



Sustaining & Rebuilding Resilient Communities

September 9, 2026



LAWYERS FOR
GOOD
GOVERNMENT



Environmental
Protection Network





Agenda

- **Welcome**
- **Current State of Play: 5 Facts on Data Center Development**
- **A Data Center Is Coming to Town: What approvals are needed?**
- **Community Story #1**
- **Community Story #2**
- **Overview of Pro Bono Technical Assistance**
- **Community Story #3**
- **Talk, Vent, Share (*Off The Record*)**





Data Center Development Continues Rapidly

Operating

1,306 Data Centers

Planned

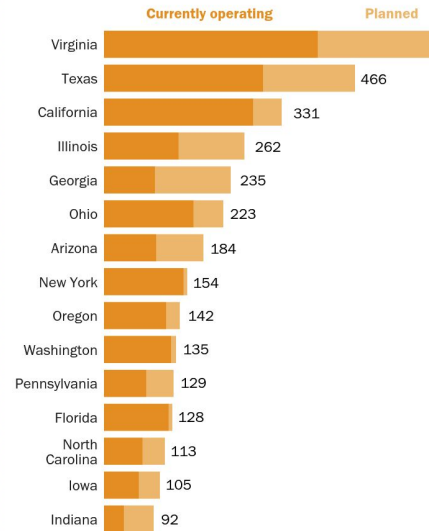
2,091 Data Centers

Growth Rate

+60% Increase

Virginia, Texas and Georgia lead the country, planned data centers

Number of data centers in each state, by operating status





Power Demand Is Growing & Regionally Concentrated

U.S. Electricity Demand Surge

Data centers currently account for **4–5%** of total US electricity demand. This share is projected to rapidly rise to **9–17%** by the year 2030.

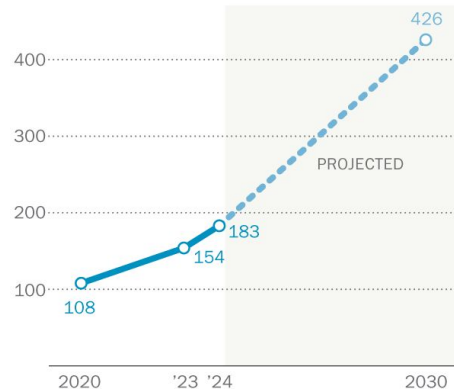
High Regional Concentration

Electricity demand is heavily concentrated in specific states, where data centers consume a massive share of the grid:

- **Virginia: 26% of electricity**
- **North Dakota: 15% | Nebraska: 12%**
- **Iowa: 11% | Oregon: 11%**

Electricity consumption at U.S. data centers is expected to more than double by 2030

Total electricity consumption by U.S. data centers (terawatt-hours)



Note: 2030 projection is based on IEA's "base case" scenario, which assumes current industry forecasts and regulatory conditions persist.
Source: International Energy Agency, "Energy and AI," April 2025.

DEW RESEARCH CENTER





Power Needs Are Increasingly Met Polluting Fossil Fuels

In 2024, data centers were powered primarily (55%) by coal and gas. Since then the Trump Administration has pushed a fossil-first approach to meet increased energy needs.

Encouraging more gas-powered generation	Planned gas plants for data centers surpassed 189 gigawatts so far this year, up from 97 gigawatts last year.
Requiring coal plants to stay open past retirement	Department of Energy issued orders requiring 6 coal plants to stay open past their retirement dates costing local communities over \$430 million.
Funding new coal and gas infrastructure	Trump announced \$850M to modernize coal plants and build two new plants, and cancelled offshore wind projects and moved funding to gas infrastructure.
Reducing and waiving air and water permitting requirements	EPA is rewriting rules so gas plants and data centers can build before permits issue, while cutting critical public health protections. EPA also ruled the Clean Air Act's acid rain program doesn't apply to dedicated power generation at data centers.
Move to reduce community input and citizen suit rights	EPA proposed eliminating federal public participation requirements for permits covering minor sources of air emissions. The Department of Justice has intervened in court to defend xAI, arguing that the government could dismiss citizen suits as part of its enforcement authority.



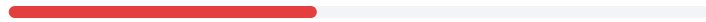


Popular Opinion Has Turned Strongly Against Data Centers

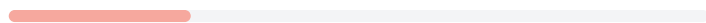
July 2026 Fox News Polling of Registered Voters

"Would you favor or oppose the building of a data center in your area to support AI?"

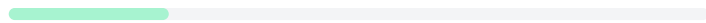
Strongly Oppose — 44%



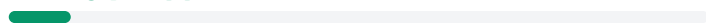
Somewhat Oppose — 26%



Somewhat Support — 23%



Strongly Support — 9%



Key Takeaway

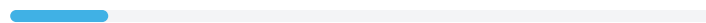
Public opinion is currently very negative **(-38% net)** and the issue cuts across otherwise polarized politics.

"What is the main reason you oppose a data center in your area?"

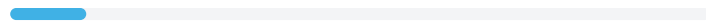
Environmental Concerns — 50%



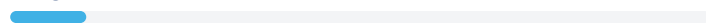
Quality of Life Concerns — 14%



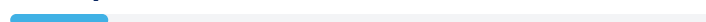
Economic Effects — 11%



Negative View of AI — 11%



Other / No Reason — 14%



Key Takeaway

Opposition is largely driven by **environmental concerns**, while supporters primarily cite job growth.





Current Data Center Trends

Community Confusion

Communities are often blindsided by data center development. Local governments are sometimes signing NDAs, or local processes do not alert communities until the permitting process has begun.

Uncertain Impact

Many localities are entering into agreements for data center development without a full understanding of the impacts to water or the grid.

Unclear Benefits

With many localities providing tax-based incentives to attract data centers, it is unclear the benefit they provide to local governments or communities.

Opportunity mismatch

Big tech companies stand to earn a lot from data center development, but benefits provided to local communities can sometimes be underwhelming in comparison.





Permits and Zoning Requirements that Could Apply

Federal Approvals:

- National Environmental Policy Act
- Clean Water Act
 - Wetlands
 - Stormwater discharge
- Clean Air Act (maybe)
- Resource Conservation Recov. Act (dirty dirt)
- Endangered Species

State Approvals:

Varies by state (!) but could include:

- Utility approvals
- State protections on water use
- State environmental protection laws
- Any specific clean energy regulations

Local Approvals:

Varies by locale but typically includes:

- Land use approvals like:
 - Zoning
 - Specific Plans
 - Use Permits
 - Development Agreements





Community Considerations

1 of 2

When communities are negotiating for projects that meet their standards, we help local governments and community partners think through how to incorporate community benefits.

Climate Goals & Air Quality

It's important to consider whether the development supports state and local public health and climate goals. Will there be fenceline emissions? Will it lower GHGs? How will it be powered?

Addressing Energy Burdens

Have you heard of BEYONCE? Bring. Your. Own. New. Clean. Energy. Bringing new clean energy that may also allow more residents to utilize the new source could mean more clean energy and lower utility bills. BUT beware of what developers are calling clean.

Water, Energy, and Air Impacts

How might the project impact the water quality, energy burden, and pollution thresholds for the state or local community? Would the project be in tension with the communities stated goals?





Community Considerations

2 of 2

When communities are negotiating for projects that meet their standards, we help local governments and community partners think through how to incorporate community benefits.

Real Job Growth

Many developments tout job growth but what numbers equal real job growth for the state and local community? How long do those jobs last and what are the quality?

Infrastructure Needs Assessment

How can this opportunity address some of the longstanding challenges to infrastructure my community faces and how can I make that front and center in what we're asking of from developers? What new burdens will this development place on our infrastructure and how can that be mitigated?

Utility Costs (Affordability) vs. Growth

How will this project impact utility bills for your residents. Will the development raise or lower bills? Will the project increase grid capacity or put a stress on the grid?





Local Voices: What's happening in Virginia

Erin Sanzero Protect Stafford

Protect Stafford is a grassroots coalition of residents from across Stafford County, advocating for responsible data center development.

<https://www.protectstafford.com/>





Local Voices: What's happening in Ohio

Lea Harper FreshWater Accountability Project

FreshWater Accountability Project (FWAP) was founded in 2012 in Southeast Ohio to protect freshwater and raise awareness of the dangers associated with the fracking industry.

<https://fwap.org/>



FreshWater
ACCOUNTABILITY PROJECT



What L4GG Can Offer

[Green and Equitable
Communities Clinic
Intake Form](#)



- Coordinated Approach to advice through our Green and Equitable Communities Clinic
- Muscle memory from one location to another
- A repository of policies, approaches, playbooks, and other materials reviewed by attorneys and technical experts.
 - ◆ You don't have to sort through the maze on your own!
- Practical experience working with communities on legal issues. We know where things get stuck, what's important, and how to provide genuine opportunities for engagement that help everyone understand each other.
 - ◆ Help with drafting data center ordinances and policies for local entities
- Connection to a network of support for both communities and local governments tackling this issue!
 - ◆ You are not alone!





What EPN Can Offer

[EPN's Pro Bono
Technical Assistance
Intake Form](#)



- **Connections to EPA alumni volunteers** to walk through early stage “We don’t know what we don’t know” conversations regarding air pollution, water pollution and land contamination.
- **Environmental permit navigation:** helping to understand permit timelines, review draft permits, and craft public comment language.
- **Help identifying funding**—including rapid response funds—to support your work
- **Connections to press and partners** to support any local organizing and power-building efforts





EPN Technical Assistance In Action

01

Community Outreach

Community members in **southern New Mexico** reached out regarding a **2 GW gas-powered** hyperscale data center (*Project Jupiter*) undergoing NMED air permitting.

02

Expert Matching

EPN staff quickly **matched the community with a volunteer** air expert who is a former facility inspector and enforcement specialist.

03

Technical Review

The **volunteer reviewed the construction permit** and provided detailed written comments on the air quality impacts of the development.

04

Capacity Building

Explained the **differences between permit notices and draft permits**, empowering community members to prepare for formal review.





Other Partner Resources

- **Rural Data Center Resistance Cohort** is recruiting 30 rural communities fighting data centers to be part of a training and coaching cohort. The opportunity includes a \$1500 award to support your work and a 6-session virtual training series (and the chance to stay engaged with the community beyond that). No non-profit status or formal certification is required.
 - Fair Shake ELS Resources
 - **Data Center Decision Tree** (specific to PA, OH, and WV but informative beyond these states, too.)
 - **Data Center Legal Clinic on October 7th** for communities in PA, OH, and WV
 - AI Now Institute's **North Star Data Center Toolkit**
 - Several **trackers** we have found useful:
 - FracTracker Alliance **Data Center Map**
 - **Data Center Moratorium Tracker**
 - **Data Center Policy Database**
- Looking for more? Check out EPN's **Data Center Resource Directory**.





Local Voices: What's happening in West Virginia

Martec Washington Black Appalachian Coalition (BLAC)

Founded in 2021, BLAC is redefining Appalachia's whitewashed image by building a multi-state campaign that ensures these essential Black perspectives are heard, respected, and recognized as central to Appalachia's true identity.

<https://blackappalachiancoalition.org/>





Local Voices: What's happening in Arkansas

Brooke Butler Anthropocene Alliance (A2)

Anthropocene Alliance is the nation's largest coalition of frontline communities fighting for environmental protection.

<https://a2coalition.org/>





Talk, Vent, Share





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resources & recommendations,
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Updates**

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