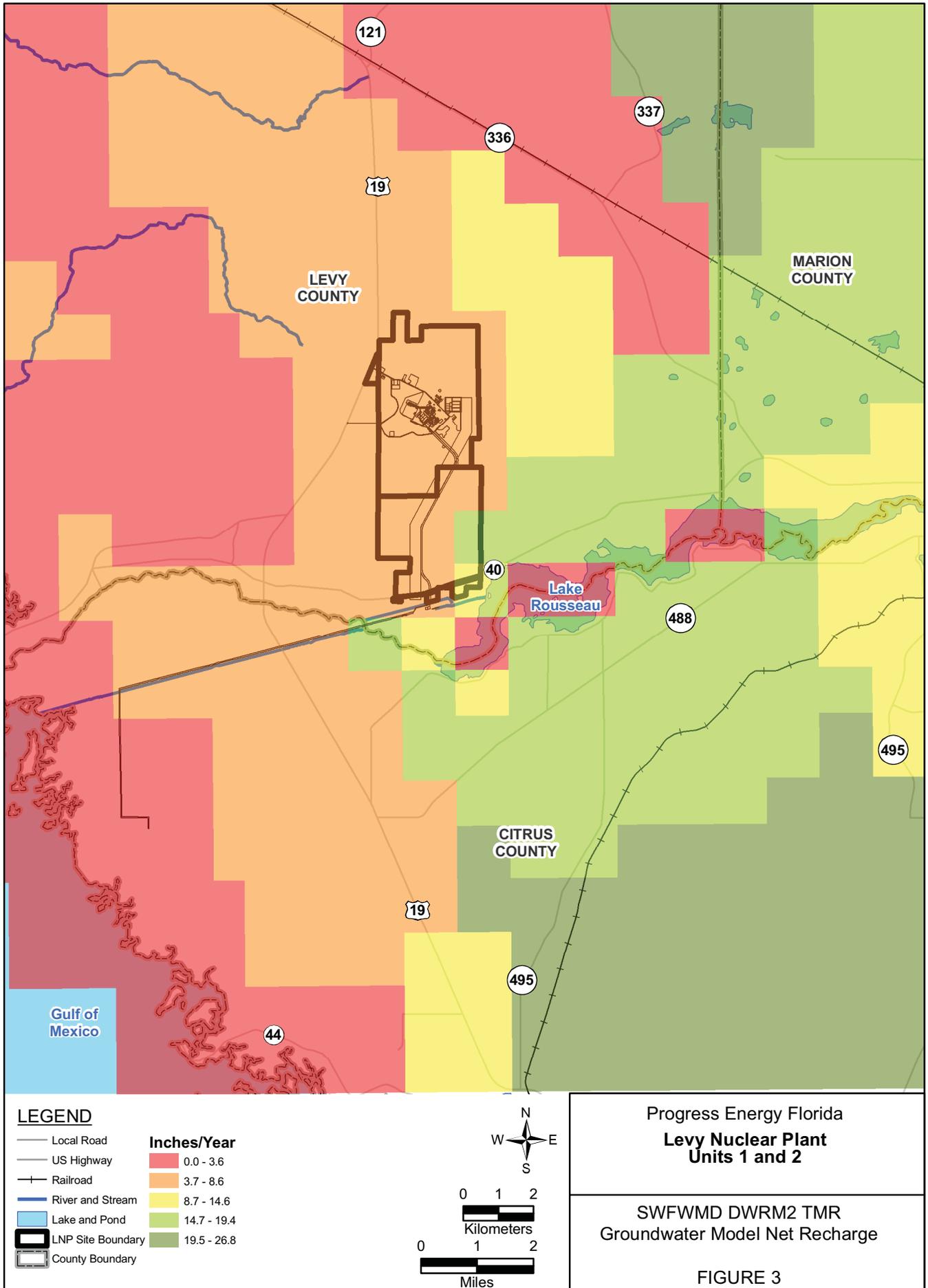
<sup>1</sup> Parameter not included in calibration, provided for comparison purposes only.

# Figures

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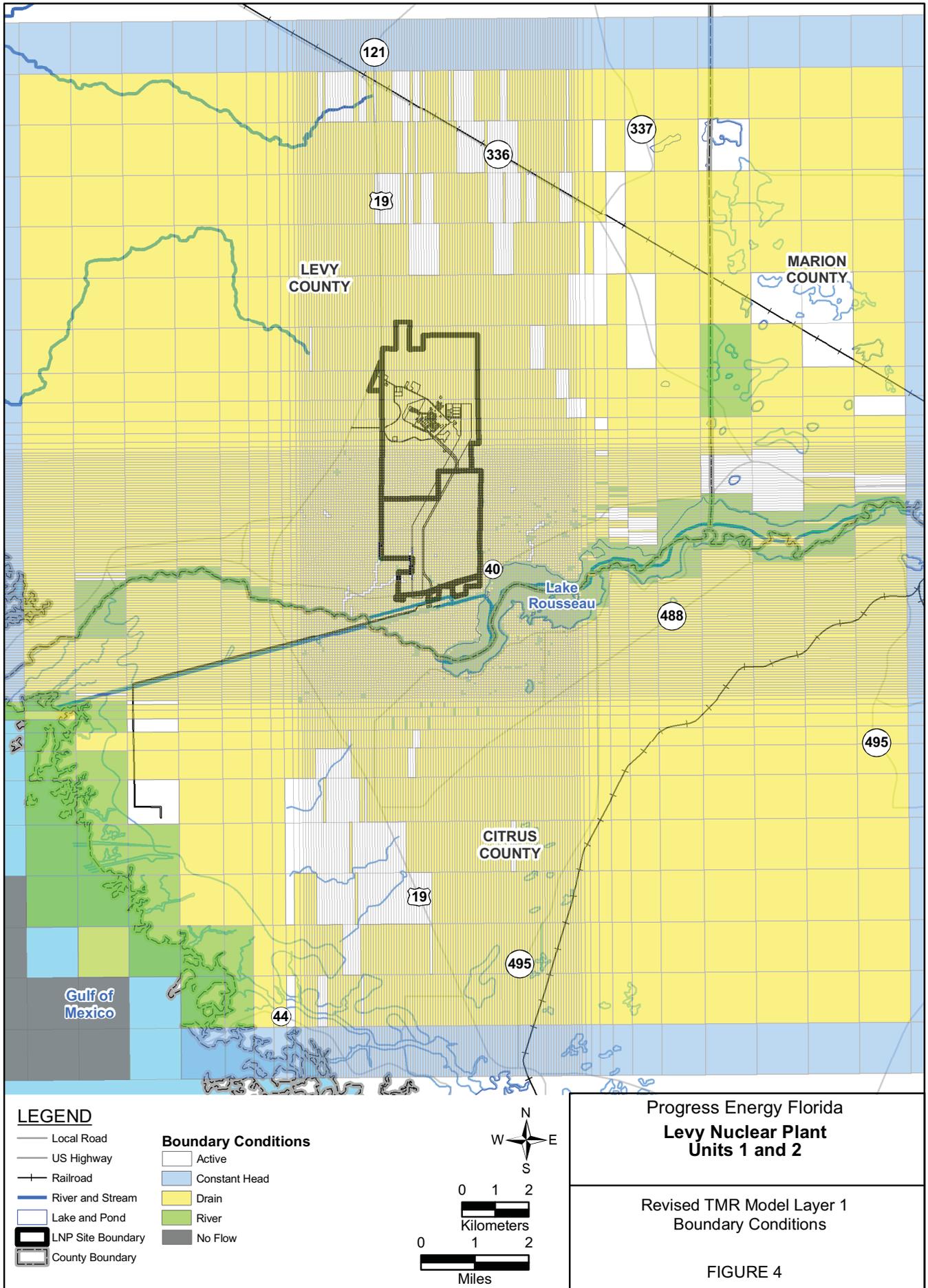


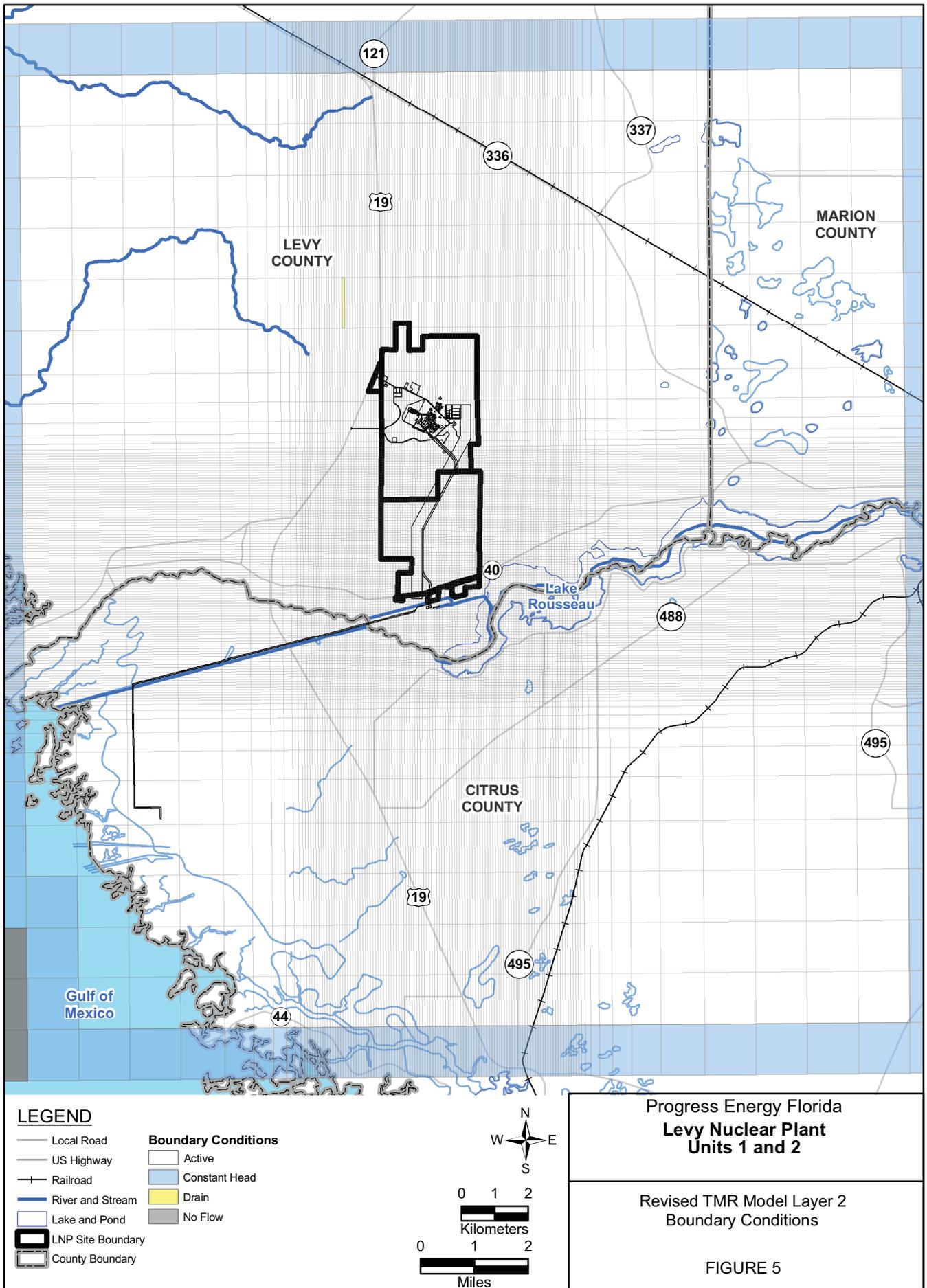


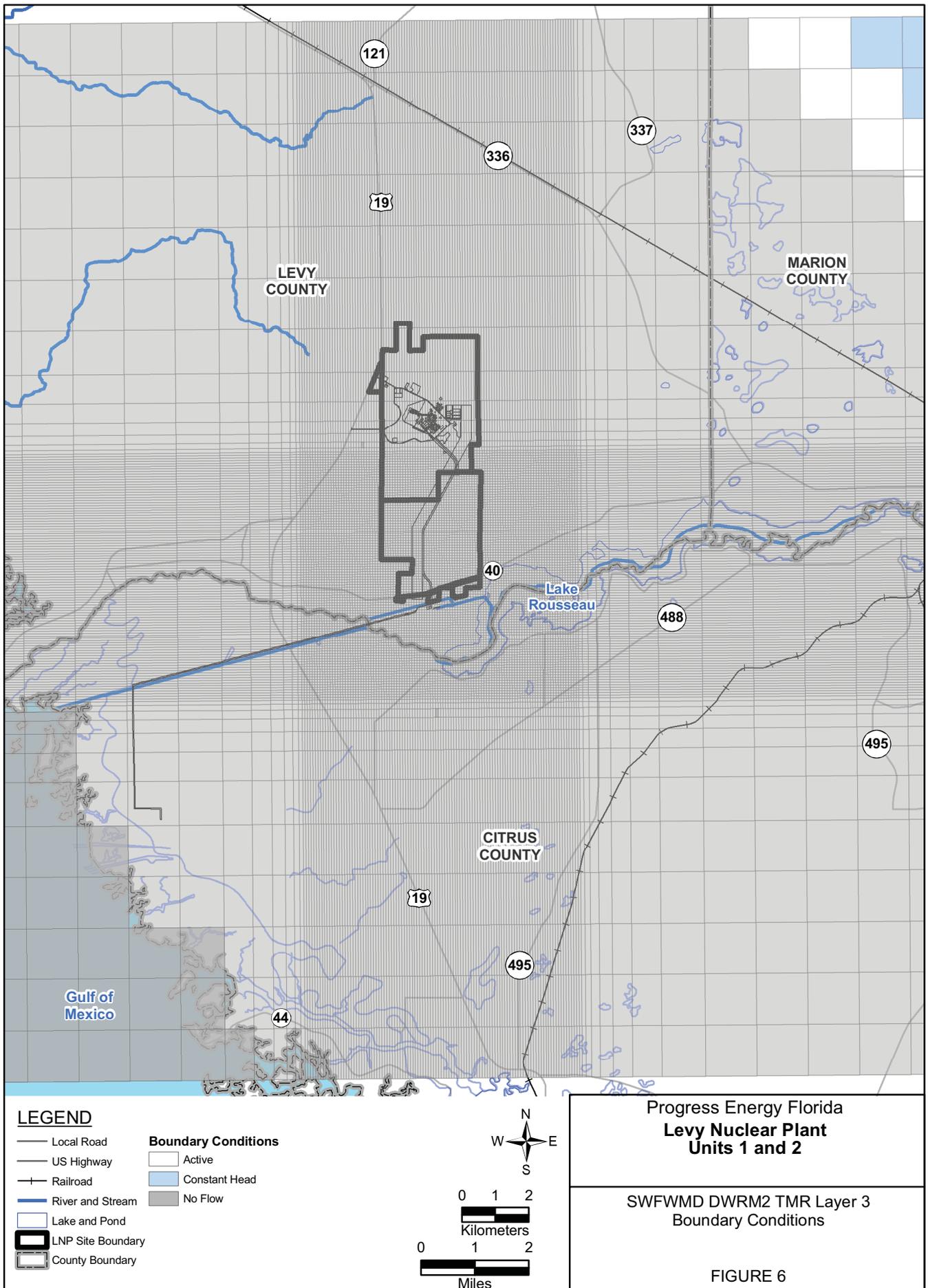
Progress Energy Florida  
**Levy Nuclear Plant  
 Units 1 and 2**

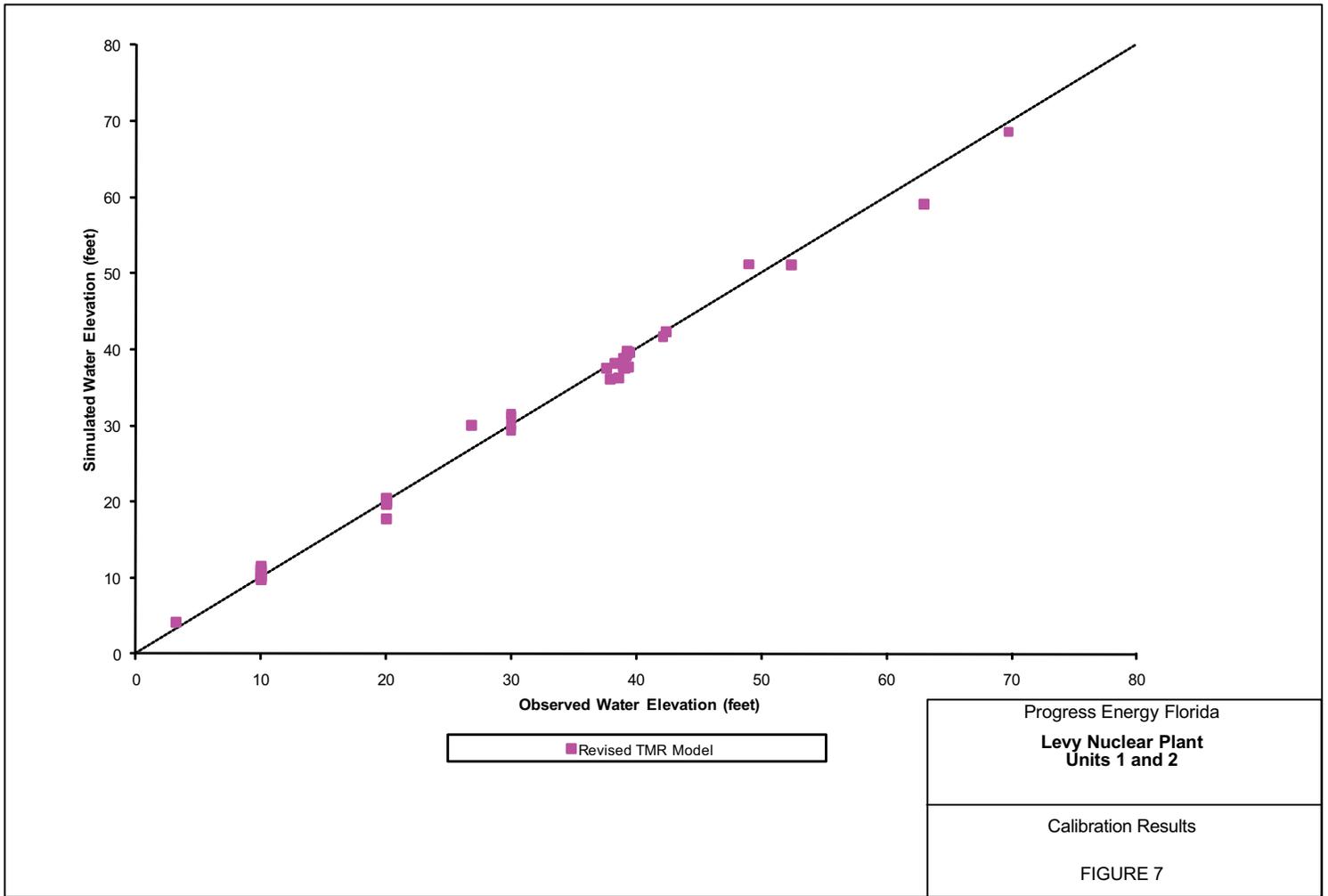
SWFWMD DWRM2 TMR  
 Groundwater Model Net Recharge

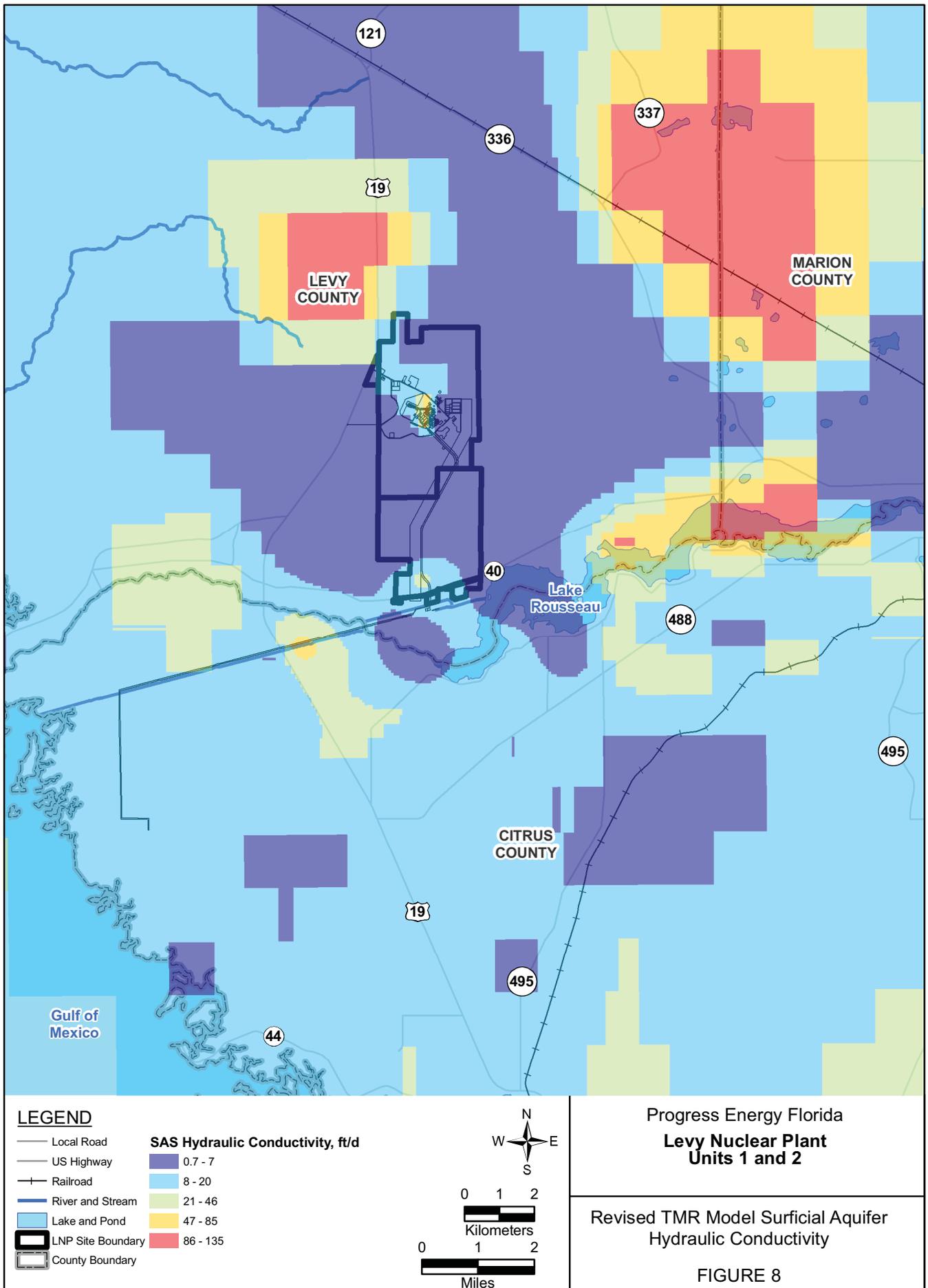
**FIGURE 3**

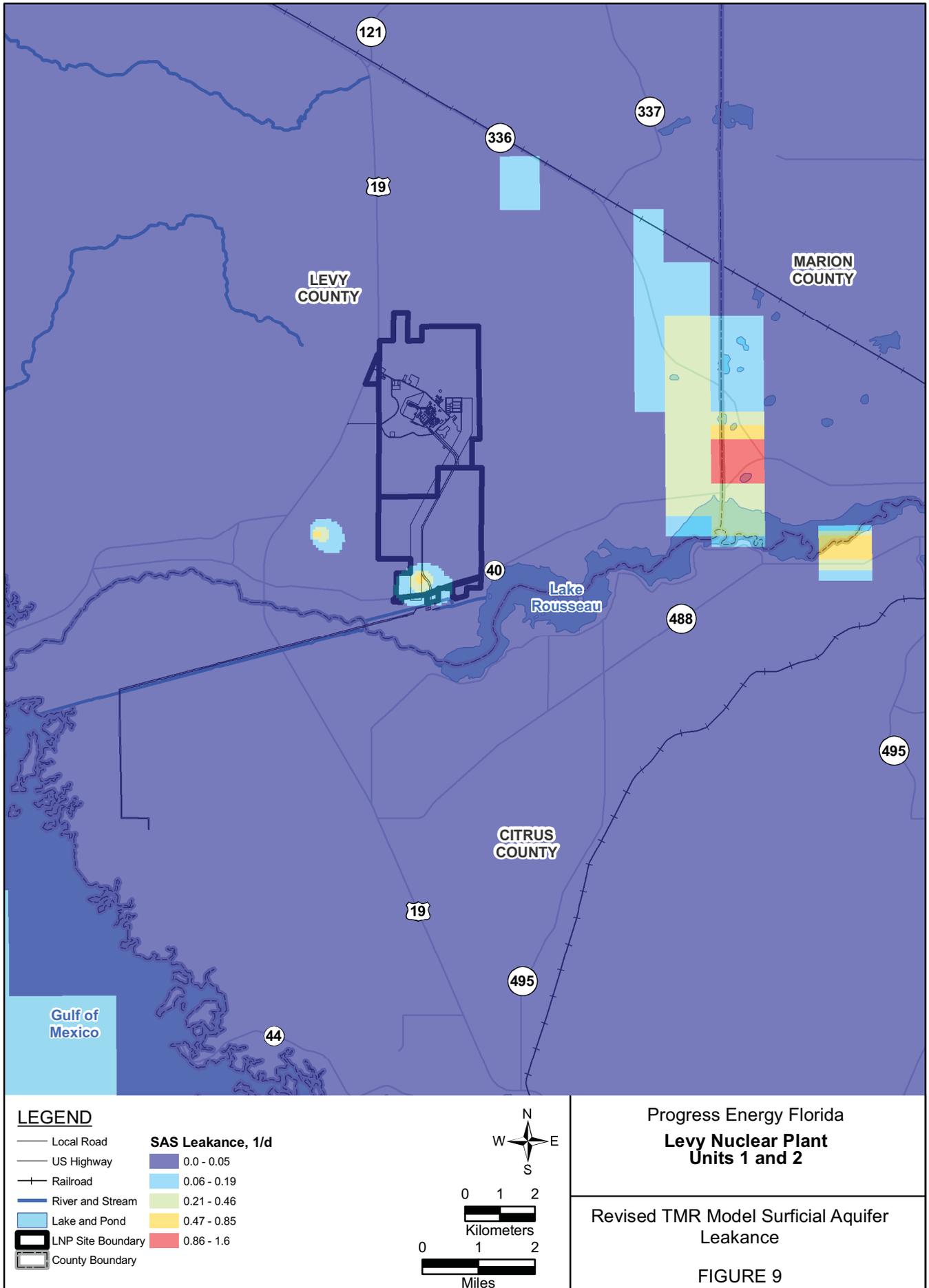


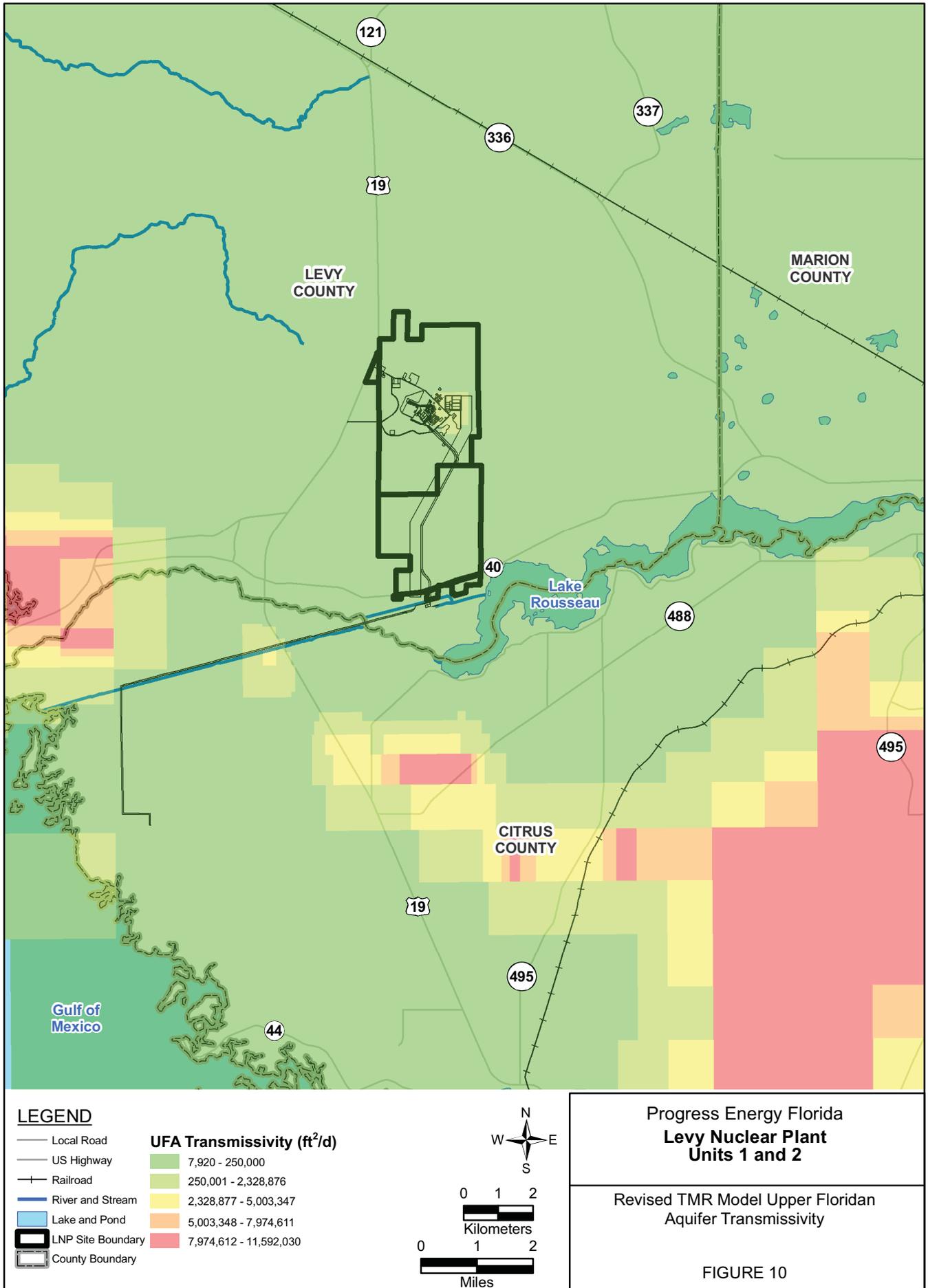


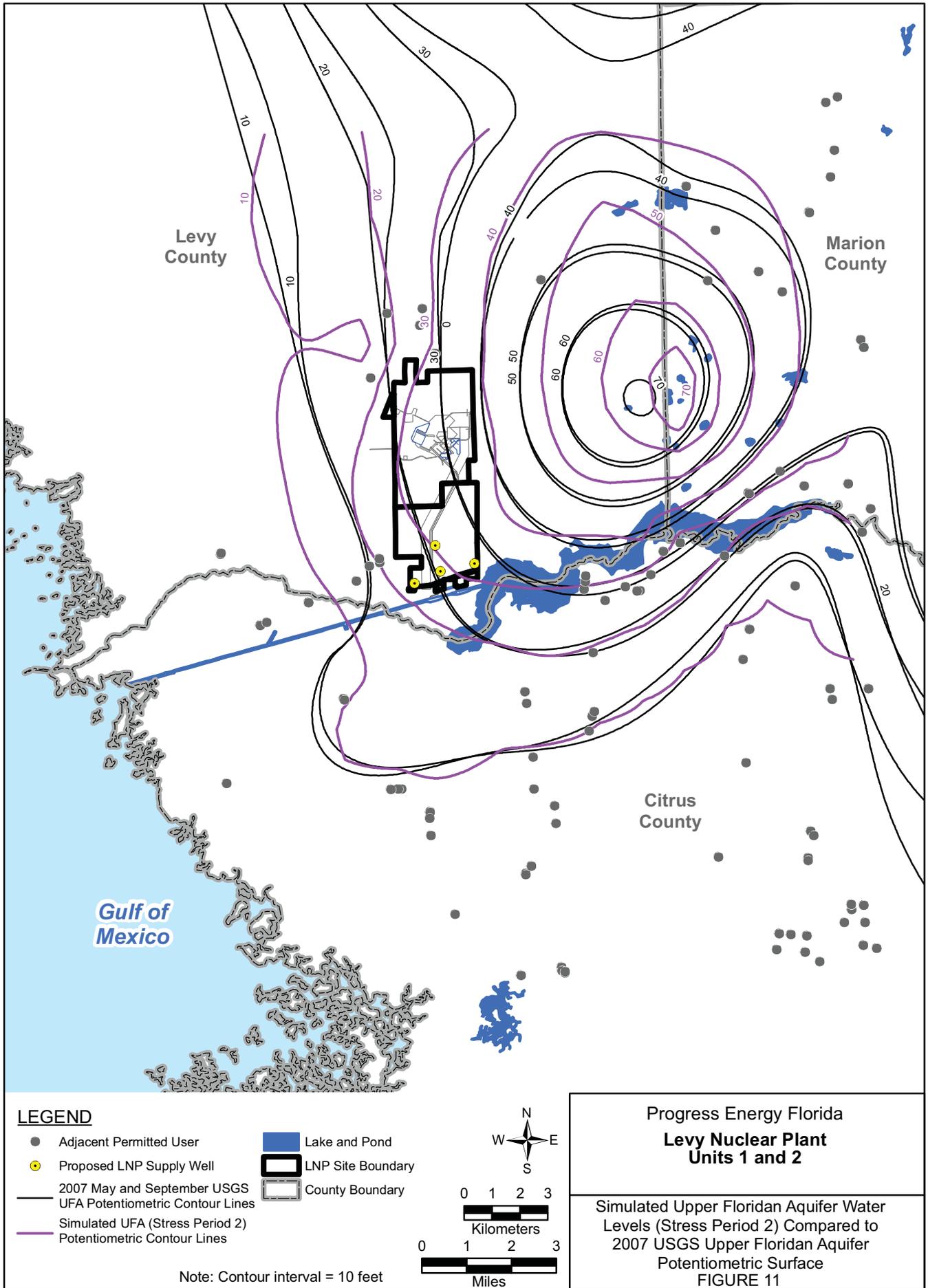


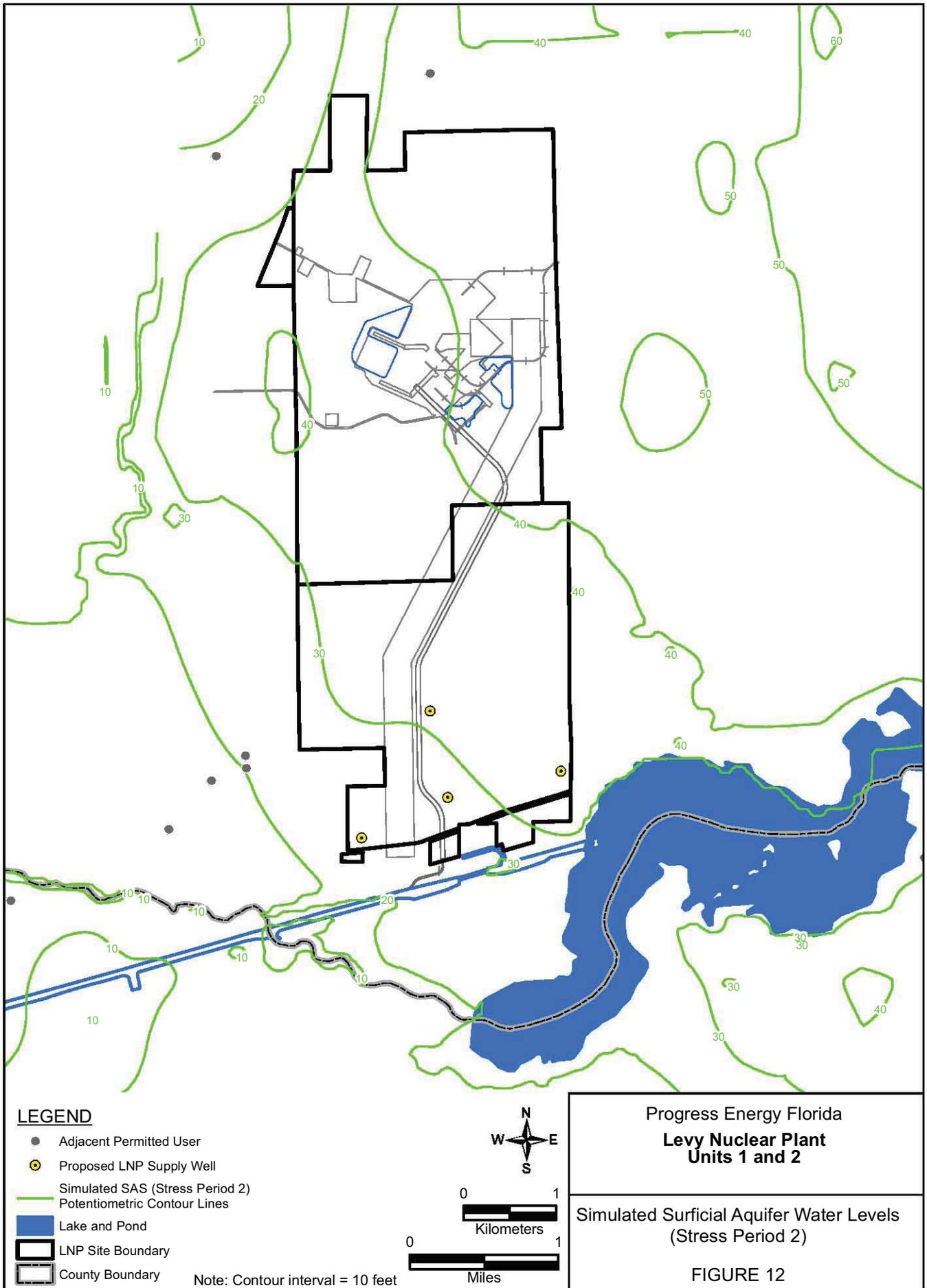


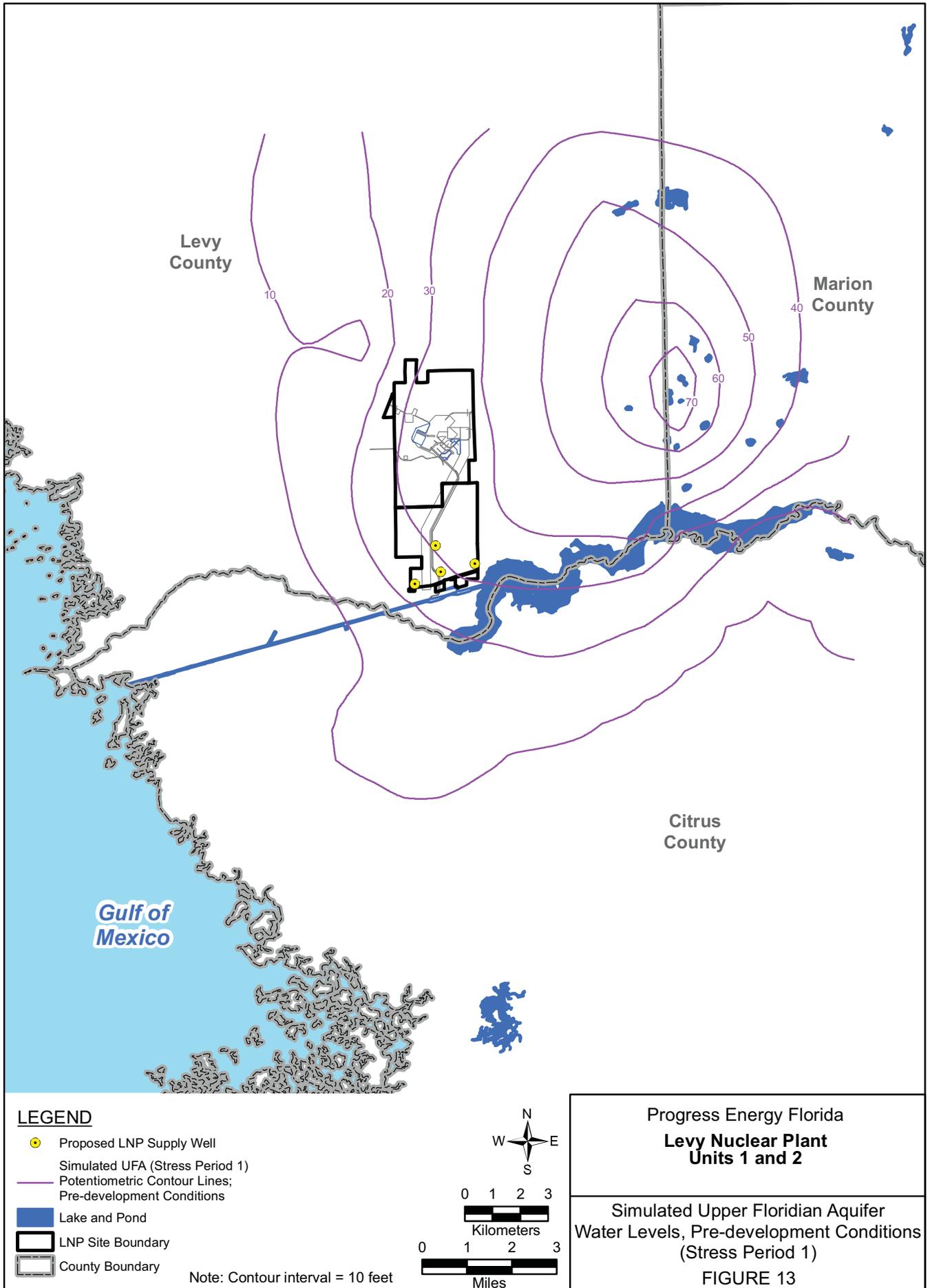


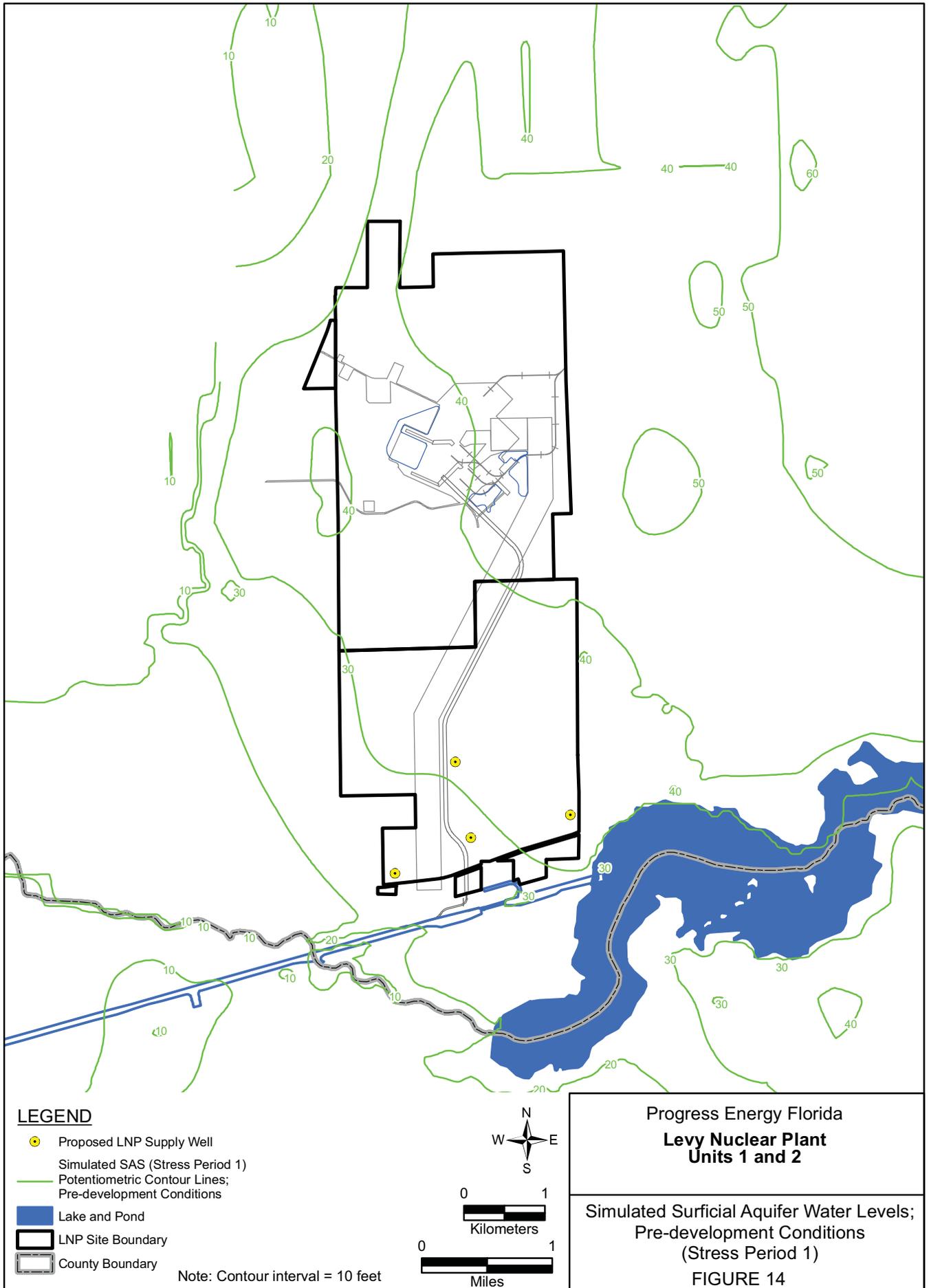


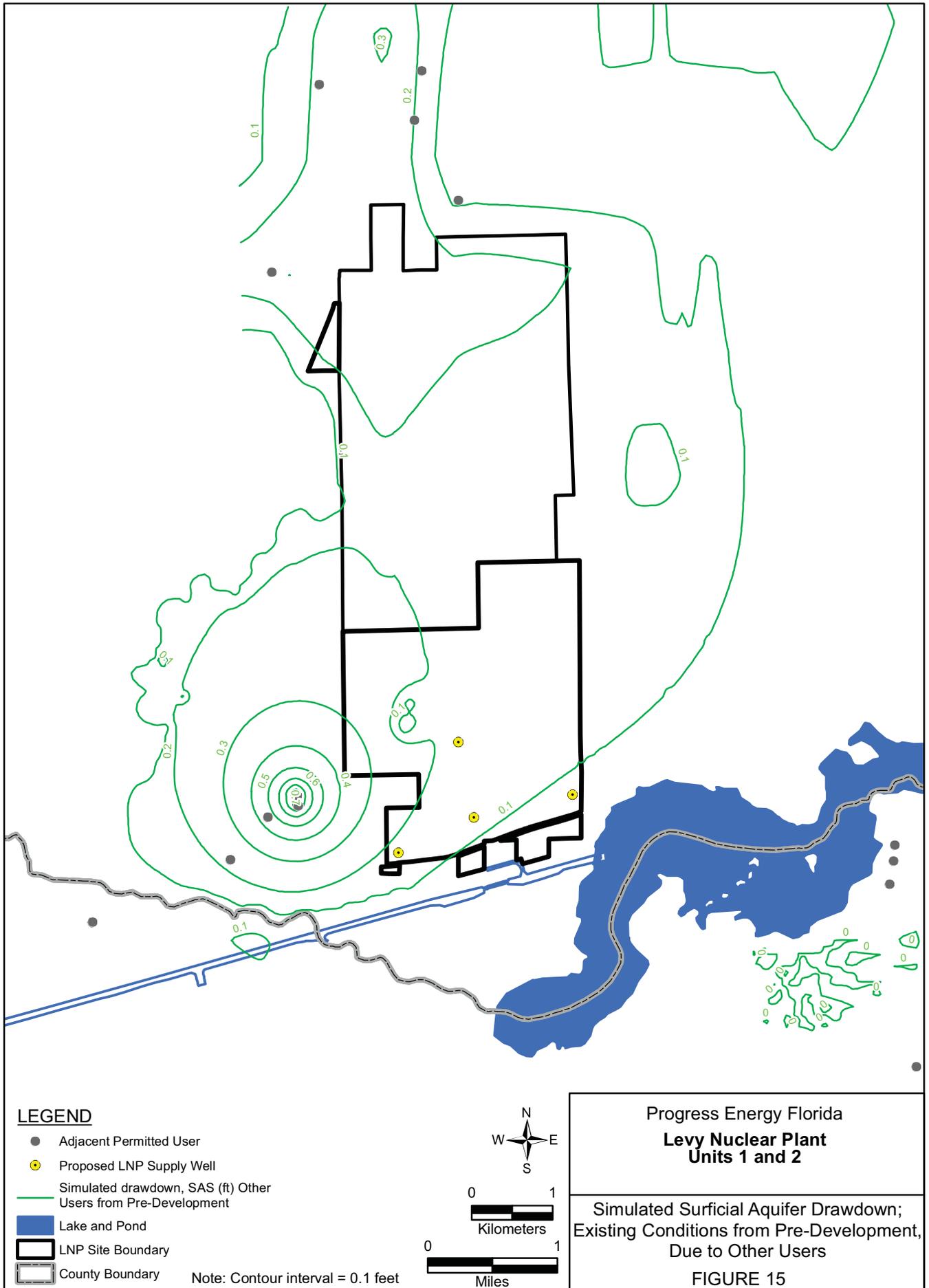


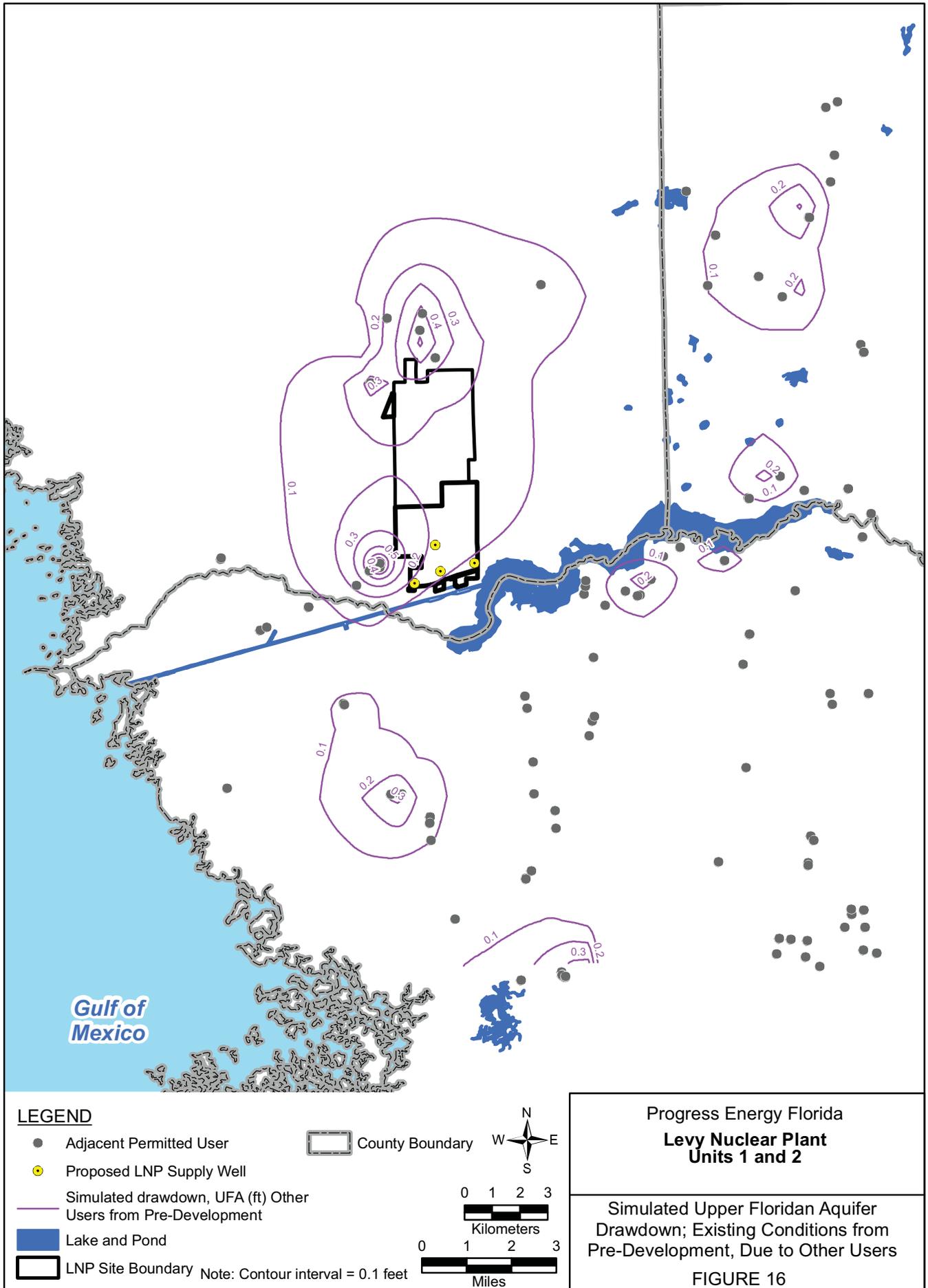


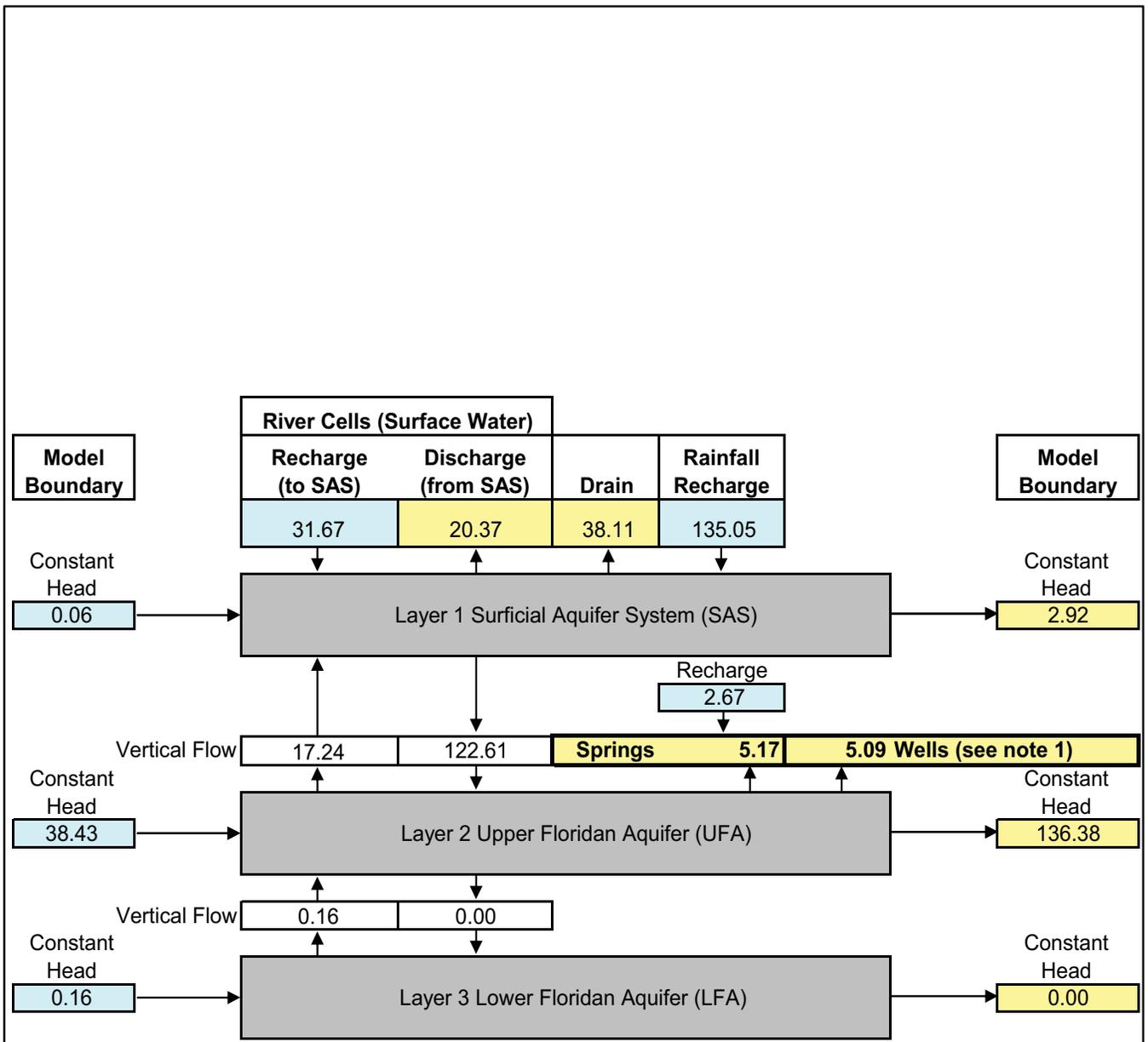












Note 1: Well withdrawal comprised of 3.51 mgd from other users (model calibration year 2001) + 1.58 mgd for LNP

Inflow	Outflow	Difference	% Difference
208.04	208.04	0.00	0.00%

**LEGEND**

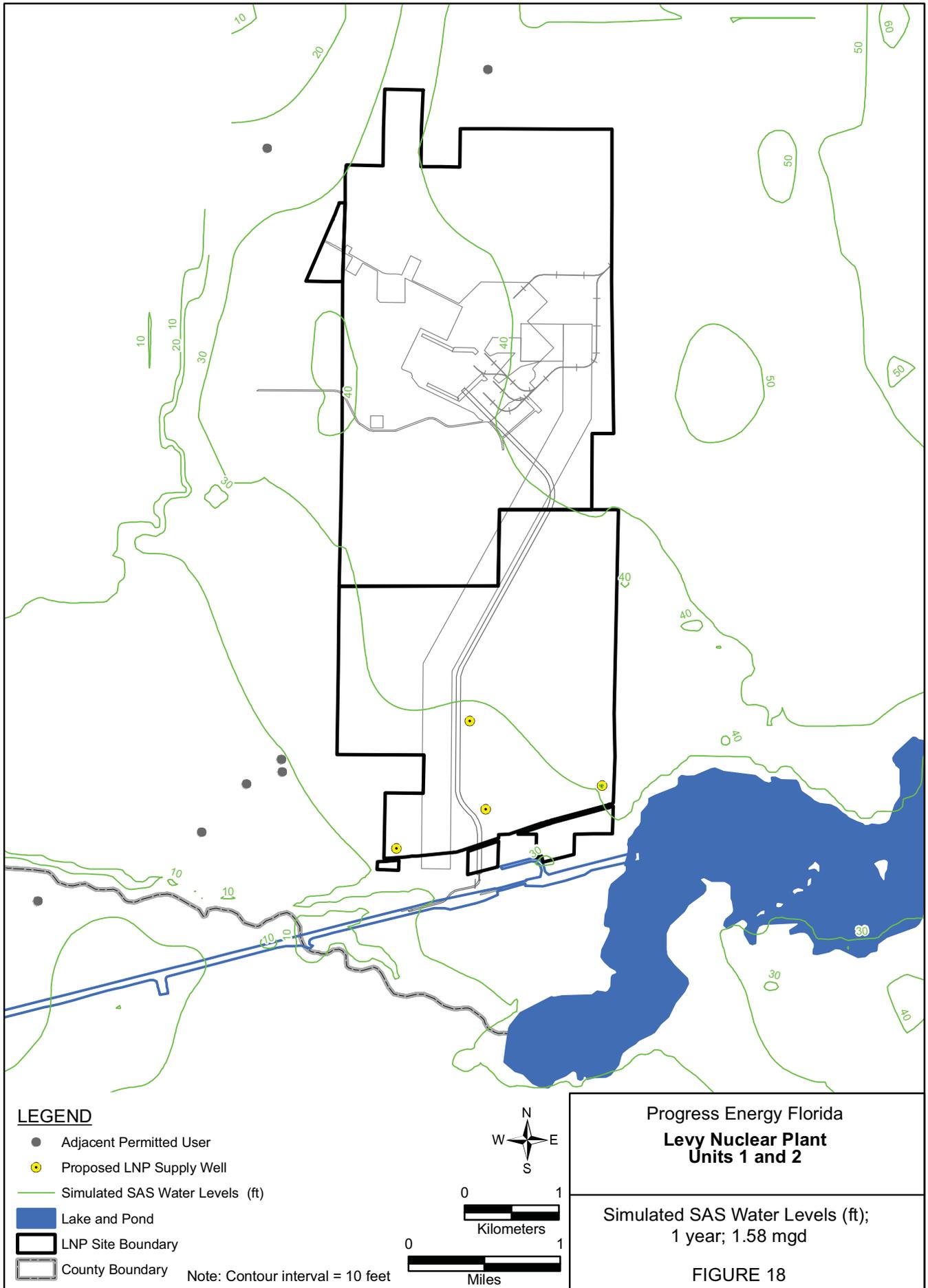
- INFLOW
- OUTFLOWS

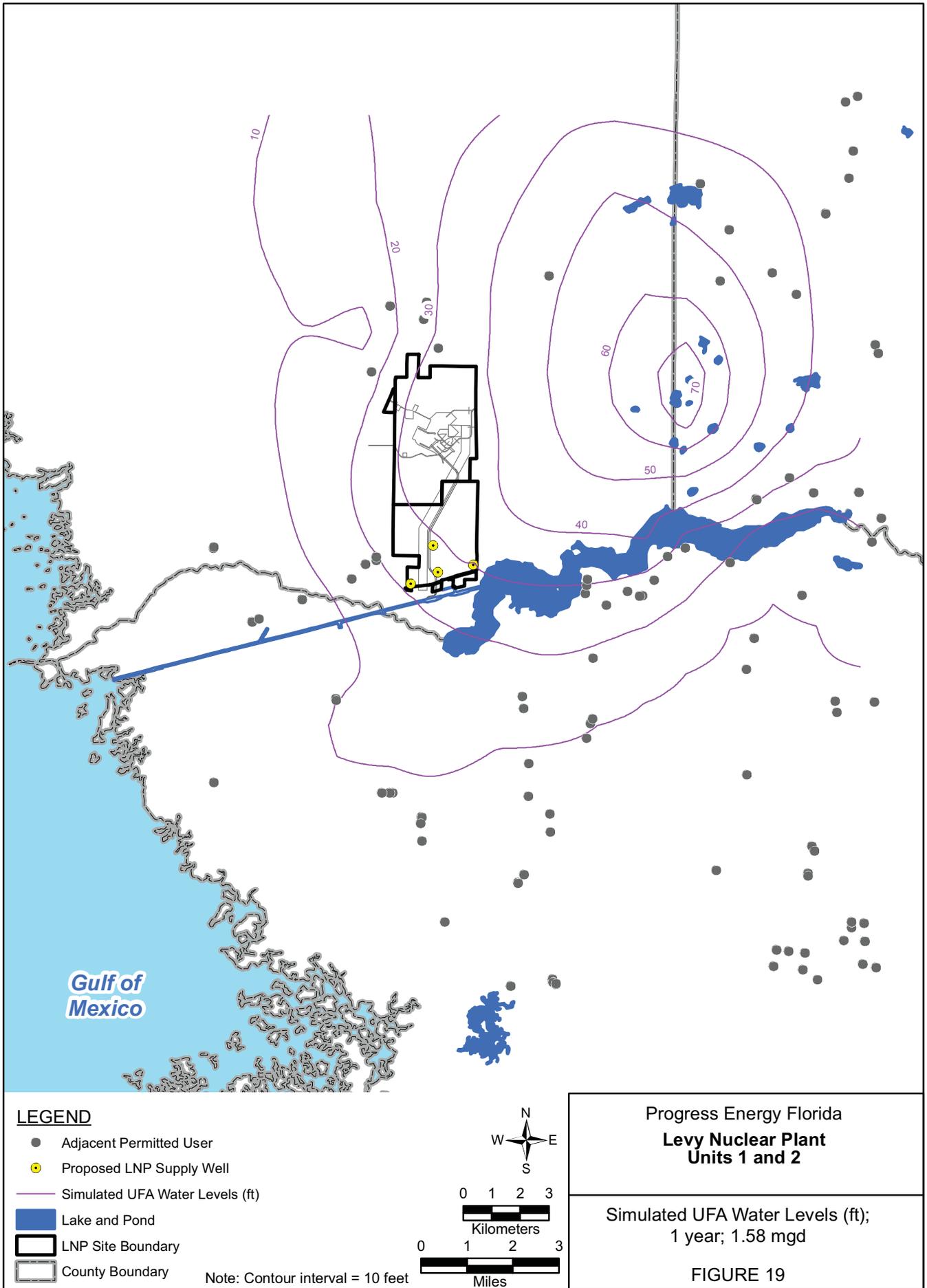
ALL VALUES ARE IN UNITS OF MGD.

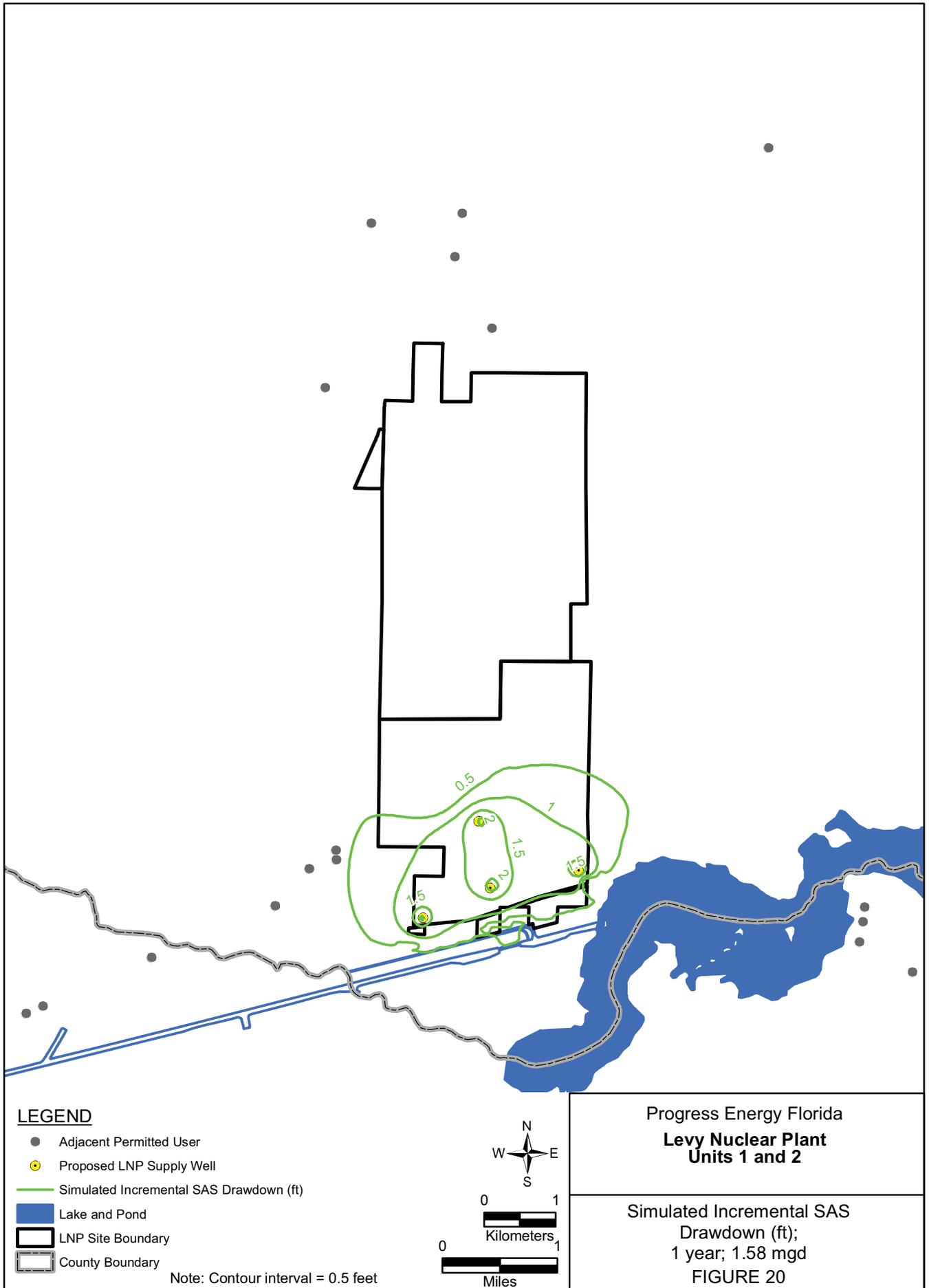
Progress Energy Florida  
**Levy Nuclear Plant  
 Units 1 and 2**

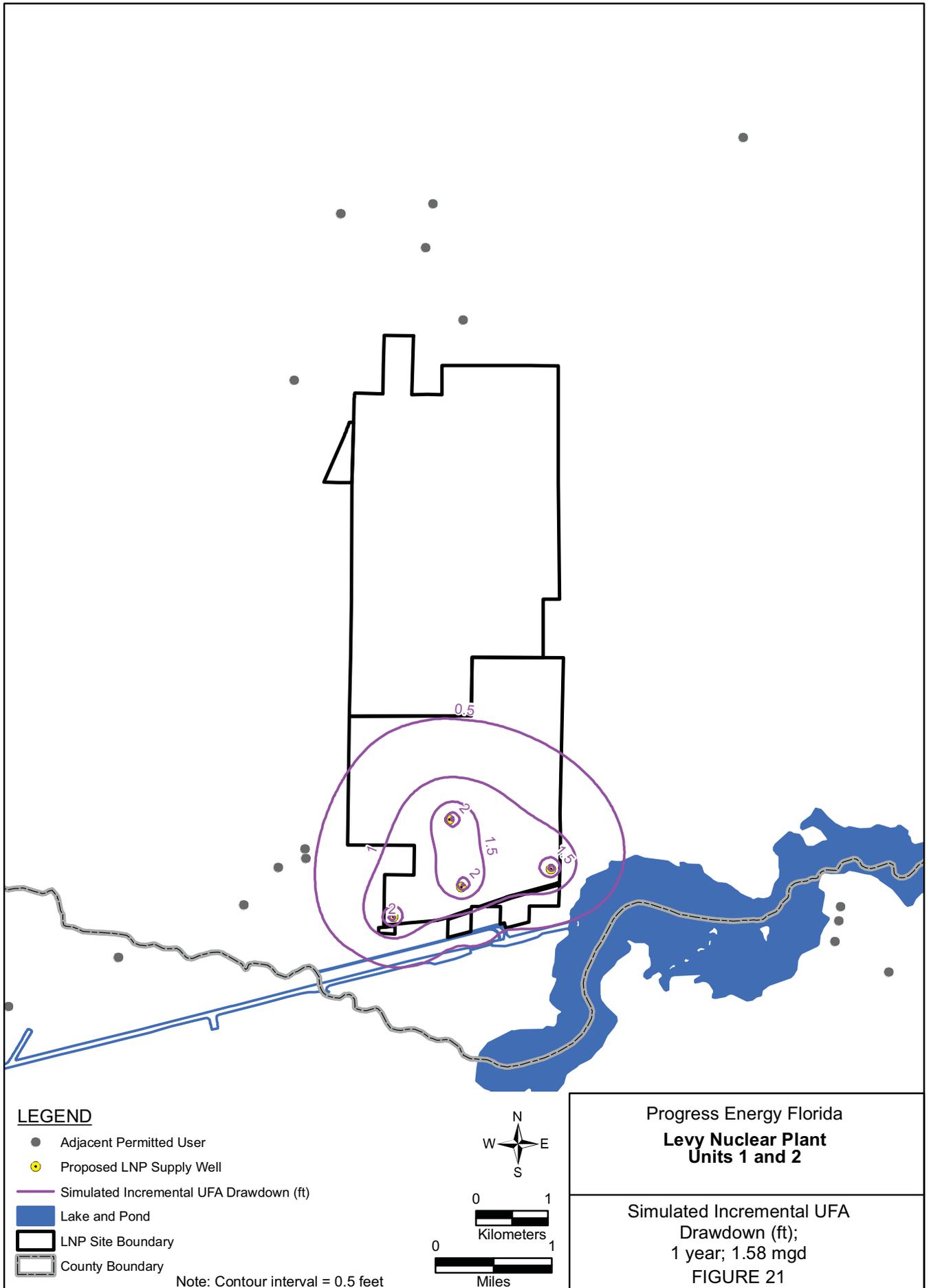
Revised TMR Model Water Budget  
 with LNP Withdrawing 1.58 mgd

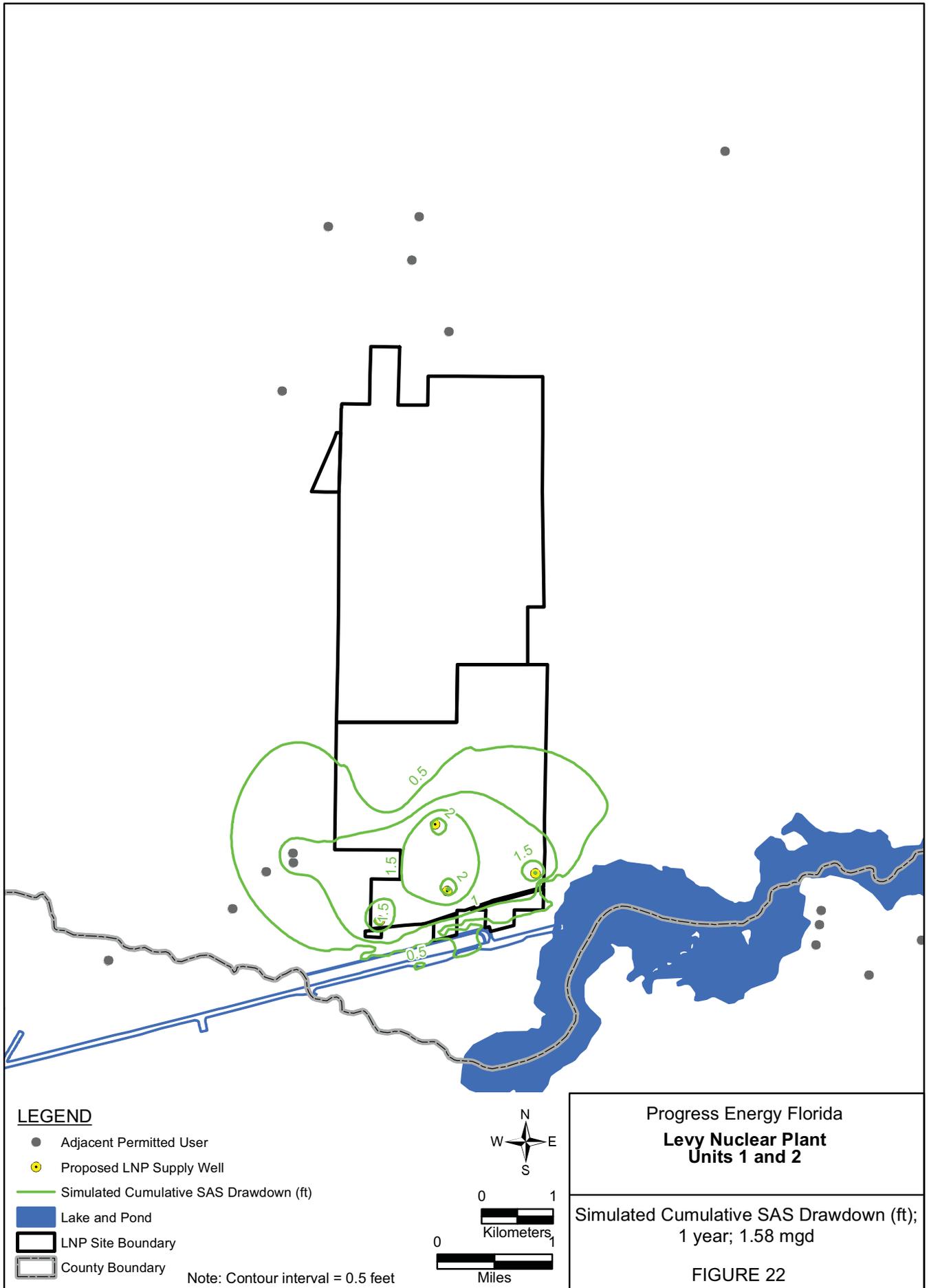
**FIGURE 17**

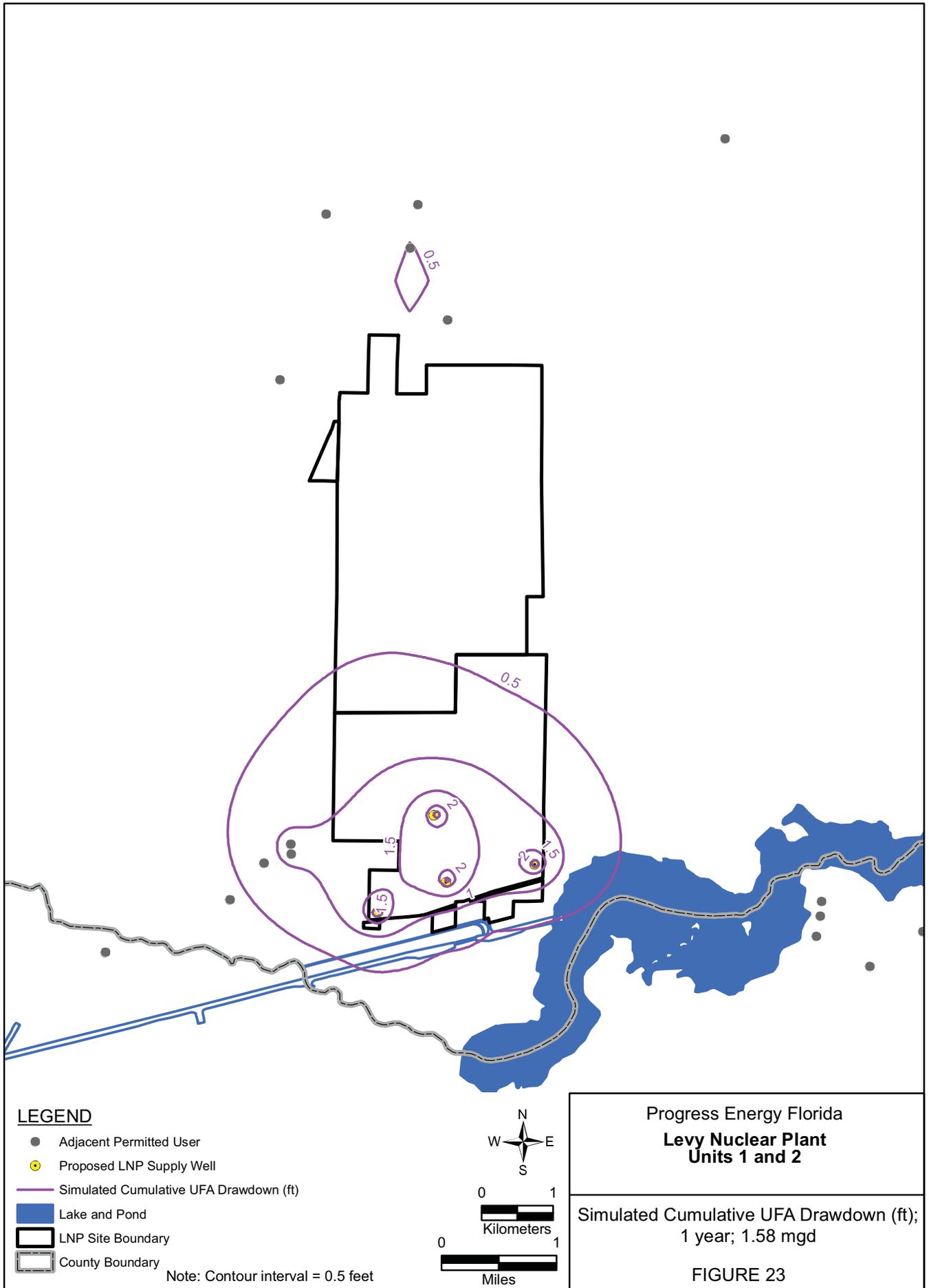


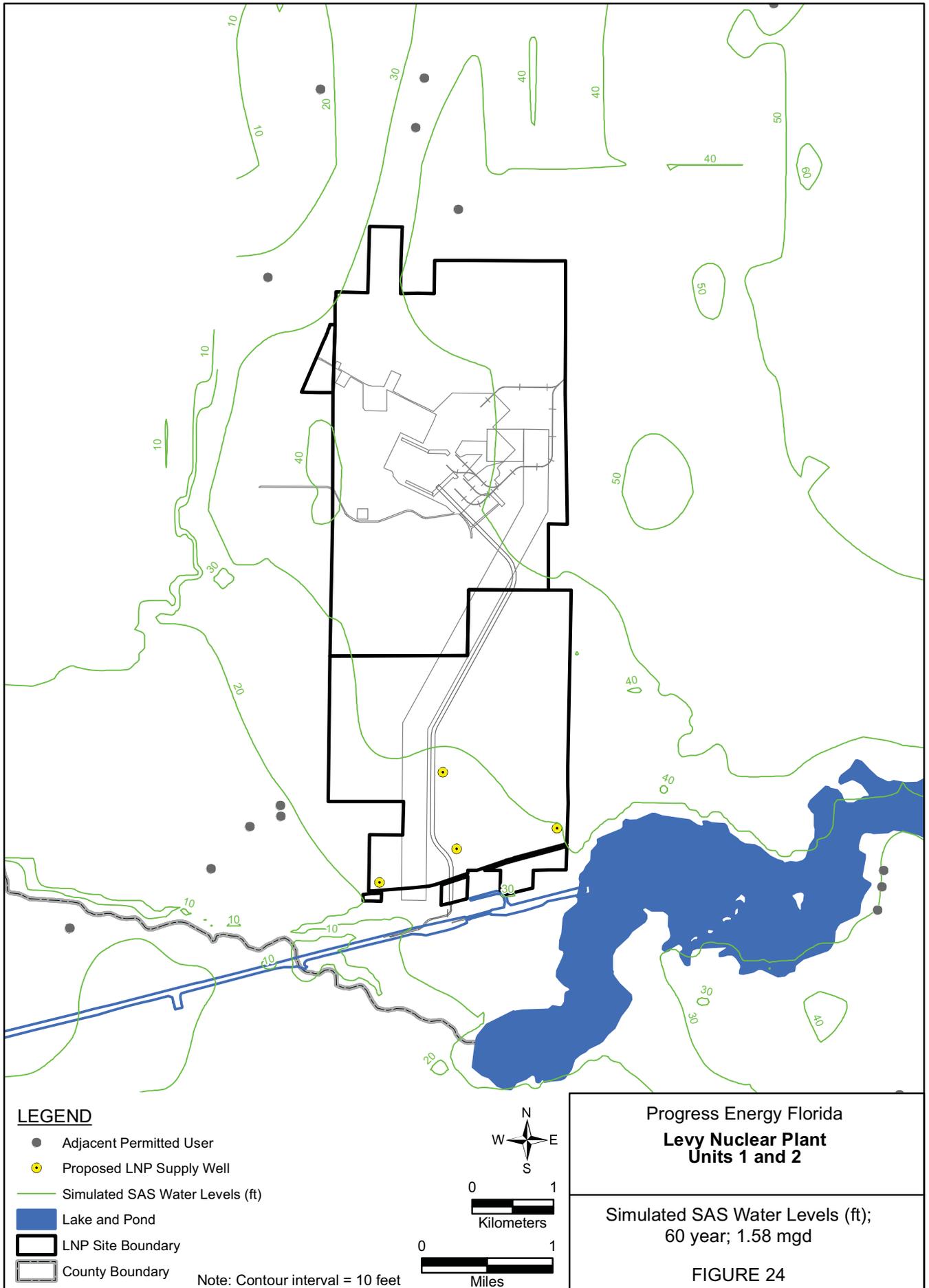


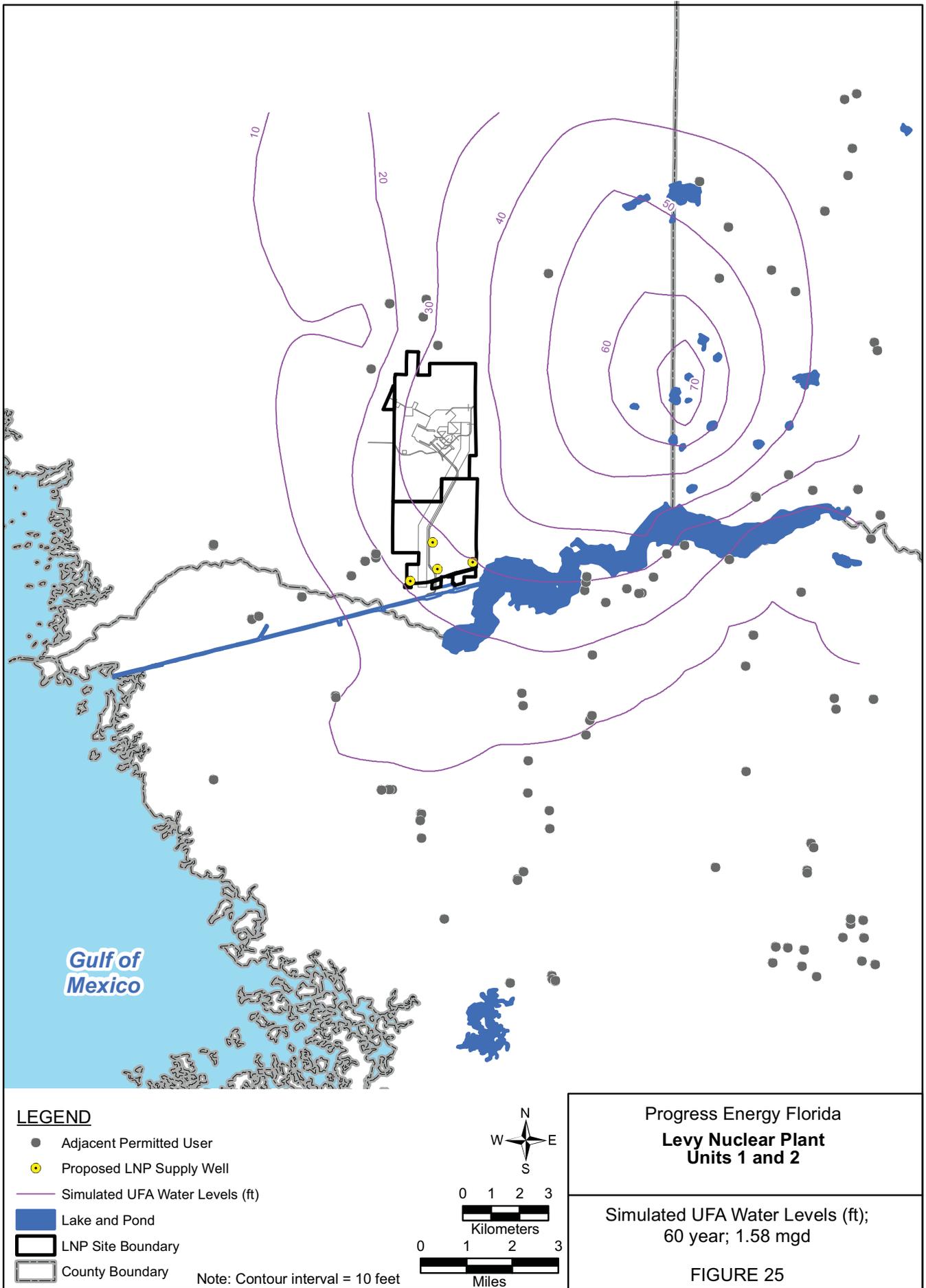


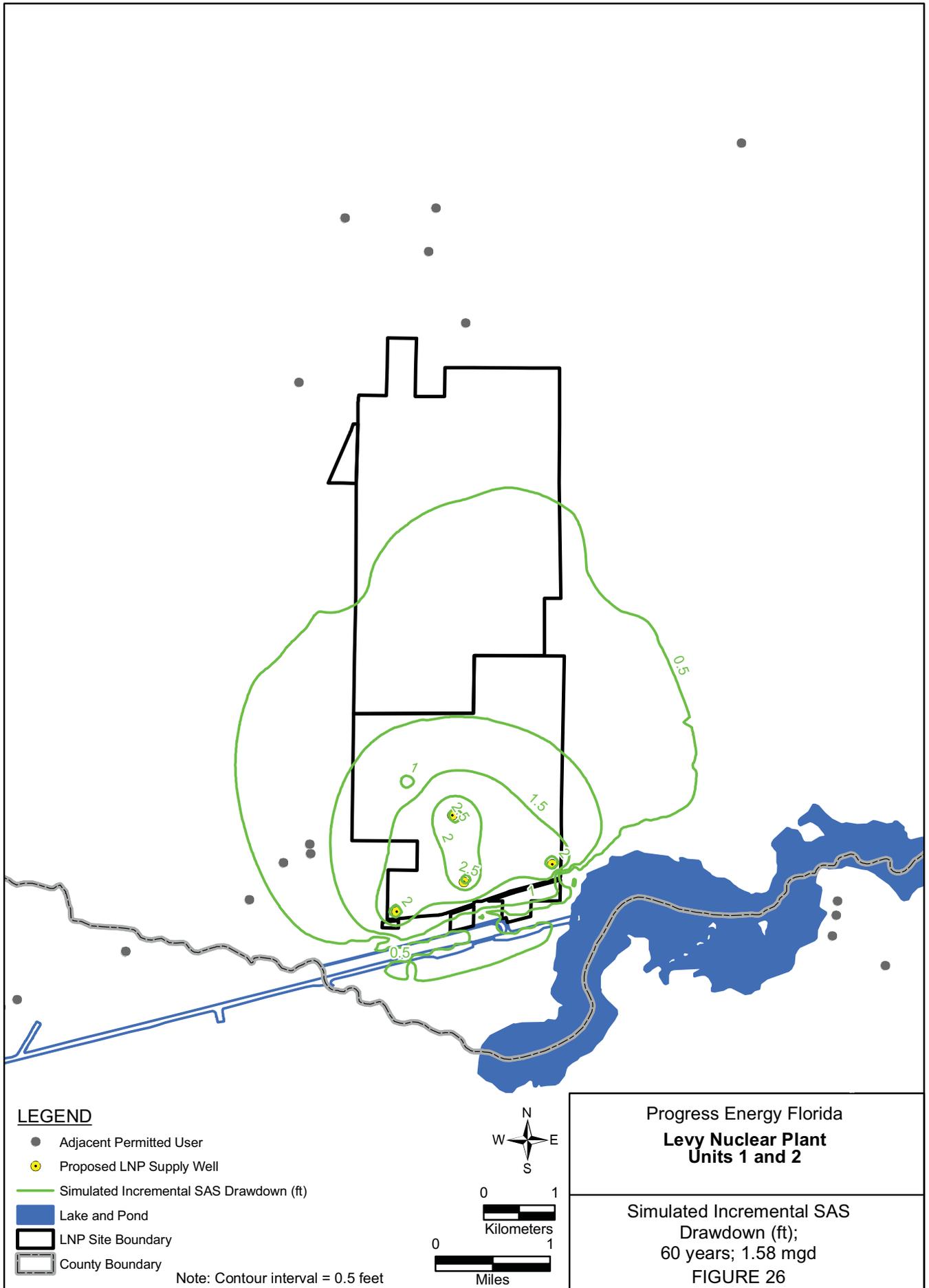


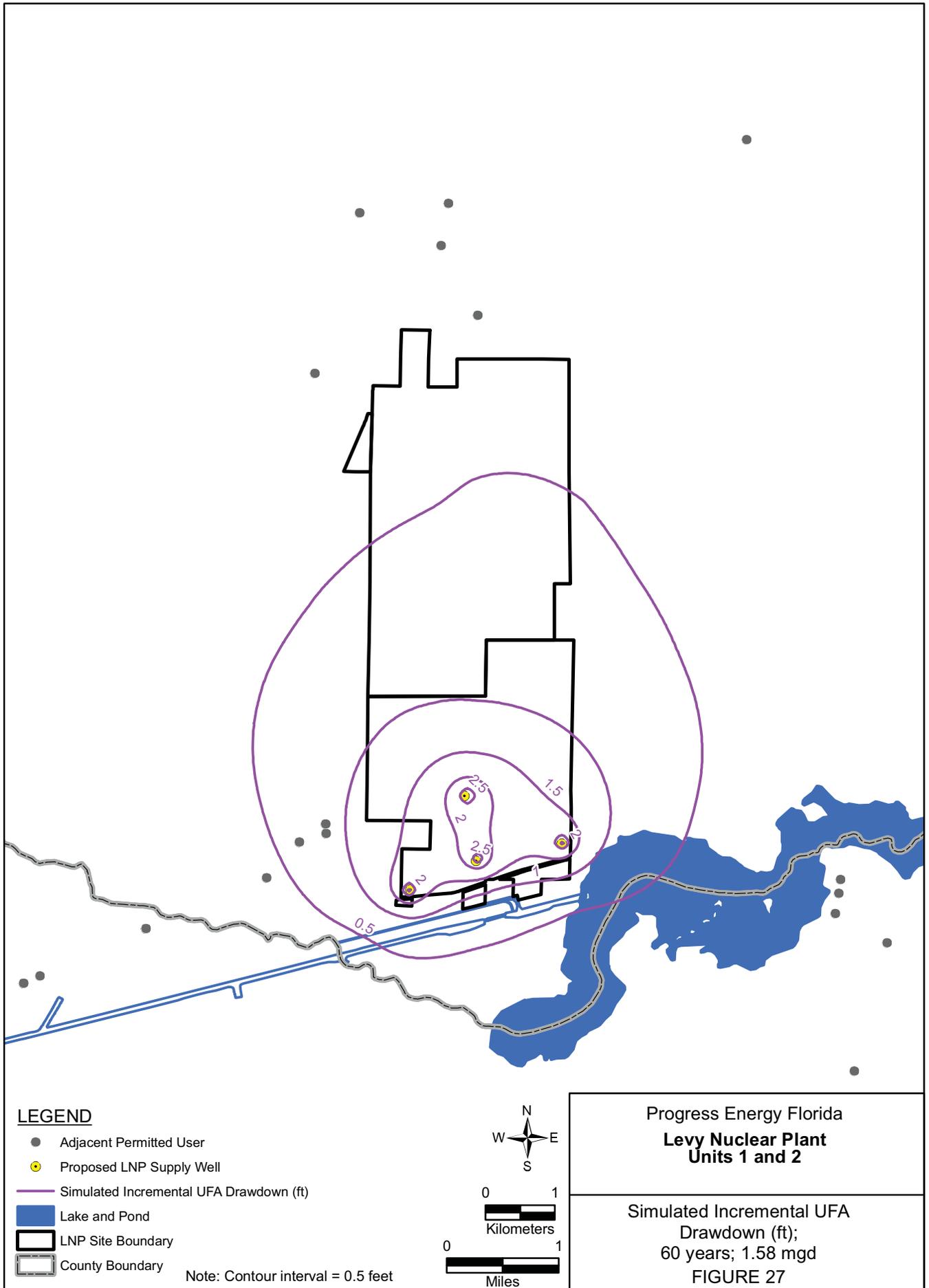


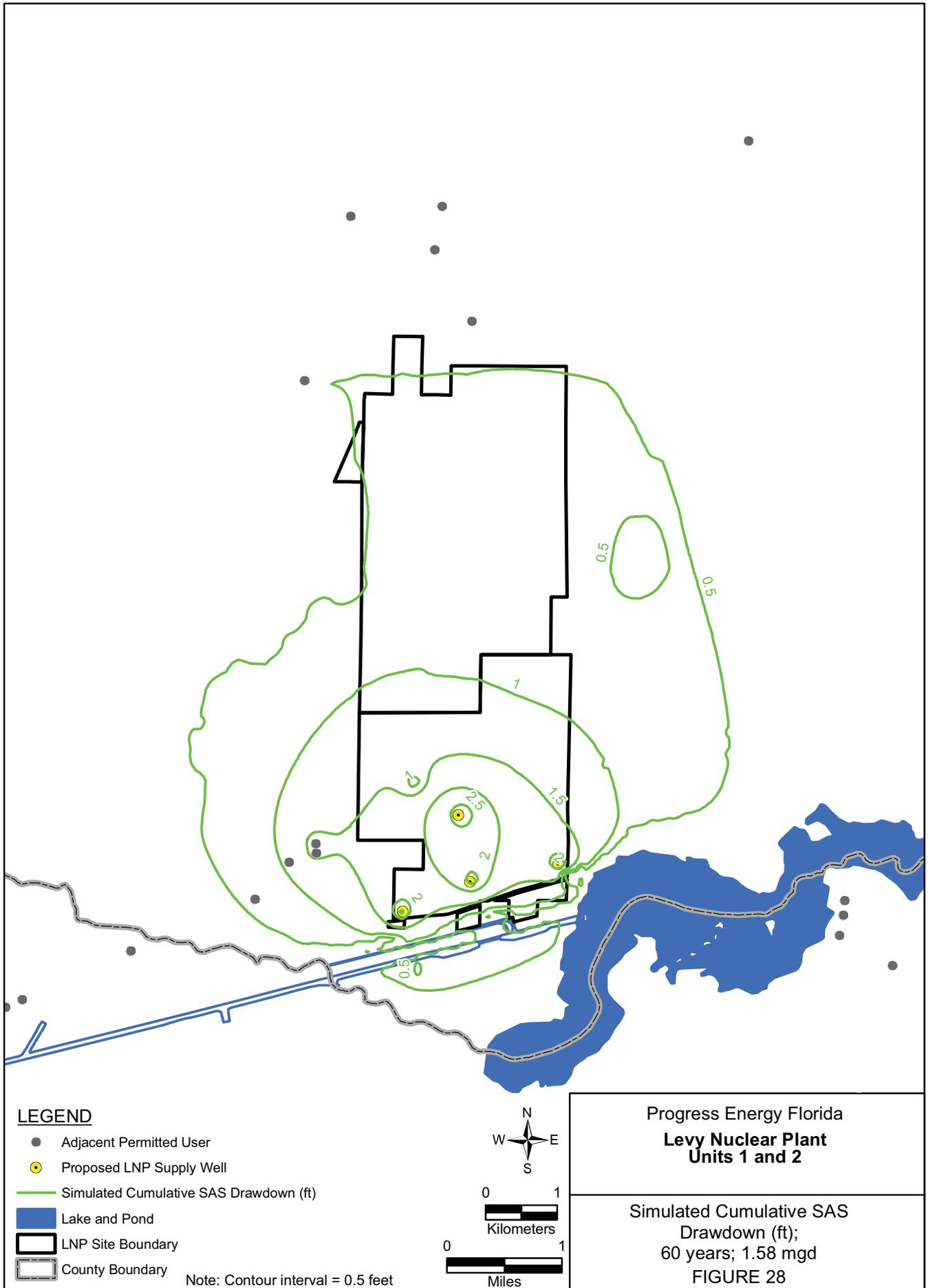








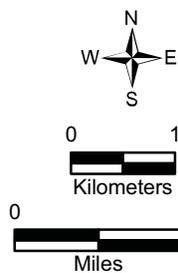




**LEGEND**

- Adjacent Permitted User
- Proposed LNP Supply Well
- Simulated Cumulative SAS Drawdown (ft)
- Lake and Pond
- ▭ LNP Site Boundary
- ▭ County Boundary

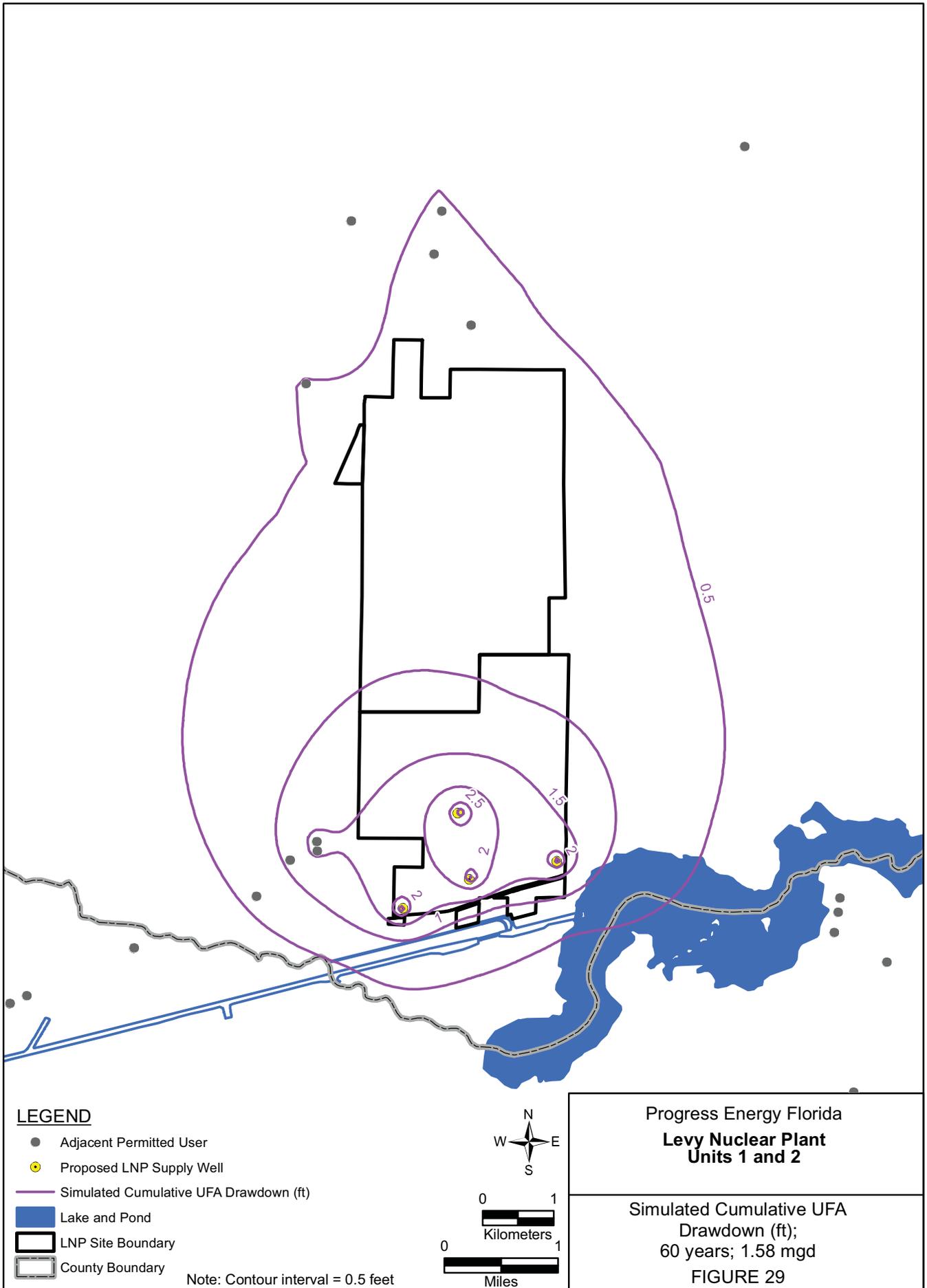
Note: Contour interval = 0.5 feet

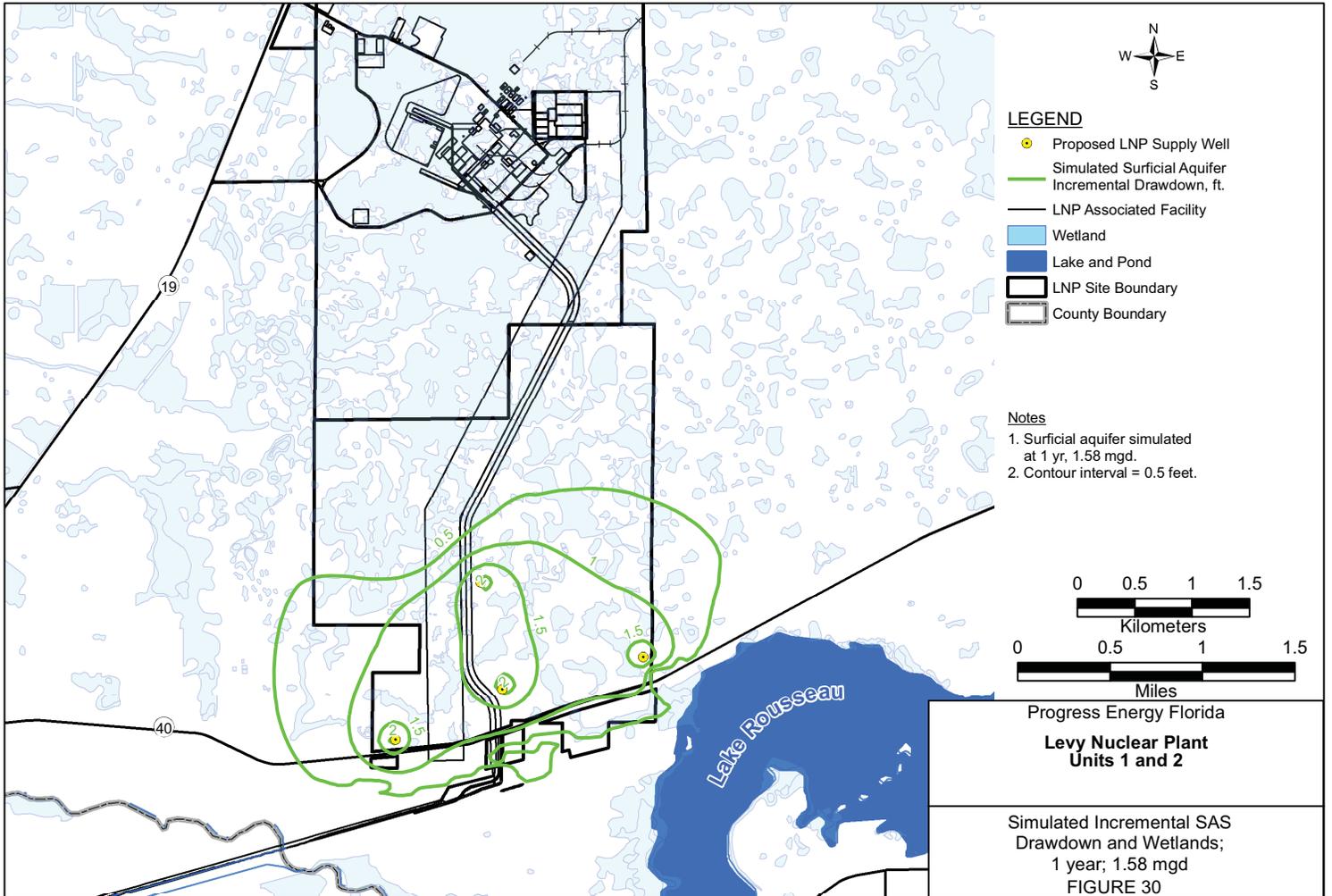


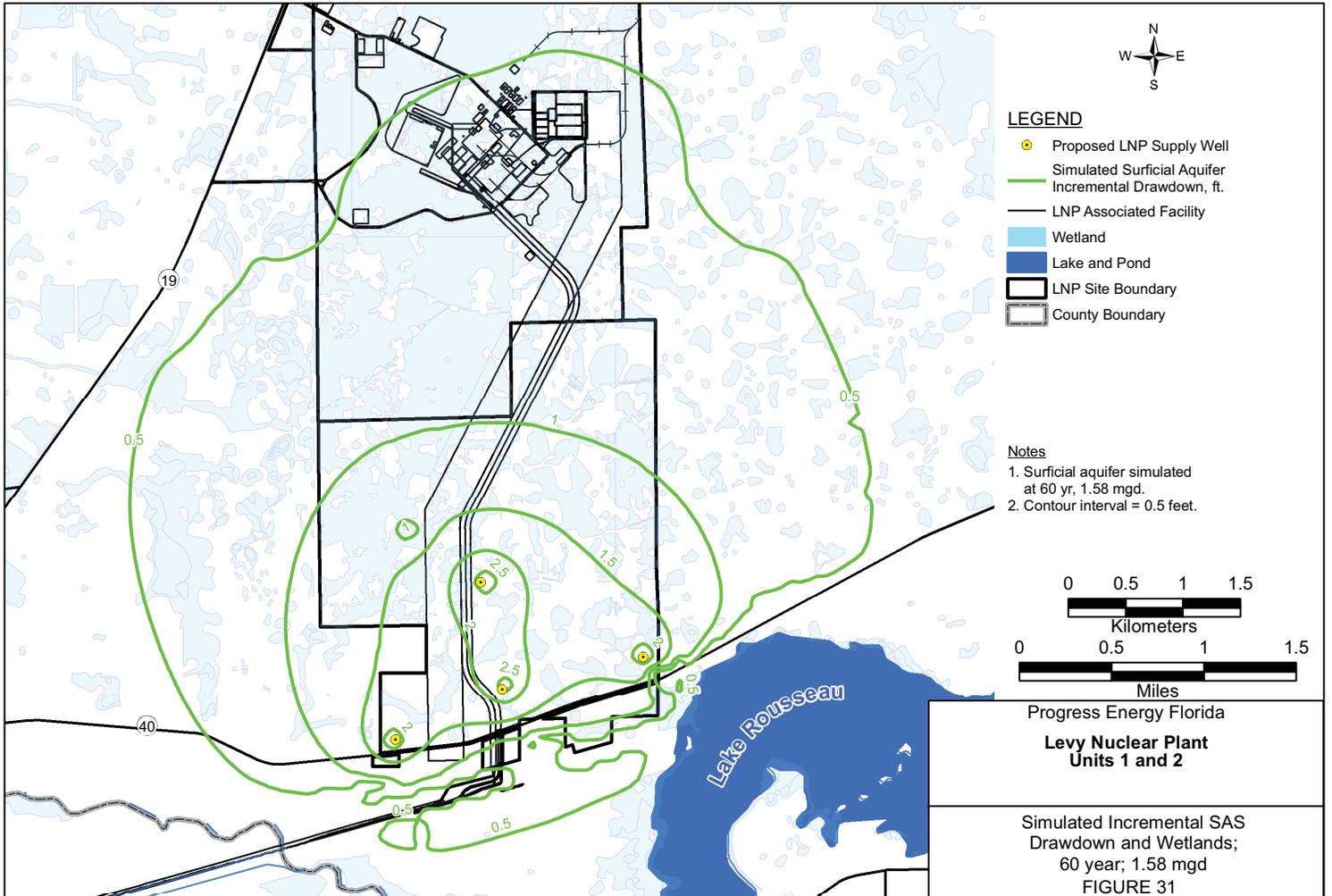
**Progress Energy Florida**  
**Levy Nuclear Plant**  
**Units 1 and 2**

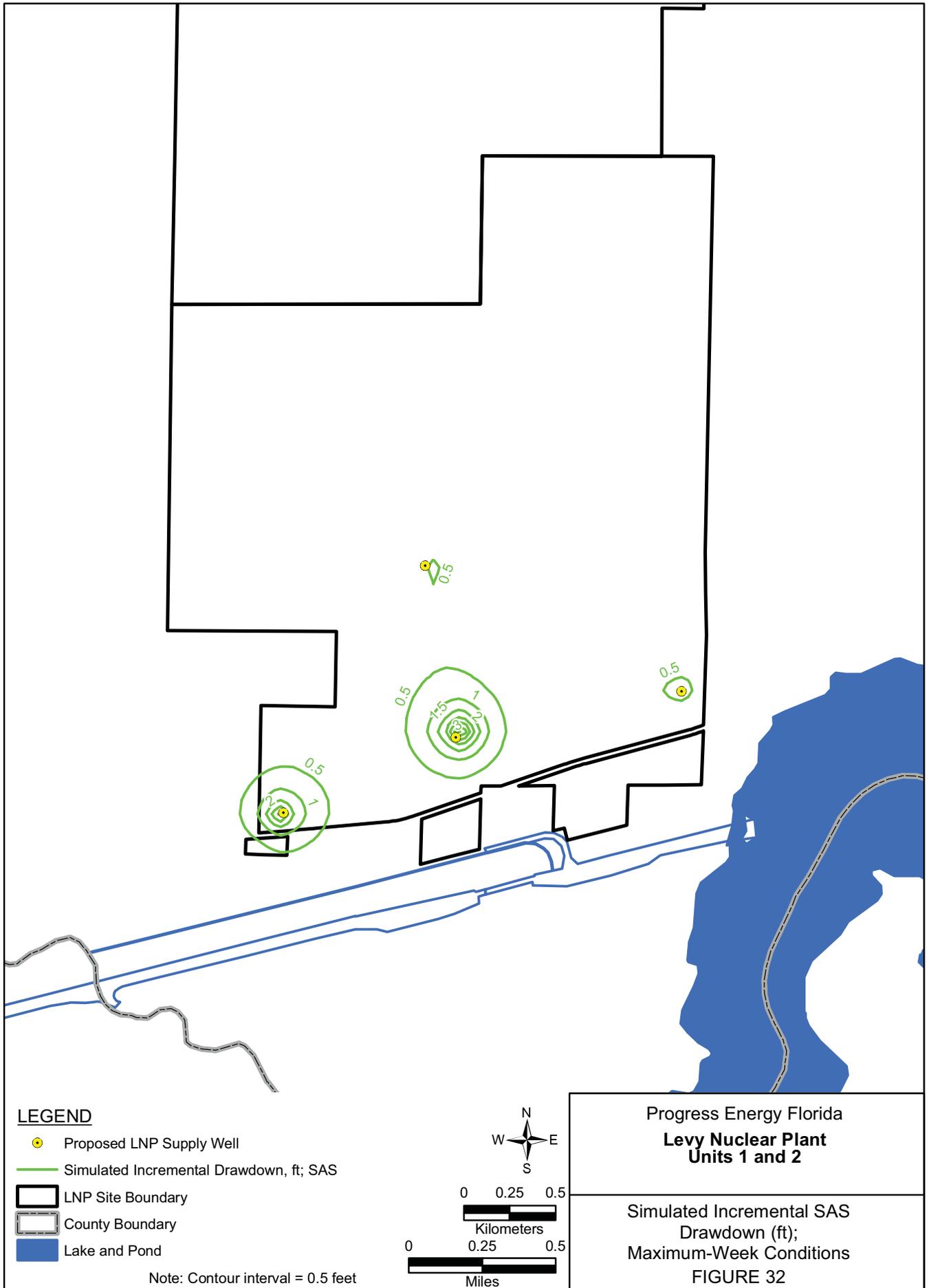
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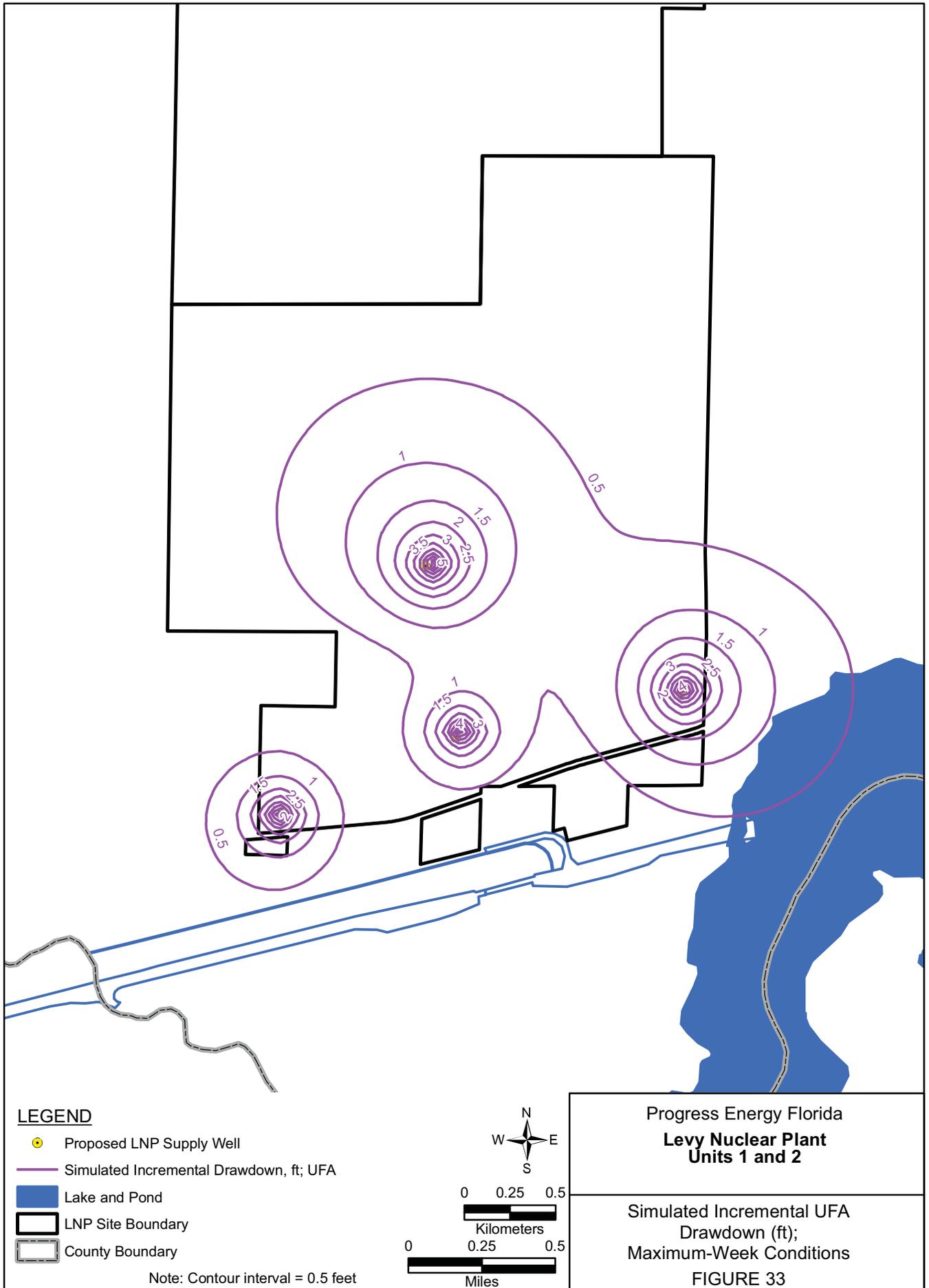
Simulated Cumulative SAS  
 Drawdown (ft);  
 60 years; 1.58 mgd  
**FIGURE 28**











UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)		
	)	Docket Nos.	52-029-COL
Progress Energy Florida, Inc.	)		52-030-COL
	)		
(Combined License Application for	)		
Levy County Nuclear Plant, Units 1 and 2)	)	ASLBP No.	09-879-04-COL

CERTIFICATE OF SERVICE

I hereby certify that an electronic copy of the foregoing Motion To Dismiss As Moot The Aspects Of Contention 4 Related To Active Dewatering During Levy Nuclear Plant Operations, dated September 30, 2010, was provided to the Electronic Information Exchange for service to those individuals on the service list in this proceeding this 30<sup>th</sup> day of September 2010.

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