

James, Lois

From: Keith J Miller <Keith.J.Miller@dominionenergy.com>
Sent: Thursday, February 13, 2020 12:46 PM
To: James, Lois
Subject: [External_Sender] CZMA consistency certification letter (NAPS)
Attachments: 19-124F (NAPS Units 1 and 2 Subsequent License Renewals-NRC).fcc.pdf

Lois,
Please find attached the letter received from DEQ regarding the CZMA consistency certification for NAPS to support subsequent license renewal. Please let me know if you have any questions. Thanks,
Keith Miller

Keith J. Miller, PMP
Generation Project Manager
Subsequent License Renewal Project

Dominion Energy Services, Inc.
5000 Dominion Boulevard, Glen Allen, VA 23060
Office: 804-273-2569
Mobile: 804-317-5653
E-mail: keith.j.miller@dominionenergy.com

CONFIDENTIALITY NOTICE: This electronic message contains information which may be legally confidential and or privileged and does not in any case represent a firm ENERGY COMMODITY bid or offer relating thereto which binds the sender without an additional express written confirmation to that effect. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 1111 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

December 23, 2019

Ms. Amanda B. Tornabene
Dominion Energy Services, Inc.
5000 Dominion Boulevard
Glen Allen, Virginia 23060
Via email: amanda.b.tornabene@dominionenergy.com

RE: Federal Consistency Certification, North Anna Power Station Units 1 and 2
Subsequent License Renewal, Dominion Energy Virginia, Louisa and Spotsylvania
Counties, DEQ 19-124F.

Dear Ms. Tornabene:

The Commonwealth of Virginia has completed its review of the Federal Consistency Certification (FCC) provided for the above-referenced action. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal consistency documents and responding to appropriate officials on behalf of the Commonwealth. This letter is in response to the FCC dated and received on October 1, 2019, submitted by Dominion Energy Services, Inc. The following agencies participated in this review:

Department of Environmental Quality
Department of Game and Inland Fisheries
Department of Conservation and Recreation
Virginia Marine Resources Commission
Department of Health

In addition, the Department of Agriculture and Consumer Services, Department of Historic Resources, Louisa and Spotsylvania Counties, Thomas Jefferson Planning District Commission, and the George Washington Regional Commission were invited to comment on the proposal.

PROJECT DESCRIPTION

The Virginia Electric and Power Company (Dominion or Company) proposes to renew the operating licenses issued by the U.S. Nuclear Regulatory Commission (NRC) for North Anna Power Station Units 1 and 2 (NAPS) in Louis County for an additional 20

years. Dominion Energy Virginia expects to submit the renewal application in the second half of 2020. For NAPS Unit 1, this requested subsequent license renewal (SLR) would extend the license expiration date from April 1, 2038, to April 1, 2058. For NAPS Unit 2, this SLR would extend the license expiration date from August 21, 2040 to August 21, 2060. The proposed action for SLR is for continued operation of NAPS Units 1 and 2 until 2058 and 2060, respectively, in their current configuration and in accordance with applicable regulatory requirements of the NRC, other federal agencies, the Commonwealth of Virginia, and local government bodies with jurisdiction.

PUBLIC PARTICIPATION

In accordance with Title 15, Code of Federal Regulations (CFR), §930.2, the public was invited to participate in the review of the FCC. Public notice of this proposed action was published in OEIR's Program Newsletter and on the DEQ website from October 11, 2019 through November 8, 2019. No public comments were received in response to the notice.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act of 1972 (CZMA), as amended, and the federal consistency regulations implementing the CZMA (15 CFR, Part 930, Subpart D, Section 930.50 *et seq.*), projects receiving federal permits, licenses, or approvals which can affect Virginia's coastal uses or resources, must be constructed and operated in a manner which is consistent with the Virginia Coastal Zone Management (CZM) Program. The Virginia CZM Program is comprised of a network of programs administered by several agencies. In order to be consistent with the Virginia CZM Program, all the applicable permits and approvals listed under the enforceable policies of the Virginia CZM Program must be obtained prior to commencing the project.

FEDERAL CONSISTENCY CONCURRENCE

Based on our review of the consistency certification and the comments submitted by agencies administering the enforceable policies of the Virginia CZM Program, DEQ concurs that the proposal is consistent with the Program provided all applicable permits and approvals are obtained as described below. If, prior to construction, the project should change significantly and any of the enforceable policies of the Virginia CZM Program would be affected, pursuant to 15 CFR 930.66, the applicant must submit supplemental information to DEQ for review and approval. However, other state approvals which may apply to this project are not included in this consistency concurrence. Therefore, the applicant must ensure that this project is constructed and operated in accordance with all applicable federal, state and local laws and regulations.

FEDERAL CONSISTENCY ANALYSIS

According to the FCC, the proposed activity complies with the enforceable policies of the Virginia CZM Program and will be conducted in a manner consistent with the Program. The resource agencies that are responsible for the administration of the enforceable policies of the Virginia CZM Program generally agree with findings of the FCC. The applicant must ensure that the proposed action is consistent with the aforementioned policies. In accordance with 15 CFR Part 930, subpart D, 930.58(a)(3), Dominion has consider potential project impacts on the advisory policies of the Virginia CZM Program and finds the proposed action consistent with those policies. The analysis which follows responds to the discussion of the enforceable policies of the Virginia CZM Program that apply to this project.

1. Fisheries Management. According to the FCC (page 7), Lake Anna is home to many species including recreationally important species such as largemouth bass, striped bass, and black crappie and forage species. Dominion monitors the health of the fishery through annual biological sampling required under the NAPS Virginia Pollutant Discharge Elimination System (VPDES) permit. Dominion found annual sampling results and trends demonstrate a balanced, indigenous fish community exists in Lake Anna. Trending of abundance indicates no consistent downward trends. Dominion's monitoring and trending of the North Anna River's fishery below the North Anna Dam likewise demonstrated diversity to be rich and stable and abundance fairly consistent. Dominion finds that NAPS operations are in compliance with this enforceable policy and will continue to have programs and permits in place to ensure compliance during the proposed SLR term.

1(a) Agency Jurisdiction. The Department of Game and Inland Fisheries (Virginia Code 29.1-100 to 29.1-570) and Virginia Marine Resources Commission (Virginia Code 28.2-200 to 28.2-713) have management authority for the conservation and enhancement of finfish and shellfish resources in the Commonwealth. In addition, the Virginia Department of Health (VDH) Division of Shellfish Sanitation (DSS) is responsible for protecting the health of the consumers of molluscan shellfish and crustacea by ensuring that shellfish growing waters are properly classified for harvesting, and that molluscan shellfish and crustacea processing facilities meet sanitation standards.

1(b) Agency Findings.

(i) Department of Environmental Quality

The VPDES program at DEQ-NRO finds that Dominion's chosen method to meet the impingement mortality reduction standard is through Compliance Alternative 1. However, DEQ-NRO has not completed its evaluation of Dominion's 316(b) submittal to determine if this alternative results in the minimization of adverse environmental impacts.

(ii) Department of Game and Inland Fisheries

The Department of Game and Inland Fisheries (DGIF) has no significant concerns with the current operation of the station with these two units and as such, no concerns about relicensing them.

(iii) Virginia Marine Resources Commission

The Virginia Marine Resources Commission (VMRC) finds that the SLR has no foreseeable impacts on the fisheries management enforceable policy under its jurisdiction. As proposed, VMRC has no objection to Dominion's consistency finding.

(iv) Department of Health

VDH-DSS has no comments on the proposal.

1(c) Recommendations. DGIF recommends that Dominion continue to coordinate with agency staff regarding management of the lake and associated ecosystems. DGIF recommends the use of the Best Available Technology to minimize impingement and entrainment of aquatic species, fish eggs and larvae at the water intakes.

1(d) Conclusion. The proposed action is consistent with the fisheries management enforceable policy of the Virginia CZM Program, assuming there are no significant modifications of current operations.

For additional information or questions, contact DEQ-NRO, Bryant Thomas at (703) 583-3843 or bryant.thomas@deq.virginia.gov, DGIF, Amy Ewing at (804) 367-2211 or amy.ewing@dgif.virginia.gov, VMRC, Randy Owen at (757) 247-2251 or randy.owen@mrc.virginia.gov, and/or VDH-DSS, Keith Skiles at (804) 864-7487 or keith.skiles@vdh.virginia.gov.

2. Subaqueous Lands Management. According to the FCC (page 8), Dominion controls all of the land within the NAPS site boundary, both above and beneath water surfaces, including those portions of the North Anna Reservoir and waste heat treatment facility (WHTF) which lie within the site boundary. Dominion and Old Dominion Electric Cooperative (ODEC) also own all the land outside the NAPS site boundary that forms Lake Anna, up to their expected high-water marks (i.e., Elevation 255 feet above mean sea level). Accordingly, Dominion finds that this enforceable policy is not applicable to the NAPS site.

2(a) Agency Jurisdiction. The management program for subaqueous lands establishes conditions for granting or denying permits to use state-owned bottomlands based on considerations of potential effects on marine and fisheries resources, tidal wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by DEQ. The program is administered by VMRC (Virginia Code §28.2-1200 to §28.2-1213).

2(b) Agency Findings. VMRC has no objections to the renewal of the North Anna Power Station operating licenses since there is no new work proposed over state-owned submerged land.

2(c) Conclusion. The proposed action is consistent with the subaqueous lands management enforceable policy of the Virginia CZM Program.

Contact VMRC, Randy Owen at (757) 247-2251 or randy.owen@mrc.virginia.gov.

3. Wetlands Management. According to the FCC (page 9), the proposed SLR does not include additional construction or land-disturbing activities involving encroachment on wetlands. Should such construction or land-disturbing activities be determined necessary, Dominion will seek and obtain all necessary permits as required to undertake the project.

3(a) Agency Jurisdiction. The wetlands management enforceable policy is administered by the Virginia Marine Resources Commission for tidal wetlands (Virginia Code 28.2-1301 through 28.2-1320) and the Department of Environmental Quality through the Virginia Water Protection Permit program for tidal and non-tidal wetlands (Virginia Code §62.1-44.15:20 and Water Quality Certification pursuant to Section 401 of the Clean Water Act).

3(b) Agency Findings.

(i) Department of Environmental Quality

The Virginia Water Protection (VWP) Permit program at the DEQ Central Office (CO) has no comments.

(ii) Virginia Marine Resources Commission

VMRC finds there are no tidal wetlands under its jurisdiction in close proximity to the project area.

3(c) Conclusion. The proposed SLR is consistent with the wetlands management enforceable policy of the Virginia CZM Program.

For additional information, contact DEQ-CO, Michelle Henicheck at (804) 698-4007 or michelle.henicheck@deq.virginia.gov or VMRC, Randy Owen at (757) 247-2251 or randy.owen@mrc.virginia.gov.

4. Nonpoint Source Pollution Control. According to the FCC (page 10), Dominion will obtain DEQ construction stormwater permits and local erosion and sedimentation control permits as needed for non-point source pollution control during the proposed SLR term. Dominion finds that NAPS operations are in compliance with the enforceable

policy and will continue to have programs and permits in place to ensure compliance during the proposed SLR term.

4(a) Agency Jurisdiction. The DEQ Office of Stormwater Management (OSWM) administers the nonpoint source pollution control enforceable policy of the Virginia CZM Program through *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)* and *Virginia Stormwater Management Law and Regulations (VSWML&R)*. In addition, DEQ is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program.

4(b) Requirements.

(i) Erosion and Sediment Control Plan

Dominion is responsible for submitting a project-specific erosion and sediment control (ESC) plan to the appropriate locality for review and approval pursuant to the ESC requirements, for any land-disturbing activity equal to or greater than 10,000 square feet (2,500 square feet in a Chesapeake Bay Preservation Area). Depending on local requirements the area of land disturbance requiring an ESC plan may be less. The ESC plan must be approved prior to any land-disturbing activity. All regulated land-disturbing activities associated with the project, including on and off site access roads, staging areas, borrow areas, stockpiles, and soil intentionally transported from the project must be covered by the project specific ESC plan. ESC program requirements must be requested through the locality. [Reference: Virginia Erosion and Sediment Control Law §62.1-44.15 *et seq.*; *Virginia Erosion and Sediment Control Regulations* 9 VAC 25-840-10 *et seq.*].

(ii) Stormwater Management Plan

A Stormwater Management (SWM) plan may be required depending on local requirements. SWM program requirements must be requested through the locality. [Reference: Virginia Stormwater Management Act §62.1-44.15 *et seq.*; *Virginia Stormwater Management (VSMP) Permit Regulations* 9 VAC 25-870-10 *et seq.*].

(iii) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities

The operator or owner of a construction project involving land-disturbing activities equal to one acre is required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP). The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP

must address water quality and quantity in accordance with the *VSMP Permit Regulations*. General information and registration forms for the General Permit are available on DEQ's website at <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx>. [Reference: Virginia Stormwater Management Act 62.1-44.15 *et seq.*] *VSMP Permit Regulations* 9 VAC 25-880 *et seq.*].

4(c) Conclusion. The proposed action is consistent with the nonpoint source pollution control enforceable policy of the Virginia CZM Program.

For additional information, contact DEQ-OSWM, Larry Gavan at (804) 698-4040 or larry.gavan@deq.virginia.gov.

5. Point Source Pollution Control. According to the FCC (page 10), NAPS operates under VPDES Permit No. VA0052451. The current VPDES permit authorizes discharges from 12 external outfalls (seven industrial process wastewater and five stormwater) and 16 internal outfalls including effluent from the onsite sewage treatment plant (Permit No. VA0052451-01). An application for renewal of the permit was submitted on October 15, 2018, followed by an addendum to the application on March 12, 2019. Compliance with current and future VPDES regulatory requirements and permit conditions and implementation of the industrial SWPPP will ensure protection of waters receiving point source discharges from NAPS operations.

5(a) Agency Jurisdiction. The point source program is administered by the State Water Control Board (DEQ) pursuant to Virginia Code §62.1-44.15. Point source pollution control is accomplished through the implementation of: (1) The National Pollutant Discharge Elimination System (NPDES) permit program established pursuant to Section 402 of the federal Clean Water Act and administered in Virginia as the Virginia Pollutant Discharge Elimination System (VPDES) permit program; and (2) the Virginia Water Protection Permit (VWPP) program administered by DEQ (Virginia Code §62.1-44.15:20 *et seq.*) and Water Quality Certification pursuant to Section 401 of the Clean Water Act.

5(b) Agency Findings. The VPDES program at DEQ-NRO notes that Dominion's permit and fact sheet identifies ten external outfalls with seven of them being industrial process water and three stormwater. In addition, the permit and fact sheet identifies eighteen internal outfalls which includes two stormwater outfalls that discharge to the Waste Heat Treatment Facility.

5(c) Conclusion. The proposed action is consistent with the point source pollution control enforceable policy of the Virginia CZM Program.

For additional information or questions, contact DEQ-NRO, Bryant Thomas at (703) 583-3843 or bryant.thomas@deq.virginia.gov.

6. Air Pollution Control. According to the FCC (pages 11 and 12), Dominion holds an air emission permit (Permit No. 40726) to operate two auxiliary boilers and five emergency generators in accordance with the provisions of the Commonwealth of Virginia State Air Pollution Control Board's regulations for the control and abatement of air pollution. Air emissions supporting NAPS operations are minimal and stem from intermittent use and testing of diesel generators. Dominion will ensure compliance with permit conditions. DEQ is currently reviewing a permit application to remove the auxiliary boilers from the permit because they have been decommissioned.

6(a) Agency Jurisdiction. DEQ's Air Division implements the federal Clean Air Act to provide a legally enforceable State Implementation Plan for the attainment and maintenance of the National Ambient Air Quality Standards. This program is administered by the State Air Pollution Control Board (DEQ) (Virginia Code §10-1.1300 through §10.1-1320).

6(b) Agency Findings. The DEQ Air Division finds that the facility is located in a designated ozone attainment and emission control area for ozone (O₃) and oxides of nitrogen (NO_x). Precursors to O₃ pollution include volatile organic compounds (VOCs) and NO_x. In addition, DEQ finds that a new Article 5 State Operating Permit was issued on June 13, 2019. Dominion removed the boilers from the permit and now the permit only contains the requirements for the 4 emergency generator sets and one blackout generator.

6(c) Recommendation. Dominion should continue to take all reasonable precautions to limit emissions of VOCs and NO_x, principally by controlling or limiting the burning of fossil fuels.

6(d) Requirements. In general, future activities under the SLRs must continue to mitigate for air emissions.

(i) Fugitive Dust

During construction, fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 *et seq.* of the *Regulations for the Control and Abatement of Air Pollution*. These precautions include, but are not limited to, the following:

- Use, where possible, of water or chemicals for dust control;
- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;
- Covering of open equipment for conveying materials; and
- Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

(ii) Open Burning

If project activities include the open burning or use of special incineration devices for the disposal of debris either on or off site, this activity must meet the requirements of 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100 of the *Regulations* for open burning, and it may require a permit. The *Regulations* provide for, but do not require, the local adoption of a model ordinance concerning open burning. The applicant should contact local fire officials to determine what local requirements, if any, exist.

6(e) Conclusion. The proposed SLR is consistent with the air pollution control enforceable policy of the Virginia CZM Program.

Questions and additional information on the State Operating Permit may be directed to DEQ, Tamera Thompson at (804) 698-4502 or tamera.thompson@deq.virginia.gov.

7. Coastal Lands Management. The FCC (page 12) states that the proposed SLR does not include additional construction outside of the NAPS site, which is located in Louisa County. NAPS, however, may require additional space for spent fuel storage during the proposed SLR term. For the potential construction of an additional concrete pad at the existing ISFSI, Dominion would seek and obtain all required state and local permit(s) including for construction stormwater and erosion and sediment control. For any other land disturbing activities during the proposed SLR term, Dominion would obtain the appropriate permits and authorizations prior to conducting the activity, and operate in compliance with such permits and authorizations.

7(a) Agency Jurisdiction. The DEQ Local Government Assistance Programs (LGAP) administers the coastal lands management enforceable policy through the Chesapeake Bay Preservation Act (Bay Act) (Virginia Code §62.1-44.15 *et seq.*) and *Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations)* (9 VAC 25-830-10 *et seq.*).

7(b) Chesapeake Bay Preservation Areas. In Spotsylvania County, the areas protected by the Chesapeake Bay Preservation Act, as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as designated by the county. RPAs include:

- tidal wetlands,
- certain non-tidal wetlands,
- tidal shores, and
- a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow.

All areas of the county not included in the RPA are designated as RMA.

7(c) Agency Findings. DEQ-LGAP finds that the NAPS is located on the south side of Lake Anna in Louisa County, between Hackney Creek to the north and Sedges Creek to the south. As Louisa County is not subject to the Bay Act, DEQ-LGAP has no comments regarding the proposed license renewal.

7(d) Conclusion. The proposed action is consistent with the coastal lands management enforceable policy of the Virginia CZM Program.

For additional information regarding these comments, contact DEQ-LGAP, Daniel Moore at (804) 698-4520 or daniel.moore@deq.virginia.gov.

ADDITIONAL ENVIRONMENTAL CONSIDERATIONS

In addition to the enforceable policies of the Virginia CZM Program, comments were also provided with respect to other applicable requirements and recommendations. The applicant must ensure that future development is constructed and operated in accordance with all applicable federal, state, and local laws and regulations.

1. Solid and Hazardous Waste Management.

1(a) Agency Jurisdiction. On behalf of the Virginia Waste Management Board, the [DEQ Division of Land Protection and Revitalization \(DEQ-DLPR\)](#) is responsible for carrying out the mandates of the Virginia Waste Management Act (Virginia Code §10.1-1400 *et seq.*), as well as meeting Virginia's federal obligations under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response Compensation Liability Act (CERCLA), commonly known as Superfund.

Virginia:

- Virginia Waste Management Act, Virginia Code § 10.1-1400 *et seq.*
- *Virginia Solid Waste Management Regulations*, 9 VAC 20-81
- (9 VAC 20-81-620 applies to asbestos-containing materials)
- *Virginia Hazardous Waste Management Regulations*, 9 VAC 20-60
- (9 VAC 20-60-261 applies to lead-based paints)
- *Virginia Regulations for the Transportation of Hazardous Materials*, 9 VAC 20-110.

Federal:

- Resource Conservation and Recovery Act, 42 U.S. Code sections 6901 *et seq.*
- U.S. Department of Transportation *Rules for Transportation of Hazardous Materials*, 49 Code of Federal Regulations, Part 107
- Applicable rules contained in Title 40, *Code of Federal Regulations*.

DEQ-DLPR also administers laws and regulations on behalf of the State Water Control Board governing Petroleum Storage Tanks (Virginia Code §62.1-44.34:8 *et seq.*),

including Aboveground Storage Tanks (9 VAC 25-91 *et seq.*) and Underground Storage Tanks (9 VAC 25-580 *et seq.* and 9 VAC 25-580-370 *et seq.*), also known as ‘Virginia Tank Regulations’, and § 62.1-44.34:14 *et seq.* which covers oil spills

1(b) Agency Findings. DLPR staff conducted a search of solid and hazardous waste databases (including petroleum releases) to identify waste sites in close proximity. The search did not identify any waste sites within the area which might impact the license renewal.

1(c) Requirements. The following requirements would generally apply to future development of the facility.

(i) Waste Management

Any soil, sediment or groundwater that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations. All construction waste must be characterized in accordance with the *Virginia Hazardous Waste Management Regulations* prior to management at an appropriate facility.

(ii) Petroleum Contamination

If evidence of a petroleum release must be reported to DEQ-NRO in accordance with Virginia Code § 62.1-44.34.8 through 9 and 9 VAC 25-580-10 *et seq.* The disposal of contaminated soils and groundwater must be done in accordance with DEQ regulatory guidelines.

(iii) Petroleum Storage Tanks

The installation and use of above-ground storage tanks (ASTs) with a capacity of greater than 660 gallons for temporary fuel storage (>120 days) during construction must follow the requirements in 9 VAC 25-91-10 *et seq.*

(iv) Asbestos-containing Material and Lead-based Paint

Structures should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to disturbance. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, state regulations 9 VAC 20-80-640 for ACM and 9 VAC 20-60-261 for LBP must be followed.

1(d) Recommendations. The following recommendations would generally apply to future development of the facility.

(i) Database Searches

Prior to any future development, DLPR staff recommends a search of project areas using the following solid and hazardous waste databases to identify waste sites (including petroleum releases) in close proximity to project areas:

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:

www.epa.gov/superfund/sites/cursites/index.htm

- DEQ Online Database: Virginia Environmental Geographic Information Systems Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:

www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx

(ii) Pollution Prevention

DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

For additional questions or further information regarding waste comments, contact DEQ-DLPR, Carlos Martinez at (804) 698-4575 or carlos.martinez@deq.virginia.gov.

2. Natural Heritage Resources.

2(a) Agency Jurisdiction.

(i) [The Virginia Department of Conservation and Recreation \(DCR\) Division of Natural Heritage \(DNH\)](#)

DNH's mission is conserving Virginia's biodiversity through inventory, protection and stewardship. The Virginia Natural Area Preserves Act (Virginia Code §10.1-209 through 217) authorizes DCR to maintain a statewide database for conservation planning and project review, protect land for the conservation of biodiversity, and protect and ecologically manage the natural heritage resources of Virginia (the habitats of rare,

threatened and endangered species, significant natural communities, geologic sites, and other natural features).

(ii) Virginia Department of Agriculture and Consumer Services (VDACS)

The Endangered Plant and Insect Species Act of 1979 (Virginia Code Chapter 39 §3.1-1020 through 1030) authorizes VDACS to conserve, protect and manage endangered and threatened species of plants and insects. Under a Memorandum of Agreement established between VDACS and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

2(b) Agency Findings.

(i) Natural Heritage Resources

DCR-DNH searched its Biotics Data System (Biotics) for occurrences of natural heritage resources from the area. According to the information currently in Biotics, natural heritage resources have not been documented within the project boundary including a 100 foot buffer. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. In addition, the project boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

(ii) State-listed Threatened and Endangered Plant and Insect Species

DCR finds that the current activity will not affect any documented state-listed plants or insects.

(iii) State Natural Area Preserves

DCR files do not indicate the presence of any State Natural Area Preserves under the agency's jurisdiction in the project vicinity.

2(c) Recommendation. New and updated information is continually added to Biotics. Dominion should coordinate with DCR-DNH, Rene Hypes at (804) 371-2708 or rene.hypes@dcr.virginia.gov, for an update on natural heritage information prior to any construction.

3. Wildlife Resources and Protected Species.

3(a) Agency Jurisdiction. The [Virginia Department of Game and Inland Fisheries \(DGIF\)](#), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state- or federally-listed endangered or threatened species, but excluding listed insects (Virginia Code, Title 29.1). DGIF is a consulting agency under the U.S.

Fish and Wildlife Coordination Act (16 U.S. Code §661 *et seq.*) and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce or compensate for those impacts. For more information, see the DGIF website at www.dgif.virginia.gov.

3(b) Agency Findings. DGIF has no significant concerns with the current operation of NAPS and as such, no concerns about the relicensing.

3(c) Recommendation. DGIF recommends Dominion continue to coordinate with staff regarding the management of the lake and associated ecosystems.

Contact DGIF, Amy Ewing at (804) 367-2211 or amy.ewing@dgif.virginia.gov for additional information.

4. Floodplain Management.

4(a) Agency Jurisdiction. The [DCR Division of Dam Safety and Floodplain Management \(DSFM\)](#) is the lead coordinating agency for the Commonwealth's floodplain management program and the National Flood Insurance Program (Executive Memorandum 2-97). Pursuant to §10.1-603 of the Virginia Code and in accordance with 44 CFR section 60.12 of the National Flood Insurance Program Regulations for Floodplain Management and Flood Hazard Identification, all construction or land-disturbing activities initiated by an agency of the Commonwealth, or by its contractor, in floodplains shall be submitted to the locality and comply with the locally adopted floodplain management ordinance.

4(b) National Flood Insurance Program. According to the DCR Floodplain Management Program staff, the National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (shaded Zone X).

All development within a Special Flood Hazard Area (SFHA) or floodplain, as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance. Projects conducted by federal agencies within the SFHA must comply with Executive Order 11988: Floodplain Management.

The NFIP defines development as "*any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging,*

filling, grading, paving, excavation or drilling operations or storage of equipment or materials.” (44 CFR 59.1).

The NFIP defines Special Flood Hazard Area (SFHA) as “the *land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V.*” (44 CFR 59.1).

4(c) Requirements. The DCR Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant must coordinate with the local floodplain administrator for an official floodplain determination. If the project is located in the SFHA, the project must comply with the locality’s floodplain ordinance and obtain a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality.

4(d) Recommendations. Use the Virginia Flood Risk Information System (VFRIS) to find flood zone information at www.dcr.virginia.gov/vfris. Local floodplain administrator contact information may be found on DCR’s Local Floodplain Management Directory at www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory.

5. Public Water Supply.

5(a) Agency Jurisdiction. [Virginia Department of Health \(VDH\) Office of Drinking Water \(ODW\)](#) reviews projects for the potential to impact public drinking water sources (groundwater wells, springs and surface water intakes). VDH administers both federal and state laws governing waterworks operation.

5(b) Agency Findings. The following public groundwater wells appear to be located within a 1 mile radius of the project site (wells within a 1,000-foot radius are formatted in **bold**):

PWS ID Number	City/County	System Name	Facility Name
2109600	LOUISA	NORTH ANNA POWER STATION	WELL 6
6177235	SPOTSYLVANIA	LAKE ANNA MARINA	WELL
6177245	SPOTSYLVANIA	ANNA CABANA_ THE	DRILLED WELL
2109600	LOUISA	NORTH ANNA POWER STATION	WELL 8
2109610	LOUISA	NORTH ANNA NUCLEAR INFORMATION CENTER	WELL
2109600	LOUISA	NORTH ANNA POWER STATION	WELL 7
6177417	SPOTSYLVANIA	STURGEON CREEK MARINA	WELL 1

There are no surface water intakes located within a 5-mile radius of the project site. The project is within the watershed of the following public surface water sources:

PWS ID Number	System Name	Facility Name
4085398	HANOVER SUBURBAN WATER SYSTEM	NORTH ANNA RWI

5(c) Recommendations. Best Management Practices should be employed on site, including erosion and sediment control and spill prevention controls and countermeasures (SPCCs). Wells within a 1,000-foot radius of a project should be field marked and protected from accidental damage during construction.

For additional information, contact VDH-ODW, Arlene Fields Warren at (804) 864-7781 or arlene.warren@vdh.virginia.gov.

Thank you for the opportunity to comment on the FCC submitted for the North Anna Power Station Units 1 and 2 Subsequent License Renewal in Louisa and Spotsylvania Counties. The detailed comments of reviewing agencies are attached for your review. Please contact me at (804) 698-4204 or John Fisher at (804) 698-4339 for clarification of these comments.

Sincerely,



Bettina Rayfield, Program Manager
Environmental Impact Review and Long-Range
Priorities

Enclosures

Ec: Amy Ewing, DGIF
Robbie Rhur, DCR
Arlene Fields Warren, VDH
Tony Watkinson, VMRC
Kristen Bachand, VMRC
Roger Kirchen, DHR
Keith Tignor, VDACS
Christian Goodwin, Louisa County
Ed Petrovitch, Spotsylvania County
Chip Boyles, TJPDC
Linda Millsap, GWRC
Oula Shehab-Dandan, Dominion Energy
Keith Miller, Dominion Energy

Fisher, John <john.fisher@deq.virginia.gov>

Re: FW: FW: NEW PROJECT NRC North Anna Power Station Units 1 & 2 License Renewal, DEQ #19-124F

1 message

Thompson, Tamera <tamera.thompson@deq.virginia.gov>

Thu, Oct 31, 2019 at 9:17 AM

To: "Fisher, John" <john.fisher@deq.virginia.gov>Cc: Ballou Thomas kbi57177 <thomas.ballou@deq.virginia.gov>, Kotur Narasimhan <kotur.narasimhan@deq.virginia.gov>

The information for air is out of date.

A new Article 5 State Operating Permit was issued on 6/13/2019. Dominion removed the boilers from the permit and now the permit only contains the requirements for the 4 emergency generator sets and one blackout generator.

Table E1 should be updated:

VDEQ CAA, 9 VAC 5-80-**800** through 9 VAC 5-80-**1040**

Stationary source permit to operate Registration number: 40726

Operating under **State Operating Permit**

Operation of **4 emergency diesel generator sets and a blackout generator**

Tamera Thompson
Manager, Office of Air Permit Programs
VA DEQ
[1111 E. Main Street](mailto:tamera.thompson@deq.virginia.gov)
[Richmond, VA 23219](mailto:tamera.thompson@deq.virginia.gov)
(804) 698-4502
tamera.thompson@deq.virginia.gov

On Thu, Oct 10, 2019 at 3:23 PM Fisher, John <john.fisher@deq.virginia.gov> wrote:

Tom:

See attached.

John

[John E. Fisher](mailto:john.fisher@deq.virginia.gov)
Virginia Department of Environmental Quality
Division of Environmental Enhancement
Office of Environmental Impact Review
1111 East Main Street, Suite 1400
Richmond, Virginia 23219
(804) 698-4339
john.fisher@deq.virginia.gov

[For program updates and public notices please subscribe to Constant Contact](#)

On Thu, Oct 10, 2019 at 3:02 PM Ballou, Thomas <thomas.ballou@deq.virginia.gov> wrote:

John - can you send us the documents that were sent to DEQ for review. Thanks.



MEMORANDUM

TO: John Fisher, DEQ/EIR Environmental Program Planner

FROM: Carlos A. Martinez, Division of Land Protection & Revitalization Review Coordinator

DATE: November 6, 2019

COPIES: Sanjay Thirunagari, Division of Land Protection & Revitalization Review Manager; file

SUBJECT: Environmental Impact Review: 19-124F North Anna Power Station Units 1 & 2 Subsequent License Renewal in Mineral, Virginia.

The Division of Land Protection & Revitalization (DLPR) has completed its review of the Nuclear Regulatory Commission's October 9, 2019 EIR for North Anna Power Station Units 1 & 2 Subsequent License Renewal in Mineral, Virginia.

Solid and hazardous waste issues were not addressed in the submittal. The submittal did not indicate that a search of Federal or State environmental databases was conducted. DLPR staff conducted a search of the project area of solid and hazardous waste databases (including petroleum releases) to identify waste sites in close proximity. DLPR search did not identify any waste sites which might impact license renewal.

Prior to any future development, DLPR staff recommends a search of project areas using the following solid and hazardous waste databases to identify waste sites (including petroleum releases) in close proximity to project areas:

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:
 - www.epa.gov/superfund/sites/cursites/index.htm
- DEQ Online Database: Virginia Environmental Geographic Information Systems

Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:

- www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx

GENERAL COMMENTS

Soil, Sediment, Groundwater, and Waste Management

Any soil, sediment or groundwater that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Part 107.

Asbestos and/or Lead-based Paint

All structures being demolished/renovated/removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-81-620 for ACM and 9VAC 20-60-261 for LBP must be followed. Questions may be directed to Graham Simmerman at the DEQ's Valley Regional Office at (540) 574-7800.

Pollution Prevention – Reuse - Recycling

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Carlos A. Martinez by phone at (804) 698-4575 or email carlos.martinez@deq.virginia.gov.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

MEMORANDUM

TO: John Fisher, DEQ Environmental Impact Review Coordinator

FROM: Daniel Moore, DEQ Principal Environmental Planner

DATE: October 10, 2019

SUBJECT: DEQ #19-124F: NRC – North Anna Power Station Units 1 & 2 Subsequent License Renewal: Louisa and Spotsylvania Counties, Virginia

We have reviewed the Federal Consistency Determination for the above-referenced project and offer the following comments regarding consistency with the provisions of the *Chesapeake Bay Preservation Area Designation and Management Regulations* (Regulations):

In Spotsylvania County, the areas protected by the Chesapeake Bay Preservation Act, as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as designated by the County. RPAs include tidal wetlands, certain non-tidal wetlands and tidal shores. RPAs also include a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow. All areas of the County not included in the RPA are designated as RMAs.

The North Anna Power Station (NAPS) is located on the south side of Lake Anna in Louisa County, between Hackney Creek to the north and Sedges Creek to the south. Based on review of the documents submitted, including Figure E-3 (NAPS Site Topography – p. 34) and Figure E-4 (NAPS Site Layout and In-Scope Transmission Lines – p. 35), the NAPS is located entirely in Louisa County. As Louisa County is not subject to the Chesapeake Bay Preservation Act, the DEQ Office of Local Government Assistance Programs has no comments regarding the proposed license renewal.

Fisher, John <john.fisher@deq.virginia.gov>

Re: NEW PROJECT NRC North Anna Power Station Units 1 & 2 License Renewal, DEQ #19-124F

1 message

Holland, Benjamin <benjamin.holland@deq.virginia.gov>
To: "Fisher, John" <john.fisher@deq.virginia.gov>

Thu, Oct 17, 2019 at 12:12 PM

John,

[Apologies, but I've got some late additional comments from our VPDES permitting folks for this proposal:](#)**Virginia Pollution Discharge Elimination System (VPDES) comments:**

Page 2 Proposed Action (last paragraph) - Dominion indicates that there are twelve external outfalls (seven industrial process water and five stormwater). The permit and fact sheet actually identify ten external outfalls with seven of them being industrial process water and three stormwater).

Page 2 Proposed Action (last paragraph) - Dominion indicates that there are sixteen internal outfalls. The permit and fact sheet actually identify eighteen internal outfalls which includes two stormwater outfalls that discharge to the Waste Heat Treatment Facility.

Page 2 Proposed Action (last paragraph) - Dominion provides a permit number of VA0052451-01. This is not the correct VPDES permit number for the facility. The correct VPDES permit number is VA0052451.

Page 3 Proposed Action (first paragraph) - Dominion defines WHTF as waste heat treat facility. All VPDES documentation (application for reissuance, permit, fact sheet) refers to this as the waste heat treatment facility.

Page 3 Proposed Action (second paragraph) - Dominion states that their chosen method of compliance for NAPS to meet the impingement mortality reduction standard is through Compliance Alternative 1. This is a factual statement. However, it should be noted that DEQ has not yet completed its evaluation of Dominion's 316(b) submittal to determine if this alternative results in the minimization of adverse environmental impacts.

Page 7 Fisheries Management - Finding (paragraph 3) - Dominion again sites the external / internal outfall statistics from page two.

Page 7 Fisheries Management - Finding (paragraph 4) - Dominion states that NAPS has met the impingement mortality reduction standard through Compliance Alternative 1. It should again be noted that DEQ has not yet completed its evaluation of Dominion's 316(b) submittal to determine if Compliance Alternative 1 results in the minimization of adverse environmental impacts.

Page 10 Point Source Pollution Control (paragraph 2) - Dominion again sites the external / internal outfall statistics from page two.

On Wed, Oct 16, 2019 at 9:40 AM Fisher, John <john.fisher@deq.virginia.gov> wrote:

Okay. We should attempt to provide project-specific comments on this one.

John E. Fisher
Virginia Department of Environmental Quality
Division of Environmental Enhancement
Office of Environmental Impact Review
1111 East Main Street, Suite 1400
Richmond, Virginia 23219
(804) 698-4339
john.fisher@deq.virginia.gov

For program updates and public notices please subscribe to [Constant Contact](#)

On Wed, Oct 16, 2019 at 8:29 AM Holland, Benjamin <benjamin.holland@deq.virginia.gov> wrote:

Follow-up late comments may be incoming from VPDES - I'll let you know.

On Thu, Oct 10, 2019 at 3:07 PM Holland, Benjamin <benjamin.holland@deq.virginia.gov> wrote:

[John - I've been told by our VWPP staff that that portion of the review process for this project should be handled out of Central Office. Otherwise, no comment from our programs beyond the boilerplate response.](#)



Fisher, John <john.fisher@deq.virginia.gov>

Re: NEW PROJECT NRC North Anna Power Station Units 1 & 2 License Renewal, DEQ #19-124F

1 message

Holland, Benjamin <benjamin.holland@deq.virginia.gov>
To: John Fisher <John.Fisher@deq.virginia.gov>

Thu, Oct 10, 2019 at 3:07 PM

John - I've been told by our VWPP staff that that portion of the review process for this project should be handled out of Central Office. Otherwise, no comment from our programs beyond the boilerplate response.

Northern Regional Office comments regarding the EIR for *North Anna Power Station Units 1 & 2 Subsequent License Renewal, DEQ #19-124F*, are as follows:

Land Protection Division – The project manager is reminded that if any solid or hazardous waste is generated/encountered during construction, the project manager would follow applicable federal, state, and local regulations for their disposal.

Air Compliance/Permitting - The project manager is reminded that during the construction phases that occur with this project; the project is subject to the Fugitive Dust/Fugitive Emissions Rule 9 VAC 5-50-60 through 9 VAC 5-50-120. In addition, should any open burning or use of special incineration devices be employed in the disposal of land clearing debris during demolition and construction, the operation would be subject to the Open Burning Regulation 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100.

Virginia Water Protection Permit (VWPP) Program – The project manager is reminded that a VWP permit from DEQ may be required should impacts to surface waters be necessary. DEQ VWP staff recommends that the avoidance and minimization of surface water impacts to the maximum extent practicable as well as coordination with the US Army Corps of Engineers. Upon receipt of a Joint Permit Application for the proposed surface water impacts, DEQ VWP Permit staff will review the proposed project in accordance with the VWP permit program regulations and current VWP permit program guidance. VWPP staff reserve the right to provide comment upon receipt of a permit application requesting authorization to impact state surface waters, and at such time that a wetland delineation has been conducted and associated jurisdiction determination made by the U.S. Army Corps of Engineers.

Erosion and Sediment Control and Storm Water Management: DEQ has regulatory authority for the Virginia Pollutant Discharge Elimination System (VPDES) programs related to municipal separate storm sewer systems (MS4s) and construction activities. Erosion and sediment control measures are addressed in local ordinances and State regulations. Additional information is available at <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement.aspx>. Non-point source pollution resulting from this project should be minimized by using effective erosion and sediment control practices and structures. Consideration should also be given to using permeable paving for parking areas and walkways where appropriate, and denuded areas should be promptly revegetated following construction work. If the total land disturbance exceeds 10,000 square feet, an erosion and sediment control plan will be required. Some localities also require an E&S plan for disturbances less than 10,000 square feet. A stormwater management plan may also be required. For any land disturbing activities equal to one acre or more, you are required to apply for coverage under the VPDES General Permit for Discharges of Storm Water from Construction Activities. The Virginia Stormwater Management Permit Authority may be DEQ or the locality.

On Wed, Oct 9, 2019 at 11:19 AM Fulcher, Valerie <valerie.fulcher@deq.virginia.gov> wrote:

Good morning - this is a new OEIR review request/project:



Fisher, John <john.fisher@deq.virginia.gov>

Re: NEW PROJECT NRC North Anna Power Station Units 1 & 2 License Renewal, DEQ #19-124F

1 message

Gavan, Lawrence <larry.gavan@deq.virginia.gov>
To: "Fisher, John" <john.fisher@deq.virginia.gov>

Wed, Oct 9, 2019 at 1:42 PM

(a) Agency Jurisdiction. The DEQ administers the nonpoint source pollution control enforceable policy of the VCP through the *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)* and *Virginia Stormwater Management Law and Regulations (VSWML&R)*.

(b) Erosion and Sediment Control Plan. The Applicant is responsible for submitting a project-specific erosion and sediment control (ESC) plan to the locality in which the project is located for review and approval pursuant to the local ESC requirements, if the project involves a land-disturbing activity of 10,000 square feet or more (2,500 square feet or more in a Chesapeake Bay Preservation Area). Depending on local requirements the area of land disturbance requiring an ESC plan may be less. The ESC plan must be approved by the locality prior to any land-disturbing activity at the project site. All regulated land-disturbing activities associated with the project, including on and off site access roads, staging areas, borrow areas, stockpiles, and soil intentionally transported from the project must be covered by the project specific ESC plan. Local ESC program requirements must be requested through the locality. [Reference: *Virginia Erosion and Sediment Control Law* §62.1-44.15 et seq.; *Virginia Erosion and Sediment Control Regulations* 9VAC25-840-10 et seq.]

(c) Stormwater Management Plan. Depending on local requirements, a Stormwater Management (SWM) plan may be required. Local SWM program requirements must be requested through the locality. [Reference: *Virginia Stormwater Management Act* §62.1-44.15 et seq.; *Virginia Stormwater Management (VSMP) Permit Regulations* 9VAC25-870-10 et seq.]

(d) General Permit for Stormwater Discharges from Construction Activities (VAR10). DEQ is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program.

The operator or owner of a construction project involving land-disturbing activities equal to or greater than 1 acre is required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP). The SWPPP must be prepared prior to submission of the registration statement for coverage under the General Permit and the SWPPP must address water quality and quantity in accordance with the *VSMP Permit Regulations*. General information and registration forms for the General Permit are available at <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx> (Reference: VSWML 62.1-44.15 et seq.; VSMP Permit Regulations 9VAC 25-880 et seq.)

On Wed, Oct 9, 2019 at 11:19 AM Fulcher, Valerie <valerie.fulcher@deq.virginia.gov> wrote:

Good morning - this is a new OEIR review request/project:



Fisher, John <john.fisher@deq.virginia.gov>

Re: NEW PROJECT NRC North Anna Power Station Units 1 & 2 License Renewal, DEQ #19-124F

1 message

Henicheck, Michelle <michelle.henicheck@deq.virginia.gov>
To: "Fisher, John" <john.fisher@deq.virginia.gov>

Tue, Oct 15, 2019 at 11:59 AM

Hey John,

I don't have any comments for this project however, I have forwarded the information to the other water programs and Scott Kudlas's group will have comments. I have told the water programs to send their comments to you directly.

[Michelle Henicheck, PWS](#)
[Senior Wetland Ecologist](#)
[Virginia Department of Environmental Quality](#)

Phone: 804.698.4007

Email: michelle.henicheck@deq.virginia.gov[New Location:](#)

1111 East Main Street, Suite 1400
Richmond, Virginia 23219

On Thu, Oct 10, 2019 at 3:34 PM Fisher, John <john.fisher@deq.virginia.gov> wrote:

Michelle:

The DEQ Northern Regional Office staff tells me that the North Anna Power Station is under the Central Office's jurisdiction with respect to VWPP. See the request for comments below on the license renewals for Units 1 and 2 at NAPS.

John

[John E. Fisher](#)
[Virginia Department of Environmental Quality](#)
[Division of Environmental Enhancement](#)
[Office of Environmental Impact Review](#)
1111 East Main Street, Suite 1400
Richmond, Virginia 23219
(804) 698-4339
john.fisher@deq.virginia.gov

For program updates and public notices please subscribe to [Constant Contact](#)

----- Forwarded message -----

From: **Fulcher, Valerie** <valerie.fulcher@deq.virginia.gov>

Date: Wed, Oct 9, 2019 at 11:19 AM

Subject: NEW PROJECT NRC North Anna Power Station Units 1 & 2 License Renewal, DEQ #19-124F

To: rr dgif-ESS Projects <essprojects@dgif.virginia.gov>, Keith Tignor <keith.tignor@vdacs.virginia.gov>, Roberta Rhur <robbie.rhur@dcr.virginia.gov>, odwreview (VDH) <odwreview@vdh.virginia.gov>, Carlos Martinez <carlos.martinez@deq.virginia.gov>, Kotur Narasimhan <kotur.narasimhan@deq.virginia.gov>, Michelle Henicheck <michelle.henicheck@deq.virginia.gov>, Lawrence Gavan <larry.gavan@deq.virginia.gov>, Daniel Moore <daniel.moore@deq.virginia.gov>, Benjamin Holland <benjamin.holland@deq.virginia.gov>, Roger Kirchen <roger.kirchen@thr.virginia.gov>, Anthony Watkinson <tony.watkinson@mrc.virginia.gov>, <cboyles@tjpd.org>,

ESSLog# 39998_19-124F_NAPSrelicensing1&2_DGIF_AME20191120

1 message

Ewing, Amy <amy.ewing@dgif.virginia.gov>
To: John Fisher <john.fisher@deq.virginia.gov>

Wed, Nov 20, 2019 at 5:08 PM

John,
I know these comments are very late, but I did want to get something to you about the relicensing of Units 1 and 2 and North Anna Power Station. We have no significant concerns with the current operation of the station with these two units and as such no concerns about relicensing them. We recommend continued coordination with us regarding management of the lake and associated ecosystems. We recommend use of the Best Technology Available to minimize impingement and entrainment of aquatic species at their water intakes.

Assuming no significant modification of current operations, we find this reissuance consistent with the Fisheries Enforceable Policies of the CZMA.

Thanks, Amy

**Amy Ewing**

*Environmental Services Biologist
Manager, Fish and Wildlife Information Services*

P 804.367.2211

Virginia Department of Game & Inland Fisheries

CONSERVE. CONNECT. PROTECT.

A 7870 Villa Park Drive, P.O. Box 90778, Henrico, VA 23228

www.dgif.virginia.gov



Fisher, John <john.fisher@deq.virginia.gov>

Re: NEW PROJECT NRC North Anna Power Station Units 1 & 2 License Renewal, DEQ #19-124F

1 message

Warren, Arlene <arlene.warren@vdh.virginia.gov>
To: John Fisher <john.fisher@deq.virginia.gov>

Mon, Nov 4, 2019 at 12:26 PM

Project Name: North Anna Power Station Units 1 & 2 Subsequent License Renewal

Project #: 19-124 F

UPC #: N/A

Location: **Louisa County, Spotsylvania County**

VDH – Office of Drinking Water has reviewed the above project. Below are our comments as they relate to proximity to **public drinking water sources** (groundwater wells, springs and surface water intakes). Potential impacts to public water distribution systems or sanitary sewage collection systems **must be verified by the local utility**.

The following public groundwater wells appear to be located within a 1 mile radius of the project site (wells within a 1,000-foot radius are formatted in **bold**):

PWS ID Number	City/County	System Name	Facility Name
2109600	LOUISA	NORTH ANNA POWER STATION	WELL 6
6177235	SPOTSYLVANIA	LAKE ANNA MARINA	WELL
6177245	SPOTSYLVANIA	ANNA CABANA_ THE	DRILLED WELL
2109600	LOUISA	NORTH ANNA POWER STATION	WELL 8
2109610	LOUISA	NORTH ANNA NUCLEAR INFORMATION CENTER	WELL
2109600	LOUISA	NORTH ANNA POWER STATION	WELL 7
6177417	SPOTSYLVANIA	STURGEON CREEK MARINA	WELL 1

There are no surface water intakes located within a 5-mile radius of the project site.

The project is within the watershed of the following public surface water sources:

PWS ID Number	System Name	Facility Name
4085398	HANOVER SUBURBAN WATER SYSTEM	NORTH ANNA RWI

- **Comments from Radiological Health, Mr. Steven Harrison, Director** were “The Office of Radiological Health does not have any comments or questions on the proposed North Anna Power Station Units 1 & 2 Subsequent License Renewal as it relates to the Coastal Zone Management Act Consistency Certification that was submitted for the project. “
- **No comments were received from our Culpeper Field Director, Mark Perry.**
- **No comments were received from OEHS. Lance Gregory.**

Best Management Practices should be employed, including Erosion & Sedimentation Controls and Spill Prevention Controls & Countermeasures on the project site.

Well(s) within a 1,000-foot radius from the project site should be field marked and protected from accidental damage during construction.

The Virginia Department of Health – Office of Drinking Water appreciates the opportunity to provide comments. If you have any questions, please let me know.

Best Regards,

Arlene Fields Warren

GIS Program Support Technician

Office of Drinking Water

Virginia Department of Health

109 Governor Street

Richmond, VA 23219

(804) 864-7781

On Wed, Oct 9, 2019 at 11:19 AM Fulcher, Valerie <valerie.fulcher@deq.virginia.gov> wrote:

Good morning - this is a new OEIR review request/project:

Document Type: Federal Consistency Certification

Project Sponsor: Nuclear Regulatory Commission

Project Title: North Anna Power Station Units 1 & 2 Subsequent License Renewal

Location: Louisa County, Spotsylvania County

Project Number: DEQ #19-124F

The document is attached.

The due date for comments is NOVEMBER 4, 2019. You can send your comments either directly to JOHN FISHER by email (John.Fisher@deq.virginia.gov), or you can send your comments by regular interagency/U.S. mail to the Department of Environmental Quality, Office of Environmental Impact Review, 1111 East Main St., Richmond, VA 23219.

If you cannot meet the deadline, please notify the project coordinator prior to the comment due date. Arrangements may be made to extend the deadline for comments if possible. An agency will be considered to have no concerns if comments are not received (or contact is made) within the review period. However, it is important that agencies consistently participate in accordance with Virginia Code Section 10.1-1192.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been previously reviewed (e.g. as a draft EIS or a Part 1 EIR), please consider whether your earlier comments have been adequately addressed.**



COMMONWEALTH of VIRGINIA

Marine Resources Commission
380 Fenwick Road
Bldg 96
Fort Monroe, VA 23651-1064

Matthew J. Strickler
Secretary of Natural Resources

Steven G. Bowman
Commissioner

November 5, 2019

Department of Environmental Quality
Attn: John Fisher
Office of Environmental Impact Review
1111 East Main St.
Richmond, VA 23219

Re: Federal Consistency Certification
North Anna Power Station Units 1 & 2 Subsequent
License Renewal
DEQ #19-124F

Dear Mr. Fisher:

This will respond to the request for comments regarding the Federal Consistency Certification for the North Anna Power Station Units 1 & 2 Subsequent License Renewal project (DEQ #19-124F), prepared by U.S. Nuclear Regulatory Commission, on behalf of North Anna Power Station. Specifically, the North Anna Power Station has proposed to renew its operating licenses for its two nuclear generating units for an additional 20 years. The project is located in Louisa and Spotsylvania Counties, Virginia.

Since there is no new work proposed over State-owned submerged land, the Virginia Marine Resources Commission (VMRC) has no objections to the renewal of the North Anna Power Station operating licenses.

Please be advised that the VMRC pursuant to Chapter 12, 13, & 14 of Title 28.2 of the Code of Virginia administers permits required for submerged lands, tidal wetlands, and beaches and dunes. The VMRC administers the enforceable policies of fisheries management, subaqueous lands, tidal wetlands, and coastal primary sand dunes and beaches which comprise some of Virginia's Coastal Zone Management Program. VMRC staff has reviewed the submittal and offers the following comments:

Fisheries and Shellfish: Recommend the implementation of any best available technology conditions, established by DEQ, be followed to minimize the impacts of impingement and entrainment of fish eggs and larvae.

State-owned Submerged Lands: No impacts anticipated.

Tidal Wetlands: None in close proximity to the project area.

Beaches and Coastal Primary Sand Dunes: None in close proximity to the project area.

An Agency of the Natural Resources Secretariat
www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

Department of Environmental Quality
November 5, 2019
Page Two

As such, this project has no foreseeable impacts on the VMRC's enforceable policies. As proposed, we have no objection to the consistency findings provided by the applicant. Should the proposed project change, a new review by this agency may be required relative to these jurisdictional areas.

If you have any questions please contact me at (757) 247-2251 or by email at randy.owen@mrc.virginia.gov. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'Randy Owen' written in a cursive style.

Randy Owen
Deputy Chief, Habitat Management Division

RDO/keb
HM

Matthew J. Strickler
Secretary of Natural Resources

Clyde E. Cristman
Director



Rochelle Altholz
Deputy Director of
Administration and Finance

Russell W. Baxter
Deputy Director of
Dam Safety & Floodplain
Management and Soil & Water
Conservation

Thomas L. Smith
Deputy Director of Operations

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

MEMORANDUM

DATE: November 4, 2019
TO: John Fisher, DEQ
FROM: Roberta Rhur, Environmental Impact Review Coordinator
SUBJECT: DEQ 19-124F, North Anna Power Station Units 1 & 2 Subsequent License Renewal

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100 foot buffer. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. In addition, the project boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Ernie Aschenbach at 804-367-2733 or Ernie.Aschenbach@dgif.virginia.gov.

Division of Dam Safety and Floodplain Management

Floodplain Management Program:

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (shaded X Zone).

All development within a Special Flood Hazard Area (SFHA) or floodplain, as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance. As per Executive Memorandum 2-97, development in a floodplain by an agency of the Commonwealth, or by its contractor, shall comply with the locally adopted floodplain management ordinance. Additionally, new state-owned buildings shall not be constructed in the SFHA unless a variance is granted by the Department of General Services. Projects conducted by federal agencies within the SFHA must comply with Executive Order 11988: Floodplain Management.

The NFIP defines development as *“any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.”* (44 CFR 59.1)

The NFIP defines Special Flood Hazard Area (SFHA) as *“the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FFBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, AI-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or VI-30, VE, or V.”* (44 CFR 59.1)

DCR's Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant/developer must contact the local floodplain administrator for an official floodplain determination, and if the project is located in the SFHA, this project must comply with the community's local floodplain ordinance, including receiving a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality. For state projects, DCR recommends that compliance documentation be provided prior to the project being funded. For federal projects, the applicant/developer is encouraged reach out to the local floodplain administrator and comply with the community's local floodplain ordinance.

To find flood zone information, use the Virginia Flood Risk Information System (VFRIS):

www.dcr.virginia.gov/vfris

To find local floodplain administrator contact information, use DCR's Local Floodplain Management Directory:

www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.