

Survey of the Difficulty of Obtaining
Environmental Permits for New
Power Generation Capacity in 28 States

Prepared by

Dr. Howard Ellis, QEP
Enviroplan Consulting

Bruce Lippincott, Ph.D.
Lawler, Matusky & Skelly

? Purpose of Study

? Survey Procedures

? Results

? Conclusions

Purpose of Study

Need for New Power Generation Capacity

Choice of States for New Plants

Factor in Siting Decision:

How Hard Is It To Obtain Environmental Permits?

Purpose of Study

To Evaluate the Difficulty of Obtaining Environmental Permits for New Power Generation Capacity in the 28 States in the Eastern Half of the U.S.

Survey Procedures

? Survey Questionnaire

? Persons Surveyed

? States Surveyed

SURVEY QUESTIONNAIRE

Air Pollution Permitting Survey Questions

Criterion	Answer	Score
1. Does state have its own separate air quality modeling guidance? (Yes 1, No 0)		
2. Does state have air quality modeling requirements for minor sources? (Yes 1, No 0)		
3. Does state have air toxics modeling requirements? (Yes 1, No 0)		
4. Are air permits written centrally by state? (Yes 0, No 1)		

SURVEY QUESTIONNAIRE

Air Pollution Permitting Survey Questions

Criterion	Answer	Score
5. Are air quality modeling protocols and analyses reviewed centrally by state? (Yes 0, No 1)		
6. Does state have its own separate control technology evaluation requirements and guidance? (Yes 1, No 0)		
7. Are air pollution control technology analyses reviewed centrally by state? (Yes 0, No 1)		
8. Does state have its own special control technology requirements for hazardous air pollutants in addition to the MACT requirements? (Yes 1, No 0)		
Total Score		

SURVEY QUESTIONNAIRE

Other Environmental Permitting Questions

Wetlands

- 1 = No state or local laws; Federal law only
- 2 = State tidal/Coastal wetland laws only
- 3 = State tidal and inland wetland laws
- 4 = Undefined
- 5 = State tidal, inland, and local laws possible

Threatened and Endangered Species

- 1 = No state list or less than 20 total species
- 3 = State list of 20 to 70 total species; or simple permitting process
- 5 = Greater than 70 total species on state list

Permitting Time

- 1 = Less than one year
- 3 = One to two years
- 5 = More than two years

Cultural Resources

- 1 = Section 106 Federal law only
- 3 = State requires sign-off by SPHO via letter
- 5 = State indicated that many sites exist and/or state has additional requirements

SURVEY QUESTIONNAIRE

Other Environmental Permitting Questions

Coal Ash Disposal

- 1 = No restrictive caveats; encourages recycling
- 3 = Viewed as solid waste but expresses groundwater protection concerns
- 5 = Criteria of #3 plus a hazardous waste component

Special EIS or EAS required by state

- 1 = None required or issues handled individually
- 3 = Required, guidance available and uniform; No extensive preapplication process
- 5 = Required; pre-application meetings stipulated to determine scope of document

Response to 316 (b) draft language re: dry cooling tower or equivalent technology required

- 1 = Response was "wait and see"
- 3 = Unaware of draft language and/or dry cooling tower technology
- 5 = Language already adopted by state; state will be adopting it soon; state will adopt it if language becomes part of the guidance

SURVEY QUESTIONNAIRE

Other Environmental Permitting Questions

Opposition to new coal plants by organized intervener groups

1 = May be some local opposition, but not perceived as affecting the permitting

process; could be welcomed in some areas of state

3 = Generally to be expected; may have some affect on permitting process

5 = Perceived as being well-organized and includes credible state and/or national groups

Other comments gleaned from conversations that may affect permitting process

1 = Favorable to building new coal plants

3 = Slightly unfavorable to building new coal plants

5= Strongly unfavorable to building new coal plants

PERSONS SURVEYED

Persons in charge of air permitting and other
environmental permitting for new power generation
facilities in each state

STATES SURVEYED

Alabama
Arkansas
Connecticut
Delaware
Florida
Georgia
Illinois
Indiana
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan

STATES SURVEYED

Mississippi
New Hampshire
New Jersey
New York
North Carolina
Ohio
Pennsylvania
Rhode Island
South Carolina
Tennessee
Vermont
Virginia
West Virginia
Wisconsin

Results

State Ranking by Difficulty of Obtaining Air Pollution Construction Permits

State	Score
MS	0.00
KY	0.00
DE	1.00
GA	1.00
LA	1.00
FL	1.00
AL	2.00
AR	2.00
IL	2.00
MD	2.00
IN	3.00
ME	3.00
NH	3.00
RI	3.00

Results

State Ranking by Difficulty of Obtaining Air Pollution Construction Permits

State	Score
TN	3.00
WV	3.00
WI	4.00
CN	4.00
NC	4.00
VT	4.00
MI	4.00
NJ	5.00
OH	5.00
PA	5.00
VA	5.00
MA	6.00
SC	6.00
NY	6.00

Results

State of Mississippi Survey Results for Air Permitting

Criterion	Answer	Score
1. Does state have its own separate air quality modeling guidance? (Yes 1, No 0)	No	0
2. Does state have air quality modeling requirements for minor sources? (Yes 1, No 0)	No	0
3. Does state have air toxics modeling requirements? (Yes 1, No 0)	No	0
4. Are air permits written centrally by state? (Yes 0, No 1)	Yes	0
5. Are air quality modeling protocols and analyses reviewed centrally by state? (Yes 0, No 1)	Yes	0
6. Does state have its own separate control technology evaluation requirements and guidance? (Yes 1, No 0)	No	0

Criterion	Answer	Score
7. Are air pollution control technology analyses reviewed centrally by state? (Yes 0, No 1)	Yes	0
8. Does state have its own special control technology requirements for hazardous air pollutants in addition to the MACT requirements? (Yes 1, No 0)	No	0
Total Score		0

Results

State Ranking by Difficulty of Obtaining Other Environmental Permits

State	Score
AR	1.75
MS	2.40
ME	2.43
AL	2.50
NC	2.50
SC	2.63
VA	2.67
MI	2.71
IL	2.71
GA	2.86
OH	2.88
IN	3.00
LA	3.00
TN	3.11

Results

State Ranking by Difficulty of Obtaining Other Environmental Permits

State	Score
PA	3.13
KY	3.13
WI	3.25
RI	3.25
FL	3.29
MD	3.29
NH	3.29
DE	3.38
VT	3.75
WV	3.78
NJ	3.89
MA	4.00
NY	4.33
CT	4.33

Results

Combined Ranking by State of Difficulty of Obtaining Environmental Permits

State	Score for Air Permitting	Score for Other Environmental Permitting	Combined Score
MS	0.00	2.40	2.40
KY	0.00	3.13	3.13
AR	2.00	1.75	3.75
GA	1.00	2.86	3.86
LA	1.00	3.00	4.00
FL	1.00	3.29	4.29
DE	1.00	3.38	4.38
AL	2.00	2.50	4.50
IL	2.00	2.71	4.71
MD	2.00	3.29	5.29
ME	3.00	2.43	5.43
IN	3.00	3.00	6.00
TN	3.00	3.11	6.11
RI	3.00	3.25	6.25

Results

Combined Ranking by State of Difficulty of Obtaining Environmental Permits

State	Score for Air Permitting	Score for Other Environmental Permitting	Combined Score
NH	3.00	3.29	6.29
NC	4.00	2.50	6.50
MI	4.00	2.71	6.71
WV	3.00	3.78	6.78
WI	4.00	3.25	7.25
VA	5.00	2.67	7.67
VT	4.00	3.75	7.75
OH	5.00	2.88	7.88
PA	5.00	3.13	8.13
CT	4.00	4.33	8.33
SC	6.00	2.63	8.63
NJ	5.00	3.89	8.89
MA	6.00	4.00	10.00
NY	6.00	4.33	10.33

Conclusions

1. Survey results indicate that states in the South tend to have the least difficulty of environmental permitting

2. States in the Northeast and MidAtlantic tend to have the most difficulty

Conclusions

3. The relative difficulty of obtaining environmental permits by state is very dynamic and may change year to year base on new regulatory developments and implementation of existing regulations