Solar Permit by Rule (PBR) GUIDANCE
Department of Environmental Quality (DEQ)
Section II: Methodology

Table of Contents

9 VAC 15-60- 1
10. Definitions. 1
20. Authority and Applicability 1
30. Application 1
A. Requirements 1
B. Agency Determination 6
40. Analysis 6
A. Wildlife 6
Sensitive Information (wildlife) and FOIA 7
Desktop Surveys and Maps 7
B. Historic Resources 8
Sensitive Information (historic resources) and FOIA 8
Compilation of Known Historic Resources 8
Architectural Survey 9
Archaeological Survey 9
C. Other Natural Resources 10
Natural Heritage Resources 10
D. Summary report 11
50. Determination of Likely Significant Adverse Impact 11
A. Wildlife 11
B. Historic Resources 12
60. Mitigation plan. 12
A. Adverse Impact 12
B. Wildlife 12
C. Historic Resources 14

Table of Contents (cont.)

70. Site Plan and Context Map 15
80. Design Standards 16
90. Public participation. 16
100. Change of Ownership, Modifications, Termination. 16
110. Fees. 16
120. Internet Resources. 16
130. Smaller Projects. 17
A. Less than 500 kW 17
B. Between 500kW and 5MW 18
140. Enforcement 19

Forms:

Notice of Intent for Solar Energy Project–"de minimis" Section 130 projects 20
(Notice of Intent for Solar Energy Project – full PBR projects) 21
Local Governing Body Certification Form 22
Environmental Permit Certification Form 23
Coastal Avian Protection Zones (CAPZ) Map 24

REGULATION	GUIDANCE
NOTES: In addition to the general provisions found in Section I (General) of this Guidance, the applicant should follow the specific Methodology suggested in Section II, as provided in the right-hand columns below. For purposes of brevity, **only regulatory sections that have Guidance associated with them are set forth** within the left-hand column of this table. The prefix "9 VAC15-60" should be assumed to precede each subsection number (e.g., 9 VAC 15-60-**10**, 9 VAC 15-60-**20**). A full copy of the Solar PBR regulation can be found at http://lis.virginia.gov/000/reg/TOC09015.HTM#C0040 and at http://www.deq.virginia.gov/Programs/RenewableEnergy/LawsRegulationsGuidance.aspx. Applicants should read this regulation in its entirety in conjunction with this Guidance document, since applicants are responsible for complying with all regulatory provisions. **DISCLAIMER: This document is provided as Guidance and, as such, sets forth standard operating procedures for the agency. It does not mandate any particular method nor does it prohibit any alternative method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.**	
9 VAC 15-60-	
10. Definitions.	
20. Authority and Applicability	
30. Application **A. Requirements** The owner or operator of a small solar energy project with a rated capacity greater than five megawatts and a disturbance zone greater than 10 acres, provided that the project does not otherwise meet the criteria for Part III (9VAC15-60-130 A or B) of this chapter, shall submit to the department a complete application in which he satisfactorily accomplishes all of the following:	*This section lists the 14 basic application requirements as set forth in the 2009 statute. If a particular requirement warrants detailed explanation, then that explanation is set forth either in this Guidance document, in a subsequent section of the regulation, or in both. For example, the Analyses, Determination of Significant Adverse Impact, and Mitigation requirements in subparagraphs 7 and 8 of this section are spelled out in three subsequent regulatory sections.*

REGULATION	GUIDANCE
1. In accordance with § 10.1-1197.6 B 1 of the Code of Virginia, and as early in the project development process as practicable, furnishes to the department a notice of intent, to be published in the Virginia Register, that he intends to submit the necessary documentation for a permit by rule for a small renewable energy project;	*Applicants should furnish this notice of intent to DEQ as soon as possible, but certainly after the applicant believes that the proposed project can meet local land use requirements (that is, that the proposed project appears capable of meeting the requirements for a special use permit or other locally-designated permission, and not that the project has necessarily been granted a special use permit, etc.). See Section I of this Guidance.* *Please refer to the attached Sample Notice of Intent (Full PBR Projects) when drafting the Notice of Intent. The agency prefers that this notice be transmitted by electronic mail to carol.wampler@deq.virginia.gov.* *Further note: The Notice of Intent should be submitted to DEQ significantly prior to submission of the final application package, and the applicant is advised to include a copy of the Notice of Intent (including date originally submitted) in the final application package.*
2. In accordance with § 10.1-1197.6 B 2 of the Code of Virginia, furnishes to the department a certification by the governing body of the locality or localities wherein the small renewable energy project will be located that the project complies with all applicable land use ordinances;	*DEQ recommends that local government certification take the form of either a letter on official letterhead stationery from a relevant official of the local government (e.g., county administrator or his designee) or the Local Governing Body Certification Form attached to this Guidance. If the local governing body prefers to write the letter on official letterhead stationery, the letter should state that the proposed project (identified by the name of the applicant, the proposed location, and other relevant information) complies with all applicable land use ordinances.*
3. Interconnection studies. 4. Final interconnection agreement	*Interconnection: If a project does not interconnect to the electric grid (i.e., it does not sell electricity at wholesale back to the grid), then the applicant will not be able to comply with criteria 3 and 4. Based on informal advice from the Office of the Attorney General (OAG), however, DEQ still has jurisdiction to consider and approve PBR coverage for such projects. (See Section I -General of this Guidance document for*

REGULATION	GUIDANCE
	further information.) For projects that do not interconnect, the applicant should attach to his final application an explanation that the interconnection criteria are not relevant, in lieu of attaching interconnection studies and the final interconnection agreement.
5. Certification regarding project's maximum generation capacity.	
6. In accordance with § 10.1-1197.6 B 6 of the Code of Virginia, furnishes to the department an analysis of potential environmental impacts of the small renewable energy project's operations on attainment of national ambient air quality standards;	*Unless factors concerning the proposed solar project indicate otherwise, the applicant may fulfill the requirements of subparagraph 6 by submitting a simple statement that the proposed project's operations will create no significant negative impacts on the attainment of NAAQS. If the applicant also chooses to state and analyze the solar energy project's beneficial impacts on attainment of NAAQS, he may do so. If the applicant is seeking offset credit for his solar energy project, he may append that information to this application. Information regarding offset credit is available from DEQ's Air Division staff.*
7. In accordance with § 10.1-1197.6 B 7 of the Code of Virginia, furnishes to the department, where relevant, an analysis of the beneficial and adverse impacts of the proposed project on natural resources. The owner or operator shall perform the analyses prescribed in 9VAC15-60-40. For wildlife, that analysis shall be based on information on the presence, activity, and migratory behavior of wildlife to be collected at the site for a period of time dictated by the site conditions and biology of the wildlife being studied, not exceeding 12 months;	
8. In accordance with § 10.1-1197.6 B 8 of the Code of Virginia, furnishes to the department a mitigation plan pursuant to 9VAC15-60-60 that details reasonable actions to be taken by the owner or	*See, Guidance to subsections 50 & 60 below.*

REGULATION	GUIDANCE
operator to avoid, minimize, or otherwise mitigate such impacts, and to measure the efficacy of those actions; provided, however, that the provisions of this subdivision shall only be required if the department determines, pursuant to 9VAC15-60-50, that the information collected pursuant to § 10.1-1197.6 B 7 of the Code of Virginia and 9VAC15-60-40 indicates that significant adverse impacts to wildlife or historic resources are likely. The mitigation plan shall be an addendum to the operating plan of the solar energy project and the owner or operator shall implement the mitigation plan as deemed complete and adequate by the department. The mitigation plan shall be an enforceable part of the permit by rule;	
9. Certification regarding project design. 10. Operating plan. 11. Site plan.	
12. In accordance with § 10.1-1197.6 B 12 of the Code of Virginia, furnishes to the department a certification signed by the applicant that the small solar energy project has applied for or obtained all necessary environmental permits;	*The applicant's environmental permit certification letter should state which environmental permits are necessary for the proposed project and the status of the applicant's application for each ("applied for" or "obtained"). If no environmental permits are necessary for the proposed project, then the applicant should so state in his certification letter. A suggested format for the applicant's environmental permit certification appears as an attachment to this Guidance.* *"Applied for"* *For purposes of this regulation, the term "applied for" all necessary environmental permits means that the applicant has submitted an application to the receiving agency for each necessary environmental*

REGULATION	GUIDANCE
	permit. The applicant should certify that he has "applied for" each permit by providing to DEQ the name of the permit, name and address of the receiving agency, name of the staff person at the receiving agency to whom the application was addressed (if available), and the date on which the application was submitted. *"Obtained"* *If the applicant has "obtained" the necessary environmental permits by the time he submits his PBR application, then he may either append copies of these permits or append a letter on agency stationery from the appropriate agency staff member that the permit(s) has been issued and the date of issuance/approval.*
13. Prior to authorization of the project and in accordance with § 10.1-1197.6 B 13 and 14 of the Code of Virginia, conducts a 30-day public review and comment period and holds a public meeting pursuant to 9VAC15-60-90. The public meeting shall be held in the locality or, if the project is located in more than one locality, in a place proximate to the location of the proposed project. Following the public meeting and public comment period, the applicant shall prepare a report summarizing the issues raised by the public and include any written comments received and the applicant's response to those comments. The report shall be provided to the department as part of this application; and	*It is the responsibility of the applicant to conduct both the public meeting and the 30-day public review and comment period.*
14. In accordance with 9VAC15-40-110, furnishes to the department the appropriate fee.	*See 9VAC15-60-110 and Guidance for Section 110 below for details regarding fees.*

REGULATION	GUIDANCE
B. Agency Determination	
40. Analysis **A. Wildlife** To fulfill the requirements of §10.1-1197.6 B 7 of the Code of Virginia, the applicant shall conduct pre-construction wildlife analyses. The analyses of wildlife shall include the following:	*The general approach is for the applicant to perform desktop studies of the project area. If the desktop studies indicate the presence of relevant wildlife as specified in the regulation or this Guidance, then the applicant will proceed to perform mitigation (as set forth in 9VAC15-60-50 and 9VAC15-60-60). Results of all studies will be reported to DEQ, along with the applicant's analysis of beneficial and adverse impacts of the proposed project on relevant wildlife.* ***Shelf life:*** *This list provides a general guideline for how long a negative survey (a survey where no STATE-listed species was found) remains valid.* *Taxon/Species — # of years negative survey valid* *Mammals* *All listed bats — 3 years* *Other listed mammals — 2 years* *Birds* *Gull-billed tern (Sterna nilotica) — 1 years* *Peregrine falcon (Falco peregrinus) — 1 years* *Wilson's plover (Charadrius wilsonia) — 1 years* *Bald eagle (Haliaeetus leucocephalus) — 1 years* *Other listed birds — 2 years*

REGULATION	GUIDANCE
	Fish *All listed fish* — *2 years* *Amphibians* *All listed amphibians* — *2 years* *Reptiles* *All listed reptiles* — *2 years* *All listed isopods and amphipods* — *3 years* *All listed mollusks* — *2 years* *All other listed invertebrates* — *2 years* ---------- *Prepared by DGIF; last updated: November 19, 2010* ***Sensitive Information (wildlife) and FOIA*** *It is important to note that the locations of and specific information regarding caves and certain plant and animal species are considered sensitive and may be exempt from the Virginia Freedom of Information Act. See Section I of this Guidance.*
1. Desktop surveys and maps. The applicant shall obtain a wildlife report and map generated from DGIF's Virginia Fish and Wildlife Information Service web-based application (9VAC15-60-120 C 3) or from a data and mapping system including the most recent data available from DGIF's subscriber-based Wildlife Environmental Review Map Service of the following: (i) known wildlife species and habitat features on the site or within two miles of the boundary of the site and (ii) known or potential sea turtle nesting beaches located within one-half mile of the disturbance zone.	***Desktop Surveys and Maps*** *The applicant should provide a report, including a map, of the desktop and field surveys conducted to determine the existence or potential existence of wildlife. The applicant should obtain a list of wildlife from DGIF and DCR for the proposed site and attach it to the application. The report should provide relevant, available details of any wildlife found onsite, including species, detection location(s), age, size, spatial distribution, and evidence of reproduction.*

REGULATION	GUIDANCE
2. Desktop map for avian resources in Coastal Avian Protection Zones (CAPZ). The applicant shall consult the "Coastal Avian Protection Zones" map generated on the department's Coastal GEMS geospatial data system (9VAC15-60-120 C 1) and determine whether the proposed solar energy project site will be located in part or in whole within one or more CAPZ.	*If a proposed project will be located anywhere near a coastal area, the applicant should consult Coastal GEMS to determine whether the project site fall in part or in whole within one or more CAPZ. See Section III – CAPZ Narrative – of this Guidance document for specific instructions.*
B. Historic Resources Analyses of historic resources. To fulfill the requirements of § 10.1-1197.6 B 7 of the Code of Virginia, the applicant shall also conduct a preconstruction historic resources analysis. The analysis shall be conducted by a qualified professional meeting the professional qualification standards of the Secretary of the Interior's Standards for Archeology and Historic Preservation (9VAC15-60-120 B 2) in the appropriate discipline. The analysis shall include each of the following:	*These regulations require that a DOI-qualified person perform the specified historic resources analyses, in conformance with DHR's guidelines. The general approach is for the applicant/DOI-qualified person to perform analyses within tiered study areas, including desktop and field investigations. Results of all studies will be reported to DEQ, along with the applicant's analysis of beneficial and adverse impacts of the proposed project on relevant historic resources.* ***Sensitive Information (historic resources) and FOIA*** *It is important to note that the locations of and specific information regarding* ***archaeological sites*** *are considered sensitive and may be exempt from the Virginia Freedom of Information Act (see http://www.dhr.virginia.gov/pdf_files/FOIAPolicyDHR.pdf and Section I of this Guidance).*
1. Compilation of known historic resources. The applicant shall gather information on known historic resources within the disturbance zone and within one-half mile of the disturbance zone boundary and present this information on the context map referenced in 9VAC15-60-70 B, or as an overlay to this context map, as well as in tabular format.	***Compilation of Known Historic Resources*** *The Archives at the Department of Historic Resources serve as the primary repository of data on known historic resources. These data may be obtained in person at DHR's main office at 2801 Kensington Avenue, Richmond, VA, through DHR's subscription-based Data Sharing System, or by request through DHR's fee-based Archives Search Service. More*

REGULATION	GUIDANCE
	information can be found on DHR's website at http://www.dhr.virginia.gov/archives/archiv_info.htm. Secondary data repositories that should be checked include local planning offices and historical societies. *Areas and properties that can be demonstrated through topographic or similar analyses to have no view to the project can be excluded from this study.* ***Shelf life:** The data submitted in compliance with this section should be current within one year of the submission date.*
2. Architectural survey. The applicant shall conduct a field survey of all architectural resources, including cultural landscapes, 50 years of age or older within the disturbance zone and within one-half mile of the disturbance zone boundary and evaluate the eligibility of any identified resource for listing in the VLR.	***Architectural Survey*** *All studies should be completed in accordance with the appropriate DHR guidelines for conducting cultural resource surveys. See GUIDELINES FOR CONDUCTING HISTORIC RESOURCES SURVEY IN VIRGINIA (October 2011), which can be found at http://www.dhr.virginia.gov/pdf_files/Survey%20Manual-RevOct.2011Final.pdf. Areas and properties that can be demonstrated through topographic or similar analyses to have no view to the project can be excluded from this study.* ***Shelf life:** The data submitted in compliance with this section should be current within seven years of the submission date.*
3. Archaeological survey. The applicant shall conduct an archaeological field survey of the disturbance zone and evaluate the eligibility of any identified archaeological site for listing in the VLR. As an alternative to performing this archaeological survey, the applicant may make a demonstration to the department that the project will utilize nonpenetrating	***Archaeological Survey*** *All studies should be completed in accordance with the applicable DHR guidelines for conducting archaeological investigations. See GUIDELINES FOR CONDUCTING HISTORIC RESOURCES SURVEY IN VIRGINIA (October 2011), which can be found at*

REGULATION	GUIDANCE
footings technology and that any necessary grading of the site prior to construction does not have the potential to adversely impact any archaeological resource.	http://www.dhr.virginia.gov/pdf_files/Survey%20Manual-RevOct.2011Final.pdf. ***Shelf life:*** *The data submitted in compliance with this section may be gathered at any time prior to submission.*
C. Other Natural Resources Analyses of other natural resources. To fulfill the requirements of § 10.1-1197.6 B 7 of the Code of Virginia, the applicant shall also conduct a preconstruction desktop survey of natural heritage resources within the disturbance zone.	***Natural Heritage Resources*** *The definition of "natural heritage resources" is pursuant to §10.1-209 of the Code of Virginia. Current lists of natural heritage resources can be found on DCR's web site at* http://www.dcr.virginia.gov/natural_heritage/infoservices.shtml#lists. *Ecological Community Group definitions and descriptions, along with methods, can be found on the Department of Conservation and Recreation's website at: http://www.dcr.virginia.gov/natural_heritage/nchome.shtml.* *A list of natural heritage resource animal and plant species is found at* http://www.dcr.virginia.gov/natural_heritage/documents/anlist2010.pdf *and* http://www.dcr.virginia.gov/natural_heritage/documents/plantlist09.pdf. *For desktop surveys, natural heritage resource and state threatened and endangered species information can be found by contacting the Department of Conservation and Recreation, Natural Heritage Program at 804-371-2708, or directly on-line at Natural Heritage Data Explorer* http://www.dcr.virginia.gov/natural_heritage/nhdeinfo.shtml *via a data subscription agreement:* http://www.dcr.virginia.gov/forms/DCR199-005.pdf. *A list of invasive plant species is found at* http://www.dcr.virginia.gov/natural_heritage/documents/invlist.pdf. *For natural heritage resources, the applicant is encouraged to take all reasonable measures to avoid adverse impacts. Where impacts are identified, the applicant is encouraged to take action to mitigate or reduce such impacts or to explain why such impacts could not be avoided. Where appropriate, DEQ may approve mitigation of likely*

REGULATION	GUIDANCE
	significant adverse impacts on natural heritage resources as part of a required wildlife mitigation plan.
D. Summary report. The applicant shall provide to the department a report presenting the findings of the studies and analyses conducted pursuant to subsections A, B, and C of this section, along with all data and supporting documents. The applicant shall assess and describe the expected beneficial and adverse impacts, if any, of the proposed project on wildlife and historic resources identified by these studies and analyses.	
50. Determination of Likely Significant Adverse Impact **A. Wildlife** The department shall find that significant adverse impacts to wildlife are likely whenever the wildlife analyses prescribed in 9VAC15-60-40 A document that any of the following conditions exists: 1. State-listed T&E wildlife are found to occur within the disturbance zone or the disturbance zone is located on or within one-half mile of a known or potential sea turtle nesting beach. 2. The disturbance zone is located in part or in whole within zones 1, 2, 3, 4, 5, 10, 11, 12, or 14 on the Coastal Avian Protection Zones (CAPZ) map.	

REGULATION	GUIDANCE
B. Historic Resources The department shall find that significant adverse impacts to historic resources are likely whenever the historic resources analyses prescribed by 9VAC15-60-40 B indicate that the proposed project is likely to diminish significantly any aspect of a historic resource's integrity.	*Significant adverse impacts are such that the project will alter, directly or indirectly, any of the characteristics of an historic resource in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Definitions of these aspects of integrity can be found at 17 VAC 5-30-50.*
60. Mitigation plan. **A. Adverse Impact** If the department determines that significant adverse impacts to wildlife or historic resources or both are likely, then the applicant shall prepare a mitigation plan.	
B. Wildlife Mitigation measures for significant adverse impacts to wildlife shall include: 1. For state-listed **T&E wildlife**, the applicant shall take all reasonable measures to avoid significant adverse impacts or shall demonstrate in the mitigation plan what significant adverse impacts cannot practicably be avoided and why additional proposed actions are reasonable. These additional proposed actions may include best practices to avoid, minimize, or offset adverse impacts to resources analyzed pursuant to 9VAC15-60-40 A or C.	*This regulation does not mandate a mitigation plan for impacts to SGCN or to natural heritage resources. The applicant is required, however, to perform pre-construction surveys and analyses for both (see 9VAC15-60-40 A & C). This provision makes clear that the applicant may voluntarily opt to propose best practices to mitigate for Tier 1 & 2 SGCN, natural heritage resources, or any other resource analyzed pursuant to 9VAC15-60-40 A or C, when he cannot fully avoid impacts to T&E species per se.*

REGULATION	GUIDANCE
2. For proposed projects where the disturbance zone is located on or within one-half mile of a known or potential **sea turtle nesting beach**, the applicant shall take all reasonable measures to avoid significant adverse impacts or shall demonstrate in the mitigation plan what significant adverse impacts cannot practicably be avoided, and why additional proposed mitigation actions are reasonable. Mitigation measures shall include the following: a. Avoiding construction within likely sea turtle crawl or nesting habitats during the turtle nesting and hatching season (May 20 through October 31). If avoiding construction during this period is not possible, then conducting daily crawl surveys of the disturbance zone (May 20 through August 31) and one mile beyond the northern and southern reaches of the disturbance zone (hereinafter "sea turtle nest survey zone") between sunrise and 9 a.m. by qualified individuals who have the ability to distinguish accurately between nesting and nonnesting emergences. b. If construction is scheduled during the nesting season, then including measures to protect nests and hatchlings found within the sea turtle nest survey zone. c. Minimizing nighttime construction during the nesting season and designing project lighting during the construction and operational phases to minimize impacts on nesting sea turtles and hatchlings.	

REGULATION	GUIDANCE
3. For projects located in part or in whole within zones 1, 2, 3, 4, 5, 10, 11, 12, or 14 on the **Coastal Avian Protection Zones (CAPZ)** map, contribute $1,000.00 per megawatt of rated capacity, or partial megawatt thereof, to a fund designated by the department in support of scientific research investigating the impacts of projects in CAPZ on avian resources.	***CAPZ Avian Mitigation Measures*** *See Section III – CAPZ Narrative – of this Guidance document for details.* *Payment of contributions toward research should be addressed as follows:* *Department of Environmental Quality* *Receipts Control* *P. O. Box 1104* *Richmond, Virginia 23218* *Applicants should check with DEQ staff regarding the appropriate project/fund coding that should be entered on their checks to ensure proper crediting of payments.*
C. Historic Resources Mitigation measures for significant adverse impacts to historic resources shall include: 1. Significant adverse impacts to VLR-eligible or VLR-listed **architectural resources** shall be **minimized**, to the extent practicable, through design of the solar energy project or the installation of vegetative or other screening.	*If the owner of the affected historic property agrees to screening, a landscape plan should be prepared and submitted. This plan should include a graphic representation of the effectiveness of the screening. The applicant should implement the approved landscape plan and accept responsibility for the survival of any plantings for one year after planting. Documentation of the completion and assessment of the efficacy of the screening should be submitted.*

REGULATION	GUIDANCE
2. If significant adverse impacts to VLR-eligible or VLR-listed **architectural resources** cannot be avoided or minimized such that impacts are no longer significantly adverse, then the applicant shall develop a reasonable and proportionate mitigation plan that **offsets** the significantly adverse impacts and has a demonstrable public benefit and benefit for the affected or similar resource.	*A schedule for mitigation implementation should be included in the application.*
3. If any identified VLR-eligible or VLR-listed **archaeological site** cannot be avoided or minimized to such a degree as to avoid a significant adverse impact, significant adverse impacts of the project will be mitigated through archaeological data recovery.	*Any necessary data recovery plan should include: (a) the property, properties, or portions of properties where site specific data recovery plans will be carried out; (b) the portion(s) of the site to be preserved in place, if any, as well as the measures to be taken to ensure continued preservation; (c) research questions to be addressed through data recovery with an explanation of their relevance and importance; (d) methods to be used with an explanation of their relevance to the research questions; (e) methods to be used in analysis, data management, and dissemination of data, including a schedule; (f) proposed disposition of recovered materials and records; (g) proposed methods of disseminating the results of the work to the interested public; and (h) a schedule for the submission of progress reports to DEQ.*
70. Site Plan and Context Map.	*Site Plan: It is recommended that the site plan include the following:* *1. Property lines and setback lines.* *2. Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.* *3. Existing and proposed access roads, drives, turnout locations, and parking.* *4. Location of substations, electrical cabling from the solar*

REGULATION	GUIDANCE
	systems to the substations, ancillary equipment, buildings, and structures (including those within any applicable setbacks), if applicable.
80. Design Standards. **90. Public participation.** **100. Change of Ownership, Modifications, Termination.**	
110. Fees.	*See regulatory text for details regarding fees.* *Note Regarding Fees: The correct address to which payments should be addressed is* *Department of Environmental Quality* *Receipts Control* *P. O. Box 1104* *Richmond, Virginia 23218* *Applicants should check with DEQ Renewable Energy staff regarding the appropriate project/fund coding that should be entered on their check to ensure proper crediting of payments.*
120. Internet Resources. 1. Coastal GEMS application, 2010, Virginia Department of Environmental Quality. Available at the following Internet address: http://www.deq.virginia.gov/coastal/coastalgems.html.	*The Coastal GEMS website was recently updated. Please click the following to access: Coastal GEMS Website.*

REGULATION	GUIDANCE
NOTE: This website is maintained by the department. Assistance and information may be obtained by contacting Virginia Coastal Zone Management Program, Virginia Department of Environmental Quality, 629 E. Main Street, Richmond, Virginia 23219, (804) 698-4000.	
130. Smaller Projects. **Small solar energy projects less than or equal to five megawatts or less than or equal to 10 acres or meeting certain categorical criteria.**	*Projects that qualify under Section 130 are sometimes referred to as "de minimis" projects, because they generally have little impact on natural resources. They are deemed to be covered by the Solar PBR, but the regulatory requirements are significantly less than those for projects that are covered by Section 30 et seq. The latter projects must comply with the "full PBR" regulation as set forth in the regulatory sections other than Section 130.*
A. Less than 500 kW The owner or operator of a small solar energy project is not required to submit any notification or certification to the department if he meets at least one of the following criteria: 1. The small solar energy project has either a rated capacity equal to or less than **500 kilowatts or** a disturbance zone equal to or less than **two acres**; **or** 2. The small solar project falls within **at least one of the following categories,** without regard to the rated capacity or the disturbance zone of the project: a. The small solar energy project is **mounted** on a single-family or duplex private **residence**. b. The small solar energy project is **mounted** on one or more **buildings less than 50 years old or**,	*No notice to DEQ and no local government certification of compliance with land use ordinances are required for projects described in subsection A (1 and 2). Although these projects are deemed to be covered by the Solar PBR, they are exempt from notification and from substantive requirements. Projects in this subsection include those having a rated capacity ≤ 500 kW, having a disturbance zone ≤ 2 acres, or meeting at least one of the specified categorical exemptions in A. 2. (e.g., mounted on a residence, over an existing parking lot).*

REGULATION	GUIDANCE
if 50 years of age or older, have been evaluated and determined by DHR within the preceding seven (7) years to be **not VLR-eligible**. c. The small solar energy project is **mounted** over one or more **existing parking lots, existing roads, or other previously disturbed areas** and any impacts to undisturbed areas do not exceed an additional two (2) acres. d. The small solar energy project utilizes **integrated PV only**, provided that the building or structure on which the integrated PV materials are used is less than 50 years old or, if 50 years of age or older, has been evaluated and determined by DHR within the preceding seven (7) years to be not VLR-eligible.	
B. Between 500kW and 5MW The owner or operator of a small solar energy project with either a rated capacity greater than 500 kilowatts and less than or equal to five megawatts or a disturbance zone greater than two acres and less than or equal to 10 acres shall notify the department and shall submit a certification by the governing body of the locality or localities wherein the project will be located that the project complies with all applicable land use ordinances.	*Both notice to DEQ and submission to DEQ of local government certification of compliance with land use ordinances are required for projects either > 500 kW to 5 MW in rated capacity or disturbance zone > 2 acres to ≤ 10 acres.* *For notice to DEQ, please refer to the attached Sample Notice of Intent (Section 130 Projects). The agency's preference is that this notification be provided by electronic mail to carol.wampler@deq.virginia.gov.* *For local government certification, please use the attached Local Government Certification form, which may also be submitted by electronic mail to carol.wampler@deq.virginia.gov .*

REGULATION	GUIDANCE
140. Enforcement.	

(**Notice of Intent for Solar Energy Project–<u>"de minimis" Section 130 projects</u>**)

COMPANY LETTERHEAD

[Date]

Ms. Carol C. Wampler
Renewable Energy Policy Manager
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218
carol.wampler@deq.virginia.gov

Dear Ms. Wampler:

On behalf of **[company/applicant]**, I am hereby providing notice to the Department of Environmental Quality of our intention to construct a small renewable energy project (solar) in **[city/county]**, Virginia, pursuant to Virginia Regulation 9VAC15-60-130.B. This project will be subject to provision 9VAC15-60-130.B because the rated capacity of the project will be **[a number equaling 5 megawatts or less]**.

[Applicant should provide a brief description of the proposed project and its location, including the approximate dimensions of the site, approximate number of solar panels, and other key characteristics.]

Attached to this letter, please find a certification by **[governing body of the locality or localities wherein the project will be located]** that the project complies with all applicable land use ordinances.

If the Department has questions regarding this project, please contact **[name]** at **[email address and telephone number]**.

Sincerely yours,

[name]
[title]

[Note: Brackets indicate where applicant should provide project-specific information.]

(Notice of Intent for Solar Energy Project – full PBR projects)

COMPANY LETTERHEAD

[Date]

Ms. Carol C. Wampler
Renewable Energy Policy Manager
Department of Environmental Quality
P. O. Box 1105
629 East Main Street
Richmond, VA 23218
carol.wampler@deq.virginia.gov

Dear Ms. Wampler:

On behalf of **[company/applicant]**, I am hereby providing notice to the Department of Environmental Quality of our intention to submit the necessary documentation for a permit by rule for a small renewable energy project (solar) in **[city/county]**, Virginia, pursuant to Virginia Regulation 9VAC15-60.

[Applicant should provide a brief description of the proposed project and its location, including the approximate dimensions of the site, approximate number of solar panels, and other key characteristics. Include approximate rated capacity, if known. Projects in this category should have rated capacity >500 kW to 5 MW.]

If the Department has questions regarding this project, please contact **[name]** at **[email address and telephone]**.

Sincerely yours,

[name]
[title]

[Note: Brackets indicate where applicant should provide project-specific information.]

Virginia Department of Environmental Quality
Small Renewable Energy Projects (Solar)
Local Governing Body Certification Form

Facility Name and Location:	
Applicant's Name:	
Applicant's Mailing Address:	Telephone Number and Email Address:

The applicant or his representative is submitting an application for a small renewable energy permit by rule from the Virginia Department of Environmental Quality. In accordance with § 10.1 - 1197.6 B 2 of the Code of Virginia, before such permit application can be considered complete, the applicant must obtain a certification from the governing body of the locality or localities in which the small renewable energy project will be located that the project complies with all applicable land use ordinances.

The undersigned requests that an authorized representative of the local governing body sign the certification statement below. In addition, by signing below, the applicant affirms that he has also submitted this form to other localities, if any, in which the proposed project will be located.

Applicant's signature:	Date:

The undersigned local government representative certifies *that the proposed small renewable energy project complies with all applicable land use ordinances, as follows:*

(Check one block)

☐ The proposed facility **complies with** all applicable land use ordinances.

☐ The proposed facility **does not comply** with all applicable land use ordinances.

Signature of authorized local government representative:	Date:
Type or print name:	Title:
County, City or Town:	

Virginia Department of Environmental Quality
Small Renewable Energy Projects (Solar)
Environmental Permit Certification Form

Facility Name and Location:	
Applicant's Name & Title:	
Applicant's Mailing Address:	Telephone Number and Email Address:

The applicant is submitting an application for a small renewable energy permit by rule from the Virginia DEQ. In accordance with § 10.1-1197.6 B 12 of the Code of Virginia, before such permit application can be considered complete, the applicant must certify that the small renewable energy project has applied for or obtained all necessary environmental permits.

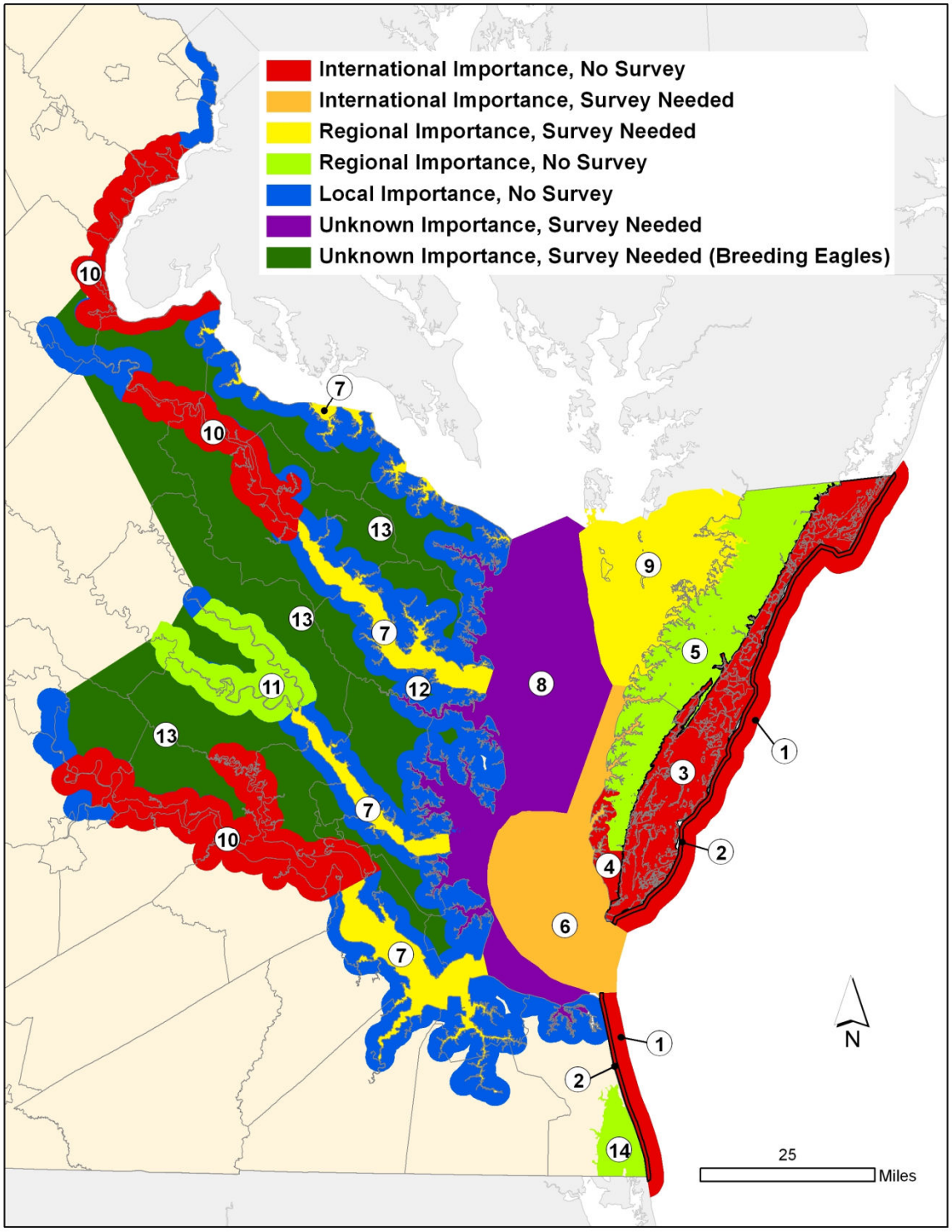
List all state and local environmental permits that are necessary for the small renewable energy project listed above. Indicate for each whether the permit has been applied for and/or obtained. If the permit has been <u>obtained</u>, attach either a copy of the permit or a letter from the appropriate agency staff member on agency stationery stating that the permit has been issued and the date of issuance. If a permit has not yet been obtained but has been <u>applied for</u>, provide the name of the permit, name and address of the receiving agency, name of the staff person at the receiving agency to whom the application was addressed (if available), and the date on which the application was submitted. If <u>no permits are necessary</u>, write the word "none" in the first column.

Permit	Permitting Agency / Authority, Address, Contact Person	Applied for (Date)	Obtained (Date)

I hereby certify *that the information provided above (and any attached information) is correct and fulfills the requirements of § 10.1-1197.6 B 12 of the Code of Virginia and 9 VAC 15-40-30 A 12.*

Applicant's Signature	Date:

Coastal Avian Protection Zones (CAPZ) Map



(PDF Version – 9/2/2011)