This and testimony addressing three data center issues was drafted by CEDS for presentation by our Wilmington clients

WILMINGTON RESIDENTS FOR RESPONSIBLE DEVELOPMENT
Testimony to the Wilmington Planning Commission Regarding the Amazon Data Center Site Plan
January 6, 2026

OVERVIEW

Good afternoon, Commissioners Dixon, Hill, King, and Powell.

My name is Jessica Sharp, 442 Red Maple Lane, next to the Amazon data center site.

I am the admin for the 2700-member Wilmington Residents for Responsible Development.

I will be the first of our Wilmington neighbors to speak to you about data center aspects directly relevant to the Site Plan before you.

I will provide you with an overview of our concerns and the reasons why it would be premature for the Planning Commission to approve the Site Plan.

While City staff and others are responsible for reviewing a Site Plan for compliance with the Planning and Zoning Code, ***the Planning Commission is the only body that has the authority to consider the specific and cumulative, effects of the proposed data center from the perspective of Wilmington residents who must live with the consequences***.

The two greatest data center impacts to Wilmington residents are likely to be:

- Noise from data center cooling systems and backup diesel generators, and

- Air pollution from the 252 proposed diesel generators.

As you will hear in testimony from others, there is ample evidence that noise and air pollution impacts to Wilmington residents will be considerable.

The Wilmington Site Plan Review regulations require the following:

> "The Planning Commission shall review the site plan in the interest of ***public health*** and safety, as well as public convenience, ***comfort***, prosperity, or ***general welfare***, as applicable.

Furthermore, Site Plan Review Criteria 16 requires:

> "The application must provide [a] plan of procedures to ***mitigate nuisances*** to surrounding areas such as, but not limited to, ***odors***, ***excess noise***, and/or ***unsanitary*** operations. Any externalities must be with the realm of ***public health***, safety, and wellness."

Additionally, you are granted authority by item "h" in the *Supplementary information* section to require:

> "A statement documenting potential impacts to groundwater and ***air quality***, and other ***environmental impacts***."

The Site Plan documents provided to us lack the detail required to determine if these Review regulations are met. There is no statement regarding excess noise, air quality-public health, or other environmental impacts. The Site Plan documents lack any plan or procedures for mitigating these impacts which go well beyond mere nuisances.

You are required to review Site Plans for not only compliance with specific regulations but to consider the overall impact of proposed development to your neighbors. I am confident that once you hear the noise and air pollution specifics provided by our neighbors you will find you lack the information key to assessing cumulative as well as specific community effects and, therefore, you cannot approve the site plan. The two key missing documents is the noise impact study referenced in the letter from The Noise Consultancy president

Eric Zwerling attached to our written noise testimony and a health impact assessment regarding diesel generator emissions.

You should have a copy of my written testimony before you along with written testimony regarding noise, diesel generator air pollution and health, and the issues of poor planning, lack of economic benefits and public participation fairness. Further detail on the issues discussed in our oral testimony is provided in the written testimony. Lastly, attached to my written Overview testimony you will find the results of two petitions signed by nearly 1500 Wilmington residents urging the City to ensure that we gain fair data center economic benefits without causing harm to our neighbors.

Thank you

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NOISE IMPACTS TO WILMINGTON RESIDENTS

Good afternoon, Commissioners Dixon, Hill, King, and Powell.

I will be speaking to you about data center noise which could make life very unpleasant for Wilmington residents, including those living a considerable distance from the nine proposed Amazon data center buildings.

Some data centers, though not all, emit low-frequency noise described as a hum or buzz. This type of continuous noise pollution can have significant impacts on quality of life and health. According to the APHA, chronic exposure to noise pollution can cause or exacerbate heart disease, type II diabetes, anxiety and depression, while also harming cognition, memory, learning, and productivity. As acoustic engineer David Nelson said, "with continuous data center noise our brains never get a chance to rest." Further, low-frequency sound easily passes through walls and windows when compared to other noise. Data center noise can even rattle windows and be felt while standing outside.

The following appeared in 2024 article, *Understanding the impact of data center noise pollution*:

> "People who live near data centers express health concerns due to noise pollution. Like data center staff, the constant humming or buzzing noise from data centers causes some people to experience headaches, stress and sleep disturbance. Lack of sleep and stress can result in anxiety, cognitive impairment and cardiovascular risks. In more extreme cases, noise pollution can cause tinnitus and hearing loss."

Those living 1300 feet from some data centers have found the noise very disturbing. It appears that noise impacts may extend as far as three-quarters of a mile from a data center.

To appreciate data center noise causes and effects, I suggest watching the four-minute news clip at: ceds.org/dcnoise.

Data Center Noise Sources & Solutions

The noise comes from the rooftop fans used to air-cool some data centers. Additional noise will come from backup diesel generators.

Liquid or water-cooling systems are far quieter than air-cooling. With a closed-loop system, the volume of water needed is far less. It is possible though that an air-cooling system without large external fans could also be relatively quiet though the Site Plan lacks the details needed to determine if this is the approach proposed for the Amazon data center.

Considerable noise can also come from the diesel generators serving as a backup power supply if transmission line electricity becomes inadequate. It appears that each of the nine proposed data center buildings will have 28 backup generators for a total of 252.

The chart on the right shows that the noise emitted from a diesel generator serving as backup power supply for a larger data center, such as those proposed for the Wilmington Amazon buildings, emit noise above the level which can cause hearing loss and even approaches the pain threshold.

Decibel Level Comparison Chart

Environmental Noise[1]	A-Weighted Decibels (dBA)
Jet engine at 100'	140
Pain Begins	125
Pneumatic chipper at ear	120
Chain saw at 3'	110
Diesel Generator (1500 kW) [2]	***105***
Power mower	107
Subway train at 200'	95
Walkman on 5/10	94
Level at which sustained exposure may result in hearing loss	80-90
City Traffic	85
Telephone dial tone	80
Chamber music, in a small auditorium	75-85
Vacuum cleaner	75
Normal conversation	60-70
Business Office	60-65
Household refrigerator	55
Suburban area at night	40
Whisper	25
Quiet natural area with no wind	20
Threshold of hearing	0

1. This chart is based on that posted on the Yale Environmental Health & Safety at: https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf

2. The noise level from a 1500 kilowatt diesel generator is from the Workdwide Power Products Noise Pollution in Diesel Generators webpage at: https://www.wpowerproducts.com/blog/power-generation-equipment-resources/diesel-generator-noise-pollution/

Locating generators within full acoustic enclosures (and employing exhaust mufflers and sound-attenuating louvers) can reduce noise impact by 40 dBA. Generators that meet USEPA Tier-4 air pollution emission standards produce about half the noise compared to the Tier-2 models in use at many data centers. Lastly, the use of other backup power sources such as combined cycle natural gas turbines (with SCR emission controls) as well as Battery Energy Storage Systems and renewables can reduce or even eliminate diesel generators.

While it is claimed that generators will operate rarely, this assumption is highly questionable. During a June 2025 heat wave in Loudoun County, Virginia, data centers were ordered to run backup diesel generators for several days due to concerns about insufficient power from the transmission line grid.

The following appeared in a July 2025 Loudoun Now article:

> "Residents in Loudoun County noticed, with many emailing supervisors with complaints about the ***constant noise from generators*** that typically only serve as a backup power supply to the largest concentration of data centers in the world."

To protect Wilmington residents from noise pollution, the Amazon data center development and the city must employ the following measures:

- Perform sound modeling studies prior to final site approval. The studies should follow the recommendations in the letter from The Noise Consultancy president Eric M. Zwerling you will find at the end of this written testimony.
- Lower the maximum permissible limits for daytime and nighttime noise levels in the City ordinance, to align with the octave band as well as the C- and A-weighted decibel standards presented in the document attached letter from The Noise Consultancy president Eric M. Zwerling you will find at the end of this written testimony.
- Use liquid cooling with a closed-loop system, and do not utilize cooling systems that generate significant noise pollution (e.g., air cooling), and use additional noise mitigation measures for cooling technologies
- Use full acoustic enclosures, sound attenuating louvers and high-performance (hospital grade) exhaust mufflers for all generators.
- Only use generators that meet USEPA Tier-4 emission standards which are quieter by half when compared to the Tier-2 generators normally used. Tier-4 generators also pose less of an air-pollution and public health threat when compared to Tier-2 models, though this topic will be addressed by another speaker, and
- Use alternative and far quieter backup power sources as the primary source of backup power such as combined cycle natural gas turbines (with SCR emission controls), battery energy storage systems plus renewables.

Information Essential to Noise Impact Assessment Not Provided

While my neighbors and I as well as our consultant have repeatedly requested that the City of Wilmington, the Port Authority, and the applicant – Amazon – consider using quieter options, we have yet to receive a firm commitment to do so.

In fact, we cannot even get the details our consultant needs to then engage experts to assess noise impacts.

The Site Plan provided to us does show a proposed earth berm between some data center buildings and homes in the Timber Glen and Southridge neighborhoods. We assume the berm is intended to serve as a form of noise barrier. However, the Site Plan lacks specifics, such as berm height, elevation, noise source-receiver line of sight interception, slope, soil type, landscaping, etc., our consultant says is needed to assess the effectiveness of the earth berm in blocking data center noise.

All we do know about the data center cooling system is from the Port Authority FAQs webpage which states that – quote – "This project will utilize Direct Evaporative Cooling." This appears to be the same cooling system employed at other Amazon data centers where low-frequency noise made life miserable for area residents. I say "appears" because, again, the Site Plan lacks sufficient detail such as fan locations essential for assessing noise impacts.

Although the FAQs state that Amazon has pledged to use effective noise control measures, none of the specifics essential for verifying that these measures will safeguard Wilmington residents is provided.

However, the FAQs do include the following rather disturbing statement:

> "This project site will have a nighttime limit of 55 dBA and will comply with those limits."

For reasons that are a bit technical, dBAs or A-weighted decibels are the wrong measure for preventing harmful data center noise as explained in the next section of this testimony.

Noise Unique to Data Center & Residential Limits

As stated previously, attached to my written comments, which you should have before you, is a letter from The Noise Consultancy president Eric M. Zwerling you will find at the end of this written testimony.

In his letter, Mr. Zwerling explained that A-weighted decibel limits miss the low-frequency noise that data centers and a few other industrial uses produce. Limits based on octave bands and C-weighted decibels are needed to ensure area residents are not harmed by excessive data center noise. So, the pledge to limit nighttime noise to 55 dBA is meaningless with regard to noise from the proposed Amazon data center if air-cooling is used even in part. It is rather disturbing that apparently Amazon and the Port Authority are unaware of the distinction between A- and C-weighted noise in the context of data centers.

Site Plan Review Requirements – Section 1135.05 Planning & Zoning Code

The "*Compliance with public health and safety"* Review Criteria set forth in the Wilmington Site Plan regulations requires:

> "The application must provide ***plan of procedures to mitigate nuisances*** to surrounding areas such as, but not limited to, odors, ***excess noise***, and/or unsanitary operations. Any externalities must be with the realm of public health, safety, and wellness."

The Site Plan documents provided to us and our consultant contain no such plan to mitigate excess noise even though noise is likely to be excessive.

Additionally, as noted in the letter from The Noise Consultancy president Eric M. Zwerling the Site Plan lacks the details needed to assess noise impacts. Given this we do not understand how the Planning Commission or City staff can reach a conclusion regarding the Section1135.05e overall Review Consideration of:

> "The Planning Commission shall review the site plan in the interest of public health and safety, as well as public convenience, comfort, prosperity, or general welfare, as applicable"

Or the specific review consideration of:

> "To determine the impact on the public, including, but not limited to, the neighboring properties;"
>
> AND
>
> "To ensure that new development contains elements of internal cohesiveness and factors that promote good neighborhood atmosphere;"

On my behalf and that of the nearly 1300 Wilmington residents who have signed our petitions expressing concern about the data center and the 2700 members of Wilmington Residents for Responsible Development, I urge you to require the applicant to provide the details needed to determine if data center noise will cause an excessive impact ***before*** giving any further consideration to the Site Plan.

We also urge you to require the applicant to provide the funds the City of Wilmington would need to engage an independent acoustic engineering firm to conduct a thorough noise impact assessment examining all options for minimizing impacts to Wilmington residents.

Urge the City Council to Update Wilmington Noise Regulations

Lastly, we urge you to call upon the Wilmington City Council to amend the noise regulations in Section 1151.04 of the Planning and Zoning Code with the octave band, C-weighted and A-weighted decibel criteria as recommended in the letter from The Noise Consultancy president Eric M. Zwerling. These amendments must be in place ***before*** the data center reaches a point in the review process where it becomes exempt from the amendment.

Thank you

WILMINGTON RESIDENTS FOR RESPONSIBLE DEVELOPMENT

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DIESEL GENERATOR AIR POLLUTION & HEALTH

Good afternoon, Commissioners Dixon, Hill, King, and Powell.

I will be speaking to you about the potential public health impact of the considerable amount of air pollution that could be emitted by the 252 massive diesel generators shown in the Amazon data center Site Plan.

Site Plan Cannot Be Approved Due to Lack of Compliance with Review Regulations

Though I am not an attorney, I will provide my layperson's understanding of why you lack the details essential to determining if the Site Plan complies with the health-related Review Considerations in Section 1135.05 of the Wilmington Planning and Zoning Code. These considerations begin with:

> "The Planning Commission shall review the site plan in the interest of public ***health*** and ***safety***, as well as public convenience, ***comfort***, prosperity, or ***general welfare***, as applicable, by considering the following factors:
>
> (1) To protect the long-term public interest by reviewing the internal and external relationship of development that may have ***considerable potential significance*** and ***impact*** to the City; and
>
> (3) To determine the ***impact on the public***, including, but not limited to, the ***neighboring properties***; and
>
> (4) To ensure that new development contains elements of internal cohesiveness and factors ***that promote good neighborhood atmosphere***."

The following requirement appears…

- In the *Supplementary information section* of the,
- *Development specific information* section of the, of
- The Site Plan Review Regulations.

Specifically, item "q" requires:

> "A statement documenting potential impacts to groundwater and ***air quality***, and other environmental impacts."

Furthermore, the regulation 16 states…

> "The application must provide plan of procedures to mitigate nuisances to surrounding areas such as, but not limited to, ***odors***, excess noise, and/or ***unsanitary*** operations. Any externalities must be with the realm of ***public health***, safety, and wellness."

No such statement regarding air quality impacts or mitigation measures were among the documents provided to us and our consultant. As you will hear in the remainder of my testimony, there is ample evidence demonstrating the potential for significant adverse effects on the public health of Wilmington residents due to data center diesel generator air pollution emissions and the lack of mitigation measures.

Data Center Backup Diesel Generator Air Pollution

Most data centers rely on backup diesel generators to provide electricity in the event of transmission grid issues. It appears from the Amazon Site Plan that each of the nine proposed data center buildings will have 28 backup generators for a total of 252 diesel engines.

There is a very large and growing body of science proving that the particulates, sulfur dioxide, and nitrogen dioxide emitted from diesel engines negatively impact human health. With regard to data center diesel emissions, in a 2025 paper attached to my written testimony, *The Unpaid Toll: Quantifying and Addressing the Public Health Impact of Data Centers*, researchers at Caltech, the Rochester Institute of Technology, and the University of California Riverside estimated that:

> "Assuming that the actual emissions are 10% of the permitted level as a reference case that reflects both the historical reports and future demand response projections [42–44], the backup generators could already cause 14,000 asthma symptom cases and 13-19 deaths each year among other health implications, resulting in a total annual public health burden of $220-300 million throughout the U.S."

> "Moreover, even short-term (hours or days) diesel generator $PM_{2.5}$ [particulate] emissions exposure is harmful and deadly, accounting for approximately 1 million premature deaths per year from 2000 to 2019 and representing 2% of total global deaths."

While the frequently asserted claim has been that backup generators will only operate during rare power outages, there could and likely will be occasions when generators operate for extended periods. There has been no binding commitment from Amazon that generators will not operate for extended periods beyond testing and unforeseen emergencies. Unfortunately, real examples from other data centers demonstrate that this extended operation can happen--and recent federal policy is making that more likely. Without this binding commitment or requirement, and without a comprehensive health impact study, it is impossible to exclude the chance of significant air pollution and potential public health impacts from these diesel generators.

For example, during a heat wave last summer in Loudoun County, Virginia, data centers were ordered to run backup diesel generators for several days due to concerns about insufficient transmission line grid power.

The following quote appeared in a news report, *Heat Wave Prompts Increased Data Center Generator Use; Turner Pushes for Tier 4 Upgrades*, regarding the Loudoun County incident:

> "We all of a sudden had a number of complaints from local constituents sending photos of the black smoke from Tier 2 generators going up into the sky and saying, 'These guys are running [generators] 24/7 for days at a time,"' stated Loudoun County Board of Supervisors' Vice Chair Michael Turner.

The Tier-2 and -4 generators referenced above are those meeting U.S. Environmental Protection Agency Tier-2 and Tier-4 emission standards. Table 2 below shows that Tier-4 compliant generators release far less air pollution when compared to other diesel engine Tiers.

Table 2: Emissions standards for ≥560 kW generators[1] compared to power plants using combined cycle natural gas turbines (NGCC)

Tier	CO (g/kWh)	NOx (g/kWh)	PM (g/kWh)
Tier 2	3.5	5.5[2] (120x higher than NGCC)	0.2
Tier 4 final (2015)[3]	3.5	0.67 (15x higher than NGCC)	0.03
% reduced from Tier 2→4	*0%*	*88%*	*85%*
NGCC	0.023–0.068	0.03–0.11[4]	0.0023–0.0068
% reduced Tier 4→NGCC	*98–99%*	*84–96%*	*77–92%*

[1] Although they can also have health impacts, SO_2 emissions are not included in Table 1 because they are not regulated for generators. SO_2 emissions are driven by the sulfur content of the fuel, which is commonly regulated to <0.0015% (source: Virginia DEQ air permits).
[2] Tier 2 generators are regulated for the combination of non-methane hydrocarbons (NMHC) and NOx at 6.4 g/kWh (see Table 2 of 40 CFR 1039, appendix I). EPA modeling guidelines assume NOx emissions comprise 5.5 g/kWh (EPA420-P-04-009, Table 5).
[3] Tier 4 limits can be found in Table 1 of §1039.101 (40 CFR 1039.101).
[4] This is the 25–75th percentile range for plants operating between 2020–2024, from CAMPD data.

According to Russell Flagg, who is Assistant Chief, Division of Air Pollution Control Permitting and Regional Compliance, for Ohio EPA, "most data centers have neither proposed nor installed Tier 4 engines."

A better emerging data center air quality and human health solution is reliance on cleaner sources of backup emergency power such as combined cycle natural gas (with SCR emission controls) as well as Battery Energy Storage Systems and renewables. Table 2, above, which was prepared by the Better Data Center Project, shows that while Tier-4 compliant generators release far less particulates and nitrogen oxides than Tier-2 models, reliance on combined cycle natural gas turbines (with SCR emission controls) as a backup power source instead slashes both air pollutants to a far greater and healthful degree.

The Planning Commission cannot exclude the possibility that extended diesel generator operation incidents, similar to that in Loudoun County and elsewhere, will result in substantial air-pollution emissions at the proposed Amazon Wilmington data center.

At a minimum the Planning Commission should require the applicant to submit a health impact assessment, such as those required by the Washington state Department of Ecology, demonstrating that extended operation of all 252 proposed generators to the maximum limit allowed by the U.S. and Ohio EPA will not have a significant impact to the health of Wilmington residents. The assessment should compare the health impacts of not only Tier-2 compliant generators but Tier-4 and alternatives such as combined cycle natural gas turbines (with SCR emission controls).

It seems to me that the Planning Commission has both the authority and the obligation to require such an assessment under the following Site Plan Review Consideration regulation:

> "(16) The application ***must provide plan of procedures*** to ***mitigate nuisances*** to surrounding areas such as, but not limited to, ***odors***, excess noise, and/or ***unsanitary operations***. Any externalities must be with the realm of ***public health***, safety, and wellness."

Of course, the definition of "unsanitary" includes the synonyms ***unhealthy*** or ***unhealthful*** as in the effect of generator diesel pollution on the health of Wilmington residents.

At a minimum, data center diesel generators should be designed with highly effective air quality safeguards. Specifically, generators must meet, again at a minimum, USEPA Tier-4 emission standards. But please keep in mind that even Tier-4 generators may still harm public health if allowed to operate for extended periods, hence the need for a comprehensive, thorough, and preferably independent health impact assessment of ***ALL*** backup power options.

Information Essential to Diesel Health Impact Assessment Not Provided
While my neighbors and I as well as our consultant have repeatedly requested that the City of Wilmington, the Port Authority, and the applicant – Amazon – consider using Tier-4 compliant generators, we have yet to receive a firm commitment to do so.

In fact, we cannot even get the details our consultant says experts would need to assess health impacts.

The Clinton County Port Authority FAQs webpage make no mention of diesel generator pollution and health impacts. While the Port Authority webpage does have the following FAQ: *"What is being done to reduce the environmental impact of the project?"*

This FAQ only addresses ***water*** impacts, not ***air quality impacts***.

Closing: Site Plan Review Requirements Not Met
In conclusion, the studies and other facts I have presented clearly show the potential that the 252 proposed data center diesel generators could release sufficient air pollution to jeopardize the health of Wilmington residents.

Review Criteria set forth in the Wilmington Site Plan Review regulations requires:

> "A statement documenting potential impacts to groundwater and ***air quality***, and other environmental impacts."
>
> AND
>
> "The application must provide plan of procedures to mitigate ***nuisances to surrounding areas*** such as, but not limited to, ***odors***, excess noise, and/or ***unsanitary operations***. Any externalities must be with the realm of ***public health***, safety, and wellness."

The Site Plan documents provided to us and our consultant contain no plan to mitigate air quality impacts even though generator pollution could be health-threatening to Wilmington residents.

Since the Site Plan lacks the detail, our consultant needs to engage health professionals to assess diesel generator emission impacts to Wilmington residents, we do not understand how the Planning Commission or City staff can reach a conclusion regarding the Section1135.05 Site Plan Review requirements.

Therefore, on behalf of the nearly 1300 Wilmington residents who have signed our petitions expressing concern about the data center and the 2700 members of Wilmington Residents for Responsible Development, I urge you to require the applicant to provide the details required to determine if data center diesel generator air pollution emissions will cause adverse health impacts ***before*** giving any further consideration to the Site Plan.

Thank you

WILMINGTON RESIDENTS FOR RESPONSIBLE DEVELOPMENT

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January 6, 2026

Incompatible Uses, Minimal Economic Benefits & Unfairness to Wilmington Residents

Good afternoon, Commissioners Dixon, Hill, King, and Powell.

My testimony and that of another Wilmington Residents for Responsible Development speaker will address:

- Why the proposed data center location maximizes impacts to Wilmington residents,
- Why the minimal economic benefits are wildly out of proportion to the risks Wilmington residents are being asked to take, and
- The extreme unfairness of the secretive way in which this project is being rushed through the review-permitting process.

Our consultant tells us that it is very rare to rezone land abutting residential neighborhoods for industrial uses. Instead, industrial land is almost always separated from residential areas with low-impact commercial uses such as offices. To make matters worse, backyards actually abut the data center site with the nearest home being a ***mere 35 feet away***. And the nearest home will be 230 feet from data center security fencing resembling that surrounding prisons.

The first and second floors of a home just 600 feet from an Amazon data center in Prince William County, Virginia was made unlivable due to low-frequency noise. The family had to move to their basement when they and their newborn was frequently awoken by low-frequency data center noise and skin sensation. It appears the cooling system proposed for Wilmington is similar to that which made life miserable for the Prince William residents.

One attorney told us that when compared to other uses allowed in the Wilmington Light and General – or heavy – industrial districts, data center impacts are more akin to those of the General heavy industrial zone. Impacts such as noise and air pollution do not extend beyond the boundary of a light industrial site. From the noise and air pollution testimony you have heard, data center impacts extend far from the site making it clearly a heavy industrial use.

The City of Wilmington and Clinton County comprehensive plans show that the 471-acre site was intended for residential-agricultural or rural mixed uses. Rezoning the site to industrial was clearly inappropriate and would seem to be spot-zoning which is widely viewed as very unsound from a community planning perspective. Instead, the City and County should have initiated a public process with the goal of reaching consensus on:

- The benefits data centers can provide,
- Site selection criteria where the benefits could be gained without undue impact to Wilmington residents,
- Identification of sites meeting the criteria and ample opportunity for the public to comment on potential locations,
- Culminating in public hearing on the necessary comprehensive plan amendments.

Economic Benefits Wildly Out of Proportion to Wilmington Resident Risk

Accompanying my written comments is a December 15, 2025, letter from two highly respected organizations, Policy Matters Ohio and Good Jobs First to City of Wilmington Council President Matthew Purkey. Both organizations reviewed the proposed Community Reinvestment Area agreement regarding the Amazon data center. Their findings were:

1. This project is already extremely tax-advantaged,
2. The proposed agreement fails to provide electricity ratepayer safeguards,
3. The proposed agreement fails to ensure specific levels of job creation or capital investment,
4. The proposed agreement fails to maximize local Community Benefits, and

5. Wilmington has handled this project undemocratically.

Extreme Unfairness of the Secretive Data Center Review-Permitting Process

As noted in the Policy Matters Ohio-Good Jobs First letter, Wilmington has handled this project undemocratically which began with poor public notice for the July 1, 2025, Planning Commission rezoning of the site to industrial meeting and culminated on August 7, 2025, with the City Council hearing where light industrial zoning was approved. Though the 471-acre site abuts three residential neighborhoods – Southridge, South Wind and Timber Glen – not a single resident testified on July 1st or August 7th. We understand that rather than City staff overseeing the mailing of notices to adjoining property owners, this was done by Amazon instead. Our consultant says this is unheard of, if true. After speaking with many of the home owners abutting the site, few recalled receiving a notice after it was mailed in July. All the property owners said that had they known that the 471 acres next to their homes was proposed to go from farm fields to industrial, all would have spoken out against it on July 1st and August 7th.

Most area residents did not learn a massive, hyperscale data center was proposed for the site until November, 2025. When we began asking questions we were told a Non-Disclosure Agreement – an NDA – with Amazon prevented answers. It was not until December 11, 2025, that our consultant was finally provided with the Amazon data center Site Plan.

As you have heard in previous testimony, the Site Plan lacks the details our consultant says independent noise and air pollution experts would need to assess impacts to the health and well-being of Wilmington residents. Our consultant and others have repeatedly asked Wilmington Public Services director Michael Crowe for additional details but have yet to receive answers to our questions or any additional documents.

Given that independent experts lack the details needed to assess noise and air pollution impacts we do not understand how the Planning Commission or

City staff could determine compliance with the air quality and noise safeguards in the Wilmington Site Plan Review regulations.

If somehow these details are now available, then please provide them to us and postpone further consideration of the Site Plan for at least a month so our consultant and other independent experts can perform a thorough review so you can then benefit from informed public input.

I make this request on behalf of the nearly 1300 Wilmington residents who have signed our petitions expressing concern about the data center and the 2700 members of the Wilmington Residents for Responsible Development.

Thank you

Attachment
Policy Matters Ohio and Good Jobs First Letter to the Wilmington City Council

December 15, 2025

An Open Letter to the City Council and residents of Wilmington, Ohio

Honorable Matthew Purkey, President
City of Wilmington Council
69 N. South Street
Wilmington, OH 45177
mpurkey@wilmingtonohio.gov

Jessica Sharp
Admin, Wilmington Data Center Discussion Forum
442 Red Maple Lane
Wilmington, Ohio 45177
jboemker@yahoo.com

Dear Council President Purkey and Ms. Sharp:

We are writing to strongly recommend that Wilmington defer any further action and not enter hastily into an agreement regarding a proposed Amazon Data Services, Inc. data center.

Good Jobs First is a 27-year-old, nonprofit, nonpartisan resource center for anyone in the U.S. seeking to improve economic development deals or programs. We published our first study on data center incentives in 2016. Policy Matters is a 25-year-old, nonprofit, nonpartisan research institute supporting a vibrant, equitable, sustainable, and inclusive Ohio. We have published extensively on tax and budget issues, including incentives, throughout our history.

We have reviewed the proposed Community Reinvestment Area project agreement and associated materials. Based on those specifics, as well as our own cumulative experience with incentives generally and data centers specifically, we believe that Wilmington can strike a far better deal than has been proposed. Specifically:

#1: This project is already extremely tax-advantaged

Amazon Data Services, Inc. is asking for a 30-year, 100% property tax abatement offset only by a 30% Payment in Lieu of Taxes (PILOT) for an effective 70% tax abatement on its "real property" (i.e., land and buildings). We consider that an unnecessary concession for these reasons:

Ohio repealed its corporate *income tax* years ago. So Amazon will not be paying any state tax on its Ohio profits.

The project site also appears to be located in a federally eligible/state-designated Opportunity Zone. This means that investments made in the project would be eligible for federal capital gains income tax exemptions and state tax credits.

The state also no longer taxes corporate personal property (i.e., machinery and equipment), so the vast majority of the installed value of the data center will be *property-tax* free. By far the costliest parts of a data center are the servers, AI-capable microchips, cooling and ventilation systems, power and fiber-optic cabling, stand-by power generators, data storage, batteries, switches, firewalls, and operations centers.

As well, Ohio's data center incentive law exempts all of the data center-specific building materials and equipment from sales and use taxes, so Amazon won't pay either the state (5.75%) *or the local Clinton County share* (1.5%) of the sales tax. This is an enormous subsidy (which could last through 2055) and would constitute a large sum of foregone local revenue, given that materials and equipment dominate the capital expenditures for a hyperscale data center.

Amazon will also likely benefit from the additional tax breaks available to so-called "Megaproject Operators" under Ohio law. This law doubles the duration, from 15 years to 30 years, of Job Creation Tax Credits (which are *a diversion of workers' state personal income taxes away from the state to the employer*), Community Reinvestment Areas, and other tax-based subsidies.

So the only tax left standing is the local tax on real property (land and buildings), and this agreement proposes effectively surrendering 70% of that. Given all of the other tax exemptions and abatements this project would enjoy, we believe it is unlikely that paying 100% of its real property tax would be a material site location issue to Amazon.

Every state that has estimated its fiscal return on data center tax abatements has found sharply negative returns in practice. Given Ohio's income and property tax

codes, and its sales and use tax exemption for data centers, we have no doubt that Ohio is also shifting the tax burden away from data center operators and onto working families and small businesses. There is no reason Wilmington should amplify that shift.

For all of these reasons, we recommend Wilmington give no local tax abatement at all.

#2: The proposed agreement fails to provide electricity ratepayer safeguards

The Clinton County Port Authority's Data Center FAQ states that AES Ohio has confirmed that there is sufficient generation capacity to meet the project's electricity demand. However, AES Ohio customers have already seen a 13.1% increase in residential energy costs per kW over the summer months in 2025, compared to prices in June-August of 2024 – the second-largest increase across all of Ohio's utility providers.

Soaring electricity costs for Wilmington residents are heavily driven by data centers' projected load growth, widening the imbalance between electricity supply and demand in the 13-state transmission grid that serves Ohio. This growing imbalance supports the need for local agreements that incentivize the addition of new generation supply to the grid through measured, responsible investment, while expanding protections for residential ratepayers.

The Union of Concerned Scientists, in a close analysis of utilities' rate filings, has reported that Ohio ratepayers paid $1.3 billion in 2024 for approved data center transmission costs.

The Wilmington agreement should require Amazon to enter into a contractual agreement (a "will serve" letter) with AES Ohio confirming adequate existing capacity to meet the project's energy needs. The agreement should stipulate that the approval of the project hinges on this "will serve" letter, detailing whether additional investments in new generation resources or infrastructure are necessary to connect the data center to the grid. While the Port Authority has said that Amazon will pay its "fair share" for any grid upgrades, that remains undefined.

#3: The proposed agreement fails to ensure specific levels of job creation or capital investment

For several decades in the United States, economic development incentive agreements, or the legislation that enables them, have required companies to create jobs, invest capital, and/or achieve other tangible goals with the clear understanding that failure to deliver will result in a reduction or cancellation of the tax incentive. This is usually achieved by a "clawback" (or rescission or recalibration) provision that specifics goals and penalties, or a "performance-based" structure in which subsidies are effectively backloaded and only provided after the company proves it has delivered.

The proposed Wilmington-Amazon agreement language on job creation and capital expenditures would turn the clock back about 50 years to a "no strings attached" model. This is very unusual. The agreement also fails to create specific ways to ensure incumbent Wilmington residents get first crack at the new jobs.

The modest 100 permanent jobs that Amazon *estimates* will be created are not guaranteed. In fact, the agreement specifies that the job estimates "will not limit the amount or term of the tax exemptions provided under this Agreement or allow the City to compel the Company to create positions." The agreement has the same "will not limit the amount or term of the tax exemptions provided under this Agreement or allow the City to compel the Company to make investments" language covering its *estimated* $4 billion capital investment.

The proposed agreement does allow the City to reset the real property tax rate to 100% under certain circumstances involving cessation of operations. But that is, of course, the most drastic scenario, and does not discernibly cover partial job-creation or capital-investment shortfalls. Other provisions allowing the City to terminate the abatement if Amazon fails to fulfill its obligations are notably weak, with no provision for recovery of previous lost revenue.

#4: The proposed agreement fails to maximize local Community Benefits

Twenty-four years ago, Good Jobs First published the first "how to" manual for community groups to negotiate Community Benefits Agreements (CBAs) with developers in order to maximize the local benefits of major development projects. This framework has since taken root in many local, state, and federal projects and programs, and is considered an economic development best practice.

In this case, a CBA could address every issue local residents have had with hyperscale data centers across the U.S., such as: minimizing air pollution with state of the art emissions controls; ongoing air quality monitoring in downwind areas; negotiating the routing of power-supply lines to minimize disruption to existing land

uses; maximizing distance from residential property, schools, and parks; requiring closed-loop water cooling to reduce noise pollution and water supply problems; use of state-certified construction apprenticeship programs to maximize local construction employment; a local hiring agreement to give incumbent residents first crack at obtaining the permanent jobs; and disposition of the facility upon its obsolescence. A CBA could also fund energy-efficiency measures such as investment in a low-income home weatherization and conversion to heat pumps fund.

A CBA can first exist as a legally enforceable contract between two private parties: the community coalition and the developer. A CBA may also be appended to a development agreement between a local government and the developer, making it legally enforceable that way as well.

CBAs also typically include a joint, long-term, community-developer monitoring process to oversee implementation and ensure that commitments are met.

We would caution against considering any corporate "strategic philanthropy," such as making special one-time contributions, as "community benefits," in lieu of true benefits like those we enumerate here, or in lieu of paying 100% of a real property tax obligation. We note that the proposed agreement calls a payment of $1.85 million to the Clinton County Port Authority a "One-Time Community Benefit Payment." One-time payments cannot take the place of ongoing tax payments.

#5: Wilmington has handled this project undemocratically

At $4 billion in estimated capital expenditures, this project would be, we are told, the biggest in Wilmington's history. It would rank among Ohio's largest as well. Given its scale and potentially disruptive impact, we would normally expect the City to have provided extensive public disclosure of the project details far in advance of public hearings at which any tax abatements or other project concessions would be considered.

The city's inadequate public disclosure was evident at the July 1, 2025, Planning Commission and August 7, 2025, City Council rezoning hearings. No residents testified at either hearing, apparently unaware that 471 acres adjoining their neighborhoods were being rezoned from Rural Residential to Light Industrial.

Even if the parties sought to provide a bare-minimum level of notice to adjoining property owners, we believe that when such a large, potentially disruptive project is under consideration, elected and appointed public officials have an affirmative

obligation to actively notify all residents who could be affected and intentionally seek their input.

Had Wilmington residents known that an industrial use that would emit air and noise pollution was proposed so close to their neighborhoods, many would likely have attended the early hearings. Especially given heightened public awareness today in the United States about problems associated with data centers, if Wilmington residents had known of *that* proposed use, much more civic engagement would certainly have occurred. This is confirmed by the fact that after the nature of the project was known, 40 people spoke to the Wilmington City Council about the project on November 25, and chambers "overflowed" on this date as well as December 4.

Instead of robust engagement, the City signed a non-disclosure agreement (NDA) on January 30, 2024, and withheld many project details *for more than a year and a half* while conducting secret negotiations with the company. The resulting proposed agreement reflects this lack of community involvement.

We hope that our suggestions can help Wilmington achieve a better deal.

Sincerely,

Greg LeRoy
Executive Director
Good Jobs First

Hannah Halbert
Executive Director
Policy Matters Ohio

cc: Honorable Patrick Haley, Mayor City of Wilmington
Honorable Jamie Knowles, City of Wilmington Council
Honorable David Nanstad, City of Wilmington Council
Honorable Bob Osborn, City of Wilmington Council
Honorable Joshua Schlabach, City of Wilmington Council
Honorable Michael Snarr, City of Wilmington Council
Honorable Kelly Tolliver, City of Wilmington Council
Honorable Don Wells, City of Wilmington Council
Bret Dixon, City of Wilmington Planning Commission
Ellen Hill, City of Wilmington Planning Commission
Delmas King, Jr. , City of Wilmington Planning Commission
Darrell Powell, City of Wilmington Planning Commission

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