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SENATE BILL NO. 1046

Offered January 8, 2025

Prefiled January 7, 2025

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4, relating to data centers; noise abatement.

Patron—Roem

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 22 of Title 15.2 a section numbered 15.2-2209.4 as follows:

§ 15.2-2209.4. Data centers; noise abatement.

A. Notwithstanding any other provision of law, general or special, any local government land use application required for the siting of a data center, as defined in § 58.1-3506, shall be approved only in accordance with the notice and noise abatement provisions of this section.

B. In addition to any notice required by § 15.2-2204, the data center operator or property owner shall notify residents within a half-mile radius of the parcel, including any property owners' association operating within the half-mile radius, that the property owner intends to build and operate a data center on the property. The notice required in this section shall be mailed to all postal addresses and property owners' association addresses contained within a half-mile radius extending from the property line where the proposed data center will be built.

The data center operator shall schedule and attend two neighborhood meetings with residents to describe the project and the proposed sound-mitigation aspects of the project design. Notice of the neighborhood meetings shall be mailed to all residents and property owners' associations within a half-mile radius of the parcel. A representative of the developer or owner with decision-making authority on the design of the data center shall attend the neighborhood meetings. The data center operator or property owner shall also post a sign on the subject property at least 15 days before each neighborhood meeting. The sign shall be located in a high-visibility location as reasonably determined by the zoning administrator. The content of the sign shall be consistent with the locality's generally applicable sign guidelines, if any, for posting signs for notification of neighborhood meetings and shall be reviewed and approved by the zoning administrator before installation.

C. Before the first neighborhood meeting is held pursuant to subsection B, the property owner proposing to build a data center shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise-sensitive use as reasonably determined by the locality. The property owner shall provide a copy of the results of the study to the locality before the first neighborhood meeting.

D. The data center shall be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the data center, as determined by a third-party acoustic engineer, from exceeding the ambient noise levels that were observed in the baseline study. Design specifications for such sound mitigation shall be provided to the locality before building permit approval.

E. Upon issuance of a certificate of occupancy, the data center operator shall conduct a noise study performed by a third-party acoustical engineer to document noise levels emanating from the data center measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise-sensitive use as reasonably determined by the locality during peak operation of the data center mechanical equipment. The data center operator shall also conduct an additional noise study, as measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise-sensitive use as reasonably determined by the locality, annually during peak operation of the data center mechanical equipment for five years after completion of the initial post-construction noise study. The data center operator shall provide the results of the noise study to the locality within 30 days of the anniversary of the date on which the certificate of occupancy was issued by the locality.

F. If the data center operator intends to use backup power generators on the parcel, the operator shall maintain a public website announcing the times when the generators will be in operation. Any routine operation of the backup generators, including for testing purposes, shall be announced on the website at least 24 hours in advance. The operator shall also notify the locality 24 hours in advance of a test. Unless the generators are supplying backup electrical supply during a power outage, backup generators may operate

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59 *between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. Upon request by*
60 *the locality, the data center operator shall provide the address of the website where the notices required by*
61 *this section are published.*

62 *G. Any noise ordinance adopted by a locality shall set maximum allowable sound levels for data centers,*
63 *including by (i) using alternative low frequency noise metrics and (ii) setting noise rules and enforcement*
64 *mechanisms in its zoning ordinance, separate from existing noise ordinances.*