SENATE BILL NO. 1046
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Local Government
on _____)
(Patron Prior to Substitute—Senator Roem)

*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.*

**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 high electrical demand campus shall be approved only in accordance with the notice and noise abatement provisions of this section. For purposes of this section, "high electrical demand campus" means an operation or facility with a dedicated substation connected to a transmission line of at least 69 kilovolts that is reasonably anticipated by the operator or property owner to require more than 100 megawatts of electrical power from an electric utility providing retail service.*

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

*The high electrical demand campus operator or its legal representative shall hold at least one neighborhood meeting with residents to describe the project and the proposed sound-mitigation aspects of the project design in accordance with subsection C. Notice of the neighborhood meetings shall be mailed to all residents and property owners' associations within a one-quarter mile radius of the parcel. A representative of the developer with technical knowledge 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. Prior to the first neighborhood meeting referenced in subsection B, the property owner proposing a high electrical demand campus shall arrange for a sound study. This study shall be conducted by a third-party, certified acoustic engineer and shall document existing baseline sound levels in the area of the proposed high electrical demand campus. The measurements shall include noise levels taken at the property line of the nearest feasibly accessible property that is zoned for residential use, as determined by local authorities. The selected measurement location shall be reasonably accessible from the proposed high electrical demand campus site.*

*D. The high electrical demand campus shall be designed and built to incorporate sound mitigation methods sufficient to ensure that sound levels emanating from the high electrical demand campus meet the requirements of the relevant adopted noise ordinance, if applicable. 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 high electrical demand campus operator shall conduct a noise study performed by a third party, certified acoustical engineer to document noise levels emanating from the high electrical demand campus during peak operation of mechanical equipment measured at the property line of the nearest feasibly accessible property to the high electrical demand campus property that is planned or zoned for residential land uses by the locality.*

*The high electrical demand campus shall also conduct an additional noise study, as measured at the property line of the nearest feasibly accessible property to the data center property that is planned or zoned for residential land uses, annually during peak operation of the data center mechanical equipment for three years after completion of the initial post-construction noise study to confirm compliance with the applicable noise ordinance. The high electrical demand campus operator shall provide the results of the noise study to the locality within 60 days of the anniversary of the initial post-construction noise study.*

*F. A high electrical demand campus operator may request an extension for submission of relevant sound studies to localities with provided justification based on externalities or factors outside of the high electrical demand campus operator's reasonable control that may affect its ability to conduct a study in accordance with the various submission deadlines.*

*G. Compliance with the requirements of this section shall constitute an affirmative defense in any subsequent legal action alleging a violation of the applicable noise ordinance, provided that the high electrical demand campus operator can demonstrate that all noise levels from the facility are in compliance with the applicable noise ordinance and site design and requisite mitigation methods are consistent with previous studies and submissions.*