

Franklin County Data Center Moratorium Workgroup Minutes February 2nd, 2026

Attendance: Tracy Brumfiel, Brian Moning, Todd Raible, David Mannix, Kaitlin Sterwerf-Banks

Water

David Mannix explained that the group would be reviewing water, noise, and setbacks if time permits. Mannix read the following sections of the draft:

D) Water Resource Protection

- a. Cooling Technology: All new Data Centers shall utilize Closed-Loop Cooling Systems or Air-Cooled Systems.
- b. Prohibited Technology: The use of "once-through" or open-evaporative cooling towers—which result in significant water loss through evaporation—is prohibited as a primary cooling method.

2. Groundwater Monitoring and Compliance

- a. Monitoring Wells: The County may require the installation of on-site monitoring wells at the developer's expense to track real-time aquifer levels.
- b. Critical Threshold: If groundwater levels drop below a "Critical Threshold" as defined by the Indiana DNR or the County Engineer, the facility must immediately cease on-site pumping and transition to its identified secondary water source until levels recover.

3. Wastewater and Discharge Management

- a. Real-Time Monitoring: The facility must implement real-time monitoring of discharge water for conductivity, pH, and temperature.

- b. Automatic Shut-Off: The discharge system must include an automatic fail-safe shut-off that halts all output if water quality metrics fall outside the specifications set by the utility or IDEM.
- c. Reporting: The Operator shall provide quarterly water quality and volume reports to the County and the applicable utility provider, including flow-meting data to ensure load balancing.

David Mannix reviewed the following draft proposal section which were added after consulting with local water officials:

f. Water and Utility Protections

- i. Letter of Availability (LOA): Prior to site plan approval, the applicant must provide a Letter of Availability from the applicable water and electric utility providers.

David Mannix requested legal review from the APC attorney for the water portions of the proposed code. Kaitlin Sterwerf-Banks agreed to try to schedule that for the following Tuesday.

Noise

David Mannix reviewed the draft language for noise explaining that 'nighttime' was defined from 7:00pm to 7:00am. Mannix reviewed proposed values and other proposed changes. Brian Moning said that there are non-audible vibrations that may inhibit sleep and cause stress/anxiety. Moning said that through his research these sounds are not easily inhibited by berms or even concrete. Mannix said that section e. in the preliminary plan attempts to address this already through vibration mitigation regulations and through a requirement of annual sound studies. Moning said that it would not be covered because it lies below the threshold of the values determined in the chart. Mannix asked how this is mitigated if it lies below those frequencies. Moning explained that this is regulated by wave-dampening devices and was mitigated through the use of windows with 3 levels of thickness that prevented the vibrations from penetrating. Moning presented the following proposed text to address the issue: 'Any noise to include inaudible frequencies.' Mannix requested that Moning work on a standard, definition and mitigation for next week.

David Mannix then reviewed proposed changes with regard to height as it related to noise. Mannix then reviewed code pertaining to industry standard protective software that addressed the standards for sound traveling and dropping to other adjacent properties to address a concern brought up last week.

Setbacks

David Mannix explained that in order to develop the draft for setbacks being presented today, 6 other codes were referenced. Mannix reviewed proposed values for setbacks which for now were placeholders but the values reflected numbers that were presented in most of the codes that were referenced. Brian Moning stated that the parking lots needed for the data centers would provide large setbacks even without the requirements.

The following are the tentative values presented:

C) Site Development Standards

1. Primary Structure Setbacks:
 - a. Front Yard: Minimum of **100** feet from the right-of-way.
 - b. Side/Rear Yards: Minimum of **50** feet from the property line.
 - c. Where a property line abuts a Residential District or an existing dwelling, the minimum setback for the Primary Structure shall be increased to **200** feet.
2. Noise Generating Equipment (NGE) Setbacks:
 - a. All NGE must be located a minimum of **300** feet from any property line.
 - b. Where a property line abuts a Residential District or an existing dwelling, all NGE must be located a minimum of **500** feet from the property line.
 - c. Exemption: NGE setbacks may be reduced by 30% if the Acoustic Study demonstrates that the specific equipment, combined with proposed sound walls, will meet the decibel limitations at the property line.

David Mannix reviewed the proposed code for berms, geometric standards, and planting:

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- b. Acoustic & Visual Berms
 - i. Mandatory Requirement: An earthen berm is required along all property lines abutting a Residential District or public right-of-way.
- c. Geometric Standards
 - i. Height: Minimum of 6 feet (measured from the adjacent grade).
 - ii. Slope: Maximum slope of 3:1 (3 feet horizontal for every 1 foot vertical) to ensure stability and maintenance safety.
 - iii. Crown: The berm must have a flat top (crown) of at least 3 feet in width to support healthy tree growth.
 - iv. Undulation: The berm shall effectively undulate in height and width to provide a natural appearance, avoiding a strict linear "levee" look.
- d. Planting
 - i. The berm must be planted with a staggered double row of evergreens and deciduous trees to achieve 80% opacity within 3 years of planting.

5. Sound Walls:

- a. Where an earthen berm is insufficient to meet the Noise Ordinance standards, a sound wall may be installed on top of or in lieu of the berm.
- b. Sound walls must be constructed of absorptive composite materials, precast concrete, or masonry (minimum STC rating of 30). Wooden fences are strictly prohibited for use as sound walls.

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Brian Moning brought up concerns about the sound walls aesthetically negatively affecting the neighboring properties. David Mannix explained that the walls would be located in an industrial zone, not in residential areas. Mannix asked the group if they would like the section taken out. Tracy Brumfiel and Todd Raible suggested keeping it in.

Tracy Brumfiel suggested eliminated the term 'primary structure' and replacing it with 'structure' in all sections of the proposed code. Kaitlin Sterwerf-Banks read the following definition for primary structure: *Primary Structure: For each property, the structure that one (1) or more persons occupy the majority of the time on that property for either business or personal reasons. Primary Structure includes, but is not limited to, structures such as residences, commercial buildings, hospitals, day care facilities, hunting sheds, storage sheds, pool houses, unattached garages and barns.* Mannix determined that the term 'primary structure' should remain in all of the proposed code because the existing code has an adequate definition.

David Mannix reviewed the following proposed code:

E) Design and Installation Standards

- 1. Electricity and Utility Capacity-Data Center approval is contingent on documentation from the utility provider certifying that:
 - a. Adequate capacity exists in current supply lines/substations consistent with normal load growth.
 - b. Utility infrastructure is sufficiently sized to safely accommodate the Data Center.
 - c. The project will not cause electrical interference or fluctuations in line voltage.

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David Mannix explained that there was a legal reference for this section that includes technical definitions for electric and utility infrastructure which includes agreed upon standards in the industry. Mannix then reviewed the utility agreements and permits as part of the checklist for the area plan director but not as permits and agreements to be issued by the director.

David Mannix ran through the entirety of the proposed code with the group. Mannix presented the notion of a 'host community agreement,' which a new concept to the Franklin County Zoning Code. Mannix explained that this agreement could include assurances such as fire department training, or anything that the applicant and the county would deem appropriate. Tracy Brumfiel asked for further clarification on the decommissioning plan. Mannix explained that the decommissioning plan reviews removal of hazardous waste and computer equipment but the actual structure shell would remain. Mannix noted that this section is definitely something to be discussed further.

David Mannix then reviewed proposed code for fees. Mannix asked the group what the application fees should be and how size should be taken into account. Brian Moning suggested 0.2% of the entire project cost, stating that in any of the data projects that he has been involved in, the permit fee was a percentage based on the estimate, reconciled upon closure on the audit. Moning noted that the application fee typically involved multiple permits, not just one. Tracy Brumfiel stated that these projects are completed in phases and future developments should be reviewed at the time of the proposed construction with added application fees. Mannix said that future construction was already a part of the proposed drafted code and full campus layouts are already required. Moning requested that the multiple fees per phase be added to the draft code. Moning suggested \$1,500 per square foot. Mannix requested drafted code from Moning on the proposed fee structure.

David Mannix reviewed the proposed code for the preliminary and final plan application processes, violations, checklists, and definitions.

The group agreed to meet again on Thursday, February 5th, 2026 at 10:00am to review unanswered questions about the proposed code.

Gene Meyer, Franklin County resident, asked about the inspections for the project. David Mannix responded that it is covered in the code to have a technical expert to be provided, hired by the county but paid for by the applicant.

Mark Stenger asked about the environmental impact on the agriculture communities in the area and asked who would be responsible if the local farmers were unable to complete their farming due to road traffic. David Mannix explained that this is addressed in the road use agreement section of the proposed code, which is a requirement of the applicant.

Shirley May commented that 50 DBA is recommended through her research. David Mannix responded that this value is not the standard measurement that they are proposing to use. May asked questions about measuring the community and environmental impact of the data centers. Mannix explained that these items are covered as part of the requirements for the application. May asked about the amount of control the zoning code would be able to have on utility costs. Mannix explained that this is something that is regulated elsewhere, not something that the Area Plan Commission can add further stipulations on in a direct way.

Kaitlin Sterwerf Banks read the following question/comment from Victoria Martz on zoom:

What would the acceptable secondary source be?

My thinking: If the point of the shut off mandate is to curb overuse of local resources, then I believe we need to be specific about what the secondary source can be so they don't just exhaust another local water source — i.e. go from draining one neighbors water well level to draining another neighboring community's water well levels.

David Mannix stated that it is a requirement for the applicant to identify the secondary source – though he would like to research further to ensure that is legally enforceable.

Kaitlin Sterwerf Banks read the following question/comment from Victoria Martz on zoom:

Question: What is the monetary punishment if they do over use the water amount they say they will, or violate any terms of these ordinances specific to their buildings?

My thinking: For a company that is planning to spend almost two billion in constructing such a massive project, there needs to be a high, painful to a wealthy individual cost associated with breaking the rules to truly discourage breaking the rules — Like \$1 million+ per proven violation of the ordinances in direct relation to them. It might sound excessive, but it needs to be painful to truly discourage abuse of our local water sources.

David Mannix stated that the APC cannot put a penalty on regulating the use of water.

Kaitlin Sterwerf Banks read the following question/comment from Victoria Martz on zoom:

I think the term "pressure wave" needs to be included.

David Mannix agreed.

Kaitlin Sterwerf Banks read the following question/comment from Sara Duffy on zoom:

What is the proposed setback from an occupied home in A-2 zone?

David Mannix said that it is 200' from a protected use, not taking the zone into account. Residences are considered protected uses.

Kaitlin Sterwerf Banks read the following question/comment from Victoria Martz on zoom:

I think allowing for a wall instead of a berm would not support the local ecosystem that's being changed from a natural environment to an industrial environment. Would have the less negative impact on wildlife, and existing ecosystems.

Kaitlin Sterwerf-Banks read the following question/comment from Sara Duffy on zoom:

Besides a consulting engineer, maybe the county needs to hire another person in the Planning Office too. That data center checklist is extensive.

Data Center Moratorium Work Group Minutes January 30th, 2026

Attendance: Steve Romer (Franklin County Water Association), Andy Sauerland (Brookville Lake Regional Waste District), Tim Ripperger (Brookville Wastewater Utilities), Dwight Flaspohler (Brookville Wastewater Utilities), Brian Moning, Todd Raible, Tracy Brumfiel, David Mannix, and Kaitlin Sterwerf-Banks

Water

David Mannix explained that the group is focusing on water as the first element of this project. Mannix showed the group the draft standards that are relevant to water. Mannix read the following draft to the group:

7. Water Resource Protection

The purpose of this section is to ensure that large-scale industrial data processing does not jeopardize the sustainability of the local aquifer, interfere with residential drinking water wells, or place undue stress on municipal water infrastructure.

- a. Water Cooling Technology Standards
 - i. Closed-Loop Requirement: All new Data Centers are required to utilize Closed-Loop Cooling Systems or Air-Cooled Systems.
 - ii. Prohibition of Evaporative Cooling: The use of "once-through" or open-evaporative cooling towers that result in significant water loss to the atmosphere is prohibited as a primary cooling method.
- b. Hydrological Impact Assessment (HIA) Before approval of a conditional use final development plan, the applicant must provide a certified Hydrological Impact Assessment. This study must:
 - i. Demonstrate that any proposed on-site water withdrawal will not lower the static water level of any residential or agricultural well within a two-mile radius.
 - ii. Identify an alternative water source (such as municipal water, stormwater or treated greywater) should the on-site withdrawal exceed 100,000 gallons per day.
 - iii. Include a Water Conservation Plan detailing how the facility will recycle at least 90% of its cooling water.
- c. Monitoring and Emergency Shut-Off: The County reserves the right to require the installation of monitoring wells at the developer's expense. In the event that local groundwater levels drop below a "Critical Threshold" (as defined by the DNR or County Engineer), the facility must cease on-site pumping and switch to its secondary water source.
- d. A wastewater discharge plan shall be approved and operationally coordinated with the applicable Franklin County Sewage Board with focus on flow metering to ensure load balancing and continuous monitoring of conductivity, pH and temperature in real time including automatic shutdown of discharge if water is out of mitigation specifications.]

Tim Ripperger asked for clarification of waste management in terms of water contaminated by glycol. David Mannix explained that water with glycol waste is treated as hazardous waste and hauled off to a secondary location. Andy Sauerland explained that the control of the waste is determined by regulations at the state level and eventually more stringent regulations at the local level. Sauerland explained that a Letter of Availability should be required prior to the issuance of an Improvement Location Permit. Kaitlin Sterwerf-Banks said that the Letter of Availability should be part of the development plan process. Mannix added this to the draft

language. Mannix modified the draft language to fit in with terms used by the multiple waste boards present at the meeting.

Steve Romer explained that every 6 months their associates conduct a test for the wells. Romer explained that the static level of the wells on 52 is 21.5' and 25.5' in Cedar Grove. David Mannix asked if there was an application in an industrial district that lacked a monitoring well if the water board would be able to monitor it. Romer explained that no, they would only monitor the wells that they oversee, which is not a requirement, just a practice that they participate in. Mannix concluded that if there were a well outside of the current range of the water board then it would be the applicant's responsibility to monitor it under the direction of DNR. Todd Raible suggested getting the monitoring information from the application in the form of a 3-month report. Romer said the title of their report is a 'static level test.' Andy Sauerland suggested that the monitoring be done electronically utilizing a testing regimen with set standards. The group agreed to add this to the proposed zoning amendment, regulating conductivity, pH, and temperature. Mannix asked Romer if he thought that if there was no well available if a customer with high water needs would be able to access municipal water. Romer explained that he would need that customer to come to their board with a detailed plan in order to determine if it would be possible. Romer stated that there are state standards in place as far as water regulation in terms of well-drilling when the group was asking about state and federal regulations on water usage. Tracy Brumfiel asked if customers would be affected by a customer consuming a large amount of the water resources in certain established districts. Romer explained that would be to be thoroughly looked into prior to the issuance of a permit for data centers. Mannix reminded the group that these campuses are developed in phases, not in one action, so the water usage becomes more stretched out and not all of the resources are pulled at one time. Mannix stated that the total finals for the entire campus should be provided prior to the issuance of the ILP.

Mark Stenger, Franklin County resident, stated that he had concerns of his county well running dry with the proposed data centers going in. Stenger also brought up concerns about the runoff contaminating local water sources. David Mannix responded that he understands there are public concerns which is why the group wants to focus on monitoring and availability of water in industrial districts. Mannix reviewed that the group agreed to add the following to the draft: static level and quality testing, letters of availability, and full reports of the total amount of water usage for entire campus. Todd Raible also suggested the centers be required to provide notification of system flushing actions. Mannix added to the draft that there should be a requirement that those activities are alerted to the water districts as part of the required discharge plans.

David Mannix explained that the draft code gained a large number of pages due to the fact that certain items that have been reviewed by legal from the Alternate Energy Systems and were added as part of the draft requirements for data centers. Examples of these items are decommissioning plans, written notification, road maintenance agreements, etc...

Noise

David Mannix explained that standards that are already available for daytime noise and nighttime noise were used in the writing of the draft ordinance with regards to noise. Mannix read the following draft standards:

3. Noise Control – version one

- a. The Community Noise Equivalent Level (CNEI) at the boundary of the property containing a Protected Use shall not exceed _____ dBA.
- b. The CNEI at the boundary of the property not containing a Protected Use shall not exceed _____ dBA.
- c. If a sound source is found to contain a Prominent Discrete Tone, the maximum allowable noise level for that facility shall be reduced by () dBA.
- d. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to () dBA.

4. Noise Control – version two

- a. Noise Limits-measured at property line:

Parameter	Non-Protected Use Boundary	Protected Use Boundary
Max dBA (Day)	dBA	dBA
Max dBA (Night)	dBA	dBA
Max dBC (Night)	dbc	dbc

- b. If the difference between the dBC and dBA levels exceed _____ dBA at a protected property line, it is considered “tonal nuisance”, or prominent discrete tone, and the operator must implement immediate acoustic remediation (e.g. sound blankets or silencers).
- c. A noise reduction barrier or device may be required at the discretion of the Executive Director when it is inconclusive that noise level tests do not conform to acceptable noise levels.
- d. Sound that is produced for not more than a cumulative period of one (1) minute in any hour may exceed the standards above by up to () dBA.
- e. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, generator tested (between the hours of 10:00am to 4:00pm), snow removal, or road repair.
- f. The limitations herein shall not apply to any Protected Use that is established adjacent to the Data Center after the date of issuance of a certificate of completion or occupancy for the applicant's operation.

Tracy Brumfiel referenced the Jay County Indiana model for noise regulations in terms of numbered restrictions for decibels. David Mannix asked that the group run through the code without any values at this time because of the complicated measurement scales for noise levels. Brian Moning asked for a caveat to be added for ‘non-audible’ sound. Mannix responded that there is already code in the industrial section for vibration with general standards. Moning asked that vibration be detailed further and agreed to conduct more research. Kaitlin Sterwef-Banks asked who would be conducting the monitoring of the decibels. Mannix responded that it would be conducted by an independent party acoustical engineer at the expense of the applicant. Todd Raible expressed concern about sound traveling ‘over’ the property line to other properties, causing nuisances across property lines. Sterwerf-Banks asked for the existing part of the code that covers noise and asked if more detailed regulations could be added so that noise could be better enforced not only for data centers but also for other complaints.

Sara Duffy made the following comment on zoom: Comment on noise: Former Franklin County commissioners allowed “spot zoning” of open industrial zones near homes in agricultural areas. Sound carries across open land especially in winter time when no crops in fields and no leaves on trees. Can hear backup beeper on trucks from 1/2 mile away. This is only a temporary noise.

The group agreed to do more research on noise to cover for next week’s meeting and to address setbacks after that.

Data Center Workgroup Meeting Minutes January 20th, 2026

Attendance: Brian Moning, David Mannix, Kaitlin Sterwerf-Banks, Todd Raible, Tracy Brumfiel

Todd Raible explained that the group is trying to get the zoning code for data centers in place under a restricted timeline. Raible asked if it would be helpful to get some code in place just in case the moratorium extension is not granted. David Mannix responded that he has about 100 hours invested and wanted to focus on key issues: setbacks, sound, water usage, etc. Raible mentioned that impact on the community is important as well, specifically construction impact. Traffic, noise, dust, and roads would be the biggest impact, according to Raible. Mannix explained that he has language for traffic control but he believes that this topic should be regulated mostly by the board members during the decision-making process since the code can only do so much.

Todd Raible – Area Plan Commission Member, General Contractor, Franklin County Resident

Brian Moning - Franklin County Resident, Construction, Enterprise Data Center Design

Town Board President – Laurel, APC Board Member, Construction, Franklin County Resident

Kaitlin Sterwerf-Banks – APC Director, Franklin County Resident

David Mannix – Addiction Treatment Code Workgroup for Franklin County, AES Code Workgroup for Franklin County, Technical Publishing, Mechanical Engineer, Franklin County Resident

Todd Raible explained that the group is not allowing public questions or comments today in order to help the process move along in a timely manner. David Mannix stated that this work group is not going to decide on any one project. Raible clarified that this code is being written for all data centers – not for any specific project.

David Mannix presented the following document:

Data Center Workgroup Project Plan

January 20, 2026

Workgroup Members

David Mannix
Todd Raible
Brian Moning
Tracy Brumfiel
Kaitlin Sterwerf-Banks

Objectives

- Develop a proposed draft of a Data Center Zoning Ordinance
- Obtain final approval by the APC

Project Timeline

TBD

Scope of Work

- Determine conditional use zoning district(s)
- Identify application fees
- Develop definitions, requirements and standards for planning and implementation
- Identify operator responsibilities including insurance, financial assurance and emergency response
- Document key deliverables for each step in the Data Center application process
- Present and revise ordinance after APC and public review of draft(s)

Document Structure

Section 80.06.09 – Data Centers

- A) Statement of Intent
- B) Regulations
- C) General Requirements
- D) Data Center Setback Requirements
- E) Design and Installation Standards
- F) Operations and Maintenance
- G) Application Procedures
- H) Preliminary Plan Review
- I) Final Development Plan Review
- J) Improvement Location Permit (ILP) Approval
- K) Certificate of Occupancy Requirements
- L) Data Center Application Checklist
- M) Noise Compliance Statement

Section 80.13.H – Data Center Definitions

- A) System Definitions

Franklin County Area Plan

B) Related Terminology

Subject Matter Experts

Acoustics Engineering consultant
Wastewater Management - County Sewer Board
Emergency Management Department
Franklin County Fire Chiefs' Association
Legal Counsel
County Surveyor
Economic Development Commission
State Legislator – New Data Center Laws in Indiana

Reference Documents

Franklin County Zoning Code
Franklin County Comprehensive Plan
Data Center Overview

Tracy Brumfiel explained that during his time on the board he has noticed that the present code has a lot of vagueness. Moving forward Brumfiel would like to make sure that no corners are cut because of the restricted timeline and that no vagueness is in the new code that is being written for data centers. Brumfiel asked for more information about the power grid pertaining to residential rate increases. Brumfiel asked for other ordinances to be referenced during this process. David Mannix said that he referenced model ordinances that are created by county administrators, engineers and scientists. Mannix recommended that the group visit a data center. Brian Moning said that there is one in New Albany, Ohio. Mannix said that the group does not have to tell anyone how to build a data center but they do have say over the impact the centers have on the county. Todd Raible stated that the data centers evolve so quickly the code should be written to cover a wide variety of data centers, not just one kind.

David Mannix presented a PowerPoint that reviewed

Thermal Management – Water

Managing Noise

Thermal Plume – Heat

Electricity Usage

Indiana Legislation

Brian Moning said that the blowdown on the cooling centers is measured by TDS (total dissolved solids), and he does not believe that a cooling tower would be used on a large data center. The water usage on the buildings would exceed the limits of the cooling centers so Moning believes that a Freon condensing unit would be utilized. David Mannix said that cooling towers are a big contributor to sound so that is an interesting point. Moning said that the blowdowns were done proactively on the data center systems that he helped develop so little product was used. Blowdown and evaporation are the two causes of water loss in the systems, according to Moning.

David Mannix asked the group if they would like to put restrictions on the ability to drill wells. Brian Moning said that he believes they should leave the control up to the municipalities. Todd Raible agreed since the municipalities could control contamination in the water.

David Mannix presented a draft of the data center code to review sections that concern water management.

David Mannix explained that he would change the phrase 'Tier 3 facility' since that leaves room for interpretation. Mannix asked if something other than 'closed-loop system' should be listed in E) 1. a). Brian Moning suggested that the type of system should be influenced by the municipality. Moning asked if it would be reasonable for the fire departments to only address code regarding office space and not technological space. The group agreed that should be determined by the fire departments. Todd Raible asked if the code should require the projected water and electrical usage in writing in the preliminary stage of the application. Tracy Brumfiel agreed since the capacity of the wastewater treatment facility may not be able to handle the projected amount. Mannix said this could be continued to be looked at because restrictions on maximum size could eliminate the issue. Moning asked about quarterly or annual audits being added to the code. Mannix brought up the following potential state legislation:

Senate Bill 79

Data center development.

Introduced Senate Bill (S)

Authored by:

[Sen. J.D. Ford](#), [Sen. Spencer Deery](#).

Requires the Indiana utility regulatory commission (commission) to establish a working group to:

- (1) determine an estimate of the future electricity demands of the data center industry in Indiana; and
- (2) report to the general assembly regarding the working group's findings and recommendations not later than October 31, 2026.

Requires:

- (1) a person that operates a data center in Indiana to submit to the commission a quarterly report of the amount of electricity used by the data center in the immediately preceding quarter; and

(2) the commission to publish a summary of the reported information on the commission's website. Provides that a county, municipality, or township shall, before issuing a permit to a person for construction of a data center:

- (1) require the person to disclose the projected power and water usage of the facility; and
- (2) perform a site assessment to determine the possible effects of the data center.

House Bill 1043

Data center water regulation.

Introduced House Bill (H)

Authored by:

[Rep. Alex Burton](#).

Co-Authored by:

[Rep. Matt Commons](#).

Defines "data center". Prohibits a person from operating a data center in Indiana without obtaining a consumption permit from the department of natural resources (department). Sets forth information that must be included in a consumption permit application. Establishes procedures for the department to approve or deny a consumption permit application. Provides that a consumption permit may be transferred under certain circumstances. Provides that a person may consult with the department to assess the viability of a proposed data center with respect to water consumption. Allows the natural resources commission to adopt rules to implement this bill.

Brian Moning said state legislature was brought up last February and was shot down at the state. David Mannix explained that he plans to add the specific language to the local code.

The group agreed that this bill would be beneficial. David Mannix said that this would be a lead indicator of siting.

Duane Schoetner of Oldenburg asked the board to keep in mind that the wastewater may not always be going to Brookville. Schoetner requested that non-disclosure agreements be kept to a minimum between the data center and the county. Todd Raible said that he would like to see that no NDA's are accepted. Schoetner asked that water recycling be a requirement. Schoetner asked that meters be required to be calibrated. Schoetner asked that radiation be considered when checking water quality. The board agreed that nuclear reactors should be further researched but could be out of scope for this group. Schoetner added that there should be mitigation for circumstances when pipes burst.

Kaitlin Sterwerf-Banks read the following from Connie Rosenberger on zoom:

Broader look at water usage since neighboring counties are pulling from same water source. We might be able to handle one—but we need to be more global when looking at usage. At least two neighboring counties will be at issue with data centers being proposed. Not a question—a comment.

David Mannix stated that the group should consider local language in case state legislature is not passed. Todd Raible mentioned rain water detention basins be suggested to diminish the use of water from the aquifer. Brian Moning stated that should be a requirement. The group agreed to discuss this further. Raible said that he has read where the Federal government has been discussing asking local officials to 'relax' their codes. Tracy Brumfiel asked that the group consult agencies such as DNR.

Kaitlin Sterwerf-Banks read the following from Chelsea Orcutt on zoom:

To piggyback off of Duane, how would the data center control pipe bursts or similar accidents to not get into our soil and then into our aquifer/waterways?

Mannix stated that we should trust the engineered designs of the pipes but the group should focus more on mitigation if the event occurred.

Next Steps:

Noise to be discussed at next meeting.