



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4217

Introduced 11/14/2022, by Sen. Terri Bryant - Jil Tracy - Neil Anderson - Jason Plummer - Dale Fowler, et al.

SYNOPSIS AS INTRODUCED:

20 ILCS 608/5
20 ILCS 608/7 new
20 ILCS 608/10
20 ILCS 608/15
20 ILCS 608/25 new
20 ILCS 608/30 new

Amends the Business Assistance and Regulatory Reform Act. Modifies requirements concerning the Office of Business Permits and Regulatory Assistance. Provides that the office shall implement reforms to improve interagency coordination that allow for expeditious permitting issuance. Provides that the office shall utilize information technology tools to track project schedules and metrics to improve transparency and accountability of the permitting process, reduce uncertainty and delays, and reduce costs and risks to taxpayers. Modifies provisions and adds requirements concerning the provision of information and the expediting of permit reviews. Provides for the creation of an Interagency Permitting Advisory Committee. Provides additional requirements concerning the permitting process under the Act. Defines terms. Makes other changes.

LRB102 28148 DTM 39955 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Business Assistance and Regulatory Reform
5 Act is amended by changing Sections 5, 10, and 15 and by adding
6 Sections 7, 25, and 30 as follows:

7 (20 ILCS 608/5)

8 Sec. 5. Goal. The goal of this Act is to improve the
9 State's business climate by making it easier for ~~small and~~
10 ~~mid-size~~ businesses to deal with State requirements for doing
11 business. This goal will be achieved through providing quick,
12 accurate information on existing requirements, ~~and~~
13 unnecessary requirements, and expediting permit issuance.

14 (Source: P.A. 88-404.)

15 (20 ILCS 608/7 new)

16 Sec. 7. Definitions. As used in this Act:

17 "Authorization" means any license, permit, approval,
18 finding, determination, or other administrative decision
19 issued by an agency and any interagency consultation that is
20 required or authorized under State law in order to site,
21 construct, reconstruct, or commence operations of a covered
22 project administered by a State agency or, in the case of a

1 unit of local government that chooses to participate in the
2 environmental review and authorization process in accordance
3 with subparagraph (A) of paragraph (3) of subsection (c) of
4 Section 30, a local permitting authority.

5 "Committee" means the Interagency Permitting Advisory
6 Committee established under Section 25.

7 "Covered project" means any activity in Illinois with
8 authorization or environmental review by an agency involving
9 construction of infrastructure for renewable or conventional
10 energy production, electricity transmission, surface
11 transportation, aviation, ports and waterways, water resource
12 projects, broadband, pipelines, manufacturing, or any other
13 sector as determined by a majority vote of the Committee that:

14 (1) is subject to permitting requirements pursuant to
15 the Environmental Protection Act, is likely to require a
16 total investment of more than \$20,000,000, and does not
17 qualify for abbreviated authorization or environmental
18 review processes under any applicable law; or

19 (2) is subject to permitting requirements pursuant to
20 the Environmental Protection Act and the size and
21 complexity of which, in the opinion of the Committee,
22 makes the project likely to benefit from enhanced
23 oversight and coordination, including a project likely to
24 require authorization from or environmental review
25 involving more than 2 agencies.

26 "Project sponsor" means an entity, including any private,

1 public, or public-private entity, seeking an authorization for
2 a covered project.

3 (20 ILCS 608/10)

4 Sec. 10. Executive Office. There is created an Office of
5 Business Permits and Regulatory Assistance (hereinafter
6 referred to as "office") within the Department of Commerce and
7 Community Affairs (now Department of Commerce and Economic
8 Opportunity) which shall ~~consolidate existing programs~~
9 ~~throughout State government,~~ provide assistance to businesses
10 ~~with fewer than 500 employees~~ in meeting State requirements
11 for doing business, consolidate existing programs throughout
12 State government, and perform other functions specified in
13 this Act. The office shall implement reforms to improve
14 interagency coordination that allow for expeditious permitting
15 issuance. The office shall utilize information technology
16 tools to track project schedules and metrics to improve
17 transparency and accountability of the permitting process,
18 reduce uncertainty and delays, and reduce costs and risks to
19 taxpayers. The ~~By March 1, 1994, the office shall complete and~~
20 ~~file with the Governor and the General Assembly a plan for the~~
21 ~~implementation of this Act. Thereafter,~~ the office shall carry
22 out the provisions of this Act, subject to funding through
23 appropriation.

24 (Source: P.A. 98-463, eff. 8-16-13.)

1 (20 ILCS 608/15)

2 Sec. 15. Providing Information and Expediting Permit
3 Reviews.

4 (a) The office shall provide an online information system
5 using a website ~~toll free business assistance number. The~~
6 ~~number shall be~~ advertised throughout the State. Interested
7 businesses shall ~~if requested, the caller will~~ be sent a basic
8 business kit, describing the basic requirements and procedures
9 for doing business in Illinois. ~~If requested, the caller shall~~
10 ~~be directed to one or more of the additional services provided~~
11 ~~by the office. All persons providing advice to callers on~~
12 ~~behalf of the office and all persons responsible for directly~~
13 ~~providing services to persons visiting the office or one of~~
14 ~~its branches shall be persons with small business experience~~
15 ~~in an administrative or managerial capacity.~~

16 (b) (Blank).

17 (c) Any applicant for permits required for a business
18 activity may confer with the office to obtain assistance in
19 the prompt and efficient processing and review of
20 applications. The office shall ~~may~~ designate an employee of
21 the office to act as a permit assistance manager to:

22 (1) facilitate contacts for the applicant with
23 responsible agencies;

24 (2) arrange conferences to clarify the requirements of
25 interested agencies;

26 (3) consider with State agencies the feasibility of

1 consolidating hearings and data required of the applicant;

2 (4) assist the applicant in resolution of outstanding
3 issues identified by State agencies; and

4 (5) coordinate federal, State and local regulatory
5 procedures and permit review actions to the extent
6 possible.

7 (d) The office shall publish an online a directory of
8 State business permits and State programs to assist ~~small~~
9 businesses.

10 (e) The office shall attempt to establish agreements with
11 local governments to allow the office to provide assistance to
12 applicants for permits required by these local governments.

13 (f) (Blank). ~~Interested State agencies shall, to the~~
14 ~~maximum extent feasible, establish procedures to expedite~~
15 ~~applications for infrastructure projects. Applications for~~
16 ~~permits for infrastructure projects shall be approved or~~
17 ~~disapproved within 45 days of submission, unless law or~~
18 ~~regulations specify a different period. If the interested~~
19 ~~agency is unable to act within that period, the agency shall~~
20 ~~provide a written notification to the office specifying~~
21 ~~reasons for its inability to act and the date by which approval~~
22 ~~or disapproval shall be determined. The office may require any~~
23 ~~interested State agency to designate an employee who will~~
24 ~~coordinate the handling of permits in that area.~~

25 (g) In addition to its responsibilities in connection with
26 permit assistance, the office shall provide general regulatory

1 information by directing businesses to appropriate officers in
2 State agencies to supply the information requested.

3 (h) The office shall help businesses to locate and apply
4 to training programs available to train current employees in
5 particular skills, techniques or areas of knowledge relevant
6 to the employees' present or anticipated job duties. In
7 pursuit of this objective, the office shall provide businesses
8 with pertinent information about training programs offered by
9 State agencies, units of local government, public universities
10 and colleges, community colleges, and school districts in
11 Illinois.

12 (i) The office shall help businesses to locate and apply
13 to State programs offering to businesses grants, loans, loan
14 or bond guarantees, investment partnerships, technology or
15 productivity consultation, or other forms of business
16 assistance.

17 (j) To the extent authorized by federal law, the office
18 shall assist businesses in ascertaining and complying with the
19 requirements of the federal Americans with Disabilities Act.

20 (k) The office shall provide confidential on-site
21 assistance in identifying problems and solutions in compliance
22 with requirements of State and federal environmental
23 regulations. The office shall work through and contract with
24 the Illinois Sustainable Technology Center to provide
25 confidential on-site consultation audits that (i) assist
26 regulatory compliance and (ii) identify pollution prevention

1 opportunities.

2 (k-5) Until July 1, 2012, the office shall provide
3 confidential on-site assistance, including, but not limited
4 to, consultation audits, to identify problems and solutions
5 regarding compliance with the requirements of the federal
6 Occupational Safety and Health Administration. On and after
7 July 1, 2012, the Department of Labor shall provide
8 confidential on-site assistance, including, but not limited
9 to, consultation audits, to identify problems and solutions
10 regarding compliance with the requirements of the federal
11 Occupational Safety and Health Administration.

12 (l) The office shall provide information on existing loan
13 and business assistance programs provided by the State.

14 (m) Each State agency having jurisdiction to approve or
15 deny a permit shall have the continuing power heretofore or
16 hereafter vested in it to make such determinations. The
17 provisions of this Act shall not lessen or reduce such powers
18 and shall modify the procedures followed in carrying out such
19 powers only to the extent provided in this Act.

20 (n) ~~(1)~~ Each State agency shall fully cooperate with the
21 office in providing information, documentation, personnel or
22 facilities requested by the office.

23 ~~(2) Each State agency having jurisdiction of any permit to~~
24 ~~which the master application procedure is applicable shall~~
25 ~~designate an employee to act as permit liaison office with the~~
26 ~~office in carrying out the provisions of this Act.~~

1 (o) (1) The office shall identify, develop, and track
2 metrics for timeliness of permit reviews, permit decisions,
3 and project outcomes ~~has authority, but is not required, to~~
4 ~~keep and analyze appropriate statistical data regarding the~~
5 ~~number of permits issued by State agencies, the amount of time~~
6 ~~necessary for the permits to be issued, the cost of obtaining~~
7 ~~such permits, the types of projects for which specific permits~~
8 ~~are issued, a geographic distribution of permits, and other~~
9 ~~pertinent data the office deems appropriate.~~

10 The office shall administer and expand the use of online
11 transparency tools providing:

12 (i) tracking and reporting metrics;

13 (ii) development and posting of schedules for permit
14 reviews and permit decisions;

15 (iii) the sharing of best practices relating to
16 efficient project permitting and reviews; and

17 (iv) the visual display of relevant geospatial data to
18 support the permitting process. ~~make such data and any~~
19 ~~analysis of the data available to the public.~~

20 (2) The office shall ~~has authority, but is not required,~~
21 ~~to~~ conduct or cause to be conducted a thorough review of any
22 agency's permit requirements and the need by the State to
23 require such permits. The office shall draw on the review, on
24 its direct experience, and on its statistical analyses to
25 prepare recommendations regarding how to:

26 (i) eliminate unnecessary or antiquated permit

1 requirements;

2 (ii) consolidate duplicative or overlapping permit
3 requirements;

4 (iii) simplify overly complex or lengthy application
5 procedures;

6 (iv) expedite time-consuming agency review and
7 approval procedures; or

8 (v) otherwise improve the permitting processes in the
9 State.

10 The office shall submit copies of all recommendations
11 within 5 days of issuance to the affected agency, the
12 Governor, the General Assembly, and the Joint Committee on
13 Administrative Rules.

14 (p) The office shall ~~has authority to~~ review State forms
15 ~~on its own initiative or upon the request of another State~~
16 ~~agency~~ to ascertain the burden, if any, of complying with
17 those forms. If the office determines that a form is unduly
18 burdensome to business, it may recommend to the agency issuing
19 the form either that the form be eliminated or that specific
20 changes be made in the form.

21 (q) Not later than March 1 of each year, beginning March 1,
22 1995, the office shall submit an annual report of its
23 activities during the preceding year to the Governor and
24 General Assembly. The report shall describe the activities of
25 the office during the preceding year and shall contain
26 statistical information on the permit assistance activities of

1 the office.

2 (Source: P.A. 97-787, eff. 7-13-12; 98-346, eff. 8-14-13.)

3 (20 ILCS 608/25 new)

4 Sec. 25. Interagency Permitting Advisory Committee.

5 (a) The Director of each permitting agency shall designate
6 a representative of the agency to serve on the committee and
7 represent the agency as agency chief environmental review and
8 permitting officer as required by this Act.

9 (b) The head of each of the following agencies, or his or
10 her designee, shall serve on the committee:

11 (1) the Office of Business Permits and Regulatory
12 Assistance;

13 (2) the Environmental Protection Agency;

14 (3) the Department of Transportation;

15 (4) the Department of Natural Resources;

16 (5) the Illinois Commerce Commission;

17 (6) the Office of State Fire Marshal; and

18 (7) the Department of Public Health.

19 (20 ILCS 608/30 new)

20 Sec. 30. Permitting process improvement.

21 (a) Project initiation and designation of participating
22 agencies.

23 (1) Notice.

24 (A) A project sponsor of a covered project shall

1 submit to the office notice of the initiation of a
2 proposed covered project.

3 (B) Each notice described in subparagraph (A)
4 shall include:

5 (i) a statement of the purposes and objectives
6 of the proposed project;

7 (ii) a concise description, including the
8 general location of the proposed project and a
9 summary of geospatial information, if available,
10 illustrating the project area and the locations,
11 if any, of environmental, cultural, and historic
12 resources;

13 (iii) a statement regarding the technical and
14 financial ability of the project sponsor to
15 construct the proposed project;

16 (iv) a statement of any financing, and
17 authorizations anticipated to be required to
18 complete the proposed project; and

19 (v) an assessment that the proposed project
20 meets the definition of a covered project under
21 Section 7 and a statement of reasons supporting
22 the assessment.

23 (2) Invitation.

24 (A) Not later than 21 calendar days after the date
25 on which the office makes a specific entry for the
26 project on the Permitting Dashboard under paragraph

1 (1) of subsection (b), the office, with input from the
2 agency chief environmental review and permitting
3 officer shall:

4 (i) identify agencies and governmental
5 entities likely to have financing, environmental
6 review, authorization, or other responsibilities
7 with respect to the proposed project; and

8 (ii) invite all agencies identified under
9 clause (i) to become a cooperating agency, in the
10 environmental review and authorization management
11 process described in this Section.

12 (B) Each invitation made under subparagraph (A)
13 shall include a 14 calendar day deadline for a
14 response to be submitted to the office.

15 (3) Cooperating agencies.

16 (A) An agency invited under paragraph (2) shall be
17 designated as a cooperating agency for a covered
18 project, unless the agency informs the office in
19 writing before the deadline under subparagraph (B) of
20 paragraph (2) that the agency:

21 (i) has no jurisdiction or authority with
22 respect to the proposed project; or

23 (ii) does not intend to exercise authority
24 related to, or submit comments on, the proposed
25 project.

26 (B) On request and a showing of changed

1 circumstances, the office may designate an agency that
2 has opted out under subparagraph (A)(ii) of this
3 paragraph (3) to be a cooperating agency.

4 (4) The designation described in paragraph (3) shall
5 not:

6 (A) give the cooperating agency authority or
7 jurisdiction over the covered project; or

8 (B) expand any jurisdiction or authority a
9 cooperating agency may have over the proposed project.

10 (b) Permitting Dashboard.

11 (1) Requirement to maintain.

12 (A) The office, in coordination with the
13 Department of Innovation and Technology, shall
14 maintain an online database to be known as the
15 "Permitting Dashboard" to track the status of
16 environmental reviews and authorizations for any cover
17 project.

18 (B) If the office determines that the project is
19 not a covered project, the project sponsor may submit
20 a further explanation as to why the project is a
21 covered project not later than 14 days after the date
22 of being notified of the determination.

23 (C) Not later than 14 days after receiving an
24 explanation described in subparagraph (B), the office
25 shall:

26 (i) make a final and conclusive determination

1 as to whether the project is a covered project;

2 and

3 (ii) if the office determines that the project
4 is a covered project, create a specific entry on
5 the Permitting Dashboard for the covered project.

6 (2) Postings by agencies.

7 (A) For each covered project added to the
8 Permitting Dashboard under paragraph (1), the office
9 and each cooperating and agency shall post to the
10 Permitting Dashboard:

11 (i) a hyperlink that directs to a website that
12 contains, to the extent consistent with applicable
13 law:

14 (I) the notification submitted under
15 paragraph (1) of subsection (a);

16 (II) where practicable: (aa) the
17 applications and supporting documents that
18 have been submitted by a project sponsor for
19 any required environmental review or
20 authorization; or (bb) a notice explaining how
21 the public may obtain access to such
22 documents;

23 (III) a description of any agency action
24 taken or decision made that materially affects
25 the status of a covered project;

26 (IV) any significant document that

1 supports the action or decision described in
2 subclause (III); and

3 (V) a description of the status of any
4 litigation to which the agency is a party that
5 is directly related to the project, including,
6 if practicable, any judicial document made
7 available on an electronic docket maintained
8 by a federal, State, or local court; and

9 (ii) any document described in clause (i) that
10 is not available by hyperlink on another website.

11 (B) The information described in subparagraph (A)
12 shall be posted to the website made available by
13 hyperlink on the Permitting Dashboard not later than 5
14 business days after the date on which the agency
15 receives the information.

16 (3) Postings by the office. The office shall publish
17 to the Permitting Dashboard:

18 (A) the permitting timetable established under
19 paragraph (2) of subsection (c);

20 (B) the status of the compliance of each agency
21 with the permitting timetable;

22 (C) any modifications of the permitting timetable;

23 (D) an explanation of each modification described
24 in subparagraph (C); and

25 (E) any memorandum of understanding established
26 under subparagraph (C) of paragraph (3) of subsection

1 (c).

2 (c) Coordination and timetables.

3 (1) Coordinated project plan.

4 (A) Not later than 60 days after the date on which
5 the office makes a specific entry for the project on
6 the Permitting Dashboard, in consultation with each
7 agency chief environmental review and permitting
8 officer, shall establish a concise plan for
9 coordinating public and agency participation in, and
10 completion of, any required environmental review and
11 authorization for the project.

12 (B) The coordinated project plan shall include the
13 following information and be updated by the office, as
14 applicable, at least once per quarter:

15 (i) A list of, and roles and responsibilities
16 for, all entities with environmental review or
17 authorization responsibility for the project.

18 (ii) A permitting timetable, as described in
19 paragraph (2), setting forth a comprehensive
20 schedule of dates by which all environmental
21 reviews and authorizations, and to the maximum
22 extent practicable, other jurisdictions' permits,
23 reviews, and approvals must be made.

24 (iii) A discussion of potential avoidance,
25 minimization, and mitigation strategies, if
26 required by applicable law and known.

1 (iv) Plans and a schedule for public outreach
2 and coordination, to the extent required by
3 applicable law.

4 (C) The coordinated project plan described in
5 subparagraph (A) may be incorporated into a memorandum
6 of understanding.

7 (2) Permitting timetable.

8 (A) As part of the coordination project plan under
9 paragraph (1), the office, in consultation with each
10 agency chief environmental review and permitting
11 officer, the project sponsor, and any unit of local
12 government in which the project is located, and,
13 subject to subparagraph (C), with the concurrence of
14 each cooperating agency, shall establish a permitting
15 timetable that includes intermediate and final
16 completion dates for action by each cooperating agency
17 on any environmental review or authorization required
18 for the project. The final completion states shall be
19 based on relevant historical data but with the aim of
20 completing all required authorizations within 2 years.

21 (B) In establishing the permitting timetable under
22 subparagraph (A), the office may vary the timetable
23 based on relevant factors including:

24 (i) the size and complexity of the covered
25 project;

26 (ii) the resources available to each

1 participating agency;

2 (iii) the regional or national economic
3 significance of the project;

4 (iv) the sensitivity of the natural or
5 historic resources that may be affected by the
6 project;

7 (v) the financing plan for the project; and

8 (vi) the extent to which similar projects in
9 geographic proximity to the project were recently
10 subject to environmental review or similar
11 procedures under State law.

12 (C) Dispute resolution.

13 (i) The office, in consultation with
14 appropriate agency chief environmental review and
15 permitting officers and the project sponsor,
16 shall, as necessary, mediate any disputes
17 regarding the permitting timetable referred to
18 under subparagraph (A).

19 (ii) If a dispute remains unresolved 30 days
20 after the date on which the dispute was submitted
21 to the office, the Director of the Governor's
22 Office of Management and Budget shall facilitate a
23 resolution of the dispute and direct the agencies
24 party to the dispute to resolve the dispute by the
25 end of the 60-day period beginning on the date of
26 submission of the dispute to the office.

1 (iii) Any action taken by the Director of the
2 Governor's Office of Management and Budget in the
3 resolution of a dispute under clause (ii) shall:

4 (I) be final and conclusive; and

5 (II) not be subject to judicial review.

6 (D) Modification after approval.

7 (i) The office may modify a permitting
8 timetable established under subparagraph (A) only
9 if:

10 (I) the affected cooperating agencies,
11 after consultation with the project sponsor,
12 agree to a different completion date;

13 (II) the affected cooperating agency
14 provides a written justification for the
15 modification; and

16 (III) in the case of a modification that
17 would necessitate an extension of a final
18 completion date under a permitting timetable
19 established under subparagraph (A) to a date
20 more than 30 days after the final completion
21 date originally established under subparagraph
22 (A), the office shall consult with the project
23 sponsor and make a determination on the
24 record, based on consideration of the relevant
25 factors described under subparagraph (B),
26 whether to make such modification.

1 (ii) A completion date in the permitting
2 timetable may not be modified within 30 days after
3 the completion date.

4 (iii) Limitation on length of modifications.

5 (I) Except as provided in subclause (II),
6 the total length of all modifications to a
7 permitting timetable authorized or made under
8 this subparagraph (D), other than for reasons
9 outside the control of federal, State, local,
10 or tribal governments, may not extend the
11 permitting timetable for a period of time
12 greater than half of the amount of time from
13 the establishment of the permitting timetable
14 under subparagraph (A) to the last final
15 completion date originally established under
16 subparagraph (A).

17 (II) The Director of the Governor's Office
18 of Management and Budget, after consultation
19 with the project sponsor, may permit the
20 office to authorize additional extensions of a
21 permitting timetable beyond the limit
22 prescribed by subclause (I). In such a case,
23 the Director of the Governor's Office of
24 Management and Budget shall transmit, not
25 later than 5 days after making a determination
26 to permit an authorization of extension under

1 this subclause (II), a report to the General
2 Assembly explaining why such modification is
3 required. Such report shall explain to the
4 General Assembly with specificity why the
5 original permitting timetable and the
6 modifications authorized by the office failed
7 to be adequate. The office shall transmit to
8 the Director of the Governor's Office of
9 Management and Budget, a supplemental report
10 on progress toward the final completion date
11 each year thereafter, until the permit review
12 is completed or the project sponsor withdraws
13 its notice or application or other request to
14 which this Section applies.

15 (iv) The following shall not be subject to
16 judicial review:

17 (I) A determination by the office under
18 subclause (III) of clause (i).

19 (II) A determination under subclause (II)
20 of clause (iii) by the Director of the
21 Governor's Office of Management and Budget to
22 permit the office to authorize extensions of a
23 permitting timetable.

24 (E) A permitting timetable established under
25 subparagraph (A) shall be consistent with any other
26 relevant time period established under law and shall

1 not prevent any cooperating agency from discharging
2 any obligation under law in connection with the
3 project.

4 (F) Conforming to permitting timetables.

5 (i) Each agency shall conform to the
6 completion dates set forth in the permitting
7 timetable established under subparagraph (A), or
8 with any completion date modified under
9 subparagraph (D).

10 (ii) If an agency fails to conform with a
11 completion date for agency action on a covered
12 project or is at significant risk of failing to
13 conform with such a completion date, the agency
14 shall:

15 (I) promptly submit to the office for
16 publication on the Permitting Dashboard an
17 explanation of the specific reasons for
18 failing or significantly risking failing to
19 conform to the completion date and a proposal
20 for an alternative completion date;

21 (II) in consultation with the office
22 establish, an alternative completion date; and

23 (III) each month thereafter until the
24 agency has taken final action on the delayed
25 authorization or review, submit to the office
26 for posting on the Permitting Dashboard a

1 status report describing any agency activity
2 related to the project.

3 (G) Abandonment of covered project.

4 (i) If the office has a reasonable basis to
5 doubt the continuing technical or financial
6 ability of the project sponsor to construct the
7 covered project, the office may request the
8 project sponsor provide an updated statement
9 regarding the ability of the project sponsor to
10 complete the project.

11 (ii) If the project sponsor fails to respond
12 to a request described in clause (i) by the date
13 that is 30 days after receiving the request, the
14 office shall publish an appropriate notice on the
15 Permitting Dashboard.

16 (iii) On publication of a notice under clause
17 (ii), the completion dates in the permitting
18 timetable shall be tolled and agencies shall be
19 relieved of the obligation to comply with
20 subparagraph (F) until the project sponsor submits
21 to the office an updated statement regarding the
22 technical and financial ability of the project
23 sponsor to construct the project.

24 (3) Cooperating local governments.

25 (A) If the environmental review is being
26 implemented within the boundaries of a unit of local

1 government, it may choose to participate in the
2 environmental review and authorization process under
3 this subsection and to make subject to the process all
4 local authorities that:

5 (i) have jurisdiction over the covered
6 project;

7 (ii) are required to conduct or issue a
8 review, analysis, opinion, or statement for the
9 covered project; or

10 (iii) are required to make a determination on
11 issuing a permit, license, or other approval or
12 decision for the covered project.

13 (B) To the maximum extent practicable under
14 applicable law, the office shall coordinate the
15 environmental review and authorization processes under
16 this subsection (c) with any local authority
17 responsible for conducting any separate review or
18 authorization of the covered project to ensure timely
19 and efficient completion of environmental reviews and
20 authorizations.

21 (C) Any coordination plan between the office and
22 any local authority shall, to the maximum extent
23 practicable, be included in a memorandum of
24 understanding.

25 (d) Early consultation. The office shall provide an
26 expeditious process for project sponsors to confer with each

1 cooperating agency involved and, not later than 60 days after
2 the date on which the project sponsor submits a request under
3 this subsection, to have each such agency provide to the
4 project sponsor information concerning:

5 (1) the availability of information and tools,
6 including pre-application toolkits, to facilitate early
7 planning efforts;

8 (2) key issues of concern to each agency and to the
9 public; and

10 (3) issues that must be addressed before an
11 environmental review or authorization can be completed.