Ohio Environmental Council



NEW REPORT

2026 Data Center Regulations: A Playbook for Local Governments

October 2026

Your community has the power to decide if and how data centers develop. This playbook shows you how.

Ohio Environmental Council
www.theoec.org



ABOUT THIS REPORT

About the Ohio Environmental Council

For more than 55 years, the Ohio Environmental Council (OEC) has advocated for a healthier environment for all who call Ohio home. Through persistence and partnership, the OEC has made progress to address the most pressing environmental and climate issues facing Ohio communities. From resounding victories at the ballot box to important policy and legal wins, our advocacy and engagement efforts are making a difference.

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Find this report online at: theoec.org/news-and-information/data-center-playbook

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INTRODUCTION

An overview of data centers and how to use this report

The rapid growth and expansion of data centers pose unique challenges to municipal governments in setting adequate and timely regulations to ensure these developments do not endanger public health or our natural resources. This report offers best practices and policy ideas for how to regulate data centers at the municipal level, broken into seven main topic areas:

1. Temporary moratoria
2. Water and wastewater
3. Energy
4. Emergency responses
5. Enforcement
6. Zoning
7. Environmental justice

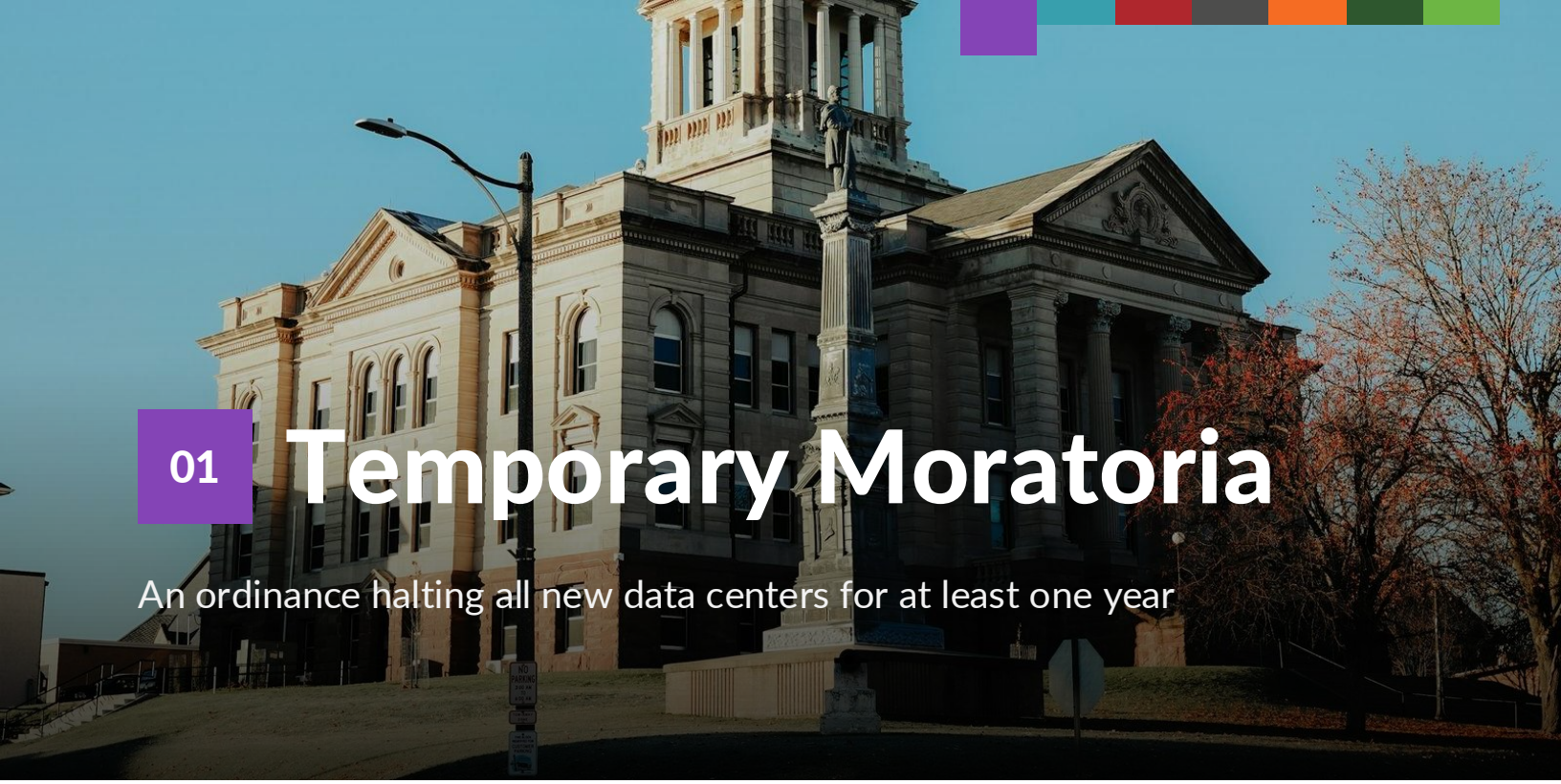
This playbook is for informational purposes only and is not legal advice; consult your law director or legal counsel before drafting or adopting any ordinance.

How To Use This Report

The intended audience for this report is local governments and community advocates seeking to establish data center regulations for their municipality.

This regulatory playbook offers policy ideas and best practices from around the country on data center regulations. Local governments can use this playbook as a first step to draft regulatory ordinances, refining the policies to be specific to their local community through a public process.

Ahead of passing comprehensive regulations for water and wastewater, energy, emergency responses, zoning, and environmental justice, municipalities may consider first passing a temporary moratorium to prevent data center customers from taking advantage of the lack of a comprehensive regulatory framework in place. Municipalities can also more effectively regulate the data center industry by ensuring enforcement mechanisms have teeth and fines levied for noncompliance scale to the size of the offender.



01 Temporary Moratoria

An ordinance halting all new data centers for at least one year

Data centers are often developed rapidly behind closed doors, not providing legislators or the public with opportunities to fully understand the impacts of these projects. A temporary moratorium provides governing bodies with more time to consult experts, incorporate public feedback, and ensure suitable regulations are in place to maintain public health and prosperity. Municipal governments can pass an ordinance which halts all new data center projects for at least one year to provide the time necessary to pass comprehensive regulations which protect the public interest and our natural resources. Different types of local governments will have unique levels of authority to regulate data centers. The Ohio Legislative Service Commission has put together a brief of local government types and authorities, which municipalities can refer to for more information on local options for regulation.

This temporary moratorium ordinance can reserve the right to cancel the operating permits for data center projects which have been determined to violate the public interest irrespective of operational status. All existing data centers can be required to meet all new regulations set by the municipality within one year of passage; otherwise, they shall not be permitted to continue operating. The moratorium can include a clause for automatic renewal if it expires before the full data center regulatory ordinance package has been implemented. Municipalities could also explore outright bans if it makes sense for their communities, but the legal implications of bans of specific types of development are not the subject of this report, which focuses on regulatory approaches.

Passing a temporary moratorium is an important first step to ensure local governments have the time needed to conduct research, gather public input, and develop comprehensive regulations. However, moratoriums are often not enough on their own—they serve as a way to buy time for legislative bodies to pass regulations. The strongest protections will lie in those regulations, including for water and wastewater, energy, emergency responses, and zoning. The strongest regulations will include robust enforcement mechanisms which go beyond nominal fines and address violators in the context of their size.

Moratoria and Resolutions Across Ohio:

- Village of Blanchester
- Village of Yellow Springs
- Waterville Township
- Providence Township
- Washington Township
- Butler County
- Athens County
- City of Cleveland
- Grove City
- City of Athens
- City of Findlay



It is important that the temporary moratorium defines data centers comprehensively to cover the wide variety of data center operations. One example of a comprehensive definition is in Grove City Ordinance C-22-26. An excerpt of this ordinance is below:

Grove City Ordinance C-22-26

SECTION 1. For purposes of this Ordinance, "High-Density Computing Facility" means any facility primarily engaged in large-scale cloud computing, server hosting, artificial intelligence processing, cryptocurrency mining, block-chain processing, hyper-scale computing operations, co-location services, or similar digital infrastructure operations utilizing substantial computing power, cooling systems, utility infrastructure, backup power generation, or on-site energy systems.

The term includes, but is not limited to:

- Data centers
- Server farms
- Artificial intelligence computing campuses
- Cryptocurrency mining facilities
- Block-chain processing facilities
- Cloud computing campuses
- Co-location facilities
- Similar hyper-scale or high-density computing operations

The term further includes any associated or accessory infrastructure necessary to support such facilities, including substations, cooling infrastructure, backup power generation systems, fuel storage systems, utility infrastructure, water infrastructure, fiber infrastructure, and related operational support facilities.

Another example of a comprehensive data center definition is from Nashville, Tennessee in Nashville Ordinance 2026-1391. This ordinance is particularly robust, defining separate data center size classifications which allow for more comprehensive zoning regulations. An excerpt of this ordinance is below:

Nashville Ordinance 2026-1391

"Data center" means a building or facility primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware. Data center includes “data center - accessory”, “data center - small”, “data center - medium”, “data center - large”, and “data center - campus”. The square footage of a data center shall include the total square footage of each floor in the data center development, the square footage of any supporting uses, and the square footage of any additional exterior equipment, such as substations, electrical yards, mechanical yards, and all other exposed equipment, located within the property boundaries. A “server room” shall not be considered a data center. A collection of computer workstations configured solely for use by a principal use shall not be considered a data center.

“Data center - accessory” means a data center of 5,000 square feet in size or less that has a maximum utilization capacity of 1MW of electricity and is accessory to a principal use. The principal use shall utilize more square footage than the data center.

“Data center - campus” means a geographically contiguous development of one or multiple buildings utilized as a data center and all associated supporting structures and uses, including a dedicated power substation, built across one or multiple phases totaling more than 500,000 square feet and/or with a maximum utilization capacity greater than 100MW. This use shall not be permitted in Davidson County.

"Data center – large" means a data center larger than 100,000 but not exceeding 500,000 square feet in size and/or with a maximum utilization capacity greater than 20MW but not exceeding 100MW of electricity and which utilizes a dedicated power substation.

"Data center - medium” means a data center larger than 20,000 but not exceeding 100,000 square feet in size and/or with a maximum utilization capacity greater than 5MW but not exceeding 20MW of electricity and which may utilize a dedicated power substation.

“Data center - small” means a data center of 20,000 square feet in size or less and/or with a maximum utilization capacity of 5MW of electricity and which does not utilize a dedicated power substation. Data center - small uses may be located in structures containing more than one nonresidential use that do not contain residential units provided that the data center makes up less than thirty percent (30%) of the total square footage of the building.

“Server room” means a dedicated closet or room containing servers and/or other computer equipment that is less than 500 square feet in size and that is located within and supports functions of a principal use and relies on the principal use’s existing HVAC and electrical supply.

One strong temporary moratorium passed in Ohio is in the Village of Blanchester, which has paused data center developments for two years. An excerpt of this ordinance is below:

Village of Blanchester Ordinance No. 2026-007

NOW THEREFORE, BE IT RESOLVED, by the Council for the Village Council of Blanchester, Clinton County, Ohio that:

SECTION 1. The Council for the Village of Blanchester hereby establishes a moratorium with respect to the authorization or establishment of any computer data center within Village of Blanchester for two years from the date this Ordinance takes effect.

SECTION 2. That this Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect immediately, or upon the earliest date as otherwise allowed by law.

Another example of disincentivizing data centers is in Athens County, which passed a non-binding resolution to deter data center developments, without an end date. An excerpt of this resolution is below:

Athens County Commissioners Data Center Resolution

The Athens County Commissioners have determined that significant legitimate public interests exist and it is in the County's best interests, necessary to promote the health, safety and general welfare of the County and its residents, to hereby declare that the county cannot support the building of or the resources needed to fulfill the needs of the development of Data Centers.

And be it further determined that this resolution is declared to be an emergency necessary to protect the health, safety, and welfare of residents of Athens County from exposure to the long term negative environmental and financial impacts data centers impose on surrounding communities.



Providence Township's resolution cites neighboring Waterville Township's recent moratorium to emphasize the need for Providence Township to follow suit of their neighboring municipality and pass a data center moratorium. An excerpt of this ordinance is below:

Providence Township Ordinance 2026-001

RESOLVED:

Section 1. Findings of Fact and Recommendation.

The Board takes notice that the Township of Waterville, Ohio has recently imposed a moratorium through Resolution 2025-29 on issuance or granting applications or permits for data centers and ancillary facilities in the Township of Waterville for a period of twelve months. The Board hereby acknowledges the findings and recommendations of Resolution 2025-29, adoption by its neighboring political subdivision's legislative body, and acknowledges that the findings and recommendations of Resolution 2025-29 deserve consideration by the Board.

This Board further takes notice that in public domain significant concerns exist regarding data centers relating to:

- Land use and compatibility with neighboring land uses;
- Utilities (the ability to provide sufficient electricity, water, and sewer services);
- Public services;
- Appropriateness of location; and,
- Noise generated.

Section 2. Temporary Moratorium Established.
A temporary moratorium ("Temporary Moratorium") is hereby established on the receipt of applications for the processing and approval of, and the issuance of any type of permit for data centers pursuant to the Zoning Resolution.

Section 3. Duration.
The Temporary Moratorium established in this Resolution will be, and is hereby established, for a period of 365 days from this Resolution's Effective Date set forth in Section 11, and the Temporary Moratorium will expire at 12:01 a.m. on April 14, 2027, unless prior to that time, the Board, in its sole and absolute discretion, extends this Temporary Moratorium by Resolution.

In **Waterville Township**, the Board of Township Trustees cited a Statement of Infrastructure and Community Concerns for Proposed Data Center Development along with various research reports on data centers—including the Ohio Chamber of Commerce Research Foundation's Economic Impact Study of Data Centers in Ohio—to justify passing a 12-month data center moratorium. The referenced reports can be found in the meeting minutes from December 17, 2025.



Local governments can reference language from existing moratoria to craft their own ordinances. Local governments may choose to cite findings and recommendations from other municipalities as further reason to pass their temporary moratorium. Local governments may also choose to delineate data center definitions by size in order to allow for comprehensive zoning regulations. After passing a temporary moratorium, local governments can begin the regulatory process and craft a data center ordinance package aimed at regulating water and wastewater, energy, emergency responses, zoning, and environmental justice processes and instituting robust protections for their community and its natural resources.



02 Water & Wastewater

Data centers consume massive amounts of water

Data centers consume massive amounts of water. Direct water consumption from data centers in 2023 alone was approximately 66 billion liters (17.4 billion gallons). Large data centers may consume 5 million gallons of water per day, equivalent to the water usage for an entire town—for comparison, Fremont, Ohio. uses roughly 6 million gallons of water per day. It is important to note that we do not yet have a precise understanding of exactly how much water data centers use, since reporting is not yet required. As data centers continue to target freshwater resources, it is important to remember that "only 3% of Earth's water is freshwater, and only 0.5% of all water is accessible and safe for human consumption." In addition to direct water consumption, data centers also have large amounts of indirect water consumption through the energy generation process; indirect water consumption makes up the bulk of data center water use. For an average data center powered by a natural gas plant, the indirect water consumption is an additional 80% to the onsite water consumption. In the Columbus metro region, data centers used approximately 1.2 billion gallons of the city's municipal water supply in a 12-month period. Ceres conducted a study on data center indirect water usage across seven states with the most data center buildout—Ohio, Georgia, Texas, Illinois, California, Arizona, and Virginia—and found that data centers in these states "depend on roughly 3.4 trillion gallons of freshwater annually for electricity." The current annual withdrawal volume in Ohio sits at 25 billion gallons, with projections up to 61 billion gallons annually based on projected data center growth through 2030. It is critical that data center regulations cover both direct and indirect water usage and consumption, including all related power generation facilities.

Municipalities can strictly limit the water and wastewater activities of large water users—including data center customers—to ensure those users are not causing irreparable harm to our watershed, straining municipal water supplies, or dumping hazardous materials into our waterways.

For example, with Columbus, the city can set strict requirements, caps, and prohibitions on water and wastewater activities for all large water users

that rely on the city's municipal water system. The following sections detail a variety of water and wastewater regulations that can be required by a municipality. Municipalities may face questions about whether to limit new regulations exclusively to data center customers, or whether to apply new regulations to all large water users. Municipalities can consider their local infrastructure uses and needs to determine the most effective scope for new regulations.

Water Usage Effectiveness and Monitoring

Municipalities should consider requiring data center customers to create comprehensive Water Conservation Plans, which include projected water use, water sources, conservation and efficiency measures, and alternative water use commitments. This Water Conservation Plan could be required to be completed and submitted to the municipality before any local operating permits may be allowed; no construction may begin beforehand.

Data center customers could also be required to meet Water Usage Effectiveness (WUE) Standards on an increasing annual scale, targeting 0.5L/kWh or lower. WUE measures how efficiently data centers use water, calculated by comparing total water usage to water usage by data center IT equipment. Failure to meet any WUE benchmarks shall be considered a violation and trigger an automatic Water Conservation Plan review. Continual noncompliance shall result in the revocation of water use permits.

Data center customers could be required to install and maintain sub-metering equipment capable of separately measuring all water consumption including potable water consumption, cooling tower water consumption, reclaimed or alternative water consumption, on-site energy generation water consumption, and all water volume discharge. Communities could place hard contractual caps on total water usage from data center customers which includes both cooling and energy generation. Tucson, Arizona's Ordinance No. 12188 provides strong language for this.

Cooling Processes

In addition to plans, municipalities can explore technology requirements. For example, municipalities could require data center customers to use the best available technology for cooling, defining "best available technology" as that which has the least harm to the public and our natural resources. In the meantime, while new technology is being developed, municipalities could also require data center customers to use closed-loop cooling processes, which when done right have the lowest water use profile. It is important to note that closed-loop systems use the most energy, which in turns drives more water use; closed-loop systems are not a perfect solution. The most important element to include in cooling requirements is mandating the use of "best available technology" along with requirements for cooling system upgrades on a specified timeline—such as every five years—to keep up with new technology.

There can also be mandated continuous monitoring of the cooling system including total water usage and consumption and WUE standards which will be shared on a publicly accessible website. Additionally, there can be a requirement for data center customers to conduct and pay for a feasibility study exploring whether waste heat can be recovered from the cooling process and used for other applications. Using and consequently reducing waste heat will in turn require less water for the cooling process, helping to reduce the amount of water use and consumption.

Wetlands and Stream Protection

When comparing the National Wetlands Inventory Map to a map of planned and operating Ohio data centers it is clear that data centers already pose

threats to wetlands across the state. Louisiana and Florida each have detailed wetlands protection requirements which municipalities can refer to when drafting their ordinances. One avenue to establish robust wetlands and stream protections is requiring data centers to apply for permits for all activities which would impact wetlands and streams. A list of water and wastewater permits a municipality can require compliance with is in the permits section of this report. These permits and assessments shall be required for all data centers within a specified distance of any wetlands or streams and for all data centers which conduct any activities which may impact any wetlands or streams.

While it is encouraging that OEPA decided not to finalize the proposed general permit for data centers which would have permitted dumping into waterways, it is important that municipalities take proactive steps to further regulate and prohibit any dumping. Municipalities cannot outright prohibit dumping as the state and federal framework for discharge will preempt a local government from creating its own prohibitions. However, municipalities can require that data centers report compliance with state EPA permits to the governing body, and mandate both compliance and reporting in order to access city resources. The Municipality's Attorney's Office should also explore what additional mechanisms it can utilize, under state and federal law, to pursue appropriate enforcement of water pollution violations that impact the municipality.

Further wetland and stream protections will require zoning changes, such as requiring data centers be built on preexisting brownfields and prohibiting the construction of data centers or energy generation facilities within a specified distance of any wetland or stream. This is detailed in the zoning section of this report. Data centers could also be prohibited within all key ecological areas. For example, in Central Ohio, data centers can be prohibited within the Big Darby watershed due to the watershed's sensitivity and status as a nationally significant biodiversity hotspot.



Groundwater

Municipal governments could require data center customers to participate in and comply with OEPA's Ambient Ground Water Quality Monitoring Program, which monitors water quality changes across Ohio's major aquifers. In addition, municipalities could require data centers to publicize monthly water inventory reports in collaboration with ODNR, using ODNR's statewide monthly water inventory report as a guide. Local governments can then use the monthly water inventory report, along with participation in OEPA's program, to monitor the level of impact each data center has individually on the state's groundwater resources. Such ordinances could stipulate that any unusual decreases in reservoir storage for water supply or groundwater levels will trigger emergency review and may require the halting of operations.

Groundwater Recharge

Data center customers could be contractually required to engage in managed aquifer recharge—under the purview of ODNR—in order to access the municipal water system. One mode of managed aquifer recharge participation is in-lieu recharge, where data centers are required to exclusively use alternative water sources and therefore do not use groundwater.

Reclaimed Water

Municipalities can require data center customers to exclusively use reclaimed and alternative water sources for all cooling and energy generation processes, ensuring that data centers do not cause irreparable harm to our freshwater resources. This requirement can be structured on an increasing annual tiered scale, with the goal of achieving 100% reclaimed and alternative water use requirements no later than 2050.

It is important to note that this requirement may lead to the co-location of data centers and wastewater treatment plants, which can aggravate environmental justice concerns over siting multiple impactful facilities in fenceline communities. The municipality could require consideration of the impacts of co-located facilities on the surrounding community. New York State has developed an Environmental Justice Siting Law which municipalities could refer to when considering how best to require reclaimed and alternative water use without causing undue burdens on communities.

Municipalities can review legislation from other states for best practices on mitigating the harms of data centers on our increasingly limited freshwater resources. For example, Florida SB 484 includes language "requir[ing] the use of reclaimed water in lieu of all or a portion of a proposed use of surface water or groundwater by a large-scale data center applicant" when specific conditions are met. This legislation also requires that "water resources are used in the public interest, in a manner that is not harmful to the water resources of this state, and consistent with local government zoning regulations and comprehensive plans."

Wastewater Upgrades

Requiring data center customers to exclusively use reclaimed and alternative water sources will necessitate wastewater infrastructure upgrades. Data center customers can be required to foot this bill and fully fund the necessary wastewater infrastructure upgrades required to mitigate data center impacts on freshwater resources. One way to require this is levying an annual Infrastructure Impact Fee into a fund that is used exclusively for local water infrastructure, conservation, and drought resilience projects. This can also be accomplished through system development, infrastructure participation, and capital contribution charges levied to fully fund wastewater infrastructure projects which will serve large load water users.



Monitoring and Reporting

Municipalities can require that data centers continuously monitor their water usage and consumption and wastewater activities, disaggregated by source and by purpose, and that they report these metrics on a monthly basis. All reporting can be required to be published on a publicly available website as soon as is technically feasible. This report can include the following:

- Total monthly water use and consumption from all sources including but not limited to potable water, non-potable water, reclaimed water, alternative water, on-site energy generation water usage, cooling tower water usage, and technology equipment water usage, measured in gallons, disaggregated by both source and usage purpose.
- Monthly Water Usage Effectiveness values.
- Monthly reporting of all chemicals, contaminants, temperature, flow, and water quality of any wastewater discharge.

Ratepayer Protections

Data center customers should be treated as a unique ratepayer class to ensure there is no cost-shifting onto residential customers and that data center customers fully cover all costs related to the provision of water for all operations. Specific ratepayer protection actions can include:

Tiered Rate: Data center customers can be charged for water usage on a tiered rate structure, where the price-per-gallon increases as total usage increases. This will help incentivize water conservation and efficient usage and help the municipal water system recover costs associated with water provision to high-usage customers.

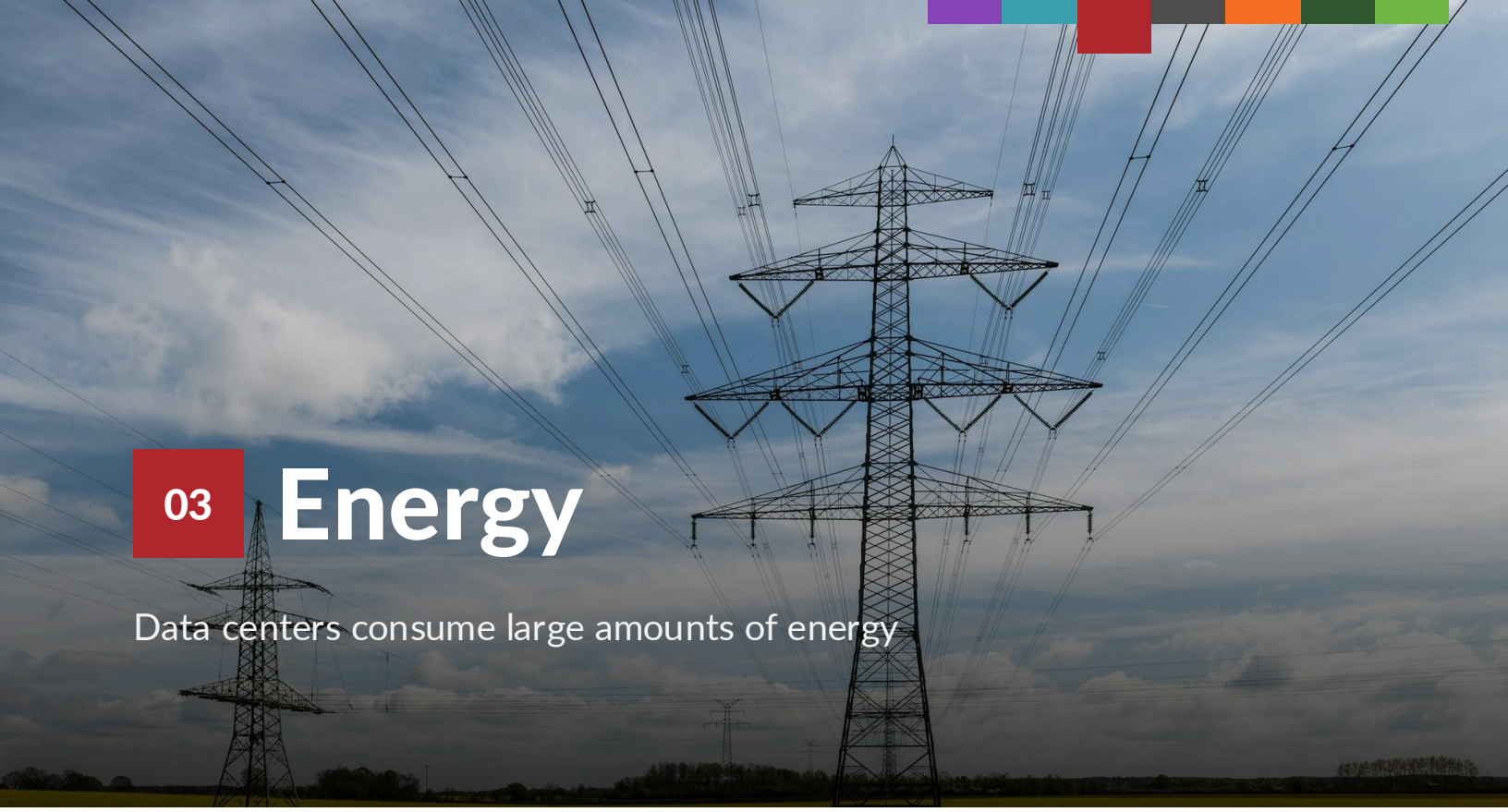
Drought Surcharge: Data center customers can be required to pay all surcharges from utilities during drought conditions to ensure these costs do not fall on residential customers.

System Development Charges: These one-time fees paid by new customers must include all projected water usage from the data center for peak usage, including potable water consumption, cooling tower water consumption, reclaimed or alternative water consumption, and on-site energy generation water consumption. These charges must be required in addition to data center customers footing the bill for wastewater infrastructure development. Data center customers can be charged on a price-per-gallon basis at the peak usage. Data center customers can also be required to pay "true-ups", additional charges if peak water usage is exceeded.

Infrastructure Participation Charges: These are charges levied at new industrial customers to fund infrastructure upgrades and protect existing customers from experiencing rate hikes. Denver, Colorado uses participation charges to protect ratepayers and recover costs for water and wastewater infrastructure upgrades. A municipality can stipulate that infrastructure needed to serve a data center customer shall be financed solely by that data center customer and not through the rates of other customers. Therefore, service to data center customers shall be required to pay participation charges to extend water service to that property.

Cost of Service Study: Data centers can be required to conduct a cost of service study to assess rate impacts and possible cost shifting from data center growth. Data centers can be required to fully foot the bill for this study. One example of a cost of service study can be seen in the Virginia Joint Legislative Audit and Review Commission's Data Center Study report.

Capital Contribution Charges: These are charges aimed at recovering costs from developers to contribute to the construction of infrastructure upgrade projects. An example of this policy can be seen across all jurisdictions in Australia, where capital contribution charges are required for water and sewage projects.



03 Energy

Data centers consume large amounts of energy

Data centers will expand significantly over the next decade, with forecasts predicting that power demand may triple by 2035—especially across the PJM grid. This is a critical moment to prevent the data center industry from becoming a complete bailout for the fossil fuel industry. If data centers pair 1:1 with fossil fuel energy generation projects, the added emissions will cancel out progress made on emissions reductions goals, which would be environmentally destructive for generations. The following sections detail a variety of renewable energy regulations which can be required by a municipality.

Renewable Energy Requirements

Data center customers can be required to use 100% renewable energy as a floor for environmental protections. Renewable energy is the future—solar is at least 41% cheaper than fossil fuels. If data centers are going to expand across Ohio, a minimum expectation must be that they are positively contributing to the future of the state. Requiring renewable energy generation for data centers will also reduce water usage and consumption, as renewable energy generation requires zero water. Municipalities can refer to the Bring Your Own New Clean Energy policy proposal for a PJM-focused example requiring new large loads to bring their own clean supply of energy to the grid.

The rapid data center expansion is a political opportunity to shift the power dynamics between renewables and fossil fuels. Requiring data center customers to use renewable energy will in turn leverage money for renewable energy projects and help phase out fossil fuels for good. The only way to stay on track with emissions reduction goals is to phase out fossil fuels; data centers cannot be allowed to derail those efforts.

Renewable Energy Standards

If 100% renewable energy cannot be required from the outset, then municipalities can create deadlines (e.g., no later than 2050) to stay in line with regional and municipal climate action plans. For example, looking to the Central Ohio Climate Action Plan (COCAP), renewable energy requirements could operate on an increasing scale

every 5 years—50% renewable by 2035 up to 100% renewable by 2050. As the COCAP explains, 19.9% of emissions in the Central Ohio region come from industrial energy. With rapid data center expansion, this rate will likely increase.

Several states have passed legislation with renewable energy standards that could be modified for a municipal level ordinance, including:

1. Missouri Renewable Energy Technology Standards include renewable energy portfolio requirements such as minimum solar requirements.
2. Pennsylvania proposed HB1834 (2025) requires minimum incremental clean energy requirements, including through power purchase agreements.
3. Texas SB9 (1999) included renewable energy goals stated in terms of megawatts to be built out, and established the first renewable energy credits trading program.
4. California has established a Renewables Portfolio Standard program to set minimum renewable energy requirements, with the latest update requiring all of the state's electricity to be carbon-free by 2045.
5. Rhode Island H7277A (2022) includes Renewable Energy Standard language on an increasing scale, set to achieve 100% renewable energy by 2033.
6. Vermont ACT179 (2024) includes Renewable Energy Standard language on an increasing scale and separates out requirements for total versus new renewable energy.

In addition to Renewable Energy Standards, other tools that can incentivize renewable energy generation for data centers include:

1. **Battery Backups**. Data center customers can be required to use battery backups for a specific and increasing percentage of their backup generation, with the goal of phasing out diesel backup generators entirely. This requirement can start at a minimum of 50% battery backups to stay in-line with the other renewable energy requirements, increasing to 100% by 2050. Requiring battery backups reduces the negative impacts from diesel backup generators, which emit dangerous pollutants into the environment which are also linked to heart and lung disease and cancer. Diesel generators are very expensive to run, so it is ultimately in the best interest of the data centers to use battery storage. Battery storage requirements further incentivize the use and buildout of solar energy generation.



2. **Power Use Efficiency Standards.** Data center customers can be required to meet Power Use Efficiency (PUE) standards, which are "the ratio of the total amount of power used by a computer data center facility to the power delivered to computing equipment". The National Laboratory of the Rockies—a laboratory of the US Department of Energy—set an aggressive PUE standard. of 1.06 or better for the local data center project, which it has been able to achieve. PUE standards would require improved efficiency for data centers, and may be tied to permitting requirements or rate treatment.
3. **Best Available Technology.** Data center customers can be required to use the best available energy generation technology in the public interest, defining "best available technology" as that which positively

contributes to the future of energy generation in Ohio and does not harm public health. Minnesota HF 7 (2023) provides a good example of this by defining and requiring the use of carbon-free technologies to meet renewable energy requirements. The ordinance should also stipulate that "best available technology" definitions are updated regularly on a specified timeline.

4. **Strict penalties for failure.** Municipalities can develop strict penalties for all failures to meet minimum renewable energy requirements. The best way to implement these penalties is ensuring they scale to the size of the offender, such as by leveraging pecuniary damages to address the harms caused by data centers which ignore these minimum requirements. There can also be additional penalties leveraged for any actions which would cut into regional or municipal emissions reduction goals.

Power Purchase Agreements

Setting renewable energy requirements for data center customers likely necessitates sourcing this energy at least in part through purchase power agreements (PPAs).

PPAs allow third parties to operate renewable energy systems and sell the produced electricity at fixed rates to customers in exchange for renewable energy certificates (RECs). Virtual PPAs (VPPAs) allow a buyer to purchase RECs and power from a renewable energy supplier at a fixed price through the grid's wholesale market. PPAs are one of the most prominent methods of transitioning energy buyers to renewables, and offer many benefits to corporate buyers, power producers, and policymakers.

VPPAs make up the majority of renewable PPAs in Ohio and have become popular among Ohio's major industrial manufacturers. This tool increases the realistic range within which data centers can be required to use renewable energy—with VPPAs, that potential ceiling is at 100% renewable energy. While VPPAs may not immediately incentivize the buildout of new renewable energy projects within the state of Ohio due to existing restrictions from Ohio SB 52 (2021), incentivizing the use of VPPAs within the PJM grid could contribute to regional infrastructure upgrades. Additionally, by offering incentives for a certain percentage of physical PPAs with Ohio renewable energy providers, this model could encourage some growth of renewable energy generation within the state. Onsite PPAs may also be incentivized, which would entail renewable energy infrastructure installations at the data center sites. Rooftop solar could be a potential onsite PPA avenue for data centers considering the sheer amount of rooftop surface area throughout data center campuses. Ultimately, Ohio renewable energy generation is still restricted by state-level policy, but a mixed approach of physical and virtual PPAs can encourage renewable energy infrastructure improvements both in Ohio and regionally.

A recent Ohio Supreme Court ruling on out-of-state wind farms supports this VPPA model. The Court affirmed that “six wind farms from noncontiguous states can sell renewable energy in Ohio.” This decision provides further legal backing for the ability to leverage VPPAs to secure renewable energy requirements within the state of Ohio.

A recent local example of a data center project using PPAs is Google's 15-year PPA contract to receive power from TotalEnergies' solar farm in Montpelier, Ohio, supporting Google's ongoing data center expansion across Central Ohio. While this contract will not cover the entirety of Google's power usage for its data center projects across Ohio, it does demonstrate how PPAs are already being used to incentivize renewable energy in the data center industry.

New York S6394A (2025) includes increasing PPA requirements for data centers up to 100% of all energy used by data centers provided through

PPAs by 2050. This bill also prohibits incentives in fossil fuel PPAs, ensuring that this tool is used to increase renewable energy generation. Municipalities can refer to state-level legislation for best practices which could be translated to the municipal level.

Unless their electric generation needs cannot be met by behind-the-meter renewable electricity generation, municipalities can require that all data center customers operating within the municipality's jurisdiction have renewable PPAs in order to meet regional or municipal renewable energy goals. Municipalities can also prohibit incentives for fossil fuel PPAs to ensure this tool is leveraged for the expansion of renewable energy generation and not for fossil fuels.

Impact Fees

Municipalities can institute a data center impact fee based on the number of backup generators on a data center campus. Virginia's State Senate 2026-2028 Biennial Budget Proposal includes a tiered state impact fee for data center generators "based on the permitted generator's rated capacity and emission standards."

Monitoring and Reporting

Municipalities can require that data centers continuously monitor their energy usage and that they report this usage on both a monthly and annual basis. All reporting can be required to be published on a publicly available website as soon as is technically feasible. This report can include the following:

- Total monthly energy consumption, disaggregated by both source and use purpose for the data center and any associated power generation facilities
- All efforts taken by the data center customer to implement renewable energy standards and progress to goal on renewable energy benchmarks

Ratepayer Protections

In order to help avoid data center energy usage from creating higher rates for citizens, data centers could be charged appropriate rates in order to alleviate these price increases. Data centers customers can be treated as a unique ratepayer class and required to fully foot the bill for their energy usage and impacts on residential ratepayers. Unless a data center is connecting to a municipal electric distribution utility, most specific ratepayer protections occur through the Public Utilities Commission of Ohio.

Municipalities without their own electric utility can encourage the following provision, which is included in proposed Ohio HB 646 (2026):

> "All direct costs associated with providing retail electric service to data centers, including any generation costs, transmission costs, and distribution costs, and costs associated with complying with section 4941.02 of the Revised Code, shall be allocated and recovered solely from data center operators."



04 Emergency

Data centers can create new emergencies

It is essential that municipalities retain the right to reduce or shut down data center energy and water use during emergency responses. Ratepayer protection measures such as tiered rates and drought surcharges must include an emergency response scale which adjusts fees according to the level of severity of the emergency.

In November 2025, a coalition of bipartisan state legislators submitted a proposal to PJM demanding ratepayer protections against data center developments. One of these protections specifies that data centers shall receive interruptible service, which allows PJM to reduce or halt the provision of energy during emergencies. Pennsylvania proposed HB 1834 (2025) requires data centers to take electric distribution under the interruptible rate. Pennsylvania Executive Order 2026-05 also details specific emergency response requirements for electric utilities.

Municipal ordinances can incorporate requirements that data center customers are enrolled in interruptible service and emergency curtailment programs where available. This will ensure that the municipality retains this right to shut off energy use in emergency situations for all data centers which fall under the municipality's jurisdiction. The water shutoff responses can also be built off this approach, using energy as a model.

Drought

While Ohio may not currently be in drought, recent trends of rapid transitions between drought and flood conditions along with flash droughts throughout the Midwest cause environmental and agricultural challenges.

In the case of drought, potable water usage can be restricted on an increasing scale tied to drought severity, up to a 100% reduction of potable water usage for all data center customers. Additionally, municipal ordinances can include specific drought compliance standards within the Water Conservation Plan requirement and specify that violators will have their water usage suspended.

Municipalities can develop an appropriate drought pricing system with tiered triggers and drought surcharges. Cities including Denver, Colorado,

Corpus Christi, Texas, and Dallas, Texas apply this drought pricing model effectively.

During times of drought, municipalities can retain the right to reduce the provision of energy on a tiered scale up to a 100% reduction in order to address the large amount of indirect water consumption through the energy generation process. Data center customers can be required to have tiered operating plans including reduced operations to reduce energy consumption as may be required by emergency responses.



Blackouts

In the case of citywide blackouts and rolling brownouts, all grid energy use and public water use could be shut off to all data center customers. It can also be specified that data center customers are prohibited from diverting power or water from residential areas to their own operations under any circumstances.

In May 2026, the North American Electric Reliability Corporation issued a Level 3 critical threat for the U.S. bulk power system. Large data centers have already caused havoc to the grid, and impacts are only expected to increase as the data center industry continues to rapidly expand. Blackouts are a primary concern when massive energy users coincide with an outdated grid system, and preventative measures and policies must be developed now to deal with blackouts further strained by data centers on the grid.

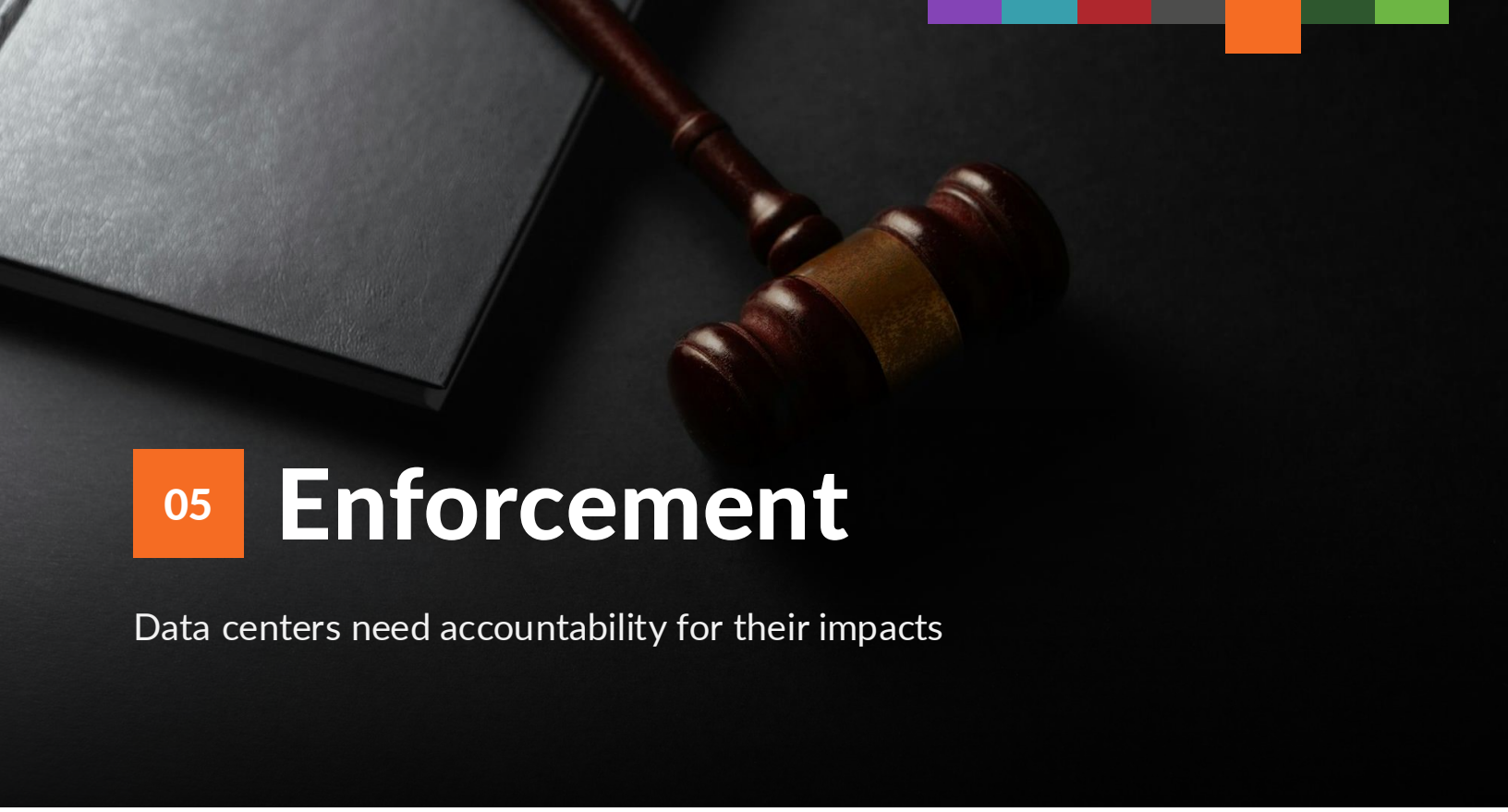
In Texas, a corresponding concern is data center driven blackouts during winter emergencies, which may leave communities even more vulnerable to dangerous conditions. This risk of blackouts during winter emergencies is also relevant for municipalities across Ohio, and extra strain added to the PJM grid by rapid data center buildouts only heightens this risk.

Blackouts also cause disruptions to potable water availability to residents; demand-side management of water resources during blackouts is critical to improving access to these resources. Considering the scale at which data centers use water, their demand must be heavily restricted during blackouts and brownouts to ensure that residents do not go without water.

Heatwaves & Heat Domes

As heatwaves and heat domes continue to become more frequent and more intense across the Midwest, municipalities can create proactive emergency response measures to prevent blackouts during these extreme weather events. During heatwaves and heat domes, municipalities can retain the right to reduce the provision of energy on a tiered scale up to a 100% reduction.





05 Enforcement

Data centers need accountability for their impacts

Permits

Requiring data center customers to apply for permits for all of their activities is an important step for accountability, transparency, and to provide the municipality with ample opportunities to stop harmful activities.

Data center customers could be required to obtain all relevant permits for all phases of the project upfront. Municipalities could limit construction of data centers until all required permits have been granted. No additional phases may be added to a project without reapplying for all relevant permits. This reapplication of permits may result in a denial which would permanently halt that additional project phase, no matter the completion rate of any of the other project phases. This would allow the municipality to moderate the growth of data center campuses and ensure any expansions are within the public interest.

Permitting processes should be transparent and accessible to the public at every step—permit application, relevant information provided, decision and reasoning. This ensures the public has a clear view of future impacts. For example, any data center customer that intends to discharge wastewater into any waterway must apply for wastewater permits and make that information public. Data center customers should not be allowed to shroud their impacts or rush construction to avoid future regulation. This improves transparency and democratic accountability of the process and ensures the public has access to all necessary information before construction has begun.



Energy Permits

The following is a non-exhaustive list of energy permits and related assessments which can be required when relevant for all data centers which are operating within the municipality's jurisdiction. All applicable state and federal permits and assessments could be required to be completed, with results shared publicly, before any local permitting or construction may begin for a data center.

- PTI/PTIO permits
  - Federally Enforceable Permit-to-Install and Operate (FEPTIO)
  - Title V Permit-to-Operate (Title V PTO)
- Diesel engine permits
- DAPC requirements, including:
  - NAAQS compliance
  - O.R.C. Chapter 3704 (air pollution control) compliance
  - Protect and maintain healthy air quality for the citizens of the state of Ohio
- New Source Review permitting, including:
  - Prevention of Significant Deterioration (PSD)
  - Nonattainment New Source Review (NSR)
  - National Emission Standards for Hazardous Air Pollutants (NESHAP)
  - New Source Performance Standards (NSPS)
- Cumulative impact assessments
  - Cumulative impact assessments can be required for the simultaneous use of oil and gas backup generators. This should be designed in line with the U.S. EPA's draft framework for cumulative impacts. A good example of this is Colorado's Energy and Carbon Management Commission rules which require oil and gas operators to consider cumulative impacts when applying for permits.
- Public health impact assessment
- Fenceline air quality monitoring
- Compliance with municipal energy benchmarking standards
  - Example: Columbus Energy Benchmarking Standards
- Short-term peak modeling for simultaneous generator testing
- Independent monitoring

Water & Wastewater Permits

The following is a non-exhaustive list of water and wastewater permits and related assessments which should be required when relevant for all data centers operating within the municipality's jurisdiction. All applicable state and federal permits and assessments could be required to be completed, with results shared publicly before any local permitting or construction may begin for a data center.

- RCRA permits
- Consumptive Use permits
- Notification of Regulated Waste Activity
- Voluntary Action Program (VAP) participation and compliance
- Compliance with municipal water benchmarking standards
  - Example: Columbus Water Benchmarking Standards
- DSW permitting, including:
  - Individual NPDES permits
    - Prohibit any NPDES exemptions
    - Mandate separate permitting for NPDES Category Ten
    - Specify that all NPDES activities from data centers shall not be considered "confidential business information" and therefore shall be made publicly available
    - Specify that any expansions to a data center project are considered "major modifications" and therefore must undergo a new NPDES permitting process and may not be considered minor modifications covered by any previously issued permits
    - Specify that noncompliance shall result in revocation of NPDES permits, in compliance with the federal regime
  - Wastewater PTI permits
    - Specify adherence to O.R.C. Chapter 3745-1 (water quality standards)
  - Water Quality Certification & Isolated Wetland Program
- Wetland and Stream Mitigation Assessments, including:
  - Ohio Stream Assessment Method (OSAM)
  - Qualitative Habitat Evaluation Index (QHEI)
  - Headwater Habitat Evaluation Index (HHEI)
  - Vegetation Index of Biotic Integrity (VIBI)
  - Amphibian Index of Biotic Integrity (AmphIBI)
  - Index of Biotic Integrity (IBI) & Invertebrate Community Index (ICI)
  - Headwater Macroinvertebrate Index (HMI)
- Ephemeral Stream Permit Best Management Practices (BMPs)
- Require the use of Wetland Mitigation Credits
  - Double the requirements for industrial data centers
- Compliance with the Wild & Scenic Rivers Act and continuous monitoring of all project impacts

Noncompliance

To ensure data center customers comply with the municipal regulations, municipalities could consider creating systems where noncompliance results in the revocation of all violated permits and the subsequent halting of operations for the data center.

Municipalities could consider barring data centers from operating when any of their required permits are halted or rescinded. Consecutive noncompliance of more than thirty days could result in the revocation of permits. Continued noncompliance after the first notice has been issued could result in doubling fines for each day the data center customer remains in noncompliance.

In addition, municipalities could consider stringent approaches for repeat offenders: data center customers which have had permits rescinded more than one time within one year or more than two times within five years could not be granted those permits again for the next ten years after the most recent violation.



Fines

To effectively regulate data center customers, fines levied for noncompliance must scale to the size of the offender. Nominal fines are ineffective at preventing noncompliance from corporations worth hundreds of billions of dollars. Major data center customers will treat fines respective of their impact on the company's bottom line. Relative to a $3 trillion company invested in the data center industry, a $10,000 fine is worth less than a penny. This problem is not exclusive to the data center industry—oil and gas companies have a long history of treating fines as the price tag for doing business as they choose. It is critical that enforcement mechanisms have teeth and penalties which address violators in the context of their size.

Pecuniary Damages

Pecuniary damages are a type of compensatory damages which determine the monetary harms (losses) or benefits (gains) from a violating action. Pecuniary gains may be used to determine the extent of financial gain realized through wrongful acts, such as the amount of company profit realized through noncompliance with environmental requirements. It is standard practice for pecuniary damages to be applied by whichever is the greater amount (gains or losses). For data centers, this would entail assessing the pecuniary gains realized by the corporation through their violating actions alongside the pecuniary losses realized by local jurisdictions or individuals due to the violating actions and fining the data center by whichever amount is greater.

Municipalities can include an alternative fines section in each ordinance which specifies that violations shall result in pecuniary damages. This

would allow any profit realized by a data center through noncompliance or harms imposed through noncompliance to be levied back as fines on the corporation. For example, if a data center customer chooses to ignore the Water Usage Effectiveness standards and consequently generates more profit through that noncompliance, then the corporation shall be fined by those pecuniary gains. Similarly, if a data center customer chooses to ignore renewable energy requirements and instead opts to source its energy exclusively from gas plants, any quantifiable harms experienced by the surrounding community—such as health impacts from pollution or lost property value due to the development—shall then be levied back as fines on the corporation. Example language for pecuniary damages can be found in 18 U.S. Code § 3571. This tool ensures that fines for noncompliance have real impacts on the data centers and will enforce compliance with all regulations.

Punitive Damages

Punitive damages allow the municipality to minimize negative impacts and fully prosecute violations to the extent of their harm. Continued violations after the first notice has been issued shall also result in punitive damages for the data center customer. Continued noncompliance from data center customers could be viewed as intentional and damaging to the public interest.

Public Transparency

Public transparency is critical to ensure data center projects do not infringe upon the public interest. Municipalities can require that all public information sessions detail the entirety of the data center project including all phases and potential campus expansions. This ensures that data center customers are not able to mislead the public about the full impacts of the project and provides the relevant municipalities with the full scope of information necessary to make critical decisions about the development.

All project phases and potential data center campus expansions shall be made public from the outset. All information sessions and public notices shall detail the total impacts of the project across every phase and possible project expansion. Municipalities could require data centers to detail impacts for all phases of a project, rather than one phase at a time.

Furthermore, municipalities should not allow data center customers to require nondisclosure agreements (NDAs) for any public official during any phase of the project. More simply, a community could bar all NDAs for any aspect of a data center project.

All monitoring, testing, and reporting of data center impacts on natural resources, public health, and economic activities could be made publicly available as soon as is technically feasible. Additionally, all data center customer activities which impact natural resources, public health, or economic activities could be required to be in the public interest. Violations of this public interest shall result in the revocation of all violated permits.

All data center customers could be required to submit to the governing municipality “the name of the parent company of the entity that is responsible for management and operation of the data center, or utilizes at least 50% of the facility's capacity”—this language is taken directly from Pennsylvania Executive Order 2026-05. This ensures that data centers cannot hide behind shell companies and provides the municipality with more opportunity to regulate the data center parent company as is necessary to safeguard the public interest.



06 Zoning

Helps limit the impact of development

Zoning regulations are a critical step to ensure that municipalities can appropriately designate data center customers to areas which will have the least impact on residents, critical ecosystems, and natural resources.

Industrial Zoning

Data centers are often classified as light industrial, allowing them to rely on municipal public water and sewer systems for domestic and light operational use. This classification does not reflect the impacts realized from the now often proposed "hyperscale" data centers, whose operations are more similar to heavy industrial particularly when considering the amount of water usage.

Municipalities can define data center customers as heavy industrial and restrict all new data center developments to heavy industrial districts. This will minimize impacts from data center developments on residential areas and sensitive ecosystems. It is critical that municipalities ensure data centers are also defined and regulated by their use cases, with large-scale data centers only being permitted through special exception and conditional use permits and not as by right. Some industrial zoning classifications, if not otherwise defined, provide for automatic by right approvals; municipalities should be aware of this when exploring whether to classify data centers as heavy industrial. A municipality can further explore its zoning regulations to ensure that heavy industrial definitions do not automatically grant by right permitting for data centers and ensure that special exception and conditional use permits are implemented appropriately.

Municipalities can require that all new data center developments are restricted to already existing brownfields. To further safeguard sensitive environments, municipalities can also prohibit the construction of any new data center or energy generation facility within a certain distance from any public land, land trust area, forest, wetland, waterway, or ecosystem hosting any endangered species.

Municipalities can look to other cities which have passed effective zoning regulations for data centers, including Atlanta and Nashville. Further information about effective local approaches to

data centers can be found in the Southern Environmental Law Center's 2026 report.

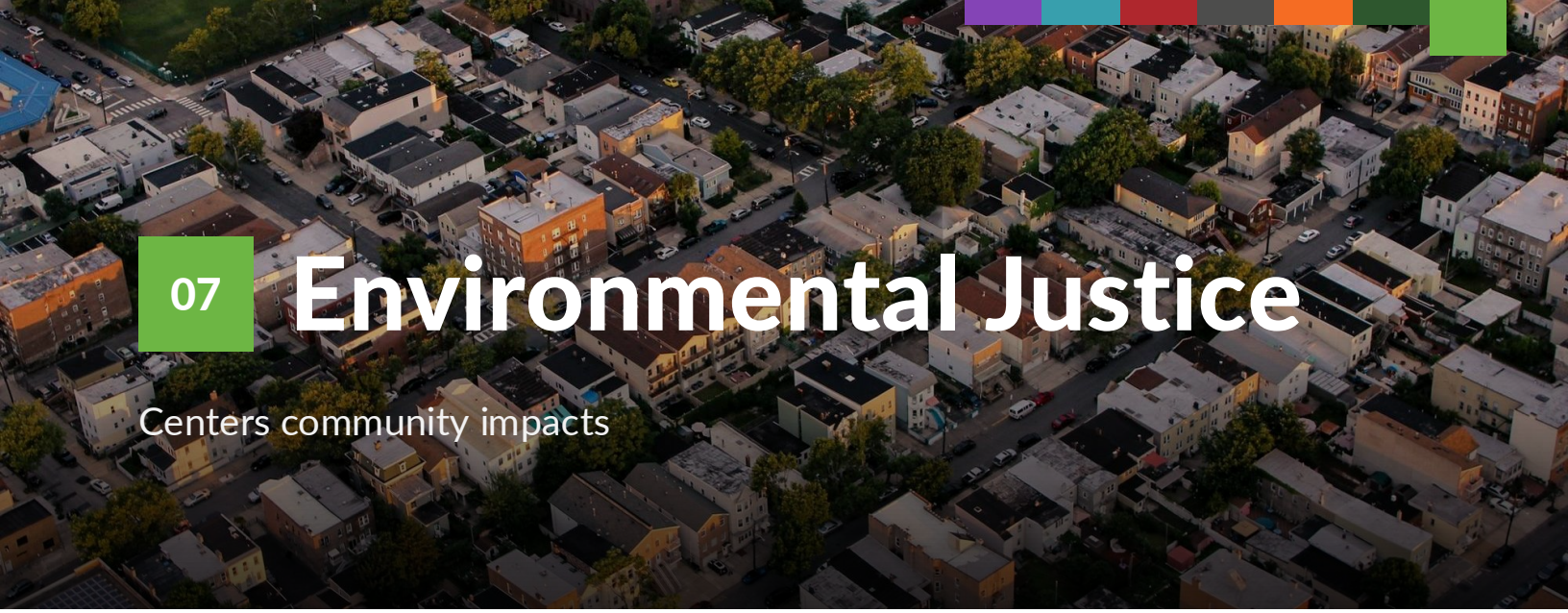
- **Atlanta:** The city of Atlanta passed two key zoning ordinances in 2024 relating to data centers. Atlanta Ordinance 24-O-1218 prohibits all data centers within the Beltline district, which is a 22-mile connected greenway around the city. Atlanta Ordinance 24-O-1222 prohibits all data centers within half a mile of MARTA stations, which is the city's public transit system.
- **Nashville:** Nashville's zoning code classifies five types of data center use, with comprehensive zoning district requirements based on the size of the development through Nashville Ordinance 2026-1391. Zoning requirements are delineated based on the defined size categories of data centers, with larger data center uses required to obtain special exception or conditional use permits. Notably, this ordinance also requires that any changes to a data center that "increase the square footage or add maximum utilization capacity requires review of a new permit". This closes zoning loopholes for data center expansions. Nashville also passed a data center moratorium through Nashville Ordinance 2026-1448 within the city of Nashville and Davidson county to provide time for the necessary zoning ordinances to be finalized and passed.

Conditional Use and Special Exception Permits

Municipalities can delineate data center uses based off their size and require conditional use or special exception permits for specific classes of data centers—such as large and hyperscale developments. Municipalities could also exclude certain classes of data centers entirely based on the needs of their community. This delineation will provide the governing municipality with more authority to determine how data centers may impact the residents and infrastructure, ensuring that best city planning practices are used when approving or denying data center projects. In defining data center uses and requiring conditional use or special exception permits, municipalities can also retain discretion to deny projects regardless of zoning permitting requirements in order to protect the public interest. Some municipalities with best practices on conditional use and special exception permitting for data centers include the cities of Akron, Nashville, and Harrisonburg, along with Loudoun County, Virginia.

- **Akron:** Akron City Council unanimously approved zoning changes for data centers on July 27, 2026 including specific requirement for conditional use permits.
- **Nashville:** Nashville Ordinance 2026-1391 details conditional permitting and special exception permitting based on the size of the data center development. Large data centers must be permitted as special exceptions, which requires approval from the Board of Zoning Appeals and a public hearing.
- **Harrisonburg:** Harrisonburg, Virginia shifted the zoning approach to data centers from by right to special use permitting.
- **Loudoun County:** Through the Data Center Standards & Locations project, Loudoun County adopted amendments to place new controls on data center developments. This includes making all data centers conditional use and requiring a special exception application be approved by the Board of Supervisors and eliminating data center by right use throughout the county.





07 Environmental Justice

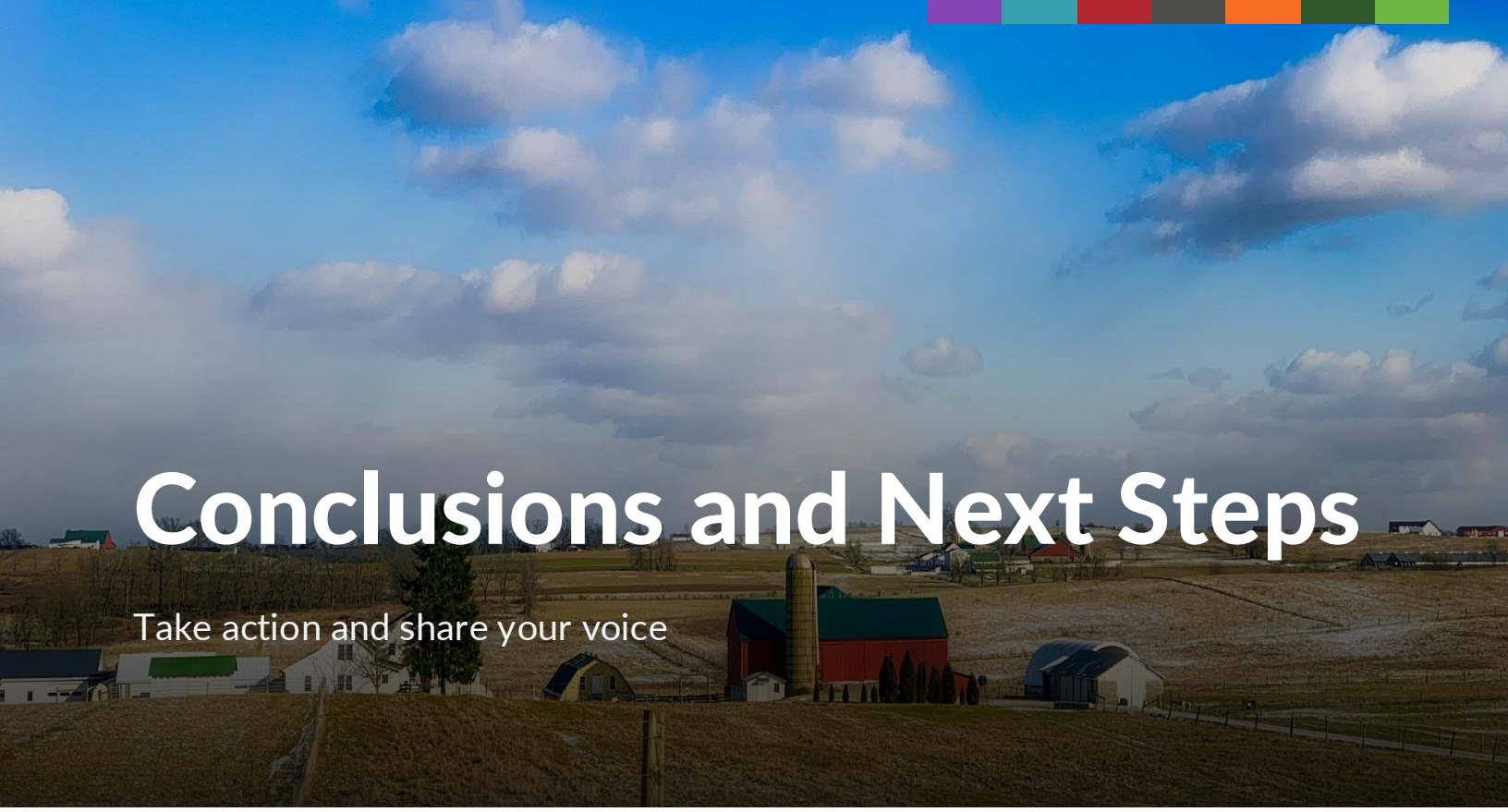
Centers community impacts

Municipalities can establish environmental justice policies and programs to ensure that local data center regulations and requirements do not lead to undue burdens on sensitive communities, such as through co-located high-impact facilities. The Tishman Environment and Design Center's report on local policies for environmental justice details a variety of municipal environmental justice policies. Many of these policies and programs may come about through zoning and land-use planning processes. Municipalities can consider these policies and programs and apply best practices for their own local regulations. Summaries of how three municipalities have approached environmental justice policies and programs can be found below:

Cincinnati, Ohio passed an environmental justice ordinance in 2009—the first of its kind at the time—which required new developments to obtain an environmental justice permit administered by the Cincinnati Office of Environmental Quality in order to operate. This permit required the development project to submit detailed information about the project's impacts on communities, including a list of all substances expected to be released or stored. This ordinance also created an Air Toxics Risk Assessment Review and air permitting process, requiring the collection of pollution data and public notice of all relevant projects. While the ordinance was repealed in 2010, this offers a concrete example of municipal environmental justice policies in Ohio which could be replicated in the future.

Fulton County, Georgia established the Environmental Justice Initiative in 2010 which has resulted in policies requiring considerations of health impacts on minority and low-income populations in zoning and land-use decision-making processes. In 2004, the Fulton County Board of Commissioners passed Article 28 to amend the zoning code and require an Environmental Site Analysis for any rezoning or use permit petition. The 2035 Fulton County Comprehensive Plan further incorporates environmental justice policies into the development process.

Minneapolis, Minnesota established a Green Zones initiative in 2016 with the goal to "improve public health, economic development, and environmental quality in communities that suffer disproportionately from environmental, social, political, and economic vulnerabilities." This initiative has created two Green Zones within the city so far and represents a great example of local environmental justice planning.



Conclusions and Next Steps

Take action and share your voice

Data centers are a complex issue requiring robust policy regulation. Left unchecked, data centers may cause irreparable harm to communities and the environment. Local governments hold significant power to pause development and pass a regulatory package to ensure that data centers are developed in the interests of the community. These regulations are not permanent bans on the data center industry; rather, they are necessary guardrails to prevent exploitation. Communities should have the opportunity to decide for themselves if, and how, data centers may develop in their area.

Local governments can follow a **five-step process** to pass comprehensive data center regulations in a transparent manner. These steps will occur over a period of months, so it is essential that municipalities first pass a temporary moratorium for at least one year to allow time for comprehensive review and public input.

1. **Pass a temporary moratorium** via local ordinance to pause new developments prior to regulations being in place
2. **Draft a data center regulatory package** using this playbook as a first step and refining policies to best suit the community in consultation with public policy experts and environmental scientists
3. **Host public town halls** to engage constituents, seek feedback on the draft regulations, and explain the upcoming regulatory process
4. **Implement feedback** on the draft regulations and publish the final drafts to be reviewed by experts and the public ahead of the voting process
5. **Pass the regulatory ordinance package** including ordinances for water and wastewater, energy, emergency responses, zoning, and environmental justice, ensuring that enforcement mechanisms in each ordinance have teeth and scale to the size of the offender

Ohio Environmental Council

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