



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: July 9, 1997
TO: DIVISION OF RECORDS AND REPORTING (BAYO)
FROM: DIVISION OF ELECTRIC AND GAS (FUTRELL) *MF TR as*
RE: DOCKET NO. 960111-EU *JDJ*

Please accept the attached letter with attachments from the Florida Department of Environmental Protection (DEP) as the DEP's written comments on the proposed Ten-Year Site Plan Rules (Docket No. 960111-EU). On July 8, 1997, I spoke with Mr. Hamilton S. Oven of the DEP, who requested that the letter with attachment dated June 24, 1997 should be filed as DEP's written comments on the proposed rules.

If you have any questions, please contact me.

MF:kt

cc: Joseph Jenkins
 Robert Trapp
 Roland Floyd
 Tom Ballinger
 Chris Moore, Division of Appeals
 Mr. Hamilton S. Oven, Department of Environmental Protection

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FPSC-RECORDS/REPORTING



Department of Environmental Protection

Lawton Chiles
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Virginia B. Wetherell
Secretary

June 24, 1997

Mr. Mark Futrell
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



Dear Mr. Futrell:

SUBJECT: Ten-year Site Plan (TYSP) rule

A meeting was held on June 16, 1997 with representatives of the Water Management Districts, Regional Planning Councils, the Department of Community Affairs, the electric utilities via an FCG committee, and the Department attending. The purpose was to seek common ground with respect to problems with the environmental/land use language of the currently proposed form part of the rule. It turned out that there were several background items that hindered arriving at final, mutually acceptable language. These include:

1. The bidding rule adopted several years ago affects a utilities ability to plan and change plans in response to the agencies' comments.
2. The TYSP process as it stands is no longer as useful as it was in its early years for the major utilities, as they have begun to do much more pre-application review and planning work with us. However, small generators often do not have much expertise in this area and need more guidance. However, they do not necessarily seek assistance under a pre-application framework and are exempt from the TYSP process.
3. Changes in legislation and review activities under other planning and resource management laws have evolved enough since the original TYSP concept was initiated in 1973 that the "environmental/land use" parts of the TYSP statute no longer meshes well with these other laws.

The meeting group agreed that to address some of the problems above, we needed to:

- seek further meetings with PSC staff to discuss the bidding rule versus the planning process.
- discuss the possibility of a legislative change to the environmental/land use parts of the TYSP statute.
- seek better ways to bring the small generators into the pre-application planning and review process.

Other points discussed include:

- It appears that the "potential" sites requirements can probably be dropped, although we would still want to do some fine-tuning on the "preferred" site language. Drafting efforts are underway.
- Some changes to the rule text itself would be beneficial.

Based in this, we would like to suggest holding off on rule adoption a while longer until we can meet with you. A workshop-style framework is not necessary, more an education exchange, so that the affected parties can arrive at a consensus document.

Thank you for your time and patience. A copy of suggested language from DEP is attached.

Sincerely,



Hamilton S. Oven, P.E.
Administrator, Siting
Coordination Office

Attach:

cc: Working Group
Chris Moore, PSC

Environmental and Land Use Information

1. The following information on potential sites for each new generating facility identified in the requirements forecast shall be provided ~~if the utility has obtained a price for the site either through purchase, option, or other means:~~

a. ~~If the utility has obtained a price for the site either through purchase, option, or other means.~~ **A** United States Geological Survey Map at a scale of 1 inch:24,000 feet showing the general location of the potential site. ~~If the utility has not obtained a price for the site either through purchase, option, or other means, the utility shall indicate the county in which the site is located or show the general location on a regional planning council map.~~

b. ~~If the utility has obtained a price for the site either through purchase, option, or other means.~~ **A** description of the existing land use(s) of the site and adjacent area.

c. ~~If the utility has obtained a price for the site either through purchase, option, or other means.~~ **A** description of the general environmental features in the vicinity of the site (i.e. wetlands, uplands, water bodies and other unique features, etc.). ~~If the utility has not obtained a price for the site either through purchase, option, or other means, the utility shall provide a brief discussion indicating the proximity of the site to any Class I air quality areas, Outstanding Florida Waters, or State Owned lands.~~

d. A description of projected quantities of water needed for the following uses:

1. Industrial processing;
2. Industrial cooling
3. Other uses (such as domestic, irrigation, other potable or non-potable uses).

e. A description of potential water supply sources by type (including ground, surface, reclaimed wastewater, other) for each of the above uses.

2. The following information on each identified preferred site for each required facility shall be fully provided if the utility has obtained a price for the site either through purchase, option, or other means. These sites shall be fully disclosed in the ten-year site plan as soon as all parcels of land making up the site have either been purchased by, or are under option to purchase by, the utility or are the subject of condemnation proceedings. If ownership or control of the majority of the site has not been obtained, general information for paragraphs 2.a through 2.d. shall be provided, but all of the requested information in paragraphs 2.e through 2.g. shall be provided regardless of the status of ownership.

Land and Environmental Features

a. A United States Geological Survey map of a scale of 1 inch:24,000 feet showing the general location of the preferred site site by Section(s), Township(s) and Range(s) unless portions of the site have been purchased or the utility has an option to purchase in which case the property boundary shall be delineated. If the utility has not obtained ownership or control of the majority of the site, then the site shall be generally indicated on a DOT County Map.

b. A map showing the general layout of the proposed facilities on the preferred site. If the utility has not obtained ownership or control of the majority of the site, then a typical facility layout shall be generally indicated.

c. A map of the preferred site and adjacent areas in the vicinity of the preferred site, showing Level III, (or if Level III is not available, then Level II), Florida Land Use and Cover Classification System (FLUUCS) data. If the utility has not obtained ownership or control of the majority of the site, then Level II FLUUCS data for the site area shall be generally described.

d. A description of the existing land use(s) of the preferred site and adjacent areas. If the utility has not obtained ownership or control of the majority of the site, then the existing land uses surrounding the site shall be generally described.

e. A description of the general environmental features on and in the vicinity of the site (i.e., wetlands, uplands, water bodies, other unique features, etc.) including the following:

1) A description of the natural environment, including the types and acreage's of the wetland systems, upland systems, water bodies, etc.;

2) A description of all known state and federally listed wildlife and plant species listed as threatened, endangered, or species of special concern;

3) A statement indicating whether all or portions of the preferred site have been designated by the applicable regional planning council(s) as a natural resource of regional significance in their Strategic regional Policy Plan(s);

4) A description of any other significant feature on the preferred site.

f. A description of the design features and mitigation options being considered for in the development of the preferred site.

g. A description of local government future land use designations for the site and adjacent areas.

h. A description of the criteria used in the site selection process and the conclusions that resulted in the selection of the preferred site over the other potential sites, including consideration of existing or proposed utility and other linear corridors.

Water Supply

i. A general description of the existing ground and surface water resources of the preferred site and adjacent areas, including a description of any water resource caution areas identified by the applicable water management district(s).

j. A description of the geological features of the preferred site and adjacent areas.

k. A description of projected quantities of water needed for the following uses:

1) Industrial processing.

2) Industrial cooling.

3) Other uses (such as domestic, irrigation, other potable or non-potable uses).

l. A description of potential water supply sources by type (including ground, surface, reclaimed wastewater, other) for each of the uses listed in subsection k. To the extent known, identify the aquifers or surface water bodies being considered.

m. A general description of the available water conservation strategies that are being considered in the project design to minimize water demands, including a description of how they may influence the selection and design of the facility's cooling and processing methodologies.

n. A description of potential thermal, industrial, point, and non-point discharges and the applicable pollution control systems that are being considered in the project design to avoid or minimize the adverse impacts of the proposed facility.

o. A description of any proposed fuel delivery and storage and solid and liquid waste

disposal facilities and the applicable design features and pollution control systems that are being considered to avoid or minimize adverse impacts to ground and surface water resources.

Air and Noise Emissions

p. Estimates of air emissions and a description of potential control systems that are being considered (or used) in the project design to avoid or minimize the adverse impacts of the proposed facility.

q. Estimates of noise emissions and a description of potential control systems that are being considered (or used) in the project design to avoid or minimize the adverse impacts of the proposed facility.

3. Provide the status of the application for certification of the preferred site with the Department of Environmental Protection: certified, certification pending, or certification denied.