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VIRGINIA NEARS DECISION FOR MOUNTAINTOP INDUSTRY

The Virginia Department of Environmental Quality has received the final paperwork required for a permit that would allow an industrial power-generation facility to be built on top of North Mountain in Botetourt County. What happens next will set the precedent for similar industrial development on mountain tops across Virginia. But there are concerns that legally submitted public comments will not be adequately reviewed by the DEQ.

This is the first Permit by Rule (PBR) application for industrial wind power in Virginia, and the process requires a public comment period. Local government representatives, conservation groups and private citizens submitted over 300 pages of comments. But according to Jeff Scott of Lexington, co-chair of Virginians for Responsible Energy (VRE), the DEQ has not provided a clear explanation of how they intend to review the comments.

"It is clear that the PBR requires the developer to review and respond to public comments and submit that information to DEQ. What isn't clear is to what extent, if at all, the DEQ actually reviews our comments," Scott said. VRE wants to know if the public's input will be independently assessed by qualified personnel or simply serve as window dressing for a pay-to-play private-profit enterprise.

The developer, Apex Clean Energy Holdings, is a subsidiary of Greenlight Energy Resources. It is a Delaware limited liability corporation with offices across the United States, including one in Charlottesville. Apex's method of doing business has created controversy and lawsuits in several states. A recent investigation by the New York State Attorney General's Office resulted in a revised Code of Ethics for wind power developers.

In Virginia, Governor Terry McAuliffe has accepted political contributions from Stanaslav Reisky, Apex's Executive Director. Secretary of Natural Resources Molly Ward, who works to advance the Governor's priorities and who oversees the DEQ, gave her written endorsement of the project months before environmental reviews were completed and public comments submitted. Her letter encouraged the Botetourt County Board of Supervisors to approve a special exception permit that allows for industrial development on land zoned for conservation.

The proposed project is named Rocky Forge. If the application is ruled complete by the DEQ, it will consist of 25 turbines 550 feet tall (taller than the Wells Fargo Tower in Roanoke) along 3.5 miles of the ridge of North Mountain. The towers will be clearly visible both day and night to Blue Ridge Parkway visitors as the FAA will require aircraft safety lighting. The Nature Conservancy estimates 750 acres of forest will be lost. Residents and wildlife in three counties will be affected by numerous other impacts.

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VRE has been studying the PBR process since January. They have spoken with employees of state agencies within the Department of Natural Resources. Several have said that the DEQ pushed approval of the fast-track legislation over their objections.

VRE wonders if DEQ is also under political pressure to approve the project before the end of the year. Federal tax incentives are reduced in 2017. The application itself is over 600 pages. The DEQ received the documents on December 2. It now has up to 90 days to determine if the application is complete. Local residents are hoping the review is not short-changed by other end-of-year deadlines and the absence of employees on leave over the holidays. The Permit by Rule process is outlined in Virginia Regulation 9 VAC 15-40.

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