

Overview of the Natural Gas Transmission Pipeline Siting Act

**St. Lucie County, Florida
Informational Public Meeting
September 30, 2009**



Siting Coordination Office

Natural Gas Transmission Pipeline Siting Act (NGPSA)

- Created by Florida Legislature in 1992
- Sections 403.9401- 403.9425, Florida Statutes
- Supporting Rule: 62-807, F.A.C.
- Multi-agency review with ultimate approval by Governor & Cabinet (“Siting Board”)

Natural Gas Transmission Pipeline Siting Act

- Certification (Licensing) supersedes and encompasses ALL state and local permits and approvals
- Certification does not supersede Federal permitting processes
- Many exemptions exist, including exemptions for interstate pipelines, lines less than 15 miles in length or not crossing a county line and lines owned by municipalities

NGPSA Site Certification Process

- 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 and manages the processing of applications
 - administers and manages the terms and conditions of the final license for life of the facility
- Final approval for overall certification will be issued by the Siting Board taking into account the findings of the ALJ



NGPSA Site Certification Procedure

Certification Requirements

- Determination of Need – PSC (Public Service Commission)
- Site Certification Application (SCA) Review – DEP with affected agencies
- Federal Permits – Federal air permits (PSD, Title V) & an Army Corps of Engineers (ACE) approval



NGPSA Site Certification Procedure

Affected Agencies

- Department of Environmental Protection
- Public Service Commission
- The Water Management District
- Department of Community Affairs
- Fish and Wildlife Conservation Commission
- Local Government(s)
- Regional Planning Council
- Department of Transportation
- Department of State – Division of Historical Resources

NGPSA Certification Procedure

Linear Facility

- Pursuant to ss. 380.04(3)(b), F.S., natural gas transmission pipelines are linear facilities and therefore excluded from the definition of development
- Because natural gas transmission pipelines are excluded from the definition of development they are not subject to land use consistency review
- However, facilities associated with the pipeline, such as compressor stations are not exempt
- As such, local governments where compressor stations are to be located are responsible for ensuring consistency with comprehensive land use/zoning plans

NGPSA Certification Procedure

Corridor

- Certification is for a “Corridor”, within which the pipelines, compressor stations, access and maintenance roads will eventually be located
- Corridor may be up to a 1/3 mile in width, with unlimited length
- **Review process is for entire corridor, with focus on where a right-of-way would not be appropriate or licensed**
- Corridor will be reduced to the boundary of the right-of-way after certification.



NGPSA Certification Procedure

Requirements & Timeline

- PSC Need Determination
- Sufficiency Review
- Local Government Informational Meetings
- Preliminary Statements of Issues
- Agency Reports
- Alternate Corridor filings, if any
- Project Analysis, with proposed Conditions of Certification
- Certification hearing before ALJ
- Recommended Order from ALJ to Governor & Cabinet
- Siting Board hearing

NGPSA Certification Procedures

Alternate corridors

- Alternate corridors may be filed by third parties
- Alternate corridor reviews are a mini-certification process, with their own time-clock steps
- Same type of reviews are required as for original corridor, but with shorter timeframes
- Typically shorter corridors

NGPSA Certification Procedure

Certification Hearing (before ALJ)

- General Requirements
 - PSC has determined a “Need” for the project.
 - Any non-exempt portions of the proposal conform to local Land Use Plans and/or Zoning Ordinances.
 - There have been no approved requests for extensions of time.
- If requirements are met, a Certification Hearing will be held with the ALJ no later than **215** days after the receipt of a complete Application

NGPSA Certification Procedure

Certification Hearing (continued)

- Hearing will be held in a central location of the proposed pipeline
- Hearings may last from one day to several weeks
- If petitions are filed against draft federal permits, these challenges may be consolidated into the Site Certification Hearing



NGPSA Certification Procedure

Siting Board Hearing (before Governor & cabinet)

- ALJ writes a Recommended Order, which forms the basis for a Final Order which is signed by the Siting Board
- The Siting Board approves or denies certification in their Final Order
- Issues raised before the Siting Board are limited to matters raised in the certification hearing before the ALJ

NGPSA Certification Procedure

Opportunities for Public Intervention

- Citizens may attend the Informational Public Meeting if held;
- Citizens may attend the Certification Hearing (ALJ) and provide comment during the public hearing portion;
- Citizens may attend Siting Board Hearing for Certification.

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



Natural Gas Pipeline Siting Act Overview

Questions???

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