Infrastructure Projects and Stationary Source Permitting

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Infrastructure Projects and Stationary Source Permitting: FAST-41

- Fixing America’s Surface Transportation Act (FAST Act).
- Establishes framework to improve the Federal environmental review and authorization process for covered infrastructure projects.
  - The law does not apply to State authorizations, although a State may opt-in.
- Established Federal Permitting Improvement Steering Council (FPISC).
- Requires each agency to have a Chief Environmental Review and Permitting Officer (CERPO).
- Establishes the Environmental Review Improvement Fund (ERIF)
FAST-41 Overview Continued

- The agency’s CERPO shall facilitate successful coordination across EPA’s programs and regions, advise the agency’s Council Member on matters related to environmental review and authorizations, and work with the FPISC’s Executive Director, the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ) to ensure that timetable data and the Permitting Dashboard are updated in a timely manner.

- The status of FAST-41 covered projects are tracked online on the public “Permitting Dashboard”: https://www.permits.performance.gov/.
What is a Covered Project?

• Projects may be eligible to be covered under FAST-41 if they:
  ▪ involve construction of infrastructure (see below list),
  ▪ require authorization or environmental review by a Federal agency,
  ▪ are subject to NEPA,
  ▪ are likely to require a total investment of >$200 million, and
  ▪ do not qualify for an abbreviated environmental review and authorization process.
  ▪ Or, a project may become “covered” if it is subject to NEPA and meets other qualifications.

• FAST-41 applies to the following sectors:
  ▪ Conventional energy production, Renewable energy production, Electricity transmission, Surface transportation, Aviation, Ports and waterways, Water resource projects, Broadband, Pipelines, and Manufacturing
  ▪ Any other sector as determined by majority vote of the FPISC
Air Office Involvement in FAST-41

- EPA is involved in FAST-41 for any media office (NEPA, waste, water, air) that would need to issue an “authorization” for a covered project.
  - Applies to EPA issued permits only
  - Air authorizations are typically limited to New Source Review and Outer Continental Shelf permits
  - Many projects on dashboard have air permits associated with them, but those are issued by state/local air agencies
- EPA does not expect to be a Lead agency on any project, although EPA can be a “cooperating agency” or “participating agency”
  - EPA has the opportunity for early engagement and coordination
  - As a cooperating agency, EPA coordinates with the lead agency to help develop the Coordinated Project Plan (CPP) and enter milestone information into the Dashboard.
Most air permitting even for FAST-41 projects is done by air agencies

Currently, there are two projects where EPA is the permitting authority – both are outer continental shelf (OCS) permits for offshore wind projects.

- **Bay State Wind Project (Lead agency: BOEM)**
  - 800 MW
  - Construction proposed Q2 2020
  - Located off Massachusetts

- **Deepwater Wind’s South Fork Project (Lead agency: BOEM)**
  - 90 MW
  - Construction proposed Q3 2019
  - Located off Rhode Island/New York
Executive Order 13807

- Signed in August 2017
- EO 13807 aims to streamline timelines on permitting decisions and environmental reviews for large infrastructure projects and increase coordination, predictability, and transparency.
- Establishes that major infrastructure projects have a lead federal agency to support navigating the project through the Federal environmental review and authorization process.
- Requires that all covered projects be tracked on a dashboard.
Permitting Dashboard – Overview

• [www.permits.performance.gov](http://www.permits.performance.gov)
• FAST-41 Specific Information on Dashboard
  ▪ FAST-41 Fact Sheet
  ▪ Listing and map of all FAST-41 covered projects
  ▪ Project-specific pages containing project descriptions, points of contact, and permitting milestone schedules
• Other Resources & Tools
  ▪ Annual reports to Congress
  ▪ Standard operating procedures
  ▪ Implementation guidance
  ▪ Recommended Best Practices for Environmental Reviews and Authorizations for Infrastructure Projects
PROJECT MAP
The map below depicts all Federal infrastructure projects tracked on the Permitting Dashboard. For an interactive version of this map that features project classification overlays and individual project details, please click here or select 'Map' from the navigation bar.

BECOME A FAST-41 COVERED PROJECT
Infrastructure project sponsors interested in the benefits of Title 41 of the Fixing America's Surface Transportation Act ("FAST-41") are encouraged to select: "Becoming a FAST-41 Covered Project"

To learn more, please see the "FAST-41 Fact Sheet"

NEWS
FAST-41 INITIATION FEE NOPR
September 4, 2018
A draft notice of proposed rule making with request for comments due by November 5, 2018 has been published in the Federal Register. https://www.federalregister.gov/d/2018-10032

PROPOSED PROJECT SCHEDULE REDUCED BY NEARLY TWO YEARS
April 10, 2018
The Permitting Council announced it successfully reduced the permitting timetable by 22 months on the proposed Mid Sarataria Sediment Diversion Project. Click here to see the press release.
### Permitting Dashboard – Project List Page

#### Project Title | Lead Agency | Bureau/Mode | Sector | Project Type | Status
--- | --- | --- | --- | --- | ---
Aiya Solar Project (Moapa) | Department of Interior | Bureau of Indian Affairs | Renewable Energy Production | Solar | Paused
Alaska LNG Project | Federal Energy Regulatory Commission | Federal Energy Regulatory Commission | Pipelines | Liquefied Natural Gas Terminal Facilities (Onshore or In State Water), and associated Natural Gas Pipelines | In Progress
Atlantic Coast Pipeline, Atlantic Coast Pipeline Amendment, Supply Header, and ACP-Piedmont Lease | Federal Energy Regulatory Commission | Federal Energy Regulatory Commission | Pipelines | Interstate Natural Gas Pipelines | Complete
Bay State Wind Project | Department of Interior | Bureau of Ocean Energy Management | Renewable Energy Production | Wind: Federal Offshore | Planned
Bay State Wind Project

**Project Information**

- **Sector:** Renewable Energy Production
- **Project Category:** FAST-41 Covered Projects
- **Project Status:** Planned
- **Project Website:** Commercial Wind Leasing Offshore Massachusetts

**Description:**
Bay State Wind (BSW) proposes to develop, build, operate, and own (through one or more affiliated special purpose entities) an utility-scale offshore wind farm with capacity up to 1,600 MW located 15-25 miles off the south coast of Massachusetts within the Lease area (the "Project"). The Project may be developed in phases, and will consist of between 107 to 267 wind turbine generators ("WTG"), associated inter-array cabling, new onshore and offshore substations, export cables, a battery energy storage system, and onshore works for connection to the wholesale electric grid administered by ISO New England ("ISO-NE").

The request for approval for Bay State Wind has not been submitted. BOEM has coordinated with stakeholders to develop a preliminary list of anticipated reviews and authorizations based on the information available at this time, however, the Permitting Timetable will not be fully developed until the Construction Operations Plan has been submitted.
Questions & Thank you