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1 **HOUSE BILL NO. 589**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 62.1-44.38 of the Code of Virginia, relating to certain data from water users;*  
5 *water use consumption of data centers.*

6 Patron—Simonds

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 62.1-44.38 of the Code of Virginia is amended and reenacted as follows:**10 **§ 62.1-44.38. Plans and programs; registration of certain data by water users; advisory committees; committee membership for federal, state, and local agencies; water supply planning assistance.**11 A. The Board shall prepare plans and programs for the management of the water resources of the  
12 Commonwealth in such a manner as to encourage, promote, and secure the maximum beneficial use and  
13 control thereof. These plans and programs shall be prepared for each major river basin of the Commonwealth,  
14 and appropriate subbasins therein, including specifically the Potomac-Shenandoah River Basin, the  
15 Rappahannock River Basin, the York River Basin, the James River Basin, the Chowan River Basin, the  
16 Roanoke River Basin, the New River Basin, and the Tennessee-Big Sandy River Basin, and for those areas in  
17 the Tidewater and elsewhere in the Commonwealth not within these major river basins. Reports for each  
18 basin shall be published by the Board.19 B. 1. In preparing river basin plan and program reports enumerated in subsection A, the Board shall (i)  
20 estimate current water withdrawals and use for agriculture, industry, domestic use, and other significant  
21 categories of water users; (ii) project water withdrawals and use by agriculture, industry, domestic use, and  
22 other significant categories of water users; (iii) estimate, for each major river and stream, the minimum  
23 instream flows necessary during drought conditions to maintain water quality and avoid permanent damage to  
24 aquatic life in streams, bays, and estuaries; (iv) evaluate, to the extent practicable, the ability of existing  
25 subsurface and surface waters to meet current and future water uses, including minimum instream flows,  
26 during drought conditions; (v) evaluate, in cooperation with the Virginia Department of Health and local  
27 water supply managers, the current and future capability of public water systems to provide adequate quantity  
28 and quality of water; (vi) estimate, using a data-driven method that includes multiple reasonable assumptions  
29 about supply and demand over varying time frames, the risk that each locality and region will experience  
30 water supply shortfalls; and (vii) evaluate hydrologic, environmental, economic, social, legal, jurisdictional,  
31 and other aspects of each alternative management strategy identified.32 2. The Board shall direct the Department of Environmental Quality (the Department) in its facilitation of  
33 regional water planning efforts. The Department shall (i) ensure that localities coordinate sufficiently in the  
34 development of regional water plans; (ii) provide planning, policy, and technical assistance to each regional  
35 planning area, differentiated according to each area's water supply challenges, existing resources, and other  
36 factors; and (iii) ensure that each regional plan clearly identifies the region's water supply risks and proposes  
37 strategies to address those risks.38 3. When preparing drought evaluation and response plans pursuant to subdivision 1, the Board shall  
39 recognize the localities that include any portion of the service area of a water supply utility in the  
40 Commonwealth that uses the Potomac River as a water supply source as a distinct drought evaluation region.  
41 Such plans shall incorporate the provisions of the Metropolitan Washington Water Supply and Drought  
42 Awareness Response Plan: Potomac River System (2000), including provisions related to triggers, actions,  
43 and messages for the Potomac River drought evaluation region. Nothing in this subdivision regarding the  
44 incorporation of such provisions shall be construed to limit the authority of the Governor during a declared  
45 drought emergency.46 C. The Board may, by regulation, require each water user withdrawing surface or subsurface water or both  
47 during each year to register, by a date to be established by the Board, water withdrawal and use data for the  
48 previous year including the estimated average daily withdrawal, maximum daily withdrawal, sources of water  
49 withdrawn, and volume of wastewater discharge, provided that the withdrawal exceeds one million gallons in  
50 any single month for use for crop irrigation, or that the daily average during any single month exceeds 10,000  
51 gallons per day for any other user. Location data shall be provided by each user in a coordinate system  
52 specified by the Board. *However, any water user required to register water withdrawal and use data*  
53 *pursuant to this subsection that provides water to a data center, as that term is defined in subdivision A 43 of*  
54 *§ 58.1-3506, shall report to the Board, on a monthly basis or as frequent a basis as practicable, the total*  
55 *volume of water, including the portion that is reclaimed water, provided to such data center during the*

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HB589

59      *reporting period.*

60      D. The Board shall establish advisory committees to assist it in the formulation of such plans or programs  
61      and in formulating recommendations called for in subsection E. In this connection, the Board may include  
62      committee membership for branches or agencies of the federal government, branches or agencies of the  
63      Commonwealth, branches or agencies of the government of any state in a river basin located within that state  
64      and Virginia, the political subdivisions of the Commonwealth, and all persons and corporations interested in  
65      or directly affected by any proposed or existing plan or program.

66      E. The Board shall prepare plans or programs and shall include in reports prepared under subsection A  
67      recommended actions to be considered by the General Assembly, the agencies of the Commonwealth and  
68      local political subdivisions, the agencies of the federal government, or any other persons that the Board may  
69      deem necessary or desirable for the accomplishment of plans or programs prepared under subsection B.

70      F. In addition to the preparation of plans called for in subsection A, the Board, upon written request of a  
71      political subdivision of the Commonwealth, shall provide water supply planning assistance to such political  
72      subdivision, including assistance in preparing drought management strategies, water conservation programs,  
73      evaluation of alternative water sources, state enabling legislation to facilitate a specific situation, applications  
74      for federal grants or permits, or other such planning activities to facilitate intergovernmental cooperation and  
75      coordination.