# Small Energy Storage Facilities Permit by Rule – Hybrid Facilities

#  ([9VAC15-100-120](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section120/))

# Complete Application Determination

# Section [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) Checklist

# Applications for a hybrid renewable energy and storage facility must have one application combining and satisfying the requirements of [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) and the application for any other small renewable energy project that is applicable. DEQ may request additional information beyond what is listed in [9VAC15-60-120](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section120/) to ensure the application and final permit are complete and correct.

Application for permit by rule (PBR) “hybrid facilities.” For purposes of [9VAC15-100-120](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section120/), hybrid facility means a small energy storage facility and an electrical generation facility that is one of the following:

* An electrical generation facility with a rated power capacity not exceeding 150 megawatts / alternating current (MWAC) that generates electricity only from sunlight or wind with an energy storage facility with a rated power capacity not exceeding 150 MW;
* An electrical generation facility with a rated power capacity that does not exceed 100 MWAC that generates electricity only from falling water, wave motion, tides, or geothermal power with an energy storage facility with a rated power capacity that does not exceed 100 MW; or
* An electrical generation facility with a rated power capacity not exceeding 20 MWAC that generates electricity only from biomass, energy from waste, or municipal solid wastes with an energy storage facility with a rated power capacity that does not exceed 20 MW.

Disclaimer: Checklists are provided as a tool when applying for PBRs. Requirements for hybrid facilities correspond to Section 30 of the Small Renewable Energy Projects (Small Energy Storage) PBR regulation ([9VAC15-100](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section90/) et seq.) Refer to the PBR Program regulation and other references noted herein for details of required information for complete applications. Submit this completed application checklist with the PBR application to assist with a more efficient review process.

DEQ’s Ombudsman is available to provide assistance. For questions regarding this checklist, please contact timothy.wilke@deq.virginia.gov or 804-912-0989.

Application status may be viewed on the DEQ Permit Enhancement and Evaluation Platform ([PEEP](https://portal.deq.virginia.gov/peep-search)).

The first section of the checklist identifies the requirements identified in [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) to meet the energy storage component of the application. As noted in [9VAC15-100-120](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section120/), applications for small renewable energy hybrid facilities may combine requirements for analyses of beneficial and adverse impacts on natural resources, mitigation plans, site plans, context maps, and public participation.

The second section of the checklist includes additional requirements for submission of a PBR application under [9VAC15-100](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section100/) in general.

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| **For a Complete Application Provide at Minimum:****(Per** [**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **A.)** | **Included****(Y, N, or N/A)** | **Page Number(s)****Or Location(s)** |
| 1. Notice of Intent (NOI)\*: ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 1.)
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| Initial NOI must be submitted to DEQ as early as practicable but at least 90 days prior to the start of the public comment period. |  |  |
| NOI shall be submitted to the chief administrative officer and chief elected official of the locality in which the project is proposed to be located the same time the NOI is submitted to DEQ. |  |  |
| The NOI must be in a format acceptable by DEQ (see NOI template attached to this checklist): |
| 1. Name of the project [“project” refers to all aspects of a small renewable energy facility development including planning, permitting, construction, and commissioning] that will be used in all correspondence and permit certification requirements;
 |  |  |
| 1. Project Legal Business Name and [Virginia State Corporation Commission Entity ID](https://cis.scc.virginia.gov/EntitySearch/Index) (e.g., Company ABC, LLC; SCC Entity ID 12345678);
 |  |  |
| 1. Name and contact information for the owner and applicant (if applicant different from owner) – include mailing address, direct phone number, email;
 |  |  |
| 1. Proposed maximum rated power capacity in kilowatts or megawatts, as applicable;
 |  |  |
| 1. Project street address or detailed description of the project location that can easily be determined on a street map;
 |  |  |
| 1. Location of project in latitude and longitude (decimal degrees) identified as either the centroid or entrance of the project;
 |  |  |
| 1. Project locality: Town, City, or County;
 |  |  |
| 1. Proposed acres of land disturbance;
 |  |  |
| 1. Approximate number and dimensions of battery cell module containers / enclosures and area (square feet) of enclosures at project site;
 |  |  |
| 1. Identify if project is located on a [brownfield](https://www.deq.virginia.gov/our-programs/land-waste/land-remediation/brownfields);
 |  |  |
| 1. Name of development company associated with project.
 |  |  |
| 1. Certification by governing body of locality / localities stating that the project complies with all applicable land use ordinances ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 2).
2. The local governing body certification should either be a letter on official letterhead stationery from a responsible official of the local government (e.g., County Administrator, Planning Director, Zoning Administrator, Town Manager, etc., or designee) or the Local Governing Body Certification Form template attached to this checklist.
 |  |  |
| 1. If the local governing body certification is on official letterhead stationery, the letter should include the following:
 |  |  |
| 1. Date of correspondence.
 |  |  |
| 1. Proposed project name (a unique name specific to the project).
 |  |  |
| 1. Applicant contact name, title, affiliation, mailing address, and email address.
 |  |  |
| 1. Proposed project location including latitude and longitude coordinates in decimal degrees identified as centroid or entrance of project.
 |  |  |
| 1. Statement that the project does or does not comply with all applicable local land use ordinances.
 |  |  |
| 1. In the event a special use permit (SUP), conditional use permit (CUP), or similar document is approved by the local governing body regarding project approval, include document(s) with the local government certification.
 |  |  |
| 1. The letter must include the printed name of the authorized local government representative, title, contact phone number, email address, and signature.
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| 1. Interconnection studies ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 3).

Interconnection studies (Feasibility, Impact, and Facility or a combination thereof) by the regional transmission organization or transmission owner, or both.NOTE: If a project does not interconnect to the electric grid (i.e., it does not sell electricity at wholesale back to the grid), then the applicant is not able to comply with criteria 3 and 4 of this checklist. |  |  |
| 1. Final interconnection agreement (signed) ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 4.)

The final interconnection agreement must be included in the energy storage PBR application. As noted in the PBR Regulation, if this agreement is not available at the time when all other documents are ready for application submittal, a copy of the feasibility study from the regional transmission organization or transmission owner will be sufficient for the purpose of this section.NOTE: The final interconnection agreement shall be provided to DEQ within 30 days of execution ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 4. b.). |  |  |
| 1. Maximum Rated Capacity Certification ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 5 and [9VAC15-100-120](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section120/))

The application must include a certification stamped, signed, and dated by a professional engineer licensed in Virginia stating: |  |  |
| 1. The maximum rated power capacity of the hybrid facility, as designed, does not exceed 150 / 100 / 20 MW, as applicable. See the Rated Power Capacity Certification template attached to this checklist.
 |  |  |
| 1. The maximum generation capacity for the proposed [solar, wind, water, wave motion, tides, geothermal power, biomass, energy from waste, or municipal solid wastes] component of the hybrid facility, as designed, does not exceed [150 / 100 / 20, as applicable] MWAC.
 |  |  |
| 1. National ambient air quality standards (NAAQS) analysis ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 5.)

National Ambient Air Quality Analysis: Submittal of a statement that the proposed project’s operations will create no significant negative impacts on the attainment of NAAQS and include an analysis of projected amounts of pollutants avoided on an annual basis.Analysis may be accomplished using EPA’s Avoided Emissions and Generation Tool (AVERT) located online at <https://www.epa.gov/avert/avert-web-edition>. The Mid-Atlantic regional data should be utilized for the calculations for projects in Virginia. |  |  |
| 1. Impacts on Natural Resources Analyses ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 7. and 9VAC15-100-120 B.)

NOTE: Applicants for a hybrid facility may combine the requirements for an analysis of beneficial and adverse impacts on natural resources under [9VAC-15-100-40](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section40/) with those for similar analyses that are required for any other renewable energy project that is applicable. |  |  |
| 1. Wildlife: ([9VAC15-100-40](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section40/))
2. Desktop analyses include a wildlife report and maps generated by the Department of Wildlife Resources (DWR) [Virginia Fish and Wildlife Information Service](https://services.dwr.virginia.gov/fwis/) (VaFWIS) or [Wildlife Environmental Review Map Service](https://dwr.virginia.gov/gis/werms/) (WERMS). Analyses must be based on information on the presence, activity, and migratory behavior of wildlife for a time period not exceeding 12 months.

NOTE: If threatened and / or endangered species are identified within the scope of the desktop analyses, coordinate with DWR as early in the process as possible to determine if additional surveys are required prior to application submission. |  |  |
| * + 1. Identify known wildlife species and habitat features on the site and within two (2) miles of the project boundary.
 |  |  |
| * + 1. Identify known or potential sea turtle nesting beaches located within ½ mile of the disturbance zone.
 |  |  |
| * + 1. Identify Bald Eagle nesting locations using the [Virginia Bald Eagle Nest Locator](https://ccbbirds.org/what-we-do/research/species-of-concern/virginia-eagles/nest-locator/) database maintained by the Center for Conservation Biology at the College of William and Mary.
 |  |  |
| * + 1. Applicant has assessed and described beneficial and adverse impacts, if any, of the proposed project on wildlife identified by the studies and analyses.
 |  |  |
| 1. Historic / Cultural Resources:

Per [9VAC15-100-40](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section40/) B. 1., the historic resources analysis includes information on known historic resources within the disturbance zone and within ½ mile of the disturbance zone boundary. |  |  |
| 1. Known historic resources within the disturbance zone and/or within ½ mile of the disturbance zone are identified on the context map or as an overlay to the context map.
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| 1. Per [9VAC15-100-40](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section40/) B. 2., the historic resources analysis includes an architectural field survey of all architectural resources, including cultural landscapes 50 years of age or older within the disturbance zone and within ½ mile of the disturbance zone boundary, and an evaluation of the eligibility of any identified resources for listing in the Virginia Landmarks Register (VLR)
 |  |  |
| 1. Per [9VAC15-100-40](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section40/) B. 2., the historic resources analysis includes an archaeological field survey of the disturbance zone and evaluation of eligibility of any identified archaeological site for listing in VLR.
 |  |  |
| 1. A clear narrative of why the project will or will not impact natural resources is included in the natural resources analysis and should be accompanied by maps clearly identifying potential impacts and/or avoidance measures, when applicable.
 |  |  |
| 1. Mitigation Plan ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 8., [9VAC15-100-60](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section60/), and [9VAC15-100-120](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section120/) C.)

NOTES: Applicants for a hybrid facility may combine the mitigation plan requirements of [9VAC-15-100-60](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section60/) with the mitigation plan requirements for any other small renewable energy generating project, as applicable. DEQ will conclude that significant adverse impacts to natural heritage resources and ecological cores are likely whenever the analyses conducted for the power generating component of the project indicate that significant adverse impacts are likely ([9VAC15-100-50](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section50/)).The mitigation plan, if applicable per [9VAC15-100-50](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section50/), details actions necessary to avoid, minimize, or otherwise mitigate such impacts, and to measure the efficacy of those actions. |  |  |
| Expectations for mitigation plan content: |
| * 1. For state-listed threatened and endangered wildlife – applicant must take all reasonable measures to avoid significant adverse impacts or must demonstrate in the mitigation plan what significant adverse impacts cannot practicably be avoided and why additional proposed actions are reasonable.
 |  |  |
| * 1. For projects where the disturbance zone is located on or within ½ mile of a known or potential sea turtle nesting beach, the applicant must describe all reasonable measures to avoid significant adverse impacts or demonstrate why such impacts cannot practicably be avoided, and why additional proposed mitigation actions are reasonable. See [9VAC15-100-60](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section60/) B. 2. a. – c. for prescribed mitigation for sea turtles.
 |  |  |
| * 1. Significant adverse impacts to VLR-eligible or VLR-listed architectural resources must be minimized to the extent practicable through project design or installation of vegetative buffers or other screening.
 |  |  |
| * 1. For significant adverse impacts to VLR-eligible or VLR-listed architectural resources that cannot be avoided or minimized such that impacts are no longer significantly adverse, the applicant must develop a reasonable and proportionate mitigation plan that offsets the significantly adverse impacts and has a demonstrable public benefit and benefit for the affected or similar resource.
 |  |  |
| * 1. If any identified VLR-eligible or VLR-listed archaeological site cannot be avoided or minimized to such a degree as to avoid a significant adverse impact, significant adverse impacts of the project will be mitigated through archaeological data recovery.
 |  |  |
| 1. Design Certification – Design and installation must incorporate any requirements of the mitigation plan, as applicable. ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 9.)

The application must include a certification stamped, signed, and dated by a professional engineer licensed in Virginia stating the project will incorporate any requirements of the mitigation plan that pertain to design and installation of the project, as applicable. See the Certification Design Form template attached to this checklist. |  |  |
| 1. Operating Plan ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 10. and [9VAC15-100-80](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section80/))

A description of how the project will be operated including any mitigation plan requirements from findings based on [9VAC15-100-50](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section50/). |  |  |
| Operating plan details operational parameters for the project, including, but not limited to: |
| 1. Description of how project will be operated in compliance with its mitigation plan.
 |  |  |
| 1. Remote monitoring or staffing requirements.
 |  |  |
| 1. Emergency procedures and contacts.
 |  |  |
| 1. Vegetation to be used within disturbance zones and 100-foot buffers and/or local zoning setback requirements, as applicable.
 |  |  |
| 1. Application frequency of pesticides or herbicides over the life of the project, as applicable.
 |  |  |
| 1. Site Plan & Context Map ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 11., [9VAC15-100-70](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section70/), and [9VAC15-100-120](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section120/) C.).

NOTE: Applicants for a hybrid facility may combine the site plan and context plan requirements of [9VAC-15-100-70](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section70/) with the site plan and context map requirements for any other renewable energy project that is applicable. |
| Site Plan Requirements - identify and label the following: |
| 1. Show physical features, topography, and land cover of the area within the project site; include note on site plan that a post-construction site plan will be submitted to DEQ within six months of commercial operation commencement.

Note: a site plan is required for pre- and post-construction design. The post-construction maps must be submitted to DEQ within six months after beginning commercial operation. Refer to [9VAC15-100-70](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section70/) C. for post-construction map requirements. |  |  |
| Site plan is at a scale sufficient to show and include the following: |
| 1. Boundaries of the site.
 |  |  |
| 1. Disturbance zone with a 100-foot buffer and/or local zoning setback requirement as applicable.
 |  |  |
| 1. Storage infrastructure (e.g., battery cell modules / containers, inverters, transformers, switchgear, cabling, etc.).
 |  |  |
| 1. Open areas.
 |  |  |
| 1. Screening areas.
 |  |  |
| 1. Location, height, and dimensions of all existing and proposed energy storage systems, other structures, fencing, and other infrastructure (including, but not limited to, other energy infrastructure, e.g., solar modules, inverters, transformers, transmission lines, circuits, cabling, etc.) as applicable.
 |  |  |
| 1. Location, grades, and dimensions of all temporary and permanent onsite and access roads from the nearest county of state-maintained road; legibly label roads with symbology or name
 |  |  |
| 1. Water bodies, waterways, wetlands, drainage channels, and Chesapeake Bay resource protection areas (RPA) pursuant to [9VAC25-830-80.](https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/section80/)
 |  |  |
| 1. Location of any mitigation measures and natural resources subject to mitigation.
 |  |  |
| Context Map Requirements - identify and label the following: |  |  |
| 1. The project boundary and a five-mile radius from project boundary.
 |  |  |
| 1. State and federal resource lands and other protected areas.
 |  |  |
| 1. Waterways and waterbodies (hydrography) and Chesapeake Bay RPA pursuant to [9VAC25-830-80.](https://law.lis.virginia.gov/admincode/title9/agency25/chapter830/section80/)
 |  |  |
| 1. Historic resources.
 |  |  |
| 1. State roads.
 |  |  |
| 1. Locality boundaries.
 |  |  |
| 1. Land uses (i.e., forests, open spaces, farmland, brownfield sites).
 |  |  |
| 1. Transmission and substation infrastructure, including point of interconnection.
 |  |  |
| 1. Environmental Permit Certification ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 12.)
 |
| * 1. Environmental permit certification should include local, state, and federal environmental permits required for the proposed project, including, but not limited to, land disturbance, erosion and sediment control, stormwater management, Chesapeake Bay Preservation Areas, local wetlands permit, Virginia Water Protection (VWP) permit, Joint Permit Application (JPA) for wetlands, etc., and the status of the applicant’s application for each (applied for or obtained). See the Environmental Permit Certification template attached to this checklist.

The applicant should certify that they have applied for each permit by providing to DEQ the type of permit, the name and address of the permitting authority, name of the staff person to whom the application was addressed (if available), and the date on which the application was submitted.For purposes of this regulation, the term “applied for” all necessary environmental permits means that the applicant has submitted an application to the receiving authority for an environmental permit. |  |  |
| * 1. In cases when it is premature in the project process to apply for permits, the applicant must provide DEQ copies of correspondence with the local / state permitting official /agency describing what type of permit(s) will be required for the proposed project and the expected timeframe for those permits.

If the applicant has obtained environmental permits at the time of PBR application submission, the applicant should attach copies of permits or approval letters to the Environmental Permit Certification.  |  |  |
| 1. Utility Certification ([9VAC15-100](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/)-30 A. 13.)

In accordance with [§ 10.1-1197.6](https://law.lis.virginia.gov/vacode/title10.1/chapter11.1/section10.1-1197.6/) H and I of the Code of Virginia, the Applicant must provide a certification signed by the applicant stating one of the following: |
| 1. The small energy storage project is being proposed, developed, constructed, or purchased by a person that is not a utility regulated pursuant to Title 56 of the Code of Virginia.

See the Non-Utility Form template attached to this checklist. |  |  |
| 1. The project’s costs are not recovered from Virginia jurisdictional customers under base rates, a fuel factor charge, or a rate adjustment clause; or (ii) the applicant is a utility aggregation cooperative formed under Article 2 (§ [56-231.38](https://law.lis.virginia.gov/vacode/title56/chapter9.1/section56-231.38/) et seq.) of Chapter 9.1 of Title 56 of the Code of Virginia.
 |  |  |
| 1. Public Review and Summary Report ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 14. and [9VAC15-100-90](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section90/))

Note: Applicants for a hybrid facility may combine the public participation requirements of [9VAC-15-100-90](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section90/) with the public participation requirements for any other renewable energy project as applicable. |
| 1. Summary report of public comment period provided in application to include:
 |  |  |
| 1. Documentation of public comment period and public meeting.
 |  |  |
| 1. Summary of issues raised by the public, any written comments received, and the applicant’s response to those comments.
 |  |  |
| 1. 30-day Public Comment Period

Public Notice requirements (see [9VAC15-100-90](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section90/)): |  |  |
| 1. Public notice published once a week for two consecutive weeks in a major local newspaper of general circulation where project is to be located.
 |  |  |
| 1. Brief description of proposed project and location.
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| 1. Approximate dimensions of site.
 |  |  |
| 1. Approximate number and configuration of energy storage system.
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| 1. Approximate maximum height of energy storage systems.
 |  |  |
| 1. Statement of purpose of public participation.
 |  |  |
| 1. Announcement of 30-day comment period.
 |  |  |
| 1. Contact information (name, email, mailing address, phone number) of applicant for to answer questions and/or to whom comments shall be sent.
 |  |  |
| 1. Announcement of date, time, and place for public meeting.
 |  |  |
| 1. Local-to-project location and available hours for public inspection of application.
 |  |  |
| 1. Location where copies of documentation to be submitted to DEQ in support of the PBR will be available for inspection.
 |  |  |
| 1. Public comment period began no sooner than 15 days after applicant initially published notice in local newspaper.
 |  |  |
| 1. Public had at least 30 days to comment on technical and regulatory aspects of the project proposal.
 |  |  |
| Public meeting was held not earlier than 15 days after the beginning of the 30-day public comment period and no later than seven days before the close of the 30-day comment period. |  |  |
| Public meeting conducted in locality, or if project is in more than one locality, in a place proximate to the location of the proposed project. |  |  |
| 1. Fee Received ([9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) A. 15.)

Note: Applicants for a hybrid facility are not subject to the fee for the small energy storage facility portion of the hybrid facility project set forth in 9VAC15-100-110. Refer to fees as defined in schedule outlined in section [9VAC15-40-110](https://law.lis.virginia.gov/admincode/title9/agency15/chapter40/section110/) C. (wind), [9VAC15-60-110](https://law.lis.virginia.gov/admincode/title9/agency15/chapter60/section110/) C. (solar), and [9VAC15-70-110](https://law.lis.virginia.gov/admincode/title9/agency15/chapter70/section110/) C (combustion).Fees must be received by DEQ at time of application submission.NOTE: PBR applicants may pay permit fees through DEQ’s online payment system ([DEQ Account Information: One Time Payment: State of Virginia DEQ (paymentus.com)](https://ipn2.paymentus.com/rotp/sdeq)) via eCheck, debit card, and credit card. To pay a fee, select Renewable Energy in the “Select a Payment Type” dropdown menu and follow instructions.  \*Per the DEQ Finance Department, there is a 2.5% fee for debit and credit cards and $1.00 fee for eCheck payments.\* |  |  |
| **Additional Application Requirements per** [**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **B. 2.** | **Included****(Y, N, or N/A)** | **Page Number(s)****Or Location(s)** |
| PBR applications for Small Renewable Energy projects subject to 9VAC15-100-120 must be submitted in accordance with requirements of [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) B. 2. |
| 1. [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) B. 2.

Application must include a cover letter that contains the following: |
| 1. [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) B. 2. a.

Document certification signed by a responsible person that contains the following statement:"I certify under penalty of law that this application document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there may be significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." |  |  |
| 1. [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) B. 2. b.

The name and contact information (direct phone number, email address, and mailing address) of the responsible person signing the document certification required under [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) B. 2. a. |  |  |
| 1. [9VAC15-100-30](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) B. 2. c.

The name and contact information (direct phone number, email address, and mailing address) of the responsible person to receive the permit authorization letter. |  |  |
|  |
| **\*Additional information applications should be aware of regarding NOI (**[**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **A. 1. b.):**1. NOI shall expire if no application has been submitted within 48 months from NOI submittal date unless DEQ receives a written request for extension prior to the NOI expiration date.
2. Applicants seeking changes for a project resulting in an increase in acreage must submit a new NOI.
3. Applicant must notify DEQ of any changes of operator, ownership, or controlling interests for a project within 30 days of transfer.
 |

Sd

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**Select** [**Definitions**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section10/) **(click link for a complete list of definitions associated with** [**9VAC15-100**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section90/) ***et seq.*):**

"Applicant" means the developer, owner, or operator that submits an application to the department for a permit by rule pursuant to this chapter.

"Begin commercial operation" means to have begun to store and discharge electricity for sale to the grid. This does not include testing to ensure the facility will not cause a reliability problem for the electrical grid system.

"Disturbance zone" means the area within the site directly impacted by land-disturbing activity, including construction and operation of the small energy storage facility and 100 feet from the boundary of the directly impacted area. A facility located within an urban area, as defined by the U.S. Census Bureau, provided it is not a hybrid facility, will be subject to local government zoning requirements. Hybrid facilities will be subject to the requirements of any other small renewable energy project permit by rule regulation that is applicable.

"Historic resource" means any prehistoric or historic district, site, building, structure, object, or cultural landscape that is included or meets the criteria necessary for inclusion in the Virginia Landmarks Register pursuant to the authorities of [§ 10.1-2205](https://law.lis.virginia.gov/vacode/title10.1/chapter22/section10.1-2205/) of the Code of Virginia and in accordance with [17VAC5-30-40](https://law.lis.virginia.gov/admincode/title17/agency5/chapter30/section40/) through [17VAC5-30-70](https://law.lis.virginia.gov/admincode/title17/agency5/chapter30/section70/).

"Hybrid renewable energy and storage facility" or " hybrid facility" means a small energy storage facility and an electrical generation facility that is one of the following: (i) an electrical generation facility with a rated power capacity not exceeding 150 MW in alternating current (AC) that generates electricity only from sunlight or wind with an energy storage facility with a rated power capacity that does not exceed 150 MW in AC; (ii) an electrical generation facility with a rated power capacity not exceeding 100 MW in AC that generates electricity only from falling water, wave motion, tides, or geothermal power with an energy storage facility with a rated power capacity that does not exceed 100MW in AC; or (iii) an electrical generation facility with a rated power capacity not exceeding 20 MW in AC that generates electricity only from biomass, energy from waste, or municipal solid waste with an energy storage facility with a rated power capacity that does not exceed 20 MW in AC.

"Natural heritage resource" means the habitat of rare, threatened, or endangered plant and animal species, rare or state significant natural communities or geologic sites, and similar features of scientific interest benefiting the welfare of the citizens of the Commonwealth.

"Notice of Intent" or "NOI" means notification, in a manner acceptable to the department, by an applicant stating intent to submit documentation for a permit under this chapter.

"Operator" means the person responsible for the overall operation and management of a small energy storage facility.

"Owner" means the person that owns all, a portion of, or has all or a controlling interest in a small energy storage facility.

"Permit by rule," "PBR," or "permit" means provisions of the regulation stating that a project or activity is deemed to have a permit if it meets the requirements of the provision.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

"Previously disturbed or repurposed area" means the land area within the property boundary of industrial or commercial properties, including brownfields, or previously mined areas. It does not include active or fallow agricultural land or silvicultural land use.

"Project" refers to all aspects of small energy storage facility development, including planning, permitting, construction and commissioning.

"Rated power capacity" is the total possible instantaneous discharge capability (in kilowatts [kW] or megawatts [MW]) of the energy storage system, or the maximum rate of discharge that the energy storage system can achieve, starting from a fully charged state.

"Responsible person" means:1. For a corporation or limited liability company, a president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation or limited liability company or is subject to Title 13.1 of the Code of Virginia; 2. For partnership or sole proprietorship, a general partner or the proprietor, respectively; and 3. For a local government entity subject to Title 15.2 of the Code of Virginia or state, federal, or other public agency, either a principal executive officer or ranking elected official.

“Small energy storage facility" or "facility" means an energy storage facility that uses electrochemical cells to convert chemical energy with a rated power capacity not exceeding 150 MW in AC.

"Small renewable energy project" means (i) an electrical generation facility with a rated power capacity not exceeding 150 MW that generates electricity only from sunlight or wind; (ii) an electrical generation facility with a rated capacity not exceeding 100 MW that generates electricity only from falling water, wave motion, tides, or geothermal power; (iii) an electrical generation facility with a rated power capacity not exceeding 20 MW that generates electricity only from biomass, energy from waste, or municipal solid waste; (iv) an energy storage facility that uses electrochemical cells to convert chemical energy with a rated power capacity not exceeding 150 MW; or (v) a hybrid project composed of an electrical generation facility that meets the parameters established in subdivision (i), (ii), or (iii) of this definition and an energy storage facility that meets the parameters established in subdivision (iv) of this definition.

"Threatened and endangered," "T&E," "state threatened or endangered species," or "state-listed species" means (i) any wildlife species designated as a Virginia endangered or threatened species by DWR pursuant to the §§ 29.1-563 through 29.1-570 of the Code of Virginia and [4VAC15-20-130](https://law.lis.virginia.gov/admincode/title4/agency15/chapter20/section130/) or (ii) any species designated as a Virginia endangered or threatened species by DACS pursuant to §§ 3.2-1000-through 3.2-1100 of the Code of Virginia and [2VAC5-320-10](https://law.lis.virginia.gov/admincode/title2/agency5/chapter320/).

“Wildlife" means wild animals; except, however, that T&E insect species shall be considered T&E wildlife.

**Small Energy Storage Facilities Permit by Rule – Hybrid Facilities**

**Notice of Intent (**[**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **A. 1.)**

*Send completed forms to DEQ via Amber Foster, Small Renewable Energy Permit by Rule Coordinator,* *amber.foster@deq.virginia.gov*

|  |  |
| --- | --- |
| Project Name [Unique name that will be used in all correspondence & permit certification requirements]: | Project Street Address: |
| Project Locality (Town, City, or County): | Project latitude and longitude in decimal degrees:Circle one: project entrance or project centroid |
| Proposed acres of land disturbance: | Proposed project area (total acres): |
| Proposed maximum rated power capacity (energy storage) in MW: | Proposed maximum rated capacity in MWAC (energy generation): | Project is located on a [brownfield](https://www.deq.virginia.gov/our-programs/land-waste/land-remediation/brownfields):Circle one: YES / NO |
| Approximate number & dimensions of battery cell module containers / enclosures: | Approximate number & dimensions of photovoltaic modules [for solar projects]: |
| [[1]](#footnote-2)Applicant Name: | Applicant Title: |
| Applicant Mailing Address: | Applicant Direct Telephone Number & Email Address: |
| Developer Contact Name & Title: | Developer Direct Telephone Number & Email Address: |
| [[2]](#footnote-3)Owner Contact Name & Title: | Owner Direct Telephone Number & Email Address: |
| Owner registered legal business name and [Virginia State Corporation Commission Entity ID](https://cis.scc.virginia.gov/EntitySearch/Index): |

# Small Energy Storage Facilities Permit by Rule – Hybrid Facilities

**Local Governing Body Certification Form (**[**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **A. 2.)**

|  |  |
| --- | --- |
| Project Name [Unique name that will be used in all correspondence & permit certification requirements]: | Project Street Address: |
| Proposed project area (total acres): | Proposed acres of land disturbance: | Project latitude and longitude in decimal degrees:Circle one: project entrance or project centroid |
| Applicant Contact Name: | Applicant Title and Affiliation: |
| Applicant Contact Mailing Address: | Applicant Direct Telephone Number & Email Address: |
| *The applicant or applicant’s representative is submitting an application for a small renewable energy permit by rule from the Virginia Department of Environmental Quality. In accordance with § 10.1 -1197.6 B 2 of the* Code of Virginia*, before such permit application can be considered complete, the applicant must obtain a certification from the governing body of the locality or localities in which the small renewable energy project will be located that the project complies with all applicable land use ordinances.***The undersigned requests that a responsible official of the local governing body sign the certification statement below. In addition, by signing below, the applicant affirms that he has also submitted this form to other localities, if any, in which the proposed project will be located.** |
| Applicant signature: | Signature Date: |
| ***The undersigned local government representative certifies*** *that the proposed small renewable energy project complies with all applicable land use ordinances, as follows:*(Check one box) |
| The proposed facility **complies with** all applicable land use zoning and /or ordinances. |
| The proposed facility **does not comply** with all applicable land use zoning and /or ordinances.Comments: |
| Signature of authorized local government representative: | Signature Date: |

**Small Energy Storage Facilities Permit by Rule – Hybrid Facilities**

**Rated Capacity and Rated Power Capacity Certification**

**(**[**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **A. 5.)**

|  |  |
| --- | --- |
| Project Name [Unique name that will be used in all correspondence & permit certification requirements]: | Project Street Address and/or latitude and longitude point of entry or centroid: |
| Applicant / Owner Name: |
| Applicant Contact Name: | Applicant Contact Title and Affiliation: |
| Applicant Contact Mailing Address: | Applicant Direct Telephone Number & Email Address: |
| Applicant Contact signature: | Signature Date: |
| **Certification Requirement:** The applicant or applicant’s authorized representative is submitting an application for a small renewable energy permit by rule (PBR) from the Virginia Department of Environmental Quality. In accordance with § 10.1 – 1197.6 of the Code of Virginia, before such permit application can be considered complete, a professional engineer licensed in the Commonwealth of Virginia must certify that the maximum rated capacity of the small renewable energy hybrid facility does not exceed [150 / 100 / 20, as applicable] megawatts alternating current (MWAC). The rated power capacity of the small energy storage portion of a hybrid renewable energy and storage facility is not added together to that of any other small renewable energy project that is part of the overall hybrid facility when determining the hybrid facility’s qualifications for a permit by rule.The undersigned is professional engineer licensed in the Commonwealth of Virginia and certifies that the maximum generation capacity for the hybrid project named above does not exceed 150 megawatts in alternating current (MWAC) and the maximum rated power capacity for the energy storage component does not exceed 150 MW.  |
| Name of Certified Professional Engineer (Print): |
| Professional Engineer: Please provide stamp, signature, and date. |

# Small Energy Storage Facilities Permit by Rule – Hybrid Facilities

**Certification of Design Form (**[**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **A. 9.)**

|  |  |
| --- | --- |
| Project Name [Unique name that will be used in all correspondence & permit certification requirements]: | Project Street Address and/or latitude and longitude point of entry or centroid (in decimal degrees): |
|  | Type of Power Generation (e.g., solar, wind, wave, etc.): |
| Applicant Contact Name: | Applicant Contact Title and Affiliation: |
| Applicant Contact Mailing Address: | Applicant Direct Telephone Number & Email Address: |
| Applicant signature: | Signature Date: |
| **Certification Requirement:** The applicant or applicant’s authorized representative is submitting an application for a small renewable energy permit by rule (PBR) from the Virginia Department of Environmental Quality (DEQ). In accordance with § 10.1 – 1197.6 B. 9. of the Code of Virginia, before such permit application can be considered complete, the applicant must furnish a certification signed by a professional engineer licensed in the Commonwealth of Virginia that the project design shall incorporate all requirements of the mitigation plan that pertain to design and installation of the small renewable energy project.The undersigned is professional engineer licensed in the Commonwealth of Virginia and certifies that the project named above is designed in accordance with [9VAC15-100-80](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section80/). |
| Name of Certified Professional Engineer (Print): |
| Professional Engineer: Please provide stamp, signature, and date. |

# Small Energy Storage Facilities Permit by Rule – Hybrid Facilities

**Environmental Permit Certification Form (**[**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **A. 12.)**

|  |  |
| --- | --- |
| Project Name [Unique name that will be used in all correspondence & permit certification requirements]: | Project Street Address and/or latitude and longitude point of entry or centroid (in decimal degrees): |
| Applicant / Owner Name: | Type of Power Generation (e.g., solar, wind, wave, etc.): |
| Applicant Contact Name: | Applicant Contact Title and Affiliation: |
| Applicant Contact Mailing Address: | Applicant Direct Telephone Number & Email Address: |
| The applicant is submitting an application for a small renewable energy permit by rule from the Virginia DEQ. In accordance with § 10.1-1197.6 B 12 of the Code of Virginia, before such permit application can be considered complete, the applicant must certify that the small renewable energy project has applied for or obtained all necessary environmental permits.List all state and local environmental permits that are necessary for the small renewable energy project listed above. Indicate for each whether the permit has been applied for and/or obtained. If the permit has been obtained, attach either a copy of the permit or a letter from the appropriate agency staff member on agency stationery stating that the permit has been issued and the date of issuance.* If a permit has not yet been obtained but has been applied for, provide the name of the permit, name and address of the receiving agency, name of the staff person at the receiving agency to whom the application was addressed (if available), and the date on which the application was submitted.
* If a permit(s) has not yet been applied for through the appropriate agency, provide the type of permit(s) and/or authorization(s) required (e.g., land disturbance, wetlands, stormwater, erosion and sediment control, etc.) and the permit authority organization and authority contact person for each.
 |
| **Permit Permitting** | **Permitting Agency / Authority, Address, Contact Person** | **Application Submission Date** | **Permit / Authorization Obtained Date** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| I hereby certify that the information provided above (and any attached information) is correct and fulfills the requirements of § 10.1-1197.6 B 12 of the Code of Virginia and 9 VAC 15-40-30 A 12. |
| Applicant / Owner Contact Signature: | Signature Date: |

# Small Energy Storage Facilities Permit by Rule – Hybrid Facilities

**Non-Utility Certification Form (**[**9VAC15-100-30**](https://law.lis.virginia.gov/admincode/title9/agency15/chapter100/section30/) **A. 13.)**

|  |  |
| --- | --- |
| Project Name [Unique name that will be used in all correspondence & permit certification requirements]: | Project Street Address and/or latitude and longitude point of entry or centroid: |
| Applicant / Owner Name: |
| Applicant Contact Name: | Applicant Contact Title and Affiliation: |
| Applicant Contact Mailing Address: | Applicant Direct Telephone Number & Email Address: |
| The applicant or applicant’s authorized representative is submitting an application for a small renewable energy permit by rule from the Virginia Department of Environmental Quality (DEQ). In accordance with § 10.1 -1197.6 H of the Code of Virginia, before such permit application can be considered complete, theapplicant must certify the project is proposed, developed, constructed or purchase by a person that is NOT a utility regulated pursuant to Title 56 of the Code of Virginia. |
| The undersigned is a responsible official for the proposed project and certifies that the project is proposed, developed, constructed or purchased by a person that is NOT a utility regulated pursuant to Title 56 of the Code of Virginia. |
| Applicant / Owner Contact Signature: | Signature Date: |

Document Updates:

* + - 1. 10/10/2024: Clarified maximum MW for energy storage and energy generation components of hybrid project on NOI Form associated with 9VAC15-100-120 A. and 9VAC15-100-30-A (page 14). Changed title of form associated with 9VAC15-100-30-A. 5. (page 18) to include “rated capacity” and “rated power capacity” for certification; updated definition of “rated power capacity” to be consistent with industry standard. Revised formatting.
1. Applicant: Owner or operator who submits an application to DEQ for a permit by rule pursuant to 9VAC15-100-10 et seq. [↑](#footnote-ref-2)
2. Owner: Person who owns all or a portion of a solar energy project. [↑](#footnote-ref-3)