

VIRGINIA ACTS OF ASSEMBLY -- 2021 SPECIAL SESSION I

CHAPTER 419

An Act to amend and reenact § 10.1-1197.5 of the Code of Virginia, relating to small renewable energy projects; energy storage.

[H 2148]

Approved March 30, 2021

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1197.5 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1197.5. Definitions.

As used in this article,:

"Energy storage facility" means energy storage equipment or technology that is capable of absorbing energy, storing such energy for a period of time, and redelivering energy after it has been stored.

~~"small~~ *"Small renewable energy project" means (i) an electrical generation facility with a rated capacity not exceeding 150 megawatts that generates electricity only from sunlight or wind; (ii) an electrical generation facility with a rated capacity not exceeding 100 megawatts that generates electricity only from falling water, wave motion, tides, or geothermal power; ~~or~~ (iii) an electrical generation facility with a rated capacity not exceeding 20 megawatts that generates electricity only from biomass, energy from waste, or municipal solid waste; (iv) an energy storage facility that uses electrochemical cells to convert chemical energy with a rated capacity not exceeding 150 megawatts; or (v) a hybrid project composed of an electrical generation facility that meets the parameters established in clause (i), (ii), or (iii) and an energy storage facility that meets the parameters established in clause (iv).*

2. That the Department of Environmental Quality shall promulgate regulations to implement the provisions of this act to be effective no later than January 1, 2022. The Department's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Department of Environmental Quality shall provide an opportunity for public comment on the regulations prior to adoption.