



Power Plant Permitting

**California Biomass Collaborative
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Topics

- **Power Plant Permitting Processes**
 - California Energy Commission
 - Local City or County CEQA Processes
- **Permitting Issues**
- **Components for Success**
- **Avoiding Delays in the Permitting Process – Lessons Learned**
- **Information and Suggestions**



CEQA Processes

CEC Permitting

- **12-month AFC**
(EIR equivalent)
- **6-month AFC**
(Mitigated Neg Dec)
- **Small Power Plant Exemption**
(Mitigated Neg Dec)

Local Agency Permitting

- **Initial Study by City or County (Checklist)**
- **Negative Declaration**
- **Mitigated Neg. Dec.**
- **EIR**



Permitting Processes

CEC Consolidated Permit Process

- Power Plant
 - Thermal
 - > 50 megawatts
- Transmission Lines
 - Power plant to grid
- Related Facilities
 - Water line
 - Wastewater line
 - Gas lines and roads

Local Agency Permitting

- Power Plant
- Roads
- Muni or CPUC
 - Transmission line
 - Gas Line
- Air District
- Water Agency
 - Water line
- Wastewater Agency
 - Wastewater line



12-Month AFC Process

- **Consolidated permit process--fed/state/local**
- **“Certified Regulatory Program” with a decision in a specified length of time**
- **Permit that you can take to the bank**
 - Appeals are to the State Supreme Court
 - No CEC decision has been overturned
- **Analysis and decision must consider:**
 - Environmental Impacts / Mitigation
 - Compliance with Legal Requirements
- **Open to public**
- **Ability to override local and state laws**



6-Month AFC (Application for Certification)

- **Purpose - Expedite “clean” projects**
 - Location, Location, Location
- **Projects**
 - No significant adverse environmental impacts
 - No significant adverse energy system impacts
 - Comply with legal requirements
 - Have a contract and skilled labor
 - Address disproportionate impacts
- **Priority for “superior” projects**



Small Power Plant Exemption

- **Purpose – Exempt from CEC Licensing**
 - **Projects 50 to 100 MW**
 - **Project developer's option to seek this exemption**
 - **No significant adverse environmental impacts**
 - **No significant adverse energy system impacts**
- **CEC approves Mitigated Negative Declaration**
- **Local, state, and federal agencies issue permits**



Permitting Issues

- **Air quality impacts**
- **Availability of air emission offsets**
- **Public health and safety concerns**
- **Water supply (use of reclaimed water)**
- **Biological resource impacts**
- **Land use plans / standards / zoning**
- **Transmission line congestion**
- **Adequate and reliable long-term fuel source**
- **Natural gas line capacity to augment biomass**
- **Environmental justice**
- **“Need” in my community—Why here?**
- **Community issues**



Components of Success

Site	Developer	Agencies
Have proper zoning	Know project	Know process
Have "local" offsets	Clear internal comm.	Be flexible
Use reclaimed water	Open communication	Open communication
Have site control	Be flexible	Solve problems
Minimize linears	Accept responsibility	Be consistent
Avoid T&E species	Know impacts	Listen to public
Avoid TL congestion	Know community	Be creative



Lessons Learned from Past Projects

- **Project not adequately described in the application**
- **Project changes made during the CEQA review**
- **No verified source of water or will-serve letter**
- **Incomplete application for waste discharge-NPDES**
- **Incomplete application to the air district**
- **Disagreement with the air district over BACT (Best Available Control Technology)**
- **Lack of air emission offsets for the project**



Lessons Learned from Past Projects

- **Inadequate biological field surveys**
- **Late consultation with USFWS, NMFS, CDFG**
- **Inadequate Biological Assessment lacking mitigation measures**
- **Incomplete cultural resource field surveys**
- **Lack of a complete electric transmission interconnection study by the utility**
- **Project related electric system impacts requiring transmission upgrades**
- **Interconnection with WAPA requiring joint NEPA/CEQA review**
- **Incomplete ambient noise monitoring surveys**



Lessons Learned from Past Projects

- **Site not appropriately zoned**
- **Conversion of agricultural land or cancellation of Williamson Act contract required**
- **Use of groundwater or surface water for cooling**
- **Use of groundwater requiring groundwater modeling**
- **Nearby land owners' concerns**
- **Concerns voiced by local Planning Department and local elected officials**
- **Use of anhydrous ammonia instead of aqueous ammonia**



Information / Suggestions

- **Energy Aware Guide**

www.energy.ca.gov/reports/energy_aware_guide.html

- **Energy Commission Website**

<http://www.energy.ca.gov/sitingcases/index.html>

- **Contact local city and county planning offices for a prefiling meeting for projects <50 MW**

- **Contact CEC for prefiling meeting for projects > 50 MW (contact Eileen Allen (916-654-4082) or Roger Johnson (916-654-5100))**