



526 S. Church Street  
Charlotte, NC 28202

Mailing Address:  
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Charlotte, NC 28201-1006

January 9, 2014

10 CFR 52.79

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

Subject: Duke Energy Carolinas, LLC  
William States Lee III Nuclear Station – Docket Nos. 52-018 and 52-019  
AP1000 Combined License Application for the  
William States Lee III Nuclear Station Units 1 and 2  
401 Water Quality Certification  
Ltr# WLG2014.01-01

Reference: Certification in Accordance with Section 401 of the Clean Water Act,  
South Carolina Department of Health and Environmental Control,  
January 2, 2014

Attached is a copy of the 401 Water Quality Certification issued on January 2, 2014 by the South Carolina Department of Health and Environmental Control for the William States Lee III Nuclear Station project.

If you have questions or need additional information, please contact me at (704) 382-4046.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Kitchen', written over a horizontal line.

Robert Kitchen  
Licensing Director  
Nuclear Development

Enclosure: 401 Water Quality Certification

D093  
NRD

U.S. Nuclear Regulatory Commission

Ltr# WLG2014.01-01

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xc (w/out enclosure):

Frederick Brown, Deputy Regional Administrator, Region II

xc (w/ enclosure):

Patricia Vokoun, Project Manager, DSER

Brian Hughes, Senior Project Manager, DNRL



Catherine B. Templeton, Director  
*Promoting and protecting the health of the public and the environment*

January 02, 2014

Duke Energy Carolinas, LLC  
526 S Church Street  
Charlotte, NC 28202-1802

Re: Certification in Accordance with Section 401 of the Clean Water Act, as amended.  
With conditions pursuant to R. 19-450 et. seq., 1976 SC Code of Laws,  
Permit For Construction in Navigable Waters

Duke Energy Carolinas, LLC  
Placement of fill in Waters of the US for construction of two (2) new nuclear power units  
and their ancillary facilities  
Cherokee and Union Counties  
P/N 2009-122-SIR

Dear Sir or Madam:

South Carolina Department of Health and Environmental Control (Department) has reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the Certification requirements of Section 401 of the Federal Clean Water Act, as amended, and the permitting requirements of R. 19-450 et. seq., 1976 SC Code of Laws.

In accordance with the provisions of Section 401, we certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Federal Clean Water Act, as amended. We also hereby certify that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

1. The applicant must implement appropriate best management practices that will minimize erosion and migration of sediments on and off the project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, silt fences, or other devices capable of preventing erosion, migration of sediments, and bank failure. All disturbed land surfaces and sloped areas affected by the project must be stabilized.
2. Prior to beginning any land disturbing activity, appropriate erosion control measures, such as silt fences, silt barriers, or other devices, must be placed between the disturbed area and the affected waterway or wetland; and maintained in a functioning capacity until the area is permanently stabilized.
3. Construction activities must avoid, to the greatest extent practicable, encroachment into any waterbody/wetland areas not designated as impact areas.
4. Necessary measures must be taken to prevent oil, tar, trash, debris, and other pollutants from entering the adjacent waters or wetlands, and offsite areas.

5. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.
6. Any riprap used at the project must consist of clean stone or masonry material free of all potential sources of pollution.
7. Excavated material must not be stockpiled in the adjacent wetlands, but placed on barges or uplands, when possible. If the excavated material is temporarily placed in wetlands, it must be placed at intervals to allow for adequate circulation of water.
8. All excavated materials not used as backfill must be hauled off site or placed on uplands and properly contained and permanently stabilized to prevent erosion.
9. Only materials free of all potential sources of pollution must be used as backfill.
10. Any equipment used within wetlands must be equipped with high floatation tires when possible to minimize rutting and compaction.
11. Upon project completion, all disturbed riverbed areas and wetlands not designated as permanent impact areas must be restored to their original contours and conditions, and stabilized with vegetative cover, riprap, or other erosion control methods as appropriate.
12. Construction activities in the Ninety-Nine Islands Reservoir/Broad River must be minimized during the months of March, April, May, and June because of potential impacts to fish spawning.
13. Duke Energy Carolinas, LLC must provide the minimum seasonal flow releases, on a daily average, from Pond C to London Creek downstream of the Pond C dam, as proposed in the letter dated August 30, 2012:
  - January through April – 1.50 cfs
  - May, June, and December – 1.00 cfs
  - July through November – 0.75 cfs
14. Duke Energy Carolinas, LLC must complete water quality, fish community, and macroinvertebrate community monitoring in accordance with their National Pollutant Discharge Elimination System (NPDES) Permit SC0049140 for the discharge of cooling tower blowdown and effluent from wastewater treatment systems.
15. Duke Energy Carolinas, LLC must provide compensatory mitigation for unavoidable impacts to Waters of the United States in accordance with the "William S. Lee III Nuclear Station - Compensatory Mitigation Plan", dated October 2012, or any subsequent revisions approved by the United States Army Corps of Engineers.

The Department reserves the right to impose additional conditions on this Certification to respond to unforeseen, specific problems that may arise and to take any enforcement action necessary to ensure compliance with State water quality standards.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Preston", with a long horizontal flourish extending to the right.

Heather Preston, Director  
Division of Water Quality  
Bureau of Water

cc: U.S. Army Corps of Engineers,  
Charleston District Office  
SC DHEC, Cherokee and Union District Offices  
Duke Energy Carolinas, LLC – Mr. Robert Wylie  
File

## **GENERAL CONDITIONS OF NAVIGABLE WATERS PERMITS**

- A. The authorization for activities or structures granted by this permit shall constitute a revocable license to use the lands or waters within the jurisdiction of the state.
- B. The Department may require the permittee to modify or remove activities or structures authorized herein if it is determined by the Department that such modification or removal is consistent with the requirement of 450.9(A) [condition A above]. Modification or removal after the permit has been granted shall be ordered only after reasonable notice stating the reasons therefore and providing the permittee an opportunity to be heard.
- C. All activities authorized by the permit shall be consistent with and limited by the terms and conditions of this permit; any unauthorized work or activity different from or inconsistent with the permit may result in the modification, suspension, or revocation of the permit in whole or in part, and the institution of such legal proceedings as the State of South Carolina may consider appropriate.
- D. The construction authorized by this permit must be completed within three years of the date of issuance or such time as the Department may set for good cause shown. Extensions of time may be granted provided that the requests are submitted to the Department in writing prior to the expiration of the original time period, state whether there has been any change in the circumstances since the permit was approved and the reason for the extension of time.
- E. No permit shall convey nor be interpreted as conveying expressly or implicitly, any property right in the land or water in which the permitted activity is located. No permit shall be construed or interpreted as alienating public property for private use, nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of other persons or the public.
- F. The grant, denial, modification, suspension, revocation of a permit or removal of a structure authorized under this permit, shall not be the basis for any claim for damages against the State of South Carolina. In no way shall the State be liable for any damage as the result of the erection of permitted works.
- G. The permitted activities shall not block or obstruct navigation or the flow of any waters unless specifically authorized herein; no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the work authorized by this permit; and, no spoil, dredged material, or any other fill material shall be placed below the mean high water or ordinary high water elevation, unless specifically authorized herein.
- H. The permittee shall make every reasonable effort to perform the authorized work in a manner to minimize adverse impact on fish, wildlife, or water quality, and shall maintain any authorized structure in good condition in accordance with approved plans and specifications.
- I. The permittee shall allow the Department or its authorized agents or representatives to make periodic inspections at any time deemed necessary to assure that the activity being performed is in accordance with the terms and conditions of this permit.
- J. Permits are issued in the name of the applicant and may not be assigned to another without written permission of the Department and the written agreement of the transferee to abide by all the terms and conditions of the permit.
- K. Permittee must notify the South Carolina Department of Archives and History (Rebekah Dobrasko, [803] 896-6183, Historic Preservation Division, 8301 Parklane Rd, Columbia, South Carolina 29223) if any archaeological materials are encountered during the course of the work. Archaeological materials consists of any items, fifty years or older, which were made or used by man. These items include, but are not limited to stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeleton remains. These materials may be present on the ground surface and/or under the surface of the ground.
- L. Permittee must notify the South Carolina Institute of Archaeology and Anthropology (Dr. Jonathan Leader, [803] 576-6560) in accordance with South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54 Code of Laws of South Carolina, 1976) in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by man which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures or nonrecent (i.e., older than 100 years) vessel ruins. Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.