

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)
HB 206 Small Renewable Energy Projects: 2023 Regulatory Advisory Panel (RAP)

2023 RAP Meeting # 2
Tuesday, July 25, 2023 | 10 am – 3 pm

Meeting Location: DEQ Piedmont Regional Office | 4949-A Cox Road | Glen Allen, VA 23060

Facilitated by: Tanya Denckla Cobb | Michelle Montserrat Oliva
Institute for Engagement & Negotiation (IEN), University of Virginia

Note re Public Attendance: While the 2023 RAP meetings are open to the public, there will not be an opportunity for public comment during the meetings. As required, there will be a public comment period later in the regulations drafting process, which will be announced on [Virginia Regulatory Town Hall](#). For more information, please refer to the Virginia Register of Regulations website that explains the [Regulatory Development Process](#).

DRAFT AGENDA:

9:30 Sign-in

- *Please aim to arrive during the 9:30-10:00 am window for sign-in/access.*
- Participants will need to be buzzed in and receive a Visitor Badge.
- There is no guest wi-fi. Please plan to download or print materials in advance and/or use your own mobile hotspot. Only a limited number of copies will be printed for reference.

10:00 Welcome & Today's Agenda

Co-Facilitators for the RAP Process:
Tanya Denckla Cobb, Director, IEN
Michelle Montserrat Oliva, Associate Consultant, IEN

Our Goal as Facilitators and DEQ/lead convener:

Participation by all stakeholders to help make the **best possible** set of regulations and process.
“Best possible” meaning that in implementation:

- Balances the interests of protecting of prime ag/forest land with renewable energy generation
- Feasible, not overly complicated, understandable
- Addresses the interests of as many of the stakeholders as possible
- Grounded in science and expertise

10:15 DEQ Draft Proposals: Prime Agricultural Soils

Session will be continued after lunch.

Jonathan Rak, Regulatory Analyst, DEQ
With Tanya Denckla Cobb and Michelle Oliva

SESSION FORMAT

1. DEQ presents 1 proposal or a group of related proposals
 - SME presentations for some of the proposals as noted below
2. RAP Discussion
 - a. Questions for Clarification
 - b. Elements of support or concern
 - c. Recommendations to improve/modify? Any potential implementation challenges?

OUTLINE of DEQ Proposals by Category

A. Mapping

Briefing Document: Page 3

DEQ Proposal A.1

- **PRESENTATION:** J. David Harper State Soil Scientist - *Demonstration of Web Soil Survey*

B. OFF-SITE/Baseline Mitigation Requirement

Briefing Document: Pages 4-7

DEQ Proposals B.1-B.6

- **PRESENTATION:** Martha H. Little, Deputy Director of Conservation, Virginia Outdoors Foundation - *Procedures and Cost of Conservation Easements*

C. ON-SITE Mitigation Options

Briefing Document: Pages 8-13

DEQ Proposals C.1-C3

- **PRESENTATION:** Rebecca W. Rochet, PE, Deputy Director, Division of Water Permitting, Department of Environmental Quality - *Required Stormwater Management at Solar Facilities*
- **PRESENTATION:** Dr. W. Lee Daniels, Virginia Tech - *ON-SITE Mitigation of Prime Agricultural Soils*

D. Fee in Lieu

Briefing Document: Page 14

DEQ Proposal D.1

11:45 LUNCH BREAK (on your own) – Please be back before 1:00 pm – [Nearby Restaurants](#)

1:00 DEQ Draft Proposals: Prime Agricultural Soils CONTINUED

Jonathan Rak, Regulatory Analyst, DEQ
With Tanya Denckla Cobb and Michelle Oliva

2:45 Wrap-Up/Next Steps - Adjourn at 3 pm

2023 RAP MEETINGS: 10 am-3 pm at the DEQ Piedmont Regional Office	Dates
1: Overview of the Current Situation (Informational)	Fri Jun 23
2: Issues focusing on Soil	Tue Jul 25
3: Issues focusing on Forestry	Fri Sep 8
4: Issues focusing on Local Control	Thu Sep 28
5: Wrap-up meeting	Tue Oct 31

2023 RAP Meeting Guidance: Participation Guidelines (includes changes from 2022 RAP)

Role of DEQ Representatives

- DEQ is serving in multiple roles: as lead convener, as a decision maker, and as a stakeholder
- DEQ representatives will prepare materials, present, and actively participate in the process, including gathering and synthesizing technical information for the stakeholders
- DEQ will draft the regulations

Role of RAP Members: Review DEQ draft language/rationale and provide input for DEQ to consider that will:

- Help improve the outcome (to benefit from brain trust of this group)
- Identify potential implementation challenges
- When possible, propose draft alternative language/approach
- At minimum provide comments to flag/document any serious concerns
- To do in between meetings: Review materials, bring your organization/constituency up-to-speed and consult them on what to discuss/offer input at following meeting

Primary & Alternate RAP Members

- 1 Primary representative per organization. Represents their organization/constituency. Consults within their organization for input as needed per above (Role of RAP Members)
- Alternate may be designated by the Primary to attend/participate in Primary's absence. Primary to inform DEQ who the alternate will be in advance
- If Primary is present, alternates may attend in-person meetings, but observing only
- **FOIA Reminder:** Outside of RAP in-person public meetings, RAP members may have no virtual or in-person meetings, or email threads with more than 2 people, and may only consult each other 1:1.

Role of Subject Matter Experts (SMEs)

- SMEs from State Agencies/Universities may actively participate to inform the process and provide relevant context/expertise. This may include:
 - Answering questions
 - Stepping in with information/expertise to add, clarify, or otherwise support the discussion
 - Provide expert opinions
 - If called on to do so by DEQ: May draft, advise or review draft language

Seating Protocols: Primary RAP members at the main tables; Additional SME resources, agency staff, alternates, and public in chairs along the walls.