

Are You Developing a Combustion Project?

The following guide outlines the DEQ regulations and permit requirements that *may* be required in the development of your combustion project. This guide is not exhaustive and should only be looked at as a starting point. Be sure to adhere to any local or federal requirements and to **contact your [DEQ Regional Office](#) about specific state permitting requirements before moving forward with development.**

Disclaimer: This document does not constitute regulatory or legal advice. Permit applicants are responsible for ascertaining which permit requirements apply to their activities and projects and to comply with the requirements accordingly. For assistance, applicants and other members of the public are encouraged to contact their regional DEQ office, as suggested below.

Renewable Energy Permits

Permitting:

The Combustion PBR Regulation for projects generating electricity from biomass, energy from waste, and municipal solid waste are currently proposed but not final. Once the regulation becomes final and effective, it will appear at 9VAC15-70 *et seq.* Until DEQ's regulations become final, regulatory authority over the PBR issues (*i.e.*, potential project impacts on wildlife, historic resources, and other natural resources) remains with the State Corporation Commission.

The proposed Combustion PBR regulation may be viewed at <http://townhall.virginia.gov/L/viewstage.cfm?stageid=6057&display=documents> .

Contact:

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Air Permits

Preliminary Question:

Does your project require installation or construction of equipment or activities that may produce air emissions?

Permitting:

Will your units (1) exceed the size/type exemption thresholds in [9 VAC 5-80-1105.B.1](#) or (2) have uncontrolled emissions of equipment and process units that exceed exemption thresholds in [9 VAC 5-80-1105.C and D](#) for criteria pollutants?

If so, you will need [Minor New Source Review Permit](#) or a [Biomass Pilot Test Facility General Permit](#)

Will you construct a new air pollution source or modify, relocate, or reactivate an existing source that (1) has the potential to emit over 250 tons per year of a single criteria pollutant OR (2) is in one of the listed source categories under [9 VAC 5-80-1615](#) (or [9 VAC 5-80-2010](#)) and has the potential to emit over 100 tons per year of any criteria pollutant OR (3) has the potential to emit over 100,000 tons per year of CO₂ equivalent (CO₂e) (9 VAC 5-85 Part III)?

If so, and your facility is located in an Attainment Area, your facility will likely require a [Prevention of Significant Deterioration Permit](#).

If so, and your facility is located in a Non-Attainment Area and is major for the pollutant for which the area is in nonattainment, your facility will likely require a [Non-Attainment Permit](#).

Does your facility have the potential to emit (PTE) of pollutants at levels higher than the major source thresholds, listed in [9VAC5-80-60](#)?

If so, you will likely require a [Title V Operating Permit](#).

Does your facility have an allowable emission rate between 100 and 250 tons per year of any criteria pollutant (PM, PM-10, CO, NO_x, SO₂, and VOC)? Is your facility **not** a major stationary source under the definition provided by [9 VAC 5-80-1615](#)? Is your facility **not** a Prevention of Significant Deterioration (PSD) facility?

If 'yes' to all of the above, your facility will likely require a [State Major Permit](#).

Biomass Reference: [The Air Biomass Webpage](#)

Contact: [Your DEQ Regional Office](#)
[Central Office Contacts](#)

Water Permits

Preliminary Questions:

Does your project **construction impact** a body of water or wetland? Does your project require water withdraw? Does your project require discharge of treated wastewater or storm water?

Permitting:

Will your production process involve waste water discharges into surface waters? Will contaminated storm water from you facility discharge to surface waters?

If yes to either question, you will need a [Virginia Pollution Discharge Elimination System](#) permit.

Will your production process include storage of feedstock or residual materials such that there is a potential for discharge to surface waters? Will your production process handle waste and wastewater that involves land application of the waste and/or wastewater? Will any residual material be distributed and/or marketed?

If so, you will likely need a [Virginia Pollution Abatement \(VPA\) Permit](#) and/or registration with the Virginia Department of Agriculture.

Will you be withdrawing 300,000 gallons or more per month from any groundwater source within a designated Ground Water Management Area?

If so, you may need a [Ground Water Withdrawal Permit](#) (depending upon your location).

Will you be conducting any of the following activities in a wetland or stream? Excavating; Filling; Dumping; Permanent Flooding or Impounding; New activities that cause significant alteration or degradation of existing wetland acreage or functions; Altering the physical, chemical, or biological properties of state waters.

If so, you will likely need a [Virginia Water Protection \(VWP\) Permit](#).

Will you be withdrawing 10,000 gallons a day or more from any surface water source?

If so, you may need a [Virginia Water Protection \(VWP\) Permit](#) (some exclusions apply).

Contact:

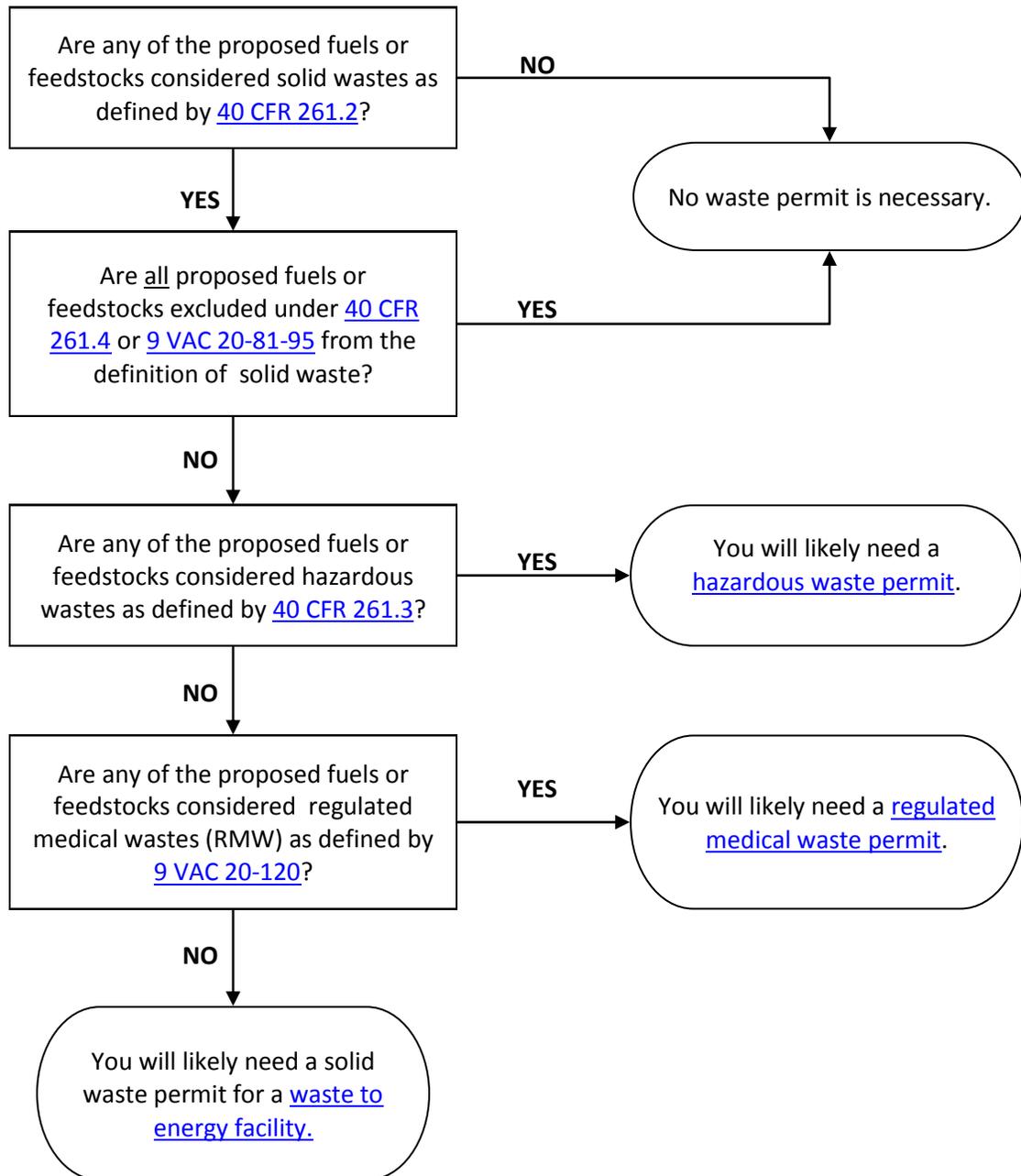
[Your DEQ Regional Office](#) – Please contact before contacting Central Office
[Ground Water Withdrawal \(Central Office\)](#)
[VPDES Permits \(Central Office\)](#)
[VPA Permits](#)
[VWP Permits](#)

Waste Permits

Preliminary Questions:

What fuels or feedstocks are proposed for use by the combustion energy project to generate electricity? What are the chemical and physical characteristics of the resulting residues generated by the combustion energy project?

Permitting:



Combustion Residue Management:

Ash is defined as fly ash and bottom ash residual waste material produced from incineration or burning of solid waste or from any fuel combustion. Ash shall be sampled and tested in accordance with the frequency established per the facility's permit or regulation.

If the ash is determined to be hazardous waste, it shall be stored, transported, and disposed of as a hazardous waste in accordance with the [Hazardous Waste Management Regulations](#).

If the ash is determined not to be hazardous waste by analysis, it shall be stored, transported, and disposed of as solid waste in accordance with the [Solid Waste Management Regulations](#).

Contact:

[Your DEQ Regional Office](#)

[Central Office Contacts](#)

Aboveground Storage Tank (AST) & Underground Storage Tank (UST) Requirements

Preliminary Questions:

Does your project require the storage of petroleum-based products (including oil, gasoline, kerosene, diesel, heating oil, asphalt, used oil, jet fuel, lubricant, and petroleum solvent) or hazardous products/substances?

Permitting:

Aboveground Storage Tanks (Check [9VAC25-91-30](#) for any exclusions which may apply, such as for certain emergency generators, CERCLA-listed substance tanks, etc.)

Is the capacity of your aboveground oil tank greater than 660 gallons, while the total oil capacity of the facility is less than 25,000 gallons? (Count only above-ground tanks larger than 660 gallons toward the total capacity)

If so, your tank must be [registered](#) every 5 years and fulfill certain compliance requirements.

Is the capacity of your aboveground oil tank greater than 660 gallons, while the total oil capacity of the facility is equal to or more than 25,000 up to 1,000,000 gallons? (Count only above-ground tanks larger than 660 gallons toward the total capacity)

If so, your tank must be [registered](#) every 5 years, and you must complete an [oil discharge contingency plan](#), among other compliance requirements.

Is the capacity of your aboveground tank greater than 600 gallons, while the total capacity of the facility is greater than 1,000,000 gallons? (Count only above-ground tanks larger than 660 gallons toward the total capacity)

If so, your tank must be [registered](#) every 5 years, you must complete an [oil discharge contingency plan](#), and you must conduct a [ground water characterization study](#), among other compliance requirements.

Underground Storage Tanks

Is your tank one of the following types that is **exempt from UST regulations**? A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for non-commercial purposes; A tank used for storing heating oil for consumption on the premises where stored; A septic tank; A regulated pipeline facility; A surface impoundment, pit, pond, or lagoon; A storm water collection system that transports storm water to or from a retention area or treatment facility; A wastewater collection system that transports wastewater to or from a retention area or treatment facility; A flow-through process tank; A liquid trap or gathering lines directly related to oil or gas

production and gathering operations; A tank situated in an underground area (such as a basement, cellar, mine-working, drift, shaft, or tunnel), but on or above the floor.

If so, your system does not fall within the definition of an Underground Storage Tank under [9 VAC 25-580-10](#) and will not be subject to UST regulations.

Is your tank **excluded from UST regulations** for another of the following reasons? It is an underground storage tank system that is being regulated by VADEQ's hazardous waste program because it contains hazardous wastes; It is a wastewater treatment tank system that is being regulated under the Clean Water Act (i.e. with a VPDES or pre-treatment permit); It is an item of equipment or machinery that contains regulated substances for operational purposes (i.e. hydraulic lift tanks, electrical equipment tanks, etc.); It has a capacity of 110 gallons or less; It contains a *de minimis* amount of regulated substances; It is an emergency spill or overflow containment UST system that is expeditiously emptied after use.

If so, your underground storage tank is excluded from Virginia UST regulations under [9 VAC 25-580-20](#).

Is your tank one of the following types that is **deferred from some of the requirements**? A wastewater treatment tank system that is not regulated by the Clean Water Act; An underground tank system containing radioactive material that is regulated under the Atomic Energy Act of 1954; An underground tank system that is part of an emergency generator system at a nuclear power generation facility regulated by the Nuclear Regulatory Commission; An airport hydrant fuel distribution system; An underground tank system with field-constructed tanks.

If so, your underground storage tank is deferred under [9 VAC 25-580-20](#). Only the following regulations apply: If installing a new tank, it must have corrosion protection, and must be constructed or lined with material that is compatible with the stored substance (see 9 VAC 25-580-30). The tank is subject to permitting and inspection by local building or fire officials when it is installed, upgraded, repaired, or closed. If a spill occurs, certain notification and remediation actions must be taken, as detailed in 9 VAC 25-580. In this regulation, sections 10-40 and 230-300 (Parts I and VI) apply to your deferred tank.

Contact:

[Your DEQ Regional Office](#) – Please contact before contacting Central Office.

[Central Office Contacts](#)