

EXHIBIT D

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January 2, 2015

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED AND FAX

Judson H. Turner

Director, Environmental Protection Division

c/o Commissioner of Natural Resources

2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East

Atlanta, Georgia 30334-9000

Fax: (404) 651-5778

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7010 1060 0000 6767 6908**

RE: Permit No. 017-0191-11 to Southern Nuclear Operating Co.,
Vogtle Electric Generating Plant

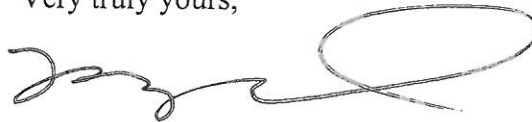
Dear Mr. Turner:

In accordance with Ga. Comp. R. & Regs. r. 391-1-2-.04, enclosed for filing with your office is the original and three (3) copies of South Carolina Department of Health and Environmental Control's Petition for Hearing pertaining to the above-referenced matter. I have also enclosed an additional copy of the Petition for Hearing and would greatly appreciate it if you would return a file-stamped copy in the envelope provided for your convenience.

By copy of this letter, I am also serving a copy of the Petition for Hearing on the Attorney General and the permit holder, Southern Nuclear Operating Co., by certified mail.

Should you have any questions or concerns, please don't hesitate to contact me at 803-649-6200, ext. 33. Thank you for your assistance.

Very truly yours,



Blair Ballard Massey

cc: Honorable Sam Olens, Attorney General, by certified mail (with enclosure)
Southern Nuclear Operating Co., by certified mail (with enclosure)

STATE OF GEORGIA
BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS

South Carolina Department of Health and
Environmental Control,

Petitioner,

v.

Georgia Environmental Protection Division,

Respondent.

PETITION FOR HEARING

In Re:

Permit No. 017-0191-11 to Southern Nuclear
Operating Co., Vogtle Electric Generating
Plant

Petitioner South Carolina Department of Health and Environmental Control (SCDHEC) petitions the Georgia Department of Natural Resources pursuant to O.C.G.A. §12-5-31(o) for a contested case hearing to modify Georgia Environmental Protection Division (EPD) Permit No. 017-0191-1. SCDHEC is an aggrieved and adversely affected party whose interests and grounds for review are set forth below in accordance with Georgia EPD Rule 391-1-2-.05(1):

(a) A copy of the license or permit of which review is sought.

Copy of Permit No. 017-0191-11 is attached.

(b) A statement of the legal authority and jurisdiction under which a hearing is requested.

The Georgia Water Quality Control Act, O.C.G.A. §12-5-43; 12-5-31(o).

(c) A short and plain statement of the factual matters asserted.

1. Factual Matters Asserted Regarding Dissolved Oxygen Impacts. Modeling results for dissolved oxygen (DO) in the permit application predict an adverse impact on dissolved oxygen in the Savannah Harbor. The additional adverse impacts from the permitted water withdrawals would be greater than the 2% DO deficit not addressed by the proposed waste load allocation for the Savannah Harbor and may worsen existing conditions. To address these conditions, the permit requires operation of an oxygen injection system and injection of 4,000 pounds of oxygen per day into the river. The permit is deficient because it does not specify the type of oxygen injection system, require a demonstration of the effectiveness of the type of system proposed, or require a demonstration of the effectiveness of the proposed

system and proposed injection rate in the river, either before or after installation and operation. The permit also does not specify when the system must be installed relative to the permitted water withdrawal. To assure that DO adverse impacts are adequately addressed, the permit must require a demonstration of the effectiveness of the oxygen injection system through additional modeling and monitoring before allowing increased water withdrawals and afterward to demonstrate continued effectiveness during actual operation. The permit condition requiring oxygen injection will not redress the adverse impacts if the oxygen injection system is not demonstrated to be effective. The permit must also require an adaptive management plan to include monitoring and to propose necessary changes should the proposed system not perform as expected.

2. Factual Matters Asserted Regarding Drought Contingency Planning. The permit does not require low flow protections that may be needed to account for changes in regulation of Lake Thurmond releases by the U.S. Army Corps of Engineers. The Corps' drought response plan is under review and subject to change, possibly resulting in less water being released from the reservoir during droughts than under the current drought response plan. The permit must include contingency planning for low flow protection in the event that the Corps adopts a drought response plan providing lower releases of water from the reservoir. Lack of adequate contingency planning threatens to result in unacceptable impacts to water quality and downstream water users in drought conditions.

(d) A statement of each specific section (including subsection and paragraph if applicable) of the laws or rules involved in any questions of law.

The Georgia Water Quality Control Act, O.C.G.A. §12-5-1, et seq., including but not limited to §§12-5-31 and 12-5-43, and the Act's implementing regulations.

Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6, including but not limited to §391-3-6-.03, Water Use Classifications and Water Quality Standards, and §391-3-6-.07, Surface Water Withdrawals

(e) The name and current mailing address of the petitioner's counsel.

Blair Ballard Massey, Esquire
Nance, McCants & Massey
P.O. Box 2881
218 Newberry Street, S.W.
Aiken, SC 29801

Petitioner requests permission pursuant to Regulation §616-1-2-.34(2)(a) for its in-house South Carolina counsel to appear on its behalf also:

Jacquelyn S. Dickman, Deputy General Counsel
John Harleston, Assistant General Counsel
Michael Traynham, Assistant General Counsel
SCDHEC Office of General Counsel
2600 Bull Street
Columbia, SC 29201

(f) A short and plain statement of the nature of the petitioner's interest in the matter.

SCDHEC is the agency of the State of South Carolina having jurisdiction over the quality of the air and waters of the State of South Carolina, including waters wholly or partially within or bordering the State or within its jurisdiction. S.C. Code Ann. §48-1-100. SCDHEC's statutory and regulatory authorities extend to use and withdrawal of surface waters wholly or partially within or bordering the State or within its jurisdiction, including the Savannah River. S.C. Code Ann. §49-4-10 et seq. SCDHEC is charged with issuance of permits for withdrawals of water from and discharges into the Savannah River. S.C. Code Ann. §§48-1-100, 49-4-25. SCDHEC is authorized by law to represent the State in connection with water withdrawals occurring in other states which may affect South Carolina. S.C. Code Ann. §49-4-170(B). SCDHEC therefore represents its own interests, as regulatory authority for South Carolina, and the interests of the people and State of South Carolina, relating to protection and use of the waters and natural environment in the Savannah River Basin. These interests are within the zone of interests protected by relevant provisions of the Georgia Water Quality Control Act and implementing regulations.

Issuance of the permit as proposed poses a concrete injury to the environmental and economic interests of the people and State of South Carolina and of SCDHEC in reasonable uses of the Savannah River and maintenance of water quality, which SCDHEC is statutorily mandated to protect. SCDHEC's interests can only be protected by securing adequate assurances of performance through administrative and technical safeguards, incorporated into enforceable permit conditions. Georgia EPD recognizes the adverse impact of the permitted withdrawal on DO levels in the Savannah River, which will injure SCDHEC's interest in maintaining water quality in South Carolina waters, including the Savannah River. The permit also recognizes the need to redress those adverse impacts, but fails to do so, inasmuch as it does not contain adequate assurances that the proposed injection of oxygen into the River will be effective. By failing to require: (1) identification of the type of oxygen injection system to be used; (2) advance demonstration of the effectiveness of the selected injection technology; (3) adequate modeling and monitoring of impacts on DO in the Savannah River both before and after operation; (4) an adaptive management plan to include monitoring and to propose necessary changes should the proposed system not perform as expected; (5) installation and testing of the proposed injection system before the proposed withdrawal increases; and (6) drought contingency planning for low flow protection to account for future changes in the Corps' drought response plans, the permit injures SCDHEC's interests in assuring maintenance of adequate water flows and water quality, adversely affecting citizens and industries in South Carolina, whose interests SCDHEC is statutorily mandated to protect.

(g) In cases contesting the issuance of a license or permit, those suggested permit conditions or limitations which the petitioner believes required to implement the provisions of the law under which the permit or license was issued.

Conditions should be added to require:

1. Identification of the type of oxygen injection system to be used, to include specifications and exact locations;
2. Demonstration of the effectiveness of the type of system selected, and its ability to achieve the DO injection rates proposed;
3. Demonstration of the predicted effectiveness of the DO injection to maintain DO levels in the river and harbor, through modeling before installation;
4. Submission and implementation of an acceptable adaptive management plan to include monitoring and to propose necessary changes should the proposed system not perform as expected;
5. Installation and testing of the selected system before the permitted increased water withdrawal begins;
6. Demonstration of the actual effectiveness of the injection to maintain DO levels in the river and harbor, through modeling and monitoring after installation and operation;
7. Continued monitoring during operation of the plant and oxygen injection system to demonstrate continued effectiveness;
8. Drought contingency planning for low flow protection, in the event that the Corps adopts a drought response plan providing lower releases of water from the Lake Thurmond reservoir than in the Corps' current drought response plan, to ensure protection of water quality and downstream water users in drought conditions; and
9. Review and approval of all demonstrations and plans by Georgia EPD, with public notice and input, before beginning increased water withdrawals.

(h) In cases contesting conditions, limitations or requirements placed on the issuance of a license or permit, specific reference to the conditions, limitations or requirements contested, as well as suggested revised or alternative permit conditions, limitations or requirements which the petitioner believes required to implement the provisions of the law under which the permit or license was issued.

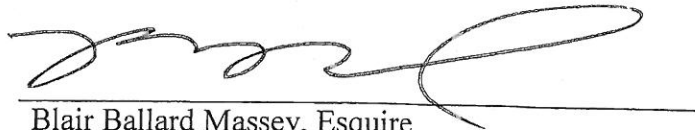
Special Condition No. 3 should require adequate testing and demonstration of the effectiveness of the proposed oxygen injection system through modeling and monitoring before and after the proposed increase in water withdrawals and an adaptive management plan in case of inadequate performance.

Special Condition No. 7 should be more specific, specifying the applicable drought response requirements, including drought contingency planning for low flow protection to account for future changes to the Corps' drought response plan.

Conditions should be added to require:

1. Identification of the type of oxygen injection system to be used, to include specifications and exact locations;
2. Demonstration of the effectiveness of the type of system selected, and its ability to achieve the DO injection rates proposed;
3. Demonstration of the predicted effectiveness of the DO injection to maintain DO levels in the river and harbor, through modeling before installation;
4. Submission and implementation of an acceptable adaptive management plan to include monitoring and to propose necessary changes should the proposed system not perform as expected;
5. Installation and testing of the selected system before the permitted increased water withdrawal begins;
6. Demonstration of the actual effectiveness of the injection to maintain DO levels in the river and harbor, through modeling and monitoring after installation and operation;
7. Continued monitoring during operation of the plant and oxygen injection system to demonstrate continued effectiveness;
8. Drought contingency planning for low flow protection, in the event that the Corps adopts a drought response plan providing lower releases of water from the Lake Thurmond reservoir than in the Corps' current drought response plan, to ensure protection of water quality and downstream water users in drought conditions; and
9. Review and approval of all demonstrations and plans by Georgia EPD, with public notice and input, before beginning increased water withdrawals.

This the 2nd day of January, 2015.



Blair Ballard Massey, Esquire
GA Bar #141863
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ENVIRONMENTAL PROTECTION DIVISION
DEPARTMENT OF NATURAL RESOURCES
STATE OF GEORGIA
PERMIT TO WITHDRAW, DIVERT OR IMPOUND SURFACE WATER

PERMIT HOLDER'S NAME Southern Nuclear Operating Co.-Vogtle Electric Generating Plant PERMIT NUMBER 017-0191-11

PERMIT HOLDER'S ADDRESS 40 Inverness Center Parkway Bin B010, Birmingham, AL 35242

In accordance with the provisions of the Georgia Water Quality Control Act, (O.C.G.A § 12-5-20 *et seq.*) as amended, and the Rules and Regulations for Water Quality Control, Chapter 391-3-6, promulgated pursuant thereto, this permit is issued to withdraw surface water from the (source) Savannah River for the purposes of cooling and in-plant use.

The permit holder must comply with the following limitations:

- (1) Maximum 24 hour: Withdrawal 74.0 MGD; Impoundment ___ MGD; Diversion _____ MGD
- (2) Not to exceed a monthly average of 62.0 MGD

This permit is conditioned upon the permit holder complying with the following:

This permit contains general and special conditions that are based on the unique hydrologic, environmental, water uses, and related hydraulic and environmental assessments and regulatory conditions in the Savannah River Basin. The conditions are limited to the unique circumstances of the Savannah River Basin and may not be required in other surface water withdrawal permits.

STANDARD CONDITIONS

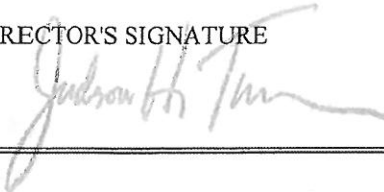
- (1) The provisions of the Water Quality Control Act, as amended, or any of the Rules and Regulations promulgated thereto;
- (2) This permit shall not be transferred except with the approval of the Division;
- (3) The use of surface water is limited to the quantities and purposes as specified herein;
- (4) The permit holder shall submit annually to the Division, within 30 days of completion of the calendar year, a report listing for each month of the previous year:
 - a. The gallons per day withdrawn, based on an average of the daily withdrawals for the month;
 - b. The maximum 24 hour withdrawal;
- (5) And the attached special conditions which are hereby made a part of this permit.

In accordance with the application dated July 29, 2011 and in conformity with the statements and supporting data entered therein or attached thereto, all of which are filed with the Environmental Protection Division of the Department of Natural Resources and are hereby made part of this Permit.

This Permit is effective from the date written below and is subject to revocation pursuant to the Georgia Water Quality Control Act, as amended, O.C.G.A § 12-5-31 (k).

Absent prior revocation in accordance with the above language, this Permit shall expire on the 4th day of December 2024 .

DIRECTOR'S SIGNATURE



DATE:
December 5, 2014

Director
Environmental Protection Division
Department of Natural Resources

SPECIAL CONDITIONS

1. The permit holder's intake is located on the Savannah River about a mile downstream of Hancock Landing Road in Burke County. The plant uses surface water from the Savannah River primarily as makeup water for the main circulating water system to the natural draft cooling towers for two nuclear reactors (Units 3 and 4). All water withdrawn must be calculated leaving the intake structure.
2. The amount of water withdrawn, less evaporation and drift losses, must be returned to the Savannah River on a daily basis via cooling tower blow down and the plant liquid radwaste discharge dilution water system. Water that is returned to the river from the system is done so through the National Pollution Discharge Elimination System (NPDES) release points in accordance with the NPDES permit.
3. To address simulation results from hydrodynamic modeling of streamflows conducted by EPD, which suggest the injection of at least 2,000 lbs. of oxygen per day will offset any actual or theoretical dissolved oxygen conditions associated with this Permit, the permittee agrees to cause the construction and installation of an oxygen injection system, such as a Speece Cone, capable of injecting up to 4,000 lbs. of oxygen per day in the area of river mile 14 in the Savannah Harbor. To conservatively address dissolved oxygen conditions in the Savannah Harbor, the permittee shall cause to operate the oxygen injection system and inject 4,000 lbs. of oxygen per day from April 15 through November 15 of each year. This special condition is included in this Permit to address potential or theoretical hydraulic conditions in the Savannah Harbor and other unique conditions in the area of the Harbor, including the absence of flood control infrastructure, the absence of reservoirs downstream of the withdrawal, and the activities associated with the Savannah Harbor Expansion Project.
4. The permittee may seek the modification of any condition in this Permit, including operation of the oxygen injection system, based on environmental assessments, technological improvements, hydrodynamic evaluations, or other information available on modeled conditions or actual conditions in the Savannah River or Savannah Harbor.
5. In addition to Standard Condition number (4), the permit holder must submit to the Environmental Protection Division (EPD), by the 10th day of every calendar month, a monthly Surface Water Withdrawal Report for all daily raw water withdrawals for the previous month.
6. The permit holder must abide by applicable water conservation requirements.
7. The permit holder must abide by applicable drought response requirements.
8. The permit holder's surface water withdrawal permit and any future modifications or re-issuance of such, is conditional upon implementation of applicable Water Conservation Plan. The permit holder must demonstrate an effort to increase water use efficiency.
9. The permit holder will cooperate with the Environmental Protection Division (EPD) in the coordination of its water withdrawal requirements associated with this Permit and the following Groundwater Use Permits:

* 017-0003
* 017-0006

PERMIT MODIFICATION

The permit holder may seek modification of any of the terms of an unexpired permit upon written request to the Director.

CERTIFICATE OF SERVICE

I do hereby certify that on this day I served a copy of the foregoing *Petition for Hearing* upon the following parties as outlined in Ga. Comp. R. & Regs. r. 391-1-2-.04, via Certified Mail Return Receipt Requested, with adequate postage affixed thereon to assure delivery, and addressed as follows:

Judson H. Turner
Director, Environmental Protection Division
c/o Commissioner of Natural Resources
2 Martin Luther King, Jr. Drive, S.E., Suite 1252 East
Atlanta, Georgia 30334-9000

Honorable Sam Olens, Esquire
Attorney General
40 Capitol Square, SW
Atlanta, GA 30334

Southern Nuclear Operating Co.
40 Inverness Center Parkway
Bin B010
Birmingham, AL 35242

This the 2nd day of January, 2015.


BLAIR BALLARD MASSEY