

SENATE BILL NO. 336

AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

on February 3, 2026)

(Patron Prior to Substitute—Senator Roem)

A BILL to direct the State Air Pollution Control Board to amend its regulations regarding the use of data center emergency generators.

Be it enacted by the General Assembly of Virginia:

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