

June 25, 2026

VIA ELECTRONIC MAIL: *james.boylan@dnr.ga.gov*

Mr. James Boylan
Branch Chief
Air Protection Branch
Environmental Protection Division
4244 International Parkway, Suite 120
Atlanta, GA 30354

**RE: Request for Enforcement Action: VoltaGrid's and Serverfarm's Construction
Without a Permit**

Dear Chief Boylan:

On behalf of itself, Sustainable Newton and the Altamaha Riverkeeper, the Southern Environmental Law Center respectfully requests that the Georgia Environmental Protection Division ("EPD") investigate and commence an enforcement action against VoltaGrid¹ for commencing construction of its 90 MW power plant in Covington, Georgia without obtaining the necessary preconstruction air permits. Likewise, it appears that the adjacent datacenter Serverfarm² has also installed 36 diesel engines without a permit. Accordingly, we ask that EPD promptly order VoltaGrid and Serverfarm to cease all prohibited construction activities immediately and assess an appropriate penalty for past and ongoing violations of Georgia law and the Clean Air Act.

As shown below, aerial images reveal VoltaGrid has constructed at least eight 3.3 MW methane gas-fired engines at its Covington facility, with more under construction at the moment. And these images make clear that VoltaGrid is undertaking ongoing construction of all 33 engines, as proposed in its air permit application.³ These aerial images also reveal that Serverfarm has constructed at least 36 of the 37 diesel-fired emergency generators proposed in its application.⁴ Under Georgia law and the Clean Air Act more broadly, sources must obtain a preconstruction

¹ We believe the corporate entity is VoltaGrid LLC, which was registered with Secretary of State's office on March 16th, 2026 (three days after public comments pointed out that the company was not registered to do business in Georgia).

² VoltaGrid is proposing to sell its energy to Serverfarm, located next to VoltaGrid. *See* SIP Permit Application for a 90 MW Power Plant in Covington, Ga, VoltaGrid LLC (Nov. 14, 2025) ("The Facility is proposed to provide prime power to itself and to a nearby facility owned and operated by an external third party (Serverfarm facility)."); *see also* Synthetic Minor Source State Implementation Plan Application Serverfarm ATL2 Data Center (Sept. 26, 2025).

³ *See* VoltaGrid Application *supra* note 2 at 1.

⁴ *See* Serverfarm Application *supra* note 2 at 2 ("[T]he equipment of interest includes 36 3.3 megawatt (MW) diesel-powered emergency generators and one 2.5 MC diesel-powered emergency generator.").

permit “*prior* to beginning the construction or modification of any facility which may result in air pollution.”⁵

The construction activities at VoltaGrid in particular are troubling. Although VoltaGrid has applied for an air permit, to date EPD has not issued one. Instead, as required under law, EPD released a *draft* permit for public input, and public comments from community members and local groups on the draft permit raised serious concerns about whether the power plant would comply with EPD’s air regulations as well as Georgia’s laws governing sale of electricity to independent entities. As such, there is no guarantee that EPD will issue *any* air permit to VoltaGrid or, at minimum, that the permit will not require additional safeguards made more difficult to implement given company’s unpermitted construction. For instance, EPD may limit the number or location of engines to reduce risks to the community from ambient levels of toxic and carcinogenic formaldehyde, an issue raised in the public comments.

In short, by jumping the gun, VoltaGrid and Serverfarm are ignoring not only EPD’s legal requirements, but are wholly disregarding the public participation process and the concerns of those living downwind of the facility.

I. VoltaGrid and Serverfarm’s Unpermitted Construction

Images taken on June 19th by a neighbor show that VoltaGrid had constructed seven of the 33 Jenbacher J620 natural gas-fired engines by that date:

⁵ GA. COMP. R. & REGS. 391-3-1-.03(1); 40 C.F.R. § 52.570 (c) (listing GA. COMP. R. & REGS. 391-3-1-.03(1) as being incorporated into Georgia’s federally enforceable State Implementation Plan through 60 Fed. Reg. 45,048 on August 17, 1994), available at: <https://perma.cc/G7DB-DDG3>.



Figure 1: June 19th image showing seven engines

Additional images obtained on June 25th, meanwhile, show the full extent of the construction and reveal a total of eight engines that appear fully-built and three more undergoing construction, amongst vast amounts of additional work:



Figures 2 & 3: June 25 images showing eight engines completed and three under construction. Images © Michael A. Schwarz

For comparison, below is a still image from a VoltaGrid promotional video,⁶ showing identical engines at one of the company's Texas facilities:



Figure 4: Still Image from VoltaGrid Promotional Video

Finally, as to the Serverfarm datacenter, images show what appear to be 36 diesel engines already installed (the white units flanking either side of the building):

⁶ VoltaGrid, *San Antonio Microgrid: Built with the Community in Mind* (Nov. 20, 2025), <https://youtu.be/vCUzXnQkmPI?si=hs8AL34Bt8tIrttt>.



Figure 5: Serverfarm datacenter adjacent to VoltaGrid with 36 diesel engines (white units flanking either side of the building). Images © Michael A. Schwarz.

II. VoltaGrid and Serverfarm’s Construction Without a Permit is a Violation of Georgia’s Rules.

Under Georgia’s federally-approved State Implementation Plan (“SIP”), new sources of air pollution must obtain a preconstruction permit prior to construction:

Any person **prior to beginning the construction** or modification of any facility which may result in air pollution shall obtain a permit for the construction or modification of such facility from the Director.⁷

Likewise, a separate provision of the SIP requires that “[n]o person shall construct or operate any facility from which air contaminants are or may be emitted in such a manner as to fail to comply with . . . any . . . precondition for a permit.”⁸ Finally, we note that EPD’s guidance material also states that “[a]ll permits must be obtained before construction or modifications can begin.”⁹

We recognize, however, that some states allow some degree of construction to occur prior to issuance of a construction permit. For instance, South Carolina allows true minor sources to conduct grading and pour concrete foundations, amongst other preliminary work,¹⁰ but even these states do not allow construction on emission units like VoltaGrid and Serverfarm’s engines.

⁷ GA. COMP. R. & REGS. 391-3-1-.03(1)(a).

⁸ GA. COMP. R. & REGS. 391-3-1-.02(1).

⁹ Ga. EPD, *Air Operating Permits*, available at: <https://perma.cc/6YUB-LYYM>.

¹⁰ S.C. Regs. 61-62.1 (2025), available at: <https://perma.cc/E7FL-XM2P>.

And we further note that many states prohibit any construction activities whatsoever for *synthetic* minor sources (like VoltaGrid and Serverfarm) and major sources.¹¹

Moreover, we are also aware of EPA's latest proposed rulemaking on allowable pre-permit construction activities, which is partially intended to ease the permitting burden on data centers. Even under this proposed rule, however, sources may not construct "emission units," which would plainly encompass VoltaGrid and Serverfarm's engines.¹²

In sum, no provision of Georgia's SIP or other rules allow VoltaGrid and Serverfarm to construct these engines before it has a permit, and even states that allow some degree of construction would not allow these engines to be built without a permit.

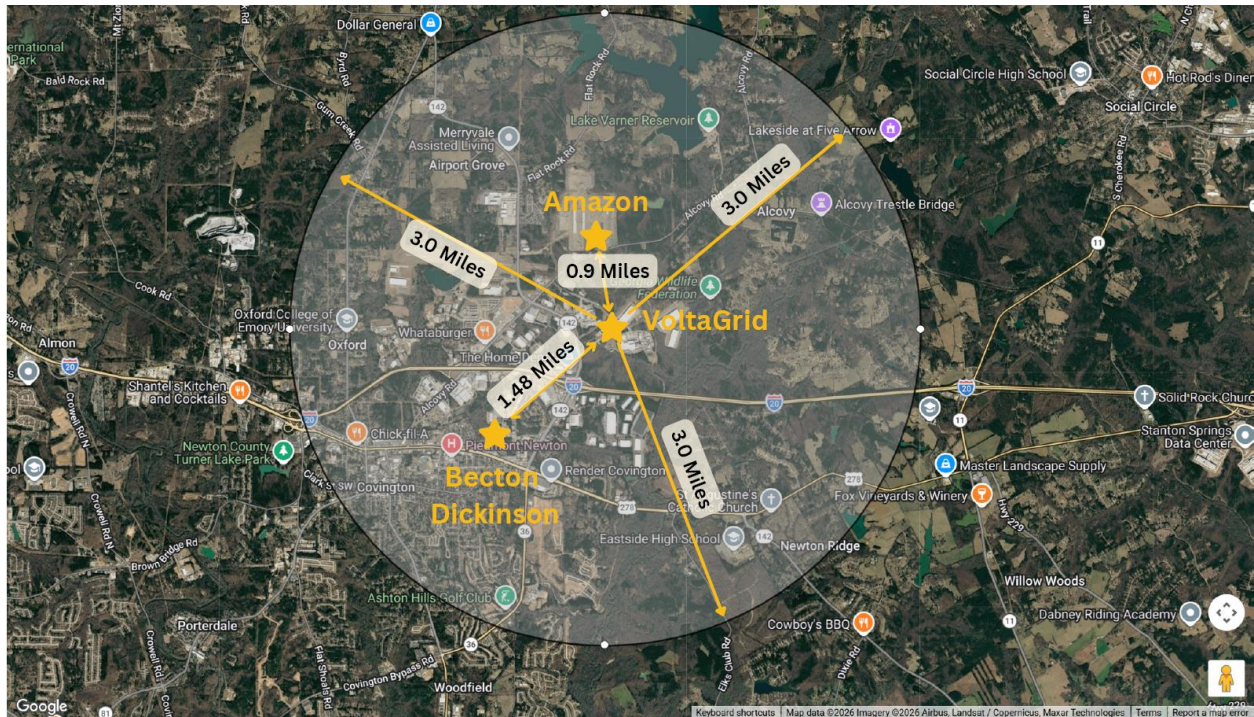
III. VoltaGrid's Proximity to Other Polluters and Sensitive Areas Makes Addressing Its Violation More Urgent.

Finally, we highlight the need to for EPD to fully enforce its rules and the Clean Air Act given the location of these facilities. In a small radius from the VoltaGrid and Serverfarm site, there are already multiple industrial facilities emitting pollution into the local air: Amazon is currently building a data center less than a mile away, while the two largest emitters in the county (General Mills and Pactiv Corp) are within two miles;¹³ finally, EPA has previously warned about elevated cancer risks from the BD Covington sterilization facility, also located less than two miles away.

¹¹ S.C. Dept. of Health & Env't Control, Bureau of Air Quality, *Simplifying the Air Permitting Process: Construction Permitting* (Oct. 2025), available at: <https://perma.cc/YS8E-H9AH>.

¹² Begin Actual Construction in the New Source Review (NSR) Preconstruction Permitting Program. 91 Fed. Reg. 26,958, 26,969 (Proposed May 13, 2026), available at: <https://perma.cc/D78L-T6TH>.

¹³ Per the most recent EPA National Emissions Inventory.



The cumulative impacts of these polluters are unstudied, and yet, they all sit within miles of sensitive sites: the Merryvale Assisted Living Facility, the Covington Housing Authority, several large residential developments including River Cove, multiple schools including Flint Hill Elementary and Eastside High, and the Lake Varner Reservoir. VoltaGrid's illegal construction, which would put it one flip of a switch away from running 33 formaldehyde- and other pollutant-emitting engines around the clock, therefore puts in harm's way the young, the elderly, and everyone in between.

The people of Covington are already overburdened by environmental harms. By stepping in to hold VoltaGrid and Serverfarm accountable, EPD can offer them a reprieve from this unlawful behavior.

Respectfully submitted,

/s/ Patrick Anderson

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