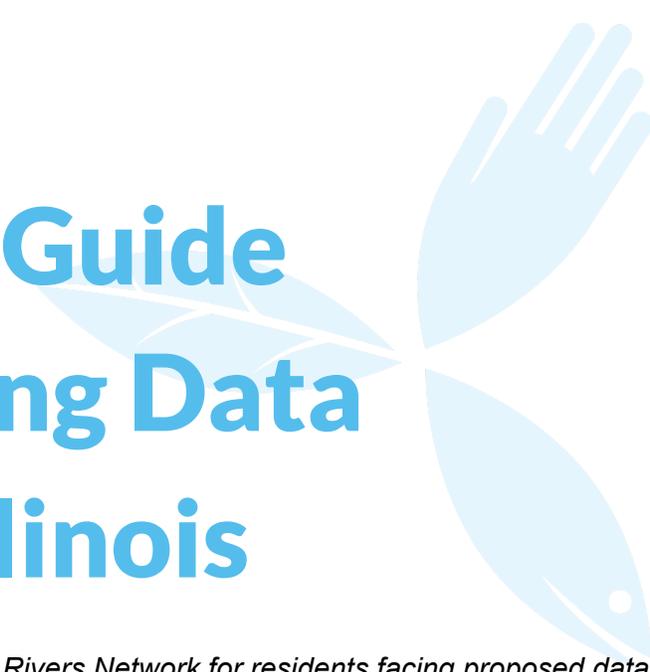


Community Guide to Challenging Data Centers in Illinois



A printable action checklist created by Prairie Rivers Network for residents facing proposed data center development.

If a project needs public permission, the public has a say.

This checklist is designed for residents, neighborhood groups, and local leaders who are concerned about a proposed data center and want to ask informed questions, slow the process down, or challenge the project outright.

You do not need to do everything listed here.
Even unanswered questions create leverage.

Quick Start: If You Only Do Three Things

If time or capacity is limited, focus here first:

1. Ask what local approvals are required and when votes will happen
2. File FOIA requests for water use, utility agreements, and developer communications
3. Get organized before approvals are granted

Opposition is strongest early.

STEP 1: Confirm the Project Details

- Project name and developer (including parent companies, LLCs, and affiliates)
- Exact site location
- Is this a new facility, an expansion of an existing one, or a phased project with future build outs?
- Total planned square footage and megawatt capacity (both initial phase and full build-out)
- Estimated construction timeline and operational start date
- What government action is required? Ask whether project involves:
 - A rezoning or special use approval
 - A planned unit development (PUD)
 - Annexation in a municipality
- What is the local decision-making body (e.g. plan commission, city council, county board)?
- What is the timeline for decisions and hearings?

Why this matters:

Most data centers require discretionary local approvals. If a vote is required, residents have leverage.

Legal authority:

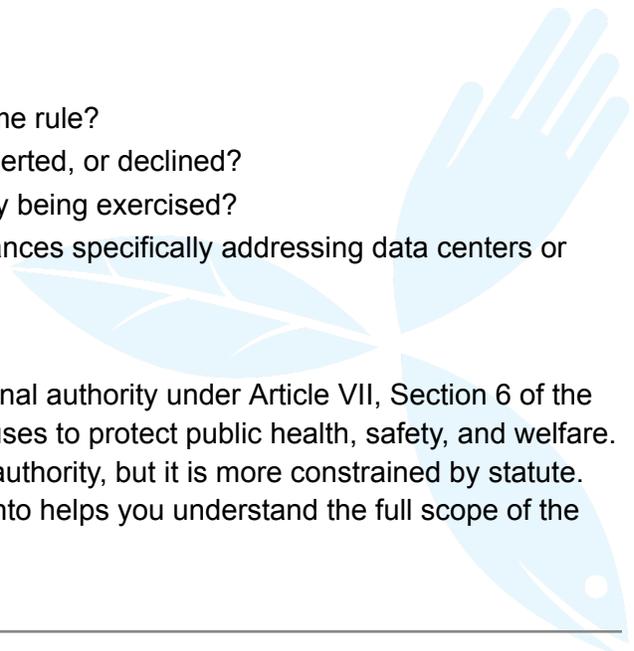
Illinois' Open Meetings Act (5 ILCS 120) and Freedom of Information Act (5 ILCS 140) require public access to government records and deliberations.

STEP 2: Determine Home Rule Status

- Is the municipality home rule or non-home rule?
- If home rule, what powers are being asserted, or declined?
- If non-home rule, how is zoning authority being exercised?
- Has the municipality adopted any ordinances specifically addressing data centers or large-scale industrial uses?

Why this matters:

Home rule municipalities have broad constitutional authority under Article VII, Section 6 of the Illinois Constitution to prohibit or regulate land uses to protect public health, safety, and welfare. Non-home-rule municipalities still have zoning authority, but it is more constrained by statute. Knowing which category your community falls into helps you understand the full scope of the tools available.



Step 3: FOIA Requests

The Freedom of Information Act is one of the most powerful tools available to residents.

Key records to request:

- Water supply agreements, projections, and capacity studies
- Sewer or wastewater contracts
- Cooling system type and design, and water consumption estimates
- Electric load studies or service agreements
- Any correspondence between the developer and local officials
- Environmental, traffic, noise, or infrastructure studies
- Meeting minutes, agendas, and staff reports related to the project
- Any incentive agreements, tax abatement applications, or enterprise zone filings
- Engineering or consultant reports commissioned by the municipality or developer

Legal basis:

Illinois Freedom of Information Act (5 ILCS 140)

Where to file:

- City or county clerk
- Local water or sewer utility
- Illinois Environmental Protection Agency (if water or wastewater permits are involved)
- Illinois Commerce Commission (for utility-related records)

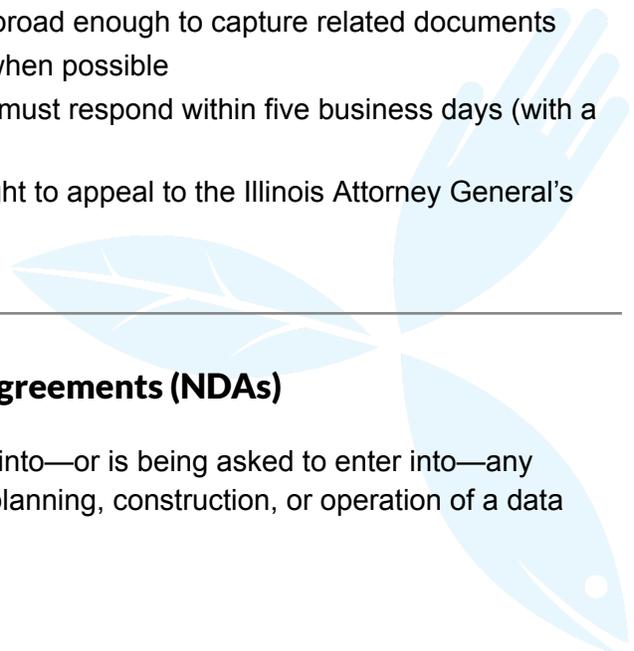
Tips for effective FOIA requests:

- Be specific in your requests, but also broad enough to capture related documents
- Request records in electronic format when possible
- Note the statutory deadline: agencies must respond within five business days (with a possible five-day extension)
- If a request is denied, you have the right to appeal to the Illinois Attorney General's Public Access Counselor

STEP 4: Inquire About Nondisclosure Agreements (NDAs)

Ask whether the local government has entered into—or is being asked to enter into—any nondisclosure agreement related to the siting, planning, construction, or operation of a data center.

Steps to take:



- Ask if the municipality or county signed—or is being asked to sign—an NDA with the developer
- Ask what information is covered by the NDA
- Ask if the NDA limits disclosure of water use, utility demand, infrastructure costs, tax incentive terms, or operational impacts
- Ask if the NDA has been approved by the governing body in an open meeting
- Request a copy of the NDA itself through FOIA. Even if contents are redacted, the agreement itself may be a public record
- Urge local officials **not** to enter into NDAs that restrict public access to information about land use, utilities, or environmental impacts

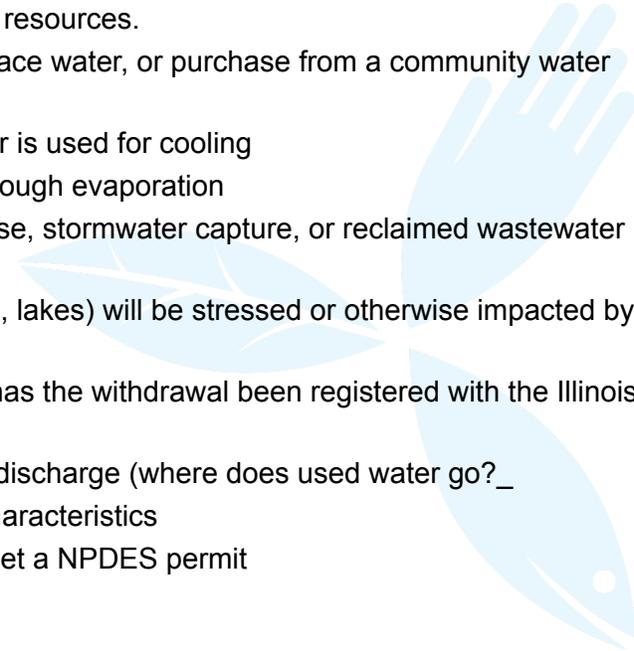
Why this matters:

Land-use approvals, utility agreements, and tax incentives are public actions that must be supported by a public record. NDAs can undermine transparency, limit meaningful public participation, and create legal risk.

STEP 5: Ask Pointed Questions About Water

Data centers often depend on large volumes of water, sometimes continuously for cooling.

Information to request:

- Daily water withdrawal volume (gallons per day), for both the initial phase and the full buildout
 - Be sure to evaluate total water use, including direct and indirect, to understand the overall impact of local water resources.
 - Source of water, (e.g., on-site well, surface water, or purchase from a community water supply)
 - Whether potable (drinking-quality) water is used for cooling
 - Whether water is consumptively lost through evaporation
 - Whether facility has explored water reuse, stormwater capture, or reclaimed wastewater as alternative sources
 - Whether source waters (aquifers, rivers, lakes) will be stressed or otherwise impacted by the withdrawal
 - If the facility is pumping its own water, has the withdrawal been registered with the Illinois State Water Survey?
 - Location and conditions of wastewater discharge (where does used water go?_
 - Discharge temperature and pollutant characteristics
 - Whether the facility will be required to get a NPDES permit
- 

Legal hooks:

- Illinois Water Use Act of 1983 (525 ILCS 45) requires reporting of high capacity withdrawals
 - Local sewer use ordinances may regulate discharge temperature, volume, and chemical characteristics
 - NPDES (National Pollution Discharge Elimination System) permits may be required for discharges regulated under the Clean Water Act
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STEP 6: Review Zoning and Land Use Authority

Data centers often require discretionary local approval.

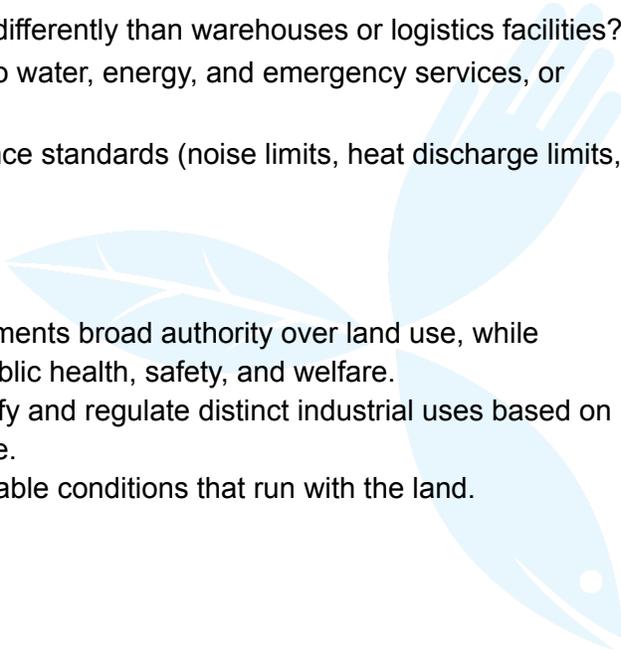
Questions to ask:

- Are “data centers” explicitly listed as a permitted or special use in zoning code?
- If not, how is the project being classified (Warehouse? Light industrial? General industrial?)
- Is the project being fact-tracked through a Planned Unit Development (PUD) or zoning text amendment?
- Will public hearings be held before the plan commission, city council, and/or county board? (If not, demand public hearings)
- Are findings required related to public health, safety, and welfare? (If not, demand studies of these issues)
- Can data centers be defined as a distinct land use?
- Is the municipality treating data centers differently than warehouses or logistics facilities?
- Are special use or PUD conditions tied to water, energy, and emergency services, or infrastructure impacts?
- Does the zoning code include performance standards (noise limits, heat discharge limits, traffic thresholds) that would apply?

Legal authority:

- Illinois zoning statutes give local governments broad authority over land use, while requiring decisions to be grounded in public health, safety, and welfare.
- Illinois law allows municipalities to classify and regulate distinct industrial uses based on their actual impacts, not just building size.
- Special use permits can include enforceable conditions that run with the land.

Key leverage points:

- Water demand and supply capacity
- 

- Infrastructure strain (roads, sewer, electric grid)
 - Emergency services (e.g. whether the local fire department can handle large battery or electrical fires)
 - Noise, heat, light pollution, and traffic impacts
 - Long-term land-use compatibility with surrounding residential or agricultural areas
 - Cumulative impacts if multiple data centers are proposed in the same area
-

STEP 7: Annexation Leverage (If Applicable)

If the proposed site is outside municipal boundaries, annexation may be required — and that gives the community significant bargaining power.

- Is the project currently outside municipal boundaries?
- Does the developer require annexation to obtain water, sewer, or utilities?
- Has the municipality considered an annexation agreement with enforceable conditions (which can last up to 20 years under Illinois law)?

Why this matters:

Municipalities generally cannot be compelled to annex property. Annexation agreements—authorized under 65 ILCS 5/11-15.1-1 et seq—are one of the strongest tools available to regulate development and ongoing operations.

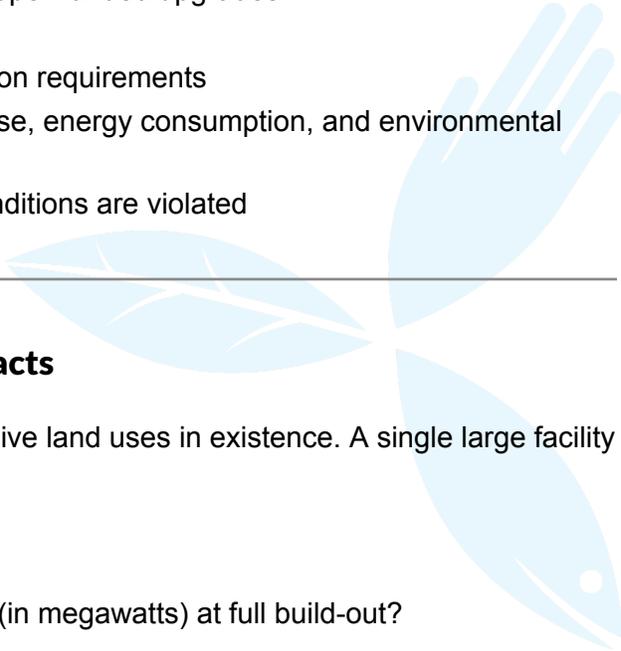
Conditions to consider including in an annexation agreement:

- Water use caps with enforcement mechanisms
 - Infrastructure cost-sharing or developer-funded upgrades
 - Noise and operational standards
 - Decommissioning and site restoration requirements
 - Regular public reporting on water use, energy consumption, and environmental performance
 - Right to revoke or renegotiate if conditions are violated
-

Step 8: Examine Energy and Utility Impacts

Data centers are among the most energy-intensive land uses in existence. A single large facility can consume as much electricity as a small city.

Questions to Ask:

- What is the projected electrical demand (in megawatts) at full build-out?
- 

- Are new substations, transmission lines, or gas plants required?
- Will the project increase energy costs or reduce grid reliability for existing customers?
- Request electric and gas load forecasts and service agreements
- Does the project rely on public funding for utility upgrades?
- Is there ratepayer or taxpayer exposure - will existing customers subsidize new infrastructure?
- Can the municipality limit withdrawals or require system upgrades at the developer's expense?
- Are rate structures adjusted for extreme or disproportionate use?
- Has the developer committed to renewable energy procurement, and if so, is that commitment enforceable?
- Will backup diesel generators be used, and if so, what are the air quality implications?

Legal Hooks:

- The Illinois Commerce Commission may be involved in utility approvals and rate cases.
- Municipal utility boards and councils are subject to public accountability and ratepayer protections.
- Municipal utility rates must be reasonable, but they do not have to treat all uses identically—differential rates for high-demand users can be lawful and appropriate.

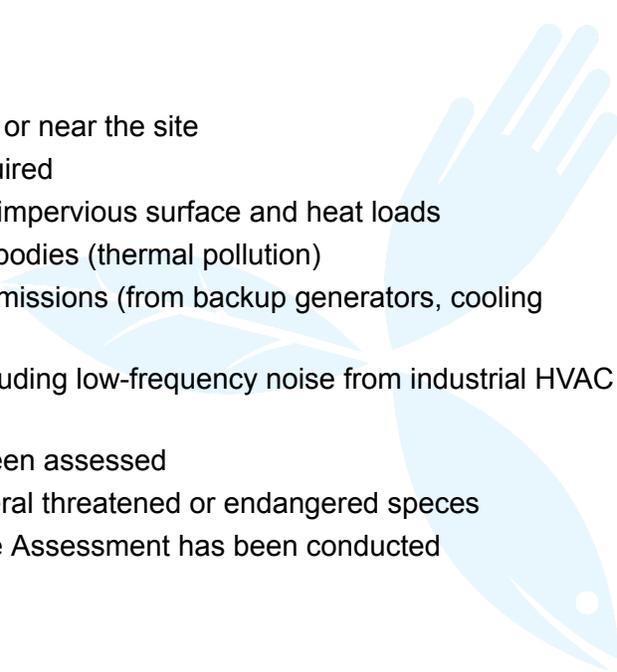
STEP 9: Look for Environmental Triggers.

Even if a formal environmental review is not automatically required, you can — and should — demand one.

Ask whether:

- Wetlands, floodplains, or streams are on or near the site
- Floodplain development permits are required
- Stormwater plans account for increased impervious surface and heat loads
- Heat will be discharged to nearby water bodies (thermal pollution)
- The project will generate significant air emissions (from backup generators, cooling towers, or associated power generation)
- Noise studies have been conducted, including low-frequency noise from industrial HVAC and cooling equipment
- Light pollution from 24/7 operates has been assessed
- The site includes habitat for state or federal threatened or endangered species
- A Phase I or Phase II Environmental Site Assessment has been conducted

Legal hooks:



- Local floodplain and stormwater ordinances
 - Wetlands and waterway impacts may involve the Illinois Department of Natural Resources
 - Federal permits (such as a Section 404 permit for wetlands impacts) may trigger additional review by the U.S. Army Corps of Engineers under the Clean Water Act
 - The National Environmental Policy Act (NEPA) may apply if there is a federal nexus (federal funding, federal permits, or federal land)
 - Illinois Endangered Species Protection Act (520 ILCS 10)
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STEP 10: Look Closely at Tax Incentives and Public Subsidies

Data centers often promise jobs and investment while requesting substantial public financial support. Scrutinize these claims closely.

Ask whether the project is receiving:

- Property tax abatements or TIF (Tax Increment Financing) district benefits
- Sales tax exemptions
- Enterprise zone benefits
- Publicly funded infrastructure improvements (roads, water lines, sewer, electric)
- State-level incentives or grants

Ask local officials to produce

- A comprehensive cost-benefit analysis that accounts for infrastructure costs, lost tax revenue, water and utility subsidies, and opportunity costs
- An independent fiscal impact analysis (not one paid for by the developer)
- Job creation projections with specifics: how many permanent full-time jobs, at what wage levels, and with what benefits?
- A comparison of tax revenue generated versus tax revenue forgone through incentives

Questions to push on:

- Data centers are notoriously low-employment facilities relative to their footprint and resource consumption. How many permanent, full-time jobs will actually be created?
- What is the clawback provision if job or investment commitments are not met?
- Are incentives structured so that the public sees a net benefit, or is the community effectively paying for the privilege of hosting the facility?
- How do the proposed incentives compare to what other commercial or industrial users in the area receive?

Legal Hook

- Local governments must approve tax incentives in public meetings

- Incentives can be conditioned, or denied, based on public interest findings
 - The Property Tax Code and the Enterprise Zone Act contain requirements for public notice and approval
-

STEP 11: Ask for a Temporary Moratorium

A moratorium is a temporary pause on approvals that gives a community time to study the issue before making irreversible decisions.

Questions to ask:

- Has the municipality or county considered a temporary moratorium on data centers?
- What length of moratorium is being considered? (Six to twelve months is common and defensible.)
- Will the moratorium include public hearings and findings of fact?
- Will the moratorium be used to develop data center-specific zoning standards, performance requirements, or impact assessment procedures?

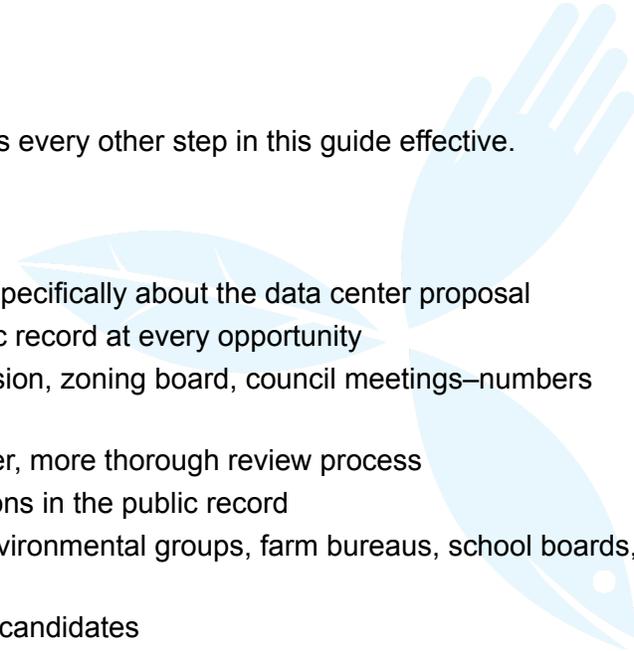
Why this matters:

Illinois law allows local governments to pause approvals to study land-use impacts. A moratorium gives the community time to evaluate water use, infrastructure strain, and zoning compatibility before irreversible approvals are granted. Moratoria are most defensible when they are time-limited, supported by a stated public purpose, and used to develop substantive regulations.

STEP 12: Get Organized Early

Community organizing is the engine that makes every other step in this guide effective.

Actions to take:

- Request a public meeting or town hall specifically about the data center proposal
 - Submit written comments into the public record at every opportunity
 - Coordinate attendance at plan commission, zoning board, council meetings—numbers matter.
 - Request additional studies, and a slower, more thorough review process
 - Ask officials to put responses to questions in the public record
 - Coordinate with neighbors and local environmental groups, farm bureaus, school boards, and other community organizations
 - Identify sympathetic elected officials or candidates
- 

- Engage local media—write letters to the editor, request investigative coverage, and document the process on social media
- Create a shared document or communication channel for your group to track developments, share FOIA responses, and coordinate attendance

Timing matters:

Opposition is most effective before approvals are granted.

STEP 13: Escalate if Necessary

- Contact state legislators
 - File complaints with relevant state agencies (IEPA, Illinois State Water Survey, Illinois Commerce Commission)
 - Flag potential Open Meetings Act or FOIA violations
 - Request Attorney General review if public process requirements are violated
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Bottom Line

Data centers depend on local zoning approvals, public water, public utilities, and public subsidies.

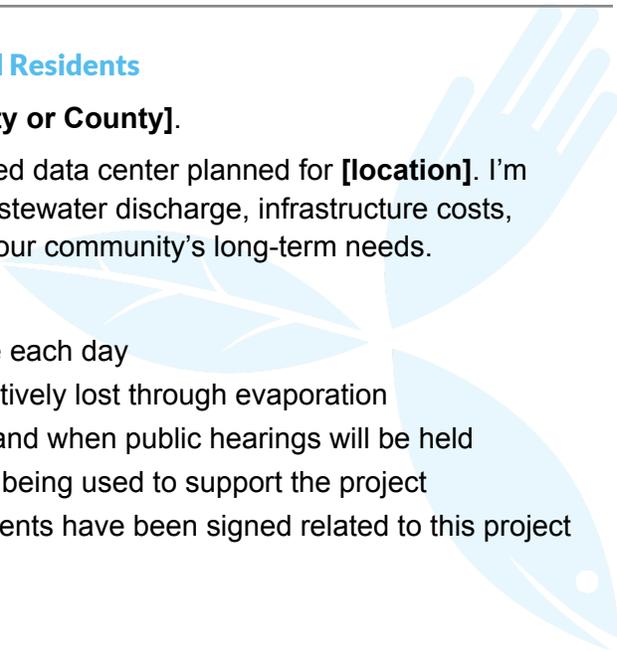
If a project needs public permission, the public has a say.

APPENDIX A: Sample Call Script for Concerned Residents

Hello, my name is **[Name]**, and I live in **[City or County]**.

I'm calling with questions about the proposed data center planned for **[location]**. I'm particularly concerned about water use, wastewater discharge, infrastructure costs, and whether the project is compatible with our community's long-term needs.

I'd like to know:

- How much water this facility will use each day
 - Whether that water will be consumptively lost through evaporation
 - What local approvals are required, and when public hearings will be held
 - Whether public funds or utilities are being used to support the project
 - Whether any nondisclosure agreements have been signed related to this project
- 

I'm asking that the **[city/county]** slow this process down, require full public disclosure of all agreements and studies, and ensure there are meaningful public hearings before any approvals are granted.

Please make sure my concerns are entered into the public record. I would also appreciate information on upcoming meetings or hearings where residents can comment.

Thank you for your time.

APPENDIX B: Sample Written Public Comment Template

[Date]

[Name of Decision-Making Body] [Address]

Re: Proposed Data Center at **[Location/Project Name]**

Dear Members of the **[Plan Commission / City Council / County Board]**:

I am writing to submit public comment regarding the proposed data center development at **[location]**. As a resident of **[community]**, I am concerned about the impacts this project may have on our water supply, infrastructure, environment, and quality of life.

Specifically, I request that the **[decision-making body]** take the following actions before granting any approvals:

1. **Require full disclosure** of the facility's projected daily water consumption, wastewater discharge plans, and energy demand at full build-out.
2. **Commission independent studies** on the project's impacts on water supply, infrastructure capacity, emergency services, traffic, noise, and the environment — studies that are not funded or controlled by the developer.
3. **Hold meaningful public hearings** with adequate notice, at times and locations accessible to residents, before any vote on rezoning, special use permits, PUD approval, or annexation.
4. **Reject or renegotiate any nondisclosure agreements** that limit public access to information about this project's impacts.
5. **Conduct a comprehensive cost-benefit analysis** that accounts for infrastructure costs, forgone tax revenue, and the true long-term fiscal impact on our community.
6. **Impose enforceable conditions** on any approval, including water use caps, noise limits, decommissioning requirements, and regular public reporting.

I ask that this letter be entered into the public record.

Respectfully,

[Your Name] [Your Address]

APPENDIX C: Key Contacts and Resources

Resource	Contact
Illinois Attorney General — Public Access Counselor	(877) 299-3642 or publicaccess@ilag.gov
Illinois Environmental Protection Agency (IEPA)	(217) 782-3397 or EPA.ContactUs@illinois.gov
Illinois State Water Survey	(217) 333-4983 or info@isws.illinois.edu
Illinois Commerce Commission	1-800-524-0795
Illinois Department of Natural Resources	(217) 782-6302 or dnr.illinois.gov
U.S. Army Corps of Engineers — Rock Island District	(309) 794-4200
U.S. Army Corps of Engineers — Chicago District	(312) 879-4410
Find Your Elected Officials	https://www.elections.il.gov/ElectionOperations/DistrictLocator/DistrictOfficialSearchByAddress.aspx

APPENDIX D: Glossary of Key Terms

Annexation: The process by which a municipality extends its boundaries to include adjacent unincorporated territory. Often required before a developer can access municipal water or sewer services.

Consumptive water use: Water that is used and not returned to its source — typically lost through evaporation in cooling systems. This is distinct from water that is used and then discharged.

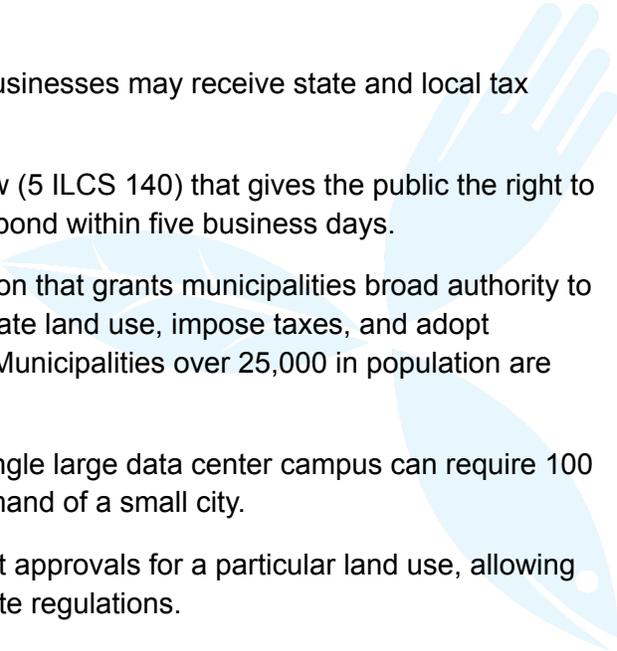
Enterprise zone: A designated area in which businesses may receive state and local tax incentives for investment and job creation.

FOIA (Freedom of Information Act): Illinois law (5 ILCS 140) that gives the public the right to access government records. Agencies must respond within five business days.

Home rule: A status under the Illinois Constitution that grants municipalities broad authority to govern local affairs, including the power to regulate land use, impose taxes, and adopt ordinances without specific state authorization. Municipalities over 25,000 in population are automatically home rule.

Megawatt (MW): A unit of electrical power. A single large data center campus can require 100 MW or more — comparable to the electrical demand of a small city.

Moratorium: A temporary pause on government approvals for a particular land use, allowing time for study and the development of appropriate regulations.



NDA (Nondisclosure Agreement): A contract that restricts what information parties can share publicly. When signed between a developer and a local government, NDAs can prevent officials from disclosing project impacts to residents.

NPDES (National Pollutant Discharge Elimination System): A federal permit under the Clean Water Act required for facilities that discharge pollutants into waters of the United States.

Open Meetings Act: Illinois law (5 ILCS 120) requiring that meetings of public bodies be open to the public, with limited exceptions. All final actions must be taken in open session.

Planned Unit Development (PUD): A zoning classification that allows flexible development standards in exchange for public benefits. PUDs typically require public hearings and discretionary approval.

Special use permit: A zoning approval required for uses that are allowed in a district only with specific conditions. Special use permits typically require public hearings and findings related to public health, safety, and welfare.

TIF (Tax Increment Financing): A public financing tool that captures increases in property tax revenue within a designated district to fund improvements within that district.

Thermal pollution: The discharge of heated water into natural water bodies, which can harm aquatic ecosystems by reducing dissolved oxygen levels and altering habitat conditions.

This guide is intended for informational and educational purposes. It does not constitute legal advice. Residents facing data center proposals should consider consulting with an attorney experienced in land use, environmental, or municipal law.

Last updated: February 2026

