

7.0. REGULATORY COMPLIANCE AND PERMIT REQUIREMENTS

Table 7.1.1 displays the Federal, state, and local regulatory compliance and permit approval requirements for the proposed power plant. NEPA support and compliance documents that have been prepared include an environmental questionnaire prepared by Babcock Borsig to provide basic information for use in preparing this EIS and in supporting implementation of the NEPA process, a water supply study performed for Corn Belt Energy Corporation by the Farnsworth Group, and a Subsidence Report prepared by Southern Illinois University. Other required support and compliance documents would include an environmental monitoring plan that Babcock Borsig would subsequently prepare, as appropriate, if the proposed action is implemented by DOE. For issues governed by both Federal and state requirements, the state generally has primacy with Federal oversight. If any state regulation is less stringent than a corresponding Federal regulation, the Federal agency can require compliance with the more stringent Federal regulation.

Under Section 7 of the Endangered Species Act of 1973 (Public Law 93-205, as amended), DOE must consult with the U.S. Fish and Wildlife Service to ensure that proposed actions would not jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of the critical habitat of such species. Appendix A documents consultations with the U.S. Fish and Wildlife Service.

Under Section 106 of the National Historic Preservation Act (Public Law 89-665, as amended), DOE must consult with the Illinois Historic Preservation Agency (HPA) to ensure compliance with the act. Appendix B documents the Illinois HPA's findings from such consultation.

Table 7.1.1. Federal, state, and local permits and approvals required for the proposed plant

Anticipated permitting agency	Permit or approval
	<i>Federal</i>
U.S. Environmental Protection Agency	<ul style="list-style-type: none"> • Acid Rain Compliance Plan and Permit Application, Phase II, for compliance with the Clean Air Act regarding nitrogen oxides and sulfur dioxide emissions and allowances • Certification of Continuous Emission Monitoring System (CEMS) for operation of a CEMS, requiring accuracy, calibration, response, and other CEMS testing information
Federal Aviation Administration (and Illinois Department of Transportation, Division of Aeronautics)	<ul style="list-style-type: none"> • Determination of Obstruction Hazard for construction of tall structures, requiring locations and dimensions of stacks and other tall structures
U.S. Fish and Wildlife Service	<ul style="list-style-type: none"> • Endangered Species Act; Section 7 consultation

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Anticipated permitting agency	Permit or approval
<i>State</i>	
Illinois Environmental Protection Agency, Division of Air Pollution Control	<ul style="list-style-type: none"> • Prevention of Significant Deterioration Permit for construction of a major source of air pollution, requiring air emissions and control equipment data, air quality modeling, Best Available Control Technology determination, and on-site air quality monitoring data • Title IV Acid Rain Permit • Title V Operating Permit for operation of a major source of air pollution, requiring emissions information, descriptions of emissions points, plot plan/layout/process flow drawings, and reasonably anticipated operating scenarios
Illinois Environmental Protection Agency, Division of Water Pollution Control	<ul style="list-style-type: none"> • National Pollutant Discharge Elimination System (NPDES) Permit, for discharges into surface water, requiring locations, volumes, and pollutant concentrations of expected wastewater discharges • NPDES General Stormwater Permit, construction and operation, for stormwater runoff from industrial areas and from construction on areas of five or more acres, requiring a Storm Water Pollution Prevention Plan containing site description, pollution and erosion control measures, and maintenance procedures
Office of State Fire Marshal	<ul style="list-style-type: none"> • Above Ground Storage Tank Permit for construction of above-ground oil and chemical storage tanks, requiring plans and specification of tanks and on-site inspections
Illinois Historic Preservation Agency	<ul style="list-style-type: none"> • Historic Preservation Approval for construction of industrial site, requiring site plans • National Historic Preservation Act; Section 106 consultation
Illinois Department of Nuclear Safety	<ul style="list-style-type: none"> • Registration of Radioactive Material for possession or installation of generally licensed radioactive material, such as fuel flow or fly ash level sensing devices, requiring device registration information
<i>Local</i>	
Local Planning Board	<ul style="list-style-type: none"> • Approval of Site Plan for construction of industrial facility, requiring site arrangement drawing and description of proposed power plant
Local Highway Agency	<ul style="list-style-type: none"> • Highway Permit for connection of plant access road to township road, requiring access road drawing and construction and traffic control plans
Local Building Codes Agency	<ul style="list-style-type: none"> • Building/Plumbing Permit for construction of occupied building and indoor plumbing facilities, requiring site arrangement drawings and building and/or plumbing plans