

## PMLevyCOLPEm Resource

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**From:** Bruner, Douglas  
**Sent:** Thursday, June 30, 2011 8:39 AM  
**To:** Snead, Paul  
**Cc:** LevyCOL Resource  
**Subject:** Appendix H  
**Attachments:** 18\_Levy\_App\_H.doc

Paul,

Attached is Table H-1 of the EIS, which lists environmental permits and authorizations. Can you tell me if PEF has recently received any permits or authorizations so that the staff can update this table?

Thanks,

Doug

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## **Appendix H**

### **Authorizations, Permits, and Certifications**



## **Appendix H**

### **Authorizations, Permits, and Certifications**

1 This appendix contains a list of environmental-related authorizations, permits, and certifications  
2 potentially required by Progress Energy Florida, Inc. (PEF) from Federal, State, regional, local,  
3 and affected Native American Tribal agencies related to the combined construction permits and  
4 operating licenses (COLs) for the proposed new nuclear Units 1 and 2 at the Levy Nuclear Plant  
5 (LNP) site in Levy County, Florida. The table is based on Table 1.2-1 of the Environmental  
6 Report (ER), Revision 1, submitted on October 2, 2009 by PEF to the U.S. Nuclear Regulatory  
7 Commission (NRC).

**Table H-1.** Federal, State, and Local Environmental Permits and Authorizations

Issuing Agency	Activity	Permit/Authorization	License Number	Expiration Date	Authority
<b>Federal</b>					
NRC	Construction and safety review of the site.	Combined License	--(a)	--(a)	10 CFR 52.97
NRC	Approval for construction of nuclear power plant.	Combined License	--(a)	--(a)	10 CFR 50.10
NRC	Possession of source material.	Source Material License	--(a)	--(a)	10 CFR 40.3
NRC	Possession of Special Nuclear Material.	Special Nuclear Material License	--(a)	--(a)	10 CFR 70.3
NRC	Possession of fuel.	By-Product License	--(a)	--(a)	10 CFR 30.3
NRC	Operation of units.	License to Operate	--(a)	--(a)	10 CFR 52
U.S. Army Corps of Engineers, Jacksonville District (Corps)	Activities involving the discharge of dredged or fill material into waters of the United States.	Section 404 Permit <sup>(c)</sup>	--(a)	--(a)	CWA 33 CFR 320.1
Corps	Activities involving work in navigable waters.	Section 10 – Rivers and Harbors Act Permit	--(a)	--(a)	33 USC 403
U.S. Department of Transportation	Hazardous materials shipments.	USDOT Registration	--(a)	--(a)	49 USC 5108
U. S. Environmental Protection Agency (EPA)	Requires SPCC Plan outlining containment and countermeasures for oil storage. May require Facility Response Plan.	Oil Terminal Facility Registration	--(a)	--(a)	40 CFR 112
EPA	Aggregate oil storage in aboveground tanks >1320 gallons or any single tank >660 gallons.	SPCC Plan	--(a)	--(a)	40 CFR 112
Federal Aviation Administration (FAA) <sup>(b)</sup>	Construction of structures affecting air navigation.	Construction Notice	--(a)	--(a)	49 USC 44718

**Table H-1. (contd)**

<b>Issuing Agency</b>	<b>Activity</b>	<b>Permit/Authorization</b>	<b>License Number</b>	<b>Expiration Date</b>	<b>Authority</b>
FAA, Southeast Region, Atlanta, Georgia; other regions as appropriate. Coordinate with Florida Department of Transportation (FDOT).	Stack construction within airspace for approach to airport.	FAA Stack Height Waiver	-- <sup>(a)</sup>	-- <sup>(a)</sup>	14 CFR 77.21, FS §333.025
U.S. Fish and Wildlife Service (FWS)	Construction in areas where threatened and endangered species or critical habitat could be impacted as a result of the construction and/or operation of the proposed facility.	Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act	-- <sup>(a)</sup>	-- <sup>(a)</sup>	16 USC 703-712, 16 USC 668a-d
FWS	Incidental taking of a protected species.	Incidental Take Permit	-- <sup>(a)</sup>	-- <sup>(a)</sup>	50 CFR 17.21
National Marine Fisheries Service	Provides for the protection of fishery resources and essential fish habitat.	Magnuson-Stevens Act/Fisheries Management Plan	-- <sup>(a)</sup>	-- <sup>(a)</sup>	16 USC 1851
<b>State</b>					
<i>All State, regional, and local permits (except certain local zoning/building permits) are covered under the Power Plant Siting Act (PPSA) Certification. It is not necessary to apply for most of these permits individually, but they are listed below for informational purposes. Those Federal permit program requirements that are delegated to the State and require individual permit applications to be submitted as part of the Site Certification Application (SCA) are shown in bold italics. The issuing agency remains the applicable State agency, although the delegating Federal agency is noted in the Issuing Agency column of the table.</i>					
Levy County	Above-grade fills within the 100-year floodplain.	Floodplain Construction Compliance	-- <sup>(a)</sup>	-- <sup>(a)</sup>	Levy County Code of Ordinances – Chapter 50 Article VI

Table H-1. (contd)

Issuing Agency	Activity	Permit/Authorization	License Number	Expiration Date	Authority
Florida Department of Environmental Protection (FDEP)	Above-grade fills within the 100-year floodplain.	Floodplain Construction Compliance	--(a)	--(a)	Chapter 40B-4 FAC
NRC	Above-grade fills within the 100-year floodplain.	Floodplain Construction Compliance	--(a)	--(a)	Executive Order 11988
Federal Emergency Management Agency	Post-construction Flood Insurance Rate Map flood map change.	Letter of Map Revision	--(a)	--(a)	44 CFR 65.5(a)
Florida Historical Commission	Construction in an area where historic or archeological resources may be affected.	Compliance with the National Historic Preservation Act	--(a)	--(a)	Chapter 267, FAC
FDEP	Construction of a power plant with more than 75 MW of steam generated power and associated facilities.	Power Plant Certification	--(a)	--(a)	FS § 403.519
FDEP	Required for projects on sovereign submerged lands.	Sovereign Submerged Lands Lease	--(a)	--(a)	Chapter 18-21, FAC
FDEP	Required for projects that affect surface waters, wetlands, or sovereign submerged lands. FDEP coordinates review with other State agencies to address natural resource and cultural resource issues.	ERP	--(a)	--(a)	Chapter 40D-4, FAC
FDEP, EPA Region IV review	Required for all generators, transporters, as well as the disposal of hazardous waste.	Florida Notification of Regulated Waste Activity/Regulation Standards	--(a)	--(a)	Chapter 62-730, FAC
FDEP	Construction and operation of facilities generating air emissions.	State Construction Permit for Air Emission Facilities	--(a)	--(a)	Chapter 62-4.210, FAC



Table H-1. (contd)

Issuing Agency	Activity	Permit/Authorization	License Number	Expiration Date	Authority
FDEP, EPA Region IV review	Construction and operation of facilities generating air emissions.	Prevention of Significant Deterioration Construction Permit	--(a)	--(a)	Chapter 62-212, FAC
FDEP, EPA Region IV review	Operation of facilities generating air emissions.	Title V Operating Permit	--(a)	--(a)	Chapter 62-213, FAC
FDEP, EPA Region IV review	Not Applicable	Phase II Acid Rain Permit/Acid Rain Compliance Plan	--(a)	--(a)	Chapter 62-214, FAC
FDEP	Projects with potential to impact waters of the state.	Section 401 Water Quality Certification (CWA)	--(a)	--(a)	Chapter 62-4, FAC
FDEP	Projects requiring Section 404/10 permitting. Conducted in conjunction with ERP process.	Compliance with Fish and Wildlife Coordination Act	--(a)	--(a)	FS § 373.4144
FDEP, EPA Region IV review	Discharge of wastewater, cooling water, etc. to surface waters.	NPDES Permit for wastewater discharge. Compliance with CWA Section 316a	FL0633275-001-IW1S/NP	--(a)	FS § 403.0885
FDEP, EPA Region IV review	Intake of makeup water, addresses the impingement and entrainment impacts of cooling water intakes on biological populations.	NPDES Permit, Compliance with 316b	--(a)	--(a)	40 CFR 125, Subpart I
FDEP	Construction of any facility that disturbs 1 acre or more.	NPDES Construction Stormwater Permit; requires Surface Water Management and Sediment Control Plans	Generic	--(a)	Chapters 62-25, 62-40 FAC
FDEP, EPA Region IV review	Operation of an industrial facility.	NPDES Operating Stormwater Permit for Industrial Activities	FL0633275-001-IW1S/NP	--(a)	Chapter 62-621, FAC

Table H-1. (contd)

Issuing Agency	Activity	Permit/Authorization	License Number	Expiration Date	Authority
FDEP	Under the CWA, industrial facilities have to prepare an SWP3 as part of the stormwater NPDES permit.	SWP3	--(a)	--(a)	Chapter 62-330.200, FAC
FDEP, Water Management District	Consumptive withdrawal of surface or groundwater.	Water Use Permit	--(a)	--(a)	40B-2, FAC
FDEP, Water Management District	Required if dewatering is required for construction.	Dewatering Permit	--(a)	--(a)	40B-2, FAC
FDEP, Water Management District	Construction of water wells.	Well Construction Permit	--(a)	--(a)	40B-3, FAC
FDEP	Management of onsite stormwater.	Surface Water Management/Erosion and Sediment Control Plan required	--(a)	--(a)	Chapter 62.40, FAC
FDEP- Local Branch	Construction of any facility that disturbs 5 acres or more.	Erosion & Sedimentation Control Plan	--(a)	--(a)	Chapter 62.40, FAC
FDEP	Construction of transmission lines and substation.	Electric and Magnetic Fields Standards	--(a)	--(a)	FS § 403.521, et seq. Chapter 62-814, FAC
FDEP	Approval for construction and operation in State parks and other lands owned and/or managed by the State.	State Lands Use	--(a)	--(a)	FS § 253.77, et seq.
FDEP	Aboveground oil storage tanks.	Aboveground Storage Tank Registration	--(a)	--(a)	FS § 376.323

**Table H-1. (contd)**

<b>Issuing Agency</b>	<b>Activity</b>	<b>Permit/Authorization</b>	<b>License Number</b>	<b>Expiration Date</b>	<b>Authority</b>
Florida Game and Freshwater Fish Conservation Commission	Incidental taking of a protected species.	Incidental Take Permit	--(a)	--(a)	Chapter 68A-27, FAC
Florida Public Service Commission	Reviews the appropriateness of the proposed project and issues a "determination of need."	Electrical Transmission Line (as Associated Facility under PPSA)	--(a)	--(a)	FS § 350.001 et seq.
Florida Department of Community Affairs	Determines project consistency with coastal zone management plan.	Coastal Zone Consistency Determination	--(a)	--(a)	FS § 380.23

**Local**

*All State, regional, and local permits (except certain local zoning/building permits) are covered under the PPSA Certification. It may be necessary to apply for these permits individually as required by the government agency.*

City, County, or Municipal District	New water and sewer connections (if available).	Water and Sewer Connection	--(a,d)	--(a,d)	TBD <sup>(d)</sup>
City, County, or Municipal District	Required if land is not zoned appropriately for project or to address local zoning requirements that apply specifically to this type of facility.	Zoning/Land Use Compliance	--(a,d)	--(a,d)	TBD
County	Required for connection of driveway to public roads.	Driveway Permit	--(a,d)	--(a,d)	TBD
Local County Department of Community Development	Required for removal of on-site vegetation.	Vegetation Removal	--(a,d)	--(a,d)	TBD

**Table H-1. (contd)**

<b>Issuing Agency</b>	<b>Activity</b>	<b>Permit/Authorization</b>	<b>License Number</b>	<b>Expiration Date</b>	<b>Authority</b>
Local County Health Department	Required for construction and operation of a new septic system, if sewage service not available in the area. One copy of the survey and one copy of construction plans must bear original Health Department approval.	Health Department Septic Permit and Operating Permit	--(a,d)	--(a,d)	TBD
City, County, or Municipal District	Construction of new buildings and facilities.	Building Permit; Plumbing Permit; HVAC Permit; Contractors License, etc.	--(a,d)	--(a,d)	TBD
<b>Other Permits/Approvals</b>					
FDOT	Crossing of highways by railroad.	Railroad Grade Crossing Program	--(a)	--(a)	FDOT
U.S. Department of Interior	Prevention of "taking" of Bald Eagle nests, eggs, or birds.	Migratory Bird Treaty Act of 1918; authorization for "taking" of Bald Eagle nest would be required per 50 CFR 21.	--(a)	--(a)	16 USC 703-712
(a) Data not available. (b) Initial consultation with Agency occurs prior to combined license application submittal. (c) Applications for permits will be made during the pre-construction phase. (d) Issuing authority. License numbers and expiration dates will be included in the table when known.					