

HB 2239 -- AI DATA CENTER ENVIRONMENTAL ACCOUNTABILITY ACT

SPONSOR: Murray

This bill establishes the "Artificial Intelligence Data Center Environmental Accountability Act", which would apply to all artificial intelligence (AI) optimized data centers constructed, expanded, or permitted on or after August 28, 2027, with a capacity of 100 megawatts or more and any existing data center undergoing a capacity increase of 25% or more after August 28, 2027, that brings the total capacity to 100 megawatts or more.

Every AI-optimized data center must implement a closed-loop water cooling system or an alternative system to achieve equal or lower water withdrawal and discharge intensity per megawatt-hour of compute load; incorporate continuous monitoring of make-up water volume, discharge temperature, and chemical concentrations; and maintain emergency and redundancy protocols to prevent thermal pollution or water contamination in the event of system failure.

Before April 1st of each year, an operator must submit to the Department of Natural Resources an environmental and health report for the preceding calendar year. The report must contain certain information as specified in the bill.

The Department must make all reports available to the public on its website by no later than 60-days after receipt of the reports. The Department must also create a statewide annual summary of cumulative impacts from AI-optimized data centers and schedule a hearing or provide opportunities for public comment where significant environmental or health risks are identified.

Failure to install a closed-loop system or to submit an annual report as required by the bill will result in the imposition of a civil penalty up \$50,000 per day. The Department may suspend or revoke operational permits for noncompliance after a hearing conducted by the Administrative Hearing Commission.