

## Solar PBR Regulatory Advisory Group (RAP)

January 31, 2020  
Draft Meeting Notes

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**Location:** DEQ Central Office  
3<sup>rd</sup> Floor Conference Room  
1111 East Main St. Richmond, VA

**Start:** 1:07 p.m.

**End:** 2:41 p.m.

### **RAP Members Present:**

Jon Hillis; SolUnesco	S. René Hypes; Virginia Department of Conservation and Recreation (DCR)
Richard Gangle; Dominion Energy	Ernie Aschenbach; Virginia Department of Game & Inland Fisheries (DGIF)
William Reisinger; (Maryland-DC-Delaware-Virginia Solar Energy Industries Ass)	Don Giecek for Harry Godfrey; Advanced Energy Economy
Chris Hawk for Dan Holmes; Piedmont Environmental Council	
Ken Jurman; Virginia Department of Mines, Minerals and Energy	

### **RAP Members Absent:**

Hannah Coman; Southern Environmental Law Center  
David Krupp; Community Energy  
Judy Dunscomb; The Nature Conservancy  
Joe Lerch, Virginia Association of Counties (VACo)  
Cliona Mary Robb, Virginia Solar Energy Development and Energy Storage Authority  
Terrance Lasher; Virginia Department of Forestry (DoF)  
Roger W. Kirchen; Virginia Department of Historic Resources (DHR)

**Facilitator:** David K. Paylor, DEQ Director/Tamera Thompson, DEQ

**Recorders:** Irina Calos and Mary E. Major, DEQ

### **Guests and Public Attendees:**

Chris Egghart	Lauren Wheeler
Ginny Gills	Susan Tripp
Todd Alonzo	Stan Faggert
Blaine Loos	Mathew Meares
Sharon Baxter	Cindy Berndt

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### 1. Welcome and Introductions:

DEQ Director David Paylor thanked the Regulatory Advisory Panel (RAP) members for attending the meeting and provided the framework for the afternoon's discussions indicating he was there to listen to get a better understanding of the specific concerns of the members. Prior to beginning the discussion, RAP members and public attendees made introductions.

### 2. Permit Fees:

Industry representatives stated the proposed fee structure represents a 4x to 6x increase - which is significant. The industry had offered a proposal that would result in an approximate 2x increase over existing fees. Industry members suggested that due to the huge jump in permit fees, including proposed maintenance fees, many projects currently proposed would not be built. The large fee increase would particularly impact

smaller projects that have smaller profit margins. It was recommended that more general funds be shifted to support the program. It was suggested that even though the program is working, there would come a time when developers would shift to the State Corporation Commission for permitting if fees become too great.

### 3. Mitigation, Ecological Cores:

The current regulatory proposal provides for mitigation for significant impacts to large tracts of forested land for specific ecological cores. It was mentioned that the DCR developed the method to identify large forest cores as a means to spend grant funds and was never intended to be used in a regulatory situation. The proposed mitigation burden is targeting the solar industry – no other state program requires mitigation for impacted forested lands. Any such requirement should be applied across all industries to level the playing field.

Certainty is required to know what type of mitigation would be required. Mitigation or avoidance raises the issue of impacts to personal property values and concerns regarding personal property rights. A high value core may currently exist on private property; if the landowner harvests the timber, no core exists. The Piedmont Environmental Council suggested that it would be desirable that anticipatory clearing not be done.

### 4. Pollinator Score Card:

The current regulatory proposal requires the pollinator score card, available on the DCR web site, to be submitted as part of the PBR application. Industry is concerned that a low score could result in negative feedback. The best projects should be green from the ground up; however, as the scorecard is new, there is concern that there isn't complete understanding in what could result in a low or high score and it could become very costly to achieve a good score. There are also concerns that planting specific pollinators could become mandatory. DCR provided an overview of the pollinator tools that are currently available to address many of the concerns raised by industry and reviewed the many benefits of planting pollinators for the developers and the environment.

### 5. Project Size:

The current regulatory proposal provides for limited permit requirements for projects less than or equal to 5 MW or impact 10 acres or less. The industry did propose that the size limit be increased to 20 MW which would result in a smaller regulatory burden for the smaller projects. There are economies of scale which does make it more difficult for the smaller projects to be economically viable. Smaller MW projects can still have large impacts to natural or cultural resources.

### 6. Definitions:

The definition of "Beginning construction" should not reach back to impact personal property rights.

### 7. Other Concerns:

Members expressed concern that changes in the proposed regulation impact the existing projects that have been under development for several years and that the regulation should not include any new requirements that could put those projects in jeopardy.

Mr. Paylor again thanked the members for attending the meeting and appreciated them taking the time to educate him on their specific concerns prior to the public comment period.

The meeting adjourned at 2:41 P.M.