



Virginia DEQ Issues Proposed Small Energy Storage Facilities Permit by Rule (PBR) Regulations for Comment

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On November 1, 2021, the Virginia Department of Environmental Quality (DEQ) issued proposed small energy storage facilities permit by rule regulations (Storage PBR Regulations). The proposed Storage PBR Regulations establish the criteria required for an applicant to complete an application to construct and operate a small energy storage facility in Virginia.

The Storage PBR Regulations are being promulgated as a result of the passage of Virginia House Bill 2148, which was effective as of July 1, 2021. The new legislation expanded the definition of "small renewable energy project" in Virginia Code § 10.1-1197.5 to include (i) an energy storage facility that uses electrochemical cells to convert chemical energy with a rated capacity not exceeding 150 megawatts and (ii) a hybrid project composed of an electrical generation facility that meets the parameters of clauses (i), (ii), or (iii) of the definition of "small renewable energy project," as defined in Virginia Code § 10.1-1197.5. The legislation provides that DEQ is to promulgate regulations to implement the new legislation to be effective no later than January 1, 2022.

The text of the proposed Storage PBR Regulations is available [here](#). DEQ is accepting public comments to the proposed Storage PBR Regulations through December 2, 2021. Details on submitting comments are available [here](#).

If you have any questions regarding the proposed Storage PBR Regulations, please contact **Brad Nowak**, co-chair of Williams Mullen's Solar and Energy Storage Team.

Related People

- Bradley J. Nowak ? 202.293.8143 ? bnowak@williamsmullen.com

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