

1 SENATE BILL NO. 336

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources

4 on February 3, 2026)

5 (Patron Prior to Substitute—Senator Roem)

6 *A BILL to direct the State Air Pollution Control Board to amend its regulations regarding the use of data*
7 *center emergency generators.*8 **Be it enacted by the General Assembly of Virginia:**9 *1. § 1. That the State Air Pollution Control Board shall amend its regulations regarding the use of data*
10 *center emergency generators (i) to state that the use of Tier 2 generators shall be limited only to sudden and*
11 *unforeseeable outage events that do not include planned outage events; (ii) to require any data center with*
12 *an air permit applied for prior to July 1, 2026, to annually retrofit at least 20 percent of its Tier 2 generator*
13 *fleet to be equal to or less than the emissions of a Tier 4 equivalent or better generator, for five years or*
14 *until 100 percent of the fleet's emissions are equal to or less than the emissions of a Tier 4 equivalent or*
15 *better generator; and (iii) to require any data center for which a site plan has not been approved by a*
16 *locality as of July 1, 2026, to have Tier 4 equivalent or better generators on such site.*