

Eaton and Monroe Township Zoning Ordinance Amendment No. 1 – 2026
Article V111- Standards for Specific Uses

859 High-Impact Infrastructure and Utility Development

Wyoming County, Pennsylvania

Ordinance No. 1 – 2026

AN ORDINANCE OF THE Eaton – Monroe Township Board of Supervisors OF Eaton and Monroe Townships, PENNSYLVANIA, TO AMEND THE Eaton - Monroe CODE OF ORDINANCES TO DEFINE AND ADD SPECIFIC REQUIREMENTS FOR DATA CENTERS AND DATA CENTER ACCESSORY USES.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, et seq., authorizes the Eaton – Monroe Township Board of Supervisors to enact, amend and repeal Zoning Ordinances within the Eaton and Monroe Townships; and

WHEREAS, the Eaton – Monroe Township Board of Supervisors deems it to be in the best interest and general welfare of the residents of the Eaton and Monroe Township to update and amend provisions of the Eaton and Monroe Township Zoning Ordinance to provide for High-Impact Infrastructure and Utility Development; and

WHEREAS, the Eaton – Monroe Township Board of Supervisors desires to add provisions to the Zoning Ordinance relating to High-Impact Infrastructure and Utility Development;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Eaton – Monroe Township Board of Supervisors of Eaton and Monroe Townships as follows:

Section 1. Title and Authority

This Ordinance shall be known and may be cited as the *High-Impact Infrastructure and Utility Development Zoning Amendment*. It is enacted pursuant to the authority granted by the **Pennsylvania Municipalities Planning Code** (Act 247 of 1968, as amended). This ordinance is fundamental to the public health, safety, welfare, and the protection of the people of the Municipalities (Eaton & Monroe). This ordinance safeguards the physical and mental wellbeing of residents by : reducing environmental hazards, maintaining safe living and working conditions, preventing nuisances that can harm physical and mental health, and ensuring access to clean air, water, and safe housing.

Section 2. Purpose and Legislative Intent

WHEREAS, Eaton Township and Monroe Township recognizes the growing trend of large-scale digital infrastructure facilities, including but not limited to data centers, server farms, cryptocurrency mining operations, and similar high-impact developments;

WHEREAS, these facilities may present unique and substantial demands on the Township's water resources, electric grid, transportation network, and natural environment;

WHEREAS, it is necessary to ensure such developments are compatible with the Township's land use goals, protect community character and public health, safety, wellness, and mitigate potential environmental impacts;

NOW, THEREFORE, the Eaton – Monroe Township Board of Supervisors enacts this

amendment to the Zoning Ordinance to regulate the location, review, design, and operation of High-Impact Infrastructure Developments.

Where the provisions of this Section conflict with any other provision of the Eaton–Monroe Zoning Ordinance, the provisions of this Section shall control.

SECTION 3. DEFINITIONS

- **High-Impact Infrastructure Development**

A facility, operation, or use that requires intensive and sustained consumption of water, electrical power, or cooling systems, and includes but is not limited to:

- Data Centers: A facility used primarily for the housing, operation, and co-location of computer, communication, or data processing equipment.
- Data Center Campus: A group of buildings on one or more contiguous parcels operated as a single, integrated facility.
- Data Center Equipment (DCE): Equipment that generates specific noise, safety, or environmental impacts, such as cooling towers or generators.
- Data Center Accessory Use/Structure: Complementary, on-site infrastructure including electrical substations, water pump/cooling stations, back up power supplies (generators), and security facilities.
- Cryptocurrency mining facilities- A facility using computing/networking equipment for data processing, storing ,and transmitting, specifically including blockchain validation and “mining”. Specialized, industrial-scale data centers using high – powered computers (ASICs or GPUs) to validate blockchain transactions, often categorized as high-density, 24/7 industrial or conditional uses.
- Utility-scale artificial intelligence computing clusters – A facility containing one or more large – scale computer systems used for data storage and processing for off-site users.

- **Mitigation Plan:** A comprehensive plan prepared by qualified professionals detailing all anticipated environmental, infrastructural, and operational impacts, and the corresponding strategies to avoid, minimize, or mitigate such impacts. Potential environmental impacts, including but not limited to air emissions (from generators), water usage, electrical usage, heating, noise, and visual impacts.
- **Engineered Utility Plan:** A professionally prepared and stamped set of drawings and documentation detailing sources, capacity, and usage estimates for water, electric, cooling, and emergency backup systems, with supporting calculations and system design.
- **Water Withdrawal:** The removal or diversion of surface water for any use, whether temporary or permanent.
- **Watershed Impact Assessment:** A professional environmental analysis of how a proposed development may affect the hydrology, ecology, and quality of the surrounding watershed.
- **Commercial Zone:** Zones designated for commercial uses under the Eaton-Monroe Zoning Resolution (**CI-E, VC-E and VC-M**). High Infrastructure and Utility Developments are only permitted in these zones, subject to approvals and conditions.
- **Engineered Water Supply Plan:** A certified, stamped engineering drawing demonstrating how water will be supplied, the source, flow rates, consumption estimates, and mitigation strategies to protect local water availability.
- **ACCESSORY USE structure**– Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, storage, and security buildings or structures; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted; electrical substations; utility lines, domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers; environmental controls (air conditioning or cooling towers; fire suppression, and related equipment), and security features, provided such Data Center Accessory Uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center. Accessory renewable energy systems including battery storage or on-site solar generations serving the Data Center are permitted.
- **ELECTRICAL SUBSTATION** – A facility used for the transformation or

transmission and/or switching of voltages to distribution voltages which switches circuits and distributes usable/consumable electric power, specifically for Data Center users on the same or adjacent site, or on a site immediately across a road right-of-way.

- **PRINCIPAL BUILDING** – A building that contains the office and/or data storage functions of a Data Center.
- **LEED** – Leadership in Energy and Environmental Design
- **LEED CERTIFICATION** – A globally recognized symbol of sustainability achievement in building design, construction, and operation.
- **SENSITIVE RECEPTORS** – Schools, preschools, day care centers, in-home daycares, health facilities such as hospitals, long term care facilities, retirement and nursing homes, community centers, places of worship, campgrounds, prisons, dormitories, and any residence where such residence is not located on a parcel with an existing industrial, commercial, or unpermitted use.
- **STATIONARY ENERGY STORAGE SYSTEMS** – Large scale technologies designed to store electricity for later use.
- **Sustainable yield** - The amount of ground water that can be safely withdrawn from an aquifer annually without producing an undesirable result. Undesirable results include, but are not limited to, depletion of groundwater storage, the intrusion of water of undesirable quality, the contravention of existing water rights, excessive depletion of surface waters by induced infiltration, and land subsidence.

SECTION 4. ZONING DESIGNATION AND DEVELOPMENT STANDARDS

1. Permitted Districts and Zoning District Limitation

- *High-Impact Infrastructure and Utility Development* projects are permitted in the following zoning districts:
 - **Commercial Industrial (CI-E)**
 - **Village Commercial Zones (VC) – VC-E, VC-M**
 - *High-Impact Infrastructure and Utility Development* projects are permitted **only** within designated Commercial Industrial and **Village Commercial Zones (e.g., CI-E, VC-E, VC-M)**. Structures shall not be permitted in residential (R), residential- agricultural (RA), Susquehanna River District (SR-E) open space, or other non-commercial zones including FEMA Floodway zones.

- **Special Exception Requirement for High-Impact Infrastructure Development** in a Commercial Industrial (CI-E) or Village Commercial (VC-E, VC-M) Zone must be secured via a **Special Exception Permit**, reviewed by the municipalities Zoning Hearing Board.

2. Minimum Requirements

- **Lot Size:** 20 acres minimum
 - **Building Height:** Maximum 35 feet unless otherwise approved by the Zoning Hearing Board.
 - **Setbacks:**
 - Front: 800 feet
 - Side: 800 feet
 - Rear: 800 feet
 - Waterbodies: 500 feet
 - Mechanical Equipment: 500 feet from property line; 800 feet from R-E, R-M, RA-E, and RA-M.
 - Minimal Landscape buffer: 100 feet wide
3. **Setbacks:** Setback requirements for High Impact Development uses shall be scaled and proportional to the height, gross floor area, and site location of the principal structures. Larger or taller building shall be subject to increased yard requirements to mitigate massing, visual impact, and operational effects on adjoining properties. Where a development adjoins a residential district, enhanced setbacks and buffering shall apply as set forth herein. Maintain minimum distances from all property lines as specified at least 800 feet for buildings.
4. Conditional and Scaled Setback Based on Building Size and Placement - Recognizing that development vary significantly in building footprint, height, and operational intensity, setback requirements shall be conditional upon building masses and site location as follows:
- A. Building Footprint where the development exceeds:
 1. 50,000 square feet of gross floor area – required side and rear setbacks shall increase by one (1) foot for each additional 5,000 square feet above the threshold
 2. 75,000 square feet – increase all side and rear setbacks by one (1) foot per additional 2,500 square feet.
 3. 150,000 square feet of gross floor area – a minimum of 300-foot side and rear setback shall be required from any residential district boundary.
 4. 300,000 square feet or greater – a minimum of 800-foot side and rear setback from any property line.

B. Building Height

1. Maximum building height shall comply with district regulations unless approved by conditional use where permitted. Accessory Data Center equipment shall comply with applicable height limits of the district unless otherwise approved.

C. Mechanical Equipment and Accessory Structures- External mechanical equipment, generators, cooling towers, and substations:

1. Shall be located within required setbacks and fully screened.
2. All generators shall be located:
 1. Minimum 500 feet from any property line
 2. Minimum 800 feet from any residential use
3. Generator yards shall be:
 1. Fully enclosed by an 8-foot sound attenuating wall;
 2. Screened by earth berm and landscaping
4. Outdoor mechanical equipment shall not exceed 25 feet in height.
5. May require additional buffering as determined during land development review.

D. Building Separation and Campus Layout

Where multiple buildings are proposed:

1. Minimum 100 feet between principal structures.
2. Perimeter setback measured from outermost building
3. Internal access roads shall not be counted toward required buffer yards.

5. Review and Public Hearing Requirements

- A pre-application meeting must be made 30 days before formal submission to the joint Eaton-Monroe Planning Commission.
- A **public hearing** must be held before approval is granted.
- Notice must be published in a newspaper of general circulation **at least 15 days** prior and mailed to all property owners within **1,000 feet** of the proposed facility.

- The developer must present environmental, water, noise, vibration, and energy impact assessments during the hearing.
- The Eaton-Monroe Zoning Boards review

6. Screening, Buffers, and Fencing

To provide visual screening and reduce noise levels, ground-mounted and roof mounted equipment used for cooling, ventilating, or otherwise operating the facility, including backup power generation equipment, that is located within 50 feet of a public roadway, residential or other relevant zoning districts, or the lot line of any Sensitive Receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. Notwithstanding §701.6, High Impact Infrastructure and Utility Development uses shall comply with the standards of this Section.

1. Landscape Buffer.

- A. A landscape buffer is required along all property lines adjoining residential, residential agriculture, VC, Commercial districts, sensitive receptor, or public roadway. The landscape buffer shall comply with the following requirements :
 - B. The landscape buffer shall be at least [100] feet in width and may be part of the minimum setback distance.
 - C. Buffer plantings shall consist of Pennsylvania NATIVE species planted as follows:
 - a. One (1) large evergreen tree per 25 linear feet of buffer. The size of large evergreen trees shall be a minimum of fifteen (15) feet in height at the time of planting.
 - b. One (1) deciduous canopy (shade) tree per 75 linear feet of buffer. Size of canopy (shade) trees shall be a minimum of (15) feet at the time of planting.
 - c. One ornamental/flowering native tree per 50 linear feet of buffer. The size of ornamental/flowering trees shall be a minimum of twelve (12) feet in height for multistemmed varieties, or 2½ inch caliper at the time of planting for single-stemmed varieties.
 - d. Five (5) native pollinator shrubs per 25 linear feet of buffer. Size of shrubs shall be fully branched and minimum of 8 feet in height at the time of planting. Shrubs shall be a 2 combination of evergreen and deciduous species, with a minimum of 50% being evergreen.

e. In the event that existing vegetation is adequate to meet the intent of the required buffer yard to screen the *High-Impact Infrastructure and Utility Development* project and accessory uses from adjoining residential zoning districts, sensitive receptors, and public roadways, Eaton-Monroe Township Supervisors, upon recommendation by a Township Engineer and Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required buffer yard.

f. All buffer yard plantings shall be perpetually maintained by the property owner. Any plant material that dies, is removed, is diseased, or is severely damaged shall be replaced by the current property owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

2. Fencing

A. To provide visual screening and reduce noise levels, ground-mounted and roof mounted equipment used for cooling, ventilating, or otherwise operating the facility, including power generation or other power supply equipment, that is located within 50 feet of a public roadway, all zoning districts, or the lot line of any sensitive receptor must be fully enclosed, except where not mechanically feasible based on the manufacturer's specifications. If it is not mechanically feasible to fully enclose the equipment, it must be fully screened from view using one or more of the following means:

- a. The landscape buffer required by subsection (1) above.
- b. By existing vegetation that will remain on the property.
- c. A berm averaging a minimum of five (5) feet in height above the adjacent average ground level with a maximum side slope of 3:1, provided that the berm shall be covered by a well-maintained all season natural pollinator ground cover and any required screening plantings shall be arranged on the outside and top of the berm.
- e. A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.
- f. Fencing of the property is permitted, provided that fencing along public and private roadways is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device. An applicant shall not be required to comply with this requirement if fencing is fully screened from view by one or more of the means identified in subparagraph 1 above.

7. Noise and Vibration

The regulation of noise using C-weighted decibels and dB(A) is essential to the protection of public health, safety, and general welfare because these low-frequency noises often produced by data centers, generators, machinery – travels farther, penetrates homes more easily, and is not adequately measured by traditional A-weighted standards. Chronic exposure to elevated low – high frequency noise has been associated with sleep disturbance and insomnia, increased stress hormone levels, reduced cognitive performance, reduced attentiveness which can affect work performance and driving safety. No development or accessory use, or any combination of Data Center and Data Center Accessory Uses developed as part of a unified development, shall cause or contribute to sound levels in violation of the standards established by this section. Where there is a conflict between this section and any other section of this chapter, the provisions of this section shall apply. Notwithstanding §701.6, High Impact Infrastructure and Utility Development uses shall comply with the standards of this Section.

1. The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a *High-Impact Infrastructure and Utility Development* project or its Accessory Uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67 dB(A) and 55 dBC ; and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) and 55 dBC as measured from the property line of the use. Such sound study shall be conducted using Type 1 or Type 2 Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology with C-weighting and slow response modes. A sound study shall be conducted by a qualified person (with agreement from Eaton-Monroe Zoning Officials) at the following phases:
 - a. A preliminary study shall be conducted as part of the land development process. The preliminary sound study shall include recommended sound reducing materials or systems as needed to meet the aforesaid sound limits.
 - b. An interim sound study shall be conducted during the building permit approval process based upon the proposed user or users of the infrastructure and building Accessory Uses depicted on the building plans. Any sound reducing materials or systems recommended by interim sound study shall be incorporated into the construction plans for the use.
 - c. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study is required thereafter by Eaton-Monroe Township. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be

considered a violation of this Ordinance and the appropriate fines will be administered - \$500 per day for noise violations.

2. Maximum decibel levels specified herein shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators.
3. The applicant shall provide a vibration study prepared by a qualified professional that demonstrates that no vibration from the infrastructure, infrastructure Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

Definitions. The following definitions shall apply to this section:

- a. A-weighted fast response maximum sound level (LMAX). The maximum sound pressure level in decibels (dB) measured over a given period of time, with A frequency weighting and fast response time-weighting applied.
- b. Compliance metric: LEQ, LMAX, LPK, or LPTL.
- c. Daytime Hours: the hours between 7:00 am and 6:00 pm on weekdays and between 9:00 am and 6:00 pm on weekends and holidays
- d. Equivalent continuous sound level (LEQ). The steady sound pressure level in decibels (dB) which, over a given period of time, has the same total energy as the fluctuating noise measured over the same period of time.
- e. Evening Hours: the hours between 6:00 pm and 10:00 pm
- f. Log Average Level (LAL_{xx}): The logarithmic average of the interval measurements of a compliance metric, computed as follows: $LAL_{xx} = 10 \log_{10} \left[\frac{1}{n} \sum_{k=1}^n 10^{L_{kk}/10} \right]$ Where: }/n] LAL_{xx} = log average level in dBA or dB where L_{xx} represents either LEQ, LMAX, LPK, or LPTL. L_{x1} = level of the first interval measurement in dBA or dB L_{x2} = level of the second interval measurement in dBA or dB L_{xn} = level of the nth interval measurement in dBA or dB n = the number of measurement intervals P₀ = standard reference pressure of 20 micro pascals A minimum of 20 intervals of one minute each measured over a single period of 24 hours shall be used, however, intervals need not be contiguous. Intervals with louder, and preferably the loudest noise, should be used.
- g. Natural Environmental Sounds: Environmental sounds that are inherent to the area and due to naturally occurring sounds such as insects, rustling leaves, wind, wild birds, wild

animals, frogs, rain, lightning, or weather, but not including the noise of domesticated animals.

- h. Normal Community Sound: Sound that is inherent to and consistent with the norms of the community and which the average resident would reasonably expect to occur in their community. Normal Community Sound may include, but is not limited to, children playing, occasional dog barks, domestic power tools, residential HVAC equipment, and reasonable transportation sounds that meet state, federal, and local noise requirements and limits.
- i. Nighttime Hours: the hours between 10:00 pm and 7:00 am on weekdays and between 10:00 pm and 9:00 am on weekends and holidays.
- j. Pure tone: A sound occurring at a discrete frequency as determined by a Fast Fourier Transform measurement (narrow band analysis) of a sound using a dynamic analyzer with at least 1 Hz and preferable 1/8 Hz resolution, a Hanning window, and sufficient averaging to determine the magnitude of the pure tone level that is exceeded 5% of the time (i.e. an exceedance rate of L5).
- k. Pure Tone Level (LPTL). The magnitude in decibels (dB) of a pure tone, with no weighting applied.

l. Receiving Property: Real property impacted by noise generated by a Data Center and/or Data Center Accessory Uses. A Receiving Property need not be directly adjacent to the parcel or collection of parcels on which the Data Center or Data Center Accessory Use(s) are located but shall not include any real property incorporated as part of a unified design with the Data Center whose compliance is being evaluated.

m. Un-weighted peak sound pressure level (LPK). The maximum instantaneous sound pressure level in decibels (dB) that occurs during a stated time interval, with no weighting applied.

3. Sound level limits.

- a. For purposes of compliance with this subsection, sound shall be measured at the point, at any elevation, on the Receiving Property where the Log Average Level of the relevant Compliance Metric is highest.
- b. LALEQ shall not exceed the following values:

Table 1: Equivalent Continuous Sound Level (L_{eq}) Limits¹

Zoning District	Daytime hours	Evening hours	Nighttime hours
Rural Residential, Low-Density Residential Districts, Properties containing Sensitive Receptors	50 dB	45 dB	45 dB
Medium- and High-Density Residential Districts	55 dB	50 dB	45 dB
Mixed Use, Commercial, Industrial Districts	65 dB	60 dB	55 dB

- a. LALMAX shall not exceed the decibel value of the Equivalent Continuous Sound Level (LEQ)

for the zoning district and time of day, as provided in Table 1, by more than 10 dB.

d. LALPK shall not exceed the decibel value of the Equivalent Continuous Sound Level (LEQ) for the zoning district and time of day, as provided in Table 1, by more than 20 dB.

e. All LALPTLs shall be at least 10 dB below the nominal PTL_{xx} curve at the corresponding frequency, as set forth in Table 2 below, where the value represented by “xx” is the LEQ limit (in dB) set forth in Table 1 for the appropriate zoning district and time of day. Where the applicable LEQ limit is not a multiple of 5, the PTL curve corresponding to the next highest 5 dB increment shall be used; interpolation between PTL curves is not permitted. Each identified pure tone shall be evaluated independently, and where more than one pure tone is present, compliance shall be determined separately for each tone. Logarithmic averaging of tonal levels across frequencies shall not be used. See reference Table 2.

Exceptions. The above sound level limits do not apply to sound originating from:

- a. Motor vehicles operated legally and in compliance with the noise regulations of the Pennsylvania Department of Transportation.
- b. Safety and protective devices where noise suppression would defeat the safety intent of the device when being used for its intended purpose
- c. Any device intended to provide public warning of potentially hazardous, emergency, or illegal activities such as commercial, residential, or vehicle burglar alarms; back-up signals on regulated and licensed motor vehicles; fire alarms; law enforcement and fire vehicles, and similar devices
- d. Emergency equipment and emergency work necessary in the interest of public health, safety, or welfare or law enforcement
- e. Emergency standby generators during emergency use. Routine testing of generators shall comply with the sound level limits unless such testing occurs between 7:00 am and 6:00 pm on weekdays and between 9:00 am and 6:00 pm on weekends and holidays, during which time generators may exceed the sound level limits by no more than 20 dBA (20 dB for LPK) for up to one (1) cumulative hour per seven (7) calendar day period.
- f. Construction noise, including site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration or similar action for structures or other site improvements, provided that such construction occurs during Daytime Hours and that reasonable noise controls such as proper muffling of all engines, motors, or turbine-driven equipment, and pneumatic devices; noise enclosed air compressors and generators; sound barriers; and lagging are employed.

5. Measurement

a. Terminology and measurement practices shall follow applicable ANSI S1 & S12 standards. Compliance measurements shall be made using a calibrated ANSI Type 1 or Type 2 integrating sound level meter with a dynamic range of at least 60 dB. For each measurement, the signal-to-noise ratio shall be at least 10 dB. b. The contribution of wind noise to each compliance measurement shall not exceed 5 dBA (or dB). Measurements shall be made with properly installed windscreens, and any measurement influenced by wind noise exceeding this limit shall be discarded or repeated under acceptable conditions. c. Measurements shall exclude significant effects of Natural Environmental Sounds and Normal Community Sounds. The signal-to-noise ratio of the combined effect of Natural Environmental Sounds and Normal Community Sounds shall be at least 5 dBA (or dB) and preferably at least 10 dBA (or dB). d. Impact or impulse-type sounds shall be measured with the un-weighted Peak Sound Pressure Level (LPK) using a meter specifically designed for peak measurements and conforming to the applicable ANSI S1 standards. RMS (root mean square) measurements using the “fast” response setting or any legacy “impulse” function shall not be used.

Vibration.

No source of mechanical vibration or acoustically induced vibration shall cause or induce vibration on any property or in any structure (ground-borne or structural vibration) that exceeds the ISO 2631-2 Residential Day criteria. Vibration shall be measured as particle velocity in any one-third octave band and shall not exceed 200 $\mu\text{m/s}$ RMS in any band.

8. Sound and vibration study.

The applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound and vibration generated by a Data Center and/or Data Center Accessory Uses comply with the requirements of this section. The sound study shall be conducted using generally accepted methodology in the following phases:

- a. A sound modeling study shall be conducted to demonstrate that the proposed use will comply with applicable noise requirements of this section. The sound modeling shall be performed according to ISO 9613-2 series methods or other generally accepted engineering methods for outdoor sound propagation. All significant noise sources associated with the proposed Data Center and Data Center Accessory Uses(s) shall be included. The sound modeling study shall be submitted with the special exception.
- b. An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase. An as-built sound study may also be required thereafter by the Eaton-Monroe Townships. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance.

G. Water and Sewer

No Data Center shall be approved unless the applicant demonstrates that there is an adequate supply of water for the proposed use and that proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. Notwithstanding §701.6, High Impact Infrastructure and Utility Development uses shall comply with the standards of this Section.

1. If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.
2. If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity. No development or infrastructure shall be approved unless the water feasibility study demonstrates that the anticipated water supply yield is adequate for the project and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the vicinity. The water feasibility study shall include the following information at a minimum:
 - a. The projected water demands of the development;
 - b. The source of water to be used;
 - c. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage);
 - d. The long-term safe yield of the water source;
 - e. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means;
 - f. A geologic map of the area with a radius of at least five miles from the site;
 - g. The location of all existing and proposed wells within 1,500 feet of the property boundary, with a notation of the capacity of all high-yield wells;
 - h. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, within 2,000 feet of the property boundary;
 - i. A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, surface waters, and the groundwater table;
 - j. A statement of the qualifications and the signature(s) of the person(s) preparing the study.
 - k. A description of the amount or portion of water withdrawn that will be recycled or discharged and by what means and at what temperature;
 - l. A topographic map of the area with a radius of at least one-half mile from the site including;

m. The location of all existing and proposed wells within 3,000 feet of the property boundary, or, in the case of an assemblage of parcels, 3,000 feet of the exterior lines of the assemblage of parcels, including test wells and monitoring wells, with a notation of the capacity of all high yield wells. This distance shall be increased to encompass the diversion and recharge areas of the proposed groundwater source if the hydrological setting analysis required by subsection (5)(a) below indicates either area will extend beyond 3,000 feet from the property boundary;

n. The location of all existing and proposed on-lot sewage disposal systems as well as all sewage treatment system surface water discharges;

o. The location of all surface waters, including perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries and the use classification thereof (Cold Water Fishes, High Quality, Exceptional Value, etc.), if applicable, as set forth in Chapters 93 and 105 of Title 25 of the Pennsylvania Code;

p. Any known or potential habitats for threatened or endangered species; and;

q. The information applicable to groundwater withdrawals or surface water withdrawals, as appropriate, as required by subsections (5) and (6), below.

r. A statement of the qualifications and the signature(s) of the person(s) preparing the study.

3. The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission for projects proposing:

a. Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin; or

b. Any consumptive water use of 10,000 gpd or more over a 30-day average from any water source.

4. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer, Eaton – Monroe Townships officials, Wyoming County Conservation District, and/or the Pennsylvania Department of Environmental Protection.

5. Water Feasibility Study. If the use is to rely upon a nonpublic groundwater source and will withdraw [50,000] gallons per day (gpd)14 or more over

any consecutive 30-day period, or is to rely on surface water withdrawal, the applicant shall provide a water feasibility study. The purpose of the water feasibility study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity.

6. Contents of water feasibility study. The water feasibility study shall include the following information at a minimum:
 - a. The projected water demands of the Data Center, including both average and peak daily consumption;
 - b. The source of water to be used;
 - c. A description of how water will be used, including the amount or proportion of water to be used for each purpose (e.g. cooling, humidity control, fire suppression, and domestic usage)
7. Groundwater withdrawals.

For groundwater sources, the water feasibility study shall include a hydrogeologic report prepared by a registered professional geologist licensed by the Commonwealth of Pennsylvania analyzing the long-term sustainable yield of the water source.

The hydrogeologic report shall include:

- a. A hydrological setting analysis which includes a hydrogeologic cross section, delineation of the portion of the aquifer through which water is diverted to the well (area of diversion), delineation of the area providing groundwater recharge to the diversion area (recharge area), and identification of water resources located within the diversion and recharge areas.
- b. The results of an aquifer test conducted in accordance with Pennsylvania Department of Environmental Protection, Bureau of Safe Drinking Water, Document No. 394-2125-001, Aquifer Testing Guidance for Public Water Systems¹⁵, or other generally accepted methodology. Data shall include, at a minimum, precipitation data, static water levels immediately prior to yield testing, linear hydrographs of water levels and test responses of all monitoring points through background, testing, and recovery monitoring periods, residual drawdown graphs and logarithmic hydrographs of the production well and any monitoring points that had observable drawdown as a result of operating the production well. Field notes showing original observations, water levels and flow readings and the time readings were taken shall be included.
- c. Analysis and interpretation of the aquifer test data, including a determination of the aquifer's hydraulic conductivity and specific capacity; aquifer transmissivity and storage coefficient;

estimation of the horizontal extent of the cone of depression; and determination of a safe yield for the well, including analysis of the effects of 180 days of pumping with no recharge;
and a groundwater availability analysis providing potential availability in a one-in-ten year drought.

d. Test results from any wells tested in accordance with Section G, below

e. A determination of the effects of the proposed withdrawal on the quantity and quality of water in wells, surface waters, and the groundwater table within the horizontal extent of the cone of depression and how those impacts will be mitigated or remediated.

8. Water Supply

Pre-construction well testing

1. If the use is to rely upon a nonpublic groundwater source and will withdraw and/or discharge 50,000 gallons per day (gpd) or more over any consecutive 30-day period, the applicant shall notify each property owner within 3,000 feet of the property boundary or within the horizontal extent of the any production well's cone of depression, as determined by the hydrogeologic study, whichever is greater, of the proposed project and shall offer to test the owner's well for baseline water quality, total depth of the well, static water level and operating pumping water level.
2. If the property owner grants permission to allow for water quality and well testing, the applicant shall hire and pay the full cost of a certified lab and professional geologist with a focus on hydrogeology to collect the laboratory samples and well information. Alternatively, the property owner may elect to hire a certified lab and professional geologist of his own choosing to collect the laboratory samples and well information, in which case the applicant shall pay the full cost of such services.
3. Notifications shall be sent via certified mail, shall include the name and contact information of the person to whom to respond, and shall allow sufficient time for property owners to respond and for testing to be conducted prior to commencement of the constant-rate aquifer test.
4. The applicant shall include all test results obtained pursuant to this section in the water feasibility study.

9. Water Supply

Post-construction monitoring and reporting

1. For purposes of this section, area of influence (AOI) shall mean the greater of the horizontal extent of the production well(s)' cone of depression, as determined by the hydrogeologic report, or the area within 3,000 feet of the property boundary of the

proposed project, or, in the case of an assemblage of parcels, within 3,000 feet of the exterior lines of the assemblage of parcels.

2. Groundwater monitoring plan.

The applicant shall submit a Groundwater Monitoring Plan prepared by a professional licensed hydrogeologist with expertise in groundwater resource planning and management or another qualified professional or professionals approved by the [Eaton-Monroe Township].

The Groundwater Monitoring Plan shall include:

- a. An inventory of existing wells, springs, and other groundwater resources within the AOI, including information on the location, ownership, depth to water, and usage for all wells;
- b. Description of a groundwater monitoring system that ensures accurate characterization of groundwater flow, groundwater quantity and quality, and flow systems within the AOI. The system shall consist of the following at a minimum:
 - i. At least one monitoring well at a point hydraulically upgradient from the point(s) of withdrawal in the direction of increasing static head that is capable of providing representative data of groundwater not affected by the facility, except when the facility occupies the most upgradient position in the flow system. In that case, sufficient downgradient monitoring wells shall be placed to determine the extent of adverse effects on groundwater from the facility; and

- a. Precipitation data, measured on a daily basis or such other frequency as may be approved by the Eaton – Monroe Townships;
- b. Any additional information the township deems necessary to determine whether the data center’s water withdrawal adversely impacts water supply.

G. Adverse Groundwater Impacts; Presumptions; Hearing

1. Adverse Impacts. The Data Center shall not cause an adverse impact to the water rights or water supply of others, including, but not limited to, by reducing the existing rate of flow of wells, causing contamination of wells, or depleting surface water resources of surrounding properties.

2. Process for Complaints.

a. Any owner of a well or other person who believes a Data Center in the Eaton – Monroe Townships has caused an adverse impact to such person’s water rights or water supply may file a complaint in writing with the township on a form prescribed by the Eaton – Monroe Townships.

b. Upon receiving a complaint pursuant to paragraph (a), the [Eaton – Monroe Townships] shall notify the Data Center Operator in writing within five (5) business days.

c. Within 60 days from the date of receipt of the complaint, the Eaton – Monroe Townships shall decide whether the Data Center has caused the alleged adverse impact unless the complainant has agreed in writing to an extension of time or a hearing has been requested pursuant to paragraph (e), in which case the timelines set forth in paragraph (4) shall govern.

3. Presumptions; burdens. The following presumptions shall apply to the Eaton – Monroe Townships decision:

a. A Data Center Operator shall be presumed to be responsible for any adverse impacts to any water supply well within the AIO that occurs within 60 months following the date any production well is put into full production and shall have the burden of proving otherwise.

b. The Data Center Operator shall not be presumed to be responsible for any adverse impact to any well that is located outside the AIO or which takes place more than 60 months from the date the well or wells are put into full production. In such cases, any person claiming adverse impacts shall have the burden of proving said adverse impacts and that they are caused by the data center’s withdrawal.

4. Hearing.

a. A Data Center Operator who asserts that an alleged adverse impact is not caused by the Data Center's well(s), any owner of a well outside the AIO who alleges an adverse water supply impact, and any owner of a well within the AIO who alleges an adverse impact more than 60 months from the date the data center's well or wells are put into full production, may request a hearing to be held before the [governing body] pursuant to the Pennsylvania Local Agency Law, 2 Pa. C.S.A. § 551, et seq., to overcome the presumption(s) set forth in Paragraph 3 by offering such evidence as they believe rebuts the presumption(s).

b. If the complainant requests a hearing, such request shall be made at the time of the filing of the complaint. If the the Data Center Operator alleged to have caused the adverse impact requests a hearing, the request shall be made within 30 days of the mailing of the notice required by paragraph 2(b). The hearing request shall include proof of service thereof on either the Data Center Operator or upon the complainant, as the case may be.

c. The [governing body] shall schedule and conduct a hearing and make a decision in accordance with, and pursuant to the timeline set forth in, Section 908 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10908,22 except references therein to the zoning hearing board shall be construed as references to the [Eaton – Monroe Townships].

5. Decision.

a. The zoning hearing board shall decide, based on presumptions set forth in Paragraph 3, and the testimony and evidence presented at any hearing conducted pursuant to Paragraph 4, whether the Data Center has caused the alleged adverse impact.

b. Each decision shall be accompanied by written findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

6. Remediation.

In the event that the zoning hearing board determines pursuant to the provisions of this Section that a Data Center is responsible for an adverse impact to the water supply of others, the Data Center Operator shall alleviate the adverse impact, at no expense to the affected property owner(s), so as to furnish reasonable quantity and quality of water. Remediation may include deepening the impacted well, drilling a new well, connecting the affected property to a public water supply, or any other measures as the municipality may approve as just and equitable under the individual circumstances.

J. Enforcement

1. In the event that that the Data Center Operator does not commence to remedy the adversely impacted water supply within [5] days of when the township finally determines that the Data Center Operator is responsible for an adverse impact, the township may draw down the financial security posted pursuant to this Section

and apply such security as the township deems necessary to cure the problem. In the event that the financial security is not sufficient to cure the problem, the Data Center Operator shall be responsible for any additional expense, including legal, engineering and administrative costs, which are incurred in curing the problem. 2. The [Eaton – Monroe Townships] may at its option, in addition to any other remedies available to it, institute an action in equity to enjoin, or any other appropriate action or proceedings, to restrain or prevent any violation of the provisions of this Section.

K. Financial Security

1. The Applicant shall deposit with the municipality at the time of land development approval financial security in an amount determined by multiplying \$5,000 by the number of all other groundwater wells within the Hydrologic Environment. The security shall be in the form of a term bond or the deposit of funds in escrow or a federal- or commonwealth-chartered lending institution irrevocable letter of credit and restrictive or escrow accounts.
2. Sixty (60) months after the date that the Data Center Operator's well(s) reaches full production, the municipality shall return to the Applicant all financial security posted pursuant to this Section upon written request, except such security as may be necessary to remedy any pending claims of adversely impacted wells which have not been finally determined.
3. The applicant shall demonstrate that adequate means of wastewater disposal, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Sewage Enforcement Officer and/or the Pennsylvania Department of Environmental Protection.

**SUPPLEMENT – SURFACE WATER WITHDRAWAL STANDARDS
SUSQUEHANNA RIVER BASIN**

- e. For surface water sources, the water feasibility study shall demonstrate that withdrawals will comply with the standards set forth in Table 1:

Table 1		
Parameter	Drainage area of stream at point of withdrawal	
	< 50 sq. mi	>50 sq. mi.
Floods	Maintain magnitude and frequency of 20-year, 5-year, and 2-year floods	
Monthly high flow	No greater than 10% change to magnitude of monthly high flow in any month	
Monthly median flow	Shall remain between 45 th and 55 th percentile for each month	
Upper monthly flow range	No more than 20% change for any calendar month	
Lower monthly flow range	No change for any calendar month	No more than 10% change for any calendar month
Monthly low flow	No change for any calendar month	

1. Terms used in Table 1 shall have the following meanings:

- i. **20-year flood:** Peak streamflow level having a 5% chance of occurrence in any given year
- ii. **5-year flood:** Peak streamflow level having a 20% chance of occurrence in any given year
- iii. **2-year flood:** Peak streamflow level having a 50% chance of occurrence in any given year
- iv. **Percent exceedance value.** The probability that a given flow will be equaled or exceeded in the stream at the point of withdrawal within a given month, expressed as Px. For example, the probability that the P75 flow for a given month will be exceeded at some point during the month is 75%.
- v. **Monthly flow duration curve:** a cumulative curve showing percent exceedance values for flows over a calendar month
- vi. **Monthly high flow:** flow having a percent exceedance value of P10
- vii. **Monthly median flow:** flow having a percent exceedance value of P50
- viii. **Monthly low flow:** For streams with drainage areas less than 50 miles, flow having a percent exceedance value of P75, for all other streams, flow having a percent exceedance value of P95
- ix. **Upper monthly flow range:** The area under the stream’s monthly flow duration curve between P10 and P75

H. Power Supply

1. If the applicant proposes to connect the infrastructure to the electric grid, the applicant shall provide documentation from the applicable electric service provider certifying that that the necessary capacity is available and that electric service provider will serve the infrastructure. Known impacts on electric rates or availability for other uses directly attributable to the infrastructure project shall be noted. Developers must get certifications and/or letters from all relevant public utilities confirming they can supply the needed capacity without degrading service for existing customers or raising existing rates.
2. Any energy generation system designed or used to supply power directly to a *High-Impact Infrastructure and Utility Development* project during normal operations, including solar, wind, fossil fuel, or nuclear energy generation systems, shall not be considered part of the project use. Such systems shall be considered a separate use and shall be approved according to the zoning regulations applicable to such use.
3. The applicant must supply own power.

f. **Cooling and Energy Plans**

- i. Applicant must submit an **Energy and Cooling Management Plan**, detailing:
- ii. Total projected water and energy use
- iii. Cooling methods
- iv. Mitigation measures for thermal discharge (if applicable)

g. **Energy/Resource Efficiency**

1. Orient buildings to take advantage of passive cooling and daylight opportunities
2. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible
3. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours
4. Utilize reclaimed water for cooling by using a closed loop cooling system. To manage temperature in by recirculating water without direct exposure to the atmosphere.
5. Encourage systems that limit the use of finite natural resources and their disposal
6. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Certification system.
7. LEED certification is strongly encouraged, as well as the installation of roof-mounted accessory solar energy systems.

I. Emergency Management

1. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - a. Be reviewed and accepted by the local fire departments and emergency management coordinator of the township and county services as part of the development process;
 - b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.

- c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
- d. Ensure that all first responders receive adequate training specific to the installed system;
- e. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the developer.

2. Any *High-Impact Infrastructure and Utility Development* project use proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.

J. Aesthetics

- 1. Any *High-Impact Infrastructure and Utility Development* project building façade that faces a road or existing residential use must incorporate all existing criteria located in the commercial building section of this ordinance section 822 E. Large Retail Establishments.

L. Lighting

A. Purpose and Intent.

The purpose of this section is to ensure that the exterior and site – related lighting associated with *High-Impact Infrastructure and Utility Development* projects do not create glare, light trespass, skyglow, or adverse visual impacts on nearby properties, natural resources, or public right-of-way, while still providing illumination for security, emergency response, and safe operations. An integration approach that amends §701.6 to incorporate the new standards by reference as applied in this section.

B. Applicability.

These lighting requirements shall apply to all developers, including any accessory structures, parking areas, loading zones, security perimeters, substation, and utility or battery-energy-storage components located on the same lot.

C. General Standards

1. All exterior lighting fixtures shall be full cut off, down directed, and shielded to prevent horizontal or upward light protection.
 2. Lighting Plan Required.
 - a. A photometric lighting plan stamped by qualified professional shall be submitted with any application.
 - b. The plan shall show foot-candles at property lines, fixture specifications, height, shielding methods, and hours of illumination.
 3. Maximum Light Levels
 1. Illumination at all property lines shall not exceed 0.5 foot-candles
 2. Illumination within public rights-of-way shall not exceed 1.0 foot – candle.
 4. Height of Fixtures.
The maximum height of any pole-mounted light fixture shall be 20 feet or the principal structure, whichever is less, unless a lower height is required by townships to protect the adjacent properties.
- D. Operational Restrictions
1. Dusk to Dawn Limitation
 - a. Routine operational lighting shall be reduced to security level illumination between 10:00pm and 6:00am
 - b. Security level illumination shall be the minimum amount needed to maintain safe access and comply with insurance requirements.
 2. Motion-Activated Security Lighting
 - a. Security Lighting shall be motion-activated or triggered by access control systems to minimize continuous illumination.
 3. Prohibition of Floodlights
 - a. Floodlights, search lights, or any lighting that produces glare visible from adjoining properties or public roadways is prohibited
 4. Screening
 - a. When lighting is located within 500 feet of a property line or public recreation area, additional vegetation or architectural screening may be required to shield the light source.
- E. Special Requirements for backup generators, battery storage, and mechanical yards
1. Lighting for mechanical areas shall be limited to maintenance and emergency use only.
 2. Lighting shall remain off during normal operations and shall be manually controlled or motion activated
 3. Fixtures shall be fully shielded to prevent visibility of the light source from any off-site vantage point.
- F. Color Temperature and Environmental Protection
1. All exterior fixtures shall use 3000K(warm) color temperature or lower to reduce skyglow and protect wildlife.
 2. Blue – ish LED lighting (>3000k) is prohibited.
 3. Fixtures must comply with any applicable dark – sky standards and recommended by the International Dark-Sky Association
- G. Inspection and Compliance

1. Prior to issuance of a certificate of occupancy, the townships may require field verification of lighting levels to ensure compliance with the approved photometric plan.
 2. The townships may conduct periodic nighttime inspections. Any non-compliance lighting shall be corrected within 30 days of written notice.
- H. Non-conformity
Existing lighting that does not meet these requirements shall be brought into full compliance whenever replacement of fixtures occurs, or whenever site undergoes renewal or expansion.

M. Traffic and Access Management

- A. Shall be in compliance with the Eaton-Monroe Access Management Ordinance No. 2011-1

SECTION 5. ENVIRONMENTAL AND WATERSHED PROTECTION REQUIREMENTS

Notwithstanding §701.6, High Impact Infrastructure and Utility Development uses shall comply with the standards of this Section

- A. Compliance- Impervious coverage shall comply with the standards of the applicable zoning district.
- B. Stormwater Management- A stormwater management and erosion control plan shall be prepared consistent with Township ordinances, Wyoming County Conservation District standards, Wyoming County SALDO, and the Bowman Creek Watershed Stormwater Management Ordinance 2001-01; the Bowman Creek Stormwater Management Plan - Act 167. Plans shall address water quality and first flush sediment capture.
- C. Heat Rejection- A heat rejection plan shall be provided identifying cooling systems, peak thermal discharge, plume/steam management (if applicable), and mitigation of heat island effects through reflective roofing, high albedo paving, landscaping, or similar methods.
- D. Concentrated Runoff- Stormwater design shall account for concentrated roof and mechanical pad runoff and shall include oil water separation where appropriate prior to discharge.
- C. **Coordination with Wyoming County Conservation District and DEP**
 - o A letter of acknowledgment, approval, and/or comment from the Wyoming County Conservation District and DEP is required as part of the permit review process.

Riparian Forest Buffer Area

Data Centers subject to the requirements of this Section must satisfy the stricter of the requirements of this Section, or of 25 Pa. Code 102.14, Riparian Buffer Requirements.

- A. For purposes of this Section, a riparian buffer is an area of permanent vegetation along a waterway that is left undisturbed to allow for the natural succession of native vegetation. A riparian forest buffer is a type of riparian buffer that consists predominantly of native trees, shrubs, and forbs, providing at least 60% uniform canopy cover.
- B. Where the project site contains, is along, or is within 150 feet of a perennial or intermittent river, stream, or creek, lake, wetland, floodplain, pond, or reservoir, whether natural or artificial, the use will be subject to the requirements of this Section and shall, in accordance with the requirements of this subsection, do one of the following:
 - a. Protect an existing riparian forest buffer.
 - b. Convert an existing riparian buffer to a riparian forest buffer.
 - c. Establish a new riparian forest buffer.
- C. Where a riparian forest buffer exists, it shall be left intact. An existing riparian forest buffer need not be altered to establish individual Zones 1 and 2 under subsection (9).
- D. Riparian buffers that consist predominantly of native woody vegetation that do not satisfy the composition requirements for a riparian forest buffer in subsection (1) or the width requirements in subsections (6) and (7) shall be enhanced or widened, or both, by additional plantings in open spaces around existing native trees and shrubs to provide at least 60% uniform canopy cover for the required width and shall be composed of zones in accordance with subsection (9).

- E. On sites without native woody vegetation, a riparian forest buffer providing at least 60% uniform canopy cover shall be established to meet the width requirements in subsections (6) and (7) and be composed of zones in accordance with subsection (9). (6) The width of the riparian forest buffer shall be a minimum of 100 feet on each side of the water body as measured from the top of the bank. The boundary of the buffer shall follow the natural streambank or shoreline.
- F. Measured within the 100-foot buffer, the following additional distances shall be added to the minimum width of the riparian forest buffer:
- a. 10 feet if the average slope is 10-15%,
 - b. 20 feet if the average slope is 16-17%,
 - c. 30 feet if the average slope is 18-20%,
 - d. 50 feet if the average slope is 21-23%,
 - e. 60 feet if the average slope is 24-25%, or
 - f. 70 feet if the average slope exceeds 25%.
- G. In the case of the presence of a nontidal wetland or vernal pond wholly or partially within the riparian buffer area, an additional 25 feet shall be added to the width of the riparian forest buffer area for that portion of the buffer area along the wetland, floodplain, or pond.
- H. A new riparian forest buffer or a converted riparian forest buffer shall be composed of zones as follows:
- a. Zone 1 shall begin at the top of the streambank or normal pool elevation of a lake, pond, or reservoir and occupy a strip of land 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian tree species identified the PA Department of Environmental Protection Guidance Document 394-5600-001, entitled Riparian Forest Buffer Guidance.
 - b. Zone 2 shall begin at the landward edge of Zone 1 and occupy an additional strip of land a minimum of 50 feet in width, measured horizontally on a line perpendicular from the top of the streambank or normal pool elevation of a lake, pond, or reservoir. Predominant vegetation must be composed of a variety of native riparian trees and small tree/shrub species

identified in the PA Department of Environmental Protection Guidance Document, 394-5600-001, entitled Riparian Forest Buffer Guidance.

- I. No earth disturbance, land development, or storing or stockpiling of materials shall occur within the riparian forest buffer area.
- J. In the management of riparian buffers, noxious weeds and invasive species shall be removed or controlled to the greatest extent possible.
- K. Existing, converted, and newly established riparian buffers, including access easements, must be protected in perpetuity through deed description, conservation easement, permit conditions, or any other mechanisms that ensure the long-term functioning and integrity of the riparian buffer. The riparian buffer shall be designated on the final subdivision and/or land development plan.
- L. The riparian buffer shall be designated on the final subdivision and/or land development plan.

D. Parking

Notwithstanding §701.6, High Impact Infrastructure and Utility Development uses shall comply with the standards of this Section

- A. The purpose of this subsection is to ensure that all new parking lots, parking expansions, and substantial reconstructions are designed, constructed, and maintained in a manner that:
 1. Minimizes impervious surface area and stormwater runoff
 2. Protects groundwater resources and enhances on-site recharge
 3. Improves water quality through natural filtration and pollutant removal
 4. Incorporates sustainable materials and practices consistent with current environmental standards.
- B. *High-Impact Infrastructure and Utility Development* project are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser. Parking lots and areas are to have the following incorporated into their construction:

C. Pervious Pavement Requirement:

At least 40% of the paved parking surface shall utilize pervious pavement systems, including but not limited to:

1. Pervious Concrete
 2. Porous Asphalt
 3. Permeable interlocking concrete pavers
 4. Reinforced turf pavers
- D. Mandatory Bioretention: a minimum 10% of the parking lot footprint shall be devoted to rain gardens, bioswales, or bioretention areas, designed to receive and infiltrate runoff from the parking lot.
- E. Placement – facilities shall be integrated into parking islands, perimeter buffers, or adjacent open space, and shall be designed to intercept sheet flow.
- F. Groundwater Recharge Systems
1. Parking lot designs shall maintain or enhance pre-development groundwater recharge volume through infiltration BMPs such as:
 - a. Subsurface infiltration galleries
 - b. Dry wells
 - c. Stormwater infiltration trenches
 - d. Underdrain bioretention and infiltration capabilities
- G. Hydrologic Performance – systems must infiltrate at least the first 1.25 inches of rainfall or comply with state-mandated Recharge Volume (Rev) requirements, whichever is greater.
- H. Prohibited locations:
1. 100 feet of potable wells
 2. 50 feet of septic systems
 3. Documented contaminated soils unless remediated
- I. Snow storage Areas – designated snow storage areas shall avoid bioretention basins unless specifically designed for such use.
- J. Maintenance Requirements:
1. Applicants must submit a long-term BMP Maintenance Plan, including inspection frequency, responsible parties, and repair procedures

2. Maintenance Agreement – the owner shall record a stormwater BMP maintenance agreement with the municipal clerk, binding all future property owners.
3. Annual Certification- the owner or operator shall provide the municipality with an annual maintenance certification signed by a qualified professional.

SECTION 6. WATER WITHDRAWAL

1. Hydrologic Impact Study must support the withdrawal.
2. Approval and certifications from SRBC (Susquehanna River Basin Commission) are required.
3. Maximum withdrawal not to exceed 10,000 gallons per day, unless explicitly approved or the hydrologic study states less.

Section 7. Decommissioning

A. Purpose and intent

- a. This section is to ensure that the decommissioning of high energy infrastructure and utility development is conducted in a manner that:
 - i. Protects public health, safety, and welfare
 - ii. Ensures proper removal of equipment and restoration of the site
 - iii. Reduces environmental impacts associated with the operations

- iv. Provides transparency and accountability through reporting and inspections

B. Applicability

- a. This section applies to all new and existing development and apply when:
 - i. Operations permanently cease
 - ii. The facility remains inactive for 12 consecutive months or
 - iii. The owner files a notice of discontinuation of use

C. Decommissioning Plan Requirement

- a. Initial Submission:
 - i. All applications for new High Impact Infrastructure and Utility Development projects shall include a Decommissioning Plan submitted for review and approval by the Zoning Hearing Board and Eaton-Monroe Joint Planning Commission.
- b. Contents of the Decommissioning Plan:
 - i. Inventory framework: Description of major categories of equipment
 - ii. Utility Disconnection Procedures: Identification of responsible utility providers for electrical, water, fuel, and telecommunications termination.
- c. Environmental Compliance Measures: Processes for handling refrigerants, batteries, fuel tanks, backup generators, and other regulated materials in accordance with applicable environmental laws.
- d. Building and Site Restoration: Outline of steps to restore the site to a condition compliant with zoning and building codes for future reuse
- e. Waste and Asset Disposition: use of certified vendors for recycling, reuse, or disposal of equipment and materials.
- f. Traffic and Logistics Plan: anticipated truck traffic, timing, and routing for removal of equipment
- g. Estimated Timeline: overall schedule of decommissioning activities
- h. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- i. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- j. The data center owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the data center owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

D. Financial Security:

Withstanding section §701.6 of the ordinance , High Impact Infrastructure and Utility Development uses shall comply with the standards of this ordinance.

- a. The governing body may require decommissioning security, bond, or escrow account to ensure the municipality can complete decommissioning if the operator fails to do so. Amount shall be reviewed every (5) years.
- b. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- c. If neither the owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning.
- d. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- e. The escrow agent shall release the decommissioning funds when the owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

E. Decommissioning Procedure Upon Cessation of Use

- a. Notice of Intent to Decommission:
 - i. Property owner shall provide written notice to the Eaton-Monroe zoning officers at least 60 days prior to start of decommissioning.
- b. Removal of Equipment and Infrastructure:
 - i. All structural equipment, main and secondary buildings, structure foundations, non-structural equipment, mechanical systems, backup power systems, and associated components shall be removed from the site unless being repurposed under an approved reuse plan
- c. Hazardous Materials:
 - i. All hazardous materials, shall be removed in accordance with federal, state, and local regulations
- d. Utility Termination
 - i. Disconnecting electrical, water, fuel, and telecommunications services shall occur with approval of relevant utility providers in compliance with safety codes
- e. Building and Site Restoration:
 - i. All temporary structures, exterior equipment pads, related service infrastructure shall be removed
 - ii. Any damage to a building or site resulting from decommissioning activities shall be repaired
 - iii. Any unused impervious areas are required to be converted to native landscaping, pervious pavement, or other environmentally beneficial uses
 - iv. Stormwater systems shall be inspected and restored to proper operating conditions

F. Verification and Closeout

- a. Final Inspection:
 - i. The zoning officer, construction official, fire marshal, and any relevant environmental authorities shall conduct a joint final inspection
- b. Closeout Report:
 - i. The owner shall submit a Decommissioning Closeout Report including:
 - 1. Certification of removal of major equipment
 - 2. Documentation of environmentally regulated material disposal
 - 3. Confirmation of utility terminations
 - 4. Photographs of restored site conditions
 - 5. Compliance certifications from contractors and recyclers
- c. Release of Financial Security:
 - i. Any posted bond or escrow shall be released upon verification that all requirements of this section are satisfied.
- G. Stormwater Requirements for Facility Decommissioning
 - a. All stormwater facilities must be evaluated per PA DEP PCSM standards.
 - b. Impervious areas no longer needed must be replaced with:
 - 1. Landscaped areas (PA native vegetation only)
 - 2. Pervious pavement
 - 3. Bioretention and infiltration basins
 - c. Any Stormwater BMPs affected by demolition must be repaired or constructed
 - d. Abandoned stormwater piping, tanks, or pre-treatment structures must be properly removed or capped / filled per engineering standards
- H. Failure to Decommission
 - a. If the owner fails to comply within the required timeframe, the municipality may:
 - i. Draw upon the decommissioning surety or escrow;
 - ii. Undertake decommissioning activities directly or through contractors;
 - iii. Seek cost recovery as permitted by law;
 - iv. Take enforcement action through applicable zoning and property maintenance code
 - v. Violation fines and fees

SECTION 8. SUBMITTALS

A. Noise Submittals.

Preconstruction acoustical modeling, soundpower data, and mitigation measures; postconstruction measurement protocol.

B. Stormwater Submittals. Complete stormwater and erosion control plans compliant with Article VII.

C. Traffic Submittals. A circulation plan and, if required, a Traffic Impact Study per Section 708.

D. Fire/Life Safety Submittals. BESS specifications, substation diagrams, SPCC materials, and emergency operations documentation.

Section 9. ENFORCEMENT AND PENALTIES

1. Violations

- Any entity operating without proper approval or exceeding permitted water use shall be fined **not less than \$500 per day**, per violation.
- Operation may be suspended until full compliance is achieved.

2. Revocation of Permits

- The Eaton-Monroe Township Zoning officers reserves the right to **revoke any zoning or occupancy permit** for repeated or egregious violations of this ordinance.

3. Injunctive Relief

- The Eaton-Monroe Townships may seek immediate injunctive relief in Court to halt illegal water withdrawals or unapproved development activity.

4. Prohibited Conditions.

No Data Center shall create dangerous, injurious, noxious, or otherwise objectionable conditions that adversely affect surrounding areas. Such activity is declared a public nuisance and subject to enforcement under the Zoning Ordinance.

SECTION 9. SEVERABILITY

If any provision of this ordinance is found to be invalid or unenforceable, the remaining provisions shall continue in full force and effect. If any sentence, clause, section, or part of this Ordinance or of the Zoning Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Eaton – Monroe Township that this Ordinance and the Zoning Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10. EFFECTIVE DATE

This ordinance shall become effective **immediately upon adoption** by the Eaton – Monroe Township Board of Supervisors.

Section 11. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 12. Codification. Pursuant to the Pennsylvania Municipalities Planning Code, the Eaton - Monroe Zoning Ordinance shall hereby be codified to incorporate the above-referenced amendments.

Summary Table

Requirement	Summary
Zones permitted	Only in Commercial Industry - Village Commercial Zone (e.g., CI-E, VC-E and VC-M)
Approval type	Special Exception with public hearing
Water Supply Plan	Engineered, stamped, showing source, use, and mitigation
Mitigation Categories	Noise, visual, lighting, stormwater runoff, infrastructure demand
Setbacks	≥1000 ft for buildings; ≥800 ft for generators (or equivalent)
Alignment with regional models	Screened equipment, buffers, conditional zone inclusion
Review bodies	Zoning Commission, Planning Commission, Supervisors
Grandfathering	Ongoing applications proceed under old rules
Effective date	Immediate upon adoption and public posting

DULY ORDAINED AND ENACTED THIS ___ DAY OF _____, 2025
By the Board of Supervisors of Eaton-Monroe Townships

[Signature lines for Eaton Township Chairperson, Secretary, and Township Solicitor]

DULY ORDAINED AND ENACTED THIS ___ DAY OF _____, 2025
By the Board of Supervisors of Eaton-Monroe Townships

[Signature lines for Monroe Township Chairperson, Secretary, and Township Solicitor]

	Octave Band Frequency (Hz) of Pure Tone									
PTL_{xx} curve	16	32	63	125	250	500	1000	2000	4000	8000
PTL70	101	96	91	86	81	76	72	68	64	60
PTL65	96	91	86	81	76	71	67	63	59	55
PTL60	91	86	81	76	71	66	62	58	54	50
PTL55	86	81	76	71	66	61	57	53	49	45
PTL50	81	76	71	66	61	56	53	48	44	40
PTL45	79	74	68	62	56	51	47	43	39	35
PTL40	78	71	64	58	51	46	42	38	34	30
PTL35	76	69	61	54	46	41	37	33	29	25
PTL30	74	66	58	49	41	36	32	28	24	20
PTL25	73	64	54	45	36	31	27	23	19	15
PTL20	71	61	51	41	31	26	22	18	14	10
PTL15	69	59	48	37	26	21	17	13	9	5
PTL10	68	56	44	33	21	16	12	8	4	0

OTHER RIVER BASINS²⁸

- e. For surface water sources classified by PADEP as Exceptional Value (EV), High Quality (HQ) or Cold Water Fishes (CWF), the water feasibility study shall demonstrate using the Pennsylvania-Maryland Instream Flow Study (PA-MD IFS) model that withdrawals will not cause habitat loss in excess of the following:
1. For Exceptional Value and High Quality streams, withdrawal shall not cause annual instream habitat loss greater than 5%
 2. For streams classified as Cold Water Fishes and as Class B wild trout streams by the PA Fish and Boat Commission, withdrawal shall not cause annual instream habitat loss greater than 10%
 3. For streams classified as Cold Water Fishes and as Class C or D wild trout streams by the PA Fish and Boat Commission, , withdrawal shall not cause instream annual habitat loss greater than 15%
 4. In no case shall passby flow in any stream be less than the lowest seven-day average flow that occurs on average once every ten years (Q_{7-10}) at the point of withdrawal
 5. For surface water sources classified by PADEP as Warm Water Fishes (WWF), the water feasibility study shall demonstrate that passby flow shall meet or exceed 20% of annual average daily flow (ADF) for the surface water or the lowest seven-day average flow that occurs on average once every ten years (Q_{7-10}) at the point of withdrawal, whichever is higher.

²⁸ This provision is appropriate for streams with drainage areas of less than 100 miles that are designated as Cold Water Fisheries, High Quality, or Exceptional Value and are located in the river basins not covered by the provisions above.