

APPENDIX 1: LIST OF POTENTIAL PERMITS AND AUTHORIZATIONS

The table below outlines the list of potential permits and authorizations that could be applied as a part of the activities associated with the project

List of Potential Permits Required				
Permit	Description	Jurisdiction/Lead Agency Role	Ministerial/Discretionary	Comments
Local				
Conditional Use Permit (CUP)	Authorizes permitted CO ₂ capture, transportation, injection, and storage activities to be conducted within County planning area. Specifies conditions for construction, operations, maintenance, and overall compliance with the County's General Plan.	San Joaquin County	Discretionary	Will trigger CEQA review. We are anticipating an Environmental Impact Report (EIR) level review for which the County is the lead agency and all other State agencies would be responsible agencies. An initial study will be conducted by San Joaquin County to determine the full scope of the environmental review.
Building Permits	Administration of Local, State and Federal building codes for structural and mechanical components of project development and operations	San Joaquin County	Ministerial	
Franchise Agreement	Authorizes utilization of County owned properties for pipeline or power line infrastructure	San Joaquin County	Discretionary	
Encroachment Permit	Authorizes permitted activities within, under, or over the County properties and rights of way.	San Joaquin County	Discretionary	
State				
Authority to Construct	Permits for start of on-site construction for pressure vessels and compressors at injection site	San Joaquin Valley Air Pollution Control District (SJVAPCD)	Discretionary	CEQA analysis required for this permit. SJVACPD will be a responsible agency under County EIR.
Authority to Operate	Permits for pressure vessels and compressors at injection site	San Joaquin Valley Air Pollution Control District (SJVAPCD)	Discretionary	CEQA analysis required for this permit. SJVACPD will be a responsible agency under County EIR.
Clean Air Act New Source Review (NSR)	Any changes to a CO ₂ source (such as construction of a capture facility) that cause increases of emissions above the "major modification" threshold in the federal NSR regulations for any NAAQS pollutant will require NSR preconstruction authorization, either under the Prevention of Significant Deterioration (PSD) program, if the source is in a NAAQS attainment area, or under the Nonattainment New Source	San Joaquin Valley Air Pollution Control District (SJVAPCD)	Discretionary	40 C.F.R. §§ 51.166(a)(7)(iii); 51.165(a)(2)(i). See also SJV APCD Rules 2201; 2410. As a storage project, we do not anticipate the need for this permit.

	Review (NNSR) program, if the source is in a NAAQS non-attainment area and the modification is “major” for the pollutant for which the areas is designated non-attainment			
Clean Air Act Title V Permit	If the above-referenced changes to a CO ₂ source cause it to become a “major source” for purposes of the CAA Title V program, it will need to obtain a Title V operating permit. Or if the source was already a Title V facility, it may need to undertake a permit modification to account for any changes in its emissions related to the project	San Joaquin Valley Air Pollution Control District (SJVAPCD)		40 C.F.R. § 71.3(a) SJV APCD Rule 2520. As a storage project, we do not anticipate the need for this permit.
State Incidental Take Permit (Section 2081)	Authorizes “take” of CA Threatened” or “Endangered” species conducted during the course of authorized activities.	California Department of Fish and Wildlife (CDFW)	Discretionary	This permit is not required unless project design for construction or operations cannot avoid CA State Listed species (not anticipated). CEQA analysis required for this permit. CDFW will be a responsible agency under County EIR. Cal. FGC § 2081(b). Applications for incidental take permits must be submitted to the CA DFW Regional Manager. 14 CCR § 783.2. Permits must comply with CEQA. 14 CCR § 783.3.
California Low Carbon Fuel Standard (LCFS) Pathway Verification and CCS Protocol Certification	To earn LCFS credits, a CCS project must submit and receive CARB certification of a Tier 2 pathway application and receive permanence certification in accordance with the CARB CCS Protocol	California Air Resources Board (CARB)	Discretionary	17 CCR §§ 95488.7; 95490.
Clean Water Act (402) National Pollutant Discharge Permit (NPDES)	Prohibition of unpermitted discharges of pollutants (including stormwater containing pollutants) through a point source into Waters of the US	State Water Resources Control Board (SWRCB)	Ministerial	Required when a project disturbs over one (1) acres of soil or a part of a larger project that cumulatively disturbs more than one (1) acre. Requires development of a Storm Water Pollution Prevention Plan (SWPPP) Submittal through the Stormwater Multiple Application and Report Tracking System (SMARTS)
Lake and Streambed Alteration Agreement (Section 1602)	Required if CA jurisdictional waterways are impacted by the construction or operation of the project	California Department of Fish and Wildlife (CDFW)	Discretionary	This permit is not required unless project design for construction or operations cannot avoid CA State jurisdictional waterways (not anticipated). CEQA analysis required to obtain this permit. CDFW will be a responsible agency under County EIR.
Encroachment Permit	Authorizes permitted activities within, under, or over the CALTRANS properties and rights of way.	CALTRANS	Discretionary	An encroachment permit must be obtained for all proposed activities related to the placement of encroachments within, under, or over the State highway rights of way.
Federal				
Safe Drinking Water Act (SDWA) Class VI Underground	A Class VI UIC permit is required under the SDWA for any wells used for geologic sequestration of CO ₂ .	United States Environmental Protection Agency (EPA) Region 9	Discretionary	40 C.F.R. §§ 144.6; 146.82(b). 40 C.F.R. Part 146, Subpart H sets forth the detailed information that must be contained in a Class VI permit application, which is reviewed by EPA Region 9.

Injection Control (UIC) Permit				
Federal Incidental Take Permit (Section 7 or 10a)	Authorizes “take” of Federally Threatened” or “Endangered” species conducted during the course of authorized activities.	United States Fish and Wildlife Service (USFWS)	Discretionary	<p>Unlikely that we’ll need this permit due to ability to avoid T&E species during construction and operation (not anticipated).</p> <p>The process may begin as informal consultation, including accessing USFWS’s information on listed species and critical habitat in the action area and potentially preparing a biological assessment, to determine if the action is likely to affect any listed species or critical habitat and formal consultation is required.</p> <p>NEPA analysis required.</p>
Encroachment Permit	Authorizes permitted activities within, under, or over the Caltrans properties and rights of way.	Caltrans (District 10)	Discretionary	An encroachment permit must be obtained for all proposed activities related to the placement of encroachments within, under, or over the State highway rights of way.
Nationwide Permit (NWP)	Authorizes activities that have only minimal individual and cumulative adverse environmental effects.	United State Army Corp of Engineers (USACE)	Discretionary	<p>We do not anticipate the need for this permit but are aware of the existence of updated (2022) NWP for coverage of this type of project.</p> <p>May also require the Clean Water Certification (401) which is administered by the Regional Water Quality Control Board</p>
Operator Identification Number (OPID)	<p>Operators of CO₂ pipelines must obtain from PHMSA an Operator Identification Number (OPID) by completing an OPID Assignment Request DOT Form</p> <p>Operators of CO₂ pipelines must also notify PHMSA of construction of 10 or more miles of a new CO₂ pipeline no later than 60 days before construction occurs. 49 C.F.R. § 195.64(c)(1)(ii).</p>	U.S. Pipeline and Hazardous Materials Safety Administration (PHMSA)	Ministerial	<p>PHMSA F 1000.1 through the National Registry of Operators in accordance with 49 CFR § 195.58. See 49 C.F.R. § 195.64(a).</p> <p>49 C.F.R. § 195.64(c)(1)(ii).</p>