

PROPOSED ORDINANCE CONCERNS

- 1 No definition of Artificial Intelligence.**
Request: Add definition of Artificial Intelligence.
- 2 Data Center definition is too limited.**
Request: Include natural gas, nuclear, and diesel under energy generation.
- 3 The ordinance does not provide a clear mechanism for reviewing or approving future expansion of approved projects.**
Request: Expansion of projects should require an additional application, and limits should be set on how much a project can be expanded.
- 4 The ordinance lacks clear requirements for timely public access to project materials.**
Request: All site plans, studies, and application material should be made public before the project starts.
- 5 Non-disclosure agreements limit transparency and public awareness.**
Request: Prohibit the use of NDAs in the project process.
- 6 The current 1/2 mile standard (throughout the document) may not adequately mitigate project impacts.**
Request: Replace all 1/2 mile requirements with 1 mile throughout the ordinance.
- 7 The application part of the ordinance does not address potential impacts on electrical rates or costs.**
Request: Any application should include documentation from the electrical service provider that the site will not increase electrical rates or costs.
- 8 The ordinance allows applicants to commission their own studies and testing, which may create potential conflicts of interest and reduce confidence in the objectivity and reliability of the findings.**
Request: Require that all studies and testing be performed by independent third parties chosen or designated by the Township, and incorporate this requirement into every section of the ordinance where studies are referenced.
- 9 Large-scale water demand may impact public water supply, wastewater, and stormwater systems, and the ordinance does not currently require a fully independent, comprehensive analysis of these impacts.**
Request: The applicant must fund a third-party water feasibility study evaluating public water use (no private wells for cooling), including detailed analysis of sources, capacity, environmental impacts, wastewater, and stormwater systems.
- 10 Additional concerns about the lack of water study verbiage in the ordinance.**
Request: The water study must document methods, data (including nearby water features and wells), and assess effects on local water quality and supply. Site dewatering and drainage must also be assessed.
- 11 The ordinance does not address the handling and disposal of electronic waste, creating uncertainty about how potentially hazardous materials will be managed and whether proper safeguards are in place.**
Request: Require applicants to submit a comprehensive waste management plan addressing the handling, storage, recycling, and disposal of electronic waste in compliance with applicable regulations.
- 12 The ordinance requires disclosure of water use but does not establish any enforceable limits, leaving no clear standard for what constitutes excessive use or how impacts to water resources will be controlled.**
Request: Set clear limits on gallons per day and groundwater withdrawal.
- 13 Decommissioning requirements lack financial guarantees.**
Request: Require financial assurances, such as a bond or escrow, to be included in the decommissioning plan to ensure all removal, disposal, and site restoration costs are covered by the applicant.
- 14 Without a required emergency safety plan, there is a lack of clarity around preparedness and response for potential incidents, which could impact public safety and strain local emergency services.**
Request: Require a detailed emergency safety plan, including fire suppression systems, hazardous material handling, emergency response protocols, and coordination with local fire and emergency services.
- 15 The ordinance lacks conflict of interest disclosure requirements.**
Request: Require disclosures for officials, employees, immediate family, and involved organizations.
- 16 The existing environmental assessment requirement lacks a defined process, independent oversight, and sufficient public engagement, limiting transparency and the community's ability to meaningfully participate as impacts are evaluated.**
Request: Require a Township-led, applicant-funded CEIA process with public comment, at least 3 public hearings, and community outreach.
- 17 The ordinance lacks baseline water quality testing requirements.**
Request: Require comprehensive baseline testing of all wells and waterways within a 1-mile radius for PFAS and other toxic substances as part of the environmental impact assessment.
- 18 The ordinance does not address economic impacts on nearby residents.**
Request: Require a comprehensive assessment of economic impacts on residents within a 1-mile radius, including property values, utility costs, and other potential financial burdens.
- 19 The ordinance does not address low-frequency noise or infrasound.**
Request: Update all noise-related sections to include specific consideration, measurement, and regulation of low-frequency noise and infrasound.
- 20 The ordinance lacks a comprehensive community impact analysis.**
Request: Require a comprehensive community impact analysis addressing human health, healthcare costs, local and state tax revenue, and other relevant impacts.
- 21 The ordinance does not address impacts on wildlife or insects.**
Request: Require a comprehensive assessment of impacts on wildlife and insect populations within a 1-mile radius as part of the environmental review process.
- 22 The ordinance lacks clear approval or denial criteria tied to public input and risk.**
Request: Projects must be rejected if 20% or more of comments oppose them or if they pose significant risks; otherwise, they may proceed to a final approval vote by the Township Board.
- 23 The ordinance measures noise at the property line rather than at the nearest residence, which may not accurately reflect the actual impact on occupants of nearby homes.**
Request: Revise the ordinance to require noise measurements at the nearest residence to better reflect actual impacts.

- 24 The ordinance does not clearly regulate construction noise.**
Request: Extend noise regulations to cover construction activities, including defined hours, noise limits, and enforcement measures.
- 25 The ordinance lacks limits on construction hours.**
Request: No construction before 7am or after 6pm, or on Sundays.
- 26 The current 500-foot setback for residential properties is insufficient.**
Request: Increase setbacks to at least 1,000 feet for residential properties.
- 27 The current 250-foot setback for non-residential properties is insufficient.**
Request: Increase setbacks to at least 500 feet for non-residential properties.
- 28 The current 500-foot setback for hazardous materials is insufficient.**
Request: Increase setbacks to at least 1,000 feet for hazardous materials.
- 29 The ordinance lacks ongoing public reporting of emissions.**
Request: Require a publicly accessible website with monthly reporting on air emissions, water discharges, and other relevant environmental metrics.
- 30 The ordinance does not restrict the use of open, evaporative cooling systems, which can result in significant water consumption and potential impacts related to drift, emissions, and water loss.**
Request: Prohibit the use of open, evaporative cooling towers.
- 31 Cooling methods section is not robust enough.**
Request: All cooling system construction, operation, and maintenance shall be done in such a manner as to not negatively impact the project site, or adjacent or nearby lands or water within one (1) mile of the boundaries for the property site.
- 32 The ordinance does not limit on-site power generation sources.**
Request: Prohibit on-site power generation from diesel, natural gas, nuclear, or small modular reactor sources for all data center facilities within the Township.
- 33 The ordinance does not address increased electricity costs to the public.**
Request: Establish a substantial, recurring financial penalty or mitigation requirement if the project results in increased electricity costs for the public.
- 34 The ordinance lacks ongoing emergency response planning requirements.**
Request: Require the company to develop, maintain, and annually update and submit to the Township detailed emergency response plans addressing natural disasters, security threats, and other relevant risks.
- 35 The ordinance lacks ongoing compliance monitoring and transparency.**
Request: Require the Township to conduct quarterly inspections to ensure compliance with all applicable laws, with results made publicly available online within seven (7) days.
- 36 The ordinance lacks clear abandonment standards.**
Request: Establish clear abandonment criteria, including thresholds for operational capacity and inactivity, requiring decommissioning if a facility is not at least 50% operational for a continuous period or if substantial project activity is discontinued for a defined timeframe.
- 37 The ordinance does not address colocation data centers, which may allow operators to obscure the identity of tenants and limit accountability by structuring operations through subsidiaries or third parties.**
Request: Prohibit colocation data centers.
- 38 The digital mining section is too limited and relies on discretionary standards.**
Request: Revise the digital mining provisions to include specific, enforceable standards for energy use, noise, environmental impacts, and operational limits, and restrict the ability to expand hours or intensity without additional review.
- 39 The ordinance does not distinguish between standard data centers and hyperscale or AI-focused facilities, which may have significantly greater energy demands, infrastructure needs, and operational impacts, and therefore may not be adequately regulated under the same standards.**
Request: Create a distinct category or apply stricter standards for hyperscale and AI data centers, incorporating applicable requirements from the digital mining section.
- 40 The ordinance requires environmental and water studies but does not establish clear impact thresholds or criteria for denial, creating uncertainty about how identified risks will influence approval decisions.**
Request: Establish defined impact thresholds and objective criteria for denial based on findings from environmental and water studies.
- 41 Without clear limits on water sourcing, projects may draw from private wells or other sources that could affect groundwater levels and nearby water users.**
Request: Require that all data center water usage be supplied solely through existing public utilities, prohibiting the use of private wells.
- 42 The water feasibility study is lacking transparency on methods, qualifications, and costs.**
Request: Require comprehensive documentation in all water feasibility studies, including methods used, preparer qualifications and signatures, and full cost disclosure.
- 43 The ordinance does not address thermal impacts from wastewater.**
Request: Require an independent, Township-selected, applicant-funded thermal impact assessment to evaluate potential impacts of heated wastewater on nearby communities and ecological systems.
- 44 The ordinance lacks a maximum lot size.**
Request: Limit the maximum lot area for data center projects to 200 acres.
- 45 Berm height requirements may be insufficient.**
Request: Establish a minimum berm height of 10 feet to improve screening and impact mitigation.
- 46 The ordinance lacks generator noise limits.**
Request: Establish a maximum noise limit of 45 decibels for all generator operations.
- 47 The ordinance does not specifically restrict generator testing hours.**
Request: Limit generator testing to normal business hours to minimize disruption.
- 48 Liability insurance limits may be insufficient.**
Request: Require minimum liability insurance coverage of \$50 million per occurrence and \$500 million in the aggregate.