



Virginia Seeks Comments on Solar PBR Regulations

By: Bradley J. Nowak

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On May 27, 2019, the Virginia Department of Environmental Quality (DEQ) announced it is considering amending 9 VAC 15-60, Small Renewable Energy Projects (Solar) Permit Regulation by Rule (the PBR Regulations). The PBR Regulations apply to small renewable energy (solar) projects of 150 megawatts or less. The PBR Regulations became effective on July 18, 2012 and were amended in 2013 and 2017.

According to the May 27 notice, the purpose of the proposed regulatory action is to clarify specific definitions, establish clear timeframes for data submittals and recordkeeping activities, provide clarity for natural and cultural resource studies, clarify the public participation procedures, and address the fee structure to adequately fund the program. In addition, the DEQ aims to clarify the requirements for applicants, operators, and permitted facilities; improve permitting procedures; and streamline the regulations for ease of use while still protecting natural resources and human health.

The DEQ is seeking public comment on any issue regarding the PBR Regulations. In addition, DEQ is using a regulatory advisory panel (RAP) to develop recommended amendments to the PBR Regulations for DEQ consideration. The DEQ is seeking individuals interested in serving on the RAP. Public comments, including submission of interest in serving on the RAP, are due by June 26, 2019.

For more information regarding the PBR Regulations, please contact Brad Nowak, co-chair of Williams Mullen's Solar Energy team.

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