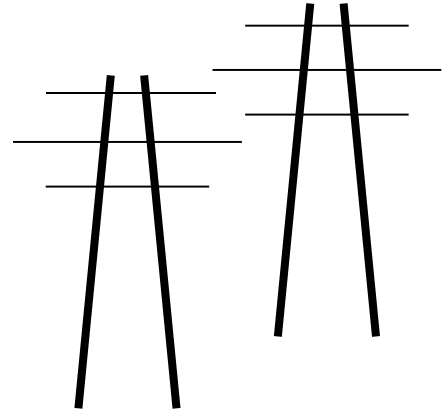


Legalelectric, Inc.

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1110 West Avenue
Red Wing, Minnesota 55066
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June 26, 2025

John Radermacher
City Administrator
918 River Road
Cannon Falls, MN 55009

via email: cityadmin@cannonfallsmn.gov

Randolph Township
P.O. Box 87
Randolph, MN 55065

via email: Clerk@randolph-township.com

Environmental Review Team
and
Environmental Quality Board Members
520 Lafayette Road
St. Paul, MN 55155

via email: info.eqb@state.mn.us

RE: Comments on Draft AUAR – TRACT Data Center

Dear Mr. Radermacher, EQB Environmental Review Team and EQB Board members:

Below are my comments. I am filing this as an individual, and not in the course of representing any client. Should that change, you will be immediately notified.

Information including data center site plans, survey, City/Township and Tract meeting agenda and minutes, emails, Tract PR handouts, etc., obtained Tuesday, June 24, 2025 in partial response to a Data Practices Act Request, may be found on my Legalelectric site: [Tract Data Center in Cannon Falls](#)¹. This information has previously not been disclosed to the public, with the exception of one proposed project schedule that was included in a Council/Planning Commission packet (though not a handout).

I. USE OF AUAR IS DISENGENUOUS AND DECEPTIVE

For the record, I am sending this Comment and attachments to the Environmental Quality Board

¹ If that link doesn't work: <https://legalelectric.org/weblog/29201/>

because use of an AUAR in this manner, rather than preparation of an Environmental Impact Statement, is improper, contrary to the intent and black letter of the AUAR rule. See Minn. R. 4410.3600. The project is for a data center, that is clear. Much known information that is necessary for an EIS is not disclosed in this “AUAR” and has been hidden from the public. It is impossible to determine and evaluate impacts without this information, information such as water use, energy use, air emissions from diesel generators, noise and setbacks necessary to reduce noise to comply with Minnesota’s industrial noise standards. It does not address the range of impacts based on known characteristics of the data center project, cumulative impacts, and it is dishonest to claim it is a comparison of 2 or more projects. Use of an AUAR in an attempt to avoid an EIS is not a legitimate use of an AUAR. The City of Cannon Falls and Tract have not provided full disclosure of known information, and the decision to use an AUAR was made on provision of incomplete information. Minn. R. 4410.3600, Subp. 1.

While AUARs were designed for “residential, commercial, warehousing, and light industrial development and associated infrastructure uses,” and technology centers, a/k/a data centers, were not an anticipated use for AUAR review. Minn. R. 4410.3610, Subp. 1. Further:

The procedures of this part may not be used to review any project meeting the requirements for a mandatory EAW in part [4410.4300](#), subparts 2 to 13, 15 to 17, 18, item C, D, or E, or 24, or a mandatory EIS in part [4410.4400](#), subparts 2 to 10, 12, 13, or 25.

Id. However, as noted by Minnesota Center for Environmental Advocacy (MCEA) in a letter to the legislature about HF28², regarding a proposed exemption for the Becker data center from Public Utilities Commission review:

... the AUAR process is being used instead to allow large data center developments to conceal their ownership and other information from the public during the environmental review process.

MCEA Letter to House Energy Committee.

Completion of an AUAR provides exemption for further environmental review only under specific conditions:

Upon completion of review under this part, residential, commercial, warehousing, and light industrial development projects and associated infrastructure within the boundaries established under subpart 3 that are consistent with development assumptions established under subpart 3 are exempt from review under parts [4410.1100](#) to [4410.1700](#) and [4410.2100](#) to [4410.3000](#) as long as the approval and construction of the project complies with the conditions of the plan for mitigation developed under subpart 5.

Id., Subp. 5(E). This situation is not one of those scenarios for exemption from environmental

² See <https://www.house.mn.gov/comm/docs/-TaXdzuaxkispYDJF2f5UQ.pdf> This was a scenario of 250 diesel generators that would produce 600MW, or ~ 2.4MW each.

review.

At this time, I ask that an Environmental Impact Statement be prepared based on the project's need for permits triggering a mandatory EIS, i.e., use of numerous diesel generators and thus a need of an Air Permit from the MPCA, water appropriation and other permits from the DNR, and a Certificate of Need permit from the Public Utilities Commission. The project must also demonstrate through dB(A) and dB(C) noise modeling the ability to comply with the industrial noise standard at nearest receptor.

II. INADEQUATE NOTICE OF DRAFT AUAR – EXTEND COMMENT DEADLINE

Cannon Falls did not provide the notice that's required for an AUAR. I did not learn of it until this late date. There's no explanation of a comment period, how to comment, who to send it to, and nothing about the deadline. How are we to know?

The City of Cannon Falls website's AUAR page³ says absolutely nothing about public comment and deadline for comments:

AUAR (Alternative Urban Area Review)

The Scoping Documents for the **Alternative Urban Area Review (AUAR)** have been posted to the Minnesota Pollution Control Agency's Environmental Quality Board which you can find [here](#).

We'd love to hear from you! Please contact our team at info@CannonFallsTechnologyPark.com or call 507.298.2864 with any questions.

Supporting Documents

-  Cannon Falls Industrial AUAR Final Order (5 MB)
-  Cannon Falls Industrial AUAR 05-20-2025 (18 MB)

On the other hand, Randolph Township shows this information front and center on its home page⁴ (and on yet another hand, there is nothing in the Board or Planning Commission minutes regarding the data center and pending annexation):



³ See <https://www.cannonfallsmn.gov/community/page/auar-alternative-urban-area-review>

⁴ See www.randolph-township.com

The **Draft AUAR** lists the City of Cannon Falls as the Responsible Governmental Unit, but gives no information of RGU responsibilities and no information on commenting – there is no information even stating that there is a comment period, nothing regarding the start and closing of the comment period, although perhaps one could presume the City Administrator should receive public comments. Draft AUAR, p. 4.

The word “comment” does not appear in the AUAR until p. 71, and this is the ONLY time that the word “comment” appears in the DRAFT AUAR!:

Draft Mitigation Plan

This Mitigation Plan is submitted as part of the Draft AUAR to provide reviewers and regulators with an understanding of the actions that are advisable, recommended, or necessary to protect the environment and minimize potential impacts by the proposed development scenarios. This Draft Mitigation Plan will be revised and updated based on comments received during the Draft AUAR comment period.

DRAFT AUAR, p. 71. There has been no good faith effort to provide notice to the public.

The public has this one opportunity to comment on the Draft AUAR, yet what’s visible is an abject failure of notice to the public. Notice needs a do-over, another 30 days to comment with **PROMINENT** info that there is a Draft AUAR available for public comment, and the date of the close of the comment period, accompanied with a link to the AUAR.

At this time, I ask that a Notice of Availability of AUAR for Comment be issued, with a comment period of 30 days from publication of Notice. The Notice, including deadline for Comments and a link to the Draft AUAR, should be published by the EQB Monitor; the Cannon Falls Beacon Notices section; prominently displayed on the City of Cannon Falls and Randolph Township home pages; and displayed on the Cannon Falls AUAR page together with a link to the Draft AUAR.

III. THE AUAR CONTENT IS DEFICIENT IN MANY RESPECTS

The AUAR is inadequate as it does not provide basic information necessary to determine potential impacts.

A. SCENARIO 2 IS A DATA CENTER

The description of “Scenario 2” is misleading and should be corrected. “Scenario 2 represents proposed technology park development. Construction is anticipated to begin in 2026, see **Figure 4.**” The AUAR Figure 4 shows only a blue blank area:



AUAR, p. 11.

This is the site plan found June 24, 2025 in the Data Practices Act Responses and it is NOT found in the AUAR:



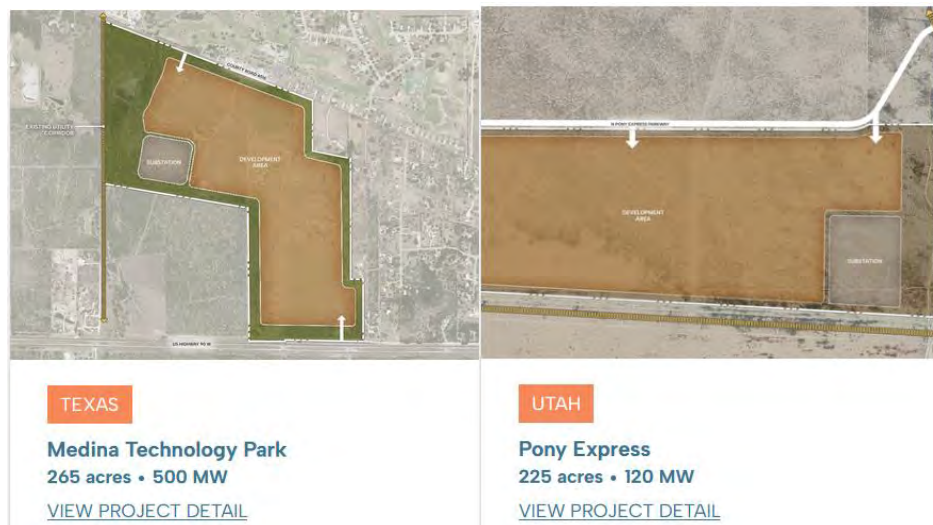
See Attachment A – Site Plan. Let's be honest here – this is the site plan for the Tract data center.

B. ENERGY USE AND DIESEL GENERATORS MUST BE QUANTIFIED

The AUAR is inadequate because the range of megawatts needed to operate such a project and the source of this energy has not been disclosed. There is a natural gas plant across the road from the site, intermediate natural gas generation which would generate CO₂.

The AUAR is inadequate because the number and output of diesel generators that would be required for this Tract data center in testing and in an external power outage and the air emissions have not been disclosed.

The Amazon data center in Becker anticipated use of 250 generators that would produce 600MW, or about 2.4 MW each.⁵ How many megawatts and diesel generators for Tract? A look at Tract's website shows two "small" projects covering acreage near that of the approximately 250 acres for the Cannon Falls project. These are the 500MW Medina project near San Antonio, and the 120MW Pony Express near Salt Lake City.



A logical estimate is that the Cannon Falls project would be in the range of 120MW to 500MW, above the Minnesota PUC's 50MW threshold for a Certificate of Need.⁶ Heightened environmental review appears attempted to be avoided by non-disclosure in this diversionary and improper use of AUAR.

The range of megawatts of energy needed to power the data center and the energy source(s) must be disclosed.

The number of diesel generators, their output, and the air emission profile must be disclosed.

⁵⁵ <https://www.msn.com/en-us/news/us/amazon-must-prove-it-needs-250-diesel-generators-at-becker-data-center-minnesota-utility-regulators-say/ar-AA1A0O8w>

⁶ See certificate of need (CN) requirements in Minn. Stat. § 216B.243 and Minn. R. Ch. 7849.

Energy use and air emissions may be mitigated by amending the zoning ordinance to require the data center produce a significant percentage of its energy with solar and batteries and battery back-up power. Looking at the site plan, the many buildings and green space provide opportunities for solar generation and battery storage. The project could also be required to buy into local/community solar projects.

C. WATER SOURCE, CONSUMPTION, AND DISCHARGE SPECIFICS MUST BE DISCLOSED, CUMULATIVE IMPACTS BE DETERMINED

The AUAR is inadequate because it discusses water resources, wastewater, stormwater, and gives short shift to water appropriation.:

The water supply for the study area will be obtained from the City of Cannon Falls in both Scenarios, however, in Scenario 2, the industrial water could be supplied from the onsite irrigation well that would be reconstructed to municipal standards. The City provides water to residents from three groundwater wells ranging from 393 to 400 feet deep that draw water from the Jordan and Jordan-St. Lawrence aquifers.¹⁶ The City of Cannon Falls currently has a water appropriation capacity of 250 MGY and is currently utilizing between 151 to 165 MGY over a four-year period from 2019 to 2024. The city is currently reviewing how the existing appropriations and well could work within the city to help shave some peak demand from the City's water system.

AUAR, p. 51. Water appropriation needs and sources must be disclosed beyond the scant "Scenario 2" information provided:

Under Scenario 2, the onsite well could alternatively be reconstructed to meet industrial standards and utilized for industrial process water, reducing the demand from the development on the City water supply system.

Data centers can have a wide range of cooling options which impact the water demand depending on either the use of a non-water cooled or a water-cooled system. It is assumed that Scenario 2 is a water-cooled system and could have an annual peak water demand of 49 MGY with a peak day of 4.66 million gallons per day when temperatures exceed 100 plus degrees Fahrenheit during the day. Annual average daily water demands are anticipated to be approximately 0.135 MGD for the development, including both domestic and cooling water.

The MNDNR has monitoring wells throughout the state that detects groundwater levels in the aquifer. DNR Observation Well Number 19062 is the closest monitoring well to the site and has a depth of approximately 395 feet above sea level. This well has fluctuated between an elevation of 824 feet in 1994, to a high of 867 feet in 2013. In the last few years, the well has gone from 835 feet in May of 2023, to an elevation of 837 feet in March of 2025. This fluctuation does show the variation of the aquifer with the rain and other seasonal events, but the last 30 years of data shows the aquifer maintains a consistent groundwater elevation within this range. This demonstrates that the aquifer is a reliable and resilient water source with the seasons and does recharge over time.

A Water Use Appropriation Permit would be obtained if temporary dewatering is determined to be necessary for design of development in Scenario 1 or Scenario 2. A Water Use Appropriation Permit is required for temporary water appropriations and limits withdraw to 50 million gallons per year.

Id., p. 52. Note claim of 49MGY where DNR Water Use Appropriation Permit has 50MGY limit!

There are several known projects proposed in the area. To address cumulative impacts, all projects drawing water out of the aquifer must be taken into account, and a sustainable manner of equitable allocation between the many projects be determined that can be flexible as need and availability changes. A wide range pump test should be utilized to determine sustainability of individual and the many projects.

An email from the Data Practices Act Request reveals details for this project that should all be included in the AUAR:

Neil and Laura – Per our previous discussions, following is a summary of City data and information. Much of this information will be incorporated into Tract's AUAR.

Water Supply and Storage

- Ground water appropriation, the City's authorized volume is 250 MGY. In 2023 the City used 157 MGY.
- Storage Capacity, City has two storage tanks: 500,000 gallon ground storage and 1,000,000 gallon elevated storage
 - o City needs storage equal to average day demand which was 430,000 gpd in 2023.
 - o City has approximately 1.07 MG available before more storage is needed.
- Well capacity, City has three wells with a firm (largest well out of service) capacity of 3.2 MGD.
 - o City needs well capacity equal to peak day demand. Peak day was approximately 930,000 in 2023
 - o City has approximately 2.3 MG available before more well capacity is needed.
- Water quality
 - o See water quality data that was previously provided to Tract. City feeds chlorine (disinfection), fluoride (health), and polyphosphate (iron sequestration)

Water Distribution System

- Pressure and fire flow
 - o City can provide static pressure near the site if requested.
 - o City can perform a fire flow test if requested.
 - o Water modeling of the distribution system may be required depending upon volumes requested.
 - o Tract will most likely need to loop watermain to the site from the south near Highway 20/County Road 29 and from the north at Holiday Ave. This will depend on water volume needed and fire flow requirements.
 - o Tract will need to evaluate if constructing water storage on site is warranted.

Wastewater Treatment

- Plants rated capacities are: AWW (1.09 MGD), MWW (2.18 MGD), PHWW (3.27 MGD)
- Current flows available based on 2022 data, AWW (0.7 MGD), MWW (1.2 MGD), PHWW (no data)
- A treatment plant plan (facilities plan) may be need to be prepared by the City depending upon requested flows.

Wastewater Collection System

- Sewer capacity along Highway 20 will need to be evaluated. Pipe sizes range from 8" to 18". Capacity available will depend upon flow requested. Suggestion is the City perform CCTV of all existing pipe to determine condition now.
- Lift Station capacity. All of the Tract Development land flows to the new lift station at the intersection of Cannon and 3rd. It has an ultimate firm capacity of 2,000 gpm or 2.88 MGD. Current capacity is 900 gpm or 1.3 MGD. This lift station is new so data is not available but assumption is lift station is about 25% utilized currently.

Attachment B, email from Angerman re: Tract Development Utilities, November 8, 2024. The punchline is on the second page, the information needed from Tract, information that is not in the AUAR:

What we will need from Tract.

- Projected water usage. Peak day and average day.
- Projected wastewater discharge in the form of AWW, MWW, PHWW.
- Projected wastewater discharge strength for the following: BOD, TSS, P, Chlorides, Sulfates, Metals, TKN, and potentially others.

Id.

Independent verification is needed of information about projected peak and average day water usage; projected wastewater discharge in the form of AWW, MWW, and PHWW; and projected wastewater discharge strength for BOD, TSS, P. Chlorides, Sulfates, Metals, TKN, and potentially others. The many data center projects that intend to draw from the same aquifer must be tallied, and resources be equitably and responsibly distributed in a sustainable manner. A pump test should be performed to determine sustainability of proposed water draw.

D. PROJECT SETBACKS ARE NOT EVEN MENTIONED IN THE AUAR!

A search of the AUAR reveals that project setbacks are not even mentioned. Setbacks are a common means of environmental mitigation to address impacts that cannot be avoided. Setbacks are needed to prevent impacts of nuisance noise, lighting, air emissions, etc.

The site plan, again, NOT incorporated into the AUAR, reveals that Tract has proposed insufficient setbacks on the north side of the parcel up against a residential development. See Attachment A – Site Plan. That plan shows 200 – 300 foot setbacks from the property line and residences to the north, 300 foot setbacks for an 80 foot building.

The AUAR must address setbacks, and setbacks that would be effective in mitigating expected impacts, particular to those residences/receptors along and up against the northern boundary of the area.

E. VISUAL IMPACTS OF A COMPLEX OF 80 FOOT TALL BUILDINGS IS NOT ADDRESSED

The AUAR minimizes the visual impacts of 80 foot tall buildings. See Attachment A, Site Plan. These data center buildings would loom up against the residences on the north side of the building, and would be the visual greeting to anyone approaching on Highway 52. An example of the strong unwanted visual impact of industrial facilities in an agricultural land transition to a small city is the CapX 2020 transmission and subway gateway to Hampton on Highway 52 from the south.

The AUAR proposes “to develop the entirety of the site with natural buffers along the project lines. Minimal tree clearing is anticipated for development.” AUAR, p. 56. This notion of a buffer is also raised regarding visual impacts:

Natural buffers will be maintained around the AUAR study area as feasible to minimize visual impacts to the adjacent properties. No significant visual impacts are anticipated.

AUAR, p. 60.

The notion of a natural buffer that would somehow mitigate the visual impacts of 80' tall buildings just 300 feet from residences and along the Highway 52 corridor is not credible.

The AUAR must describe in specificity and provide drawing the visual buffers that would mitigate visual impacts of the project.

F. AIR EMISSIONS AND NEED FOR AIR EMISSIONS PERMIT MUST BE DISCLOSED – AUAR MUST ALSO CREDIBLY ADDRESS GREENHOUSE GAS EMISSIONS

The AUAR does correctly state that:

Not applicable to an AUAR. If a project exceeds any of the thresholds as identified in MN Rules 4410.4300, Subpart 15, the project would be required to complete a separate environmental review through the MPCA. The MPCA would be considered the responsible government unit.

AUAR, p. 60-61.

However, while the statement above, which avoids disclosure, may be technically true, a data center project with MANY diesel generators will need air permits. The estimates of air emissions, disclosing of the number of diesel generators and expected emissions, and the disclosure of the anticipated need for an air permit from the MPCA, is essential.

As above, diesel generators emit greenhouse gas. Disclosure of the number and energy capacity of the diesel generators and expected time running for operations and testing must be disclosed. While Table 11 does have some numbers for Operational Emissions, it must be more specific with the inputs used to achieve those numbers.

The AUAR must disclose the type, sources, quantities, and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants and criteria pollutants. Discuss effects to air quality including any sensitive receptors, human health, or applicable regulatory criteria. Include a discussion of any methods used to assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures to be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions, including air permit.

The AUAR is incomplete in its discussion of unavoidable greenhouse gas emissions inherent in Scenario 2, with details about the diesel generators, expected emissions, and the rationale behind the calculations.

G. SOCIOECONOMIC IMPACTS ARE NOT ADDRESSED IN THE AUAR

The AUAR does not address socioeconomic impacts, such as impacts on the city, township, and school district tax revenues, costs to the city for infrastructure to facilitate the development, apportionment of development costs, impacts on tourism, impacts to property values and residential, commercial, and industrial property marketing impacts.

The AUAR must address the range of likely socioeconomic impacts.

H. THE AUAR DOES NOT ADEQUATELY ADDRESS NOISE

Data centers make a tremendous amount of noise, causing predictable livid local resident complaints and lawsuits. The AUAR must be proactive in addressing lowering noise levels pre-construction through choice of operational equipment including cooling. The AUAR should include a current noise monitoring study to establish ambient sound. It's impossible to address impacts without knowing what those impacts will be and it's impossible to know what noise impacts will be without disclosure.

The Minnesota Pollution Control Agency has an industrial noise standard, and the entity permitting a project is responsible for enforcement – in this case, it likely would be Cannon Falls responsible for enforcement of the noise standard.

7030.0040 NOISE STANDARDS.

Subpart 1. **Scope.** These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part 7030.0050. However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Noise standards in subpart 2 apply to all sources.

Subp. 2. Noise standards.

Noise Area Classification	Daytime		Nighttime	
	L ₅₀	L ₁₀	L ₅₀	L ₁₀
1	60	65	50	55
2	65	70	65	70
3	75	80	75	80

Minn. R. 7030.0040.⁷

The AUAR is grossly misleading in its statement that about traffic noise generally depicting noise measurements and perceptions:

A sound increase of 3 dBA is barely noticeable by the human ear, a 5 dBA

⁷ This writer knows a fair amount about noise, having done radio, bar and concert sound for (almost) a living decades ago and having secured the first and only utility buyouts for Minnesota landowners living under a wind project. See Legalectric for Bent Tree noise studies

[Bent+Tree+08+573+PostConstNoiseMonPhase+II+Report+2+7+18,](#)

[BentTree NoiseMonitoring 20179-135856-01](#)); Settlements [What's going on with Bent Tree?](#) at

<https://legalelectric.org/weblog/16950/> and [Bent Tree Order filed by PUC](#) at <https://legalelectric.org/weblog/17112/>.

increase is clearly noticeable, and a 10 dBA increase is heard as twice as loud. For example, if the sound energy is doubled (i.e., the amount of traffic doubles), there is a 3 dBA increase in noise, which is just barely noticeable to most people. On the other hand, if traffic increases by a factor of 10, the resulting sound level will increase by about 10 dBA and be heard as twice as loud.:

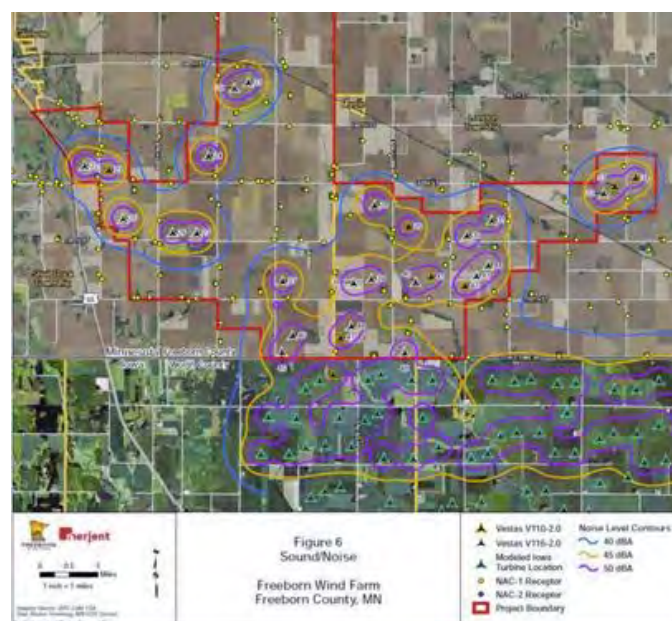
AUAR, p. 65.

The problem of operational noise is ducked and no specific information is provided:

For Scenario 2, the main sources of noise include computers, ventilation systems, industrial traffic and the use of generators tested once a month and in the case of emergency. Sensitive receptors within the project site vicinity include adjacent residential houses, and businesses. Further noise evaluation will be completed as design progresses and best practices to reduce noise will be implemented for the technology park uses to ensure compliance with local and state noise regulations. Noise attenuation measures will be incorporated into project design to ensure that MPCA noise rules and City noise ordinances are followed.

AUAR, p. 66.

Noise of data centers is a frequent complaint, as noise does not respect property boundaries. Noise travels, particularly across the relatively flat land, and may well impact residences far beyond those immediately adjacent to the AUAR boundary. The AUAR should contain noise modeling showing distances from the project at which noise levels decrease to 55, 50, 45 and 40 dB(A). Because dB(C) travels further, noise modeling should also include a separate demonstration of dB(C) levels to distances needed for 55, 50, 45 and 40 dB(C). This is an example of the graphic demonstration of noise modeling results, complementing the noise modeling report (see Freeborn Wind post <https://legalelectric.org/weblog/16480/>).



Although local residents' noise complaints are typically based on their perception, receptor perception as laid out in the AUAR is not at all relevant to noise standard compliance. The MPCA's noise standard is based on measured dB(A), as above.

Some studies of data center noise have been completed, and these studies could predict material violations of Minnesota noise standards. For example, see the [Data Center Noise Study for Prince William, Fauquier, and King George Counties and the Town of Warrenton](#).⁸ Noise from the data center in that study was far above the thresholds of the Minnesota noise standard.

It's the City's job to regulate development and assure that landowners and residents have quiet enjoyment of their property. This is best achieved through precautionary regulation.

The AUAR must disclose with specificity the equipment generating noise, and must provide noise modeling showing dB(A) and dB(C) noise levels at distances necessary to reduce noise to 60, 55, 50, and 45 dB(A) and dB(C). Noise is a likely issue with significant impact that must be more thoroughly addressed in the AUAR.

I. ORDINANCE AMENDMENT CAN PROVIDE SOME MITIGATION

The project schedule anticipates zoning changes. The City should appoint an Advisory Committee to gather and provide information to the Planning Commission. Areas that should be considered in the ordinance, though NOT all inclusive:

- Require sound modeling in the permit application.
- Require conservative downward focused lighting, full cut-off lighting fixtures, with light modeling provided in the permit application. The AUAR opts out of guidelines for downward lighting, which is not acceptable. AUAR p. 74,
- Address water appropriations, i.e., use of City water, separate project well, and/or supplemental project well, and impacts on sustainability of City water supply.
- Address water treatment system and whether City, project, or combo.
- Requirements for vegetation and other visual mitigation.
- Noise modeling to be included in environmental review and application, setbacks from residences and businesses, particularly residences, to comply with state noise standard, and post-construction noise monitoring.

J. REVISE SCHEDULE TO FACILITATE CORRECTED AND SUPPLEMENTED ENVIRONMENTAL REVIEW

The project has set an aggressive schedule that is not feasible. Attachment D, Schedule from Cannon Falls Team Mtg #3; Attachment E, Various Schedules from Data Practices Act Response. Because many areas that must be updated, the information that needs to be included, and providing sufficient notice for public comment on the AUAR redo or the mandated EIS,

⁸ Online at <https://protectpwc.org/wp-content/uploads/2023/02/Lyver-Data-Center-Noise-Study-123122.pdf>

mandated due to data center project proposed and not disclosed in the AUAR or to the public)

Reschedule all steps to provide updating and correction of AUAR or commencement of mandatory Environmental Impact Statement.

+++++

The points above must be addressed in the Final/Revised AUAR prior to its release.

The AUAR is inadequate in so many ways, but most important is the failure of Cannon Falls, the RGU, to provide reasonable notice to the public of the release of the AUAR and the comment period. Cannon Falls released the AUAR on May 20, 2025 per its website, and a public meeting was held then, and no effort was made in meeting announcement PR or at that public meeting to notify the public of this opportunity for comments. Public participation is essential, and notice is a primary step. This is an impact that must be mitigated!!! A do-over of the comment period is needed.

At this time, I ask that a Notice of Availability of AUAR for Comment be issued, with a comment period of 30 days from publication of Notice. The Notice, including deadline for Comments and a link to the Draft AUAR, should be published by the EQB Monitor; the Cannon Falls Beacon Notices section; prominently displayed on the City of Cannon Falls and Randolph Township home pages; and displayed on the Cannon Falls AUAR page together with a link to the Draft AUAR.

From a review of the AUAR, the paucity of information available on the data center proposed, and the avoidance of disclosure that it is indeed a data center proposed and not “Scenario 1” v. “Scenario 2” or any other scenario, that the AUAR is the wrong environmental review document. This data center project requires an EIS. Some honesty about the plan is needed.

At this time, I also ask that an Environmental Impact Statement be prepared based on the project’s need for permits triggering a mandatory EIS, i.e., use of numerous diesel generators and thus a need of an Air Permit from the MPCA, water appropriation and other permits from the DNR, and a Certificate of Need permit from the Public Utilities Commission. The project must also demonstrate through dB(A) and dB(C) noise modeling the ability to comply with the industrial noise standard at nearest receptor.

The City of Cannon Falls will have to not only annex land from Randolph Township, but will have to update its zoning ordinance. See, for example, Attachment C, Amendment – Fairfax County, Virginia. Compliance with the amended ordinance will be a large part of mitigation of impacts, through setback, of noise, lighting, and should also address water use and treatment, visual impacts, and structuring of mitigation of socioeconomic impacts through development and

tax or payment in lieu of tax agreements. The draft AUAR, with the addition of the above information at the least, inform the record and guide development of the ordinance, which should then be a part of the final AUAR. In light of the need to determine and establish responsible setbacks, lighting and noise regulation, the Ordinance Amendment should be included in the AUAR.

At this time, I request that drafting of Ordinance Amendments begin and that an advisory group be formed to assist the City in addressing the legitimate concerns surrounding this data center.

Again, as RGU, the City must reschedule all steps to provide updating and correction of AUAR or commencement of mandatory Environmental Impact Statement.

Thank you for the opportunity to provide this AUAR Comment.

Very truly yours,

A handwritten signature in cursive script, reading "Carol A. Overland".

Carol A. Overland
Attorney at Law

Attachment A - Site Plan



Neil Jensen

From: Bill Angerman <bangerman@whks.com>
Sent: Friday, November 8, 2024 3:37 PM
To: Neil Jensen; 'Laura Qualey'
Cc: pw director; sryan@hoffbarry.com
Subject: RE: Tract Development Utilities

I received updated information from Jed – please see revised below

Neil and Laura – Per our previous discussions, following is a summary of City data and information. Much of this information will be incorporated into Tract's AUAR.

Water Supply and Storage

- Ground water appropriation, the City's authorized volume is 250 MGY. In 2023 the City used 157 MGY.
- Storage Capacity, City has two storage tanks: 500,000 gallon ground storage and 1,000,000 gallon elevated storage
 - o City needs storage equal to average day demand which was 430,000 gpd in 2023.
 - o City has approximately 1.07 MG available before more storage is needed.
- Well capacity, City has three wells with a firm (largest well out of service) capacity of 3.2 MGD.
 - o City needs well capacity equal to peak day demand. Peak day was approximately 930,000 in 2023
 - o City has approximately 2.3 MG available before more well capacity is needed.
- Water quality
 - o See water quality data that was previously provided to Tract. City feeds chlorine (disinfection), fluoride (health), and polyphosphate (iron sequestration)

Water Distribution System

- Pressure and fire flow
 - o City can provide static pressure near the site if requested.
 - o City can perform a fire flow test if requested.
 - o Water modeling of the distribution system may be required depending upon volumes requested.
 - o Tract will most likely need to loop watermain to the site from the south near Highway 20/County Road 29 and from the north at Holiday Ave. This will depend on water volume needed and fire flow requirements.
 - o Tract will need to evaluate if constructing water storage on site is warranted.

Wastewater Treatment

- Plants rated capacities are: AWW (1.09 MGD), MWW (2.18 MGD), PHWW (3.27 MGD)
- Current flows available based on 2022 data, AWW (0.7 MGD), MWW (1.2 MGD), PHWW (no data)
- A treatment plant plan (facilities plan) may be need to be prepared by the City depending upon requested flows.

Wastewater Collection System

- Sewer capacity along Highway 20 will need to be evaluated. Pipe sizes range from 8" to 18". Capacity available will depend upon flow requested. Suggestion is the City perform CCTV of all existing pipe to determine condition now.
- Lift Station capacity. All of the Tract Development land flows to the new lift station at the intersection of Cannon and 3rd. It has an ultimate firm capacity of 2,000 gpm or 2.88 MGD. Current capacity is 900 gpm or 1.3 MGD. This lift station is new so data is not available but assumption is lift station is about 25% utilized currently.

What we will need from Tract.

- Projected water usage. Peak day and average day.
- Projected wastewater discharge in the form of AWW, MWW, PHWW.
- Projected wastewater discharge strength for the following: BOD, TSS, P, Chlorides, Sulfates, Metals, TKN, and potentially others.

Please review and then we should discuss.

Thanks

Bill

William Angerman, P.E. | Executive Vice President, COO
Voice: 507.288.3923 | www.whks.com



ZO 112.1-2024-9
ZO 112.2-2024-8

ADOPTION OF AN AMENDMENT TO CHAPTERS 112.1 and 112.2
(ZONING)
OF THE 1976 CODE OF THE COUNTY OF
FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, September 10, 2024, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapters 112.1 and 112.2 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:

Amend Chapters 112.1 and 112.2 (Zoning Ordinance), as follows

In Table 4101.1, revise the permissions for Data Center from P to P or SE in I-4, I-5, I-6. In Table 4101.2, remove the permission for a data center in the PRC District, and change the PDC and PTC permissions to SE.

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; blank cell = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6		
Industrial Uses																														
Freight Movement, Warehousing, and Wholesale Distribution: uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.																														
Data Center																	P SE	P SE							P SE	P SE	P SE	P SE	P SE	4102.6.A

4. Use Table for Planned Development Districts

TABLE 4101.2: Use Table for Planned Development Districts

✓ = permitted if shown on final development plan/PRC development plan and PRC plan;

✓/SE = permitted if shown on final development plan/PRC development plan and PRC plan, or as special exception if not on plan(s)

SE = special exception; SP = special permit; blank cell = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use;

AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Industrial Uses															
Freight Movement, Warehousing, and Wholesale Distribution: uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.															
Data Center								SE				SE			4102.6.A

Revise the data center standards in subsection 4102.6.A as shown below.

6. Industrial Uses

Freight Movement, Warehousing, and Wholesale Distribution

A. Data Center

Standards applicable to all data centers:

- (1)** To provide visual screening and reduce noise levels, any equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment, must be fully enclosed, except where determined by the Director not to be mechanically feasible based on the manufacturer specifications. If the Director determines it is not mechanically feasible to fully enclose the equipment, it must be screened by a wall or similar barrier. In addition, any equipment as referenced above that is located on the ground and any accessory electrical substation must be screened from view from abutting lots and from rights-of-way by a visually solid wall or a building. This standard does not apply to solar panels.
- (2)** In the C-3 and C-4 Districts, the maximum building size is 40,000 square feet of gross floor area. However, this size limit may be exceeded with special exception approval in accordance with subsection 8100.3.
- (3)** In the I-2, I-3, and I-4 Districts, the maximum building size is 80,000 square feet of gross floor area. However, this size limit may be exceeded with special exception approval in accordance with subsection 8100.3.
- (4) Minimum Distance from Residential**
 - (a)** Any data center building must be located at least 200 feet from the lot line of an R district or a property developed with a residential use.
 - (b)** If located on the ground, any equipment for cooling, ventilating, or otherwise operating the facility, including any power generator or other power supply equipment, must be either:
 - 1.** Located at least 300 feet from the lot line of an R district or a property developed with a residential use; or
 - 2.** Separated from the lot line of an R district or a property developed with a residential use by the principal data center building.
 - (c)** Lesser distances may be allowed with special exception approval in accordance with subsection 8100.3.
 - (d)** For the purpose of this provision, an R district does not include an area within a public street right-of-way.
- (5)** A data center building must be located at least one mile from a Metro station entrance. A lesser distance may be allowed with special exception approval in accordance with subsection 8100.3.
- (6)** Prior to site plan approval, a noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code. In addition, prior to issuance of a

Nonresidential Use Permit, a post-construction noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation complies with the Noise Ordinance.

Standards when permitted by right:

- (7)** A data center building must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.
- (8)** All building façades must include:
 - (a)** A change in the façade surface for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and
 - (b)** Windows, doors, or similar fenestration design features such as faux windows, must be distributed horizontally and vertically across the façade and comprise a minimum of 30 percent of the individual façade.

Standards when permitted by development plan or special exception:

- (9)** A data center building must be designed to minimize adverse visual impacts on surrounding development as demonstrated by the submission of elevations, architectural sketches, or sight line studies. The building should have a high-quality design as evidenced by the use of materials, color, and texture. If the building is located less than 200 feet from an R district or a property developed with a residential use, it should include changes in building height or other design techniques to provide variation in building mass as viewed from the nearby residential district.

Add rezoning and special exception submission requirements for a data center. Renumber as needed.

8101. Submission Requirements

2. Zoning Map Amendments (Rezoning)

E. Supporting Reports and Studies

The following additional information must be submitted:

(12) Data Center

For a rezoning to allow a data center, the application requires the following additional information:

- (a)** A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.
- (b)** Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

3. Special Exceptions, Special Permits, and Variances

D. Additional or Modified Submission Requirements for Specific Special Exception Applications

The following are additional or modified submission requirements for special exception applications for:

(8) Data Center

- (a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.
- (b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

Add provisions for the Data Centers Zoning Ordinance Amendment to subsection 2.B of Appendix 1, Provisions Relating to Previous Approvals.

Data Centers

- (a) Any site plan for a data center accepted for review on or before July 16, 2024, will be reviewed based on the provisions of the Zoning Ordinance in effect on July 16, 2024, if:

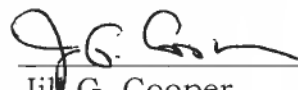
- 1. The site plan is approved by July 16, 2025;
- 2. The approval remains valid; and
- 3. The uses, features, and structures are established or constructed in accordance with approved plans and permits.

An approved plan may be revised notwithstanding this amendment if it does not aggravate conflicts with the amendment. Building permits and other related subsequent plan and permit submissions may be accepted and new approvals may be granted, consistent with the approved site plan. The applicant/owner may elect to have the above applications reviewed in their entirety under the provisions of this amendment.

- (b) For all applications for rezonings and related development plans, special exceptions, site plans, or building permits that include a data center approved on or before July 16, 2024, the applicant/owner may continue under their previous approval. Subsequent plan and permit submissions may be accepted and new approvals may be granted, consistent with those prior approvals. Revisions to such prior approvals may be approved if they do not aggravate conflicts with this amendment.

These amendments shall become effective on September 11, 2024, at 12:01 a.m.

GIVEN under my hand this 10th day of September, 2024.



Jill G. Cooper
Clerk for the Board of Supervisors

Timeline	Start Date	Finish	Council/Board Vote	April	May	June	July	August	Sept
AUAR									
Adopt Final Order	4/15/2025	4/15/2025	Y						
City Staff AUAR Draft Review	4/16/2025	4/25/2025	N						
Tract Community Meeting	4/29/2025	4/29/2025	N						
30 Day Public Comment Period	5/27/2025	6/26/2025	N						
City Adopts Final AUAR	4/15/2025	8/19/2025	Y						
Annexation/Plat/Development Agreement									
Water and Wastewater Studies	4/1/2025	5/27/2025	N						
City Admin shares Council Update on the decision making process and timeline	5/6/2025	5/6/2025	N						
Joint Council Planning Comm. Work session to discuss decision making process	5/20/2025	5/20/2025	N						
Annexation application received - 60 day deadline possible 60 day extension	5/27/2025	7/26/2025	N						
Township Annexation agreement discussions	6/2/2025	6/13/2025	N						
Plat/Subdivision Application - need 120 days	6/6/2025	10/4/2025	N						
Council Work Session to discuss annexation, plat, development agreement	6/17/2025	6/17/2025	N						
Staff review, take stakeholder input	6/18/2025	7/9/2025	N						
Planning Commission Plat, PUD, Development Agreement - Public Hearings	7/14/2025	7/14/2025	N						
Annexation Resolution Approval - Council	7/15/2025	7/15/2025	Y						
Submit Annexation to Goodhue <i>Dakota</i> County	7/16/2025	9/2/2025	N						
Council Public Hearings	8/5/2025	8/5/2025	N						
Final Joint Work Session on Plat, PUD Development Agreement	8/19/2025	8/19/2025	N						
Final Planning Commission Approval	9/8/2025	9/8/2025	Y						
Final City Council Approval	9/15/2025	9/15/2025	Y						

City Coordination Task	Start Date	Finish Date	2025	Jan	Feb	March	April	May	June	July	August	Sept
City/Tract/LH Negotiation with Township for RGU Authority	11/19/2024	1/21/2025										
City Council Approval on AUAR RGU	1/21/2025											
City Review Draft AUAR Order & Scoping EAW	1/14/2025	2/10/2025										
City Reviews Final Draft AUAR Order & Scoping EAW	2/17/2025	2/19/2025										
City Reviews Final Order & Scoping EAW	4/9/2025	4/15/2025										
City Council Adopts Final Order	4/15/2025											
City Reviews Draft AUAR	4/7/2025	4/25/2025										
KH Revises Draft AUAR Based on City Comments	4/28/2025	5/2/2025										
City Reviews Draft AUAR	5/5/2025	5/12/2025										
30-Day Public Comment Period	5/27/2025	6/26/2025										
City/Client Review of Final AUAR	7/4/2025	7/14/2025										
10-Business Day Final AUAR Objection Period	7/29/2025	8/12/2025										
City Adopts Final AUAR at City Council	8/19/2025											
City Submits Notice of Adoption of Final AUAR to EQB	8/26/2025											
City Admin Lot Split for Simon City Property (Submitted by Seller)	4/15/2025	6/13/2025										
Annexation	7/14/25											
Draft Joint Resolution	4/9/2025	6/5/2025										
City Planning Commission	7/14/2025											
City Council on Joint Resolution	8/19/2025											
City Pre-application Meeting	3/4/2025											
Development Stage City Submittal (Prelim PUD, Prelim Plat, CUP)												
KH Prepare City Development Stage Submittal	3/20/2025	5/15/2025										
Development Stage City Review	5/27/2025	6/23/2025										
Development Stage Planning Commission	7/14/2025											
Development Stage City Council	8/19/2025											
Final Plan Submittal (Final PUD, Final Plat, Development Agreement)												
KH Prepare City Final Plan Submittal	8/1/2025	8/19/2025										
Final Plan City Review	8/19/2025	8/28/2025										
Final Plan Planning Commission	9/8/2025											
Final Plan City Council	9/16/2025											

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CANNON FALLS INDUSTRIAL SCHEDULE			4/1/2025					
City Coordination Task	Start Date	Finish Date	April	May	June	July	August	Sept
AUAR								
City Council Adopts Final Order	4/15/2025							
Township Reviews Draft AUAR	4/4/2025	4/24/2025						
30-Day Public Comment Period	5/27/2025	6/26/2025						
City Adopts Final AUAR at City Council	8/19/2025							
Subdivisions								
McCoy Township Subdivision - Planning Commission	4/1/2025							
McCoy Township Subdivision - Township Board	4/15/2025							
Simon Township Subdivision - Planning Commission	5/6/2025							
Simon Township Subdivision - Township Board	5/20/2025							
Annexation								
Draft Joint Resolution	4/9/2025	6/5/2025						
Submit Annexation Application to Township	6/6/2025	5/27/25						
Township Planning Commission	7/1/2025							
City Planning Commission	7/14/2025							
Township Board	7/15/2025							
City Council	8/19/2025							

Red Items = Randolph Township Actions

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			2025											
City Coordination Task	Approximate Submittal Date	Approximate Duration	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
City Council & Township Approval on AUAR RGU	1/21/2025	1 Day	✓											
City Review Draft AUAR Order & Scoping EAW	1/14/2025	20 Days												
City Reviews Draft AUAR Order & Scoping EAW	2/17/2025	3 Days												
City Reviews Final AUAR Order & Scoping EAW	4/9/2025	5 Days												
City Council Adopts Final Order	4/15/2025	0 Days												
City Reviews Draft AUAR	4/4/2025	15 Days												
City Reviews Draft AUAR	5/5/2025	6 Days												
30-Day Public Comment Period	5/27/2025	4.5 Weeks												
City/Client Review of Final AUAR	7/4/2025	6 Days												
10-Business Day Final AUAR Objection Period	7/29/2025	10 Days												
City Adopts Final AUAR at City Council	8/19/2025	0 Days								**				
City Submits Notice of Adoption of Final AUAR to EQB	8/26/2025	1 Day												
City Admin Lot Split for Simon City Property	2/15/2025	45 Days												
Annexation	1/22/2025	94 Days												
Draft Joint Resolution	1/22/2025	9 Days												
City Council on Joint Resolution	3/18/2025	0 Days												
City Plat/PUD/Rezone/DA & CUP	1/28/2025	155 Days												
City Pre-application Meeting	TBD	1 Day												
Development Stage City Submittal (Prelim PUD, Prelim Plat, CUP)	2/25/2025	106 Days												
KH Prepare City Development Stage Submittal	3/24/2025	50 Days												
Development Stage City Review	2/25/2025	20 Days												
Development Stage Planning Commission	3/10/2025	0 Days								**				
Development Stage City Council	3/18/2025	0 Days												
Final Plan Submittal (Final PUD, Final Plat, Development Agreement)	7/21/2025	31 Days												
KH Prepare City Final Plan Submittal	7/21/2025	12 Days												
Final Plan City Review	6/2/2025	7 Days												
Final Plan Planning Commission	7/21/2025	0 Days								**				
Final Plan City Council	8/19/2025	0 Days												

** = Concurrent City Council Approvals

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City Coordination Task	Approximate Submittal Date	Approximate Duration	2025	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
City/Tract/LH Negotiation with Township for RGU Authority	11/19/2024	40 Days													
City Council Approval on AUAR RGU	1/21/2025	1 Day													
City Review Draft AUAR Order & Scoping EAW	1/14/2025	20 Days													
City Reviews Final Draft AUAR Order & Scoping EAW	2/17/2025	3 Days													
City Reviews Final Order & Scoping EAW	4/9/2025	5 Days													
City Council Adopts Final Order	4/15/2025	0 Days													
City Reviews Draft AUAR	4/4/2025	15 Days													
City Reviews Draft AUAR, After KH Revisions	5/5/2025	6 Days													
30-Day Public Comment Period	5/27/2025	4.5 Weeks													
City/Client Review of Final AUAR	7/4/2025	6 Days													
16-Business Day Final AUAR Objection Period	7/29/2025	10 Days													
City Adopts Final AUAR at City Council	8/19/2025	0 Days													
City Submits Notice of Adoption of Final AUAR to EQB	8/26/2025	1 Day													
City Admin Lot Split for Simon City Property - with Comp Plan Amendment	4/15/2025	45 Days													
Annexation	3/28/2025	94 Days													
Draft Joint Resolution	4/9/2025	9 Days													
City Planning Commission	7/14/2025	0 Days													
City Council on Joint Resolution	8/19/2025	0 Days													
City Plat/PUD/Rezone/DA & CUP	1/28/2025	155 Days													
City Pre-application Meeting	3/4/2025	1 Day													
Development Stage City Submittal (Prelim PUD, Prelim Plat, CUP)	3/20/2025	108 Days													
KH Prepare City Development Stage Submittal	3/20/2025	40 Days													
Development Stage City Review	5/27/2025	19 Days													
Development Stage Planning Commission	7/14/2025	0 Days													
Development Stage City Council	8/19/2025	0 Days													
Final Plan Submittal (Final PUD, Final Plat, Development Agreement)	8/1/2025	32 Days													
KH Prepare City Final Plan Submittal	8/1/2025	12 Days													
Final Plan City Review	8/19/2025	7 Days													
Final Plan Planning Commission	9/8/2025	0 Days													
Final Plan City Council	9/18/2025	0 Days													

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