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SENATE BILL NO. 645

Offered January 14, 2026

Prefiled January 14, 2026

A BILL to amend and reenact § 10.1-1197.5, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 13 of Title 10.1 a section numbered 10.1-1322.6, relating to Air Pollution Control Board regulations; exemption for waste-to-energy facilities; small renewable energy projects; anaerobic digestion technology.

Patron—Surovell

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1197.5, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 13 of Title 10.1 a section numbered 10.1-1322.6 as follows:

§ 10.1-1197.5. (Effective until July 1, 2026) Definitions.

As used in this article:

"Anaerobic digestion technology" means technology enabling anaerobic digestion as defined in § 3.2-3600.

"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 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; (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)*; or (vi) an electrical generation facility with a rated capacity not exceeding 100 megawatts that generates electricity from biomass, energy from waste, or municipal solid waste and its dedicated associated interconnection facilities, provided that such facility is capable of processing the majority of its organic waste, including food waste and municipal sludge, with anaerobic digestion technology by January 1, 2030.*

§ 10.1-1197.5. (Effective July 1, 2026) Definitions.

As used in this article:

"Anaerobic digestion technology" means technology enabling anaerobic digestion as defined in § 3.2-3600.

"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.

"Interconnection facilities" means generation tie lines, collector lines, substations, switching stations, and any other component required to connect an electrical generation facility with the electrical grid.

"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 and its dedicated associated interconnection facilities; (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 and its dedicated associated interconnection facilities; (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 and its dedicated associated interconnection facilities; (iv) an energy storage facility that uses electrochemical cells to convert chemical energy with a rated capacity not exceeding 150 megawatts and its dedicated associated interconnection facilities; ~~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)*; or (vi) an electrical generation facility with a rated capacity not exceeding 100 megawatts that generates electricity from biomass, energy from waste, or municipal solid waste and its dedicated associated interconnection facilities, provided that such facility is capable of processing the majority of its organic waste, including food waste and municipal sludge, with anaerobic digestion technology by January 1, 2030.*

§ 10.1-1322.6. Waste-to-energy facilities; exemption from certain regulations.

A. For the purposes of this section, "waste-to-energy facility" means an electricity generating unit or facility with the predominant purpose of processing municipal solid waste that has a nameplate capacity of 25 megawatts or more and was constructed in the Commonwealth before July 1, 2024.

B. Any waste-to-energy facility shall be exempt from regulations promulgated by the Board pursuant to subsection E of § 10.1-1308.

C. The Board shall, on a decennial basis beginning July 1, 2030, review the effects of the provisions of this section on the carbon dioxide emission reduction goals outlined in § 56-585.5.

2. That the Department of Environmental Quality shall, in coordination with any operator of a waste-to-energy facility in the Commonwealth, assess (i) all practicable technologies available to waste-to-energy facilities to reduce carbon dioxide emissions and (ii) the impacts of waste-to-energy facilities on total carbon dioxide and methane emissions, and shall report its findings to the Air Pollution Control Board no later than July 1, 2028.