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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) Chapter citation(s)	Primary: 9VAC15-40-10 Secondary: 9VAC15-60-10; 9VAC15-70-10 and 9VAC15-100-10
VAC Chapter title(s)	Small Renewable Energy Projects (Wind) Permit by Rule (9VAC15-40), Small Renewable Energy Projects (Solar) Permit by Rule (9VAC15-60), Small Renewable Energy Projects (Combustion) Permit by Rule (9VAC15-70), and Small Energy Storage Facilities Permit by Rule (9VAC15-100)
Action title	Incorporation of Interconnection Facilities Definition to Renewable Energy Wind, Solar, Combustion, and Energy Storage Regulations
Final agency action date	June 1, 2026
Date this document prepared	May 15, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This final exempt action updates four Department of Environmental Quality (Department) Renewable Energy regulations to incorporate the definition of “interconnection facilities” added to state law by Chapter 710 of the 2025 Acts of Assembly (House Bill 2426) and to update the definition of “Small renewable energy project” for the wind, solar, combustion, and energy storage Small Renewable Energy regulations. The purpose of the proposed action is to amend the regulations to maintain consistency with state law.

This regulatory action is exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act pursuant to the provisions of § 2.2-4006 A 4 a of the Code of Virginia because it is necessary to conform to changes in Virginia statutory law where no agency discretion is involved. In addition, the technical corrections are exempt from Article 2 of the Administrative Process Act pursuant to § 2.2-4006 A 3 of the Code of Virginia.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The primary mandate for this regulatory change is Chapter 710, of the 2025 Acts of Assembly (House Bill 2426). Effective July 1, 2026, § 10.1-1197.5 of the Code of Virginia will be revised to include a definition of "Interconnection facilities" and the phrase "dedicated associated interconnection facilities" will be included in the definition of "Small renewable energy project."

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On, June 1, 2026, the Department of Environmental Quality adopted final amendments to the Small Renewable Energy Projects (Wind) Permit by Rule (9VAC15-40), Small Renewable Energy Projects (Solar) Permit by Rule (9VAC15-60), Small Renewable Energy Projects (Combustion) Permit by Rule (9VAC15-70), and Small Energy Storage Facilities Permit by Rule (9VAC15-100) regulations.

In adopting these amendments, the Department affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act.