

ORDINANCE NO. 2026-0803B

**AN ORDINANCE AMENDING THE REGULATION OF SITING
DATA CENTERS IN WARREN COUNTY, INDIANA
TO AMEND REGULATIONS CONCERNING WATER USE**

WHEREAS, Warren County, Indiana previously adopted Ordinance No. 2026-0302 regulating the siting of data centers in Warren County, Indiana; and

WHEREAS, the elected officials and members of the planning and zoning boards of the County have further researched the siting of data centers; and

WHEREAS, pursuant to Indiana Code § 36-1-3, et. seq. a government unit has all powers necessary and desirable in the conduct of its affairs, though not granted by statute, for the effective operation of government as to its local affairs; and

WHEREAS, the County wishes to enact additional regulations to protect the County's water resources.

NOW, THEREFORE, BE IT ORDAINED by the Warren County Commissioners, that Section I, Definitions, Section V, Design and Installation, Subsection D, Utilities, Section VII, Operation, Subsection C, Materials Handling, Storage and Disposal are amended to include the following:

1. Section I, Definitions is amended to include the following definition:

1. DEFINITIONS

"Closed Loop System" means a system that constantly reuses and recycles an initial load of water within its operation, significantly reducing the draw on external water sources and minimizing wastewater discharge. A closed loop system shall not use evaporative cooling and may consist of methods including, but not limited to, air-cooled (dry) cooling, rear-door heat exchanger cooling, hybrid dry economizer cooling, direct-to-chip cooling, or immersion cooling.

2. Section V, Design and Installation, Subsection D, Utilities, Subsection 2, Water is amended and replaced as follows:

2. Water

- a. Data centers shall be designed to include a closed-loop water circulation system to cool data center processing equipment. An applicant may propose an alternative cooling system that can be demonstrated to use less water and energy than closed-loop systems to the satisfaction of the County Commissioners.

b. At the same time an Application is made, the Owner/Applicant shall submit to the APC a Water Feasibility Study, which shall be prepared at the Owner/Applicant's expense, and which shall include, at a minimum, the following:

- i. calculations of the projected water needs;
- ii. description of the anticipated sources of water;
- iii. any agreements or contracts to supply water from the source to the data center;
- iv. a description of the existing uses and users of the water source, including but not limited to drinking water and ecological uses;
- v. a detailed assessment of the data center's impacts to each water use, such as aquifer drawdown or river reductions, and to the users, such as rate changes and drought scarcity, due to the data center's usage (i) immediately following the data center's initial operations, (ii) at the end of the data center's expected operational life, and (iii) during a drought or other similar event;
- vi. A statement of the qualifications and signatures of the person(s) preparing the study.

c. If a Project is to rely on public sources of water, such as a municipal utility, a Water Feasibility Study described in Paragraph b above will be provided with the Application. The Owner/Applicant shall be responsible for the cost of any upgrades to the public water facilities and shall enter into a written agreement with the municipality for any modifications needed. A copy of that Agreement shall be filed with the Building Commissioner.

d. If a Project is to rely on treated wastewater from a wastewater treatment plant, the Owner/Applicant shall prepare a report that describes receiving water body of the wastewater treatment plant discharge and the improvements needed for the wastewater treatment facility to supply such wastewater to the Project. The Owner/Applicant shall be responsible for the cost of any upgrades to the public wastewater facilities and shall enter into a written agreement with the municipality for any modifications needed. A copy of that Agreement shall be filed with the Building Commissioner.

e. If a Project is to rely on nonpublic sources of water, a Water Feasibility Study described in Paragraph b above shall be provided and the same Water Feasibility Study shall be provided to the County every two (2) years after operations commence. No Data Center shall be approved without sufficient water and/or a use that poses adverse impact on existing wells in the vicinity. In addition to the requirements of Paragraph b above, the Water Feasibility Study for nonpublic sources of water shall contain the following additional items:

- i. a description of how the water will be extracted, including any methods of pumping used by the data center and the maximum and expected daily pumping rates for the pumps used by the data center;

- ii. a description of how the water will be transported to the data center
- iii. A geologic map of the area with a radius of at least one mile from the site
- iv. The location of all existing and proposed wells within 1000 feet of the site, with a notation of the capacity of such wells
- v. The location of all streams within 1000 feet of the site and all known point sources of pollution
- vi. Based on underlying geological formations, the long-term safe yield
- vii. Identification of how water will be recycled or released into surrounding water bodies

3. Section VII, Operation, Subsection C, Materials Handling, Storage and Disposal is amended and replaced as follows:

3. Waste

a. The Applicant shall submit an analysis of wastewater disposal needs to either a public sewer system or private system, indicating the quantity of wastewater generation expected. The Applicant shall also identify the process by which water will be recycled or released into surrounding water bodies, regardless of whether the disposal will occur with a private or public system. Wastewater shall include sewage and water discharged as part of the data center's HVAC system.

b. Every six (6) months, the Project Owner, Operator and Developer shall prepare a report describing the following:

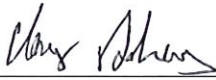
- i. a geologic map of the area with a radius of at least one mile from the Project site property boundary
- ii. anticipated volumes in gallons per day and total volume for the average day, average month, and average 12-month period;
- iii. the location of all surface waters within 1,000 feet of the property boundary and all known point sources of pollution
- iv. whether and how the Project will treat the water prior to discharge, including thermal treatments, and a description of any byproducts of the water treatment and their disposal;
- v. anticipated pollutants or contaminants in the discharge, including concentration effects;
- vi. a list of applicable discharge permits, the status of those permits, and permit identification numbers;
- vii. If wastewater will be conveyed and/or treated by a public system, the applicant shall submit documentation certified by the public authority that the public authority can support the conveyance and treatment needed; and
- viii. A statement of the qualifications and the signature(s) of the person(s) preparing the study

c. For data centers using evaporative cooling, the waste management report shall also include a list of all contaminants that might be expected in the vapor, including particulates, chemical constituents, and any biological contaminants;

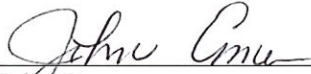
All other provisions of Ordinance No. 2026-0302 shall remain in full force and effect.

SO ORDAINED, this 3rd day of August, 2026.

WARREN COUNTY COMMISSIONERS



Clay Andrews, President

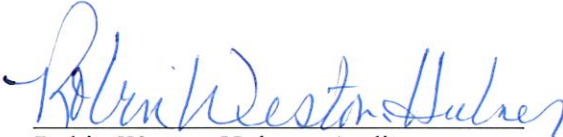


John Comer



Craig Greenwood

ATTEST:



Robin Weston-Hubner, Auditor