

**COMMONWEALTH OF VIRGINIA**  
**Department of Environmental Quality**

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**Subject:** Small Renewable Energy Projects (Combustion)  
Guidance Memo No. REW2013-01

**To:** Director, Deputy Directors, Division Directors

**From:** Carol Wampler, Renewable Energy Policy Manager

**Date:** August 8, 2013

**Copies:** Regional Directors, Virginia CZM Manager

**Summary:** In 2009, the Virginia General Assembly enacted the Small Renewable Energy Projects Act (Chapters 808 and 854) directing DEQ to develop permit by rule (PBR) regulations for the construction and operation of renewable energy projects. The third renewable energy PBR – for combustion projects with rated capacity of 20 megawatts and less – is effective on August 28, 2013. This Guidance document provides DEQ’s suggestions on how the requirements of 9VAC15-70, the “Small Renewable Energy Project (Combustion) Permit by Rule” regulations, may be met. It is written for the benefit of agency staff, permit applicants, and members of the public. Like the statute and implementing regulations, this Guidance document addresses pre-construction natural-resource analyses, mitigation plans for wildlife and historic resources (if warranted by results of analyses), post-construction monitoring, and other PBR requirements and issues. Where appropriate, the Guidance discusses methods of performing the required regulatory tasks.

The renewable energy PBR program is administered by the central office staff listed below. Since combustion projects almost inevitably require other permits administered by DEQ, staff members from the relevant permit programs and regional offices are welcome to contact renewable energy staff with any questions about the renewable energy PBR and how it fits with other environmental permits. The 2009 statute requires the applicant to submit in his Combustion PBR application a certification that he has “applied for or obtained all necessary environmental permits.” (§10.1-1197.6 B 12 of the Code of Virginia)

Although encouraging renewable energy has been part of Virginia’s codified energy policy for a number of years, renewable energy projects are still relatively new in the Commonwealth. DEQ’s role in the process is just beginning. Therefore, the Renewable Energy Guidance recommends that applicants have informal pre-application with renewable energy staff fairly early in the development of their proposed project. For combustion projects – where the renewable energy PBR is likely the least complex permit the applicant must obtain – it may be appropriate for air or waste staff (most likely in the regional office) to convene such a meeting. If a regional office sees fit to convene a pre-application meeting for a combustion project or

other renewable energy project, central office renewable energy staff would be supportive of that effort and be glad to attend if invited.

**Electronic Copy:** An electronic copy of this Guidance is available at:

- Section I: <http://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5324>
- Section II: <http://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5325>
- Section III: <http://townhall.virginia.gov/L/ViewGDoc.cfm?gdid=5326>

Also, an electronic copy and additional information concerning the Combustion PBR are available on DEQ's website at the [Renewable Energy Program's Guidance Page](#). Information concerning analysis of avian resources in the Coastal Avian Protection Zones (CAPZ) and the interactive CAPZ map can be found at <http://www.deq.virginia.gov/programs/coastalzonemanagement/coastalgemsgeospatialdata.aspx>.

**Contact Information:** Please contact Carol Wampler at (804) 698-4579 or [carol.wampler@deq.virginia.gov](mailto:carol.wampler@deq.virginia.gov) with any questions regarding the application of this Guidance.

**Disclaimer:** This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, 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.