Virginia Wind Energy Projects: 
Change from SCC to DEQ Jurisdiction

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Current Practice:

- Developer applies to SCC for individual approval/order
- Environmental agencies submit recommendations to SCC re proposed site via Environmental Impact Review
- SCC decides what site-specific environmental requirements to include in the order
Example of SCC process:

Highland County Wind
New System:

DEQ Renewable Energy Permit by Rule (Wind)
New System: Overview

- Developer applies to DEQ for permit by rule (PBR)
- Environmental requirements are set forth “up front” in regulation for all sites
- DEQ, in consultation with other agencies, reviews application
- If applicant meets requirements and submits required certifications, then DEQ notifies applicant – within 90 days – that project is authorized under PBR
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
What do stakeholders potentially achieve in the proposed Wind PBR?
Industry

- **certainty** – requirements spelled out in advance in PBR
- **timeliness** *(90 days in proposed reg)*
- **reasonableness** – RAP & DEQ interpreted statute as reasonably as possible
- **channels of legal redress** – clearly set forth in Administrative Process Act
Environmental Interests

At the cutting edge among states in having across-the-board ...

- Analysis of natural resources at/near the project site
- Mitigation for significant wildlife and historic-resource impacts
- Required post-construction monitoring for life of project
“Sister” State Agencies

- All had a voice on the RAP in developing the wind PBR proposal.
- Pursuant to the 2009 statute, DEQ will consult SNR agencies before rendering permit-approval decision.
Local Governments

The RAP, OAG, and DEQ agreed:

- health and safety issues, land-use and zoning are not encompassed by the 2009 statute

All concurred:

- these issues remain the subject of local-government authority, as VACO recommended
Remember . . .

PBR described today is proposed, not final
Proposed Wind PBR:

9 VAC 15-40
Proposed Text
http://www.townhall.virginia.gov/L/ViewXML.cfm?textid=4259

Agency Statement - Town Hall Document (TH-02)
http://www.townhall.virginia.gov/L/viewstage.cfm?stageid=5451&display=documents
Next steps . . .

- Public comment period on proposed Wind PBR, following culmination of executive review

- Development of PBR provisions for
  - Coastal wind projects
  - Offshore projects in state waters
For more information about DEQ’s proposed Wind PBR . . .

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