

Power Plant Siting Act Process

Day #

0

21

30

40

45

66

70

75

85

87

92

102

117

132

147

150

192

200

207

222

234

236

241

262

265

281

315

375

Certification Application Filed with DEP
(distributed at same time to affected agencies)
Day 0

Notice* of Application Filing
Filing + 21 days (Day 21)

Agency Comments on Completeness
Filing + 30 (Day 30)

DEP Determination on Completeness
Filing + 40 (Day 40)

Withdraw application

Contest determination

Request more time to file additional info - Clocks tolled

Submit Additional Information
Determination + 30 (Day 70)

Groups File Notices of Intent to Be Parties
Filing + 75 days (Day 75)

Agency Comments on Completeness
More Info + 15 (Day 85)

DEP 2nd Determination on Completeness
More Info + 22 (Day 92)

complete??

Clocks tolled until complete

Preliminary Statements of Issues
Complete + 40 (Day 132)

Agency Reports (other than PSC)
Complete + 100 (Day 192)

PSC Report (includes Need Determination)
Certification Filing + 150 (Day 150)

Notice* of Cert. Hearing
Hearing + 65 days (Day 200)

ALJ Recommended Order
Land Use Hearing + 30 (Day 147)

Siting Board Land Use Hearing
Recommended Order + 60 (Day 207)

Project Analysis (by DEP)
Complete + 130 (Day 222)

Intervention by Substantially Affected Groups if allowed by ALJ
Certification Hearing + 31 (Day 234)

Parties Stipulate No Issues/Request Hearing Cancellation
Certification Hearing + 29 (Day 236)

ALJ cancels Certification Hearing
Cancellation Request + 5 (Day 241)

Notice* of Cert. Hearing Cancellation
Hearing + 3 days (Day 262)

DEP Secretary Issues Final Order of Certification
Hearing Cancellation + 40 days (Day 281)

Certification Hearing by ALJ
Filing + 265 (Day 265)

ALJ Recommended Order
Certification Hearing + 5 + 45 (Day 315)

Siting Board Hearing & Issuance of Final Order
Recommended Order + 60 (Day 375)

Local Government Consistency Determination
Filing + 45 Days (Day 45)

consistent??

Applicant may apply to Local Govt. to address inconsistencies
no set date

process stops !!

Except for Notice of Consistency Determination, clocks tolled until determined consistent

Local Proceeding on Consistency Determination

Local Government Consistency Determination
30 days after above Proceeding

Substantially Affected Persons May Dispute
Determination Notice + 21 (Day 87)

Notice* of Consist. Hearing
Petition + 15 days (Day 102)

DOAH hearing on Land Use dispute
Petition + 30 (Day 117)

ALJ Recommended Order
Land Use Hearing + 30 (Day 147)

Siting Board Land Use Hearing
Recommended Order + 60 (Day 207)

disputed issues??

when possible, hearing conducted in conjunction with certification hearing by ALJ

Federally Delegated or Approved Permits* Applications (filed independent of Certification Application)

Petition for PSC Need Determination (filed independent of Certification Application)

Need Determination Hearing
Need Petition Filing + 90 days

Need Determination Final Order
Need Petition Filing + 135 days

Needed?

process stops !!

Notes:

*** Newspaper Notice**

**** Federally Delegated or Approved Permits:**

- Water Pollution-related
- National Pollutant Discharge Elimination System permit (NPDES)
- Underground Injection Control (UIC)
- Air Pollution-related
- Prevention of Significant Deterioration Permit (PSD)
- New Source Review (NSR)
- Solid and Hazardous Waste-related

Terms/Acronyms:

- ALJ - Administrative Law Judge
- DEP - Department of Environmental Protection
- PSC - Public Service Commission
- Siting Board - Governor & Cabinet

Opportunity for Public Input

Opportunity for Groups to Intervene as Parties