Wind PBR Logistics

CAROL WAMPLER
DEQ
JMU WIND SYMPOSIUM
JUNE 20, 2012
PBR Statutory Criteria

1. Notice of intent
2. Local-government certification
3. Interconnection studies
4. Final interconnection agreement
5. PE certification of generation capacity
6. Analysis of impacts on NAAQS
Chief operational provisions:

7. **Analysis of impact on natural resources**

8. **Determination of likely significant adverse impacts; mitigation plan & post-construction monitoring**
9. PE certification of design
10. Operating plan
11. Site plan
12. Certification re environmental permits
13. Public meeting
14. Public comment period
Logistical Questions?

- 1. Notice of Intent
- 2. Local Government Certification
- 12. Certification Regarding Environmental Permits
- 7. & 8. Analysis, Determination, & Mitigation for Impacts to Wildlife & Historic Resources:
  - Pre-Application Meetings
  - Processing of Final Application Package
Answers?

SEE DEQ GUIDANCE AT

HTTP://WWW.DEQ.VIRGINIA.GOV/PROGRAMS/RENEWABLEENERGY/WINDENERGY.ASPX
Applicant should submit to DEQ as soon as practicable, but certainly after applicant ascertains that proposed project meets local land use requirements.

DEQ will submit notice of intent to Virginia Register and Regulatory Town Hall.
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 (wind) in [county], Virginia, pursuant to Virginia Regulation 9VAC15-40.

[Applicant should provide a brief description of the proposed project and its location, including the approximate dimensions of the site, approximate number of turbines, and approximate maximum blade-tip height. 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].
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 (wind) in Virginia, pursuant to Virginia Regulation 9VAC15-40-130.B. This project will be subject to provision 9VAC15-40-130.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 turbines, and approximate maximum blade-tip height.]

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. [Alternative language: No local government certification is being submitted with this letter because the project will be located in state waters on state-owned subaqueous bottoms.]

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

FURNISH TO THE DEPARTMENT CERTIFICATION BY THE GOVERNING BODY OF THE LOCALITY OR LOCALITIES WHERE PROJECT WILL BE LOCATED THAT THE PROJECT COMPLIES WITH ALL APPLICABLE LAND USE ORDINANCES
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 & title of authorized local government representative & date
Applicant should attach to his final application

- the completed Local Government Certification form found in DEQ Guidance

  or

- a letter on official letterhead stationery from relevant local-government official (county administrator or his designee) providing similar information regarding land-use ordinance compliance
FURNISH CERTIFICATION SIGNED BY THE APPLICANT THAT PROJECT HAS APPLIED FOR OR OBTAINED ALL NECESSARY ENVIRONMENTAL PERMITS
Final Application Regarding Other Permits

Applicant should attach either

• A letter
  
  or
  
  • The form from DEQ guidance certifying other permits
  
  • Applied for
  • Obtained
  • Not applicable
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 obtained, 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 applied for, 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 no permits are necessary, write the word “none” in the first column.
## NOTE:

<table>
<thead>
<tr>
<th>Land Use Compliance</th>
<th>Other Environmental Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Certified by local government</td>
<td>• Certified by applicant</td>
</tr>
</tbody>
</table>
Public Participation

APPLICANT TO CONDUCT:

PUBLIC MEETING

AND

30-DAY PUBLIC REVIEW & COMMENT PERIOD
Final Application Regarding Public Participation

Applicant should submit to DEQ:

- A report summarizing the issues raised by the public
- Copy of any written comments received
- Applicant’s response to these comments
# Public Input: Local Permit vs. State PBR

<table>
<thead>
<tr>
<th>Local</th>
<th>PBR</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Typically held early in process</td>
<td>• Held after applicant has prepared all PBR submittals</td>
</tr>
<tr>
<td>• Goal: special use permit/land use approval</td>
<td>• Goal: PBR coverage</td>
</tr>
<tr>
<td>• Issues: health, safety, general welfare</td>
<td>• Issues: compliance with PBR statute/regs</td>
</tr>
</tbody>
</table>
✓ Notice of intent
✓ Interconnection studies & agreement
✓ Certification re: maximum capacity
✓ Impacts on NAAQS
✓ Certification re: project design
✓ Operating plan (unless involves mitigation)
✓ Site plan (unless involves mitigation)
✓ Certification re: other permits
✓ Public meeting & comments
✓ Local government certification
DEQ Substantive Scrutiny

- Analysis

- Determination

- Mitigation Plan
  if DEQ determines likely significant adverse impacts to
  - Wildlife
  - Historic Resources
HOW SHOULD APPLICANT INTERACT WITH DEQ & OTHER STATE AGENCIES?
Performing Analysis and Planning Mitigation

SEE

DEQ WIND PBR GUIDANCE
SECTION I: GENERAL

POSTED ON DEQ’S RENEWABLE ENERGY WEBSITE
Pre-Application Meetings

Recommendations:

- Meet early and often with DEQ staff
- Advise DEQ staff whether
  - Formal or informal
  - With or without sister agency representatives (e.g., DGIF, DCR, DHR)
Applicants are welcome to meet independently with staff at sister agencies.

But only DEQ has authority to decide whether the components of a PBR application meet regulatory standards, after DEQ consults with its SNR sister agencies.

We anticipate smooth and cooperative working relationships among state agencies.
<table>
<thead>
<tr>
<th>Operative PBR Provisions</th>
<th>Other PBR Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMPLETENESS &amp; ADEQUACY:</strong> Careful substantive review by DEQ &amp; sister agencies to determine completeness and adequacy of analyses and, if required, mitigation plan</td>
<td><strong>COMPLETENESS:</strong> Check-off that appropriate information has been submitted</td>
</tr>
</tbody>
</table>
How will DEQ process applications?
Final Application Submission

90 DAYS

- Within **90 days** of receiving documents and fees, DEQ will determine whether application is complete and adequate, after consultation with SNR agencies

- Yes? » PBR Coverage

- No? » Deficiency Letter
For Further Information:

- **DEQ Staff**
  Carol C. Wampler
  804-698-4579
  carol.wampler@deq.virginia.gov

- **DEQ Website**
  www.deq.virginia.gov/RenewableEnergy