

2021 SESSION

INTRODUCED

21101494D

SENATE BILL NO. 1258

Offered January 13, 2021

Prefiled January 11, 2021

A *BILL to amend the Code of Virginia by adding a section numbered 62.1-44.15:55.1, relating to solar projects; erosion and sediment control.*

Patrons—Marsden and McClellan

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:55.1 as follows:
§ 62.1-44.15:55.1. *Land-disturbing activities of solar photovoltaic projects.*

A. The Board shall administer a Virginia Erosion and Sediment Control Program (VЕСP) on behalf of any locality that notifies the Department pursuant to subdivision B 3 of § 62.1-44.15:27 that it has chosen not to administer a VЕСP for any solar photovoltaic (electric energy) project with a rated electrical generation capacity exceeding five megawatts. In such a locality:

1. The Board shall implement a VЕСP in order to manage the erosion and sediment from stormwater runoff resulting from any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance, as required by this article.

2. No person shall conduct a land-disturbing activity unless he has obtained land-disturbance approval from the VЕСP authority and, if required, submitted to the Department an application that includes a permit registration statement and stormwater management plan, and the Department has issued permit coverage.

B. The Board shall administer the VЕСP, including permit requirements and requirements for plan review, inspection, and enforcement that reflect the analogous stormwater management requirements for a VЕСP set forth in applicable provisions of this article.

2. That the provisions of this act shall not become effective until an appropriation effectuating funding of one full-time position to carry out the purposes of this act on behalf of the State Water Control Board is included in a general appropriation act passed by the General Assembly that becomes law.

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SB1258