

# 2026 SESSION

## SENATE SUBSTITUTE

26107163D

### 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.**

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