

# Overview of the Electrical Power Plant Siting Act

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**Informational Public Meeting**

**August 31, 2009**



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# Electrical Power Plant Siting Act

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- Created by Florida Legislature in 1973
- Revised most recently in 2006 and 2008
- Sections 403.501- 403.518, Florida Statutes
- Supporting Rule: 62-17, Part I, F.A.C.
- Multi-agency review with ultimate approval by Governor & Cabinet (“Siting Board”)



# Site Certification Procedure

## Certification Requirements

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- 1) Determination of Need – PSC (Public Service Commission)
- 2) Site Certification Application (SCA) Review – DEP with affected agencies
- 3) Separate Issuance of Federal Permits/Licenses as applicable: PSD, NPDES, UIC & NRC



# Site Certification Procedure Affected Agencies

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- Department of Community Affairs
- The Water Management District
- Local Government(s)
- Fish and Wildlife Conservation Commission
- Regional Planning Council
- Department of Transportation
- Any other agency, as DEP deems necessary (e.g. Department of State, Department of Agriculture Division of Forestry)



# Electrical Power Plant Siting Act

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- Certification (Licensing) supersedes and encompasses ALL state and local permits and approvals
- Certification does NOT supersede federal permitting processes



# PPSA Certification Procedures

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- The certification process is a legal proceeding, overseen by an Administrative Law Judge (ALJ) from the Division of Administrative Hearings (DOAH)
- DEP (The Siting Office):
  - administers the processing of applications
  - administers and manages (for life) the terms and conditions of the final license
- The proceeding incorporates a “*Land Use Determination*” (made by the applicable local government) with final approval of land use by the Siting Board if the decision is disputed
- Final approval for overall certification will be issued by the Siting Board (if disputed) or the DEP Secretary (not disputed)



# PPSA Certification Procedures

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Timelines of Certification are Controlled by Statute:

- Application Review
- Certification Hearing before an ALJ
- Recommendation to Governor and Cabinet
- Governor and Cabinet approval or denial



# PPSA Certification Procedure Hearing Before the ALJ

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- General Requirements
  - a) PSC has determined a “Need” for the project.
  - b) The Proposed Site is exempt or conforms to the Land Use Plan/  
Zoning Ordinances (or the Siting Board has granted relief).
  - c) There have been no approved requests for extensions of time.
  - d) No Stipulation.
  
- If requirements are met, a Certification Hearing will be held with the ALJ no later than **265** days after the filing of the Application



# PPSA Certification Procedure Hearing Before the ALJ

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- Hearing should be held as close as possible to the proposed power plant
- Hearings may last from one day to several weeks
- If petitions are filed against draft federal permits (excluding the NRC licensing process) these may be consolidated into the Site Certification Hearing



# PPSA Certification Procedure

## Siting Board Hearing

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- ALJ submits a Recommended Order, which is presented by DEP's Siting Office to the Siting Board
- The Siting Board approves or denies certification
- Issues raised in the Siting Board Hearing are limited to matters raised in the Certification Hearing or raised in the ALJ's Recommended Order



## PPSA Certification Procedure Stipulation Between All Parties

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- If all parties to the proceeding stipulate (agree) that there are no disputed issues of fact or law, DEP or the applicant may request to cancel the Certification Hearing
- If request is “granted”, the DEP Secretary will then act, by written order, upon the application



# PPSA Certification Procedure

## Opportunities for Public Intervention

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- 1) Citizens may attend the Informational Public Meeting if held;
- 2) “Affected persons” may challenge a local government’s Land Use Determination, resulting in a Hearing;
- 3) Citizens may attend the Land Use Hearing (ALJ) if held;
- 4) Citizens may attend the Certification Hearing (ALJ) if held;
- 5) Citizens may attend Siting Board Meeting for Land Use if held;
- 6) Citizens may attend Siting Board Meeting for Certification if held.
- 7) Applicant is required to make a good faith effort to notify property owners within 3 miles of the plant boundary and ¼ mile of associated corridors via direct mailing.

A detailed description of public interaction with Florida’s Siting Acts may be found at the following web address:

<http://www.dep.state.fl.us/siting/public.htm>

Note: Additional opportunities for involvement exist within the PSC Need Determination and Federal Permitting processes which are not outlined here.



# Power Plant Siting Act Overview

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**Questions???**

*<http://www.dep.state.fl.us/siting>*