



Fast Track Proposed Regulation Agency Background Document

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) citation	9VAC15-40
Regulation title	Small Renewable Energy Projects (Wind) Permit by Rule
Action title	Wind PRB Periodic Review Amendments
Date this document prepared	October 21, 2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

The purpose of this regulatory action is to amend sections of the Small Renewable Energy Projects (Wind) Permit by Rule (PBR) to ensure consistency with the PBRs developed for solar and combustion projects designed with a rated capacity not exceeding 100 megawatts. The PBR establishes requirements for potential environmental impacts analyses, mitigation plans, facility site planning, public participation, permit fees, inter-agency consultations, compliance and enforcement. This final regulation constitutes Department of Environmental Quality's (DEQ) permit by rule for wind energy projects. In addition, this regulatory action is the result of a periodic review. Please see the periodic review/small business impact review result section for additional information.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

1. The Director of the DEQ authorized the department to promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Director's authorization constituted his adoption of the regulation at

the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.

2. Authorized the department to set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the department does not find it necessary to make any changes to the proposal.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. The identification should include a reference to the agency/board/person's overall regulatory authority, as well as a specific provision authorizing the promulgating entity to regulate this specific subject or program; and a description of the extent to which the authority is mandatory or discretionary.

Sections 10.1-1197.5 through 10.1-1197.11of the Code of Virginia (Title 10.1, Chapter 11.1 Article 5 of the Code of Virginia) authorizes the DEQ to promulgate regulations which provide permitting requirements to protect Virginia’s natural resources that may be affected by the construction and operation of small renewable wind energy projects. Written assurance from the Office of the Attorney General that the DEQ possesses the statutory authority to promulgate the proposed regulation amendment is available upon request.

Promulgating Entity

The promulgating entity for this regulation is the Department of Environmental Quality.

Federal Requirements

None.

State Requirements

Sections 10.1-1197.5 through 10.1-1197.11of the Code of Virginia.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The amendments to the wind PBR are a result of a periodic review and are required for consistency between the other PBRs (solar and combustion) required under Section 10.1-1197.5 et seq. of the Code of Virginia. This section of the Code provides permitting requirements to protect Virginia’s natural and historic resources that may be affected by the construction and operation of small renewable wind, solar, or combustion energy projects.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If either an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules; or the Department finds it necessary, based on public comments or for any other reason, to make any changes to the proposal, the Department shall (i) file notice of the objection/reason with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The Wind PBR is being revised to add language to ensure consistency with the solar and combustion small renewable energy project PBRs. All of the changes were thoroughly vetted during the regulation adoption process for both the solar and combustion PBRs, which were promulgated after the wind PBR. Therefore, no comments regarding the changes to the wind PBR are anticipated.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. Note, more detail about all provisions or changes is provided in the "Detail of changes" section.

The technical changes to the Wind PBR include the following:

1. Adding language regarding payment of fees for small renewable wind energy projects in Virginia,
2. Adding a statement to clarify that wind projects under 5 MW are considered covered by the PBR, and
3. Making technical changes to one definition and corrections to citations in the sections dealing with internet resources and documents incorporated by reference.

Issues

Please identify the issues associated with the proposed regulatory action, including: (1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; (2) the primary advantages and disadvantages to the agency or the Commonwealth; and (3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

1. Public: The general public health and welfare will benefit because the revision ensures consistency for permitting requirements for small wind renewable energy projects greater than 5 megawatts (MW) but equal or less than 100 MW with requirements for solar and combustion renewable projects of similar size. This consistency in permitting requirements is necessary to ensure uniform protection of historic and natural resources while encouraging the development of renewable energy.

2. Department: The amendment will allow the department to expedite the permitting of small renewable wind energy projects in a streamlined way while ensuring the protection of historic and natural resources of the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There is no locality which will bear any identified disproportionate impact due to the proposal which would not be experienced by other localities.

Public participation

Please include a statement that in addition to any other comments on the regulation, the agency is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community, and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal, the impacts on the regulated community and impacts of the regulation on farm or forest land preservation. Also, the agency is seeking information on impacts to small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (1) projected reporting, recordkeeping and other administrative costs, (2) probable effect of the proposal on affected small businesses, and (3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email, or fax to the staff contact listed below. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at www.townhall.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period. Commenters submitting faxes are encouraged to provide the signed original by postal mail within one week.

All comments requested by this document must be submitted to the agency contact: Mary E. Major, Environmental Program Manager, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia, 23218 (email mary.major@deq.virginia.gov, fax 804-698-4510).

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a)	The proposed amendments to the regulation do not impose any additional costs on the state to
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fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures.	implement.
Projected cost of the new regulations or changes to existing regulations on localities.	The proposed amendments to the regulation do not impose any costs on localities.
Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.	Individuals, businesses, or other entities wishing to develop a small wind energy project of 100 MW or less will be affected by the regulation.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	DEQ staff is not aware of any ridge-top projects that could be subject to the regulation at this time. DEQ does not know how many projects may be pursued by developers in Virginia; however, the streamlined permitting process outlined by the PBR makes the development potential more desirable.
All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	The proposed amendments do not impose any costs on affected individuals, businesses or other entities.
Beneficial impact the regulation is designed to produce.	The PBR is designed to facilitate development of wind energy while also protecting natural resources. Wind and other renewable energy projects help reduce harmful air pollutants and help increase jobs and economic development related to construction and operation of wind projects. The proposed amendments do not impact the beneficial impact the regulation is designed to produce.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Alternatives to the proposed regulation amendment were considered by DEQ. The DEQ determined that the first alternative is appropriate, as it is the least burdensome and least intrusive alternative that fully meets the purpose of the regulation. The alternatives considered by the DEQ, along with the reasoning by which the department has rejected any of the alternatives being considered, are discussed below.

1. Amend the regulation to provide consistency between the regulations for small renewable wind projects with the solar and combustion PBRs. This option was chosen because it meets the stated purpose of the regulation: to provide permitting requirements for small renewable wind energy projects to protect Virginia’s natural and historic resources that may be affected by the construction and operation of such projects.

2. Make alternative regulatory changes to those required by the provisions of the law and associated regulations and policies. This option was not chosen because it would not meet the stated purpose of the regulation.

3. Take no action to amend the regulation and continue to use an outdated definition. This option was not chosen because it would not meet the stated purpose of the regulation.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The regulation applies to the permitting of small renewable energy wind projects to all facilities, including small businesses. Any (1) establishment of less stringent compliance or reporting standards; (2) establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) consolidation or simplification of compliance or reporting requirements; (4) establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; or (5) exemption of small businesses from all or any part of the permitting requirements contained in the proposed regulation for all small businesses would directly, significantly and adversely affect the benefits that would be achieved through the implementation of the regulation.

In addition, the PBR, in and of itself, is a regulatory method that is considered a less burdensome, faster approach for small businesses and indeed for all applicants.

Periodic review/small business impact review result

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

Please include a discussion of the agency's consideration of whether the regulation (i) is necessary for the protection of public health, safety, and welfare and is designed to achieve its intended objective in the most efficient, cost-effective manner; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

In addition, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination of whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The notice for the periodic review of the Wind PBR was published in the Virginia Registrar on August 11, 2014. The comment period closed on September 2, 2014. No comments were received.

The wind PBR is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. The PBR is a direct result of legislation (§ 10.1-1197.6 et seq.) that mandates two very important goals; promote renewable energy by requiring a streamlined permitting process, i.e the PBR, and protect Virginia's natural resources. The development of the PBR was an extensive process which included input from numerous experts from different stakeholder perspectives which resulted in a regulation which establishes requirements for potential environmental impacts analyses, mitigation plans, facility site planning, public participation, permit fees, inter-agency consultations, compliance and enforcement.

The PBR is a unique and streamlined regulatory structure in which DEQ has sole authority to approve and enforce permit requirements, but in which DEQ is required to consult with other agencies in the Secretariat of Natural Resources before approving a permit application. Prior to this regulation, the jurisdiction of permitting all wind energy projects was under the jurisdiction of the State Corporation Commission. Legislation and subsequent regulations have resulted in a very efficient and streamlined permitting process for wind projects with a rated capacity of 100 MW or less.

Therefore, it is the agency's determination that (1) there is a continued need for the regulation, (2) there were not comments during the comment period from the public; (3) the regulation is not unduly complex; (4) the regulation does not overlap, duplicate, or conflict with federal or state law or regulation; and (5) it has been four years since the regulation has been evaluated.

Several amendments are necessary to ensure consistency with the solar and combustion small renewable energy project PRBs. All of the proposed changes were thoroughly vetted during the regulation adoption process for both the solar and combustion PBRs, which were promulgated after the wind PBR and will result in a consistent and streamlined approach for permitting small renewable energy projects in Virginia, which may minimize the economic impact of regulations on small businesses.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: (1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; (2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; (3) strengthen or erode the marital commitment; and (4) increase or decrease disposable family income.

It is not anticipated that this regulation amendment will have a direct impact on families.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
9VAC15-40-10, definition of "Small wind project"		<p>"Small wind energy project," "wind energy project," or "project" means a small renewable energy project that (i) generates electricity from wind, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, post-construction meteorological towers, electrical infrastructure, and other appurtenant structures and facilities within the boundaries of the site; and (ii) is designed for, or capable of, operation at a rated capacity equal to or less than 100 megawatts. Two or more wind energy projects otherwise spatially separated but under common ownership or operational control, which are connected to the electrical grid under a single interconnection agreement, shall be considered a single wind energy project. Nothing in this definition shall imply that a permit by rule is required for the construction of meteorological towers to determine the appropriateness of a site for the development of a wind energy project.</p>	<p>"Small wind energy project," "wind energy project," or "project" means a small renewable energy project that (i) generates electricity from wind, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, post-construction meteorological towers, electrical infrastructure, and other appurtenant structures and facilities within the boundaries of the site; and (ii) is designed for, or capable of, operation at a rated capacity equal to or less than 100 megawatts. Two or more wind energy projects otherwise spatially separated but under common ownership or operational control, which are connected to the electrical grid under a single interconnection agreement, shall be considered a single wind energy project. Nothing in this definition shall imply that a permit by rule is required for the construction of meteorological towers to determine the appropriateness of a site for the development of a wind energy project.</p> <p>Revise definition to delete the clause "whose main purpose is to supply electricity,". Extensive discussion by the regulatory advisory panels during the development of the combustion and solar PBRs determined that the clause should not be a part of the definition of either small solar or small combustion renewable projects. The change is being made to the wind PBR to ensure consistency throughout the program.</p>
9VAC15-40-20, Authority and		This regulation is issued under authority of Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1	This regulation is issued under authority of Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1 of

<p>Applicability</p>		<p>of the Code of Virginia. The regulation contains requirements for wind-powered electric generation projects consisting of wind turbines and associated facilities with a single interconnection to the electrical grid that are designed for, or capable of, operation at a rated capacity equal to or less than 100 megawatts. The department has determined that a permit by rule is required for small wind energy projects with a rated capacity greater than 5 megawatts and this regulation contains the permit by rule provisions for these projects in Part II (9VAC15-40-30 et seq.) of this chapter. The department has also determined that a permit by rule is not required for small wind energy projects with a rated capacity of 5 megawatts or less and this regulation contains notification and other provisions for these projects in Part III (9VAC15-40-130) of this chapter.</p>	<p>the Code of Virginia. The regulation contains requirements for wind-powered electric generation projects consisting of wind turbines and associated facilities with a single interconnection to the electrical grid that are designed for, or capable of, operation at a rated capacity equal to or less than 100 megawatts. The department has determined that a permit by rule is required for small wind energy projects with a rated capacity greater than 5 megawatts and this regulation contains the permit by rule provisions for these projects in Part II (9VAC15-40-30 et seq.) of this chapter. The department has also determined that a permit by rule is not required for small wind energy projects with a rated capacity of 5 megawatts or less and this regulation contains notification and other provisions for these projects in Part III (9VAC15-40-130) of this chapter. <u>Projects that meet the criteria for Part III of this chapter are deemed to be covered by the Permit by Rule.</u></p> <p>Part III of the PBR addresses exemptions for projects that are under 5 megawatts (MW). This language was included in the solar and combustion PBRs to ensure that there is no confusion about whether these very small projects subject to the Small Renewable Energy Projects Act of 2009 are also under the jurisdiction of the State Corporation Commission. It is being added to the wind PBR to provide the same clarification.</p>
<p>9VAC15-40-110 B 2, Fees</p>		<p>2. Method of payment. Fees shall be paid by check, draft, or postal money order made payable to "Treasurer of Virginia/DEQ" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 1104, Richmond, VA 23218.</p>	<p>2. Method of payment. Fees shall be paid by check, draft, or postal money order made payable to "Treasurer of Virginia/DEQ" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 1104, Richmond, VA 23218. <u>When the department is able to accept electronic payments, payments may be submitted electronically.</u></p> <p>Change will provide additional efficiency in the permitting process.</p>
<p>9VAC15-40-</p>		<p>4. The Natural Communities of</p>	<p>4. The Natural Communities of</p>

<p>120 B 4, Internet accessible resources</p>		<p>Virginia, Classification of Ecological Community Groups, Second Approximation, Version 2.3, 2010 Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, VA. Available at the following Internet address: http://www.dcr.virginia.gov/natural_heritage/ncintro.shtml.</p>	<p>Virginia, Classification of Ecological Community Groups, Second Approximation, Version 2.3, 2010 Virginia Department of Conservation and Recreation, Division of Natural Heritage, Richmond, VA. Available at the following Internet address: http://www.dcr.virginia.gov/natural_heritage/ncintro.shtml.</p> <p>This is necessary to provide most recent internet reference.</p>
<p>9VAC15-40-120 B 5, Internet accessible resources</p>		<p>5. Virginia Outdoors Plan, 2007, Virginia Department of Conservation and Recreation, Richmond, Virginia. Available at the following Internet address: http://www.dcr.virginia.gov/recreational_planning/vop.shtml.</p>	<p>5. Virginia Outdoors Plan, 2007, Virginia Department of Conservation and Recreation, Richmond, Virginia. Available at the following Internet address: http://www.dcr.virginia.gov/recreational_planning/vop.shtml.</p> <p>This is necessary to provide most recent internet reference.</p>
<p>9VAC15-40-120 C 1, Internet accessible resources</p>		<p>1. Coastal GEMS application, 2010, Virginia Department of Environmental Quality. Available at the following Internet address: http://www.deq.virginia.gov/coastal/coastalgems.html.</p>	<p>1. Coastal GEMS application, 2010, Virginia Department of Environmental Quality. Available at the following Internet address: http://www.deq.virginia.gov/coastal/coastalgems.html. http://www.deq.virginia.gov/Programs/CoastalZoneManagement/CoastalGEMSGeospatialData.aspx</p> <p>Correction is necessary to provide accurate internet reference.</p>
<p>9VAC15-40-120 C 2, Internet accessible resources</p>		<p>2. Natural Landscape Assessment, 2010, Virginia Department of Conservation and Recreation. Available at the following Internet address: for detailed information on ecological cores go to http://www.dcr.virginia.gov/natural_heritage/vclnavnla.shtm. Land maps may be viewed at DCR's Land Conservation Data Explorer Geographic Information System website at http://www.vaconservedlands.org/gis.aspx.</p> <p>NOTE: The website is maintained by DCR. Actual shapefiles and metadata are available for free by</p>	<p>Virginia Natural Landscape Assessment (VaNLA), 2010, Virginia Department of Conservation and Recreation. Available at the following Internet address: for detailed information on ecological cores go to http://www.dcr.virginia.gov/natural_heritage/vclnavnla.shtm. http://www.dcr.virginia.gov/natural_heritage/vaconvisvnla.shtml#activities.</p> <p>Land maps may be viewed at DCR's Natural Heritage Land Conservation Data Explorer (NHDE) Geographic Information System website at http://www.vaconservedlands.org/gis.aspx. https://www.vanhde.org.</p>

		<p>contacting a DCR staff person at vaconslands@dcr.virginia.gov or DCR, Division of Natural Heritage, 217 Governor Street, Richmond, Virginia 23219, (804) 786-7951.</p>	<p>NOTE: The <u>NHDE</u> website is maintained by DCR. Actual shapefiles and metadata <u>for publicly-available data on NHDE</u> are available for free by contacting a DCR staff person at vaconslands@dcr.virginia.gov or DCR, Division of Natural Heritage, 217-Governor Street 600 East Main Street, 24th Floor, Richmond, Virginia 23219, (804) 786-7951.</p> <p>Corrections necessary to provide the accurate reference.</p>
<p>9VAC15-40-130 B 1, Small wind energy projects of 5 megawatts or less.</p>		<p>1. Notify the department by submitting a certification by the governing body of the locality or localities wherein the project will be located that the project complies with all applicable land use ordinances and applicable local government requirements; and</p>	<p>1. Notify the department by submitting <u>and submit</u> a certification by the governing body of the locality or localities wherein the project will be located that the project complies with all applicable land use ordinances and applicable local government requirements; and</p> <p>Add the clause "and submit" for clarity.</p>

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

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- PBR- permit by rule
 - DCR- Department of Conservation and Recreation
 - DEQ- Department of Environmental Quality
 - NHDE- Natural Heritage Data Explorer
 - MW- megawatts
 - PBR- Permit by Rule
 - VaNLA- Virginia Natural Landscape Assessment

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