



2025-2026 General Assembly

SENATE BILL 257: 2026 Appropriations Act, Sec. 12.7: Department of Environmental Quality Fixing America's Surface Transportation-41 Permitting Process for Critical Energy Infrastructure.

Analysis of: S.L. 2026-41, Sec. 12.7

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Prepared by: Legislative Analysis
Division Staff

Section 12.7 of S.L. 2026-41 (Senate Bill 257) enacts a new statute that requires the Department of Environmental Quality (DEQ) to participate in the federal environmental review and authorization coordination process under the Fix America's Surface Transportation Act, known as FAST-41, upon written request from the project sponsor of any critical energy infrastructure project. For purposes of the section, the term "critical energy infrastructure" means:

- A nuclear energy generation facility, including any associated nuclear facility, electric transmission facility, and water supply or wastewater infrastructure.
- A natural gas-fired electric generation facility, including any associated electric transmission facility and water supply or wastewater infrastructure.
- A natural gas pipeline, including any associated compressor station and water supply or wastewater infrastructure.

DEQ must do all of the following with respect to a FAST-41 project:

- Designate a DEQ employee to serve as the single point of contact within five business days after receiving the project sponsor's written request.
- Identify each DEQ authorization that can be required for the project within 15 business days after receiving the project sponsor's written request.
- Participate in all meetings, consultations, coordination calls, schedule setting discussions, and other activities requested by the project sponsor, the Federal Permitting Improvement Steering Council, the facilitating or lead federal agency, as applicable, or any other federal agency involved in the FAST-41 process.
- Provide proposed target dates, intermediate milestones, and final decision deadlines for each DEQ authorization, for purposes of inclusion in any coordinated project plan, permitting timetable, federal permitting dashboard entry, memorandum of understanding, or other FAST-41 coordination document.
- Agree to the inclusion of DEQ authorization milestones in the FAST-41 permitting timetable or federal permitting dashboard to the maximum extent allowed by State and federal law.
- Conduct DEQ review concurrently with federal environmental review and authorization processes, except when otherwise prohibited by State or federal law.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

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- Coordinate with federal agencies to use shared application materials, technical studies, environmental documents, public comments, and agency analyses to avoid duplicative review.
- Complete review of each complete application for a DEQ authorization consistent with the applicable FAST-41 permitting timetable.

If DEQ misses a final decision deadline for a DEQ authorization included in a FAST-41 permitting timetable by more than 30 days, the Secretary of Environmental Quality must submit a written report to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, and the chairs of the House Appropriations Committee on Agriculture and Natural and Economic Resources. The report must identify the critical energy infrastructure project, the missed deadline, the reason for the delay, any actions taken by DEQ to resolve the delay, and the expected date of final agency action.

This section became effective July 7, 2026, and applies to requests from project sponsors received by DEQ on or after that date.