

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 58.1-3660 of the Code of Virginia, relating to tax-exempt pollution  
3 control facilities; certifying authority; Department of Health.

4 [H 2811]  
5 Approved

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

7 **1. That § 58.1-3660 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 58.1-3660. Certified pollution control equipment and facilities.**

9 A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a  
10 separate class of property and shall constitute a classification for local taxation separate from other such  
11 classification of real or personal property and such property. Certified pollution control equipment and  
12 facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the  
13 Constitution of Virginia.

14 B. As used in this section:

15 "Certified pollution control equipment and facilities" shall mean any property, including real or  
16 personal property, equipment, facilities, or devices, used primarily for the purpose of abating or  
17 preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying  
18 authority having jurisdiction with respect to such property has certified to the Department of Taxation as  
19 having been constructed, reconstructed, erected, or acquired in conformity with the state program or  
20 requirements for abatement or control of water or atmospheric pollution or contamination. Such property  
21 shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps,  
22 underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas  
23 recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or  
24 generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not  
25 such property has been certified to the Department of Taxation by a state certifying authority. Such  
26 property shall also include solar energy equipment, facilities, or devices owned or operated by a business  
27 that collect, generate, transfer, or store thermal or electric energy whether or not such property has been  
28 certified to the Department of Taxation by a state certifying authority. For solar photovoltaic (electric  
29 energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured  
30 in alternating current (AC) generation capacity, for which an initial interconnection request form has  
31 been filed with an electric utility or a regional transmission organization on or before December 31,  
32 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation  
33 capacity, that serve any of the public institutions of higher education listed in § 23.1-100 or any private  
34 college as defined in § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial  
35 interconnection request form has been filed with an electric utility or a regional transmission  
36 organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or  
37 (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as  
38 measured in alternating current (AC) generation capacity, and that are first in service on or after January  
39 1, 2017; (iv) projects equaling five megawatts or less, as measured in alternating current (AC)  
40 generation capacity, for which an initial interconnection request form has been filed with an electric  
41 utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the  
42 assessed value of all other projects equaling more than five megawatts and less than 150 megawatts, as  
43 measured in alternating current (AC) generation capacity for which an initial interconnection request  
44 form has been filed with an electric utility or a regional transmission organization on or after January 1,  
45 2019. The exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts, as  
46 measured in alternating current (AC) generation capacity, shall not apply to projects upon which  
47 construction begins after January 1, 2024. ~~Such property~~ For pollution control equipment and facilities  
48 certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that  
49 serve 10 or more households, use nitrogen-reducing processes and technology, and are constructed,  
50 wholly or partially, with public funds. All such property as described in this definition shall not include  
51 the land on which such equipment or facilities are located.

52 "State certifying authority" shall mean the State Water Control Board or the Virginia Department of  
53 Health, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of  
54 Mines, Minerals and Energy, for solar energy projects and for coal, oil, and gas production, including  
55 gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste  
56 disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and

57 shall include any interstate agency authorized to act in place of a certifying authority of the  
58 Commonwealth.  
59 **2. That an emergency exists and this act is in force from its passage.**