



# No single agency approves a data center

Overview of state and local approvals in Utah | August 2026

Responsibilities are distributed across local governments, state agencies and divisions, utilities, and, in some cases, federal agencies.



**Some requirements apply to nearly every project, while others depend on project design.** Generally, projects need local development approvals and solutions for power, water, wastewater, and building and fire requirements. Additional reviews hinge on factors such as project location, resource sourcing, infrastructure choices, and emissions.



**Many reviews occur concurrently.** Local approvals, utility planning, environmental permitting, and engineering phases frequently overlap.



**Public participation varies by approval type.** Some processes include public hearings, comment periods, or protest periods, while others involve strictly administrative or technical reviews.



**Compliance continues after construction.** Some approvals carry ongoing monitoring, reporting, inspection, renewal, or permit compliance obligations.

## Agencies and their involvement

### Local land authority | Nearly always

**Role:** Land use, zoning, site development, building permits, and local infrastructure requirements. Cities and counties are generally the primary entry point for development and determine whether a proposed project complies with local land-use requirements. Utah Code Title 10, Chapter 20 establishes the land-use framework for municipalities, while Title 17, Chapter 79 applies to counties. Projects that comply with existing requirements generally proceed through an administrative review, while projects requiring a change to land-use policy, such as rezoning, require a local government decision. For qualifying new large data centers, H.B. 76 also requires notification to specified water entities before local land-use approval. Two state-authority structures can alter this ordinary local pathway.

- **Military Installation Development Authority (MIDA):** MIDA exercises land-use authority under its project-area plans and development standards rather than the ordinary municipal or county land-use process. Separately applicable state and federal requirements continue to apply.
- **Utah Inland Port Authority (UIPA):** Land-use authority remains with local governments within UIPA project areas. UIPA may nevertheless influence development through project-area planning, infrastructure financing, property-tax-differential mechanisms, and coordination among public entities.

**Public review:** Local land-use decisions requires planning commission to hold a public hearing as a part of the approval process. Administrative decisions apply existing standards and generally do not require a hearing under state law.

## Agencies and their involvement (cont.)

### Building & fire authorities | Nearly always

**Role:** Reviews building, fire, emergency-power, hazardous-material, and related code requirements. Utah Code Title 15A establishes the statewide construction and fire-code framework, generally administered by local building and fire authorities. Projects require applicable permits before construction and inspections and final approvals before occupancy. For data centers, review may address specialized systems such as backup generation, fuel storage, batteries, fire suppression, and emergency access.

**Public review:** Generally no formal public comment process.

### Electric service, utility & Public Service Commission | Nearly always / project dependent

**Role:** Every data center must secure electric service, but utility and Public Service Commission (PSC) involvement depends on the project's size and power-supply strategy. Under S.B. 132, projects expected to reach 100 MW or more within five years may pursue different pathways, including service from the incumbent utility, a Large-Scale Generation Provider. Depending on the pathway, the project may require utility studies, transmission or interconnection, new generation, and PSC review.

**Public review:** PSC review applies to certain large-load arrangements, including utility large-load contracts, and occurs through a public regulatory docket. S.B. 132 does not require a project-specific public notice or comment period for large-load contract approval. Some private-generation arrangements may have limited or no PSC involvement.

### Division of Air Quality | Common / project-dependent

**Role:** Regulates stationary emission sources associated with a project. Backup generation is common for data centers and can trigger air permitting. New combustion-based generation developed to provide primary power likely also requires DAQ approval. Applicability and the level of review depend on the type, scale, and emissions of the equipment. A New Source Review Approval Order is required when emissions reach 5 tons/year of a criteria pollutant, 500 pounds/year of an individual hazardous air pollutant, or 2,000 pounds/year of combined hazardous air pollutants. Major sources may face additional requirements, including Title V operating permits and, where applicable, Prevention of Significant Deterioration review.

**Public review:** Draft Approval Orders receive a minimum 30-day public comment period. A hearing may be held, if requested and granted. Final decisions may also be subject to administrative and judicial review. Qualifying projects may require site-specific preconstruction ambient monitoring, which can add approximately one year. A contested permit can further extend the overall timeline.

### Division of Water Rights | Project dependent

**Role:** Reviews new water rights, changes to existing water rights, and other approvals administered by the State Engineer. Most projects receiving service from an existing water provider do not require direct Division review. Projects developing or modifying water rights do.

**Data center-specific requirement:** HB 76 separately establishes notification and water-reporting requirements for qualifying new large data centers.

**Public review:** Water-right applications are publicly noticed and include a 20-day protest period.

## Agencies and their involvement (cont.)

### Division of Water Quality | Nearly always / project-dependent

**Role:** Regulates discharges into the waters of the state (e.g., construction stormwater and wastewater discharges). The applicable pathway depends on how water and wastewater are managed during construction and operation.

- **Construction:** Disturbing one acre or more generally requires coverage under the Construction Stormwater General Permit and a disturbance of less than one acre can also require coverage when it is part of a larger common plan of development or sale exceeding one acre. Projects obtain coverage through a Notice of Intent rather than an individual permit. That process typically involves a site-specific Storm Water Pollution Prevention Plan, permit coverage through a Notice of Intent, renewal on an annual basis while under construction, and a Notice of Termination after construction and final stabilization
- **Discharge to an existing wastewater utility:** If wastewater is discharged to the utility's sewer system and managed through the receiving utility's requirements. DWQ may directly administer pretreatment requirements if the utility does not have its own approved pretreatment program.
- **Direct discharge to surface water or groundwater:** If wastewater is discharged directly to surface water or groundwater, the data center works directly with DWQ and may require an individual UPDES or groundwater discharge permit.

**Public review:** LConstruction stormwater coverage does not receive separate project-specific public notice. Individual surface-water or groundwater discharge permits generally include a minimum 30-day public comment period; DWQ-administered pretreatment permits also include public review.

### Division of Drinking Water | Project-dependent

**Role:** Reviews new or substantially modified public drinking water systems. Projects connecting to an existing public water system generally do not require direct Division approval. If a project develops its own drinking water supply/system, Division approval is generally required if the system serves at least 25 people daily for 60 or more days per year.

**Public review:** DNo formal project-specific public review is generally required.

### Department of Natural Resources / natural resource coordination | Project dependent

**Role:** Reviews resource considerations and coordinates agency input where wildlife, habitat, cultural resources, or other natural resources may be affected. The Division of Wildlife Resources may provide wildlife and habitat review, while the Resource Development Coordinating Committee may coordinate state-agency input. These functions generally provide review and recommendations rather than a stand-alone development permit. Projects involving federal land or other federal approvals may also trigger review by BLM or another federal agency.

**Public review:** Varies depending on the associated state or federal process.

# Approval process in Utah

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

| Entity<br>(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         |
| <b>Gov.'s Office of Economic Opp.</b><br>(no requirement, resources only)                                                  | Economic development, coordination, and incentives                    | ● Voluntary agency involvement | ● Voluntary agency involvement          | ● Voluntary agency involvement          |                                                                                                                                           |                                         |                                         |
| <b>Local land authority/MIDA</b><br>(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 |                                         |
| <b>Public Service Commission</b><br>(When using qualifying large-load electric service arrangements)                       | Oversight of qualifying large-load electric service arrangements      |                                |                                         | ● Agency involvement depends            | <ul style="list-style-type: none"> <li>● Agency involvement depends</li> <li>● Regulatory docket required</li> </ul>                      |                                         |                                         |
| <b>Division of Air Quality</b><br>(When stationary emission sources proposed)                                              | Review air emission sources and issues Approval Orders                |                                |                                         | ● Agency involvement depends            | <ul style="list-style-type: none"> <li>● Agency involvement typically required</li> <li>● Public notice &amp; comment required</li> </ul> |                                         | ● Agency involvement typically required |
| <b>Division of Water Rights</b><br>(When develops/modifies water rights)                                                   | Review water rights applications and change applications              |                                |                                         | ● Agency involvement depends            | <ul style="list-style-type: none"> <li>● Agency involvement depends</li> <li>● Protest period required</li> </ul>                         |                                         | ● Agency involvement depends            |
| <b>Division of Water Quality</b><br>(When construction stormwater/regulated discharge permits)                             | Regulates stormwater and wastewater discharges                        |                                |                                         | ● Agency involvement depends            | <ul style="list-style-type: none"> <li>● Agency involvement typically required</li> <li>● Public notice &amp; comment required</li> </ul> | ● Agency involvement typically required | ● Agency involvement depends            |
| <b>Division of Drinking Water</b><br>(When construct/modifies public water system)                                         | Review new or modified public drinking water systems                  |                                |                                         | ● Agency involvement depends            | ● Agency involvement depends                                                                                                              |                                         | ● Agency involvement depends            |
| <b>Division of Wildlife Resources / DNR Coordination</b><br>(When wildlife, habitat, or natural resources may be affected) | Provides resource review and coordinates agency input                 |                                |                                         | ● Agency involvement depends            | ● Agency involvement depends                                                                                                              |                                         |                                         |
| <b>Building official / fire authority</b><br>(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 |