

Data Centers

Tim Davis
Commissioner



**Department of
Environmental Quality**

Our mission

Protecting and improving Utah's air, land, and water while supporting communities and growth statewide.



Abundance Accelerator Initiative

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Key observations



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1 No single agency approves a data center
Development occurs through multiple state and local processes with responsibilities distributed across jurisdictions.

2 Local governments are often the entry point
Most projects begin as local land use or development applications before state environmental permits are completed.

3 Agency involvement depends on project design
Water demand, power supply, emissions sources, and infrastructure choices determine which approvals apply.

4 Many reviews occur concurrently
Utility planning, environmental permitting, engineering design, and local review frequently overlap.

5 Public participation varies by approval
Some reviews include public notice and comment, while others are administrative or technical reviews without a formal comment period.

6 Recent legislation added targeted requirements
HB 76 added water notice and reporting for certain large data centers, while SB 132 created a framework for very large electric service requests.

7 Compliance continues after construction
Several approvals carry operational monitoring, reporting, inspection, renewal, or permit compliance obligations.

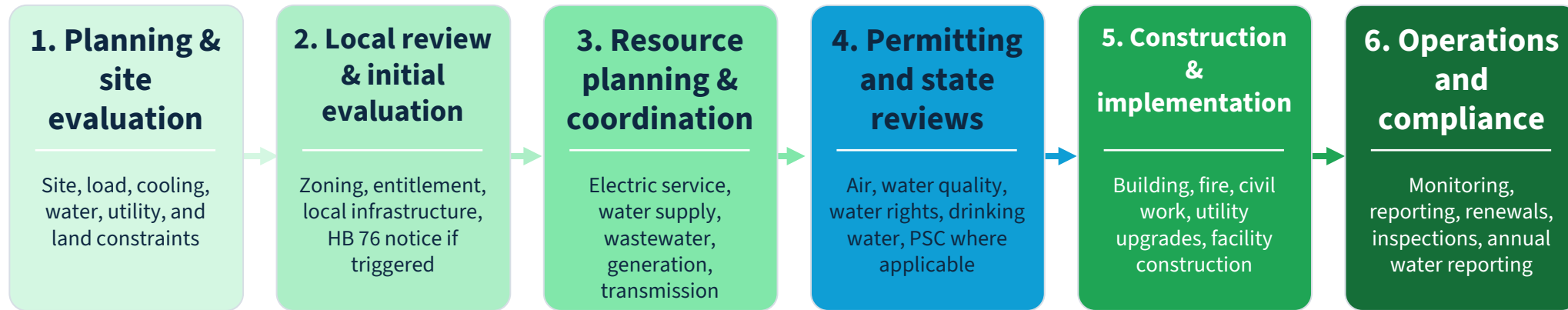


Development Process

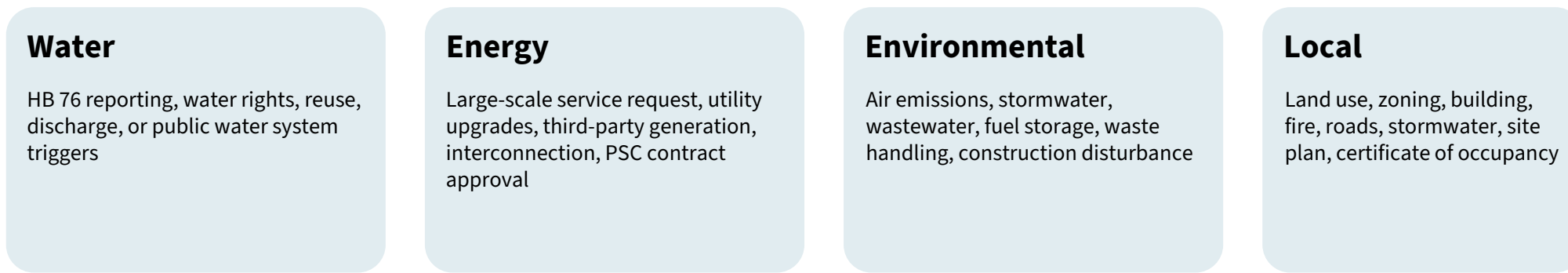


Phases are an organizing framework rather than statutory stages. In practice, activities overlap and sequencing varies by project.

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Potential early drivers of state review



Not every project follows the same pathway. Required permits and approvals depend on project location, design, utility service strategy, water supply, emissions sources, and other project-specific characteristics



Additional permits and approval considerations



While the report focuses on the primary state and local approvals commonly associated with data center development, additional permits, approvals, or compliance obligations may apply depending on project location, design, and operational characteristics.

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Topic	Potential Agency / Authority	When It May Apply	Public Review?
Building & Fire Code Review	Local Building Official / Fire Authority	Required for virtually all development projects; includes structural, electrical, mechanical, plumbing, fire suppression, emergency power, and hazardous materials review.	No
Transportation Access	Utah Department of Transportation (UDOT) or Local Transportation Agency	New or modified access to state highways, roadway improvements, or utility crossings within state rights-of-way.	No
Wildlife & Sensitive Species	Utah Division of Wildlife Resources; U.S. Fish & Wildlife Service (where applicable)	Projects affecting protected species, sensitive habitats, or wildlife resources.	Varies (depends on associated federal permitting or environmental review)
Wetlands & Stream Alterations	U.S. Army Corps of Engineers; Utah Division of Water Rights (stream alterations, where applicable)	Projects affecting wetlands, stream channels, or other jurisdictional waters.	Typically Yes (federal wetland permits generally include public notice)
Historic & Cultural Resources	Utah State Historic Preservation Office (SHPO)	Projects involving federal funding, federal permits, or impacts to historic or archaeological resources.	No (consultation process rather than public review)
Hazardous Materials & Fuel Storage	Local Fire Authority; EPA (federal)	Large diesel fuel systems, battery energy storage systems, or hazardous material storage.	No
Spill Prevention (SPCC)	U.S. Environmental Protection Agency	Facilities exceeding federal oil storage thresholds may require a Spill Prevention, Control, and Countermeasure (SPCC) Plan.	No
Solid & Hazardous Waste	Division of Waste Management & Radiation Control; Local Solid Waste Authority	Generation, storage, or disposal of regulated hazardous waste or special waste streams.	Varies (facility permits may include public notice; routine generator requirements generally do not)



Approval process in Utah

Agency involvement and requirements depend on project size, location, and design.

Entity (driver of requirements)	Role	Planning		Regulatory review		Implementation	
		Planning & site eval.	Local review & initial eval.	Resource planning & coordination	State review & approvals	Construction & implementation	Operations & ongoing compliance
Gov.'s Office of Economic Opp. (no requirement, resources only)	Economic development, coordination, and incentives	● Voluntary agency involvement	● Voluntary agency involvement	● Voluntary agency involvement			
Local land authority/MIDA (required for all)	Land use, zoning, development approvals, building permits	● Agency involvement depends	● Agency involvement typically required	● Agency involvement typically required		● Agency involvement typically required	
Public Service Commission (When using qualifying large-load electric service arrangements)	Oversight of qualifying large-load electric service arrangements			● Agency involvement depends	● Agency involvement depends ● Regulatory docket required		
Division of Air Quality (When stationary emission sources proposed)	Review air emission sources and issues Approval Orders			● Agency involvement depends	● Agency involvement typically required ● Public notice & comment required		● Agency involvement typically required
Division of Water Rights (When develops/modifies water rights)	Review water rights applications and change applications			● Agency involvement depends	● Agency involvement depends ● Protest period required		● Agency involvement depends
Division of Water Quality (When construction stormwater/regulated discharge permits)	Regulates stormwater and wastewater discharges			● Agency involvement depends	● Agency involvement typically required ● Public notice & comment required	● Agency involvement typically required	● Agency involvement depends
Division of Drinking Water (When construct/modifies public water system)	Review new or modified public drinking water systems			● Agency involvement depends	● Agency involvement depends		● Agency involvement depends
Division of Wildlife Resources / DNR Coordination (When wildlife, habitat, or natural resources may be affected)	Provides resource review and coordinates agency input			● Agency involvement depends	● Agency involvement depends		
Building official / fire authority (required for all)	Building code, fire, code, inspections, and certificates of occupancy		● Agency involvement typically required	● Agency involvement typically required		● Agency involvement typically required	● Agency involvement typically required



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