

Biomass Permitting Challenges






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My Background

- Masters in Environmental Policy at University of Nevada
- 5 years as a public land use planner in Reno and the Bay Area.
- 13 years in Air Quality field in Mendocino County
- Last 4 years at Feather River AQMD (Sutter/Yuba County)
- 10 Years working with Biomass working group in Mendocino County

Siting Concerns – Biomass and Greenwaste

- Land Use entitlement versus the Air Quality Permit versus Energy Commission.
 - California Environmental Quality Act (CEQA) process
 - Energy Commission
 - Air Quality Permit
 - Takeaways

Types of Biomass	
	Wood fuel
	Rubbish
	Alcohol fuels
	Crops
	Landfill gas

The Land Use Process (CEQA)

- CEQA Process is started by 'Lead Agency' – typically City or County Planning Agency.
 - They seek input from other agencies
 - Litigation common – lawyers truly run the process.
- Stated purpose was to provide public and decision makers with expert information on environmental impacts.
 - Expanded by law and court decisions to go beyond environmental issues.
 - Environmental Review is not supposed to be perfect predictor of impacts – but 'best guess.'
- Common result is the 'death of 1000 cuts' - uncertainly and delay
- State agencies rarely fully cooperate with process – fail to comment.
- Late hits (last hour comments) and other games

CEQA process internal conflicts

- Project proponents want a quick and cheap evaluation
- Consultants want to make money by doing more studies
- Project opponents want 'hooks' they can use to stop or delay project.
- Agency Lawyers want a 'Litigation proof' document (unrealistic)
- Mandated public input
- Many ways to appeal or sue

End result is frequently endless study.

Nobody ever gets fired for saying – 'more study is needed'



CEQA Hotspots for Biomass / Greenwaste

- Forestry
- Endangered Species
- Union labor
- Truck Traffic
- Storm water runoff
- Road damage/improvements
- Urban wood waste
- Water Supply (boilers)
- Fuel supply
- Traditional Air Quality issues
- GHG Impacts
- Impacts to competitors
- Noise
- Lights

Energy Commission (State Agency)

- Responsible for approving all power plants over 50 MW (Licensing)
 - Plants under 50MW, or greenwaste projects do not go to EC unless part of larger project
- Goal is to ensure reliable and stable power grid and gas supply
- Long public process with active advocates (TURN and others)
 - Issues brought up at Commission are often ratepayer issues, utility issues, urban issues.
 - Rarely are local factors identified or discussed (good or bad)
 - The Energy Commissioners and Staff are city folks - don't get rural communities.
 - Frequently 'refighting the last war'
- Typically coordinated with Air Quality Permit (Notice of Intent to Issue)
- Includes engineering /building permit review
- Typical timeline can be as long as 5 years from application to construction

Air Quality Permit

A consolidated Local and Federal Permit

- Typically begun after CEQA and Energy Commission process complete.
- Uses reports and studies prepared for CEQA and Energy Commission
- Nearly all Air Districts in California will issue a consolidated local and federal air permit (NSR/PSD Title V)
- Time to issue varies widely but can be as little as 90 days to as long as years.
- Permit can be appealed to District Hearing Board by project proponent or public.
- Most Air District permits are 'must issue' permits – if you meet the adopted standards you will get a permit. Unlike CEQA and Energy Commission.

Air Quality Permit Emission Reduction Credits (Non-GHG pollutants)

- Emission Reduction Credits are needed in some areas for larger projects to offset emissions
- It is a widely held myth that Emission Reduction Credits are not available in California. **That is NOT true.** Location is everything.
- ERCs are NOT needed at all some areas that meet all Federal Standards – this generally includes parts of the North Coast and along the Oregon border.
- ERCs are widely available in the Sacramento Valley as far down as Sutter County.
- Limited ERCs are available in the Sacramento federal non-attainment area.
- Don't assume ERCs are needed or not available – ASK the agency directly.

Air Quality Permit GHG Emissions

- EPA does require GHG conditions in larger permits (PSD/NSR Title V)
 - These limits are very high and generally will not impact the project.
- The Energy Commission includes GHG review in it's evaluation.
 - They are generally looking at grid scale impacts.
- Offsets and reporting may be required under Cap and Trade
 - Cap and Trade is not a permitting program
- It is likely the CEQA document for the project will also include some GHG conditions.
- GHGs are both emitted (smokestack) and indirect (vehicle trips)

Putting it all together

- The permit process is long and capital intensive and politics plays a role.
- Project opponents get multiple opportunities to stop a project – assume they will use them.
- Even when the process is complete lawsuits and permit appeals can derail the project.
- Local community support is critical – pre-project (pre CEQA) meetings can help. Be open to input.
- Projects that appear to be moving waste from urban to rural areas are likely to get chilly reception (Believe it or not nobody wants San Francisco's Trash)

About Air Districts – what we can and can't do.

- Air Districts (in my opinion) should not endorse or oppose projects. We are permitting agencies and need to stay neutral.
- Air Districts can help identify project benefits – for example in the reduction of ag and forest waste currently burned.
- Don't make assumptions about emission controls or ERCs – ask.
- Air Districts can act as a bridge to Energy Commission and other agencies to help educate them about projects.
- Usually projects are withdrawn by the applicant due to CEQA, Energy Commission or pricing issues – Air Districts rarely, if ever, deny permits.

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