APPENDIX L: DATA CENTERS, INNOVATION AND RESEARCH CAMPUSES, COLOCATION CENTERS, SERVER FARMS, DATA HALLS, INFORMATION TECHNOLOGY CENTERS, COMPUTING CENTERS, DATA PROCESSING CENTERS, AND SIMILAR FACILITIES

L-1: DEFINITIONS

Data Center, Innovation and Research Campus, Colocation Center, Server Farm, Data Hall, Information Technology Center, Computing Center, Data Processing Center: A secure physical facility ranging from enterprise sites to large-scale, 40+ acre campus developments, designed to house critical computing infrastructure, servers, and network equipment. These facilities are typically classified as industrial or intensive commercial uses, requiring significant power, water for cooling, and specialized infrastructure, often necessitating specific zoning, such as high density commercial or industrial, as well as requiring Conditional Use Permits and/or Development Agreements for their operation.

Server Square Footage: The interior floor area within a structure used to house, operate, and provide direct operational access to information technology equipment, including server racks, server cabinets, network equipment racks, storage equipment racks, and the operating aisles (hot aisles, cold aisles, or containment aisles) immediately adjacent to and serving such equipment. Server square footage does NOT include: general office space, conference rooms, restrooms, break rooms, loading docks, lobbies, administrative areas, building circulation corridors not directly serving IT equipment aisles, mechanical rooms housing cooling plant or HVAC equipment, electrical rooms housing UPS systems, batteries, switchgear, or transformers, fire suppression equipment rooms, or general storage. The intent is to measure only the floor area where IT computing equipment is physically installed and operated.

Peak Demand (Power): The maximum instantaneous electrical power demand of the facility, expressed in megawatts (MW), measured at the facility's primary utility service entrance or, for self-generated power, at the output of all on-site generation serving the IT load and supporting infrastructure. Peak Demand shall be modeled in the Energy Consumption Modeling Report at full operational buildout (100% rack utilization, worst-case ambient conditions for cooling).

Affiliated Entity: Any person, partnership, corporation, limited liability company, trust, or other legal entity that, directly or indirectly, controls, is controlled by, or is under common control with another such entity. Control means ownership of more than 5% of voting equity, the power to direct management or policies, or shared officers, directors, or managing members.

Common Operator: Any person or entity that operates, manages, or controls day-to-day operations of two or more data centers, regardless of the legal ownership structure of those facilities.

Hyperscale Data Center: A data center meeting the threshold definitions in L-2 for the Hyperscale tier.

L-2: DATA CENTER CATEGORIES

1. **Classification Rule.** A data centers shall be classified in the highest tier for which it meets OR exceeds EITHER the Peak Demand threshold OR the Server Square Footage threshold listed below. A facility need not exceed both thresholds to be classified in a given tier. Where a facility would qualify for two different tiers under the two metrics, it shall be regulated under the higher tier.

2. **Aggregation.** Two or more data centers shall be aggregated and classified as a single facility for purposes of this Appendix when both of the following conditions are met:

    a. The data centers are located on the same parcel, on contiguous parcels, or on parcels whose nearest property lines are within one (1) mile of one another; AND

    b. The data centers share common ownership, are operated by Affiliated Entities, share a Common Operator, or share substantial physical infrastructure including but not limited to electrical substations, primary power feeds, on-site generation, cooling plant, makeup water systems, OR backup generation.

    When aggregated, classification shall be based on the COMBINED Peak Demand and the COMBINED Server Square Footage of all aggregated facilities. The applicant shall disclose at the time of CUP application all data centers within Camden County under common ownership, common operation, or affiliated control.

3. **Data Center Classifications.**

    a. **Micro:** Defined as having power consumption of less than one (1) megawatt (Peak Demand), AND having a maximum Server Square Footage of two thousand (2,000) square feet. These types of data centers can be considered an accessory use in any commercial, mixed use, or industrial zoning district. Micro data centers do not require special considerations for water consumption, power consumption, or waste disposal, but do need to adhere to established local requirements for such utilities. These uses must meet the listed setback requirements.

    b. **Small:** Defined as having power consumption from one (1) megawatt to five (5) megawatts (Peak Demand), OR having a Server Square Footage from two thousand (2,000) to ten thousand (10,000) square feet, whichever places the facility in this tier. These types of data centers require special permitting and have special requirements for water consumption and disposal as well as power consumption/generation.

c. **Medium:** Defined as having power consumption from five (5) megawatts to seventy-five (75) megawatts (Peak Demand), OR having a Server Square Footage from ten thousand (10,000) to one hundred thousand (100,000) square feet, whichever places the facility in this tier. These types of data centers require special permitting and have special requirements for water consumption and disposal as well as power consumption/generation.

d. **Large:** Defined as having power consumption from seventy-five (75) to two hundred fifty (250) megawatts (Peak Demand), OR having a Server Square Footage from one hundred thousand (100,000) to five hundred thousand (500,000) square feet, whichever places the facility in this tier. These types of data centers require special permitting and have special requirements for water consumption and disposal as well as power consumption/generation.

e. **Hyperscale:** Defined as having power consumption in excess of two hundred fifty (250) megawatts (Peak Demand), OR having a Server Square Footage in excess of five hundred thousand (500,000) square feet. Hyperscale data centers are subject to all requirements applicable to Large data centers in this Appendix plus the additional requirements specifically identified for Hyperscale facilities throughout this Appendix.

4. Hyperscale Approval Process and Additional Requirements.

a. **Zoning District.** Hyperscale data centers are allowed only in the I-1 zoning district.

b. **Approval Required.** A Hyperscale data center shall require ALL of the following before commencing construction or operation:

i. A Conditional Use Permit (CUP);

ii. An executed Development Agreement;

iii. An affirmative supermajority vote (no fewer than two-thirds) of the Camden County Planning and Zoning Commission, AND an affirmative unanimous vote of the Camden County Commission, on the CUP and Development Agreement;

iv. Approval by majority vote of Camden County registered voters at a county-wide public referendum, the question to be placed on the ballot at the next regular general or primary election following Planning Commission and County Commission approval. Construction or site-disturbing activities shall not commence until certified passage of the referendum. The applicant shall bear the reasonable cost of placing the referendum question on the ballot;

v. Enhanced Environmental Review, including third-party (independent of the applicant) studies addressing groundwater impact, surface water impact, air

quality and emissions, noise, light pollution, viewshed/visual impact, archaeological/historical resources, threatened and endangered species, ground temperature and proximity air temperature increases, and cumulative impact assessment for any other Hyperscale or Large data center within ten (10) miles. The county may select the third-party reviewers from a list of qualified consultants, with the applicant bearing the cost. The reports shall be made publicly available no fewer than sixty (60) days prior to the public referendum;

vi. An executed Community Benefits Agreement with Camden County addressing, at minimum: workforce participation and local hiring commitments, infrastructure contributions (roads, public safety, emergency services), payments in lieu of any services not directly compensated through standard taxation, host community impact mitigation funds, and end-of-life decommissioning surety; AND

vii. A Transmission Corridor Study identifying all proposed new electric transmission lines, substations, fiber optic corridors, water lines, and other linear infrastructure required to serve the facility, including impact analysis and mitigation for properties along proposed corridors.

c. **Stricter Substantive Requirements.** In addition to all requirements applicable to Large data centers under this Appendix, Hyperscale data centers shall comply with the following heightened standards as detailed in their respective sections:

i. Setbacks: 5,000 feet from the Lake of the Ozarks and any Class A waterway, 2,500 feet from residential, educational, hospital, recreational, agricultural, office/low impact commercial adjoining property lines and 1,000 feet from all other commercial or industrial adjoining property lines;

ii. Cooling water storage: 12- month worst-case dry-year coverage;

iii. Decommissioning surety: 35% contingency on engineer-certified estimate, mandatory greenfield restoration, third-party progress monitoring, and phased release;

iv. Fines and penalties: $100,000/day cure violation and $1,000,000/day post-revocation continued operation; AND

v. Probationary period following any CUP reinstatement: extended to three hundred sixty-five (365) days.

L-3: DATA CENTER ZONING DISTRICTS

Zoning Districts:

Micro sized data centers are a principal permitted use in all commercial, mixed, and industrial zoning districts. They are also an accessory use to commercial and industrial uses so long as they do not constitute a standalone IT facility.

Small sized data centers are allowed and require a Conditional Use Permit (CUP) in B-2, B-3, MU-2, and I-1. A Development Agreement is required in all approved zoning districts.

Medium sized data centers are allowed and require a Conditional Use Permit (CUP) in B-3 and I-1. A Development Agreement is required in all approved zoning districts.

Large sized data centers are allowed and require a Conditional Use Permit (CUP) in I-1. A Development Agreement is required in all approved zoning districts.

Hyperscale data centers are allowed only in I-1 and require all approvals specified in L-2 (4), including a Conditional Use Permit, a Development Agreement, supermajority votes by both the Planning Commission and the County Commission, a county-wide public referendum, Enhanced Environmental Review, an executed Community Benefits Agreement, and a Transmission Corridor Study.

L-4: POWER REQUIREMENTS

1. **Energy Consumption Modeling Report.** All small, medium, large, and Hyperscale data centers shall submit an Energy Consumption Modeling Report. The report shall include, at minimum:

    a. The maximum power consumption (Peak Demand, as defined in L-1) for the facility at full operational buildout, modeled at 100% rack utilization and worst-case ambient conditions for cooling;

    b. Annual energy consumption (in megawatt-hours) at full operational buildout;

    c. A load profile showing expected hourly demand variability over a representative annual cycle;

    d. Phased buildout projections, if construction will be staged, with Peak Demand at each phase;

    e. The basis (engineering calculations, vendor data, comparable facility benchmarks) for all reported figures;

    f. An agreement with the local electric provider to purchase any surplus generation from the data center operation, if on-site generation is required or planned for the facility, AND

g. Recertification of the Energy Consumption Modeling Report at each phase of buildout and not less than once every five (5) years for the life of the facility, with updated figures submitted to the County for compliance verification.

2. **Utility Capacity Certification, Level 1 (Required for Small, Medium, Large, and Hyperscale).**

   a. **Standard Certification.** Prior to issuance of any CUP, the applicant shall provide a written certification from the serving electric utility stating that the utility can supply the facility's full Peak Demand WITHOUT (i) requiring rate increases on residential or existing commercial customers attributable to the data center load, (ii) causing service degradation or reliability impairment to residential or existing commercial customers, or (iii) requiring deferral of utility infrastructure investment otherwise planned for residential or existing commercial service.

   b. **Excess Capacity Certification.** A utility may, in addition to (a), certify that it possesses sufficient excess generation, transmission, and distribution capacity to serve the facility WITHOUT requiring construction of new utility infrastructure attributable to the data center load. An Excess Capacity Certification still requires compliance with the off-site additionality pathway in L-4.4(b) below.

   c. **Form of Certification.** Certifications shall be on the utility's letterhead, signed by an officer of the utility with authority to bind the utility, and shall reference specific engineering and capacity-planning analyses supporting the certification. A "letter of intent" or "tentative agreement" is NOT sufficient for certification under this section.

   d. **Failure to Certify.** If the utility cannot or will not provide Standard Certification, the applicant shall not be granted a CUP unless the applicant proposes a power supply plan satisfying L-4.4 entirely through on-site generation and Layer 2 additionality, demonstrating that the facility can operate without burdening utility infrastructure serving residential or existing commercial customers.

3. **Level 2 – Additionality Requirement (Required for Medium, Large, and Hyperscale).**

   a. **Generation Additionality.** The applicant shall demonstrate that new electrical generation capacity equal to or greater than the facility's Peak Demand has been or will be added to the Missouri electrical grid contemporaneously with the construction of the facility, attributable to the facility's load.

   b. **Methods of Compliance.** Additionality may be satisfied through any combination of:

i. Direct investment in new utility-scale generation through ownership stake, financing, or capacity contracts;

ii. On-site generation constructed at the facility (which simultaneously counts toward L-4.4 Level 3); or

iii. Funded contribution to a Camden County-managed Generation Capacity Fund used for procurement of new utility-scale generation serving Camden County, in amount certified by the County's energy consultant as sufficient to fund the proportionate share of new generation capacity equal to Peak Demand (pending fund and program availability).

c. **Missouri-Only Restriction.** Generation counted toward Additionality must be physically located within the State of Missouri. Out-of-state generation, including renewable energy credits (RECs) sourced from out-of-state generators, shall not satisfy the requirement. In-state renewable energy credits (RECs) shall not satisfy the requirement.

d. **Verification.** Additionality compliance shall be verified annually by an independent third-party consultant selected by the County and paid for by the applicant.

4. **Level 3 – Tiered On-Site Generation (Required for Medium, Large, and Hyperscale)**

a. **Default On-Site Requirement.** Unless an Excess Capacity Certification has been issued under L-4.2(b), the applicant shall construct and operate on-site generation capable of serving a minimum percentage of Peak Demand, scaled by tier, as follows:

i. Medium: not less than one hundred percent (100%) of Peak Demand;

ii. Large: not less than one hundred ten percent (110%) of Peak Demand;

iii. Hyperscale: not less than one hundred twenty-five percent (125%) of Peak Demand.

On-site generation under this subsection shall be capable of (1) operating in island mode independent of the utility grid, (2) carrying the facility's IT load and supporting infrastructure during a grid outage, and (3) ramping up and down in coordination with utility supply during normal operations. An agreement with the local electric provider to purchase any surplus generation from the data center operation is required as part of the Energy Consumption Modeling Report and is a condition of approval for the CUP.

b. **Backup Generation.** All Small, Medium, Large, and Hyperscale data centers shall maintain backup generation capable of supporting orderly shutdown of all IT load and life-safety systems. The duration, fuel type, fuel storage capacity, refueling logistics, and operating profile of backup generation shall be disclosed in the Power Generation Report under L-4.6 and shall comply with all applicable federal, Missouri DNR, NFPA, and County fire code requirements. On-site fuel storage in excess of twenty-five thousand (25,000) gallons shall

require additional review and approval by the jurisdictional Fire Marshal and shall be subject to the secondary containment, spill prevention, and surface water setback requirements of L-7.

5. **Level 4 – Emissions, Fuel, and Storage Standards for On-Site Generation.**

   a. **Emissions Standards (Prime Power).** All on-site power generation built to satisfy L-4.4 Level 3 shall meet or exceed the U.S. EPA New Source Performance Standards (NSPS) for stationary combustion sources applicable at the time of construction, plus any additional Best Available Control technology (BACT) requirements applicable under Federal, Missouri DNR, or local air quality programs.

   b. **Emissions Standards (Backup).** Backup generators shall meet or exceed Tier 4 Final emission standards as currently provided in L-7.4(b).

   c. **Fuel Restrictions.** New coal-fired prime power generation is prohibited as per current federal emission rules (but may be instituted if these rules are modified to make this option feasible). All other fuels (including natural gas, distillate oil, biomass, and renewable natural gas) are permitted subject to compliance with the emissions standards in subsection (a). Coal carries a special permitting restriction or preference under this Appendix; natural gas and renewable natural gas plants are required to be "hydrogen-ready" at the time of construction; biomass and renewable natural gas (RNG) are treated as conventional fuels for purposes of this Appendix and do not receive renewable or carbon-offset treatment.

   d. **Small Modular Reactors and Microreactors (SMRs).** Small Modular Reactors and microreactors licensed by the U.S. Nuclear Regulatory Commission (NRC) are recognized as a permitted on-site prime power generation technology and may be used to satisfy the on-site generation requirement of L-4.4 and the additionality requirement of L-4.3.

      i. **Federal Preemption Acknowledged.** Pursuant to the Atomic Energy Act of 1954 and applicable federal law, the U.S. Nuclear Regulatory Commission has exclusive jurisdiction over the radiological safety, design certification, licensing, operation, security, and decommissioning of commercial nuclear facilities. Nothing in this Appendix shall be construed to regulate any matter within NRC jurisdiction. Conditions imposed by Camden County under this Appendix shall be limited to non-radiological land-use, zoning, infrastructure, traffic, host-community impact, and decommissioning surety matters within County authority.

      ii. **NRC Licensing Required.** No SMR or microreactor shall commence construction within Camden County without a valid NRC construction permit or combined license. Operation requires the applicable NRC operating license. Documentation of NRC licensing status shall be provided as part of the CUP application and Development Agreement and shall be maintained throughout the operating life of the facility.

iii. **Local Conditions.** SMRs and microreactors built to satisfy L-4.4 are subject to all standard CUP, Development Agreement, setback, fire/safety, transportation, and infrastructure provisions applicable to the data center tier under which they are sited. Additional non-radiological local conditions may include, without limitation: transportation routing for fuel and waste shipments; coordination with County emergency management for non-radiological response; and local infrastructure contributions for road and utility upgrades supporting reactor construction.

iv. **Subsection (a) Emissions Standards Inapplicable.** SMRs and microreactors are not combustion sources and are therefore not subject to subsection (a) emissions standards. Air, thermal, and water discharge limits applicable to the reactor under NRC and state regulatory regimes apply in lieu of subsection (a).

v. **Cooling Compliance.** SMRs and microreactors shall comply with the Cooling Technology Hierarchy of L-5.2. Most SMR and microreactor designs qualify as Tier 1 (water-light) or Tier 2 (closed-loop) under L-5.2. Designs requiring evaporative cooling are prohibited.

vi. **Decommissioning.** Decommissioning surety required by L-10 shall be in addition to, and not in lieu of, NRC-required decommissioning trust funding. The County's decommissioning surety addresses non-radiological site restoration (foundations, supporting structures, transmission infrastructure, civil works); NRC-required funding addresses radiological decontamination and fuel disposition.

e. **Renewable Content.** No minimum renewable content is required by this Appendix. Operators may, at their discretion, satisfy any portion of their generation, additionality, or storage (subsection (f)) obligations through renewable resources.

f. **Energy Storage Minimum.** All Medium, Large, and Hyperscale data centers shall install or contract for not less than four (4) hours of battery energy storage capacity, measured at the facility's full Peak Demand. Storage may be located on-site at the facility OR contracted via dedicated capacity at a battery storage facility located within the State of Missouri. Storage shall be capable of (i) discharging at full Peak Demand for the required duration, (ii) participating in peak-shaving operations during high-demand periods on the local utility grid (where market access permits), and (iii) supporting facility ride-though during short-duration grid disturbances independent of L-4.4 (b) backup generation.

g. **No Open-Loop Cooling for Power Generation.** Any on-site generation requiring cooling water shall use closed-loop systems consistent with the facility-wide cooling restrictions in L-5. Once-through or evaporative cooling for power generation is prohibited.

6. **Power Generation Report.**

A Power Generation Report is required for any Medium, Large, or Hyperscale data center prior to issuance of a CUP. The Power Generation Report shall, at a minimum:

a. Identify the proposed compliance pathway under L-4.4 (default on-site or off-site substitution under Excess Capacity Certification);

b. For on-site generation: identify generation type, fuel, generating capacity (MW), expected operating hours, fuel storage and delivery, water demand/cooling system type, emissions modeling, noise modeling, and visual/screening plan;

c. For additionality (L-4.3): identify the specific generation projects, Power Purchase Agreements, or fund contributions; provide executed term sheets or contracts; and identify the in-service dates of contributing generation;

d. Provide a storage compliance plan under L-4.5;

e. Provide a phased compliance schedule keyed to facility buildout; AND

f. Be approved by the Camden County Planning Commission as a condition of CUP issuance and incorporated by reference into the Development Agreement.

7. **Compliance Timeline.**

a. **Pre-Operation.** Level 1 certification (L-4.2) and an executed Power Generation Report (L-4.6) shall be in place prior to CUP issuance. No site-disturbing or construction activity is authorized prior to CUP issuance.

b. **Phased implementation.** On-site generation under L-4.4 and additionality under L-4.3 shall be in service no later than the date the facility's IT load first exceeds twenty-five percent (25%) of Peak Demand, but in no event later than three (3) years from commencement of facility operations. The Power Generation Report shall include a phased build-out schedule that aligns generation/additionality milestones with IT load milestones.

c. **Annual Compliance Reporting.** Beginning one (1) year after commencement of facility operations and annually thereafter, the operator shall file an annual Power Compliance report with the County demonstrating ongoing compliance with L-4.2 through L-4.5. The annual report shall be subject to third-party verification at the operator's expense.

d. **Non-Compliance.** Failure to satisfy any L-4 requirement during the compliance timeline is a violation subject to L-8 fines and penalties, including potential CUP revocation.

L-5: COOLING WATER REQUIREMENTS

1. **Water Consumption Modeling Report.** All data centers, regardless of size, shall submit a Water Consumption Modeling Report. The report shall include, at minimum:

    a. The proposed cooling technology or combination of technologies, classified per the Cooling Technology Hierarchy in L-5.2;

    b. Annual cooling water demand at full operational buildout, in gallons, broken down by month to reflect seasonal cooling load variability;

    c. Annual makeup water demand at full operational buildout, in gallons, broken down by month;

    d. Identification of all water sources to be used (rainwater capture, treated reuse, municipal connection for potable use only, etc.);

    e. Annual water budget reconciliation showing how captured/contracted water sources will meet projected cooling and makeup demand on a month-by-month basis, including worst-case dry-year scenarios using the most recent thirty (30) years of National Weather Service precipitation data for the Camden County area;

    f. Discharge volume projections, with proposed treatment and disposal pathway per L-6;

    g. Recertification of the Water Consumption Modeling Report at each phase of buildout, upon any change in cooling technology, and not less than once every five (5) years for the life of the facility.

2. **Cooling Technology Hierarchy.** Cooling technologies for data centers are classified into three tiers reflecting relative water-use intensity. The Cooling Technology Hierarchy applies for purposes of permit review and water budget compliance verification; it does not by itself prohibit or mandate any specific technology, except where expressly stated.

    Tier 1 – Preferred (Water-Light Technologies). The following technologies are recognized as having minimal water-use impact and shall receive expedited review of the water-related portions of any CUP application:

    a. Air-side economization (free cooling using ambient air, supplemented by mechanical cooling only as needed);

    b. Direct-to-chip liquid cooling using sealed coolant loops;

    c. Two-phase or single-phase immersion cooling using dielectric fluids in sealed systems;

d. Other emerging technologies certified by the applicant's engineer of record as water-light (defined as projected annual cooling water demand of less than five (5) gallons per square foot of Server Square Footage).

Tier 2 – Standard (Permitted Without Water Budget Restriction). The following technologies are permitted subject to the water source restrictions in L-5.3 and discharge requirements in L-5.5:

a. Closed-loop water cooling using mechanical chillers and dry coolers;

b. Cooling loops submerged in facility constructed impoundments. Cooling coils from closed loop cooling systems are prohibited from being placed in any perennial/classified stream or public lake or pond, including the Lake of the Ozarks. Lakes, ponds, and impoundments created by a data center project for the purpose of submersing coils for the cooling system may only be utilized when the surface water temperature of said lake, pond, or impoundment is no greater than 100.00 degrees Fahrenheit.

c. Hybrid systems combining Tier 1 and Tier 2 technologies.

Tier 3 – Prohibited. The following are prohibited regardless of facility size or water budget:

a. Adiabatic cooling (hybrid systems using evaporative cooling only during peak ambient temperature periods);

b. Evaporative chillers and cooling towers, of any type.

c. Closed-loop and/or open-loop ground-source heat exchange (sealed loop geothermal) and/or geothermal systems involving withdrawal of groundwater for cooling;

d. Direct withdrawal of water from the Lake of the Ozarks, the Osage River, the Niangua River, or any other classified stream, lake, river, or natural waterbody for cooling purposes;

e. Once-through cooling systems of any type;

f. Cooling systems that discharge cooling water to surface waters, groundwater, or via subsurface infiltration. (Discharge requirements addressed in L-6.)

3. **Water Source Restrictions.**

a. **Permitted Sources.** Cooling water and makeup water for the cooling system of a data center may be obtained only from the following sources:

i. Captured rainwater from on-site impervious surfaces (roofs, parking, driveways), stored in compliance with L-5.4;

ii. Treated cooling system blowdown or other on-site reuse water meeting the treatment standards of L-6;

iii. Reclaimed water from a municipal or other publicly permitted wastewater or industrial wastewater reclamation system, where available; AND

iv. Municipal or public utility metered potable water connection, ONLY under a formal Drought Exception per L-5.6.

b. **Prohibited Sources.** The following sources may not be used for cooling water or makeup water under any circumstance:

i. Privately drilled water wells located on the data center site;

ii. Direct withdrawal from the Lake of the Ozarks or its tributaries (this prohibition is absolute and is not subject to drought exception);

iii. Hauled water deliveries (other than the initial system charge approved through the CUP); AND

iv. Any source not expressly permitted in subsection (a).

4. **Water Storage Requirements.**

a. **Sizing Basis.** Water storage capacity for cooling and makeup water shall be sized based on the actual cooling water demand projected in the Water Consumption Modeling Report under L-5.1.

b. **Minimum Coverage.** Storage capacity shall be sufficient to meet the facility's full cooling and makeup water demand for not less than twelve (12) months of operation under worst-case dry-year precipitation conditions, as modeled using the most recent thirty (30) years of National Weather Service precipitation data for the Camden County area, without invoking the Drought Exception of L-5.6.

c. **Storage Construction.** All storage shall be in enclosed, secure tanks or vaults (above-ground or below-ground) constructed of concrete, lined steel, or other approved water-tight materials. Storage facilities shall be sited within the property setback envelope, secured against unauthorized access, and equipped with overflow management to prevent uncontrolled discharge during wet-year accumulation.

d. **Recertification Upon Capacity Change.** Any change in cooling technology, IT load, or facility footprint that increases projected water demand by more than ten percent (10%) shall trigger recertification of the Water Consumption Modeling Report and, if necessary, expansion of storage capacity to meet the L-5.4(b) coverage standard.

5. **Discharge Standards and Cooling Water Cap.**

a. **Monthly Discharge Cap.** Cooling system discharge – including blowdown, flushing, makeup-water purge, and any other non-domestic water discharge from cooling system operation – shall not exceed fifteen percent (15%) of the facility's monthly cooling water demand in any calendar month, as projected in the Water Consumption Modeling Report under L-5.1 and verified by metered measurement.

b. **Monitoring and Reporting.** All cooling system discharge shall be measured by calibrated flowmeters at points of discharge from the cooling system. Monthly discharge volumes shall be reported to the County in the annual compliance report, with monthly granularity. Exceedances of the discharge cap shall be reported to the County within seventy-two (72) hours of identification.

c. **Treatment and Disposal.** All cooling system discharge is industrial wastewater and shall be treated and disposed of in accordance with L-6 (Waste Disposal Requirements). Surface discharge, subsurface infiltration, and discharge to any classified water of the State are prohibited regardless of treatment level.

6. **Drought Exception.**

a. **Trigger.** The Drought Exception authorizes a Medium, Large, or Hyperscale data center to draw cooling makeup water from a metered municipal or public utility water connection only when the Missouri Drought Assessment Committee, or its successor agency, has formally declared a U.S. Drought Monitor classification of D2 (Severe Drought), D3 (Extreme Drought), or D4 (Exceptional Drought) for the geographic area encompassing Camden County. The Lake of the Ozarks withdrawal prohibition under L-5.3(b) is absolute and is NOT subject to Drought Exception under any circumstance.

b. **Application Required.** A facility seeking to invoke the Drought Exception shall file a written Drought Exception Application with Camden County including: (i) certification of the active D2+ drought declaration; (ii) the facility's current storage levels, projected demand, and projected exhaustion date; (iii) the volume of municipal water requested; (iv) demonstrated good-faith effort to reduce non-essential water demand prior to invocation; and (v) acknowledgment of the escalating fees in subsection (d). The Application shall be reviewed and acted upon withing seven (7) calendar days.

c. **Annual Cap.** The Drought Exception may be invoked for no more than one hundred eighty (180) days within any calendar year, measured cumulatively across all separate invocations.

Once the cap is reached, no further municipal water draws are permitted in that calendar year regardless of continued drought conditions; the facility must reduce operations or implement alternative measures.

d. **Escalating Fees.** Municipal water drawn under the Drought Exception shall be billed to the facility at the following multiples of the standard published municipal water rate:

i. Days 1 through 30 (cumulative within calendar year): two (2) times the standard rate;

ii. Days 31 through 90 (cumulative within calendar year): four (4) times the standard rate;

iii. Days 91 through 180 (cumulative within calendar year): eight (8) times the standard rate.

Fees collected in excess of the standard rate shall be deposited in a Camden County Water Resources Fund used for water conservation, infrastructure, and drought mitigation purposes. Fees are in addition to any standard water connection charges and are not refundable.

e. **Public Reporting.** The County shall publish, on a quarterly basis, a public report including: each Drought Exception invocation, the facility involved, the volume of municipal water drawn, the duration of invocation, the fees paid, the cumulative annual usage by the facility, and the underlying drought declaration status. Reports shall be posted on the Camden County website and made available to the public on request.

f. **Termination of Exception.** The Drought Exception terminates automatically upon (i) Missouri Drought Assessment Committee downgrading the area below D2, (ii) reaching the 180-day annual cap, (iii) the facility's storage levels recovering to seventy-five percent (75%) of capacity, or (iv) revocation by the County for non-compliance with this section or any other provision of this Appendix.

g. **No Hauled Water Substitution.** A facility may not substitute hauled water deliveries for the Drought Exception. The Drought Exception is the exclusive pathway for non-rainwater, non-reuse cooling water during drought conditions.

7. **Potable Water for Human Use.** All potable water for human use and consumption (drinking, hand washing, toilet flushing, kitchen, showers) shall be obtained through a metered municipal or publicly owned utility connection. Potable water connections shall be monitored for appropriate use volumes. Use volumes shall be governed by Missouri Department of Health and Senior Services rules, "Missouri Laws Accompanied by Department of Health and Senior Services Rules," Table 2A; for purposes of this Appendix, all data centers shall be classified as "Warehouses" and allowed thirty (30) gallons of water per employee per shift.

L-6: WASTE DISPOSAL REQUIREMENTS

1. **Waste Discharge Modeling Report.** All Small, Medium, Large, and Hyperscale data centers shall submit a Waste Discharge Modeling Report. The report shall include, at minimum:

    a. Identification and projected annual volumes of all domestic waste streams;

    b. Identification and projected annual volumes of all industrial waste streams, including but not limited to cooling system blowdown, makeup-water purge, equipment cleaning waste, and laboratory waste;

    c. Identification and projected annual quantities of all hazardous materials and hazardous waste streams, including but not limited to electrolytes, refrigerants, halogenated fire suppression agents, transformer and generator oils, lubricants, and any PFAS-containing materials;

    d. Projected annual quantities and types of electronic waste from server, storage, and networking equipment refresh cycles;

    e. Identification of all proposed waste handling, treatment, and disposal facilities, including each facility's regulatory permits and licenses;

    f. Description of on-site storage facilities for all waste streams, including capacities, secondary containment, fire suppression, and security;

    g. Description of transportation methods, routes, and frequencies for waste shipments to off-site facilities; AND

    h. Recertification at each phase of buildout, upon any change in waste streams or disposal methods, and not less than once every five(5) years for the life of the facility.

2. **Domestic Waste.** All domestic waste from the facility (hand washing, toilet flushing, washing machine discharges, safety and other showers, etc.) must discharge to an appropriately sized facility approved and permitted by the Camden County Wastewater Department or the Missouri Department of Natural resources (MDNR).

3. **Industrial Waste from Cooling Systems.** Cooling system water discharges and any other water discharge from non-domestic uses will be considered industrial waste. These flows are required to be routed to an approved facility, such as an industrial evaporator or other approved technology. All collection facilities for these flows must be into concrete, water-tight basins, tanks, or other approved structures or tanks meeting the same requirements. None of these flows

may be surface discharged or subsurface discharged after treatment. These flows may also be collected and hauled to an approved industrial waste treatment facility licensed by the Missouri Department of Natural Resources.

Industrial waste volumes shall comply with the discharge cap in L-5.5(a) (fifteen percent of monthly cooling water demand).

4. **Hazardous Materials and Hazardous Waste.**

   a. **Inventory and Reporting.** All hazardous materials stored on-site and all hazardous waste streams generated shall be inventoried, reported in the Waste Discharge Modeling Report (L-6.1), and reported to the Camden County Emergency Management Agency in compliance with EPCRA Tier II reporting requirements regardless of facility size.

   b. **Battery Electrolytes and Battery Waste.** Battery storage systems (UPS, energy storage under L-4.5(e), backup power) shall include written end-of-life management plans for battery cells, modules, and electrolytes. Lithium-ion batteries shall be managed in compliance with applicable EPA universal waste rules and Missouri DNR requirements. Storage and handling shall include thermal runaway suppression and containment per NFPA 855.

   c. **Refrigerants.** All refrigerants shall be managed in compliance with EPA Section 608, the AIM Act of 2020 and its implementing rules, and Missouri DNR requirements. Refrigerant inventory and any release events of one (1) pound or more shall be reported to the County within seventy-two (72) hours.

   d. **Halogenated Fire Suppression Agents.** Halogenated agents (FM-200, Novec 1230, and similar) shall be managed in compliance with EPA Significant New Alternatives Policy (SNAP) and applicable state and federal rules.

   e. **PFAS.** Use, storage, or disposal of PFAS-containing firefighting foams (AFFF) is prohibited at all data centers regardless of size. Existing PFAS-containing materials, if any, shall be identified in the Waste Discharge Modeling Report and remediated per applicable EPA and Missouri DNR rules.

   f. **Petroleum Products.** Generator fuel, transformer oil, lubricants, and other petroleum products shall be stored and managed in compliance with EPA SPCC requirements, NFPA 30, and Camden County Fire Code. On-site fuel storage above twenty-five thousand (25,000) gallons triggers Fire Marshal review per L-4.4(b).

   g. **Disposal Records.** Records of all hazardous waste disposal – including waste type, quantity, transporter, destination facility, and manifest number – shall be maintained on-site for the life of the facility plus seven (7) years and provided to the County upon request.

5. **Electronic Waste.**

a. **Recycling Required.** All retired, replaced, or decommissioned servers, storage equipment, networking equipment, batteries, power distribution units, and similar electronic equipment shall be transferred to a recycler certified under R2 (Responsible Recycling) or e-Stewards standards, or to a Missouri DNR-permitted electronics recycling facility. Disposal of electronic equipment to Camden County or other municipal solid waste facilities is prohibited.

b. **Annual Reporting.** Operators shall report annually to the County the total weight of electronic waste generated during the prior calendar year, the receiving recyclers, and the certification status of each recycler.

c. **Data Sanitization.** Electronic equipment containing data storage media shall be sanitized in compliance with NIST SP 800-88 prior to transfer for recycling, with records of sanitization maintained for the life of the facility plus seven (7) years.

6. **Industrial Evaporator Emissions.** Where a facility uses an industrial evaporator for treatment of cooling system discharge under L-6.3, the evaporator shall comply with the U.S. EPA New Source Performance Standards (NSPS) and Missouri DNR air permitting requirements applicable at the time of construction. Evaporator vapor emissions shall be reported in the annual compliance report (L-6.7), with measurement methods specified in the Waste Discharge Modeling Report (L-6.1). Evaporators emitting in excess of permit thresholds for any regulated air pollutant shall trigger immediate notification of Missouri DNR and the County.

7. **Reporting and Recertification.**

a. **Annual Compliance Report.** Operators shall file an annual Waste Compliance Report with the County by March 31 of each year, covering the prior calendar year. The report shall include actual quantities of all waste streams identified in L-6.1, identification of all receiving facilities, copies of relevant manifests and shipment records, refrigerant inventory and release events, e-waste totals and recycler certifications, and any deviations from the most recent Waste Discharge Modeling Report.

b. **Third-Party Verification.** For Medium, Large, and Hyperscale facilities, the annual Waste Compliance Report shall be subject to third-party verification by a qualified environmental engineering or auditing firm selected by the County and paid for by the operator.

c. **Recertification.** The Waste Discharge Modeling Report (L-6.1) shall be recertified at each phase of buildout, upon any material change in waste streams, and not less than once every five (5) years.

d. **Public Disclosure.** Annual Waste Compliance Reports shall be made available to the public on request and posted in summary form on the Camden County website.

L-7: NOISE RESTRICTIONS, ELECTROMAGNETIC FIELDS, MAGNETIC FIELDS, ELECTROMAGNETIC RADIATION, ELECTRIC FIELDS, RADIOFREQUENCY RADIATION, SCREENING, LIGHTING, AND SETBACKS

1. **Noise, Vibration, and Electromagnetic Field Modeling Report.** All Small, Medium, Large, and Hyperscale data centers are required to submit a Noise, Vibration, and Electromagnetic Field Modeling Report to assess the impact of the sound, vibration, and potential health hazards created by the operation. The report shall include modeled sound, vibration, electromagnetic field levels, electromagnetic radiation levels, magnetic field levels, electric field levels, and radiofrequency radiation levels at all adjoining property lines; identification of all sound, vibration, and electromagnetic/magnetic/electric/radiofrequency field/radiation producing equipment, proposed mitigation measures, and projected day-night sound profiles. The report shall be recertified upon any material change in equipment or operations and not less than every five (5) years.

2. **Noise Standard.** Operational noise from any data center, regardless of size, shall comply with the following limits, measured at the receiving property line as A-weighted equivalent continuous sound levels (Leq):

    a. At property lines adjoining any residential, educational, hospital, agricultural, or recreational use:

        i. Daytime (7:00 AM to 9:00 PM): Sixty-five (65) dBA Leq;

        ii. Nighttime (9:00 PM to 7:00 AM): Fifty-five (55) dBA Leq.

    b. At all other property lines (industrial-to-industrial, commercial-to-industrial, etc.):

        i. Daytime (7:00 AM to 9:00 PM): Seventy (70) dBA Leq;

        ii. Nighttime (9:00 PM to 7:00 AM): Sixty-five (65) dBA Leq.

    c. **Measurement.** Sound levels shall be measured using ANSI Type 2 or better sound level meters, A-weighted, with measurement methodology following ANSI S12.9 or equivalent. Measurements shall be taken at the receiving property line.

3. **Vibration Standard.** Operational vibration from any data center, regardless of size, shall comply with the following limits, measured at the receiving property line:

a. **Vibration.** Maximum ground-borne vibration shall not exceed 1.5 mm/s (one and one-half millimeters per second) measured at any adjoining property line of a residential, educational, hospital, agricultural, light commercial, or recreational use.

b. **Measurement.** Vibration levels shall be measured using a geophone or accelerometer capable of detecting vibration levels in accordance with ISO 8041. Measurements will assess the Peak Particle Velocity (PPV) as the measured regulated phenomenon.

4. **Electromagnetic Field (EMF) Standard.** Operational electromagnetic fields (EMFs) from any data center, regardless of size, shall comply with the following limits:

   a. **Scope.** This section only addresses the intensity and limitations of EMFs affecting areas outside of data center structures and surrounding properties. Mediation and control of EMFs inside the data center is the responsibility of the operator.

   b. **Assessment.** Prior to commencing operations, the operator shall be required to complete an electromagnetic field map of the facility, identifying the frequencies and intensities of all measurable fields and affiliated radiation on the site.

   c. **Electromagnetic Radiation, Magnetic Fields, Electric Fields, and Radiofrequency Radiation.** Maximum electromagnetic radiation, across all frequencies, shall not exceed 0.08 microteslas. Maximum Magnetic Field strength shall not exceed 0.5 milligauss. Maximum Electric Field strength shall not exceed 10 volts per meter. Maximum Radiofrequency radiation shall not exceed 0.1 microwatts per square centimeter. Measurements shall be taken at the receiving property line.

   d. **Measurement.** Instrumentation calibration and field/radiation measuring shall be governed by IEEE C95.1 and IEC 61786 using appropriate equipment.

5. **Chiller Setbacks and Screening.** All data centers, regardless of size, which utilize chillers for cooling must meet the following setbacks from any residential, educational, hospital, office/low impact commercial, or recreational use. Setbacks from any general commercial, high impact commercial, or industrial use shall be three fourths (3/4) the stated distance:

   a. One thousand foot (1000') separation requirement for ground mounted chillers.

   b. One thousand five hundred foot (1500') separation for roof mounted chillers.

All data centers, regardless of size, which utilize chillers for cooling must meet the following screening requirements for chillers:

a. Sound attenuation is required for all ground mounted chillers capable of a minimum noise reduction of 12 dBA Leq.

b. Sound attenuation screen or parapet for all roof mounted chillers capable of a minimum noise reduction of 12 dBA Leq.

6. **Generator Setbacks and Standards.** All data centers, regardless of size, which utilize generators for backup power, must meet the following requirements:

   a. Roof mounted generators are prohibited.

   b. All generators must meet or exceed Tier 4 Final emission standards.

   c. One thousand foot (1000') separation requirement from residential, educational, hospital, office/low impact commercial, or recreational use. Setbacks from any general commercial, high impact commercial, or industrial use shall be three fourths (3/4) the stated distance.

   d. All ground mounted generators are required to have sound attenuation installed capable of a minimum noise reduction of 12 dBA Leq.

7. **Visual Screening, Viewshed Preservation.** All data centers, regardless of size, are required to provide a land clearing/vegetation removal site plan identifying all land disturbance activities proposed on the site prior to issuance of a CUP. This plan will be a binding requirement of the CUP and the Development Agreement. The intent is that only the required vegetation shall be removed to facilitate the construction of the facility, roadways, utility facilities, and other accessory structures, preserving as much of the natural cover as possible. Under no circumstances shall a parcel be prepared in such a way that all native/existing vegetation is removed or "clear-cut".

8. **Building Height.** All data centers, regardless of size, have a maximum overall height of forty (40) feet tall. This measurement is from the lowest adjacent grade of any foundation, even if it is below operating floor level, to the top of any roof top parapet, mansard, or screening structure. Rooftop screening structures should be the same height or higher than any roof mounted equipment.

9. **Property Line and Waterway Setbacks.** Property line setbacks for data centers shall be as follows. The setbacks in this subsection are in addition to any setback requirements of the underlying zoning district. No structures other than roadways, septic fields and associated structures for domestic wastewater discharge/treatment, perimeter fences, stormwater management infrastructure, or rainwater capture infrastructure are allowed in the setbacks.

   a. Property lines adjoining any residential, educational, hospital, office/low impact commercial, agricultural, or recreational use and waterway setbacks:

i. Micro (standalone facility): 500 ft. from any property line; 1,500 ft. from the Lake of the Ozarks or any classified stream, lake, or river. (Micro-sized data centers employed as an accessory use are subject to the zoning district setbacks in which they are located).

ii. Small: 500 ft. from any property line; 3,000 ft. from the Lake of the Ozarks; 1,500 ft. from any classified stream, lake, or river.

iii. Medium: 1,500 ft. from any property line; 4,000 ft. from the Lake of the Ozarks; 2,000 ft. from any classified stream, lake, or river.

iv. Large: 2,500 ft. from any property line; 5,000 ft. from the Lake of the Ozarks; 2,500 ft. from any classified stream, lake, or river.

v. Hyperscale: 3,000 ft. from any property line; 5,000 ft. from the Lake of the Ozarks; 2,500 ft. from any classified stream, lake, or river.

Property line setbacks for data centers from residential, educational, hospital, office/low impact commercial, agricultural, or recreational use are absolute. These setbacks may not be diminished in any way through the use of small sized general commercial, high impact commercial, or industrial use lots as buffers. Buffer lots of higher density must be of sufficient size to provide the listed minimum setback requirements found L-7.7(a) in this section.

b. Property lines adjoining any general commercial, high impact commercial, or industrial use and waterway setbacks:

i. Micro: Zoning district setback applies for property lines; 1,500 ft. from the Lake of the Ozarks or any classified stream, lake, or river.

ii. Small: 100 ft. from any property line; 3,000 ft. from the Lake of the Ozarks; 1,500 ft. from any classified stream, lake, or river.

iii. Medium: 300 ft. from any property line; 4,000 ft. from the Lake of the Ozarks; 2,000 ft. from any classified stream, lake, or river.

iv. Large: 500 ft. from any property line; 5,000 ft. from the Lake of the Ozarks; 2,500 ft. from any classified stream, lake, or river.

v. Hyperscale: 600 ft. from any property line; 5,000 ft. from the Lake of the Ozarks; 2,500 ft. from any classified stream, lake, or river.

Lot sizes for general commercial, high impact commercial and industrial uses that adjoin a data center use must be of sufficient size to provide the minimum setbacks to

residential, educational, hospital, office/low impact commercial, agricultural, or recreational uses found in section L-7.7(a).

c. Setbacks for chillers (L-7.5) and generators (L-7.6) apply in addition to property line setbacks.

10. **Parking and Driving Surfaces.** All small, medium, large, and Hyperscale sized data centers are required to provide parking and driving surfaces that meet the standards for a typical warehouse. The minimum width for all driveway areas is thirty-six feet (36'). The required number of parking spaces is one (1) space per 500 (five hundred) square feet of gross floor area.

11. **Outdoor Facility Lighting.** Outdoor facility lighting must meet the following requirements:

a. All lighting mounted to facility structures must have a shield installed that directs the lighting downward. The shield must be installed so that the opening created by the shield for the emitted light is 90 (ninety) degrees to the pavement/ground surface below it.

b. The maximum height of lighting mounted to facility structures shall be the structure wall height on which it is located. Lighting may not be located above this level on mansards, gables, parapets, or any roofing or screening structure. Roof top lighting may be installed for the purpose of maintenance and repairs and may only be in service during these operations.

c. Parking lot lighting shall have a maximum height, which includes all structures and associated equipment, of 25 (Twenty-five) feet. All lighting must have a shield installed that directs the lighting downward. The shield must be installed so that the opening created by the shield for the emitted light is 90 (ninety) degrees to the pavement/ground surface below it.

L-8: FINES, PENALTIES, PERMIT/CONDITIONAL USE PERMIT REVOCATION, APPEALS, LEGAL FEES, AND SEVERABILITY

1. **Violation Categories.** Violations of this Appendix, the Conditional Use Permit, or the Development Agreement are classified into three categories based on the nature and severity of the violation:

a. **Administrative Violations.** Violations involving recordkeeping, reporting, registration, disclosure, or other procedural or documentation requirements that do not directly involve risk to health, safety, environment, or substantive operational compliance. Examples include: annual report not filed by deadline, third-party verification not completed on schedule, recordkeeping deficiencies, contact information not updated.

b. **Operational Violations.** Violations involving substantive operational compliance with this Appendix, the CUP, or the Development Agreement, that do not constitute an Environmental or Safety Violation. Examples include: noise standards exceeded under L-2 in non-emergency conditions, lighting standards exceeded under L-7.9, setback encroachments by ancillary structures, generator screening deficiencies, additionality compliance lapses, recoverable storage capacity below required levels.

c. **Environmental and Safety Violations.** Violations involving immediate or imminent risk to health, safety, environmental quality, or community welfare. Examples include: cooling system discharge to surface or subsurface waters in violation of L-5 or L-6; hazardous material release; PFAS use or release; cooling water draw from prohibited source; drought exception draws exceeding authorized limits; fuel storage in violation of fire code creating imminent hazard; operation without active CUP; refusal of County or State inspection access; falsification of compliance reports.

2. **Notice and Cure Periods.**

a. **Notice of Violation.** Upon determination by the County that a violation of this Appendix, the CUP, or the Development Agreement has occurred, the County shall issue a written Notice of Violation to the operator identifying: (i) the specific violation; (ii) the violation category under L-8.1; (iii) the corrective action required; (iv) the cure period under subsection (b) of this section; (v) the daily fine amount under L-8.3 if not cured; and (vi) the operator's right to appeal under L-8.6.

b. **Cure Periods by Category.**

i. **Administrative Violations: Thirty (30) calendar days** from issuance of the Notice of Violation. No fines accrue during the cure period for Administrative Violations. Fines begin accruing at the expiration of the cure period.

ii. **Operational Violations: Fourteen (14) calendar days** from issuance of the Notice of Violation. No fines shall accrue during the cure period for Operational Violations. Fines begin accruing at the expiration of the cure period.

iii. **Environmental and Safety Violations: Immediate.** No cure period applies. Fines under L-8.3 begin accruing as of the date the violation occurred or the date the County

identifies and documents the violation, whichever is later. The County may also seek immediate injunctive relief under L-8.5.

c. **Cure Period Extensions.** For Administrative and Operational Violations only, the County may grant a one-time extension of up to fifteen (15) calendar days for good cause shown, including supply chain delays, weather conditions, or comparable factors beyond the operator's reasonable control. No extension shall be granted for Environmental and Safety Violations.

3. **Fines.** Fines for violations not cured within the applicable cure period (or, for Environmental and Safety Violations, accruing immediately) are as follows. Each day a violation continues uncorrected constitutes a separate violation.

   a. **Daily Fines:**

      i. Micro: $1,000 per-day fine; $5,000 per-day fine for continued operation post-revocation.

      ii. Small: $5,000 per-day fine; $25,000 per-day fine for continued operation post-revocation.

      iii. Medium: $25,000 per-day fine; $125,000 per-day fine for continued operation post-revocation.

      iv. Large: $50,000 per-day fine; $500,000 per-day fine for continued operation post-revocation.

      v. Hyperscale: $100,000 per-day fine; $1,000,000 per-day fine for continued operation post-revocation.

   b. **Multiple Violations.** If a facility is in violation of multiple provisions simultaneously, daily fines apply for each provision violated, accruing concurrently. There is no daily cap on accumulated fines.

   c. **Mitigation.** The County may, in its discretion, reduce or waive fines accrued during the cure period or after the cure period if the operator (i) self-reports the violation prior to County identification; (ii) provides full cooperation with County investigation; and (iii) demonstrates that the violation resulted from circumstances beyond the operator's reasonable control. Mitigation is not available for Environmental and Safety Violations except in cases of natural disaster or comparable force majeure events.

4. **Permit Suspension and Revocation.**

   a. **Trigger for Suspension.** The CUP shall be suspended automatically upon the earlier of: (i) thirty (30) calendar days from issuance of an unappealed Notice of Violation that has not been cured; (ii) fifteen (15) calendar days from issuance of an unappealed Notice of an

Environmental or Safety Violation that has not been cured; or (iii) any final administrative or judicial determination that the CUP should be suspended or revoked.

b. **Effect of Suspension.** Upon suspension, the operator shall immediately cease all operations of the facility except those operations strictly necessary to (i) preserve life and safety, (ii) preserve data integrity and orderly shutdown of IT systems, and (iii) bring the facility back into compliance.

c. **Cease and Desist.** Concurrent with CUP suspension, a Cease and Desist order shall issue. Continued operation in violation of a Cease and Desist order triggers the post-revocation per-day fines in L-8.3(a) and may be the basis for criminal contempt proceedings.

d. **Reinstatement.** A suspended CUP may be reinstated only after: (i) the County conducts a compliance inspection and certifies that all violations have been cured; (ii) all accrued fines have been paid; (iii) the operator has executed any required additional conditions in the Development Agreement to prevent recurrence; and (iv) the operator enters the Probationary Period under L-8.7.

e. **Permanent Revocation.** The CUP may be permanently revoked, rather than suspended, if: (i) the operator has had three (3) or more CUP suspensions in any sixty (60) month period; (ii) any Environmental or Safety Violation results in significant injury to persons, property, or environmental quality; or (iii) the operator commits fraud or falsification in any compliance report, modeling report, or representation to the County.

5. **Immediate Injunctive Relief.** For any Environmental or Safety Violation, the County may, at its discretion and in addition to all other remedies, petition the Camden County Circuit Court for immediate injunctive relief, including but not limited to: (a) temporary restraining orders requiring immediate cessation of the violating activity; (b) preliminary injunctions during pendency of administrative or judicial proceedings; and (c) permanent injunctions. Petitions for immediate injunctive relief shall not be subject to the Notice and Cure provisions of L-8.2 or the Appeals provisions of L-8.6 prior to filing; the operator's right to be heard is preserved through the Court's process.

6. **Appeals.**

a. **Right to Appeal.** An operator may appeal any Notice of Violation, fine determination, or suspension or revocation of a CUP under this Appendix.

b. **Filing Deadline.** A written notice of appeal shall be filed with the Camden County Planning Commission within fourteen (14) calendar days of issuance of the underlying County determination. Failure to file within this period waives the right of administrative appeal but does not waive the right of judicial review under subsection (e).

c. **Stay of Fines During Appeal.** Filing a timely appeal stays the accrual of daily fines under L-8.3 for Administrative and Operational Violations during pendency of the appeal. Fines for Environmental and Safety Violations are not stayed by appeal; the operator's remedy is expedited hearing under subsection (d).

d. **Hearing.** The Planning Commission shall conduct a hearing on the appeal within thirty (30) calendar days of filing. The operator shall have the right to present evidence, examine witnesses, and be represented by counsel. The Planning Commission shall issue a written decision within fourteen (14) calendar days of the hearing.

e. **Judicial Review.** A decision of the Planning Commission may be appealed by the operator or the County to the Camden County Circuit Court within thirty (30) calendar days of the Planning Commission's written decision. Judicial review shall be on the administrative record under standard Missouri administrative review principles.

7. **Probationary Period After Reinstatement.**

a. **Duration.** Following reinstatement of a suspended CUP under L-8.4(d), the operator shall be subject to a Probationary Period of:

i. For Micro, Small, Medium, and Large data centers: one hundred eighty (180) calendar days;

ii. For Hyperscale data centers: three hundred sixty-five (365) calendar days.

b. **Probationary Period Standard.** During the Probationary Period, the operator shall demonstrate consistent compliance with this Appendix, the CUP, and the Development Agreement.

c. **Effect of Material Violations.** Any Operational Violation OR Environmental or Safety Violation occurring during the Probationary Period shall result in immediate CUP revocation and application of the maximum fines in L-8.3(a) for the relevant tier. Permanent revocation under L-8.4(e) may apply.

d. **Effect of Administrative Violations.** Administrative Violations occurring during the Probationary Period shall be addressed through the standard Notice and Cure process under L-8.2, but each such violation extends the remaining Probationary Period by an additional thirty (30) calendar days. Three (3) or more Administrative Violations during a single Probationary Period shall be deemed a Material Violation triggering subsection (c) of this section.

8. **Reimbursement of Legal Fees and Court Costs.** If any litigation or other court action, arbitration or similar adjudicatory proceeding is commenced by any party to dispute any provision, subsection, paragraph, sentence, clause, or word of this Appendix L, the party initiating

the challenge shall be responsible for the payment of all fees, costs and expenses, including, without limitation, reasonable attorneys fees and costs, incurred in such litigation, action, arbitration or proceeding. Camden County shall be considered the prevailing party of any litigation, action, arbitration or proceeding so long as any provision, subsection, paragraph, sentence, clause, or word of this Appendix L remains in force after the decision of the Court has been rendered.

9. **Severability.** If any provision, subsection, paragraph, sentence, clause, or word of this Appendix L is held to be unconstitutional, invalid, preempted by federal or state law, or otherwise unenforceable by any court of competent jurisdiction, the remaining provisions of this Appendix shall remain in full force and effect. The Camden County Planning Commission and County Commission hereby declare that they would have adopted the remaining provisions of this Appendix without the invalidated provision.

L-9: TAX TREATMENT, OWNERSHIP DISCLOSURE, AND FOREIGN OWNERSHIP RESTRICTIONS

1. **General Tax Treatment.** Except as expressly provided in this Section, data centers are not eligible for any County-administered tax incentive, abatement, freeze, exemption, or reduction. Standard County formulas for property taxation based on facility size, type, and improvements shall apply at full value.

2. **Prohibited Tax Tools.** The following tax tools shall NOT be available to any data center regardless of size:

    a. Property tax abatement, property tax level "freezing," or any other reduction or exclusion from the payment of full property tax assessed for the data center using standard County formulas.

    b. Special taxing districts, including but not limited to Transportation Development Districts (TDD), Neighborhood Improvement Districts (NID), Community Improvement Districts (CID), or substantially similar districts authorized under future legislation;

    c. Tax increment financing (TIF).

    d. Sales tax abatement or rebate by the County;

    e. Use tax abatement or rebate by the County.

3. **State Tax Exemption Acknowledgment.** The County acknowledges that Missouri's Data Center Sales and Utility Tax Exemption (RSMo §144.810) is a state-level program administered by the

Missouri Department of Economic Development, and that nothing in this Appendix shall be construed to prohibit a data center from claiming any state-level tax exemption for which it is eligible under state law. The County's prohibitions in L-9.2 apply only to County-administered tax tools and not to state-administered exemptions for which the State has exclusive authority.

4. **Ownership Disclosure.**

   a. **Disclosure at CUP Application.** As part of any CUP application for a Small, Medium, Large, or Hyperscale data center, the applicant shall disclose:

      i. The full legal name, jurisdiction of formation, and current good standing of the entity that will own the data center facility;

      ii. The full legal name, jurisdiction of formation, current good standing, and ownership relationship of every entity in any chain of ownership leading to the ultimate parent of the operating entity;

      iii. The identity of every individual or entity holding, directly or indirectly through any chain of holding companies, trusts, or comparable structures, a beneficial ownership interest of five percent (5%) or more in the operating entity or any parent entity in the chain;

      iv. The ultimate parent entity (the entity at the top of the ownership chain that is not itself owned or controlled by another entity) and the country of incorporation, organization, or principal place of business of the ultimate parent;

      v. Identification of every officer, director, or managing member of the operating entity and the ultimate parent entity.

   b. **Beneficial Ownership Definition.** "Beneficial ownership" shall be construed consistently with the federal Corporate Transparency Act, 31 U.S.C. §5336, and FinCEN beneficial ownership reporting rules.

   c. **Standing Disclosure Updates.** Any change in beneficial ownership of five percent (5%) or more, any change in ultimate parent, or any change in officers/directors/managing members shall be reported to the County in writing within thirty (30) calendar days of the change.

5. **Foreign Adversary Ownership Prohibition.**

   a. **Prohibition.** No data center within Camden County may be owned, in whole or in part directly or indirectly through any chain of ownership, by any of the following:

      i. Any government agency, or instrumentality of a country designated as a "foreign adversary" or "country of particular concern" by the U.S. Department of Commerce, U.S. Department of State, or U.S. Department of the Treasury at the time of CUP application

or at any time during operation. This designation currently includes the People's Republic of China (including Hong Kong), the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, and the Bolivarian Republic of Venezuela, but tracks current federal designations and is not limited to this list;

ii. Any entity owned or controlled (directly or indirectly through 5% or greater equity, voting interest, or comparable control) by any government, agency, or instrumentality identified in (i);

iii. Any individual or entity appearing on the U.S. Treasury Department Office of Foreign Assets Control (OFAC) Specially Designated Nationals (SDN) List, the Department of Commerce Bureau of Industry and Security (BIS) List, or comparable federal sanctions or restricted-party lists.

b. **CFIUS Compliance.** All applicants and operators shall certify, at CUP application and annually thereafter, full compliance with all applicable Committee of Foreign Investment in the United States (CFIUS) review requirements, including any mitigation agreements imposed by CFIUS. Operators shall notify the County in writing within thirty (30) days of: (i) initiation of any CFIUS proceeding involving the operator or its parent; (ii) any CFIUS mitigation agreement or determination, or (iii) any divestiture order issued by federal authorities.

c. **Mandatory Divestiture.** If any owner becomes subject to subsection (a) of this section (prohibitions) during operation (e.g., a country is newly designated as a foreign adversary, or an owner is newly added to a federal sanctions list), the operator shall divest the prohibited ownership within one hundred eighty (180) days. Failure to divest is an Environmental and Safety Violation under L-8.1(c) for purposes of immediate injunction and revocation.

L-10 DECOMMISSIONING AND SITE RESTORATION

1. **Decommissioning Plan Required.** Every Small, Medium, Large, and Hyperscale data center shall, as part of the CUP application and as a condition of CUP issuance, submit a written Decommissioning Plan addressing the matters in L-10.5 (Decommissioning Activities) and L-10.6 (Restoration Standards). The Decommissioning Plan shall be incorporated by reference into the Development Agreement and shall be recertified at each phase of buildout, upon any material change in facility operations or footprint, and not less than once every five (5) years for the life of the facility.

2. **Decommissioning Surety.**

   a. **Required Forms.** Each Small, Medium, Large, and Hyperscale data center shall maintain, throughout the life of the facility, decommissioning surety in BOTH of the following forms:

i. An irrevocable performance bond issued by a surety company licensed to do business in Missouri and rated A or better by A.M. Best or comparable rating agency, in an amount equal to fifty percent (50%) of the Surety Amount under L-10.3; AND

ii. An irrevocable standby letter of credit issued by a financial institution rated A or better by S&P or comparable rating agency, in an amount equal to fifty percent (50%) of the Surety Amount under L-10.3.

b. **Beneficiary.** Camden County shall be the sole beneficiary of both instruments.

c. **Continuous Maintenance.** Both instruments shall be in place prior to issuance of the CUP and shall be maintained continuously throughout the life of the facility. Lapse, expiration, downgrade of issuer below A rating, or material modification without County approval is an Operational Violation under L-8.1(b) for purposes of cure period and fines, and triggers immediate review of the CUP.

d. **Replacement.** If the issuer of either instrument is downgraded or otherwise becomes ineligible, the operator shall obtain a replacement instrument from a qualified issuer within ninety (90) calendar days.

3. **Surety Amount.**

a. **Site-Specific Cost Estimate.** The Surety Amount shall equal one hundred twenty-five percent (125%) of the engineer-certified site-specific cost estimate for full decommissioning and restoration of the facility under L-10.5 and L-10.6, with the additional 25% representing contingency for cost escalation, unforeseen conditions, and County administrative costs.

b. **Engineering Standard.** The cost estimate shall be prepared and signed by a Professional Engineer licensed in Missouri, with documented experience in industrial facility decommissioning. The estimate shall include line-item costs for: structure demolition; foundation removal; transformer and electrical equipment removal and disposal; fuel storage tank removal, cleaning, and disposal; refrigerant recovery and disposal; battery removal and disposal; cooling system drainage, decontamination, and removal; fiber and copper communications infrastructure removal; on-site stormwater and rainwater capture infrastructure removal or repurposing; soil testing and remediation if required; site grading; revegetation; and engineer's contingency.

c. **Recertification.** The cost estimate shall be recertified by a qualified Professional Engineer not less than once every five (5) years, and the Surety Amount adjusted accordingly within sixty (60) calendar days of recertification. The Surety Amount shall not decrease at recertification except by County approval based on documented reduction in facility scope or footprint.

d. **Cost Escalation Between Recertifications.** In years between recertifications, the Surety Amount shall be increased annually by the greater of (i) the Consumer Price Index for All Urban Consumers (CPI-U) annual change for the most recent calendar year, or (ii) three percent (3%).

4. **Triggers for Decommissioning Obligation.**

a. **Cessation Trigger.** The decommissioning obligation under L-10.5 is triggered upon any of the following:

i. The operator's notice to the County of intent to cease operations and decommission the facility;

ii. Cessation of substantial operational activity at the facility for a continuous period of eighteen (18) months. "Substantial operational activity" means active IT load operation at not less than ten percent (10%) of facility Peak Demand. Cessation includes but is not limited to facility shutdown, mothballing, or maintenance-only status; OR

iii. Final and non-appealable revocation of the facility's CUP under L-8.4(e).

b. **County Draw Trigger.** Camden County's right to draw on the decommissioning surety under L-10.2 is triggered upon any of the following:

i. Cessation of substantial operational activity for a continuous period of thirty-six (36) months without commencement and continuous prosecution of decommissioning activities meeting the standards of L-10.5.

ii. Bankruptcy filing by the operator or any parent entity in the chain of ownership where such filing impairs the operator's ability or obligation to perform decommissioning;

iii. Operator's express written abandonment of the facility;

iv. Failure to commence decommissioning activities within twelve (12) months of any cessation trigger under subsection (a) of this section; OR

v. Operator's failure to maintain decommissioning surety as required by L-10.2.

c. **Notice and Cure for Surety Draw.** Prior to drawing on the surety, the County shall provide thirty (30) calendar days' written notice to the operator and the issuer of each surety instrument, identifying the trigger and the actions required to avoid the draw. This notice and cure period does not apply where bankruptcy or abandonment under (b)(ii) or (b)(iii) of this section has occurred and the operator's ability to cure is in question.

5. **Decommissioning Activities.** Decommissioning shall include, at minimum, all of the following activities, performed in compliance with all applicable federal, state, and local environmental and occupational safety regulations:

   a. Safe shutdown of all IT load and supporting infrastructure;

   b. Recovery of all refrigerants in compliance with EPA Section 608 and the AIM Act;

   c. Removal and proper disposal of all batteries (UPS, energy storage, backup) per EPA universal waste rules and Missouri DNR requirements, including thermal runaway prevention during removal;

   d. Drainage, decontamination, and removal of all cooling systems, including chillers, cooling towers, dry coolers, and immersion baths;

   e. Drainage and removal of all on-site fuel storage tanks (above-ground and below-ground), including tank cleaning and disposal per EPA SPCC and NFPA 30;

   f. Removal and disposal or recycling of all transformers, switchgear, generators, and electrical equipment, including PCB testing and remediation if required;

   g. Recycling of all servers, networking equipment, storage equipment, and other electronic equipment per L-6.5 standards;

   h. Removal of all hazardous materials and waste streams per L-6.4;

   i. Removal of all stormwater and rainwater capture infrastructure, or repurposing in place if approved by the County for retained future use;

   j. Soil testing for contamination at locations identified in the Decommissioning Plan, including but not limited to former fuel storage areas, transformer pads, generator pads, and waste accumulation areas;

   k. Soil remediation if contamination is identified, to standards specified in the Development Agreement and applicable Missouri DNR rules;

   l. Removal of structures and foundations, and site grading, to the standard specified in L-10.6;

   m. Revegetation per L-10.6;

   n. Removal or repurposing of all transmission lines, fiber, and other linear infrastructure within the facility property; AND

o. Submission of a written certification of completion to the County, accompanied by the Phase II Environmental Site Assessment under L-10.7.

6. **Restoration Standards.**

   a. **Default Standard for Small, Medium, and Large Data Centers.** The restoration standard shall be specified in the Development Agreement for each facility, taking into consideration site characteristics, surrounding land uses, the County's comprehensive plan, and the operator's proposed end-state. The Development Agreement shall specify, at minimum: (i) extent of structure and foundation removal; (ii) soil restoration standards; (iii) revegetation requirements; and (iv) any post-restoration monitoring obligations.

   b. **Mandatory Greenfield Standard for Hyperscale Data Centers.** Notwithstanding subsection (a) of this section, Hyperscale data centers shall be restored to a "greenfield" standard, meaning: complete removal of all structures, foundations, and below-grade infrastructure to a depth of not less than three (3) feet below original grade or to depth of foundations, whichever is greater; removal of all paved surfaces; restoration of original site contours; replacement topsoil to a depth of not less than six (6) inches; and revegetation with native or naturalized species sufficient to establish stable plant cover within (2) growing seasons.

7. **Post-Decommissioning Environmental Site Assessment.**

   a. **Phase II ESA Required.** Following completion of decommissioning activities under L-10.5 and prior to release of the decommissioning surety, the operator shall, at the operator's expense, commission a Phase II Environmental Site Assessment of the facility site, performed by a qualified environmental consulting firm selected by the County from a list of qualified consultants.

   b. **Standard.** The Phase II ESA shall be conducted in compliance with ASTM E1903 (Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process) or its successor standard.

   c. **Scope.** The ESA shall include, at minimum: soil sampling at all areas identified in the Decommissioning Plan and any additional areas where contamination is suspected; groundwater sampling where indicated by Phase I findings; and analytical testing for petroleum hydrocarbons, PCBs, heavy metals, chlorinated solvents, PFAS, and any other contaminants identified during operations or decommissioning.

   d. **Remediation Required if Contamination Found.** If the Phase II ESA identifies contamination above applicable Missouri DNR Risk-Based Corrective Action (RBCA) standards or comparable federal standards for the proposed end use of the site, the operator shall complete remediation to applicable standards prior to release of the surety.

e. **Public Disclosure.** The Phase II ESA report shall be filed with the County and shall be available to the public on request after redaction of any genuinely confidential business information.

8. **Hyperscale-Specific Decommissioning Provisions.** In addition to all provisions in L-10.1 through L-10.7, Hyperscale data centers shall be subject to the following:

   a. **Increased Contingency.** The Surety Amount under L-10.3(a) shall be one hundred thirty-five percent (135%) of the engineer-certified site-specific cost estimate (35% contingency rather than 25%).

   b. **Greenfield Restoration Required.** Restoration shall be to the greenfield standard specified in L-10.6(b).

   c. **Third-Party Progress Monitoring.** Throughout the decommissioning process, an independent third-party monitor selected by the County and paid by the operator shall conduct periodic on-site inspections (not less than quarterly), review the operator's compliance with the Decommissioning Plan, and report findings to the County. The monitor shall have access to the site at all reasonable times and shall be empowered to identify deficiencies for County enforcement.

   d. **Phased Surety Release.** Surety shall be released in phases corresponding to verified completion of decommissioning milestones, with not less than twenty-five percent (25%) of the Surety Amount retained until final acceptance of the Phase II ESA under L-10.7 and final certification of greenfield restoration.

   e. **Transmission Corridor Restoration.** Hyperscale facilities that constructed dedicated transmission lines, substations, or fiber corridors shall include in their Decommissioning Plan provisions for removal or repurposing of those linear infrastructure components. Where utility companies retain the transmission infrastructure for grid use, the operator's obligation is satisfied by transfer to the utility; otherwise, full removal applies.

9. **County Draw and Cleanup Process.**

   a. **Authority to Draw.** Upon any trigger under L-10.4(b), the County is authorized to draw on the surety instruments under L-10.2 in any combination and amount up to the full Surety Amount.

   b. **County-Directed Decommissioning.** Following a draw, the County may directly engage contractors to perform decommissioning under L-10.5 and restoration under L-10.6, may engage a third-party administrator to manage the process, or may proceed by other means consistent with applicable law.

c. **Surplus.** If the County's draw and expenditure of surety funds, plus any third-party recoveries, exceed the cost of decommissioning and restoration, the surplus shall be returned to the operator or its successor in interest, less reasonable County administrative costs.

d. **Deficiency.** If the County's draw and expenditure are insufficient to complete the decommissioning and restoration, the deficiency shall be a lien on the property in favor of Camden County, enforceable through any lawful means including foreclosure. The operator and any successor in interest remain personally liable for the deficiency.

APPROVED AND ADOPTED this 20th day of August, 2026.

CAMDEN COUNTY, MISSOURI

Ike Skelton, Presiding Commissioner

ROWLAND A. TODD
SEAL
CLERK
COUNTY
COMMISSION
CAMDEN COUNTY, MISSOURI