

# **Data Center Ordinance Advisory Group**

## **Teams meeting**

### **May 14, 2025**

#### **Team Check-in**

- Kathy - would like a clarification on Agenda 10-E from the BOCS Meeting on May 13.
  - Tony explained the work in the data center overlay is happening in two phases. Phase 1 is the removal of the 9 site locations per the Stantec report. Phase 2 is the assessment of the overlay district to determine if additional sites need to be removed. The Phase 2 work is being performed by Mosely Architects. The DCOAG will be involved in the Phase 2 project.
- Kathy - Industry members are visiting the Supervisors and manipulating and mischaracterizing what DCOAG is focused on.
  - DCOAG's focus is Continuous noise and is concerned with the nighttime noise levels. The Board of County Supervisors needs to have information provided to them regarding the technical information.
  - Wade- Clarified that the information will be provided to the Board of County Supervisors and is planning to meet with each supervisor once staff has a formal recommendation.
- Dale- The overlay district is close to Great Oak, getting rid of the by-right will be beneficial for the community.
- Discussed finding a method to differentiate the difference between traffic noise and the data centers.
- Kevin C- As Loudoun County continues to expand its data center development, this is having a big land use impact on Prince William County.
  - The power lines discussions with Dominion Energy indicate they will now have lines that are 175ft high.
  - The Prince William Digital Gateway's proposal will most likely require many more power lines, which raises concerns about the impact this will have on residential communities.
  - Tony stated this is also a national concern.

#### **Survey Data presented by Alex Stanley**

- Discussed the findings of the noise data combined with the residential surveys.
- The time stamp matched with the collection of the noise monitoring.
- Alex described his definition of "Missing" data was when the noise monitors were removed due to weather. The surveys were completed, but there wasn't any specific noise testing data to match the surveys against.
- Discussed the low-frequency levels are noticed more on the western side of Great Oak per the survey responses.

- Alex will work on separating the properties due to the difference in reading from the elevation where the property sits.
- Discussed the challenge of having limited data, nighttime survey feedback was not recorded.
- Discussed the importance of knowing at what decibel would be tolerable.

### **Wade- Discussed brief enforcement meeting**

- The expectation with criminal noise cases is that most of these cases will go to a jury trial.
- Data Centers will bring on lawyers, acoustic specialists, etc., so it will be imperative to have our staff or acoustics experts well prepared for court.
- The county does not have the legal authority to request Perimeter noise testing from data center industries.
- The country is unable to prosecute noise ordinance violations as civil cases due to the VA State code.
- § 15.2-980. Civil penalties for violations of noise ordinances.
  - Any locality may, by ordinance, adopt a uniform schedule of civil penalties for violations of that locality's noise ordinance. This provision shall not apply to noise generated in connection with the business being performed on industrial property. Civil fines will not exceed \$250 for the first offense and \$500 for each subsequent offense. The locality may authorize the chief law-enforcement officer to enforce any civil penalties adopted pursuant to the provisions of this section. The provisions of this section shall not apply to railroads. No ordinance of any locality shall apply to the sound emanating from any area permitted by the Virginia Department of Energy or any division thereof.
- Changes at a state level will need to be made if we want localities to have the ability to prosecute noise cases as civil charges
- Discussed who would be charged with the citation, for example, if the citation is given to the building manager or a custodian.
  - Clarified that a summons would only be served to the manager on duty or the registered agent.
- Discussed the challenge of applying one noise scale to the entire County. This process doesn't take into account the fact that some subdivisions are quiet and more rural, while others are louder and located closer to major highways.

### **Check out**

- Alex will send out an updated datasheet by doing three data points.
  - Average of each property separately.
- Wade mentioned that next Wednesday's DCOAG will be canceled since we need to have Eric Zwerling in attendance. Wade is working to try and secure another meeting time on Thursday, May 22, or Friday, May 23.

### **Meeting adjourned**