

FEDERAL CONSISTENCY PUBLIC HEARING

NORTH ANNA POWER STATION COMBINED LICENSE
APPLICATION TO THE NUCLEAR REGULATORY
COMMISSION AND CLEAN WATER ACT PERMITS FROM
THE U.S. ARMY CORPS OF ENGINEERS

March 3, 2011

6:30 p.m. - 7:18 p.m.

Louisa County Middle School
1009 Davis Highway
Mineral, Virginia 23117

Job No. 15204

REPORTED BY: Kimberly L. Krett

1 APPEARANCES:

2

3 DEPARTMENT OF ENVIRONMENTAL QUALITY

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8 BY: RICHARD F. WEEKS, JR.

9 Chief Deputy

10

11 APPEARANCES LISTED ON SIGN-IN SHEET:

12

13 Bob Bisha, Dominion

14 Burton M. Marshall, Dominion Retiree

15 Harry and Carol Ruth, Friends of Lake Anna

16 Lynn Crump, Dept. of Conservation & Recreation

17 Steve Pietryk, Dominion

18 Marjorie Howren, Dominion

19 Jack Manzari, Louisa County Chamber of Commerce

20 Irene Luck, The Central Virginian Newspaper

21 Richard Zuercher, Dominion

22 John Carroll, Lake Anna Chamber of Commerce

23 George Lear

24 Walt Michalski

25

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1 (March 3, 2011, 6:31 p.m.)

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P R O C E E D I N G S

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6

MR. WEEKS: Good evening. Why don't
7 we go ahead and get started. My name is
8 Rick Weeks, I'm with the Department of
9 Environmental Quality, and I'll be
10 conducting the hearing tonight. I'm going
11 to first read a formal statement for the
12 record before we start.

13

Good afternoon. It is now 6:30 on
14 Thursday, March 3, 2011. I'm calling this
15 public hearing to order. My name is Rick
16 Weeks, the Chief Deputy for the Department
17 of Environmental Quality. Now I'm going
18 to serve as the hearing officer this
19 evening.

20

DEQ is responsible for coordinating
21 Federal Consistency reviews and responding
22 on behalf of the Commonwealth to the
23 appropriate federal agencies.

24

Under the Federal Consistency
25 provision of the Coastal Zone Management

1 Act of 1972, federally licensed or
2 permitted activities affecting coastal
3 uses or resources must be conducted in a
4 manner consistent with applicable policies
5 of the Virginia Coastal Program.

6 Accordingly, DEQ is currently
7 coordinating the Commonwealth's review of
8 this license application to the Nuclear
9 Regulatory Commission.

10 This public hearing is being held at
11 the Louisa County Middle School, and is
12 allowed under the public participation
13 requirements of the Coastal Zone
14 Management Act.

15 As provided by the act, the
16 Department of Environmental Quality is
17 holding this hearing to receive comments
18 from the public on the Federal Consistency
19 Certification submitted by Virginia
20 Electric Power Company d/b/a Dominion
21 Virginia Power, hereinafter referred to as
22 Dominion, pertaining to its combined
23 construction and operating license
24 application to the Nuclear Regulatory
25 Commission for construction and operation

1 of a proposed new nuclear unit, Unit 3, at
2 its North Anna Power Station in Louisa
3 County.

4 This project also requires issuance
5 of permits by the U.S. Corps of Engineers
6 under Section 404 of the Clean Water Act
7 and Section 10 of the Rivers and Harbors
8 Act.

9 Notice of this hearing was published
10 on the Department of Environmental
11 Quality's Web site on January 21st, 2011;
12 in the Richmond Times Dispatch on January
13 30th, 2011, and February 20th, 2011; in
14 the Central Virginian on February 3, 2011,
15 and February 17, 2011; and in the
16 Fredericksburg Freelance Star on January
17 30th, 2011, and February 20th, 2011.

18 The Commonwealth of Virginia will
19 ultimately decide whether to concur,
20 concur with conditions, or object to
21 Dominion's Federal Consistency
22 Certification concerning its combined
23 construction operating license application
24 to the Nuclear Regulatory Commission, and
25 permit applications to the Corps of

1 Engineers.

2 The focus of tonight's hearing and
3 the Federal Consistency Certification is
4 whether the construction and operation of
5 Unit 3 as currently proposed by Dominion,
6 using a U.S. advanced pressurized water
7 reactor, is consistent with the enforceful
8 policies of the Virginia Coastal Program.

9 We're asking for your comments on
10 whether, and to what extent, the proposed
11 project will affect the coastal resources
12 or coastal uses in the Virginia coastal
13 area. That includes in this case
14 Spotsylvania County and North Anna River
15 and all points downstream, including
16 Hanover County, King William County,
17 Carolyn County.

18 Our displays in the hallway describe
19 the Federal Consistency Review process and
20 its application to the proposed project in
21 greater detail. DEQ staff are also
22 present at the display areas in the
23 hallway outside to answer any questions
24 about the review process.

25 DEQ and other agencies administering

1 the enforceable advisory policies of the
2 coastal program are available to answer
3 questions pertaining to the resources
4 under their jurisdiction. In addition,
5 Dominion staff can provide further details
6 on the application to construct and
7 operate Unit 3.

8 During this proceeding, your oral
9 comments pertaining to the consistency of
10 this proposal are welcome. In addition,
11 DEQ will accept written comments from the
12 public by e-mail, by fax or postal mail.
13 All comments must include the name,
14 address and telephone number of the person
15 commenting, and be received by DEQ within
16 the comment period, which will conclude on
17 March 18, 2011. Send all written comments
18 to Ms. Ellie Irons, Department of
19 Environmental Quality, Office of
20 Environmental Impact Review, 629 East Main
21 Street, Richmond, Virginia 23219. Her
22 e-mail is ellie.irons@deq.virginia.gov.
23 This information is also found in the
24 handouts that are out in the hallway.

25 When you entered this evening, you

1 were asked to register if you wished to
2 testify. If you registered to speak and
3 now wish to donate your time to another
4 person, you have that option. We've got
5 so few people speaking tonight, I don't
6 think we have to worry too much about
7 that.

8 And the time limit will be 10 minutes
9 for individuals, and 15 if you're
10 representing an organization. And we'll
11 make every effort to make sure that
12 everyone waiting to testify has an
13 opportunity to be heard. And it's covered
14 by agreement with the school board that
15 they'd like us out of here by 10 o'clock
16 tonight. It doesn't look like that will
17 be a problem for us.

18 When you come up to the microphone,
19 please clearly state your name and
20 affiliation so they can be transcribed.
21 And if anyone wishes to submit written
22 comments, you can just hand them to me
23 here.

24 And then we'll go ahead and start.
25 I'm just going to take folks in the order

1 that they signed up tonight. The first
2 speaker is Bob Bisha with Dominion Power.

3 - - -

4 STATEMENT OF

5 BOB BISHA

6 - - -

7 MR. BISHA: Thank you, Mr. Weeks. My
8 name is Bob Bisha, with Dominion. Good
9 evening. I'm Director of Environmental
10 Business Support for Dominion. I'd like
11 to thank the Commonwealth for holding this
12 public hearing concerning the supplemental
13 Federal Consistency Certification.

14 Dominion is considering constructing
15 Unit 3 at North Anna Power Station to
16 reduce the Commonwealth's electricity
17 shortfall in a responsible manner.

18 The approval process for a project
19 like Unit 3 is long, and involves many
20 permits and authorizations, and can often
21 be confusing to the public. For example,
22 Dominion has submitted three applications
23 for Virginia Water Protection Permits to
24 supplement the Unit 3 -- to support the
25 Unit 3 project, one for wetland and stream

1 impacts, one for a minor water withdrawal
2 for construction, and one for a major
3 water withdrawal for the operation of
4 Unit 3.

5 Public hearings were recently held to
6 receive comments on the draft permits for
7 wetlands and stream impacts and the minor
8 water withdrawal.

9 Dominion anticipates an additional
10 public hearing will be held in 2011 for
11 the operational water withdrawal.

12 Consequently, Dominion has worked
13 diligently for many years to ensure the
14 stakeholders are informed of project
15 activities and avenues for participation
16 in the various permitting processes.

17 One of the posters that we have
18 provided for tonight's session describe
19 the various environmental permits that we
20 will be required to obtain in order to
21 build and operate a potential Unit 3.

22 I encourage you to review this
23 information and discuss with Dominion
24 and/or the DEQ staff any question you
25 might have about the Unit 3 certification.

1 In September of 2010, Dominion
2 submitted our supplemental Consistency
3 Certification that the construction and
4 operation of Unit 3 will be performed in a
5 manner that is consistent with Virginia's
6 coastal program. And we have asked for
7 the Commonwealth's concurrence with this
8 Consistency Certification.

9 It is important to note that a
10 decision of concurrence will allow
11 Dominion to continue to pursue necessary
12 federal permits; however, DEQ's
13 concurrence itself will not result in a
14 permit or approval for Dominion to
15 construct or operate Unit 3.

16 The consistency certification that is
17 the subject of tonight's hearing is
18 actually the second such certification
19 Dominion has provided for the Unit 3
20 project.

21 In 2006, DEQ issued a concurrence
22 with Dominion's first Consistency
23 Certification that was made in support of
24 an Early Site Permit from the Nuclear
25 Regulatory Commission for Unit 3.

1 The Unit 3 project activities
2 addressed in the first certification,
3 including preparation of the site for
4 construction of the new unit, cooling
5 tower intake structure and associated
6 infrastructure, as well as the wastewater
7 discharges and air emissions.

8 DEQ conditioned their concurrence on
9 two items: One, that Dominion receive all
10 required permits and approvals applicable
11 to the coastal program, and two, that
12 Dominion conduct a study known as an
13 Instream Flow Incremental Methodology, or
14 IFIM study, to evaluate how Unit 3 could
15 impact fish and other aquatic resources.

16 Over several years, Dominion worked
17 with resource agencies on the development
18 and implementation of the IFIM study. The
19 study evaluated how Unit 3 could impact
20 habitat for fish and other organisms, and
21 impact recreation on the North Anna and
22 Pamunkey Rivers.

23 The study also evaluated potential
24 impacts of a lake level rise on wetlands,
25 boat docks and boat ramps in Lake Anna.

1 Significant opportunity for public
2 input was provided, and the results were
3 reviewed and commented on by a range of
4 stakeholders, including government
5 agencies, nongovernment organizations and
6 the public.

7 As a result of the study and comments
8 received, Dominion committed to the
9 following three actions should Unit 3
10 become operational: One, to raise the
11 normal level of the lake by 3 inches, two,
12 to provide recreational flows to the North
13 Anna River during the June and July
14 weekends, and three, to provide funds to
15 enhance aquatic habitats in the North Anna
16 and Pamunkey Rivers.

17 The Commonwealth's resource agencies
18 confirmed that the IFIM study satisfies
19 the conditions of the 2006 concurrence.

20 The pending certification is a
21 supplement to Dominion's Early Site Permit
22 Certification and DEQ's subsequent 2006
23 concurrence, and incorporates the results
24 of the IFIM study. It specifically
25 addresses additional project components

1 that were not considered during the
2 earlier process.

3 The new project activities that are
4 included in the current supplemental
5 certification include the 3-inch lake
6 level rise, construction to allow
7 operations of Units 1 and 2 throughout
8 construction of Unit 3, use of adjacent
9 property for construction support, the
10 route used to transport large pieces of
11 equipment from an off loading point on the
12 Mattaponi River in King William County to
13 the North Anna Power Station, and the
14 construction of a new transmission line
15 within an existing Dominion corridor.

16 In the certification document,
17 Dominion specifically addresses each of
18 the applicable project activities in light
19 of the nine enforceable policies of the
20 coastal program, as well as the seven
21 advisory policies.

22 Based on this detailed evaluation,
23 Dominion demonstrated that Unit 3 will be
24 constructed and operated in a manner
25 consistent with the coastal program, and

1 that any impacts to Virginia's coastal
2 resources would be small and would be
3 mitigated through the significant
4 commitment that Dominion has made.

5 We believe that the Commonwealth's
6 concurrence with our certification is
7 appropriate, and will allow us to secure
8 the Federal authorizations that are
9 necessary in order to bring this important
10 project to Virginia and the region.

11 That concludes my remarks. Thank
12 you.

13 MR. WEEKS: Thank you. The next
14 speaker is Burton Marshall.

15 - - -

16 STATEMENT OF
17 BURTON MARSHALL

18 - - -

19 MR. MARSHALL: Good evening. My name
20 is Burton Marshall, I'm a professional
21 engineer and a retiree from Dominion
22 Virginia Power.

23 My last 10 years with the company was
24 as water quality manager, dealing with
25 water, waste and terrestrial issues,

1 including obtaining environmental permits
2 for the first two units at North Anna
3 Power Station.

4 Dominion is requesting that the State
5 agree with its determination that the
6 North Anna Unit 3 project's impact on the
7 coastal resources would be small.

8 Dominion has studied extensively the
9 Unit 3 proposal, and its potential impact
10 on coastal resources.

11 Through a multi-year study, Dominion
12 worked with State agencies and other
13 groups to look at the project's impact on
14 downstream river flows and fish habitat,
15 as well as impacts on wetlands and
16 recreation at Lake Anna.

17 As a result of the study, Dominion
18 committed to raising the level of Lake
19 Anna to reduce the impact of drought
20 events for both downstream users and lake
21 residents.

22 Dominion has demonstrated that the
23 Unit 3 project has significant benefits
24 for Virginia, and has committed to
25 ensuring that the project will not impact

1 citizens' enjoyment of the area's
2 important coastal resources.

3 I have followed with interest the
4 permitting process for North Anna Unit 3,
5 and consider it a vital development in the
6 energy supply to Virginia residents and
7 the State's economy. Therefore, I urge
8 your concurrence that the project meets
9 the requirements for protection of the
10 coastal zone, and is consistent with
11 Virginia's Coastal Zone Management
12 Program.

13 Thank you.

14 MR. WEEKS: Thank you. The next
15 speaker is Harry Ruth.

16 - - -

17 STATEMENT OF

18 HARRY RUTH

19 - - -

20 MR. RUTH: Thank you, Mr. Weeks. My
21 name is Harry Ruth, I'm a resident here at
22 Lake Anna, and I live on the warm side of
23 the lake.

24 I represent the Friends of Lake Anna,
25 and the Friends of Lake Anna believes that

1 the North Anna project for the third
2 reactor as currently proposed, in looking
3 at the 30 September submittal by Dominion,
4 is inconsistent with the Virginia Coastal
5 Zone Management Program as approved under
6 the Coastal Zone Management Act, and at
7 this time should not be granted a
8 Consistency Certification until all of the
9 environmental things that I'd like to go
10 over in the next few minutes that you'll
11 find below are satisfactorily resolved.

12 We believe it's inconsistent with the
13 enforceable policies of the Coastal Zone
14 Management Act primarily related to point
15 source water pollution control and
16 fisheries management, together with other
17 pending public access, cumulative to
18 secondary impact, special area access
19 policies that we'll cover.

20 Lake Anna is a 13,000-acre lake,
21 third largest in the state, located in
22 Louisa, Spotsylvania and Orange Counties.
23 The main reservoir has 9,600 acres of
24 water, while the cooling units have 3,400
25 acres.

1 We have approximately 5,000 private
2 residences adjacent to the entire 220-mile
3 shoreline. Over a hundred businesses,
4 marinas, campgrounds, motels, realtors,
5 Lake Anna State Park, et cetera, depend on
6 the quality of water and the water level
7 within the lake.

8 Three counties depends on the high
9 real estate assessments, taxes received
10 from Lake Anna property owners. And the
11 lake region accounts for 60 percent of
12 Louisa County's total revenue.

13 The Friends of Lake Anna is a
14 citizens group that we represent 2,650
15 persons whose mission is to protect Lake
16 Anna, both the main reservoir and cooling
17 lagoons, and the surrounding landscape,
18 together with any related concerns.

19 We're not anti-nuclear, nor do we
20 have -- not by backyard assessments, and
21 do support a live and safe use of nuclear
22 energy.

23 Our goal is simply to protect Lake
24 Anna for its approximately 3 million
25 annual users, and ensure compliance with

1 the law.

2 We do support the North Anna 3
3 project, but want to ensure that all the
4 environmental concerns, shoreline erosion,
5 recreation, et cetera, together with the
6 needs and welfare of the surrounding
7 companies and the users Lake Anna, are
8 addressed in a responsible manner.

9 This could be a win/win situation for
10 all if Dominion modifies the proposed
11 plans for the third reactor which should
12 also mitigate concerns with the current
13 two reactors.

14 I'd like now to go over some of these
15 items. The Early Site Permit Consistency
16 Certification had two conditional
17 concurrences. We do not believe that the
18 above conditions have been met for the
19 reasons stated below in the document, and
20 that new Federal certification should not
21 be granted until all of the concerns noted
22 below are responsibly addressed.

23 First one deals with the Lake Anna
24 lawsuit. The Blue Ridge Environmental
25 Defense League initiated a lawsuit to

1 ensure that the U.S. Clean Water Act
2 protection is afforded to all those that
3 live and recreate on the Lake Anna cooling
4 lagoons. The lawsuit indirectly also
5 affects the main reservoir since
6 99 percent of the water is recirculated
7 between the power plant, through -- back
8 stream, and then back upstream to the
9 power plant.

10 In 2009, the Richmond Circuit Court
11 initially found that Clean Water Act
12 protection should be granted.

13 Later on, Dominion and DEQ appealed
14 that to the appeals court, and the appeals
15 court decided that: No, it should not be.

16 Blue Ridge Environmental Defense
17 League then went back to the Virginia
18 Supreme Court, and that's where the case
19 is right now.

20 So until the final resolution of the
21 lawsuit is determined, we believe no
22 Coastal Zone certification should be
23 granted.

24 Lake Anna was designed by Dominion
25 and approved by many to have two different

1 water levels, the main reservoir 250 MSL,
2 and the three cooling lagoons at 251.5, to
3 provide for water flow between the cooling
4 lagoons and main reservoir.

5 Recent water levels during the 2010
6 winter/spring indicated the cooling lagoon
7 design water level were down 12 inches,
8 while the main reservoir design level was
9 up 3 inches, while Dominion permitted over
10 400 million gallons a day to go over the
11 dam and go downstream.

12 After many meetings with Dominion, it
13 appears that Dominion, using 1960s
14 technology, cannot adequately maintain and
15 regulate the design water levels on both
16 side of the lake throughout the year. If
17 one side is up or down 3 inches, then both
18 sides should be equal.

19 Prior to granting the Coastal Zone
20 certification, Dominion should guarantee
21 that they will use 2011 technology in any
22 proposed Lake Anna construction plans for
23 simply pushing a button to either maintain
24 design water levels, where if one side is
25 down 3 inches, then both sides should be

1 up or down 3 inches, in the cooling
2 lagoons and main reservoir, or releasing
3 water over the dam to ensure that the
4 other wetlands, not mentioned in the
5 application, and the recreation and safety
6 of approximately 3 million annual users
7 are not affected.

8 Dominion's Coastal Zone Consistency
9 Certification focuses only on the proposed
10 unit, does not consider the cumulative
11 effect of Lake Anna water temperatures
12 with all three reactors running by having
13 less water in the lake which will be
14 consumed by the cooling -- the third unit,
15 and also the Louisa County water needs are
16 not considered.

17 With Units 1 and 2 operating in the
18 summer months, Dominion has discharged
19 water exceeding 104 degrees in the cooling
20 lagoons where the public recreates, and
21 there are fish, wildlife and aquatic life.

22 Although Dominion indicates that the
23 Unit 3 cooling method will only add
24 minimal heat to the water that is
25 discharged, they have not taken into

1 account that with Unit 3 using up to 32 or
2 37 million gallons a day, depending on
3 what report you read, there will be less
4 water in the lake to dissipate the heat
5 from reactors 1 and 2. This, in turn,
6 will cause the overall lake temperatures
7 to rise to unhealthy temperatures for
8 humans, fish, wildlife and aquatic
9 species.

10 Dominion indicates in their
11 consistency application that a 3-inch rise
12 in storage capacity would only maintain
13 lake water surface elevation above
14 existing conditions approximately
15 75 percent of the time, while that other
16 25 percent of the time where there is less
17 water in the lake is during the primary
18 recreation months, May through September,
19 that approximately 3 million annual users
20 may have increased water temperatures,
21 which may be very unhealthy.

22 Lake Anna has experienced droughts
23 approximately each 3 years during the past
24 decade. We're currently in a drought.
25 The cooling lagoon's lake water is down

1 about a foot greater than the main
2 reservoir because Dominion is not managing
3 the water efficiently.

4 If Dominion used less water by using
5 the dry cooling mode for the third unit
6 more during the extreme summer months than
7 they provided a maximum water conservation
8 mode to give operational flexibility
9 during different times of the year, this
10 could compensate for the approximately
11 25 percent of the time that is proposed
12 the 3-inch rise would not maintain the
13 water level at the existing surface level
14 elevations.

15 Dominion's lack of cooperation to
16 reduce the heat discharge over the current
17 two reactors or maintain the lake water
18 design is very troubling.

19 During the past 4 years, various Lake
20 Anna organizations have met with Dominion,
21 together with Louisa and Spotsylvania
22 County officials, to encourage Dominion to
23 adopt different techniques for reducing
24 the high water temperatures from Unit 1
25 and 2 discharge at times over 140 degrees

1 during the summer months where the public
2 recreates, and also maintain lake water
3 design levels.

4 In all cases, Dominion acknowledged
5 this technique, but never adopted any of
6 them, which would help mitigate the
7 problem.

8 These techniques include piping cool
9 water approximately 60 degree temperatures
10 Fahrenheit in July, August, September,
11 caused by thermoclines from the bottom of
12 the lake close to the dam, up the lake
13 back to the current two reactors to assist
14 with the cooling, or take in some of the
15 heated discharge water and spraying them
16 into the discharge canal so they would
17 cool further before entering the first
18 lagoon.

19 They could also expand their cooling
20 towers for the third reactor to provide
21 for additional cooling for Units 1 and 2.

22 They could reduce the heat output
23 from Units 1 and 2 during part of the
24 summer months when the lake water exceeds
25 unhealthy temperatures.

1 Note that 99 percent of the
2 discharged water recirculates from the
3 power plant through the cooling lagoons
4 and back upstream to the power plant.
5 Only 1 percent of the water goes over the
6 dam and downstream. As a result, on each
7 cycle the heated water gets hotter and
8 hotter over the summer months, to
9 unhealthy temperatures.

10 Keeping more water in the cooling
11 lagoons of the lake to dissipate the heat
12 and preserve more water in Lake Anna when
13 we have an abundant rainfall to compensate
14 for the 3-year interval droughts we have
15 been experiencing during the past decade.
16 We have encouraged Dominion to adopt some
17 type of automated technology or even use
18 the existing stop logs that they have.
19 They basically have ignored all of our
20 requests.

21 They could also eliminate the hundred
22 hours that they are requesting of
23 additional time in the third request for
24 water for the construction and operating
25 license, so that they don't operate the

1 dry -- so that they do operate the dry
2 cooling method. But they want to lower
3 the lake level and still use the water,
4 and it's just going to be unhealthy.

5 We have some concerns with the
6 computer model projections, and I won't go
7 into all the detail with those so I can go
8 on to the next item, but they're
9 identified in the report that we'll
10 submit.

11 The Instream Flow Incremental
12 Methodology study focused on the main
13 reservoir lake design of 250, and increase
14 to 3 inches to provide for the makeup
15 water for the third reactor.

16 We believe the IFIM study is negated
17 with Dominion's proven inability to
18 regulate the cooling lagoon designed water
19 levels.

20 The IFIM study does not take into
21 account that the cooling lagoons are not
22 maintained at a consistent lake level with
23 the main reservoir, and could be down
24 12 inches or more at the start of a
25 drought; doesn't consider the 3-year

1 drought intervals during the past decade;
2 or it also does not consider the Louisa
3 County water withdrawal needs.

4 So if the cooling lagoons are down
5 1 foot at the beginning of a drought, and
6 this water was taken from the main
7 reservoir, then it would drop the water
8 level in the main reservoir 4.25 inches.
9 That's greater than 3 inches. So we're
10 going to end up with less water to
11 dissipate the existing heat.

12 The cumulative effect of all the Lake
13 Anna water withdrawals is also a concern.
14 Dominion is submitting in piecemeal
15 fashion water permits for reactors 1 and 2
16 over here.

17 We also have -- now we're trying to
18 get a construction -- water withdrawal for
19 construction.

20 We're also going to separately submit
21 a request for the operation.

22 There may be additional requests for
23 the sewage treatment plant.

24 We also have -- Louisa County has
25 water needs, and they're requesting water

1 out of lake.

2 We believe that Dominion is taking a
3 piecemeal approach in applying for these
4 permits. It's confusing to the public,
5 Federal and State regulators.

6 We all need to know what is the
7 bottom line. How much water is available
8 in Lake Anna considering the droughts
9 about each 3 years during the past decade?

10 What's the total amount proposed to
11 be withdrawn for all of the current and
12 proposed water withdrawal activities,
13 together with how will they affect the
14 quality of life and lake water level in
15 both the main reservoir and cooling
16 lagoons for about 3 million annual
17 recreation users of Lake Anna?

18 You may or may not be aware that
19 recreation on both the main reservoir and
20 cooling lagoons has increased dramatically
21 during the 30 years. That recreation now
22 includes boating, boat regattas, jet skis,
23 personal watercraft, tubing, parasailing,
24 wake boarding, water skiing, sailing,
25 canoeing, kayaking, swimming, tanning on

1 the beaches, triathlons, fishing from both
2 boats and onshore, fishing tournaments,
3 clamming, scuba diving, and scuba diving
4 training for our state police and fire
5 rescue personnel, gold panning, water
6 critter studies, duck goose hunting, 4th
7 of July fireworks display, hiking on the
8 shoreline, bird eagle watching, picnics,
9 (indiscernible) over lake landing areas,
10 and just a fantastic place to relax along
11 the lake.

12 We request that the Federal
13 Consistency Certification not be granted
14 until the public, Federal and State
15 regulators know what is the bottom line
16 considering all of the permits. How is
17 the bottom line going to affect the
18 recreational users and businesses that
19 depend on the lake and the quality of
20 water within the lake so that they have
21 sufficient time to provide meaningful
22 comments to the Federal Consistency staff?

23 We're also concerned that VDEQ
24 currently does not have any request that
25 Dominion with the third reactor meters the

1 water withdrawal.

2 What the VDEQ has in their permit is
3 the permit shall report the surface water
4 withdrawal authorized by the permit to the
5 DEQ office on January 31st of the year
6 following the year in which the withdrawal
7 occurred.

8 This is 2011, where the U.S. has
9 real time computer monitoring with
10 instantaneous reporting. All future water
11 withdrawal or VPDES permits should bring
12 Virginia and Lake Anna into the 21st
13 century, and use current inexpensive
14 technology.

15 It is requested that all Lake Anna
16 permits be revised to require real time
17 monitoring of all water withdrawal via
18 water meters connected to any of the
19 intake lines so real time actions can be
20 taken by DEQ if the applicant violates the
21 permit requirements, and the public can
22 also monitor these actions and the
23 withdrawal amounts.

24 We believe all the length of the
25 permits should be limited to 5 years, not

1 15 years that has come out recently.
2 There's too many things going on in a high
3 growth area, that in 15 years there's too
4 many things that can occur in the next 15
5 years.

6 We should have specific justification
7 to why Dominion wants to use 750,000
8 gallons a day for up to 15 years for
9 construction. There should be -- the
10 project should be identified in design
11 phases, and each design phase should have
12 some limitation, not 750,000 gallons a day
13 for all that period of time. Doesn't make
14 any sense.

15 We request that the cumulative effect
16 of all of the Lake Anna proposed water
17 withdrawals for construction and operation
18 of the proposed third reactor, the water
19 needs for the proposed or new sewage
20 treatment plant for 5,000 to 7,000
21 construction workers, in addition to the
22 Louisa County's request for Lake Anna
23 water for human consumption necessitates
24 that DEQ, in coordination with Department
25 of Conservation and Recreation, conduct a

1 comprehensive impact study for Lake Anna
2 before proceeding with any of the Lake
3 Anna permits.

4 We also believe that we need a water
5 management plan. This plan should be
6 developed by the Commonwealth of Virginia
7 to ensure that the design water levels for
8 both the main reservoir and the cooling
9 lagoons are maintained by the water
10 manager throughout the year, using 2011
11 technology, including automated Internet
12 reporting of water levels of both sides
13 when the main reservoir is 250 or above,
14 or if the water level falls below that on
15 the main reservoir, then the same number
16 of inches dropped must be maintained from
17 the design level of 251.5 in the cooling
18 lagoons.

19 It appears that we may be wasting
20 much of the taxpayers' money, particularly
21 during a recession throughout the country,
22 in processing permits for a project that
23 does not have any financial backing, as
24 part owners of the reactors 1 and 2 have
25 decided not to participate.

1 When a lot owner applies for a
2 building permit, they have to pay
3 substantial fees to provide for the
4 building inspections to process any
5 application. We'd like to know how much
6 is Dominion paying for the U.S. Government
7 agencies and all the State agencies for
8 all these permits and public meetings that
9 were held?

10 We also believe the U.S.
11 Environmental Protection Agency should
12 recertify the NPDES authority delegated to
13 the Commonwealth of Virginia, ensure that
14 the VPDES program is not less stringent
15 than the national program. Federal
16 delegated programs such as VPDES can be
17 more stringent than a national program,
18 but not less.

19 Unit 3 should not be looked at as a
20 unique project. The impact that the
21 existing two units have on Lake Anna must
22 be considered when looking at the
23 Consistency Certification.

24 Variances cannot be granted to
25 commercial companies for the life -- for

1 life, where we could be faced with
2 150-degree lake temperatures with the
3 public having no recourse.

4 New Jersey, West Virginia and other
5 states have mandated that public utilities
6 must adhere to the water temperature
7 standards identified in the U.S. Clean
8 Water Act. Why can't we do the same in
9 Virginia?

10 MR. WEEKS: Mr. Ruth, you're close
11 to --

12 MR. RUTH: All right. Thank you. I
13 will quickly go over the -- we think there
14 is an alternative cooling method that
15 could be considered.

16 We believe that the -- and we
17 anticipate human health problems.

18 The impact of 5,000 to 7,000 workers
19 on the local road system and schools is a
20 major concern.

21 We think that new schools are going
22 to have to be built, and we think Louisa
23 County -- or Dominion should help Louisa
24 County in doing that.

25 We believe that updated emergency

1 evacuation plans on the small two-lane
2 roads surrounding the power plant should
3 be expanded.

4 There are many concerns with the
5 safety of local population where you have
6 spent nuclear fuel, where it's stored, and
7 terrorist attacks for the plant and the
8 dam.

9 The impact of additional fog and
10 icing from wet cooling towers on local
11 roadways is also a major concern.

12 We have a concern with large
13 component transport that impacts both the
14 Mattaponi River and the Virginia roads.
15 We question why the existing rail line to
16 the nuclear plant is not being used to
17 transport all large components.

18 We have a concern with the movement
19 of excavated wetland material on Virginia
20 roads to the dump site.

21 We have a major concern with
22 Dominion's application where they're
23 saying that they want to add
24 concentrations of copper and triethylene
25 to the wastewater discharge in the cooling

1 lagoons, and they also want to have the
2 concentrations of different chemicals of
3 biocides that are commonly used for water
4 treatment, chlorination, dechlorination,
5 anti-scaling and corrosion that are going
6 to come out into the cooling lagoons where
7 people recreate.

8 We're concerned with their temporary
9 sanitary waste treatment facility that
10 they're talking about.

11 Dominion has stated they will not
12 decide whether they will build the third
13 unit for another 2 or 3 years, so they
14 currently have plenty of time to construct
15 the necessary sewage treatment plant prior
16 to starting construction.

17 Additional treated sewage should not
18 be discharged into Lake Anna and then
19 heated to temperatures exceeding
20 104 degrees where the public recreates.
21 This will put the public at additional
22 risk.

23 Thank you very much for your time.

24 MR. WEEKS: Thank you. The next
25 speaker is Steve Trout. I hope I was

1 close.

2 (No response.)

3 MR. WEEKS: The next speaker is Jack
4 Manzari. I'm sorry.

5 MR. MANZARI: Very close.

6 MR. WEEKS: Well, thank you.

7 - - -

8 STATEMENT OF

9 JACK MANZARI

10 - - -

11 MR. MANZARI: Mr. Chairman, and
12 ladies and gentlemen, my name is Jack
13 Manzari. Very close pronunciation, thank
14 you, Mr. Chairman. I'm a retired
15 physician, and appear tonight representing
16 the Louisa County Chamber of Commerce, if
17 you could add that to the document.

18 The Chamber is -- would be in favor
19 of the construction of the third unit.
20 The United States, and Virginia
21 particularly, is being starved for energy.
22 Our financial welfare is predicated on the
23 development of enough energy to satisfy
24 those needs.

25 Nuclear energy, to me, and to the

1 Chamber, is safe. And it's been proven
2 safe throughout the world, if it does not
3 produce greenhouse gases, which is
4 being -- which are being discussed
5 extensively at this time.

6 And of the three conventional forms
7 of producing energy, and I'm not talking
8 about the alternatives, but the
9 conventional forms, which are coal and
10 gas, it is the cheapest of the three.

11 This plant particularly will benefit
12 Louisa County financially both through the
13 employment of the employees of that plant,
14 and increasing the tax base.

15 Considerable discussion has taken
16 place about the water safety. Dominion
17 has done extensive studies along -- in
18 cooperation with the Commonwealth of
19 Virginia and other groups, and have proved
20 that with adjustments of the lake level
21 that there will be no significant adverse
22 effects on the downstream flow and coastal
23 resources, wetlands, fish habitat or water
24 sports.

25 The Louisa County Chamber of Commerce

1 feels that we should develop this new
2 unit. It makes sense from the viewpoint
3 of needing the energy and electricity. It
4 is safe. And it benefits the country in
5 general, and the county specifically.

6 Thank you very much for allowing me
7 to speak.

8 MR. WEEKS: Thank you. The next
9 speaker is Irene Luck.

10 (No response.)

11 MR. WEEKS: I'm going to have trouble
12 with the name here again. Richard
13 Zuercher, is that close? Richard?

14 MR. ZUERCHER: Well, I just signed
15 the sheet, not to testify.

16 MR. WEEKS: Okay. Let's see. John
17 Carroll.

18 - - -

19 STATEMENT OF

20 JOHN CARROLL

21 - - -

22 MR. CARROLL: My name is John
23 Carroll, I represent the Lake Anna Chamber
24 of Commerce.

25 And one thing I haven't heard said

1 out loud tonight was that Virginia is the
2 number two importer of electrical power in
3 the United States, which I don't know if
4 everybody is aware of that. It should be
5 in the newspaper every week.

6 The Lake Anna Chamber of Commerce
7 feels strongly this project does -- can be
8 enforced and is consistent with the VCP.

9 And we realize there's no free lunch.
10 And there will be difficult issues to deal
11 with. If Dominion decides to move ahead,
12 we agree with you there will be some
13 difficult issues, but we have faith that
14 they can be overcome. They're certainly
15 not insurmountable. There's a lot of
16 government agencies to look out for us.
17 And we just want to be on record as being
18 fully in favor of this entire project.
19 And we feel that it's easily enforceable.

20 Just the fact that Dominion's going
21 to raise the lake levels by 3 inches is a
22 huge deal to us, and we feel that goes a
23 long ways towards mitigating any impacts,
24 and probably that alone would do more than
25 mitigate the coastal use as far as this

1 issue at hand, the VCP, I think it would
2 easily mitigate all of those issues.

3 And thank you for your time.

4 MR. WEEKS: Thank you. George Lear.

5 MR. LEAR: I didn't want to speak,
6 but I will.

7 MR. WEEKS: You're certainly welcome
8 to.

9 MR. LEAR: Well, I'll tell you what,
10 I will speak. I mean, the people that
11 know me know that I'm not shy.

12 - - -
13 STATEMENT OF
14 GEORGE LEAR

15 - - -
16 MR. LEAR: I'll just briefly say that
17 I am a Lake Anna resident, I also live on
18 the warm side.

19 MR. WEEKS: Could you repeat your
20 name?

21 MR. LEAR: I will. George Lear,
22 former Dominion employee, 30 years in the
23 submarine force. I've been involved with
24 nuclear power for -- what does that make
25 me -- about 44 years, something like that.

1 And I would like to assure everyone
2 in this room that from my perspective,
3 because I live here, that nuclear is a
4 viable option.

5 And I also would like to tell you
6 that, having worked with Dominion for 13
7 years, that I believe they have protected
8 us, they have looked after the best
9 interests of the state.

10 And I share, actually, many of the
11 comments of Mr. Ruth earlier about
12 concerns for the safety, welfare,
13 recreational ability, commerce and other
14 things, but I think we're running a little
15 bit scared and we're not looking carefully
16 at the facts if we disregard and create a
17 stampede towards -- in nervousness with
18 this regard. We need to be nervous, we
19 need to be careful, we need to act
20 precipitantly, but we don't need to be
21 afraid.

22 That's all I have.

23 MR. WEEKS: Thank you. Walt
24 Michalski.

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STATEMENT OF
WALT MICHALSKI

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MR. MICHALSKI: I am Walt Michalski, representing my wife, and I'm also a member of the Friends of Lake Anna. My wife and I live in the second lagoon on the water, on the warm side.

I have some concerns that were adequately addressed by Harry Ruth. My concerns are also based on the adequacy of the main reservoir or the watershed, as DEQ has referred to it, the legal part of Lake Anna, the adequacy for -- of that water to accommodate a third and fourth reactor, at a minimum a third reactor.

I have a 2005 study from DEQ, and that notes the following: DEQ's division of water resources commented previously in regard to its concerns for the adequacy of Lake Anna as a source of cooling water for a third nuclear reactor. These concerns remain.

Addition of Unit 3 would

1 significantly increase the frequency of
2 drought flows and the duration of these
3 droughts. The change to drought flows
4 once every 2.6 years is a significant
5 change from conditions prior to the plant
6 construction, and demonstrates the need
7 for a cumulative analysis of impacts.

8 The fact that the fourth unit would
9 be air cooled does not allay the
10 division's concerns of the adequacy of
11 Lake Anna as a water supply for a third
12 nuclear reactor. North Anna, the
13 location, has a least abundant water
14 supply.

15 And, lastly, DEQ's division of water
16 resources believes that the Surry plant is
17 really superior to Lake Anna, but
18 notwithstanding where it's located because
19 of the limited water resources in the
20 North Anna River watershed.

21 I appreciate the fact this is a
22 6-year-old letter, almost a little more
23 than 6 years old now.

24 And I would ask DEQ, since it has
25 obviously rather significant impact on the

1 quality of the water that my wife and I
2 and our friends use at Lake Anna, the
3 impact of the quality of the water.

4 And I would like DEQ to either remove
5 its concerns for the third reactor, or
6 address them again if they still have
7 concerns 6 years later. And I believe the
8 answers will be of great benefit to all of
9 us.

10 Thank you.

11 MR. WEEKS: Thank you. That's
12 everyone that I had that signed up. Is
13 there anybody else that would like to
14 speak?

15 (No response.)

16 MR. WEEKS: I'd like to thank all of
17 you for coming, and we appreciate your
18 interest in the environment and the
19 coastal resources and their use.

20 Again, we'll welcome comments until
21 March 18th, 2011. And we'll consider all
22 of the information that we have received
23 tonight as well as any that we receive
24 during the open public comment period.
25 And we really appreciate your

1 participation tonight.

2 This hearing is closed. Thank you.

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4 * * * * *

5 (Proceedings concluded, 7:18 p.m.)

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1 CERTIFICATE OF REPORTER

2
3 I, KIMBERLY L. KRETT, do hereby certify
4 that I reduced the notes of the foregoing
5 proceedings to typewriting; that the
6 foregoing is a true record of said
7 proceedings to the best of my knowledge and
8 ability; that I am neither counsel for,
9 related to, nor employed by any of the
10 parties to the action in which these
11 proceedings were held; and further, that I
12 am not a relative or employee of any
13 attorney or counsel employed by the parties
14 hereto, nor financially or otherwise
15 interested in the outcome of the action.

16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 14th day of March, 2011.

18
19
20
21
22 _____
23 Kimberly L. Krett, Court Reporter
24 Notary Registration No. 348266
25 Job No. 15204
Commonwealth of Virginia at Large