



DEQ

Renewable Energy

Permit by Rule

Mary E. Major
Permit by Rule (PBR)
Air and Renewable Energy Division



Permit By Rule (PBR) Development

- 2009 Acts of Assembly-Chapter 808
 - Amended Code of Virginia by adding in Chapter 11.1 of Title 10.1 consisting of sections numbered 10.1-1197.5 through 10.1-1197.11
- Regulation Effective Date:
 - Wind PBR 12/22/2010
 - Solar PBR 7/18/2012
 - Combustion PBR 8/28/2013

Key Definitions

- Permit by Rule (PBR): means that a project or activity is deemed to have a permit if it meets the requirements
- Small renewable energy project: less than or equal to 150MW*; single interconnection agreement.
- Disturbance zone: directly impacted area plus 100 feet of the boundary of that area



Applicability

- Full PBR Projects: Greater than 5 MW AND a disturbance zone greater than 10 acres
- Section 130 Projects: Require notification to DEQ and certification of local government - meets at least one of the following:
 - Rated capacity $> 500 \text{ Kw} \leq 5\text{MW}$ OR
 - Disturbance zone > 2 acres and less than or equal to 10 acres

Applicability

- Under 500 KW: No requirements if meets one of the following:
 - Rated capacity \leq 500KW
 - Disturbance zone \leq 2 acres
 - Mounted on private residence (single-family or duplex)
 - Mounted on building(s) < 50 yrs. Old or not VRL-eligible
 - Mounted over existing parking lot(s)



Solar PBR Components

- Notice of Intent
- Local government Certification
- Interconnection Studies
- Interconnection Agreement
- Certification project doesn't exceed 150MW
- Analysis of NAAQS



Solar PBR Components (Cont.)

- Analysis on impacts to natural resources
 - Wildlife; within 12 months -Department of Game and Inland Fisheries (DGIF)
 - Historic; preconstruction analysis -Department of Historic Resources (DHR)
 - Natural Heritage; within 12 months -Department of Conservation & Recreation (DCR)
- Mitigation plan required
 - Likely significant adverse impacts
- Coastal Avian Protection Zone Review
 - \$1000/MW



Solar PBR Components (Cont.)

- Operating Plan
- Site Plan and Context Map
- Certification that project has applied for or received *all necessary environmental permits*
- Conducts a 30-day public review and comment including a public meeting
- Appropriate permit fee



PBR Fee structure

- > 5MW up to and including 25MW: \$8,000
- > 25MW up to and including 50MW: \$10,000
- > 50MW up to and including 75MW: \$12,000
- > 75MW up to and including 150MW: \$14,000
- PBR modification: \$4,000



Program Status

- Total Number of PBRs Issued 17
 - Solar 16
 - Wind 1
- MW Permitted 622.8
 - 2015: 1 PBR 80 MW
 - 2016: 6 PBRs 119.8 MW
 - 2017: 10 PBRs 423 MW (9 solar, 1 wind)
 - 2018: 0 PBR
- Projects Operational 9
- MW in Operation 319.8
- Pending Notices of Intent 58
- Total Projected MW 3245



PBR Applicant Missteps

- Submitting application prior to receiving DHR review of Phase I Survey
- Submitting incomplete Phase I Survey
- Not coordinating with DEQ prior to start of Phase I Survey
- Public Comment Period
 - Not having *all* materials available for public review
 - Not holding meeting in correct jurisdiction
 - Not staying during the advertised timeframe



Locality Sighting Authority

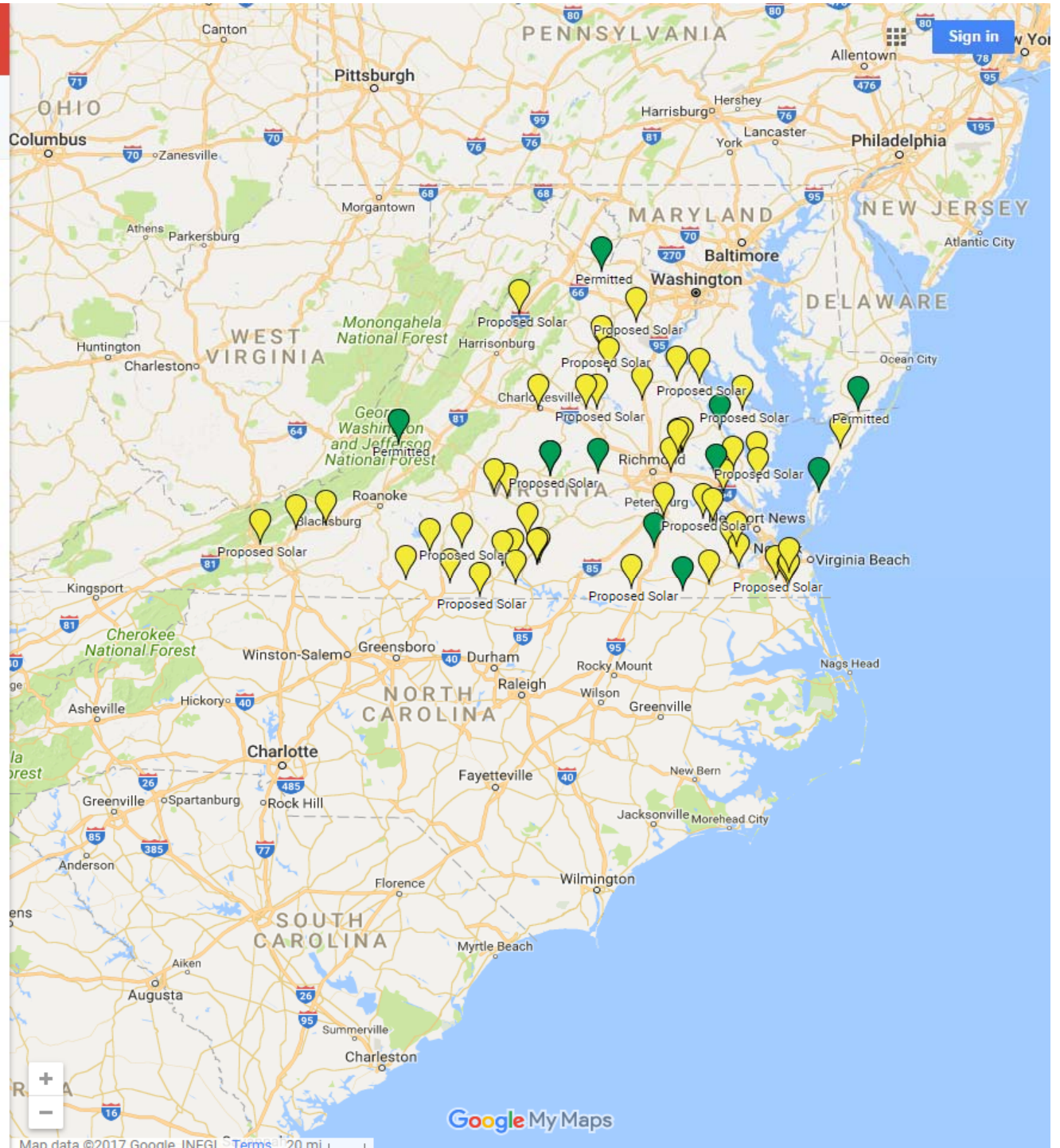
- Locality responsible for determining if project is viable – makes determination if it meets local zoning requirements and is appropriate for the community
- DEQ responsibility authorized for review of T&E, cultural and natural heritage impacts
- Big question concerning pollinator friendly grasses/plants for planting around panels and in buffer zones

4,096 views

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☑ Map Key

- ⌵ 📍 Proposed Solar
- 📍 Permitted



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