CA Marine Terminal Infrastructure Constraints & Outlook

Prevention First 2008
Long Beach, CA

September 9, 2008

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Permitting Challenges

Liquid Transportation Fuels

• Energy Planning Results
• Infrastructure Needs
• Regulatory Framework
• Challenges & Guidelines
2007 IEPR:

- CA needs reliable & safe supply of fuels
- Constraints lead to higher costs
- Need robust, environmentally & technologically sound infrastructure
CA Fuels Infrastructure

- 51 Marine Terminals
- 52 Storage/Distribution Facilities
- 22 Refineries
- 5,560 Miles of Pipeline
Concerns

- Growing demand for fuel products
- Infrastructure at or near capacity
- Capacity may decline
- Infrastructure must upgrade or expand
Infrastructure Needs

• Ongoing maintenance, repairs & replacements

• Future expansions for all fuels
  ○ including clean/alternative fuels

• Federal plans for energy corridors

• Continuing need for permits

California Energy Commission
www.energy.ca.gov
2008 BEST PERMITTING PRACTICES
GUIDELINES FOR LIQUID TRANSPORTATION
FUELS INFRASTRUCTURE

STAFF REPORT

May 2008
CEC-700-2008-0025F

Arnold Schwarzenegger, Governor
Complex Regulatory Framework

Key:
Federal Agencies, Tribal Governments, Local Jurisdictions, State Agencies

California Energy Commission
www.energy.ca.gov
Permitting Could Involve Any Of:

- 25 state/federal agencies
- 58 counties
- 478 cities
- 2,300 special districts
- 107 sovereign Native American nations
## Permits

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<tr>
<th>Federal/Tribes</th>
<th>State/Regional</th>
<th>Local</th>
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<tbody>
<tr>
<td>• Army Corps</td>
<td>• Caltrans</td>
<td>• Cities</td>
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<td>• Bureau of Land Management</td>
<td>• Regional Water Boards</td>
<td>• Counties</td>
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<td>• National Park Service</td>
<td>• Coastal Commission</td>
<td>• Ports</td>
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<td>• Fish &amp; Wildlife Service</td>
<td>• Bay Commission</td>
<td>• Airports</td>
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<td>• Aviation Admin.</td>
<td>• Air Quality Man. Districts</td>
<td>• Special Districts</td>
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<td>• Tribes</td>
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Consultations

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<td>• Dept. of Fish &amp; Game</td>
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California Energy Commission
www.energy.ca.gov
# Leases/Agreements & Approvals

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<td>• Fire Marshall – Office of Pipeline Safety</td>
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<td>• Public Utilities Commission</td>
<td>• Notification Centers</td>
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<td>• Ports/Airports</td>
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California Energy Commission  
www.energy.ca.gov
## Certifications/Decisions & Determinations

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Typical Permitting Process
Completing Application

Preapplication Meeting
Applicant & Agency (ies)

Preliminary Project Review
20 Days
Staff/Committee(s)

Preliminary Design Review
3 Weeks
Staff/Committee(s)

Application Review by Lead & Other Agency Staff
30 Days
Incomplete Application

Submit Application to Lead Agency (ies)
Applicant Prepares Application

Application Deemed Complete

Key:
- Applicant
- Regulatory Agencies
- Typical Time-frame
Typical Permitting Process

Post - Application

Application Deemed Complete

Initial Study

Application Deemed Complete

30 Days → Notice of Exemption

4 Weeks → Negative Declaration

105 Days → Environmental Impact Report

6-8 Weeks → Approval

10 Days → Hearing (Public or Administrative)

Approval → 10 Days

Denial

Appeal

Permits/Approvals/Agreements/Leases (30 – 50)

Key:

- Regulatory Agency
- Typical Time-frame
- Interested Parties
Typical Permitting Timeframes

• Non-emergency, exempt from CEQA
  o About 6 months

• EIR or EIR/EIS required:
  o 1-5 to ??? Years
    ▪ Depends on complexity, location, # of permits & level of controversy
Challenges…

• Incomplete applications
• Questions on applicability of laws
• Lack of agency coordination
• Inexperienced staff
• Agency consultation/approval delays
...Challenges

• Inconsistent agency decisions
• Balancing impacts & need for fuels
• Concerns draw out environmental review process
• Lack of information on statewide needs
Results:

• Regulatory challenges can delay permitting

• Many problems are with processes

• Need better coordination & info transfer

• Some practices can serve as models
Permitting Guidelines…

• Make use of pre-app. meetings
• Identify key agencies
• Provide timely consultations/comments
• Agency partnering
…Guidelines…

• Coordinate agency reviews
• Joint-agency working groups
• Keep to timelines/milestones
• Consider expedited agency reviews
• Buffers around facilities
• Facility master planning
• Ensure adequately trained staff
• Seek personnel with energy experience
...Guidelines

• Identify “chain of command”

• Use clear criteria for decisions

• Publish model decisions

• Use gov. relations & public outreach

• Expand CEC’s participation
Permitting Guidelines

Common Themes

• Applicants and agencies share responsibility for timely processes

• Applicants must be pro-active

• Agencies must coordinate and cooperate