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HOUSE BILL NO. 507

Offered January 14, 2026

Prefiled January 12, 2026

A BILL 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 data center carbon dioxide-emitting backup generators; air monitoring.

Patron—McAuliff

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. 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:

§ 10.1-1322.6. Data center backup generators; air monitoring.

A. A data center shall only use a carbon dioxide-emitting backup generator in an emergency. During such an emergency, such backup generator used shall meet or exceed the U.S. Environmental Protection Agency's (i) Tier 4 emissions standards or (ii) Tier 2 emissions standards and be equipped with a selective catalytic reduction system. In no case shall a carbon dioxide-emitting backup generator be used in excess of 500 hours per year.

B. Beginning July 1, 2027, a data center shall utilize energy storage as its primary backup power source for a minimum of two hours in an emergency and shall only use carbon dioxide-emitting backup generators during grid emergencies after such energy storage resource is depleted, provided that such generators meet or exceed the U.S. Environmental Protection Agency's (i) Tier 4 emissions standards or (ii) Tier 2 emissions standards and are equipped with selective catalytic reduction systems.

C. The Department shall notify all property owners living within one-quarter mile of a data center operating carbon dioxide-emitting backup generators continuously for more than four hours as soon as is practicable after the Department has been notified that such backup generators will be in operation.

D. The Department shall require data center operators to utilize monitoring devices to maintain records of emissions, pollutants, and fuel data and operating parameters as necessary to demonstrate compliance with applicable permits and report the results of such monitoring to the Department on a monthly basis. The Department shall make each such report available to the public on its website.

E. The Department shall establish and maintain an air quality monitoring site or sites in any locality or other political subdivision of the Commonwealth with 100 or more useable carbon dioxide-emitting backup generators. Such sites shall be located within one-quarter mile of any cluster of such backup generators. For the purposes of this subsection, "cluster" means a group of 25 or more carbon dioxide-emitting backup generators.

F. The Department, in collaboration with the Department of Health, shall monitor and assess the cumulative impacts of data center carbon dioxide-emitting backup generators on human health in jurisdictions where there are at least 100 such backup generators. Should the cumulative impacts of emissions and pollutants from such backup generators exceed U.S. Environmental Protection Agency or Virginia standards for air quality, the Department and the Department of Health shall take all measures available to support the reduction of such backup generator emissions and pollutants.

G. When a permit application is made for a new or modified emissions source that is expected to emit any hazardous air pollutants or toxic air contaminants and the release point for such pollutants or contaminants is located within 3,000 feet of an infant or early childhood daycare, preschool, elementary school, or secondary school, the Department shall notify such schools of such application and make such notice available to the general public.

H. The Board may promulgate regulations as it deems necessary to effectuate the provisions of this section.

INTRODUCED

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