



**GREEN AMENDMENTS  
FOR THE GENERATIONS**

Pure Water. Clean Air. Healthy Environment.

# **The Pennsylvania Green Amendment & Data Centers**

## **How to Exercise Your Constitutional Environmental Rights**

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# Overview

## Data Centers are Proliferating While Environmental Laws Are Lacking

Data centers are proliferating across the U.S., and Pennsylvania is no exception. But Pennsylvania, unlike many states, has a Green Amendment in place that secures individuals' rights to clean, safe, and healthy environments and obligates government officials to act as trustees of our natural resources, safeguarding them for present and future generations.

*Note: While this guide is about implementing Pennsylvania's Green Amendment in response to data center project proposals, requests for zoning changes, regulatory approvals/permits, and/or state legislation that seeks to undermine or uplift local and/or environmental protections as applied to data centers, this guide is also a good demonstration of the value of securing a Green Amendment in states that have yet to adopt them.*

When it comes to hyperscale data centers, there are a lack of laws, regulations, ordinances and/or zoning protections—at the local, state and federal levels—that provide the protections communities need from the land transformation (often inflicted on natural areas and farm land), and air, light, noise and water footprint caused by such large, consumptive projects. In fact, we are seeing many government proposals at the state and federal levels that seek to prevent the regulation of data centers, environmental or otherwise. Often, the best and only line of defense is at the local level where data centers typically require zoning changes or exceptions from ordinance requirements in order to advance. Every time a data center needs a special approval, change, or exception, it is an opportunity to raise your concerns and your constitutionally protected environmental rights.



# Pennsylvania's Green Amendment: Providing A Pathway For Protection

Pennsylvania's Green Amendment—Article 1 Section 27 of the Pennsylvania Constitution—recognizes an enforceable constitutional right of the people of Pennsylvania to a clean and healthy environment. It also recognizes natural resource protection obligations that the government must carry out as trustee of the state's natural resources, and establishes a duty to protect those resources for present and future generations.

## **Pennsylvania's Green Amendment**

Article 1, Section 27 of the Pennsylvania Constitution guarantees:

*The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.*

It is important to raise the environmental rights of the people and the natural resource trust obligations of the government when commenting on proposed projects, legislation, zoning changes, zoning ordinances, government land swaps, or other government actions where data centers are the focus. **Laying out the environmental rights and duties the Green Amendment prescribes can create the foundation necessary to secure protection from what is being proposed.**

For example:

If a municipality finds that a proposed data center's environmental and community footprint—standing alone or cumulatively with other existing or proposed projects— infringes upon environmental rights or prevents the municipality from fulfilling its trustee obligations to protect natural resources, the municipality can use the Green Amendment to support its rejection of the approvals being sought.

The constitutional right and trustee duties can be raised by impacted community members and surrounding businesses, but they can also be raised proactively by government.

In addition to zoning, permitting, and other kinds of decisions by local and state governments, statewide legislative proposals put forth by lawmakers to advance hyperscale data centers without proper constitutional review, consideration, or protection run the risk of violating Green Amendment rights and duties.



# Environmental Rights Are Clear and Enforceable

The PA Green Amendment gives every Pennsylvanian the individual right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. These rights are as highly protected and enforceable as other fundamental rights found in Article I of the PA State Constitution, including freedom of speech, religious freedom, and property rights. Government officials must refrain from directly or indirectly infringing upon or violating these rights when taking action and rendering decisions.

The PA Green Amendment also establishes the state's public natural resources as assets within a public trust, making clear that those assets are to be managed by the state, as trustee, for the benefit of the people of the Commonwealth (both current and future generations), as beneficiaries.

As trustees of the state's natural resources, all government entities within the Commonwealth—including all branches of government at the state and local levels—are required to fulfill the fiduciary duties of prudence, loyalty, and impartiality when dealing with trust assets.



If environmental rights are infringed upon, or the trustee duty to conserve and maintain natural resources for the benefit of present and future generations is violated, the government action causing the constitutional violation can be challenged and overturned.

## ***Enforceable Environmental Rights Include A Duty Of Informed Review.***

Along with the substantive rights and duties articulated by the Green Amendment, the Amendment also creates a constitutional obligation on government officials to undertake a full and fair review of the environmental consequences of proposed actions prior to decision-making. The constitutional obligation to conduct informed decision-making ensures government actions do not infringe on environmental rights and helps fulfill trustee obligations to protect the state's natural resources for the benefit of the people. This advance review is not just a paper exercise. On the contrary, it is a substantive review that has real implications for proposed action. If the government fails to conduct a constitutionally adequate review, the proposed action can be constitutionally suspect, challenged, and even defeated. Likewise, this review can support a government's decision to reject a proposed action or project.

### **IN PRACTICE:**

#### **Raising the right to a constitutionally appropriate review.**

When applying the PA Green Amendment to data center efforts, often the best place to start with your advocacy, comments and testimony will be to focus on the obligation of government officials to fulfill their duty to perform a full and fair review of the environmental impacts of the project or proposal (i.e. proposed legislation, zoning decisions, ordinances, etc.) and its implications for 1) the constitutional rights of the people and 2) government's duty to protect natural resources for present and future generations.

With regards to data centers, we are seeing many applications that leave out the critical information government officials need to make an informed decision on the environmental impact these data centers will have on the community. This missing information may include, but is not limited to: the volume and source of water the data center would use, the air pollution emissions that would come from proposed operations (including from backup energy generators), the volume of noise and light pollution the data center would emit, the size of the development footprint and associated harms to the environment, the source of the energy the data center would use to fuel its operations, as well as the environmental consequences of that energy source, the impacts of stormwater runoff from the development footprint, and so much more. In addition to deficient information, data center proposals and applications may contain conflicting and demonstrably false information—which similarly undermines the ability of government to fulfill its constitutional review obligations.

The constitutional obligation to consider the impacts to environmental rights and natural resources from a proposed data center (or associated decision-making) will prevent local government and regulatory agencies from being backed into a corner and pressured to agree to a project or decision they do not understand, and for which there is insufficient information.

The inability to undertake the mandated constitutional review should require rejection of a project until the appropriate constitutional review can advance.

The obligation to perform informed decision-making should be advanced by responsible government officials being asked to approve a project or data center-related decision. Beyond fulfilling constitutional obligations, seeking full and accurate information is a positive opportunity for government officials to ensure that they themselves and their communities are fully informed. However, if government fails to secure the information necessary to undertake a full and constitutionally-compliant review, this entitlement to informed decision-making can be enforced by impacted community members who could be harmed by a proposed project or data center decision. The entitlement could also be raised by local government concerned about decision-making being advanced by other government bodies, such as at the county or state levels, or by regulatory agencies.



### **Raising the right to a healthy environment and natural resources protection.**

Public comments submitted on a data center proposal should focus on the obligation of government to protect constitutional environmental rights and natural resources, and the potential impacts of the proposed project (or decision) on: (1) the substantive right of the people to a clean, safe and healthy environment, and (2) the duty of government to conserve and maintain natural resources for the benefit of present and future generations.

Demonstrating a constitutional violation in court is a high bar, and should not be pursued lightly. So it is important to present a robust picture of the environmental harms of a proposed project or decision if you are considering the potential for legal challenge.

**Importantly: If you or your neighbors' rights or interests are affected by a proposed data center project or related government action, we encourage you to reach out to an attorney who specializes in land use law and who is familiar with the Green Amendment as early as possible. Consulting with an attorney familiar with all areas of applicable law, as well as Green Amendment legal precedent could provide valuable legal guidance, analysis and assessment specific to your situation that can help you best evaluate your legal options.**

You will be in a better position strategically if you find yourself siding with a sound government decision protecting communities and environments from the impacts of data centers, rather than opposing a government action or decision you are seeking to overturn. Recognizing this, you would be well-served reminding government officials of their constitutional obligations and that the constitution can provide solid ground upon which to render a protective decision for the environment and the people of your community.

Data centers are known to have significant environmental impact. Actual impacts will differ from project to project. It will be important to understand the specific elements of the project/decision being proposed and the potential environmental consequences.

Using the State Right to Know Law and Federal Freedom of Information Act to request and secure full information about the proposed project/decision from all involved government entities at the local, state and federal levels will help you uncover the full breadth of the proposal and the potential environmental impacts.

Research into impacts should include the threats to water, air, climate, and ecosystems that may be harmed by construction or operation of the facility.

Find more helpful resources for learning about the impacts of data centers at our website: [bit.ly/GADataCenterResource](https://bit.ly/GADataCenterResource)



The constitutional rights and trustee duties can be raised defensively by impacted community members and surrounding

businesses seeking to demonstrate that the level of harm posed is significant enough to —on its own and cumulatively with other impacts—violate constitutional rights and duties. To this end, comments should include the environmental impacts of the data center standing alone and in combination with other existing or proposed projects and activities in the area. Public comments should focus on both the amount and severity of harm the project/decision poses for environmental rights and natural resources.



Demonstrating a constitutional violation of a recognized right is a high bar. And so it is important to recognize that the public will be in a stronger position if it is standing in defense of a good government decision, than trying to overturn one it does not agree with. Therefore, a powerful posture is to assure government that they can and should proactively rely upon the constitution to support rejection of a project/action/decision they determine threatens the environmental rights of their community, prevents the government entity from fulfilling their trustee duties to protect the state's natural resources in compliance with the constitution, and/or fails to provide the quality of information (as per above section) necessary to fully and fairly assess the constitutional implications of the proposal.

# Understanding Where The Green Amendment Applies

Green Amendment advocacy in the context of data centers is not just about individual projects. We are increasingly seeing government advance legislative and regulatory proposals to ease the path for data centers, including by undermining, preempting or in some other way usurping local government authority. Blanket legislative proposals put forth to advance hyperscale data centers without proper constitutional reviews, considerations, or protections run the risk of violating Green Amendment rights.

Because the Green Amendment applies to government officials at all levels (state, county, municipal, etc.), it will provide a foundation for community members and government officials at the local and state levels seeking to secure essential protection from hyperscale data centers.

From review to final approval, a Green Amendment can have important implications for protecting our environment, communities, and future generations when it comes to AI, hyperscale data centers, and the associated fossil fuel power generation the industry seeks to advance.

Public comment periods and hearings are an important opportunity to educate and remind your government of their constitutional duties, and your constitutional rights, when it comes to the environment.

***Want to stay up to date on the Green Amendment movement, both in Pennsylvania and nationally?***

*Join us at Green Amendments For The Generations, where we are working in over half of the states across the nation to secure and enforce Green Amendment protections for the benefit of all people, including future generations.*

**SCAN HERE**



[bit.ly/GAFTGJoinUs](https://bit.ly/GAFTGJoinUs)

# Advocacy Materials

**You may be wondering what to say or how to raise the constitution in a meaningful and impactful way.**

To help, we are providing a checklist of points you may want to make, as well as some sample comment language we encourage you to borrow and adjust so it fits exactly the situation you are facing. These tools are to be used by local residents, organizations, businesses and good government officials to secure essential protection from the harms imposed by hyperscale data centers.

## *Data Center Comment Checklist*

**Data center comment letters should include the following components:**

**1. Name, Affiliation, Connection, and Your Position with regards to the proposal.**

State your name and any group or organization you are commenting on behalf of. Describe your interest and/or connection to the proposed location of the hyperscale data center. If you are opposed, state your opposition clearly.

**2. PA Green Amendment Language and Application.**

Quote the specific language of the PA Green Amendment, and include a statement explaining that the PA Green Amendment applies to all government agencies and officials, including the one you are writing to.

Article 1, Section 27 of the Pennsylvania Constitution guarantees:

*The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.*

### **3. The Duty of Full, Fair, Informed Review as Part of, and Prior to, Final Decision-making.**

- a.** Explain that in order to protect the rights of the people to pure water, clean air, and the natural, scenic, historic and esthetic qualities of the environment, government officials must consider the environmental effect of their actions in advance of proceeding. This is to ensure the proposed action will not infringe upon individual environmental rights.
  - b.** Explain that as the trustee of the state's natural resources, government actors and decision-makers are obligated to fulfill their duty of prudence, which includes a duty to gather and consider sufficient information to make an informed decision about the implications of proposed action, specifically on their obligation to conserve and maintain the state's natural resources for present and future generations.
  - c.** Explain if/how/why the government decision-maker has failed to consider the appropriate level of information to ensure they will not infringe on the people's environmental rights and ensure they will protect natural resources for present and future generations.
    - Perhaps the applicant has failed to provide full, fair, or accurate information about what is being proposed.
    - Perhaps the applicant has acknowledged there will be environmental impacts but then failed to provide (or the government has failed to require/secure) the information necessary to assess the impacts of the project on your environmental rights or natural resources. For example, the proposed project's impacts to air and water have been acknowledged but there are no additional details on the amount or kind of pollution.
    - Perhaps the government agency or entity has the information before them but disregarded it and did not consider implications for environmental rights or natural resources in a way that is meaningful or intellectually honest.
    - Perhaps the government agency or entity incorrectly asserted that its obligation for constitutional consideration had been undertaken by, or was the responsibility of, another agency, or failed to conduct any analysis because it determined it was not within its jurisdiction or purview.
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#### 4. The PA Green Amendment's Substantive Environmental Rights Protections.

a. **The PA Green Amendment Right to Pure Water, Clean Air and a Quality Environment.** Restate that the PA Green Amendment recognizes and protects your right to pure water, clean air, and the natural, scenic, historic and esthetic qualities of the environment. State how these environmental rights, that belong to you as an individual, as well as your family and community, will be harmed by the proposed hyperscale data center if it is approved. It will be important for you to articulate the level of harm that you will experience and why you believe your constitutional rights will be violated. Project impacts/harms could include any or all of the following:

- Limited water availability for drinking, household use, or enjoyment of nature
- Water pollution
- Air pollution
- Climate change (if there are specific instances of how climate change has affected your area, you may consider mentioning those as examples of tangible harm)
- Use of fossil fuels and back-up generators that will affect air, noise, light pollution
- Light and noise pollution from 24/7 operations
- Impacts on the land and landscapes you enjoy
- Changes in land use from construction and operation of the data center that will affect the natural environment you enjoy or depend upon
- Impacts to your visual and auditory experience of nature around you
- Impacts of these environmental harms on your health, quality of life, economic vitality, or the health and beauty of nature important to you
- Effects to your recreational enjoyment of the natural values of the environment, i.e. boating, fishing, nature observation, hunting, hiking or walking in nature



**b. The PA Green Amendment’s Obligation to Conserve and Maintain the State’s Natural Resources for the Benefit of the People, including Future Generations.**

Explain that all state, county, and local government agencies and officials have a constitutional obligation to be a trustee of Pennsylvania’s public natural resources and to conserve and maintain them for the benefit of all people in the state, including future generations. Go on to describe the natural resources that will be harmed by the proposed data center, and the way you envision those harms manifesting. Discuss if the harms will be short-term or long-term, and if they could have generational implications. Share how you believe allowing this level of harm is a violation of the obligation to protect the natural resources for you and your community. Impacted natural resources could include any or all of the following:

- Rivers, streams, underground aquifers
- Safe, livable climate
- Air quality
- Aspects of nature including forests, biodiversity, wetlands, etc.
- Wildlife including mammals, birds, reptiles, pollinators, etc.
- Ecosystems important for function or enjoyment of nature
- Ambient light
- Ambient noise
- Your recreational, ecological or economic enjoyment of/benefits from the natural resources that will be harmed

**5. Explain How You Believe Approval of the Data Center May Violate Government’s Trustee Obligations to You, The Beneficiary of Pennsylvania's Natural Resources.**

- a.** Explain how you believe approval of the data center may violate government's trustee obligations and affect you as one of the beneficiaries of the constitutional trust.
- b.** The fiduciary obligations of a trustee includes:

**1. The Duty of Prudence**

A duty to gather sufficient information and make an informed decision.

## 2. The Duty of Loyalty

A duty to make decisions about the public natural resources considering the environmental interests of all of the people of Pennsylvania, including future generations, and to not consider economic gain, profits or corporate business objectives over the environmental rights of the people.

## 3. The Duty of Impartiality

A duty to ensure natural resources are being protected equitably and that the government is not seeking to burden some beneficiaries in order to benefit others (intentionally or inadvertently). Equitable protection is owed to communities here today, but government must also ensure equitable protection of natural resources for generations yet to come.

For each of these duties, express whether you think approval of the data center would violate the obligation and/or result in a level of degradation or diminution of the natural resources that rises to a constitutional violation. For example:

- The municipality has not been provided/has not secured sufficient information to make an informed decision, and therefore cannot fulfill its constitutional duty as trustee.
- The hyperscale data center's use of the public natural resources would benefit corporations or special interests at the expense of the trust beneficiaries.
- The data center will inequitably burden your community on its own, or in combination with other sources of harm already impacting you.
- The data center is going to directly release greenhouse gas emissions—or result in additional fossil fuel extraction and combustion that will cause greenhouse gas emissions—that will further destabilize the climate, burdening future generations with wildfires, droughts, air pollution, illness, loss ecosystems, overwhelming heat, catastrophic weather events, etc.

# Sample Language & Comment

Here are some examples of specific language that can be used for each element in your comment letter. Please modify this language as necessary and appropriate to fit your specific situation and context.

## 1. Name, Affiliation, Connection, & Opposition

My name is Maya K. van Rossum, and I submit this comment on behalf of Green Amendments For The Generations, a nonprofit organization dedicated to securing and enforcing constitutional Green Amendments nationwide. I write in opposition to the proposed siting of a hyperscale data center in Montour County.

**OR**

My name is Stephen Smith, and I am a resident of Montour County. I am a 5th generation farmer. I live down the road from the proposed data center. I can see the property from my house, I will surely hear it when it operates, and the pollution released from the fossil fuel generators that will provide power to the data center will reach my home and family. I am writing today to oppose the location of a hyperscale data center in my community.

## 2. PA Green Amendment Language & Obligation

Article I, Section 27 of the Pennsylvania Constitution, also known as the Pennsylvania Green Amendment, recognizes and protects the environmental rights of all the people of the Commonwealth, including future generations. It reads:

“The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

The Pennsylvania Green Amendment establishes a constitutional mandate that all government officials within Pennsylvania protect the right to a clean, safe and healthy environment, and protect the state’s natural resources for the benefit of all people including future generations. The duties recognized by the Pennsylvania Green Amendment apply to government officials at the state level, but also at the county and municipal levels.

Therefore, as a municipal/county/state agency/governing body/commission you must comply with the Pennsylvania Green Amendment when deciding whether to approve or deny this application.

**AND/OR**

You have a duty to protect my environmental rights; to prevent the unreasonable, degradation, diminution or depletion of the state's natural resources; and to ensure that environmental rights and natural resources are protected for me, my family, my children, grandchildren and all the future generations yet to come.

Your duty is to me, my family and my community—not to the company proposing this project.

*3. The Duty of Full, Fair, Informed Review as Part of, and Prior to, Final Decision-making*

To fulfill your constitutional obligation to protect my environmental rights, and those of our community, and to fulfill your duty as a trustee of the natural resources of our community, you are obligated to undertake an informed and meaningful analysis of this project.

You have a duty to ensure you have full and accurate information on this project in order to perform a constitutionally adequate review and assess what its approval means for my environmental rights and for impacted natural resources. And yet, you do not have full or accurate information regarding the proposed data center itself, or the impacts it will have on our land, water, air, ecosystems, communities, ground water, climate, wildlife, etc. You were not provided this information by the applicant and, as a result, cannot perform this necessary constitutional review.

Article 1 Section 27 of our State's constitution requires a full, fair, and informed assessment of the environmental rights and natural resource impacts of this project. The lack of full and accurate information on the project being proposed, or on its impacts to our community's environmental rights and natural resources, means you cannot fulfill your constitutional or trustee obligations to undertake a constitutionally adequate assessment of the project. As a result, you have no option but to reject the project/decision before you.

**OR**

Article 1 Section 27 of our State's constitution requires a full, fair and informed assessment of the environmental rights and natural resource impacts of this project/action. At this point, the data center developer/applicant has not provided the level of detail about the proposed project necessary for me, or you, to fully understand the implications for our environment if approved. From projects that have been constructed elsewhere in our state and nation, it is widely recognized that data centers, such as the one xyz company is likely to pursue, have significant/serious/irreversible negative impacts on water quantity, water quality, air quality, ambient noise, ambient light, ecosystems, landscapes, wildlife and plant life, climate change, and more. So too will this project inflict unacceptable levels of harm on our community, our environment, my environmental rights, and the natural resources of our community.



The lack of information on the record prevents you from fulfilling your constitutional duty to review and understand the environmental rights and natural resource impacts of your decision. Therefore, you have no choice but to say “no”.

*4. The PA Green Amendment’s Substantive Environmental Rights Protections*

As recognized and protected by the Pennsylvania Green Amendment, I have a RIGHT to pure water, clean air, and the natural, scenic, historic and esthetic qualities of the environment.

This data center will infringe upon these rights by... [add details about particular rights that are threatened by the approval of this project].

*5. The PA Green Amendment’s Obligation to Protect the State’s Natural Resources for the Benefit of the People, including Future Generations*

As a trustee of public natural resources in the Commonwealth of Pennsylvania/our town/our county, you, [name the decision-making entity] are constitutionally obligated to protect the natural resources this proposal threatens.

Your obligation to protect natural resources is owed not just to those of us who are here today, but also to all future generations of Pennsylvanians.

**AND/OR**

I do not believe you can conserve and maintain the natural resources of our community/town/county/state if you approve this proposal because... [list the natural resources that are threatened by the approval of this project and why they are at risk].

## Sample comment

Here is a sample written comment you can draw from to help shape your own.

[DATE]

[MUNICIPAL OFFICE]

[MUNICIPAL ADDRESS]

To whom it may concern,

I am sending this comment in opposition of [DATA CENTER NAME AND ADDRESS]. Communities that live near just one data center have reported issues, including a consistent low humming noise coming from the facility, constant light pollution, air pollution from fossil fuel power generators, problems with availability and quality of drinking water in their homes, strange smells, negative health impacts, and even increased electrical bills. Let's not bring these problems to our community. I urge you to deny the proposed application/proposal/legislation.

Pursuant to Article 1, Section 27 of the Pennsylvania Constitution, also known as the Pennsylvania Green Amendment, the people of [MUNICIPALITY] have a right to pure water, clean air, and to the preservation of the natural, scenic and esthetic values of the environment. As a Pennsylvania governmental entity, you, the [MUNICIPAL OFFICIALS OFFICE], are responsible for protecting the environmental rights enshrined in Pennsylvania's Green Amendment and have a duty to conserve and maintain the state's natural resources for the benefit of all people in the Commonwealth, including future generations. The duties articulated by the Pennsylvania Green Amendment apply to government officials at the state level, but also at the county and municipal levels. As such, your office must fully comply with the duties and obligations recognized and imposed by the Pennsylvania Green Amendment.

This proposal will have irreversible consequences for our community and environment. It will... [lay out what you know about the harms the proposal will inflict. Be sure to note if the proposal includes construction/operation of a fossil fuel power generator, either as a full time energy source or part time energy source, and that operations of this kind are a significant source of air pollution and climate changing emissions]. Studies show that the growing demand for AI could contribute to approximately 600,000 asthma symptom cases due to exposure to harmful air pollutants.<sup>[1]</sup>

Medium-sized data centers have been reported to consume approximately 110 million gallons of water per year for cooling purposes, while hyperscale data centers can consume up to 5 millions gallons of water per day. The global climate crisis is making water resources more scarce for our community and such precious reserves should not be expended on this project. [INSERT OTHER WATER FACTS HERE].

<sup>[1]</sup> Y. Han et. al, The Unpaid Toll: Quantifying the Public Health Impact of AI, [http://refhub.elsevier.com/S2772-9850\(25\)000262/sref3](http://refhub.elsevier.com/S2772-9850(25)000262/sref3). December 9, 2024, at 3.

Various sources report data center noise ranging from 55 to 96 decibels. It has been determined that continuous noise in excess of 30 decibels disturbs people's sleep.<sup>[2]</sup> Noise during sleep has been shown to increase heart rate and pulse, raise blood pressure, and cause cardiac arrhythmias.<sup>[3]</sup> Research shows that long-term, daily exposure to noise levels starting above 65 decibels can trigger a fight or flight response which impacts the endocrine and autonomic nervous system, raising risks of cardiovascular disease for those exposed. Data Centers bring nonstop noise that will be added to our community no matter what reduction measures are taken, which will impact the health of our community. Additionally, due to the hazardous air pollutants, data centers in the U.S. may contribute to nearly 1,300 deaths annually by 2030.<sup>[4]</sup>

The municipality should deny the application for [PROJECT NAME].

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If the data center proposal is lacking essential information, consider including questions in your comment. Here are a few ideas:

- Exactly how bright will the lights be on site and how long will they be on for?
- Can the developer guarantee the exact decibel range of the site and how long this sound will permeate for? What are the potential health implications from that level and duration of noise and at what distances?
- What changes to the natural landscape can we expect? Will trees or other vegetation be removed? How will they be replaced?
- Has the applicant explored the impact on local wildlife?
- Will there be smokestacks? How tall will the smokestacks on site be?
- What will the air emissions from the site actually be? What types of pollutants will be emitted?
- What is the expected level of air pollution on a per hour and daily basis?
- What is the expected route of the air pollution plume and how will it impact children and families in nearby homes, public facilities, and outdoor recreation spaces?
- What are the health implications of any anticipated air emissions?
- Will there be generators on site? What will power them i.e. natural gas or diesel?
- Exactly how many generators will be on site? How long and how often will these generators be expected to run?
- What greenhouse gas emissions are expected from the generators, and what is their expected contribution to climate change?
- How will the fuel be delivered to the site?
- Where will the fuel be extracted from?
- How many gallons of water per day will the application use?
- Where will water used for the application's cooling and operations come from?
- If water for the application is withdrawn from water wells, what will be the impact on local water supplies for residential use and/or emergency services?
- If water for the application is withdrawn from a local river, what will be the volume of that withdrawal, what will be the impact on the local ecosystem, what is the infrastructure needed to support that withdrawal, and what agencies would need to review and approve that withdrawal?
- What are any expected water and/or water pollution discharges and discharge amounts anticipated from the application?
- How many Megawatts or Gigawatts does the project expect to need? Has the applicant already made the appropriate requests to electric providers to ensure they can receive the required level of power?
- Does the applicant have emergency plans in place in case of a power outage? Would other power users be affected if the data center had to deploy such emergency measures?
- Who will be the end user of the data center i.e. Amazon, Microsoft, life sciences, cryptocurrency?

<sup>[2]</sup> Jariwala, Hiral & Syed, Huma & Pandya, Minarva & Gajera, Yogesh. (2017). "Noise Pollution & Human Health: A Review".

<sup>[3]</sup> *Id.*

<sup>[4]</sup> *Supra* note 1.



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