



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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David L. Bulova
Secretary of Natural and Historic Resources

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Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
AMAZON DATA SERVICES, INC.
FOR
COSNER TECH CAMPUS
Registration No. 74288**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the Virginia Department of Environmental Quality and Amazon Data Services, Inc., regarding Cosner Tech Campus, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and/or regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the terms in this Consent Order have the meaning assigned to them in Va. Code §10.1-1300 *et seq.* and the Regulations for the Control and Abatement of Air Pollution (Regulations) at 9 VAC 5-10 *et seq.*

SECTION C: Findings of Fact and Conclusions of Law

1. Amazon Data Services, Inc. (ADS) is a business entity authorized to do business in Virginia. ADS is a “person” within the meaning of Va. Code § 10.1-1300.
2. ADS owns and operates a datacenter located at 3901 Massaponax Church Road in Spotsylvania County, Virginia (Facility). The Facility is the subject of the mNSR Permit No. 74288, issued October 30, 2024, (Permit) which allows for the installation and operation of 186 non-emergency and 15 emergency generators.

3. On May 31, 2025, ADS was undergoing commissioning activities at the Facility as part of the permitted Integration Operational Period (IOP). During these activities, a power outage led to the start up of non-emergency diesel-fired engine gen-sets EG-01, EG-02, and EG-04. During these runs, each of these gen-sets achieved a temperature of 572F and had a urea flow rate of zero for a portion (EG-01 and EG-02) to all (EG-04) of the duration of the run. According to ADS records, the SCR on these gen-sets operated according to permit conditions during the subsequent runs.
4. On August 20, 2025, ADS became aware of SCR failures as part of the commissioning process. On August 21, 2025, ADS provided an initial notification to DEQ and provided a follow up report as required by the Permit on September 2, 2025. DEQ has determined that due to failure of the SCR to run upon reaching the requisite temperature the permitted hourly NOx emission limits were exceeded.
5. Permit condition 2 requires that nitrogen oxide (NOx) emissions from the non-emergency diesel engine gen-sets (Ref. Nos. EG-01 through EG-186) shall be controlled by closed loop Selective Catalytic Reduction (SCR). Each SCR system shall be equipped with a temperature probe to continuously monitor the exhaust temperature at the outlet of the entire SCR+cDPF emissions control system while the engine gen-set is operational. Engine exhaust gas shall be treated with urea when the exhaust temperature of 572F is achieved, except for periods of start-up, shutdown, or malfunction.

The permittee shall operate the engine gen-set and SCR such that the exhaust temperature at the outlet of the entire SCR+cDPF emissions control system does not exceed 1,022F. The SCR shall be provided with adequate access for inspection and shall be provided with adequate access for inspection and shall be in operation when the engine gen-sets are operating as above.

6. Permit condition 14 requires that emission from the operation of each non-emergency diesel engine gen-set (Ref. Nos. EG-01 through EG-186) shall not exceed the limits specified below:

Pollutant	Caterpillar 3561E (Ref. Nos. EG-01 through EG-186)	
	Uncontrolled	Controlled
Nitrogen Oxides (NOx as NO2)	53.48 lb/hr	4.44 lb/hr
Particulate Matter (PM10)	0.40 lb/hr	
Particulate Matter (PM2.5)	0.40 lb/hr	
Carbon Monoxide (CO)	3.10 lb/hr	
Volatile Organic Compounds (VOC)	0.49 lb/hr	

Compliance with these pollutant limits shall be based on the proper operation and maintenance of the diesel engines and pollution control devices, or by testing, if required.

7. On October 25, 2025, based on the notification and follow-up information, the Department issued Notice of Violation No. (NOV) ANRO003354 to the ADS for the violations described above.
8. On November 6, 2025, Department staff met with representatives of ADS to discuss the violations. On November 26, 2025, ADS submitted a written response to the NOV.
9. On December 2, 2025, DEQ received a copy of the stack test results for stack emissions testing completed at the Facility on engines EG-01 through EG-06, during the time period of October 1, 2025, through October 10, 2025. The report indicated the following 6-minute average opacities during the Visual Emission Evaluations (VEEs) conducted concurrent with the stack test:

Unit/Run	EG-05 Run 1	EG-06 Run 1	EG-06 Run 2	EG-06 Run 3
Reported Opacity	5.6%	6.25%	6.25%	6.25%

10. Permit condition 17 requires that (a) visible emissions from each non-emergency engine gen-set (Ref. Nos. EG-01 through EG-186) shall not exceed 5% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This requirement applies at all times except during startup, shutdown and malfunction. (b) visible emissions from each emergency engine gen-set (Ref Nos. ADM-01, HS-01 through HS-07, IWB-01, LOG-01, PMP-01, PMP-02, SEC-01, SKI-01, and SKI-02) shall not exceed 5% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 10% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This requirement applies at all times except during startup, shutdown and malfunction.

During startup and shutdown, visible emissions from each engine gen-set shall not exceed 10% opacity except during one (1) six-minute period in any one-hour in which visible emissions shall not exceed 20% opacity as determined by EPA Method 9 (reference 40 DFR 60, Appendix A).

11. Based on the results of the August 21, 2025, notification, September 2, 2025, submission, the November 6, 2025, meeting, and the November 26, 2025, submission, the Department concludes that ADS has violated Permit conditions 2, 14, and 17, as described in paragraphs C(3) through C(6) and C(9) through C(10), above.
12. On February 16 and 17, 2026, ADS conducted Visible Emissions Evaluations (retesting) of engine gen-sets EG-05 and EG-06. The Stack Test Report was received by DEQ on April 15, 2026, and found to be in compliance in an inspection report issued May 11, 2026.
13. ADS has submitted documentation that verifies that the violations described in paragraphs C(3) through C(6) and C(9) through C(10), above, have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Department orders ADS, and ADS agrees to:

1. Pay a civil charge of \$72,067.80 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by credit card, check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

ADS shall include its Federal Employer Identification Number (FEIN) and Taxpayer Identification Number (TIN), if different, with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Emergency Response Fund (VEERF). The TIN is required under Federal law (26 USC § 6723) and this consent order cannot be terminated until the TIN is provided. In accordance with United States Code (26 USC § 1.6050X) and the Code of Federal Regulations (26 CFR § 1.6050X-1) this information will be provided by DEQ to the Internal Revenue Service. To provide DEQ with your TIN please mail the attached Virginia Form W-9 with your payment. If the Department must refer collection of the civil charge due under this Order to the Department of Law, ADS shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Order with the consent of ADS for good cause shown by ADS, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. ANRO003354 dated October 24, 2025. This Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, ADS admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.

4. ADS consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. ADS declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Order.
6. Failure by ADS to comply with any of the terms of this Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. ADS shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. ADS shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. ADS shall notify the DEQ Enforcement Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Enforcement Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and ADS. Nevertheless, ADS agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

- a. The Director or his designee terminates the Order after ADS has completed all of the requirements of the Order;
- b. ADS petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- c. The Director or the Department terminates the Order in his or its sole discretion upon 30 days' written notice to ADS.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve ADS from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by ADS and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of ADS certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind ADS to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of ADS.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

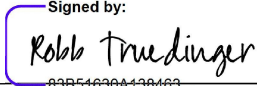
15. By its signature below, ADS voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2026.

Department of Environmental Quality

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Amazon Data Services, Inc. voluntarily agrees to the issuance of this Order.

Date: May 20, 2026 By:  Robb Truedinger, Director,
AWS Environmental
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(Person) (Title)
Amazon Data Services, Inc.