

Franklin County Data Center Moratorium Work Group Meeting March 2nd, 2026

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

David Mannix reviewed the following text from Gov. Mike Braun:

Core Objectives of the Statewide Plan

The workshop centered on four primary pillars dictated by the executive order:

1. **Inventory & Forecasting:** Establishing a clear baseline of current water usage and resource availability for both surface and groundwater. This data will be used to forecast the state's future water needs, serving as the "next step" following recent technical assessments.

1. **Regional Planning Framework:** Designing boundaries for new planning districts and establishing regional water utility committees. These committees will be responsible for setting supply priorities and identifying local vulnerabilities to mitigate future shortages.

1. **Enhanced Monitoring:** Expanding the state's water resource monitoring network. Discussions included determining optimal locations for new sensors, with the Indiana Silver Jackets (an interagency hazard mitigation team) cited as a model for collaborative monitoring.

1. **Centralized Data Platform:** Creating a unified online "hub" for water data. This platform will consolidate multiple information sources to provide a single, reliable point of reference for policy decisions and resource management.

David Mannix reviewed the NGE (Noise Generating Equipment) section of the code in terms of distance from residential districts. Todd Raible asked to later discuss subdivisions that are located in industrial districts. Mannix explained the differences to the group between the A scale and the C scale and how they can work together to monitor noise. Mannix also discussed vibration with the group and the limits that would be placed on data centers. Raible said that he read where a county put IDEM's standards for noise in their code, but he could not find those standards himself. Mannix went over the Comprehensive Acoustic Performance Standard in the proposed code amendment.

David Mannix reviewed lot coverage with the group stating that he discussed 'impervious surfaces' with Rob Seig. The group decided to have the conversation at next week's meeting when Seig could attend.

Karen Meyer asked the group about air quality being regulated in the proposed code amendment. David Mannix responded that the following code already exists in Franklin County:

'(5) Particulate Matter. The rate of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds effluent gas. Not more than fifty percent (50%) by weight of particles larger than 44 microns (325 mesh) shall be allowed.'

Franklin County Data Center Moratorium Work Group Meeting Minutes February 23rd, 2026

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

David Mannix went over the changes to the code amendment that he made. Mannix reviewed a list of additional definitions using terminology related to the process and technical definitions. Mannix went over details pertaining to the community benefit agreement highlighting different concerns that may be addressed in this contract. Mannix reviewed proposed details for lot coverage and setbacks. Mannix explained the changes made from ‘fines’ to ‘penalties’ then the changes proposed for the checklist and buffer zones.

David Mannix discussed the proposed details of the executive summary with the group, addressing issues with the current code and plans to resolve them. Acoustic protection, thermal safety, and water security were the precision performance standards reviewed. Proactive construction and traffic management was the next section in the summary discussed. Mandatory verification, continuous smart accountability, and economic and legal protections were included in the executive summary.

The group discussed next steps that are proposed for the executive summary. These steps may include education for the public, standardization of economic development payments, and establishment of a peer review team.

The group further discussed the finer details of setback requirements, going over fencing, buffer zone requirements, access, and placement.

David Mannix explained acoustic performance of NGE – values that assume standard industrial grade equipment without custom acoustic galleries or sound walls. Mannix reviewed industrial land use limits versus residential/commercial limits.

Franklin County Data Center Moratorium Work Group Meeting Minutes February 17th, 2026

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

Overview

David Mannix explained that the APC met and gave a favorable recommendation to the commissioners for an extension of a 12-month moratorium and voted for the group to post version one of the draft code amendments. Mannix showed the group a cover letter to be posted on the area planning website along with version one of the amendments to be presented. Mannix reviewed a high-level summary with the group.

Height

David Mannix asked the group if there was anything wrong with keeping the height requirement at 60'. Mannix told the group that they could take the line out entirely and refer back to the existing requirements in the code. The existing code says that the structure may be 70'. Todd Raible suggested keeping the requirement lower so that the applicant could request for the building to be taller at the time of their application. Brian Moning stated that the different floor levels could include HVAC, supply, return, fire suppression, and cabling. Moning explained that the floor loading could be significant. Moning said in his experience the wall height per floor was 12'. Raible suggested that the requirement be 60' and anything higher should be granted only through a variance. Tracy Brumfiel agreed with the suggestion.

Rooftop Regulations

David Mannix introduced the term 'Engineering Control' which are requirements that align with standards in the industry.

Shading

David Mannix recommended that the group add 'Primary structures exceeding 45 feet in height shall be set back from any northern property line zoned agricultural at a distance not less than 4 times the total height of the structure, unless a shadow study demonstrates that no more than 10% of the adjacent tillable acreage will be shaded between the hours of 9:00am and 3:00 pm during the summer solstice.' Rob Seig said that only works if the grade is flat. Mannix suggested simplifying the text to require that the applicant does not shade the neighbor.

Fuel & Battery Storage

David Mannix said that fuel storage does not necessarily need to be included in the code since there are higher regulations that would be applied on the state and federal level. Todd Raible said that it should just be a part of the checklist. Mannix stated that the same applies for battery storage.

Transportation

David Mannix said that the group suggests that the county requires phased development and construction sequencing to be submitted, reviewed and approved prior to the issuance of the permit. Todd Raible said that the impact analysis should regulate the traffic during and after construction. The group agreed.

Temporary Certificate of Occupancy

David Mannix asked about adding a 'Temporary Certificate of Occupancy' to the proposed amendments so that the applicant could temporarily turn on their services to make sure that they are compliant. Brian Moning said equipment can be brought in to simulate all of the equipment for full load testing. Moning asked about a

comprehensive commissioning process. Mannix explained that the focus is mainly on noise and heat since it is not the job of the planning commission to design data centers.

Enforcement

David Mannix said that if the applicant was not compliant, there would be three levels of violation.

SHOW TABLE

Kaitlin Sterwerf-Banks asked about the role of the Community Benefit Agreement with violations. David Mannix stated that the CBA could absolutely aid in the process of enforcements through agreements that are applied in the CBA.

Questions

Kaitlin Sterwerf-Banks read the following concerns from Wayne Roth:

Housing – filling up all of the local campgrounds, hotels and motels.

Law enforcement – traffic control during construction.

David Mannix made changes to address these concerns within the proposed code amendments through the public safety section and the utility infrastructure section.

Michelle Kolb said that the public should have input during every step of the process. Kaitlin Sterwerf-Banks explained that any concerns or questions could be emailed to her prior to the meetings and she can share the documents with the board members.

Franklin County Data Center Moratorium Work Group Meeting February 9th, 2026

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

David Mannix went over the role of the workgroup. Mannix explained that the meetings are public meetings where the work group has open dialogue with public input that is shared with the APC. Mannix asked the workgroup not to go to public meetings individually representing the workgroup as a whole. Mannix went over a timeline where two scheduled readings of the proposed code were to be had on March 11th and March 25th. The group agreed to wait and see what the APC and the commissioners decide but to ask for the extension go to at least July.

Kaitlin Sterwerf-Banks asked the group to provide their opinions on John Palmer coming before the APC to discuss hiring a consultant using the budget of economic development since statements were made during the commissioner meeting about the opinions of board members. The group agreed that is up to the APC and out of the control of the workgroup.

Setbacks

David Mannix explained that the group did change the maximum height requirements stating that there was a tradeoff presented when limiting the heights of buildings: when you don't allow the company to have the height that they would like then they increase the area of the buildings. The change presented was a 40' maximum height requirement. Todd Raible said that the community would not be able to use a 7-story building if it were to be decommissioned as a data center and that screening for noise/aesthetics would be extremely difficult for a building of that height.

Noise

David Mannix explained what a C minus variance is: Compliance with this section shall be determined by simultaneous measurements of dBA and dBC scale measurements.

David Mannix explained that this scale is designated to emulate the human ear by turning down the volume of lower frequencies. The c scale does not filter out the lower frequencies by measuring the local energy, not the volume. Mannix said that this captures vibrations that are inaudible but can cause windows to rattle. Mannix explained that this is all new research that is not included in many existing codes. Mannix stated that in the state of Indiana, this is the only county that is working with this form of measurement. Mannix brought an audible example for the group to listen to. Mannix played Seven Nation Army by the White Stripes because it shows the low hum that can be felt by humans and can rattle windows. Brian Moning asked if the ability to monitor changes was ongoing since the technology will be updated in the future. Mannix explained that would be covered in the community agreement portion of the proposed code. Mannix stated that the standard for nighttime is a commonly used standard which is why the following times were chosen: 10:00pm to 7:00am. Mannix also noted the 1hr sound level equivalent was a commonly used standard as well that was included in the code for legal purposes. Moning asked about items such as sonic cannons that are used to deter birds but do not last an hour. Moning explained that the duration will not equate an hour. Mannix asked Moning to do further research.

Community Benefit Agreement

David Mannix said in the interest of not overburdening the zoning code with extreme detail, a community agreement should be presented and shall include construction management, road use and repair agreement, decommissioning and site restoration, mandatory insurance coverage, coordination and authority, and

enforcement. Todd Raible asked for the county to regulate traffic in zoning. 'Local zoning authorities in Indiana can regulate the timing and phasing of multi-building projects based on traffic concerns. Under Indiana's 'home-rule' principles, local governments have broad authority to mandate development to protect public welfare and insure infrastructure capacity.' Brian Moning suggested doing time limits on deliveries. Raible suggested limiting the loads per day. The group added 'traffic impact analysis' to the proposed zoning code. Kaitlin Sterwerf-Banks explained that her concern is that during enforcement of fines, the APC would easily be out-lawyered. Moning also noted that the fines may not be a big deal. Mannix explained that if this is covered in the community benefit agreement, this would allow for better enforcement through greater resources being involved in the contract, and if violations occur over and over, the permit can be pulled via the contractual agreement. Mannix also noted that there are limits to how much in fines can be imposed legally.

Questions:

Shirley May, Franklin County resident, provided the following executive summary of recommendations:

February 9, 2026

Dear Members of the Franklin County Moratorium Workgroup,
Thank you for the opportunity to participate in today zoning discussions regarding data centers and other high-impact industrial uses.

At the February 2, 2026 meeting, I was advised that zoning language addressing utility cost protections did not exist and was encouraged to present any such language if found. Since then, I have reviewed relevant legislation and zoning precedents, including Florida House Bill 1007. I have also identified additional provisions—drawn from Indiana ordinances—addressing infrastructure repair responsibility, road damage, bonding, water resource protection, and tourism impacts. These issues should be explicitly incorporated into zoning requirements, where not already addressed, moving forward.

Enclosed for your consideration is proposed draft zoning language intended to be incorporated into the Franklin County Zoning Ordinance as Supplemental Use Standards for data centers. The draft addresses utility cost responsibility, roadway impacts, private wells and aquifers, Brookville Lake and tourism protection, and financial assurance.

These standards are intended to protect public health, safety, welfare, and economic interests while remaining within the County's zoning authority. I respectfully submit this language for consideration at upcoming meetings and for future use by the Franklin County Commissioners and County Council when making decisions related to the construction and operation of data centers within Franklin County.

Sincerely,

Shirley A. May
Shirley A. May
Franklin County Resident
(765) 277-3472
Shiamay65@gmail.com

Executive Summary

Proposed Zoning Standards for Data Centers and High-Impact Industrial Uses
Submitted to the Franklin County Data Center Moratorium Work Group
Franklin County, Indiana

This Executive Summary is respectfully submitted for the Work Group's consideration. It summarizes proposed zoning standards intended to guide review and permitting of data centers and other high-impact industrial uses within Franklin County.

The proposed standards are designed to: (1) protect local utility ratepayers from inappropriate cost shifting; (2) protect public roads and bridges from construction and operational damage; (3) safeguard private wells, aquifers, and public water supplies; and (4) protect the County's tourism and recreational assets, including Brookville Lake.

Legal Authority and Enforceability

The recommended approach relies on Franklin County's zoning and permitting authority to impose reasonable conditions and enforceable written commitments as part of approval. Indiana law expressly authorizes boards of zoning appeals to impose reasonable conditions on special exceptions/conditional uses (IC 36-7-4-918.2) and authorizes enforceable written commitments as conditions of approvals (IC 36-7-4-1015). Remedies and enforcement provisions are available under IC 36-7-4-1012 through IC 36-7-4-1014.

Key Protections Recommended

- **Utility Cost Protection (No Cost Shift)** – Require the developer to submit to the County written certifications from serving utilities (electric, water, wastewater) identifying required upgrades and affirming that upgrade costs are allocated to the project and not recovered from other customers. This condition-based approach supports ratepayer protection concepts similar to Florida HB 1007's prohibition on collecting impact fees from other customers to fund hyperscale data center capital costs, and North Carolina's proposed GS 62-159.3 framework that prevents utilities from passing data-center-specific costs to other ratepayers.
- **Road and Bridge Protection** – Require a Road Use & Repair Agreement, pre- and post-construction condition surveys, and performance security (bond/letter of credit/escrow) to ensure repairs to roads/bridges damaged by construction or operations.
- **Well and Aquifer Protection** – Require an independent hydrogeologic study, baseline well testing, ongoing monitoring, and mandatory mitigation/replacement of affected wells at the developer's expense.
- **Tourism and Brookville Lake Protection** – Require a Tourism and Recreational Impact Assessment and prohibit any use of Brookville Lake water without written authorization from the Indiana Department of Natural Resources (IDNR) and a showing of no adverse impact to lake levels, water quality, or recreational use.
- **Financial Assurance and Enforcement** – Require financial assurance sufficient to cover monitoring, mitigation, repairs, and long-term compliance, with clear enforcement remedies for noncompliance or misrepresentation.

Reference Points Used in Drafting

- Indiana Code: IC 36-7-4-918.2 (conditions on special exceptions/conditional uses); IC 36-7-4-1015 (written commitments; enforcement); IC 36-7-4-1012 to -1014 (remedies and enforcement).
- Florida HB 1007 (2026): prohibits utilities, in fixing rates for hyperscale data centers, from collecting certain impact fees from other customers to recover new hyperscale data center capital costs; adds disclosures for consumptive use permits tied to hyperscale data centers.
- North Carolina HB 1002 (2025): Rate Payer Protection Act summary indicates enactment of GS 62-159.3 concept prohibiting cost recovery for data centers from other ratepayers.

Draft Ordinance Insert (Proposed)

Supplemental Use Standards – Data Centers / High-Impact Industrial Uses
Prepared for Incorporation into the Franklin County Zoning Ordinance
Franklin County, Indiana

Section _____. Data Centers / High-Impact Industrial Uses – Supplemental Use Standards

A. Authority

These standards are adopted pursuant to the County's zoning and permitting authority under IC 36-7-4. The Board of Zoning Appeals may impose reasonable conditions as part of approval of special exceptions/special uses/conditional uses under IC 36-7-4-918.2. Written commitments may be required and are enforceable under IC 36-7-4-1015. Enforcement remedies are available under IC 36-7-4-1012 through IC 36-7-4-1014.

B. Utility Infrastructure Cost Responsibility – Submission and Verification (No Cost Shift)

1. **Submission Requirement.** As a condition of approval and prior to issuance of any grading or building permit, the Applicant shall submit to the Franklin County Planning & Zoning Department written documentation from each serving utility (electric, water, and wastewater) identifying: (a) the projected demand; (b) all infrastructure upgrades and capacity expansions required to serve the project; and (c) the party responsible for payment.

2. **Ratepayer Protection Certification.** The Applicant shall provide a certification executed by the Applicant and the serving utility(ies) stating that infrastructure upgrades and capital costs required solely to serve the project are allocated to the project and are not recovered from other customers through general rates, riders, surcharges, or impact fees applicable to customers without similar energy/water use. (Reference concepts: Florida HB 1007 (2026) impact-fee prohibition for hyperscale data center capital costs; North Carolina HB 1002 (2025) Rate Payer Protection Act summary/GS 62-159.3 concept.)

3. **County Review (Non-Regulation).** County review is limited to verification of the existence and completeness of the required documentation and does not constitute regulation of utility rates or services.

4. **Affidavit; Enforcement.** The Applicant shall execute an affidavit affirming compliance. Failure to submit required documentation or material misrepresentation constitutes

grounds for denial, suspension, or revocation of approvals and permits, and other remedies available under IC 36-7-4-1012 to -1014.

C. Road and Bridge Protection

1. **Road Use & Repair Agreement.** Prior to construction, the Applicant shall execute a Road Use & Repair Agreement with the County Highway Department (and any other affected road authority) specifying haul routes, hours, pre- and post-construction condition surveys, repair standards, and timelines.

2. **Performance Security.** Prior to construction, the Applicant shall post performance security (bond, letter of credit, or escrow) in an amount approved by the County sufficient to cover repair of damage to public roads and bridges attributable to construction or operation.

D. Private Wells, Aquifers, and Public Water Supplies

1. **Hydrogeologic Study.** Prior to approval, the Applicant shall submit an independent hydrogeologic study prepared by a qualified professional evaluating projected withdrawals, cumulative impacts, drought/worst-case scenarios, and potential impacts to private wells, agricultural wells, public supply wells, and aquifers.

2. **Baseline Testing; Monitoring.** The Applicant shall fund baseline testing of private wells within a County-defined radius and provide ongoing monitoring during construction and operation. Results shall be provided to the County and affected owners.

3. **Mitigation/Replacement.** If project-related impacts diminish well quantity or quality, the Applicant shall restore the affected water supply or provide a permanent alternative at the Applicant's expense.

4. **Water Protection Security.** The County may require a separate financial assurance instrument to cover monitoring, mitigation, and well replacement.

E. Tourism and Brookville Lake Protection

1. **No Adverse Impact Standard.** The project shall not materially diminish tourism activity, recreational access, scenic character, or the visitor experience associated with Brookville Lake and related amenities.

2. **IDNR Coordination; Lake Water Use.** Any proposal to withdraw or use Brookville Lake water is prohibited unless the Applicant provides written authorization from IDNR and demonstrates no adverse impact to lake levels, water quality, habitat, or recreational use.

3. **Tourism & Recreation Impact Assessment.** Prior to approval, the Applicant shall submit an independent tourism/recreation impact assessment addressing construction traffic impacts, noise, lighting, visual impacts, seasonal peak tourism impacts, and cumulative impacts.

4. **Monitoring; Mitigation.** If any connection—direct or indirect—exists between the project and lake resources, the Applicant shall fund baseline lake level and water quality monitoring and provide immediate mitigation and restoration measures if adverse impacts occur.

F. Financial Assurance; Continuing Compliance

The Applicant shall maintain financial assurance sufficient to ensure performance of required monitoring, repairs, mitigation, and restoration obligations for the life of the facility or as otherwise specified by approval conditions. Noncompliance constitutes a violation subject to enforcement under IC 36-7-4-1012 to -1014 and any applicable local ordinance penalties.

G. References (Non-Codified)

The following references informed drafting and are provided for context; they are not intended to be codified:

- Indiana Code: IC 36-7-4-918.2; IC 36-7-4-1012 to -1015.
- Florida HB 1007 (2026) filed bill text (ratepayer impact-fee prohibition; water permit disclosures).
- North Carolina HB 1002 (2025) Rate Payer Protection Act materials / GS 62-159.3 concept summaries.

David Mannix and Todd Raible explained that costs passed on to the county from utility companies cannot be regulated on a local level. The group agreed to add tourism concerns to the proposed zoning code.

Franklin County Data Center Moratorium Work Group Minutes February 5th, 2026

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

David Mannix went over the agenda for the meeting:

Topics

1. Follow up on issues identified at last meeting
 - a. Low frequency sound monitoring
 - b. Vibration at a residence
 - c. Application Fees
 - d. Scope of project by phase
 - e. Traffic control
 - f. Construction Bond. RUMA. Decommissioning
 - g. Standard for private wells
 - h. Violation enforcement
2. Discuss timeline and next steps

David Mannix went over the following chart that reviews all 9 frequency bands and explained that these frequencies are extremely hard to monitor on a local level:

Frequency (Hz)	Characteristic	Industrial	All Other (Day)	All Other (Night)
16 – 31.5	Ultra-Low	75 dBZ	70 dBZ	65 dBZ
31.5 – 63	Deep Rumble	75 dBZ	70 dBZ	60 dBZ
125	Low Hum	72 dB	68 dB	55 dB
250	Mid-range	65 dB	62 dB	50 dB
500	Mid-range	60 dB	56 dB	45 dB
1000	High-range	54 dB	50 dB	40 dB
2000	High-range	48 dB	45 dB	35 dB
4000	High-range	42 dB	40 dB	30 dB
8000+	High-range	40 dB	38 dB	28 dB

Table 1-Frequency Noise Limits

Due to the difficulty for the public and local officials to follow this chart, David Mannix proposed another option:

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1. Technical Noise Performance Standard

- a. These levels are measured at the property boundary.
- b. In no case shall the dBC level exceed the dBA level by more than 20 dB at any time.
- c. Tonal Penalty: If the sound contains a "prominent discrete tone" (a distinct hum or whine), the allowable limits in the table shall be reduced by 5 decibels.
- d. Night time limits (7:00 PM to 7:00 AM) are strictly enforced.
- e. Generator Testing: Restricted to Monday–Friday, 9:00 AM to 5:00 PM.

Neighboring Land Use	Day dBA/dBC	Night dBA/dBC
Industrial	65 / 80	60 / 75
All Other	55 / 70	50 / 65

Table 1-Frequency Limits

David Mannix reviewed the following notes with the group:

This table simplifies the complex octave band requirements into a modern, streamlined format that addresses both general loudness (dBA) and the low-frequency vibrations (dBC) that typically cause "rumble" complaints from data center neighbors.

Why the Dual Column (dBA vs dBC)?

- dBA (The 55 Cap): This mimics the human ear. It is excellent for measuring high-frequency "whine" from cooling fans. Most Indiana ordinances (like Jay and Lake County) use this as the primary threshold.
- dBC (The Low-Frequency Guard): dBC weighting does not filter out low frequencies. If a data center has a massive dBC reading but a low dBA reading, it means there is a sub-bass vibration that residents will feel in their floors and windows, even if they can't "hear" it clearly.

How this compares to "Standard" Indiana Ordinances

- dBA: The 55 dBA cap is perfectly aligned with the 2025/2026 Indiana trend. For example, St. Joseph County recently moved toward a 55 dBA daytime / 50 dBA nighttime split to protect rural residents.
- dBC: Adding the dBC column puts your ordinance ahead of the curve. Many counties are finding that dBA alone is insufficient for data centers because of the sheer volume of air moved by industrial chillers.

The dBC standard protects residents by capturing the physical energy of sound that dBA ignores. To understand why this is vital for your ordinance, you have to look at how different "weighting" filters treat low-frequency sound.

The "A-Weighting" Blind Spot

The dBA scale was designed to mimic the human ear, which is naturally "deaf" to very low frequencies. To compensate, a dBA meter mathematically "rolls off" (ignores) most sound below 500 Hz.

- The Problem: Data center chillers and large fans generate massive amounts of energy in the 30 Hz to 100 Hz range.
- The Result: A resident might feel their windows rattling or a "pressure" in their chest from a data center, but when a code enforcement officer holds up a dBA meter, it might only read 45 dBA (well below the limit) because the meter is literally programmed to ignore that bass.

How dBC Acts as the Guard

The dBC scale is "flat" across the lower frequencies. It doesn't filter them out. By setting a 70 dBC (Day) / 65 dBC (Night) limit, you are placing a hard cap on the vibrational energy produced by the facility.

The Protection Mechanism: The "dBC minus dBA" Gap

The most effective way this protects neighbors is by limiting the "Delta" (the difference) between the two readings.

1. Low Delta: If dBA is 50 and dBC is 60, the sound is "balanced" (like normal wind or traffic).
2. High Delta: If dBA is 50 but dBC is 75, there is a massive amount of low-frequency energy present. This indicates a "rumble" or "thrum" that is likely to cause structural vibration in nearby homes.

Protection Against Infrasound (Below 31.5 Hz)

Standard dBA meters are designed to ignore almost everything below 31.5 Hz. If a data center's heavy cooling intake creates a massive "throb" at 20 Hz, a dBA meter might not move at all.

The dBC Advantage: The dBC filter is "flat" down to about 20 Hz. It captures that energy. By setting a 65 dBC Night Limit, you are effectively capping the energy in those deep sub-frequencies that cause "phantom" vibrations in a home's foundation or walls.

2. Is 32 dB the "Floor"?

In acoustics, 32 dB is very quiet—roughly the level of a quiet library or a whisper.

The Original Table: Your original octave table went as low as 28 dB at the 8,000 Hz range for nighttime.

The New 55/50 Standard: By moving to a 50 dBA (Night) limit, you are technically "raising" the allowable floor compared to your old table's high-frequency requirements.

The Trade-off: While the 50 dBA limit is higher than 32 dB, it is much easier for the County to prove a violation. In a rural Indiana night, the ambient background noise is often 30-35 dBA. A limit of 50 dBA ensures the data center is not significantly louder than a light rain or a soft hum.

3. How it addresses "The Thrum"

The "thrum" that residents often complain about (which is usually around 16 Hz to 40 Hz) is exactly what the dBC column protects against. Even if the sound level is "low" (e.g., 45dB), if it is concentrated in those low frequencies, it will register on the dBC scale.

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-metering 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.

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

- DRAFT 02.02.26
- DRAFT 02.02.26
- DRAFT 02.02.26
- 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.

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 is 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 Sterwerf-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.