

Environmental Permitting Guide for Economic Development in Virginia



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Protecting Virginia's Environment & Enhancing Virginia's Economy

What is the Virginia Department of Environmental Quality?

The Virginia Department of Environmental Quality (DEQ) is responsible for administering laws and regulations related to air quality, water quality, water supply, renewable energy and land protection. DEQ is the primary environmental permitting agency in the Commonwealth of Virginia.

Our Mission

DEQ's mission is to protect and enhance Virginia's environment in order to promote the health and well-being of the Commonwealth's citizens, residents, and visitors in accordance with applicable laws and regulations.

Our Goal

A healthy environment and a healthy economy are integrally related; balanced economic development and the protection of our environment go hand in hand to contribute to Virginians' quality of life.

DEQ strives to protect Virginia's air, land, and water while also promoting economic development. This brochure serves as a resource to help economic development project planners navigate the environmental permitting process.

Note: Our intention is to provide a basic overview of environmental permitting requirements in Virginia. Before submitting a permit application, please review all applicable regulations.

Environmental Permitting Overview

DEQ regulates activities that could result in impacts to Virginia's air, water, and land. DEQ issues permits under several different programs, many of which the agency has been delegated the authority to issue by the U.S. Environmental Protection Agency (EPA).

The programs and permits of primary interest to economic development projects are:

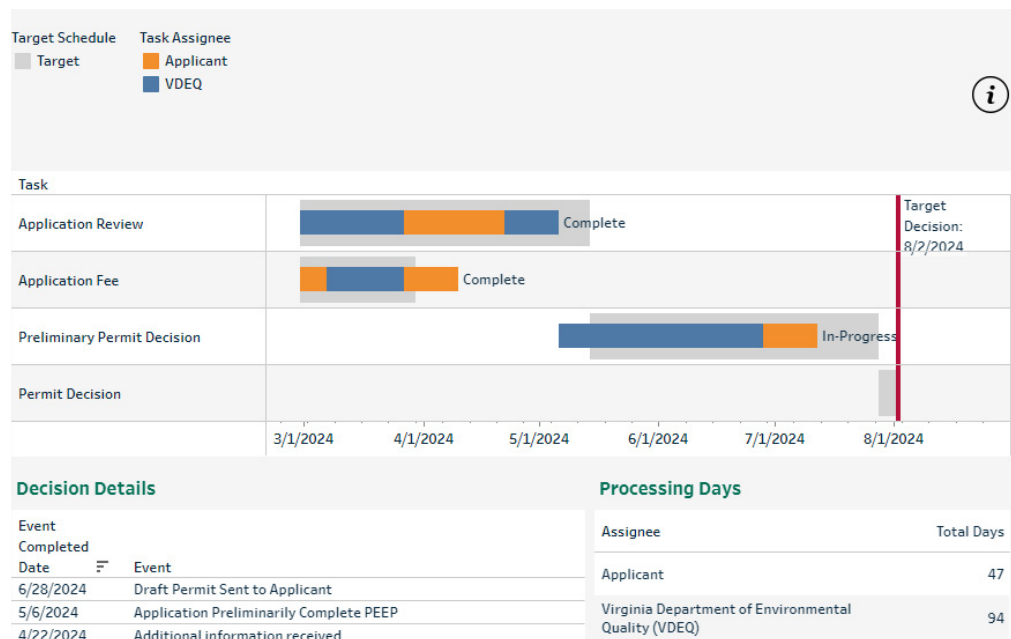
- Air Emissions Permits
- Construction Stormwater
- Impacts to Wetlands and State Surface Waters
- Discharges to Surface Waters
- Water Withdrawal (Groundwater & Surface Water)
- Renewable Energy



Permitting Enhancement and Evaluation Platform (PEEP)

The Permitting Enhancement and Evaluation Platform, or PEEP, brings transparency to DEQ's permitting processes by providing current information about permit processing schedules and next steps for permit approval. PEEP is used to identify approval actions, critical tasks, schedules, and responsible parties for each action in the permitting process.

You can access PEEP at <https://portal.deq.virginia.gov/peep-search>



Example permit application in PEEP

Permitting Ombudsmen Assistance

DEQ's Permitting Ombudsmen help economic development project managers navigate the environmental permitting process, and can assist with:

- Understanding permitting requirements
- Facilitating permit pre-application discussions
- Serving as liaison between DEQ technical staff and permit applicants
- Permit tracking
- Expediting permit processing for economic development projects



Email ombudsman@deq.virginia.gov for assistance.

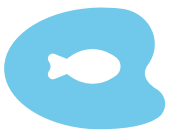
What Permit Do I Need?



What permits do I need if my project generates emissions to the air?
See: Page 4 – Air Permitting



What permits do I need if my project involves land disturbance and/or construction of new buildings?
See: Page 6 – Construction Stormwater



What permits do I need if my project will fill or impact a waterbody or wetland?
See: Page 8 – Wetlands and State Surface Waters



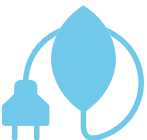
What permits do I need if my project generates wastewater?
See: Page 10 – Discharges to Surface Waters



What permits do I need to withdraw groundwater?
See: Page 12 – Groundwater Withdrawal



What permits do I need to withdraw surface water?
See: Page 14 – Surface Water Withdrawal



What if my project is a solar or wind farm?
See: Page 16 – Renewable Energy



What if my project has other impacts not listed above?
See: Page 18 – Other Regulatory Programs



Air Permitting





Air Emissions

Overview

The U.S. EPA sets national ambient air quality standards. Virginia enforces compliance with these standards by issuing air permits. Examples of facilities that often require air permits include manufacturing facilities, refineries, power plants, and data centers in addition to other commercial & industrial facilities.



For more information and application checklists, please visit
<https://www.deq.virginia.gov/permits/air>.

The Details

Air permits are categorized based on the magnitude of potential emissions per regulated pollutant. The total volume of emissions determines the required permit type.

Minor

Issued for facilities emitting < 100 tons/year of any regulated pollutant



Timeline

Minor New Source Permit: **155 days**

Minor New Source Permit
(Public Interest): **255 days**

State Major

Issued for facilities emitting > 100 tons/year but < 250 tons/year of any regulated pollutant



Timeline

State Major New Source Permit: **260 days**

State Major New Source Permit
(Non-Attainment Area): **290 days**

Prevention of Significant Deterioration

Issued for facilities emitting > 250 tons/year of any regulated pollutant



Timeline

Prevent of Significant Deterioration: **410 days**

Air Permitting Contacts

Tamera Thompson
Air Permit Manager
(804) 698-4502

Tamera.Thompson@deq.virginia.gov

Stanley Faggert
Minor New Source Review Coordinator
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Stanley.Faggert@deq.virginia.gov



Water Permitting





Construction Stormwater

Overview

Virginia law requires development sites to manage stormwater runoff during and after construction. The Construction General Permit authorizes stormwater discharges.

Prior to issuance of a Construction General Permit, Stormwater management plans are submitted to the appropriate Virginia Stormwater Management Program (VSMP) authority for review and approval. Certain localities are approved VSMP authorities.

- For a list of localities that are VSMP authorities please visit <https://www.deq.virginia.gov/permits/water/stormwaterconstruction>
- If a locality is not listed, then DEQ serves as the VSMP authority.



For more information and application checklists, please visit <https://www.deq.virginia.gov/permits/water/stormwater-construction>.

The Details

Construction General Permits are required for construction activities resulting in land disturbance \geq one acre.

Coverage under the Construction General Permit requires:

- Approved Erosion & Sediment Control Plan (ESC)
- Approved Stormwater Management Plan (SWM)
- Pollution Prevention Plan

Note: An optional streamlined review of stormwater plans is available whenever DEQ is the VSMP Authority. Streamlined review requires the following:

- The SWM and/or ESC Plan is prepared by a licensed professional
- The SWM and/or ESC Plan is prepared in accordance with DEQ Stormwater Management and Erosion & Sediment Control Design Guide
- The SWM and/or ESC Plan is prereviewed and signed by a person who holds an active certificate as a Dual Combined Administrator for ESC and SWM
- A completed Plan Submission Checklist is submitted with the SWM and/or ESC Plan on the cover sheet

Construction Stormwater Permitting Timeline

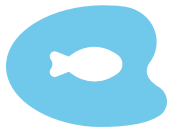
DEQ Review of Stormwater Management Plans:



Streamlined review: **75 days**

Standard review: **155 days**

* Construction General Permit - issued upon plan approval *



Impacts to Wetlands and State Surface Waters

Overview

Projects that propose altering or filling any wetland, stream, river, lake, or body of water as defined by the Code of Virginia as state waters require authorization from DEQ under the Virginia Water Protection (VWP) Permit Program.

Activities requiring permits include those that cause draining that significantly alters or degrades existing wetland acreage or functions; filling or dumping; permanent flooding or impounding; or new activities that cause significant alteration or degradation of existing wetland acreage or function.

Note: Impacts to federally jurisdictional streams, rivers, lakes, and wetlands also require federal permitting coordination with the US Army Corps of Engineers.

Note: Projects will require permits from the Virginia Marines Resources Commission if there are:

- Impacts to tidal waters.
- Underground or aerial crossings of any stream or river (this includes non-tidal streams and rivers).



For more information and application checklists, please visit <https://www.deq.virginia.gov/permits/water/wetlands-streams-vwp>.

The Details

General Permit (GP)

Permit issued for particular activities with smaller impacts to wetlands and state waters.

- GP #1 covers activities with impacts < one-half of acre or up to 300 linear feet of stream channel.
- GP #2 covers facilities and activities of utility and public service companies regulated by the Federal Energy Commission or the State Corporation Commission; and other utility line activities. Authorizes impacts up to 1 acre of wetlands and open waters, and/or 1,500 linear feet of stream channel.
- GP #3 covers activities for linear transportation projects. Authorizes impacts up to 2 acres of wetlands and open waters, and/or 1,500 linear feet of stream channel.
- GP #4 covers activities with impacts from development and certain mining activities. Authorizes impacts up to 2 acres of wetlands and open waters, and/or 1,500 linear feet of stream channel.

State Programmatic General Permit (SPGP)

A US Army Corps of Engineers permit processed by DEQ for projects meeting all SPGP conditions including:

- ≤ 1.0 acres of wetland impacts
- ≤ 2,000 linear feet of stream impacts

Individual Permit (IP)

Covers activities not qualifying for a GP/SPGP.

Virginia Water Protection Permitting Timeline



GP: **75 days**

SPGP: **120 days**

Individual Permit: **155 days**



Discharges to Surface Waters

Overview

DEQ authorizes the direct discharge of pollutants into state waters through the Virginia Pollutant Discharge Elimination System (VPDES) program. These permits are commonly associated with industrial facilities that produce wastewater. In addition to wastewater discharges, stormwater runoff associated with industrial facilities falls under the VPDES program.

Examples of facilities that often require VPDES permits include manufacturing facilities, food processing facilities, power plants, etc.

The Details

General Permit

Issued for specific activities that only produce small volumes of low potency pollutants.

Note: There are 13 different VPDES General Permits, including a General Permit for stormwater runoff from industrial facilities. For a full list of General Permits and the permissible activities under each GP, please see: <https://www.deq.virginia.gov/permits/water/surface-waters-vpdes>.

Individual Permit

Required for facilities that don't qualify for a General Permit.

VPDES Permitting Timeline



General Permit: **75 days**

Individual Permit: **155 days**



For more information and application checklists, please visit <https://www.deq.virginia.gov/permits/water/surface-waters-vpdes>.

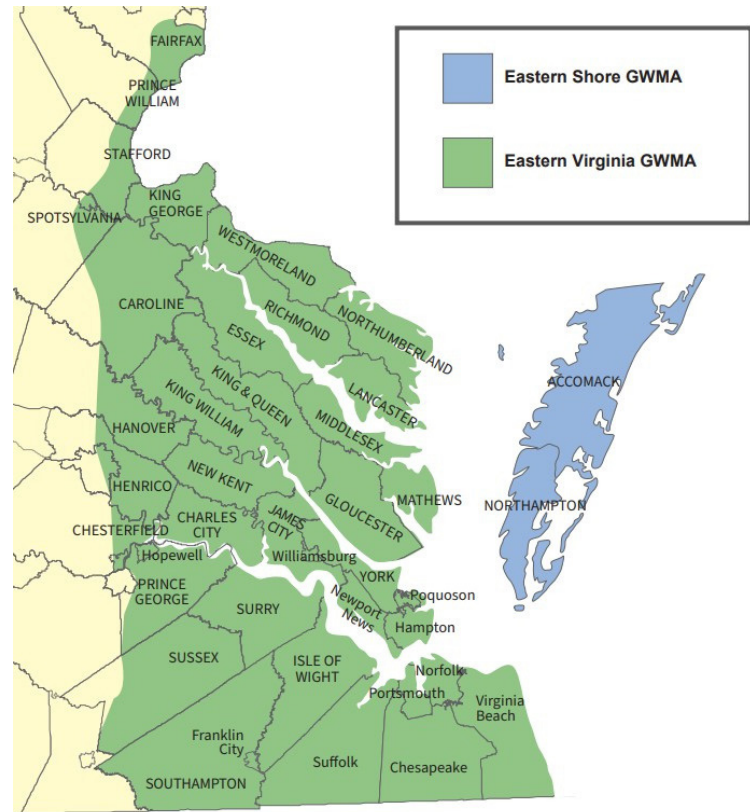


Groundwater Withdrawal

Overview

Virginia regulates the withdrawal of groundwater in certain designated areas called Groundwater Management Areas (GWMA).

There are two Groundwater Management Areas in the state depicted in blue & green (see map to the right). Any person or entity located within a GWMA must obtain a permit to withdraw 300,000 or more gallons of groundwater in any one month.



Groundwater Withdrawal Permitting Timeline



Individual Permit: **255 days**

For more information and application checklists, please visit <https://www.deq.virginia.gov/permits/water/ground-water>.



Surface Water Withdrawal

Overview

Projects involving surface water withdrawals from state waters and related permanent structures require permits under the Virginia Water Protection Program (VWP).

Note: Withdrawal of tidal waters requires modeling by the Virginia Institute of Marine Science (VIMS) which can take up to 2 months to complete. VIMS modeling can be conducted concurrently with Individual Permit review.

The Details

Projects proposing a withdrawal from surface waters in the amounts below require a Surface Water Withdrawal Permit.

Individual Permits (IPs): All surface water withdrawal permits are issued as Individual Permits.

- Surface water withdrawals that total more than 10,000 gallons per day from nontidal waters.
- Surface water withdrawals that total more than 2 million gallons per day from tidal waters.
- Surface water withdrawals for agricultural use that total more than 1 million gallons in a single month from nontidal waters.
- Surface water withdrawals for agricultural use that total more than 60 million gallons in a single month from tidal waters.

Surface Water Withdrawal Timeline



Individual Permit: **255 days**



For more information and application checklists, please visit
<https://www.deq.virginia.gov/permits/water/water-withdrawal>.

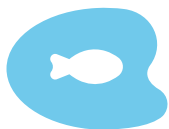


Water Permitting Contacts



Stormwater (Construction)

April Rhodes
Office of Stormwater Management
(517) 866-6091
April.Rhodes@deq.virginia.gov



Impacts to Wetlands, Streams, Rivers, Lakes, Oceans (VWP)

Dave Davis
Office of Wetlands & Stream Protection
(804) 698-4105
Dave.Davis@deq.virginia.gov



Water Discharge (VPDES)

Erica Duncan
Office of VPDES Permits Manager
(804) 337-5407
Erica.Duncan@deq.virginia.gov



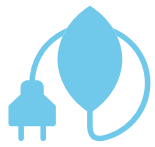
Water Withdrawal

Eric Seavey
Water Withdrawal Permitting Manager
(804) 754-6250
Eric.Seavey@deq.virginia.gov



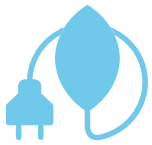
General Questions

Meghan Mayfield
Director, Water Permitting Division
(804) 914-3729
Meghan.Mayfield@deq.virginia.gov



Renewable Energy Permitting





Small Renewable Energy

Overview

DEQ enables the construction and operation of small renewable energy projects. DEQ renewable energy regulations take the form of Permit by Rule (PBRs). PBR requirements for a complete application to construct and operate are defined in state regulations.

Through the PBR, DEQ coordinates reviews with the Department of Historic Resources, the Department of Wildlife Resources and the Department of Conservation and Recreation to ensure potential significant impacts to cultural or threatened and endangered species are avoided or mitigated.

Note: Projects that receive PBR authorization may still require other permits depending on the nature of the project. Please refer to the Stormwater (pg. 7) and Virginia Water Protection Program (pg. 8) in this brochure.

The Details

Permit By Rule (PBR): Issued for small renewable energy projects. PBR classification varies by renewable energy type.

Solar PBR: for projects \leq 150 megawatts

Wind PBR: for projects \leq 150 megawatts

Renewable Combustion PBR: for projects \leq 20 megawatts

Energy Storage PBR: issued for energy storage facilities

- If land disturbance is $>$ 10 acres standard Energy Storage PBR requirements apply
- If land disturbance is $<$ 10 acres then modified PBR requirements apply

Note: For projects above the parameters described on this page, State Corporation Commission (SCC) review and approval is required.

Renewable Energy Permit by Rule Timeline



Permit by Rule (PBR): **110 days**

Renewable Energy Permitting Contacts

Susan Tripp

Energy Permit by Rule Program
(804)664-3740

Susan.Tripp@deq.virginia.gov

Amber Foster

Energy Permit by Rule Program
(804) 774-8474

Amber.Foster@deq.virginia.gov

For more information and application checklists, please visit <https://www.deq.virginia.gov/permits/renewable-energy>.

? Other Regulatory Programs

Overview

DEQ administers other regulatory programs such as solid waste management and hazardous waste management. DEQ also manages operating requirements for petroleum tanks.

New economic development projects typically do not need to factor in permits or requirements from these programs during the planning, siting, and construction phase. More information on these other regulatory programs can be found on DEQ's website.

The Details

Solid Waste: <https://www.deq.virginia.gov/permits/waste>

Hazardous Waste: <https://www.deq.virginia.gov/permits/waste/hazardous-waste>

Petroleum Tanks Program: <https://www.deq.virginia.gov/our-programs/land-waste/petroleum-tanks>



DEQ Regional Offices

DEQ has six regional offices located throughout Virginia.

Blue Ridge Regional Office:

901 Russell Drive, Salem, VA 24153
(540) 562-6700 - Front Desk
(540) 562-6870 - Regional Director

Northern Regional Office:

13901 Crown Court, Woodbridge, VA 22193
(703) 583-3800 - Front Desk
(571) 866-6063 - Regional Director

Piedmont Regional Office:

4949-A Cox Road, Glen Allen, VA 23060
(804) 527-5020 - Front Desk
(804) 698-4403 - Regional Director

Southwest Regional Office:

355-A Deadmore Street, Abingdon, VA 24210
(276) 676-4800 - Front Desk
(276) 676-4804 - Regional Director

Tidewater Regional Office:

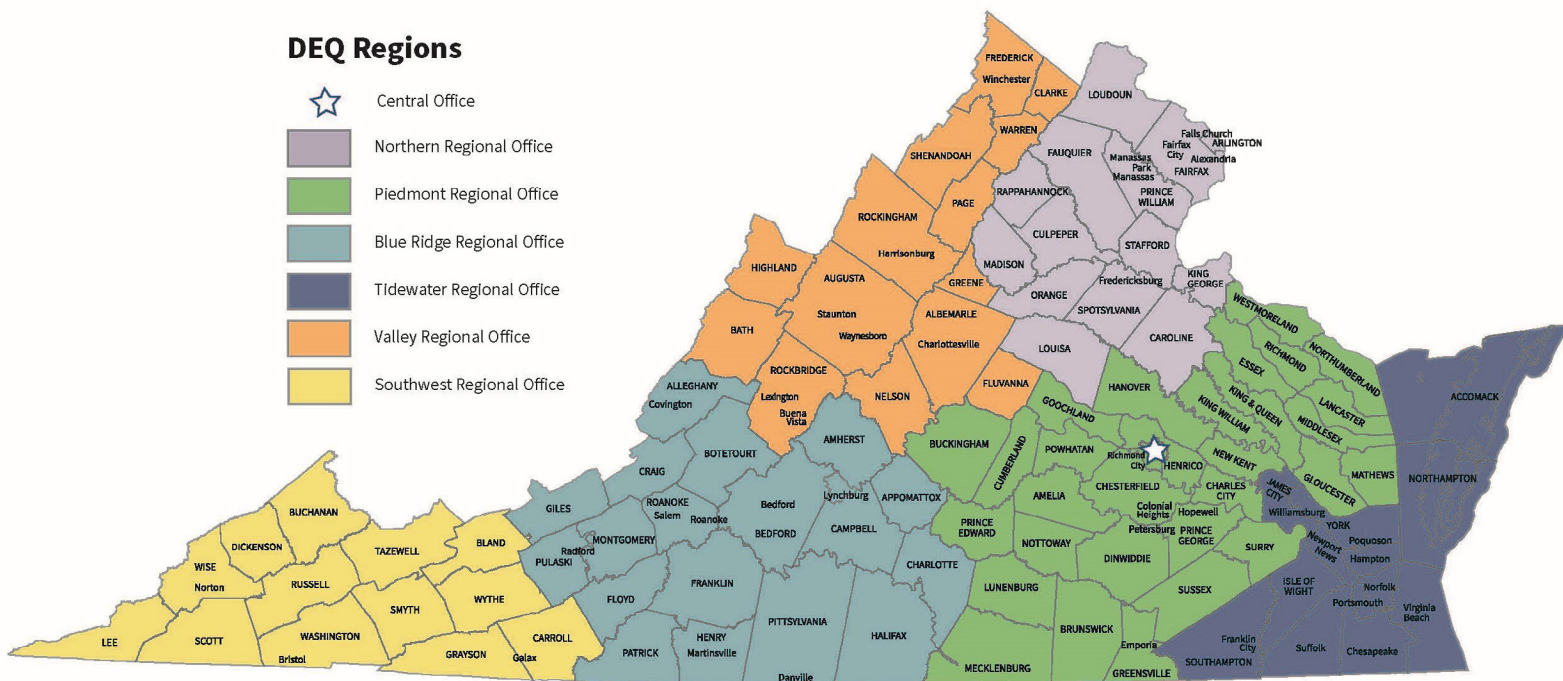
5636 Southern Boulevard, Virginia Beach, VA 23462
(757) 518-2000 - Front Desk
(757) 518-2173 - Regional Director

Valley Regional Office:

4411 Early Road, Harrisonburg, VA 22801
(Mailing address: P.O. Box 3000)
(540) 574-7800 - Front Desk
(540) 217-7479 - Regional Director

DEQ Regions

- ☆ Central Office
- Northern Regional Office
- Piedmont Regional Office
- Blue Ridge Regional Office
- Tidewater Regional Office
- Valley Regional Office
- Southwest Regional Office



Questions?

DEQ Permitting Ombudsmen
Ombudsman@deq.virginia.gov

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Tanya M. Pettus
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