

1 H.727

2 An act relating to sustainable data center deployment

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 30 V.S.A. chapter 5, subchapter 3 is added to read:

5 Subchapter 3. Data Centers

6 § 281. SHORT TITLE

7 This subchapter shall be known and may be cited as the “Vermont  
8 Sustainable Data Centers Act.”

9 § 282. PURPOSE

10 The purpose of this subchapter is to establish a regulatory framework that  
11 ensures responsible growth of an emerging industry in a manner that protects  
12 existing electric ratepayers from unwarranted costs and promotes sustainable  
13 climate, environmental, community, and equity outcomes consistent with State  
14 policies.

15 § 283. DEFINITIONS

16 As used in this subchapter:

17 (1) “Data center” means a facility that uses or is able to use 20  
18 megawatts or more of power and is engaged in providing data processing,  
19 hosting, and related services as described under code 518210 of the 2022 North  
20 American Industry Classification System.

1           (2) “Facility” means all buildings, equipment, structures, and other  
2           stationary items that are located on a single site or on contiguous or adjacent  
3           sites and that are owned or operated by the same person or by any person that  
4           controls, is controlled by, or is under common control with such person.

5           § 284. LARGE LOAD SERVICE EQUITY CONTRACT; APPROVAL

6           (a) For the purpose of ensuring just and reasonable rates for all ratepayer  
7           classes and mitigating the risk of financial exposure to electric distribution  
8           companies and their existing ratepayers, a data center shall be served by an  
9           electric company pursuant to a large load service equity contract approved by  
10           the Public Utility Commission.

11           (b) The large load service equity contract shall:

12           (1) include a method for allocating costs that is equal or proportional to  
13           the costs of providing electric service to the data center, including providing  
14           for equitable contributions to the embedded costs and the efficiency, reliability,  
15           and resiliency of the electricity network;

16           (2) mitigate the risk of other ratepayer classes paying unwarranted costs,  
17           including any electric generation, distribution, and transmission infrastructure  
18           costs incurred to meet the load requirements of a data center or the energy  
19           capacity, transmission, or resource adequacy costs incurred as a result of the  
20           data center’s load;

1           (3) specify the duration of the contract and the date or the estimated date  
2           that the electric company will begin to provide electric service to the data  
3           center;

4           (4) obligate the data center to pay a minimum amount or percentage  
5           based on the data center's projected electricity usage for the duration of the  
6           contract to ensure compliance with subdivision (1) of this subsection;

7           (5) include a reasonable charge for demand in excess of the data center's  
8           projected electricity demand at the time the contract is entered into;

9           (6) include a collateral requirement sufficient to mitigate the risk of  
10          stranded costs;

11          (7) include provisions requiring implementation of demand-side  
12          management operational measures for the purpose of maintaining grid stability  
13          and efficiency, including demand response and flexible load management  
14          practices, such as load shifting, peak shaving, and the use of distributed energy  
15          resources;

16          (8) include provisions for the collection of gross receipts taxes, energy  
17          efficiency charges, and any other fees or charges that may be applicable to  
18          electricity revenues; and

19          (9) meet any other terms or conditions required by the Commission that  
20          are consistent with the purpose of this section and in the public interest.

1        (c) The Commission shall not approve a large load service equity contract  
2        unless the Commission first finds that the same will promote the general good  
3        of the State.

4        (d) Before the Commission approves a large load service equity contract as  
5        required under this section, the Commission shall find that the terms of the  
6        contract:

7            (1) will not adversely affect the efficiency, reliability, and resilience of  
8            the electric power system;

9            (2) will result in an economic benefit to the State and its residents;

10          (3) are consistent with the principles for resource selection expressed in  
11          the applicable electric distribution company's approved least-cost integrated  
12          plan;

13          (4) are consistent with the Electrical Energy Plan approved by the  
14          Department under section 202 of this title, or that there exists good cause to  
15          permit a variance;

16          (5) will ensure that the data center will be served economically by  
17          existing or planned transmission facilities without undue adverse effect on  
18          Vermont utilities or other retail ratepayer classes; and

19          (6) are consistent with environmental justice and equity policy as  
20          established pursuant to 3 V.S.A. chapter 72.

1       (e) A data center shall not be eligible to participate in an energy savings  
2       account or a customer credit program pursuant to subdivision 209(d)(3)(C) of  
3       this title, or a self-managed energy efficiency program pursuant to subsection  
4       209(j) of this title.

5       § 285. ENERGY EFFICIENCY DESIGN

6       Early in the design development phase of a data center, the owner or  
7       operator of a data center shall consult with the efficiency utility appointed by  
8       the Public Utility Commission under subdivision 209(d)(2)(A) of this title to  
9       ensure compliance with State energy efficiency requirements and best  
10       practices.

11       § 286. QUARTERLY AND ANNUAL REPORTS

12       (a) Data center. Within three months after a data center becomes  
13       operational, and in a form and manner determined by the Commission, the data  
14       center shall begin submitting quarterly reports to the Commission and the  
15       Department of Public Service. Each quarterly report shall include the data  
16       center's water and energy usage, including its peak usage per day, and an  
17       itemization of the data center's payments toward shared infrastructure  
18       constructed to support the data center.

19       (b) Department. Annually, beginning on or before January 15, 2028, and  
20       provided at least one data center has entered into a large load service equity  
21       contract pursuant to this subchapter, the Commissioner of Public Service shall

1 include in the Department's annual report published pursuant to subsection  
2 202b(e) of this title findings and recommendations related to the energy,  
3 environmental, and economic impacts of data center construction and  
4 operation in Vermont, as well as any impactful developments within the  
5 region, including any benefits to all ratepayers from electric infrastructure  
6 projects undertaken to provide power to one or more data centers.

7 § 287. RULES

8 In addition to the rules required by this subchapter, the Commission may  
9 adopt any other rules it deems necessary to implement and enforce the  
10 provisions of this subchapter consistent with its purpose and in the public  
11 interest.

12 Sec. 2. APPLICATION

13 30 V.S.A. chapter 5, subchapter 3 (established in Sec. 1 of this act) shall  
14 apply to any data center not operational on the effective date of this act and to  
15 any smaller, traditional data center operational on the effective date of this act  
16 to the extent such data center seeks to expand its capacity and meet the  
17 threshold requirements of Sec. 1, 30 V.S.A. § 283(1).

18 Sec. 3. 10 V.S.A. § 6001 is amended to read:

19 § 6001. Definitions

20 As used in this chapter:

21 \* \* \*

1 (3)(A) “Development” means each of the following:

2 \* \* \*

3 (xiv) The construction of improvements on a tract or tracts of land  
4 for a data center as defined in 30 V.S.A. § 283(1).

5 Sec. 4. 10 V.S.A. § 6086a is added to read:

6 § 6086a. WATER USE; COOLING; PERMITTING; QUALITY

7 (a) As used in this section:

8 (1) “Closed-loop cooling system” means a sealed cooling process in  
9 which the same water or coolant circulates continuously within a data center’s  
10 cooling system without withdrawal of water from municipal public water  
11 supplies, groundwater, or surface water and without discharge of wastewater to  
12 municipal wastewater systems, groundwater, or surface waters, except for de  
13 minimis discharges authorized under a discharge permit issued by the Agency  
14 of Natural Resources.

15 (2) “Data center” has the same meaning as in 30 V.S.A. § 283(1).

16 (3) “Per- and polyfluoroalkyl substances” or “PFAS” means any  
17 chemical substance or mixture containing a chemical substance that  
18 structurally contains at least one of the following three substructures:

19 (A) R-(CF<sub>2</sub>)-CF(R')R”, where both the CF<sub>2</sub> and CF moieties are  
20 saturated carbons;

1           (B) R-CF<sub>2</sub>OCF<sub>2</sub>-R', where R and R' can either be F, O, or saturated  
2           carbons; or

3           (C) CF<sub>3</sub>C(CF<sub>3</sub>)R'R'', where R' and R'' can either be F or saturated  
4           carbons.

5           (b)(1) A data center shall identify to the District Commission reviewing the  
6           data center's application for a permit under 10 V.S.A. chapter 151 how the  
7           data center will cool the facility.

8           (2) If water is used to cool a data center, the data center shall use a  
9           closed-loop cooling system to minimize impacts to the quality and quantity of  
10           surface water and groundwater unless a District Commission, during review of  
11           a permit application under 10 V.S.A. chapter 151, determines that the use of a  
12           closed-loop cooling system is not feasible at the proposed data center.

13           (3) If water is used to cool a data center through a closed-loop cooling  
14           system or through another type of cooling system, a data center shall identify  
15           where the data center will obtain water to cool the facility and where the  
16           cooling water will be discharged.

17           (c) If a data center proposes to use groundwater to cool the data center, the  
18           data center shall obtain a groundwater withdrawal permit under 10 V.S.A.  
19           § 1418 for any withdrawal of groundwater by the data center notwithstanding  
20           the permitting threshold of withdrawal of more than 57,600 gallons of

1 groundwater a day. A closed-loop cooling system is not exempt from the  
2 groundwater withdrawal permit under 10 V.S.A. § 1418(b)(6).

3 (d) If a data center proposes to use surface water to cool the facility, the  
4 data center shall obtain a surface water withdrawal permit pursuant to  
5 10 V.S.A. § 1043. The rules adopted by the Secretary to implement 10 V.S.A.  
6 § 1043 shall require a data center to cease withdrawals under drought  
7 conditions.

8 (e)(1) A data center shall obtain all applicable water quality and water  
9 resource protection permits from the Agency of Natural Resources, including  
10 stormwater, shoreland, stream alteration, direct discharge, surface water  
11 withdrawal, groundwater withdrawal, wetland, and river corridor development  
12 permits.

13 (2) A data center shall obtain from the Agency of Natural Resources a  
14 water quality certificate that meets the same criteria that the Agency requires to  
15 be met to obtain a federal Clean Water Act Section 401 water quality  
16 certification as those criteria existed under the Act, 33 U.S.C. §§ 1251–1388,  
17 and any regulations adopted thereunder on January 1, 2026.

18 (f) A data center that discharges wastewater into a surface water of the  
19 State shall identify PFAS that may be used in the operation and submit a plan  
20 to the Agency of Natural Resources establishing a program that monitors the  
21 wastewater discharge from the data center, including monitoring for the

1 presence of PFAS. The monitoring plan shall be approved by the Agency  
2 upon a determination that it meets the Vermont water quality standards.

3 (g) The addition of PFAS to water discharged from a data center shall be  
4 prohibited in Vermont.

5 Sec. 5. REPORT ON REGIONAL RENEWABLE ENERGY MARKET  
6 CONDITIONS; PUBLIC UTILITY COMMISSION

7 (a) On or before January 15, 2027, the Public Utility Commission shall  
8 prepare a written report on projected regional renewable electric generation  
9 market conditions. In developing the report, the Commission shall examine  
10 the cost and availability of new regional renewable electric generation  
11 resources during the years 2027 through 2035.

12 (b) In preparing the report, the Commission shall provide an opportunity  
13 for written input from interested stakeholders, including retail electricity  
14 providers, renewable energy developers, regional transmission organizations,  
15 consumer advocates, and any other members of the public. In addition, the  
16 Commission may consult with the Department of Public Service and other  
17 relevant state, regional, or federal entities, as the Commission deems  
18 appropriate. Preparation of the report is not subject to the contested case  
19 procedures established under 3 V.S.A. chapter 25.

1       (c) The Commission shall submit the report to the House Committee on  
2       Energy and Digital Infrastructure and the Senate Committees on Finance and  
3       on Natural Resources and Energy.

4       Sec. 6. RECOMMENDATION ON DATA CENTER DECOMMISSIONING

5       (a) The Commissioner of Public Service, in consultation with the Secretary  
6       of Natural Resources, the Chair of the Land Use Review Board, and any other  
7       interested stakeholders deemed appropriate by the Commissioner, shall  
8       recommend a regulatory model for data center decommissioning. As used in  
9       this section, “data center” has the same meaning as in Sec. 1, 30 V.S.A.  
10      § 283(1), of this act.

11      (b) The recommended regulatory model developed pursuant to this section  
12      shall ensure responsible data center decommissioning in a manner that protects  
13      and preserves the environment and the public health and welfare. The model  
14      shall include standards and procedures that address:

15              (1) approval of a decommissioning plan by the appropriate regulatory  
16              entity;

17              (2) regulatory oversight of the decommissioning process, including  
18              through site visits and inspections;

19              (3) a bond requirement or other financial assurance to ensure a data  
20              center is solely responsible for the costs associated with implementation of an  
21              approved decommissioning plan;

1           (4) guidelines for data sanitization, the physical destruction of highly  
2           sensitive storage devices, and a documented chain of custody for information  
3           technology assets;

4           (5) guidelines for environmental compliance, hazardous material  
5           handling, environmental remediation, and site restoration;

6           (6) a timeline for commencing and completing the decommissioning  
7           process after the abandonment, closure, destruction, or permanent cessation of  
8           operations of a data center; and

9           (7) any other matters deemed appropriate by the Commissioner.

10          (c) On or before December 15, 2026, the Commissioner shall submit  
11          recommendations for a data center decommissioning regulatory model in the  
12          form of draft legislation to the House Committees on Energy and Digital  
13          Infrastructure and on Environment and the Senate Committees on Finance and  
14          on Natural Resources and Energy.

15          Sec. 7. EFFECTIVE DATE

16          This act shall take effect on passage.