

DEQ's Renewable Energy Permit by Rule: Background & Status

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Statutory Goals:

- ❁ **Promote renewable energy** – provide certainty, timeliness, reasonable regulatory requirements
- ❁ **Protect natural resources** – provide enforceable standards that are protective of wildlife & historic resources at/near project site



A Permit by Rule (PBR) is . .

- ⌘ Expedited permitting process used by DEQ for certain solid waste facilities
- ⌘ Regulation stating “up front” the criteria that applicant must meet
- ⌘ Requirement that applicant submit docs/certification that has met requirements
- ⌘ For Renewable Energy Projects, requirement that DEQ review submission for completeness & adherence to reg, in consultation with sister agencies
- ⌘ If complete, then DEQ notifies that project is authorized under the PBR



A Permit by Rule is **not** . . .

- ❖ An individual permit
- ❖ Site-specific
- ❖ Based on a case-by-case technical analysis



***Statutory
Renewable Energy
Permit by Rule
Requirements***



PBR Criteria

10.1-1197.6.B

- ⌘ Notice of intent
- ⌘ Local-government certification (aka siting decision)
- ⌘ Interconnection studies
- ⌘ Final interconnection agreement
- ⌘ PE certification of generation capacity
- ⌘ Analysis of impacts on NAAQS



PBR Criteria (continued)

- ✚ **Analysis of impact on natural resources**
- ✚ **Determination of likely significant adverse impacts; mitigation plan**
- ✚ PE certification of design
- ✚ Operating plan *re mitigation*
- ✚ Site plan *re mitigation*
- ✚ Certification re environmental permits (NOT abrogated)
- ✚ Public meeting
- ✚ Public comment period



Chief PBR Operating Provisions

☸ <u>Analysis</u>	Wildlife	HR	Other
☸ <u>Significant impact?</u>	Wildlife	HR	
☸ <u>Mitigation & Monitoring</u>	Wildlife	HR	



After long deliberations . . .

the original Wind RAP

AGREED

on all

but 3 issues!!!



***Some of these issues will have
implications for the
Offshore/Coastal Wind RAP.***



Those 3 issues . . .

- ⌘ What exemption/notice requirement should apply for projects 5 MW and less (de minimis)
- ⌘ **What wildlife – other than bats – should constitute a mandatory trigger for mitigation (SGCN?)**
- ⌘ What avian field studies should be done in coastal zone



1. “De Minimis”

Offshore RAP may touch on this issue if members believe there is possibility of reaching consensus



2. SGCN and Similar Issues

*Determination
in SGCN matter
is likely
to affect
Offshore RAP's work,
if only indirectly.*



DEQ's Decision re SGCN

Briefly summarized:

- ❁ Impacts on bats, birds, and T&E species were already recommended to have regulatory status – *i.e.*, mitigation required & enforced.
- ❁ SGCN species (other than bats & birds) are not affected uniquely by wind projects, so not elevated to regulatory status.

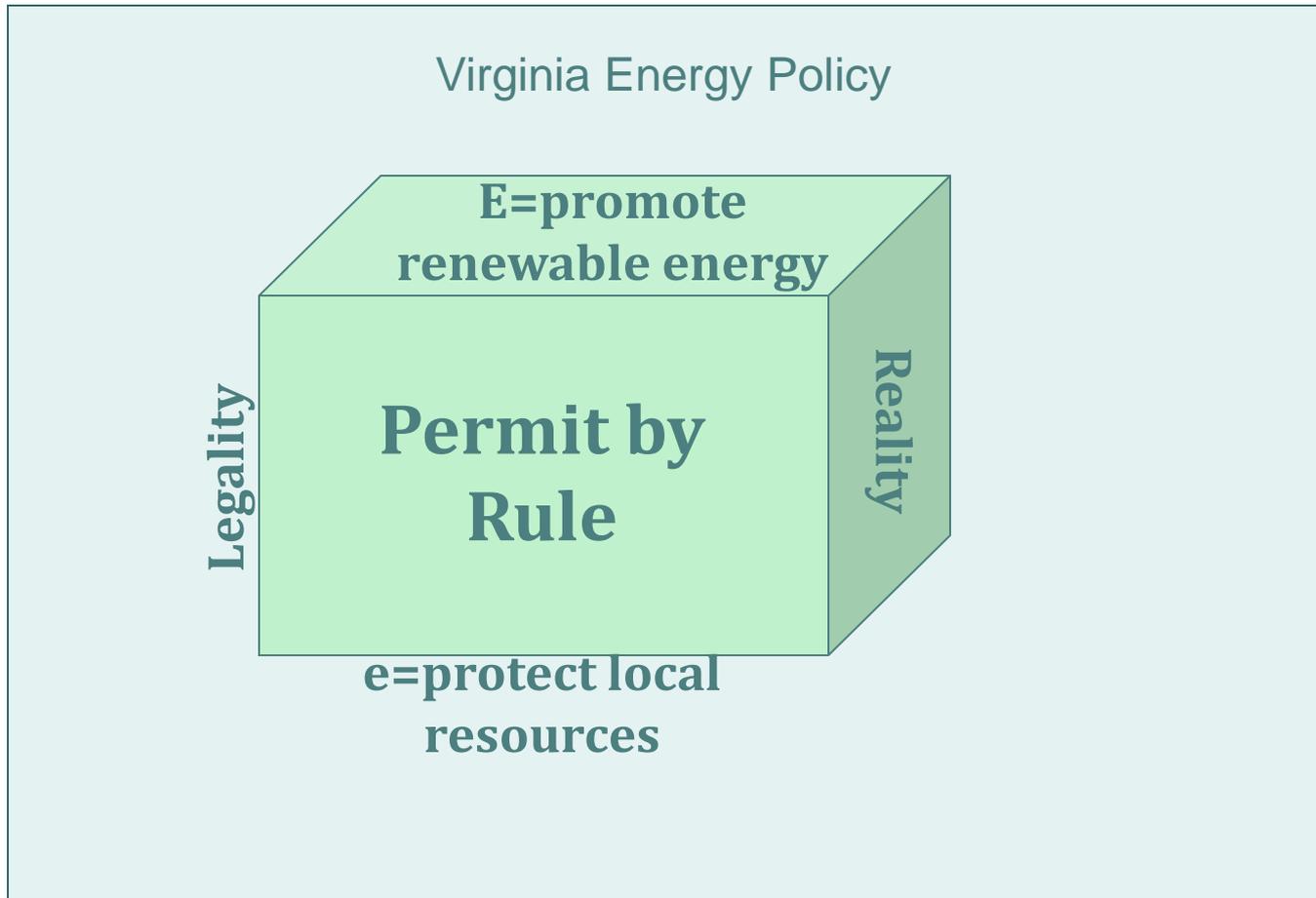


“Paylor Principle”

We should not make it more difficult to permit a renewable-energy facility than to permit other types of development, unless there is a very good reason (e.g., wind turbines’ impact on bats – a special, unique impact).



“Small Renewable Energy Project” PBR





***When applying
the Paylor
Principle . . .***



The threshold question is:

***Do coastal or offshore
wind projects
present
a unique or special threat
to natural resources
(wildlife and historic resources)?***



- ❁ If not, are substantive PBR protections needed or warranted?
- ❁ If so, what PBR protections are needed?



3. Coastal Avian Field Studies

***One of the
Offshore/Coastal
RAP's
Issues
to Address –
ON TODAY'S AGENDA!***



Another threshold question:

Are we focusing

on

construction &

operation?

***(as opposed to siting &/or
decommissioning)***



There are no "bad guys" in our RAP
discussions.

Everyone is trying to do something
good for energy and the environment!



Contact information . . .

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*Please contact me with questions or concerns
at any time!*