

Bioenergy Project Environmental Permitting



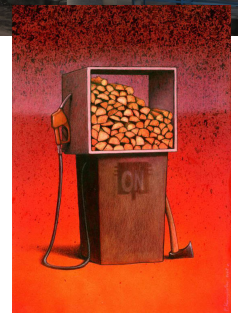
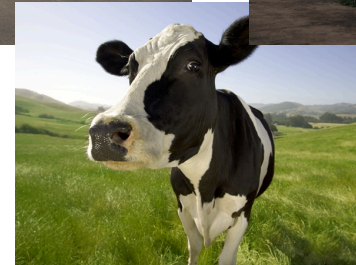
Bioenergy Association of California & American Biogas Council

Wednesday, October 15, 2014



TSS Consultants

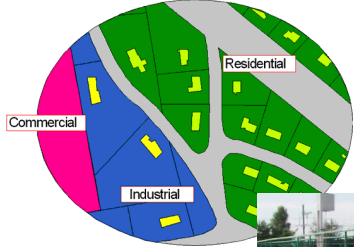
- TSS established in 1986 – principal focus was biomass to power
- Continue to assist project developers, government agencies, utilities, and tribal entities with bioenergy development and projects – biopower, biogas, biofuels, and bioproducts
- “All Things Biomass”



Potential Environmental Regulatory Permitting and Siting Issues

- Land Use & Zoning
- Water Use and Discharge
- Air Quality
- Transportation
- Public H&S
- Biological Resources
- Noise
- Cultural Resources
- Visual/Aesthetics

Principal Bioenergy Project Permits



- Land Use Permit
- Wastewater & Storm Water
- Air Quality
- Solid Waste
- Hazardous Materials

Siting a Bioenergy Project

- The important first step
- Is the feedstock coming to the project or is the project coming to the feedstock?
- The former has more options as it can be selective about the project site
- All project siting must take land use and zoning into account



Land Use and Zoning

- Basically, zoning is the designating of permitted uses of land into mapped areas.
- It is the principal way that local governments such as cities and counties attempt to regulate land use and activities within their jurisdictions.
- Land use permits are land entitlements granted by local agencies and can be a challenging first step (and costly)



Land Use and Zoning (cont'd)

- Many different types of zoning – Agricultural, Residential, Commercial, and Industrial, with many grades within designations
- Permitted uses with zoning designations can vary widely between and within local jurisdictions
- Zoning changes are something to avoid

Land Use and Zoning (cont'd)

- County or City Planning/Community Development Department
- Zoning generally must be Industrial or agricultural depending on project type (or need for zoning change)
- Conditional Use Permits usually needed for energy projects

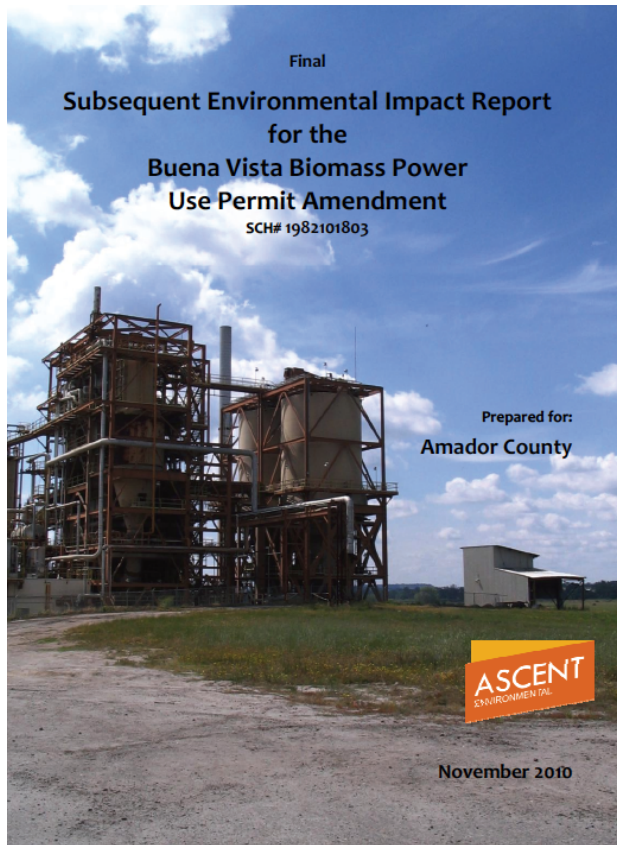
Land Use Approvals

- Approvals come in many forms and vary from jurisdiction to jurisdiction:
 - Permitted by right
 - Zoning review
 - Variances
 - Conditional, or Special, Use Permit
 - Not permitted

CA Land Use

- Siting
- Zoning Conformance
- Condition Use Permits
- Community Acceptance
- CEQA

CEQA – The California Treat



- CEQA – The California Environmental Quality Act
- Purpose – to inform the public of environmental decisions by CA agencies
- Public process driven
- For bioenergy facilities usually led by land use or air quality agencies
- Other states have similar process

Water Quality Permitting

- Water Use and Sewer Discharge
 - Generally local agencies
- Wastewater Discharge
 - Regional Board
- Storm Water
 - State Board
 - Construction General Permit
 - Operations (Industrial) General Permit




Regulatory Rapport

- Framing the bioenergy project and its positive attributes
- Pre-application discussions
- Understanding the system and the regulatory necessities
- Developing permitting & compliance strategies

The 4 P's of Permitting

- Planning
- Perception
- Perseverance
- Patience





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