



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

September 28, 2015

Mr. Tom Tuffey, Manager
Community Energy Solar/Eastern Shore Solar LLC
Three Radnor Corporate Center, Suite 300
100 Matsonford Rd, Radnor, PA 19087

Location: Accomack County

Registration No.: 2015-S01

Dear Mr. Tuffey:

The Department of Environmental Quality (DEQ) has completed its review of your application for coverage under the Small Renewable Energy Project (Solar) Permit By Rule.

Permit by Rule Determination: Based upon this review, the Eastern Shore Solar LLC (ESS) application received on June 8, 2015, as modified/supplemented with the following documents (herein referred to as "Application Documents"), including all commitments referenced within the Application Documents, accomplishes all of the requirements of 9VAC15-60-30:

Application Documents:

- Site Plan highlighting Tree Removal and Native Plant List (6/16/2015),
- Archaeological Analysis Memo for Consensus Moving Forward (6/18/2015; updated 8/13/15),
- Archeological Summary of Findings reports received on 7/9, 7/24, 8/13, 8/19, 8/20, and 8/26 of 2015,
- Historic Area Avoidance Plan (8/13/2015; updated 8/20/2015, 9/2/2015, 9/4/2015),

- Notification and Assessment Plan (Human Remains) (8/25/15, updated in the Historic Area Avoidance Plan 9/4/2015),
- Letter from Community Energy Solar received on 9/8/2015.

In addition, DEQ accepts the Formal Mitigation Plan (Application Documents: Folder A, pgs. 38-40) submitted with modification as described herein (see Mitigation Required, below). Therefore, authority is hereby granted to Eastern Shore Solar LLC to construct and operate a photovoltaic project in northern Accomack County, VA near the Delmarva Power Oak Hall substation in accordance with the Application Documents and this letter of approval.

Mitigation Required: In addition to the Mitigation Measures committed to under Item 8, Mitigation Plan, pgs. 38-40 of the Application Documents: Folder A, DEQ concurs with the applicant in its determination that Formal Mitigation is required. The project is located within zone 5 of the Coastal Avian Protection Zone map. Pursuant to 9VAC15-60-50 A 2 and 9VAC15-60-60B 3, Eastern Shore Solar LLC shall remit a total of \$80,000.00 to DEQ as part of the formal Mitigation Plan. Payment shall be made prior to commencement of construction of the solar project (including but not limited to road construction or site preparation) or within 60 days from the date of this letter, whichever first occurs. This is an enforceable part of the Permit By Rule according to 9VAC15-60-30 A 8.

Eastern Shore Solar LLC shall notify Mary E. Major, DEQ Office of Renewable Energy Permitting, of the actual date on which construction of the solar project commences as soon as practicable.

Recommended Actions: The following are not mandated mitigation actions; however, they are recommended actions to further protect natural resources and should be considered for inclusion to the list of Mitigation Measures committed to under Item 8 Mitigation Plan, pgs. 38-40 of the Application Documents, Folder A:

- The use of native vegetation in site perimeter borders, as proposed in the application (pg.36 Application Documents: Folder A) should be extended to include the use of native vegetation for re-vegetating panel sites.
- The development of a monitoring and control plan for invasive species, in particular for Phragmites (common reed), an invasive weed species which threatens the native plant community and reduces plant diversity. It spreads via seeds and through rhizomes which can break off and enter watercourses and wetlands.
- The treatment of invasive vegetation within the project area prior to construction.
- The examination of earth moving equipment for rhizomes and seed heads; any soils that may be brought into the construction should be inspected for propagules.
- Provide to DEQ an as-built map of the project post construction.

Please note that if Eastern Shore Solar LLC is later determined by the DEQ not to qualify for coverage under the terms and conditions of the Small Renewable Energy Project (Solar) Permit By Rule, then Eastern Shore Solar LLC will be subject to enforcement action under the enforcement provisions of the Small Renewable Energy Project (Solar) Permit By Rule (9VAC15-60-140) for operation without a permit.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of the service of this decision to initiate an appeal of this decision, by filing notice with:

David K. Paylor, Director
Virginia Department of Environmental Quality
ATTN: Office of Renewable Energy Permitting
Post Office Box 1105
Richmond, Virginia 23218

In the event this decision is served to you by mail, three days will be added to that period. Please refer to Part Two of the Rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which the appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this authorization under the Small Renewable Energy Project Permit By Rule, please contact Mary E. Major at 804-698-4423.

Sincerely,



Angela Jenkins
Policy Director

REN/Solar/01