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Exempt Action: Final Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC5-50 (New and Modified Stationary Sources)
VAC Chapter title(s)	New and Modified Stationary Sources
Action title	Implementation of Chapter 397 of the 2026 Acts of Assembly (HB 507) (Rev. B26)
Final agency action date	August 18, 2026
Date this document prepared	July 13, 2026

This information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

House Bill 507 (HB 507), enacted as Chapter 397 of the 2026 Acts of Assembly, was approved on April 8, 2026. HB 507 amends Article 1 of Chapter 13 of Title 10.1 of the Code of Virginia by adding a new section codified at § 10.1-1322.6. This new section sets emission limits for certain engine-generator sets at data center facilities which submit a permit application on or after July 1, 2026. Accordingly, a new article is being added in Chapter 50 for New and Modified Stationary Sources to reflect these standards and meet the statutory requirements of HB 507.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" means "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Chapter 397 of the 2026 Acts of Assembly: An Act 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 permit requirements for data centers; emission limits for certain engine-generator sets.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On August 18, 2026, the State Air Pollution Control Board took final action to adopt amendments to the New and Modified Stationary Sources regulations specifically adding Emission Standards for Data Center Engine Generator-Sets (Article 7 of Part II of 9VAC5-50). The regulatory action is to be effective as provided in the Administrative Process Act.

The regulation amendment is exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Code of Virginia because it consists only of changes necessary to conform to Virginia statutory law where no agency discretion is involved.

In adopting the amendment, the Board affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Code of Virginia.