

Permitting

Successful development and construction of a new facility requires obtaining permits to ensure a project is in accordance with established standards. Permitting is a multifaceted process that involves navigating through and complying with various local, state, and federal regulations, and these permitting processes and timelines can vary drastically between jurisdictions. Therefore, it's important to understand the permitting requirements needed for your project during the site selection process.

Since the regulations and required permits vary between jurisdictions, there is no comprehensive list of required permits for industrial projects. Below you will find the major categories in which permits are needed to establish new industrial developments. Within each topic area are some examples of the type of permits that may be required. In subsequent issues of Insights, we will explore some of these permits in further detail.

“ **Permitting a project can be a complex endeavor. There are numerous jurisdictions, processes, and timelines to navigate – and understanding upfront what is required can save you time and money.** ”

Environmental

Environmental permits are one of the primary categories of approvals required for industrial projects. These permits are designed to mitigate and monitor the potential impact of industrial activities on the surrounding ecosystem. Violation of these permits can have significant costs and consequences, so ongoing compliance and monitoring is often required.

Industries emitting pollutants into the air must obtain **air permits** to ensure compliance with emission standards. Air permits are designed to safeguard air quality and public health by controlling emissions from industrial activities. Depending on the location and type of project, these permits may be issued by federal, state, or local authorities and outline specific limits on pollutants (such as particulate matter and volatile organic compounds) that can be emitted into the atmosphere. Factors that may impact air permitting include whether a location is in attainment versus non-attainment and proximity to Federal Class I Areas.

Water and wastewater permits are aimed at safeguarding water quality and ensuring responsible management of water resources. If water is pulled directly from a source such as a river or aquifer, then water rights, or water withdrawal permits, are required. Water discharge permits are necessary for businesses discharging effluents into water bodies and establish the guidelines and limits for discharges from these industrial operations into water bodies. They specify parameters such as pH levels and biochemical oxygen demand (BOD) to prevent contamination and to preserve aquatic ecosystems. Companies that utilize public water and wastewater systems (instead of direct withdrawal from and discharge into water bodies) must comply with the regulations and published limits of the applicable system.

Depending on the industrial activities at a property, **waste permits** may be required. Hazardous waste permits regulate the safe handling, storage, and disposal of potentially harmful materials, while solid waste permits govern non-hazardous materials. These permits outline containment, transportation, treatment, and final disposal requirements to prevent environmental contamination and minimize risks to human health.



Land Use and Development

Industrial projects often necessitate significant land use and zoning considerations during the development process. In some cases, this may only involve following established regulations or avoiding environmentally sensitive areas such as wetlands, but often there are at least some permits that are required for land development.

Local governments regulate land use through zoning ordinances, and obtaining the appropriate permits is crucial to ensure that the proposed industrial activities align with the designated zoning and/or land use designation for the area. **Zoning and land use permits** address concerns related to noise, traffic, density, and other factors that may affect the surrounding community. Securing these permits involves engaging with local planning departments and may require public hearings to address community concerns.

Stormwater permits regulate the water runoff from industrial sites to prevent contamination of storm drains and nearby water bodies as well as to ensure the volume of water runoff does not impact surrounding properties. In some locations, such as an established industrial park, stormwater may be regulated through regional detention systems while other properties will have to account for stormwater on-site.

Grading or land disturbance permits ensure compliance with environmental regulations and safety standards during earth moving activities. These permits also facilitate proper planning and mitigation of potential environmental impacts caused by industrial development. If any environmentally sensitive areas are located on a property and may be impacted during development, then additional permits may apply. Examples include projects affecting wetlands, navigable waters, or those with potential impacts on endangered species. Impacting these areas may require multiple levels of permits including local, state, and federal.

Permits for Facility Construction

Before the construction of a facility, obtaining **building permits** is a fundamental requirement in any jurisdiction. These permits ensure that the proposed structures comply with building codes and safety standards. The approval process involves a thorough examination of architectural plans, structural integrity, and adherence to fire and safety regulations. Building permits are typically obtained at the local level, and inspectors may conduct site visits during various stages of construction to verify compliance.

Other Permits

Depending on the project, there are various other permits and approval processes that may be required. Just as each project is different, the permits required by the various jurisdictions will be different. For example, if a project involves federal action such as grant funding, a project may need to go through a National Environmental Policy Act (NEPA) Review. In some locations, noise permits may be required for industrial operations to ensure there is minimal disturbance to nearby neighbors. These are just two examples of additional review that may be needed, but there are numerous others that may impact a project. Therefore, it's important to have a complete understanding of which permits are required as well as the cost and timeline to obtain them.

Evaluation of Permits During the Site Selection Process

The successful execution of industrial projects requires careful attention to the permitting process. Navigating the complex network of environmental, land use, building, and other development permits is essential to ensure legal compliance, minimize environmental impact, and safeguard the well-being of workers and surrounding properties. The various permits and the processes for obtaining them are an important component of the site selection process and should be evaluated as comprehensively as other factors such as real estate, workforce, and costs.

Lindsey Cannon is a Director at Quest Site Solutions where she assists companies in identifying, evaluating, and selecting the optimal location for their capital investment. With nearly 20 years of experience in site selection and economic development, Lindsey provides specialized skills and services to clients in the areas of detailed location evaluations including properties, infrastructure, transportation, labor and demographics, state and local taxes, and incentives. Lindsey also holds numerous industry designations including Master of Corporate Real Estate (MCR) and Counselor of Real Estate (CRE).

