

## VCHR Statement on DEQ Consent Order issued on May 20, 2024

Citing Energix ([ENGR.TA](#)) violations of some 75 legal requirements of the State Water Control Law, permits, and regulations, the Virginia Department of Environmental Quality (DEQ) has fined Energix \$158,000 in an Enforcement Action/Order by Consent ([Order](#)) issued May 20, 2024 for seven solar sites. This represents the fourth such Order over three consecutive years and brings total Energix fines to almost \$350,000.

Over a period of 14 months, DEQ conducted 32 inspections at multiple sites: Buckingham II Solar in Buckingham County, Axton Solar (Phases 1,2, 3) in Henry County, Waverly Solar (Phases 2 and 3) in Sussex County, and Wytheville Solar in Wythe County.

According to the 33-page Order, Energix committed violations that largely concerned land disturbance activities, which included the denuding and destabilization of significant portions of sites. And because Energix improperly installed erosion control devices in many sites, sediment had accumulated in traps and basins, in stormwater conveyance channels, and in pipes, which allowed its release directly into streams. In one instance, at the Waverly Solar site, DEQ inspectors found 1-8 inches of sediment in the Palustrine Forested Wetland.

Besides Energix's failure to contain sediment flow, Energix graded steep slopes without permission, failed to install check dams and stormwater conveyance channels, and constructed faulty silt fences. In one instance, in Axton Solar, Energix even used tape to seal a series of pipes.

DEQ's schedule of compliance requires that Energix procure a dedicated Environmental Compliance Officer and that Energix remediate outstanding issues on all sites within 7-30 days.

Citing the widespread and continuing violations of Energix, multiple Virginia communities have petitioned state and municipal authorities to withhold permits from Energix. To date, Virginia communities in six counties have successfully opposed Energix applications for solar energy projects: Amherst, Caroline, Dinwiddie, Franklin, New Kent, and Pulaski.

On May 21, one day after the Order was issued, the Dinwiddie Board of Supervisors denied 80-megawatt Lily Pond Solar for the second time in three years citing overwhelming citizen demands for maintenance of the county's rural character.

Energix has a long-term [strategic partnership](#) with First Solar ([FSLR](#)), a solar panel manufacturer that exclusively makes panels with Cadmium Telluride (CdTe), which is listed in the [Toxic Substances Control Act Inventory](#) of the Environmental Protection Agency.

According to [local press](#), community concerns over First Solar's use of CdTe panel technology combined with citizen perceptions of Energix as a continuing environmental offender has already damaged the reputation of both Energix and First Solar.

Will continuing violations of Energix also tarnish its business relationships with [Morgan Stanley](#), Energix's tax equity investor, or with Santander CIB, Energix's financier of nine solar projects?

The Virginia Coalition for Human Rights (VCHR) presented an information [overview](#) about Energix at the National Press Club in March 2022.