

DEQ Renewable Energy Permit by Rule (PBR)

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Office of Air Permit Programs



What Exactly is a PBR?

 Permit by Rule or Regulation means that a project or activity is deemed to have a permit if it meets the requirements of the regulation

Not a conditional use permit

The Application is the Permit



session summaries

Acts of the Assembly

	Virginia General Assembly LIS Home LIS Help Privacy Statement Live Help LIS Classic Login	
LIS		
VIRGINIA'S LEGISLATIVE INFOR	MATION SYSTEM	
SEARCH SITE enter keyword here	2009 SESSION history hilite pdf print version	
GO	CHAPTER 808 An Act to amend and reenact 33 56-46.1 and 56-580 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 11.1 of Title 10.1 an article numbered 5, consisting of sections numbered 10.1-1197.5 through 10.1-1197.11, relating to permits for	
QUICK LINKS •	certain renewable energy projects; penalty. [H 2175] Approved April 8, 2009	
OTHER SESSIONS	Be it enacted by the General Assembly of Virginia:	
LOBBYIST in a BOX Free bill tracking service	1. That 33 56-46.1 and 56-580 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 11.1 of Title 10.1 an article numbered 5, consisting of sections numbered 10.1-1197.5 through 10.1-1197.11, as follows:	
A Pool Sill Hacking Softing	Article 5. Small Renewable Energy Projects.	
VIRGINIA LAW PORTAL Code of Virginia	្ស 10.1-1197.5. Definitions.	
Virginia Administrative Code	As used in this article, "small renewable energy project" means (i) an electrical generation facility with a rated capacity not exceeding 100 megawatts that generates electricity only from sunlight, wind, falling water, wave motion, tides, or geothermal power, or (ii) an	
Constitution of Virginia	electrical generation facility with a rated capacity not exceeding 20 megawatts that generates electricity only from biomass, energy from	
Charters	waste, or municipal solid waste.	
Authorities	s 10.1-1197.6. Permit by rule for small renewable energy projects.	
Compacts	A. Notwithstanding the provisions of \$10.1-1186.2:1, the Department shall develop, by regulations to be effective as soon as	
Uncodified Acts	practicable, but not later than July 1, 2012, a permit by rule or permits by rule if it is determined by the Department that one or more such permits by rule are necessary for the construction and operation of small renewable energy projects, including such conditions and	
RIS Users (account required)	standards necessary to protect the Commonwealth's natural resources. If the Department determines that more than a single permit by rule is necessary, the Department initially shall develop the permit by rule for wind energy, which shall be effective as soon as practicable, but not later than January 1, 2011. Subsequent permits by rule regulations shall be effective as soon as practicable.	
SEARCHABLE DATABASES		
Bills & Resolutions session legislation	B. The conditions for issuance of the permit by rule for small renewable energy projects shall include:	
Bill Summaries	 A notice of intent provided by the applicant, to be published in the Virginia Register, that a person intends to submit the necessary documentation for a permit by rule for a small renewable energy project; 	

2. A cortification by the anyening hody of the locality or localities wherein the small renewable energy project will be located that the



Solar PBR Components

- Notice of Intent
- Local government Certification
- Interconnection Studies
- Interconnection Agreement
- Certification project doesn't exceed 150MW
- Analysis of NAAQS
- Analysis on impacts to natural resources/DGIF, DCR, DHR
 - Likely significant adverse impacts
 - Mitigation plan required

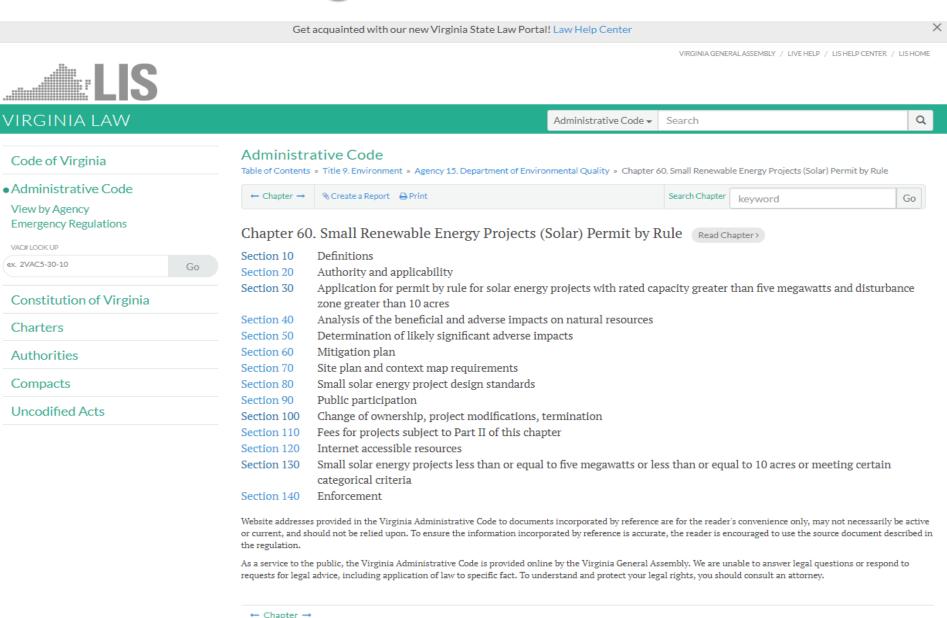


Solar PBR Components (Cont.)

- Coastal Avian Protection Zone Review
- Operating Plan
- Site Plan and Context Map
- Certification that project has applied for or received <u>all necessary</u> <u>environmental permits</u>
- Certification of either Utility or non-utility
- 30-day Public comment/with public meeting
- Appropriate permit fee



PBR Regulation 9VAC15-60







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Current actions underway - Virginia Regulatory Town Hall

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Virginia Regulatory Town Hall - Meetings

https://townhall.virginia.gov/L/meetings.cfm?time=future ▼ Meetings and public hearings. Showing 520 meetings scheduled for.

Virginia Regulatory Town Hall How to use the Town Hall

https://townhall.virginia.gov/um/overview.cfm -

Overview of the Town Hall Website. The Virginia Regulatory Town Hall is the ...

Town Hall Meetings - VA Healthcare-VISN 4

https://www.visn4.va.gov/VISN4/town-hall-meetings.asp •

Veteran Town Hall meetings will be held quarterly at every VA medical center throughout VISN 4.

Secretary Wilkie to host online community town hall January 17 ...

https://www.blogs.va.gov/.../va-secretary-robert-wilkie-host-live-community-town-hal... ▼
Jan 10, 2019 - VA Secretary Wilkie to speak on state of VA and his priorities. ... The online town hall will broadcast live on January 17, 1:00 p.m. to 3:00 p.m. ...

Town of South Hill, Virginia - Town Council

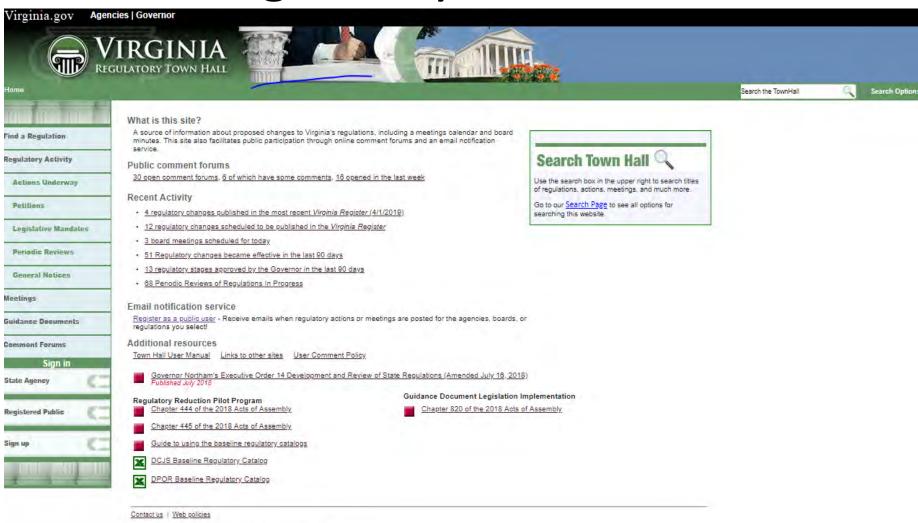
https://www.southhillva.org > Residents & Businesses > Government

South Hill is governed by an eight member Town Council headed by a Mayor. South Hill Town Council Town Council Members, left to right: W.M. "Mike" Moody, ...

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Regulatory Town Hall



Site maintained by the Virginia Department of Planning & Budget

8



Actions Underway





Board/DEQ

Board Department of Environmental Quality

Chapter	Action / Stage Information
Small Renewable Offshore Wind Energy Projects Permit Regulation (Requirements Incorporated into 9VAC15-40) [9 VAC 15 - 50]	Action: Small Offshore Wind Renewable Energy Projects Permit Regulation Stage: NOIRA - Register Date: 8/2/10
Small Solar Renewable Energy Projects Permit Regulation [9 VAC 15 - 60]	Action: 2019 Amendments Solar PBR Stage: NOIRA - At Governor's Office

Board

Forensic Science Board

Chapter	Action / Stage Information
Regulations for the Approval of Field Tests for Detection of Drugs [6 VAC 40 - 30]	Action: Amendments to Permit Consideration and Approval of Presumptive Mobile Instruments
	Stage: Proposed - At DPB

Board

Department of Forestry

Chapter	Action / Stage Information
Virginia State Forest Regulations [4 VAC 10 - 30]	Action: State Forest Regulations Comprehensive Review and Amendment Stage: NOIRA - Register Date: 7/15/13

Board

Board of Funeral Directors and Embalmers

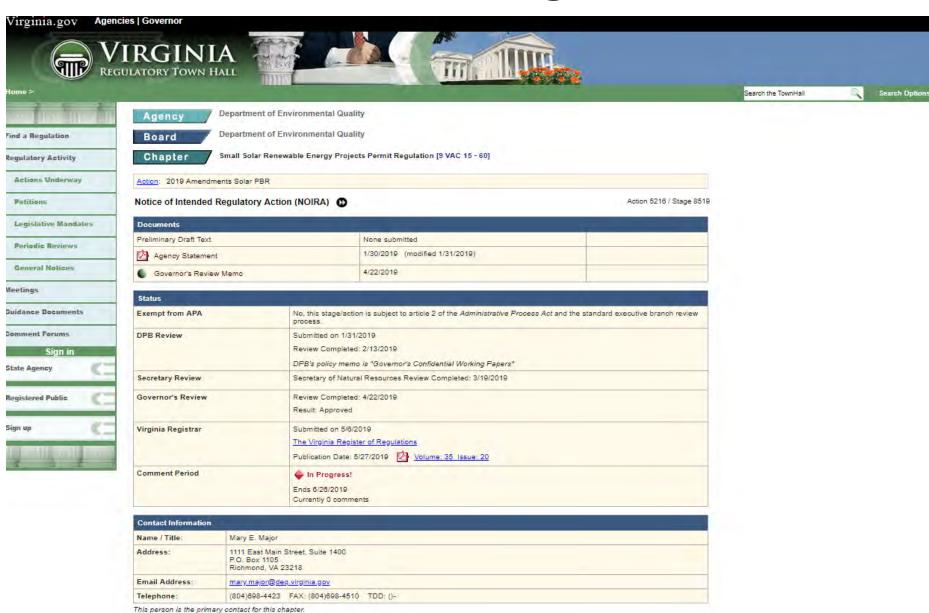
Chapter	Action / Stage Information
Regulations of the Board of Funeral Directors and Embalmers [18 VAC 65 - 20]	Action: Results of periodic review Stage: NOIRA - At Secretary's Office
Regulations for Preneed Funeral Planning [18 VAC 65 - 30]	Action: Periodic review 2018 Stage: NOIRA - At Secretary's Office
Regulations for the Funeral Service Intern Program [18 VAC 65 - 40]	Action: Periodic review 2019 Stage: NOIRA - At Secretary's Office

Board

Department of General Services



Click "Stage"





Click "Agency Statement"

Form: TH-01 October 2018



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Notice of Intended Regulatory Action (NOIRA) **Agency Background Document**

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) citation(s)	9VAC15-60
Regulation title(s)	Small Renewable Energy Projects (Solar) Permit by Rule
Action title	2019 Amendments Solar PBR
Date this document prepared	January 14, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Small Renewable Energy Projects (Solar) Permit by Rule, 9VAC15-60, establishes criteria, procedures and permit requirements as required under the Code of Virginia (§10.1-1197.5 et seq.) which requires the Department of Environmental Quality (DEQ) to create a permits-by-rule (PBR) for solar energy projects 150 megawatts or less. The PBR requirements for a complete application to construct and operate are explicitly identified under the regulation rather than being developed on a case-by-case basis. Key application criteria include the following: public notice and comment period, local government approval, interconnection requirements, natural and cultural resource assessments, and a fee structure that should be sufficient to support the entire program including compliance and enforcement efforts.

The purpose of this amendment is to clarify specific definitions, establish clear timeframes for data submittals and recordkeeping activities, provide clarity for natural and cultural resource studies, clarify the public participation procedures and address the fee structure to adequately fund the program. The goals of this amendment are to clarify the requirements for applicants, operators and permitted facilities,















Public Participation

Please indicate whether the agency is seeking comments on this regulation, including ideas to assist the agency in the development of the regulation and the costs and benefits of the alternatives stated in this

3

Town Hall Agency Background Document

notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you are interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulation.

The agency is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, the potential impacts of the regulation, and periodic review and small business impact issues (see above section for more information).

A regulatory advisory panel will be appointed.

Please refer to the Regulatory Advisory Panel section for further information.

Anyone wishing to submit written comments may do so by mail, email or fax to Mary E. Major, P.O. Box 1105, Richmond, VA 23218; Telephone: (804) 698-4423; Fax: (804) 698-4319; Email Address: mary.major@deq.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall website (http://www.townhall.virginia.gov). Written comments must include the name and address of the commenter. In order to be considered, comments must be received before midnight on the last day of the public comment period.

Form: TH-01



Regulatory Advisory Panel

Please indicate, to the extent known, if advisers (e.g., regulatory advisory panel or negotiated rulemaking panel) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using a panel in the development of the proposal; 2) the agency is using a panel in the development of the proposal; or 3) the agency is inviting comment on whether to use a panel to assist the agency in the development of a proposal.

The Agency is using a panel to develop a proposal. Persons interested in assisting in the development of a proposal should notify the department contact person by the end of the comment period and provide their name, address, phone number, email address and the organization you represent (if any). The primary function of the panel is to develop recommended regulation amendments for Department consideration through the collaborative approach of regulatory negotiation and consensus. Multi-applications from a single company, organization, group or other entity count as one for purposes of making the decision specified in the preceding sentence. Notification of the composition of the panel will be sent to all applicants.



Contact Information

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