

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 344

An Act to direct the Department of Environmental Quality to promulgate administrative regulations relating to mission-critical affected emergency generators; emergency.

[S 1407]

Approved March 21, 2025

Be it enacted by the General Assembly of Virginia:

- 1. § 1.** *That the State Air Pollution Control Board regulations in 9VAC5-80 and 9VAC5-540 of the Virginia Administrative Code shall allow any affected emergency generator to operate up to 50 hours per year for nonemergency purposes, including planned outages and switch gear and related electrical system testing, so as to be consistent with the U.S. Environmental Protection Agency's National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines pursuant to 40 C.F.R. Part 63 Subpart ZZZZ and New Source Performance Standards pursuant to 40 C.F.R. Part 60 Subparts IIII and JJJJ. For purposes of this act, "affected emergency generator" means any emergency generator, whether or not located on a military installation as defined in § 15.2-2201 of the Code of Virginia, that has been certified to the Department of Environmental Quality by the U.S. Department of Defense or relevant branch of the United States Armed Forces as mission-critical and essential to the defense of the United States.*
- 2.** That the provisions of this act shall be incorporated into 9VAC5-80 and 9VAC5-540 of the Virginia Administrative Code by the Department of Environmental Quality, which shall promulgate regulations to implement the provisions of this act without further action by the State Air Pollution Control Board. Such incorporation and promulgation by the Department of Environmental Quality shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and shall become effective upon submission for publication in the Virginia Register of Regulations.
- 3.** That an emergency exists and this act is in force from its passage.