

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 10.1-1308.1, relating to the
3 permitting process for certain energy facilities.

4 [H 1443]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 10.1-1308.1 as follows:**

8 **§ 10.1-1308.1. Streamlined permitting process for qualified energy generators.**

9 **A. As used in this section:**

10 *"Biomass" means organic material that is available on a renewable or recurring basis, including:*

11 *1. Forest-related materials, including mill residues, logging residues, forest thinnings, slash, brush,*
12 *low-commercial value materials or undesirable species, and woody material harvested for the purpose of*
13 *forest fire fuel reduction or forest health and watershed improvement;*

14 *2. Agricultural-related materials, including orchard trees, vineyard, grain or crop residues, including*
15 *straws, aquatic plants and agricultural processed co-products and waste products, including fats, oils,*
16 *greases, whey, and lactose;*

17 *3. Animal waste, including manure and slaughterhouse and other processing waste;*

18 *4. Solid woody waste materials, including landscape trimmings, waste pallets, crates and*
19 *manufacturing, construction, and demolition wood wastes, excluding pressure-treated, chemically treated*
20 *or painted wood wastes and wood contaminated with plastic;*

21 *5. Crops and trees planted for the purpose of being used to produce energy;*

22 *6. Landfill gas, wastewater treatment gas, and biosolids, including organic waste byproducts*
23 *generated during the wastewater treatment process; and*

24 *7. Municipal solid waste, excluding tires and medical and hazardous waste.*

25 *"Expedited process" means a process that (i) requires the applicant to pay fees to the Commonwealth*
26 *in connection with the issuance and processing of the permit application that do not exceed \$50 and (ii)*
27 *has a duration, from receipt of a complete permit application until final action by the Board or*
28 *Department on the application, not longer than 60 days.*

29 *"Qualified energy generator" means a commercial facility located in the Commonwealth with the*
30 *capacity annually to generate no more than five megawatts of electricity, or produce the equivalent*
31 *amount of energy in the form of fuel, steam, or other energy product, that is generated or produced*
32 *from biomass, and that is sold to an unrelated person or used in a manufacturing process.*

33 *B. The Board shall develop an expedited process for issuing any permit that the Board is required to*
34 *issue for the construction or operation of a qualified energy generator. The development of the*
35 *expedited permitting process shall be in accordance with subdivision A 9 of § 2.2-4006; however, if the*
36 *construction or operation of a qualified energy generator is subject to a major new source review*
37 *program required by § 110(a)(2)(C) of the federal Clean Air Act, this section shall not apply.*

ENROLLED

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