

MUNICIPAL RESOLUTION

INDEFINITE ZERO-HYPERSCALE DATA CENTER MORATORIUM

WHEREAS, the Governing Body of [NAME OF MUNICIPALITY] is statutorily obligated under the Air-Pollution Control Act N.J.A.C. 27:1-34, the Water Supply Management Act, N.J.S.A. 58:1A-1; and the Noise-Control Act, N.J.S.A. 13:1G, and is required to enforce the corresponding New Jersey Department of Environmental Protection (NJDEP) regulations that protect water quality, storm-water management, and pollutant discharges—namely:

- N.J.A.C. 7:14A – the Pollutant Discharge Elimination System (NJPDES) program, which “establishes the regulatory framework... to restore, enhance, and maintain the chemical, physical, and biological integrity of the waters of the State” and makes it unlawful for any person to discharge a pollutant except in conformity with a valid NJPDES permit (§ 7:14A-1.2).
- N.J.A.C. 7:9B – the Surface Water Quality Standards, which set water-quality-based effluent limits, designated uses, and classifications of all surface waters to protect public health, potable water supplies, and aquatic ecosystems (§ 7:9B-1.6).
- N.J.A.C. 7:8 – the Stormwater Management rules, which prescribe “general requirements for storm-water management plans... design and performance standards for storm-water management measures” consistent with the Water Quality Planning Act, Flood Hazard Area Control Act, and related statutes (§ 7:8-1.1; § 7:8-1.4).

Together, these statutes and regulations obligate the Municipality to safeguard the public health, safety, welfare, and environment of its residents from the cumulative air-quality, water-use, storm-water, and noise impacts associated with large-scale development.

WHEREAS, a hyperscale data center is defined as any facility that (i) has an electrical demand of 100 megawatts (MW) or greater, or (ii) provides 5 MW per 10,000 sq ft of floor area and is primarily intended for artificial-intelligence (AI) training/inference, cloud services, or large-scale data storage; such facilities in New Jersey typically consume 3–7 million gallons of water per day, draws at least 100 MW of electricity—often from fossil fuels—emit nitrogen oxides (NO_x), fine particulate matter (PM_{2.5}), volatile organic compounds (VOCs) and greenhouse gases at levels comparable to a small power plant, generate continuous noise up to 96 dBA, and rely on diesel backup generators that can emit 200–600 times more NO_x per kilowatt-hour than modern gas turbines;

WHEREAS, the rapid expansion of AI-driven hyperscale facilities is concentrating these adverse impacts in already overburdened low-income and environmental-justice (EJ) communities, creating disproportionate health risks—including asthma, cardiovascular disease, and hearing loss—while raising utility costs for ratepayers and threatening groundwater, wetlands, and local ecosystems;

WHEREAS, the typical siting process for new hyperscale projects often involves “behind-the-meter” on-site fossil-fuel generation, waivers of storm-water protections, and abbreviated public-notice procedures that bypass critical safeguards and impose severe

cumulative harms on communities already stressed by water-quality violations and elevated air-pollution levels;

WHEREAS, an indefinite moratorium is the most effective instrument to pause further siting while the Municipality conducts a comprehensive cumulative-impact analysis, meaningfully engages affected communities, and develops a durable regulatory framework that meets or exceeds state and federal environmental standards;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of [NAME OF MUNICIPALITY], that:

SECTION 1 – DEFINITIONS

Terms	Definition
Hyperscale Data Center	A data-center facility that meets one or more of three of the following quantitative criteria and is primarily designed to support large-scale compute workloads such as artificial-intelligence training/inference, cloud services, or massive data storage: 1. Electrical demand $\geq$ 100 MW (minimum threshold for “large-scale” facilities). 2. Floor area $\geq$ 10,000 sq ft, which is the

	industry minimum for a hyperscale footprint. 3. Space & Server Count: A hyperscale site houses $\geq 5,000$ servers.
Environmental Justice Impact Study (EJIS)	An independent, peer-reviewed analysis that evaluates cumulative impacts on air quality, water resources, noise/vibration, greenhouse-gas emissions, storm-water runoff, habitat loss, and public health in low-income and minority communities, prepared in accordance with NJDEP Environmental Justice guidelines.
Existing Lawful Facility	Any data-center (hyperscale or otherwise) that was fully permitted, constructed, and operating prior to the adoption date of this resolution. Existing facilities may continue at their pre-existing capacity; any expansion that would raise the load above the thresholds listed above is prohibited until the moratorium is lifted.
Environmental Advisory Committee (EAC)	A standing advisory body composed of

	community residents, a public-health professional, a municipal planner and an environmental-nonprofit representative, tasked with reviewing the EJIS and providing binding recommendations to the Planning Board.
--	---

SECTION 2 – MORATORIUM SCOPE

1. Effective Date – This moratorium shall become effective immediately upon adoption of the resolution.
2. Prohibited Actions – The Municipality shall not accept, process, approve, deny, or otherwise act on any application, permit, license, conditional-use request, rezoning petition, land-disturbance permit, building permit, business license, or certificate of occupancy that would:
 1. Establish a new hyperscale data center (as defined in Section 1) with an electrical demand of 100 MW or greater within the municipal boundaries; or
 2. Expand an existing data-center in a manner that would raise its name-plate electrical demand above 100 MW.
3. Geographic Applicability – The moratorium applies to all parcels, irrespective of current zoning designation (industrial, commercial, mixed-use, or residential).

4. Exemptions – Existing lawful facilities may continue operating at their pre-existing capacity. Any expansion that would raise the load above 100MW is prohibited until such time as the moratorium is lifted or amended.

SECTION 3 – DURATION & REVIEW

1. This moratorium shall remain in force until repealed or amended by a subsequent resolution of the Governing Body.
2. The [Municipal Planning & Sustainability Department] shall prepare a comprehensive status report (see Section 4) and present it to the Governing Body every two (2) years.
3. Biennial Options – At each biennial review, the Governing Body may:
 1. Extend the moratorium for an additional two-year period;
 2. Amend the moratorium's terms (modify definitions, add mitigation requirements); or
 3. Repeal the moratorium only after (i) a new public hearing, (ii) an updated EJIS, and (iii) documented evidence that the original health, safety, and equity concerns have been fully mitigated.
4. Procedural Safeguards for Amendment or Repeal – Any amendment or repeal must comply with the Open Meetings Act notice requirements and shall provide an opportunity for written comment from the public and the EAC.

SECTION 4 – STUDY & REPORTING REQUIREMENTS

1. Request for Proposals – Within ninety (90) days of adoption, the [Planning & Sustainability Department] shall issue a Request for Proposals (RFP) to engage an

independent consultant to prepare a comprehensive EJIS that includes, at minimum, the following modules:

1. Energy Demand & Grid Capacity Impacts – Projected load, required transmission upgrades, and potential strain on PJM/local utilities.
 2. Water Use & Cooling-Tower Analysis – Total draw, blow-down volumes, feasibility of closed-loop systems, and impacts on municipal water supplies and groundwater.
 3. Air-Quality Modeling – NO_x, PM_{2.5}, VOCs, greenhouse-gas emissions from primary generation and diesel backup; cumulative effects on existing EJ communities.
 4. Noise & Vibration Assessment – 24-hour dBA levels, nighttime thresholds, and mitigation options (acoustic enclosures, equipment placement).
 5. Storm-Water & Wetland Impacts – Runoff volumes, bio-retention basin performance, and potential contamination of nearby wetlands or streams.
 6. Health & Socio-Economic Impact Analysis – Projected asthma/CVD incidence, hearing-loss risk, utility-bill cost burdens on low-income households, and a balanced accounting of job creation versus community costs.
2. Public Disclosure Timeline
1. Draft EJIS – Posted on the Municipality’s website for public comment no later than six (6) months after adoption.

2. Final EJIS – Peer-reviewed final report made publicly available no later than twelve (12) months after adoption.
3. Binding Mitigation Standards – The final EJIS shall contain enforceable mitigation standards, including but not limited to:
 1. Zero-emission on-site power or procurement of 100 % renewable electricity;
 2. Real-time fenceline air-quality monitoring;
 3. Water-recycling cooling systems (minimum 90 % reuse);
 4. Minimum 2,500 ft residential setback;
 5. Noise caps of ≤ 45 dBA.

These standards shall serve as the baseline for any future data-center permitting after the moratorium is lifted.

4. Annual Status Report – Following completion of the EJIS, the [Planning & Sustainability Department] shall prepare a concise (≤ 5 -page) annual update summarizing:
 1. Any new hyperscale data-center applications received (even if blocked);
 2. Progress on mitigation measures adopted elsewhere in the municipality; and
 3. Updated estimates of regional grid and water-capacity constraints.

The report shall be posted publicly within 30 days of the close of each calendar year.

SECTION 5 – PUBLIC PARTICIPATION & COMMUNITY ENGAGEMENT

1. Notice Requirements for Future Hearings – Any hearing concerning data-center siting (if the moratorium ends) must be announced at least thirty (30) days in a newspaper of

general circulation, mailed to all property owners within a one-mile radius, and posted conspicuously at municipal offices.

2. Environmental Advisory Committee (EAC) – Within forty-five (45) days of adoption, the Municipality shall constitute an EAC composed of:
 1. Minimum two (2) residents from identified low-income or minority census tracts;
 2. One (1) public-health professional;
 3. One (1) municipal planner; and
 4. One (1) representative from a local environmental nonprofit.

The EAC shall:

1. Review the draft EJIS;
2. Conduct two open community workshops; and
3. Submit written recommendations that are binding on the Planning Board if the moratorium is eventually lifted.
4. Ensure the Municipality shall provide translation services for non-English speakers.

SECTION 6 – ENFORCEMENT

1. Nullity of Unauthorized Approvals

Any permit, license, conditional-use request, rezoning petition, land-disturbance permit, building permit, business license or certificate of occupancy that is issued in violation of this resolution shall be deemed null and void from the moment it is granted.

2. Penalties

The Municipality may, at its discretion:

- a. Impose a civil penalty of up to (X) per day for each violation;
- b. Seek injunctive relief in any court of competent jurisdiction; and
- c. Require the applicant to post a remedial bond equal to 150 % of the estimated environmental damages.

3. Prosecution

Violations of this resolution shall be prosecuted in Municipal Court. The Municipality may also pursue enforcement actions (notices, orders, civil suits) for any activity that would require a permit under the NJDEP Pollutant Discharge Elimination System (NJPDES) program (N.J.A.C. 7:14A).

SECTION 7 – SEVERABILITY

If any provision of this resolution is held invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

ADOPTION

Adopted by the Governing Body of _____ (Municipality) on _____ (date).

Signature Title

Chair, Municipal Council / Mayor

Municipal Clerk