

Noise mitigation. Could be added to the new Act 250 section specific to data centers, which currently only addresses water consumption.

(h) Noise mitigation. The Land Use Review Board, in consultation with the Public Utility Commission, shall adopt by rule standards and procedures related to sound emissions from data centers. Such standards and procedures shall be consistent with the requirements of this subsection.

(1) Sound pressure limits.

(A) Data center operations, including HVAC and generators, shall not exceed the following sound pressure levels at the measurement point established in subdivision

(2) of this subsection (h):

(i) daytime (7:00 a.m. to 9:00 p.m.): 42 dBA; and

(ii) nighttime (9:00 p.m. to 7:00 a.m.): 39 dBA.

(B) The limits established in subdivision (A) of this subdivision (h)(1) shall include any penalties for tonality as established by the Land Use Review Board.

(2) Measurement and compliance. Sound pressure levels shall be measured in accordance with ISO 1996 standards. Measurements shall be taken at the data center's property line closest to the nearest sensitive receptor.

(3) Permitting and modeling. Prior to permit approval, the data center shall submit a preconstruction sound modeling report conducted by a certified professional. The report shall include:

(A) the data center's expected maximum sound pressure levels;

(B) baseline ambient sound levels;

(C) predicted sound pressure levels from all combined operating equipment;

and

(D) a certification of projected compliance with the requirements of this subsection (h).

(4) Post-construction monitoring. A data center shall be subject to periodic sound monitoring. If sound pressure levels exceed the limits established in this subsection, the data center shall implement mitigation measures to achieve compliance within [X] days.

(5) Definitions. As used in this subsection:

(A) “A-weighted decibel” or “dBA” means the unit of sound measurement that filters frequencies to mimic the human ear’s sensitivity to noise.

(B) “ISO 1996 standards” means the International Organization for Standardization’s current standards for the description, measurement, and assessment of environmental noise.

(C) “Sensitive receptor” means any off-site location where quiet is of significance to the occupants or the character of the area, including residential dwellings, educational and health care facilities, and public and recreational spaces.