

Regulatory Advisory Panel (RAP) Meeting
Small Renewable Combustion Energy Permit by Rule
October 6, 2011
Draft Meeting Notes

Location: DEQ Piedmont Regional Office
Glen Allen, VA 23059

Start: 9:42 a.m.

End: 4:15 p.m.

RAP Leader/Facilitator: Carol Wampler, DEQ

Recorder: Heather Mackey, DEQ

RAP Members Present:

Ernie Aschenbach, DGIF (Alt)
Tony Banks, VA Farm Bureau
Charlie Becker, DOF (Alt)
Bob Bisha, Dominion Virginia Power
Kelly Bonds, Aegis
Robert Greene, Ingenco
John Hart, AEC Idom
Rene Hypes, DCR (Alt)

John Ignosh, VA Tech Extension Service
Larry Jackson, APCO
Roger Kirchen, DHR
Kathryn Perszyk, DEQ (Alt)
Lynne Rhode, Troutman Sanders
Stephen Versen, VDACS
Donna Wirick, Recast

RAP Members Absent:

Randy Bush, VA Forest Products Association
Ray Fernald, DGIF
Dan Holmes, PEC
Ron Jenkins, DOF
Robin Jones, DMME
Larry Land, VACO

Thomas Numbers, ERM
Rebekah Remick, DEQ
Nikki Rovner, TNC
Scot Sklar, The Stella Group
Tom Smith, DCR
Al Weed, Public Policy VA

Guests and Public Attendees:

Kerri Nicholas, OAG

Agenda Item: Welcome & Opening Remarks

Discussion Leader: Carol Wampler, DEQ

Ms. Wampler welcomed all attendees, and mentioned the primary objective of today's meeting is to discuss and make suggested revisions to the draft Straw Man of the Combustion PBR that resulted from the August 31, 2011 meeting. Ms. Wampler also reviewed the schedule for finalizing the draft PBR and the statutory deadline of July 1, 2012, for adoption of a final regulation. Given the requirements of the APA process, the Combustion PBR should be finished and ready to proceed on through the Executive Review process by the end of October, or as soon thereafter as possible. Ms. Wampler reviewed the goal of the RAP as being a consensus recommendation on a draft Combustion PBR that they "can live with," and will not oppose in another forum. Ms. Wampler assured the RAP that it is the custom of the Director of DEQ to accept a consensus recommendation from the RAP.

In the near future, staff will begin the process of drafting guidance for the Combustion PBR. Ms. Wampler requested that RAP members interested in providing advice to staff identify themselves and the types of projects with which they have the most experience. Ms. Rhode, Mr. Jackson, Mr. Banks, Mr. Kirchen, Mr.

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Greene, Ms. Wirick, Mr. Bonds, Mr. Ignosh, Mr. Becker, Mr. Hart, Ms. Hypes, Mr. Aschenbach, and Mr. Bisha all volunteered to make themselves available to staff.

Agenda Item: Discussion of Draft “Straw Man” Combustion PBR

Discussion Leader: Carol Wampler, DEQ

Ms. Wampler opened the discussion of the draft Straw Man with consideration of the definitions under 9 VAC 15-70-10. The RAP membership reopened discussion of the appropriateness of the term “combustion” being used to describe the statutory terms Biomass, Energy from Waste, and Municipal Solid Waste. A RAP member suggested rather than defining the umbrella term “combustion” to mean only the three statutory terms, which some considered to be confusing, the PBR should focus instead on definition of the term “combustion energy project.”

The RAP then turned its attention to the issue of interconnection of these types of projects to the grid, and whether interconnection is a jurisdictional requirement of the PBR. Advice from RAP members concluded that there are now or could be soon projects that generate more than 5 MW of electricity that are not/will not be connected to the grid. It is understood that these projects would not now be permitted by the SCC. It was discussed that arguments could be made either way and that the advice of the Office of the Attorney General may need to be sought for a resolution. The RAP recommended that DEQ pursue legal advice concerning jurisdiction over projects in excess of 5 MW that are not connected to the grid.

Additional discussion was held on the revised definitions of “disturbance zone,” “parasitic load,” “rated capacity,” “site,” and “combustion energy project.” Language that was agreed upon, as well as suggested changes, are included in the annotated copy of the draft PBR attached to these meeting notes.

The RAP broke for lunch between 12:00 p.m. and 1:10 p.m.

Following lunch, the RAP proceeded to review Part II of the draft Combustion PBR in detail, with the exception of Section 9 VAC 15-70-100 change of ownership, project modification and termination, agreeing to certain revisions and making suggestions as noted in the annotated copy of the draft PBR attached to these meeting notes.

Public Forum

No one signed up to speak during the public forum.

Adjournment

The meeting adjourned at 4:15 p.m. The RAP will meet as scheduled the following day, October 7, 2011 at the Piedmont Regional Office to finish discussing the draft Combustion PBR.



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Combustion PBR stra

Attachment 1: 9/26/2011 Draft Combustion PBR “Straw Man,” as revised during the 10/6/11 RAP meeting.

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