

Summary
Board Bill Number 48
Alderwoman Anne Schweitzer
June 18, 2026

An ordinance entitled “Data Center Environmental Impact Monitoring”; the purpose of this ordinance is to establish a mandatory environmental monitoring and reporting program for data center buildings.

BOARD BILL NUMBER 48 INTRODUCED BY ALDERWOMAN ANNE SCHWEITZER

An ordinance entitled “Data Center Environmental Impact Monitoring”; the purpose of this ordinance is to establish a mandatory environmental monitoring and reporting program for data center buildings; containing a severability clause.

WHEREAS, the city desires to assess data centers' performance through information and transparency, in order to inform of opportunities to reduce and mitigate the environmental impact from their use to preserve the health, safety, and general welfare of the public; and

WHEREAS, the City seeks for data centers to provide information to all relevant enforcement agencies, especially but not limited to enforcing the Public Impact Agreement, Community Benefits Agreements, conditions placed on such data centers by a Conditional Use Permit, or other city law or fee; and

WHEREAS, data centers have previously been exempt from building performance monitoring requirements and the City has a timely need to understand the holistic impact of data centers on residents, infrastructure, and environmental quality.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

That by and through this ordinance entitled “Data Center Environmental Impact Monitoring”, this Board seeks to establish that verified energy consumption, water usage, e-waste generation, air emissions, noise emissions, use of generators, heat impact reports, and hazardous material management reports are required for data center buildings or similar uses within its jurisdiction, as follows:

SECTION ONE. Purpose and Policy

The purpose of this ordinance is to collect data to support enforcement, inform future policy refinement and standards that can further mitigate environmental impacts of Data Centers

1 and associated uses, and track actual energy usage and environmental impacts to understand the
2 impact Data Centers have on the health and welfare of the citizens of St. Louis and on the City's
3 adopted climate goals.

4 **SECTION TWO. Definitions**

5 Unless the context specifically indicates otherwise, the meaning of terms used in this
6 Chapter shall be as follows:

7 (a) "Air emissions reporting" means the Clean Air Act required reporting of backup or
8 emergency generators for data center buildings to the Missouri Department of Natural Resources
9 ("MoDNR").

10 (b) "Energy & Water Usage" means the total energy and water used by a property for the
11 previous calendar year and other descriptive information for such property as required by the
12 benchmarking tool. Total energy and water consumption shall not include separately metered
13 uses that are not integral to the data center building operations as an office, or retail space
14 determined by the *Commissioner*.

15 (c) "Benchmarking submission" means energy and water usage, e-waste management, air
16 emissions, noise emissions, heat impact reports, and hazardous material management reports
17 submitted to the Commissioner, on an annual basis as set forth herein, evidencing the data
18 center's compliance with the benchmark mandate and includes the required reported
19 benchmarking information for the applicable year.

20 (d) "Benchmarking tool" means the U.S. Environmental Protection Agency's ENERGY
21 STAR Portfolio Manager to measure and track energy, water, and waste use of properties. The
22 Building Commissioner can approve an alternative system or tool.

(d) “Commissioner” means the City of St. Louis Building Division Building Commissioner, or the Commissioner’s designee.

(e) “Data Center” means a facility used primarily for the storage, management, processing and transmission of digital data and that houses computer or network equipment, systems, servers, appliances and other associated components related to digital data storage, processing, and related operations. Data center uses include data storage facilities, server farms, artificial intelligence training or processing, image processing, cloud computing, email servicing and similar uses. A Data Center may be a primary or secondary use.

(f) “Data Center, Major” means a data center with a Maximum Power Demand of 30 megawatts or more.

(g) “Data Center, Micro” means a data center with a square footage less than 10,000 gross square feet and Maximum Power Demand less than 5 megawatts.

(h) “Data Center, Standard” means a data center with a square footage of more than 10,000 gross square feet or Maximum Power Demand of more than 5 megawatts but less than 30 megawatts.

(i) “Data Center PUE” means a metric of Data Center infrastructure efficiency, representing the amount of energy that is needed per unit delivered to IT equipment. It is computed as the total annual source energy divided by the annual IT source energy. It is calculated by ENERGY STAR Portfolio Manager or an alternative system or tool approved by the Commissioner.

(j) “Data Center UPS” means the amount of IT energy measured from all Uninterruptible Power Supply (UPS) Output meters at the property. An UPS Output Meter is required to be

1 created and energy input into ESPM. It is a vital measurement point used to calculate PUE and
2 monitor facility energy efficiency.

3 (k) “Renewable Energy” means energy derived from wind, solar, geothermal, or other
4 non-depleting sources of renewable energy.

5 (l) “Energy” means electricity, natural gas, fuel oil, diesel, kerosene, propane, district
6 steam, district chilled water, coal, coke, wood or other energy for the subject property
7 sold by a utility to a customer of a data center, or on-site generation, for purposes of providing
8 heating, cooling, lighting, water heating, or for powering or fueling compute systems or other
9 end-uses captured by the ENERGY STAR Portfolio Manager.

10 (m) “ENERGY STAR Portfolio Manager” means the tool developed and maintained by
11 the U.S. Environmental Protection Agency to track and assess the relative energy performance of
12 buildings nationwide. An alternative system or tool may be approved by the Commissioner.

13 (n) “E-waste” means all discarded, obsolete or end-of-life electrical and electronic
14 equipment included, but not limited to, server and compute equipment, storage systems,
15 networking equipment, power infrastructure, and cooling and supporting units.

16 (o) “Gross floor area” means the total property square footage, as measured between the
17 exterior walls of the building(s). This includes all finished areas inside the building(s) including
18 supporting areas.

19 (p) “Maximum Power Demand” means the maximum energy draw that specific facility
20 may use for critical IT and building systems and equipment, as set by a single agreement with an
21 electric service provider.

22 (q) “MoDNR” means Missouri Department of Natural Resources.

1 (r) “Office of Building Performance” is the office within the Building Division. The
2 mission of this office is to oversee the implementation, compliance and enforcement of existing
3 Building Energy Awareness ordinance (70474), the Building Energy Performance Standards
4 ordinance (71132), this and any future ordinances related to building energy performance and
5 improvement.

6 (s) “Owner” means any of the following:

- 7 1. An individual or entity possessing title to a subject property; or
- 8 2. The net lessee in the case of a property subject to a triple net lease; or
- 9 3. An agent authorized, in writing on file with the commissioner, to act on behalf of
10 any of the above.

11 (t) “Person” means any individual, partnership, co-partnership, firm, company,
12 corporation, association, joint stock company, trust, estate, governmental entity or any other
13 legal entity, or their legal representatives, agents or assignees. This definition includes all
14 federal, state or local governmental entities.

15 (u) “Reporting platform” means the specialized software platform where the owner
16 reports air emissions, noise emissions, heat impact and hazardous material management reports
17 to the Office of Building Performance. The platform is approved by the Commissioner and can
18 be changed to an alternative tool or system.

19 (v) “Site energy use intensity (EUI)” means the site energy use divided by the gross floor
20 area of the property as calculated by ENERGY STAR Portfolio Manager or an alternative system
21 or tool approved by the Commissioner.

22 (w) “Tenant” means a person occupying or holding possession of a data center, or part of
23 a data center, pursuant to a rental or lease agreement.

1 (x) “Triple Net Lease” A lease agreement on a property that designates the lessee or
2 tenant as being solely responsible for all real estate taxes, building insurance, and maintenance
3 on the property in addition to any customary fees that are expected under the lease agreement,
4 including, but not limited to, rent and utility fees or payments.

5 (y) “Water Use Effectiveness” means a metric calculated by the total volume of water
6 consumed by the total energy used by IT equipment. It measures how efficiently water is used
7 for cooling.

8 (z) “Water Use Intensity” means a metric calculated by dividing the total water consumed
9 by the building in one year by the total gross floor area of the building in gallons per square foot.
10 It is calculated by ENERGY STAR Portfolio Manager or an alternative system or tool approved
11 by the Commissioner.

12 (aa) “Weather normalized site energy” means the energy a property would have
13 consumed during 15-year average weather conditions as calculated by ENERGY STAR Portfolio
14 Manager or an alternative system or tool approved by the Commissioner. Weather normalized
15 site energy is a reporting metric that requires twelve (12) monthly energy use entries for utilities.
16 Water usage is allowed to be entered quarterly as billed in the city of St. Louis.

17 (bb) “Utility Provider” shall have the same meaning as prescribed to “Public Utility” in
18 section 67.1830(9) of the Revised Statutes of the State of Missouri.

19 (cc) “Server Room” shall mean an accessory facility with less than 1 megawatt in
20 Maximum Power Demand that supports routine functions of the primary use.

21 **SECTION THREE. Applicability**

22 This Chapter shall apply to Data Center buildings of Five Thousand (5,000) square feet or above,
23 excluding any server room incidental to the primary use of the building, within the City of St.

Louis. For the purposes of the Chapter any facility classified as a Data Center owned by the State of Missouri or by the federal government.

SECTION FOUR. Benchmarking and Benchmarking Submission Required

The following section promulgates the timeline for submission of existing and new data centers and other subject properties and additionally provides for the information required in the annual submission. Nothing in this Chapter shall be construed as to prevent an owner of a building not occupied by a data center from voluntarily submitting benchmarking information to the Commissioner in accordance with this Chapter. The Commissioner may enter into agreements with any such persons governing any such participation.

A. Submission Timeline

Every owner shall annually provide their complete benchmarking submission for each subject building on the reporting platform or as established by the Commissioner's rule, by the date specified below:

- i) The benchmarking submission is required no later than ninety (90) days from the effective date of this ordinance. Owner of existing subject property must start reporting for the calendar year 2025.
- ii) Every owner of a new subject property must start benchmarking submission beginning on the first day of operations. The benchmarking submission is due by May 1st for the previous calendar year.
- iii) Every owner must annually submit a benchmarking report by May 1st for the previous calendar year. The annual benchmarking submission shall be required even if the subject property was not in operation for the full calendar year.

- 1 iv) Where the current owner may learn that any information reported as part of a
2 benchmarking submission is inaccurate or incomplete, the information so reported
3 shall be amended in the benchmarking tool by the owner and the owner shall
4 provide an updated benchmarking submission to the Office of Building
5 Performance within thirty (30) days of learning of the inaccuracy.

6 B. Reporting Requirements

- 7 a. The annual report must contain the following information:
- 8 i. Building ID, as assigned by the Office of Building Performance;
- 9 ii. Building Address and contact information including the name, phone
10 number, email address, and mailing address of the owner or agent as
11 defined in this ordinance. For the purposes of this ordinance a Post Office
12 box shall not be an acceptable mailing address;
- 13 iii. Primary Property Type(s); and
- 14 iv. Gross Floor Area(s);
- 15 v. UPS Output Meter
- 16 vi. Output information (generated by ENERGY STAR Portfolio Manager),
17 limited to the following:
- 18 vii. Weather Normalized Site and Source Energy Use Intensity (Site EUI &
19 Source EUI);
- 20 viii. PUE;
- 21 ix. Water Use Effectiveness and Water Use Intensity;
- 22 x. Direct and Indirect Greenhouse Gas Emissions;
- 23 xi. Indoor and Outdoor Water Use;

1 xii. Data Accuracy.

2 b. Energy consumption, water usage and e-waste generation shall be input monthly
3 to the reporting platform.

4 i. Owners of subject properties must furnish to the Office of Building
5 Performance annually documentation of an active contract with a certified
6 e-water recycling company.

7 c. A copy of all air emission reports, containing backup and emergency generators
8 use and testing, submitted to MoDNR for the previous calendar year shall be
9 submitted on the reporting platform. For Backup Generators Certificates of
10 Conformity demonstrating Tier 4 / NSPS Subpart IIII requirements (if diesel), or
11 the equivalent level of certification (if not diesel), of all equipment shall be
12 provided to the Office of Building Performance annually prior to any testing for
13 said calendar year.

14 d. Copy of EPCRA Tier II report submissions for hazardous material storage of
15 diesel fuel and lead-acid batteries classified as hazardous, submitted to the State
16 Emergency Response Commission for the previous calendar year.

17 e. Maximum Power Demand. The data center owner is responsible for reporting
18 their maximum power demand to the Office of Building Performance within
19 thirty (30) days after an agreement with the electric service provider is valid. The
20 owner must notify the Office of Building Performance of any changes within
21 thirty (30) days of the change.

22 C. Reporting Extensions and Exemptions

1 Any exemption granted shall be limited to the benchmarking submission for which the
2 request was made and shall not extend to past or future submittals. Any owner requesting
3 such an extension or exemption shall provide the Commissioner any and all documentation
4 requested to substantiate the request or otherwise assist the Commissioner in the extension or
5 exemption determination.

6 a. The Commissioner may grant an extension of the benchmarking submission date
7 to the owner of a data center that submits a request, together with documentation,
8 in a form prescribed by the Commissioner's rule, at least thirty (30) days prior to
9 any benchmarking submission deadline. Any extension granted shall be limited to
10 the benchmarking submission for which the request was made and shall not
11 extend to past or future submittals.

12 b. The Commissioner may grant an exemption of the benchmarking submission
13 requirement to the owner of a data center that submits a request, together with
14 documentation, in a form prescribed by the Commissioner's rule least thirty (30)
15 days prior to any benchmarking submission deadline, establishing any of the
16 following criteria:

17 i. A demolition permit was issued during the prior calendar year, provided
18 that demolition work has commenced and energy-related systems have
19 been significantly compromised.

20 **SECTION FIVE. Mandatory Data Verification**

21 The third-party verification from a qualified verifier (Data Verifier) is required to validate
22 the reported Benchmarking submission data to determine compliance.

1 (a) Data Verification reporting deadline is June 1st for the previous calendar year, one (1)
2 month after the May 1st deadline for the benchmarking report submission. Data Verification may
3 be submitted at the same time as the annual benchmarking report.

4 (b) Data Verification is mandatory for each calendar year of benchmarking energy, water
5 usage and all waste disposal, including e-waste.

6 (c) Data Verifier must be a third-party. Data Verifier cannot be a building owner or
7 employee of the building owner. Data Verifier cannot be the building owner's designee
8 (Benchmarking services company), or an employee of that designee, who prepared or submitted
9 information in ESPM for that particular year needing to be verified.

10 (d) The Office of Building Performance shall establish a data verification procedure and
11 publish it on the city's website.

12 **SECTION FOUR. Transparency and Publishing data center information**

13 In order for the city to achieve transparency the Building Division commits to the following
14 reporting requirements and transparency measures.

15 A. Annual Report: By December 31st, a summary report of the previous calendar year on
16 the benchmarking of data centers, summary energy and water consumption, waste and
17 noise generation, statistics and trends observed, including an assessment of changes
18 across the data center portfolio over time, if applicable. The commissioner's summary
19 report, mandated by this subsection, will include a data center's metrics, which could be
20 PUE or any other metrics.

21 B. Violation Reporting: The Commissioner upon verifying the initial findings of a data
22 center violation shall within forty-eight (48) hours post to the city's website a preliminary
23 report, to contain the following information:

- a. The alleged violation;
- b. Investigation or Enforcement Status;
- c. Appeals Process;
- d. Other information deemed necessary or otherwise relevant by the Commissioner.

C. All reported benchmarking information and reports on a data center obtained from any benchmarking submittal, shall be available to the public, without restriction, unless the owner specifically requests confidentiality and is able to demonstrate to the satisfaction of the Commissioner that the release of such information would divulge confidential information that is otherwise protected from disclosure by law. Any such request shall state, with specificity, the source of law giving rise to the purported disclosure protection.

D. The city may provide non-anonymized data from benchmarking submissions to any utility provider serving a covered building or to any federal, state, or city-managed energy efficiency program.

E. The city may disclose non-anonymized data from benchmarking submissions to a third party for academic or other non-commercial research purposes.

F. The city may publish non-anonymized data from benchmarking submissions for academic or other research purposes.

SECTION SIX. Maintenance of Records

(a) Owners of the data center shall maintain all records that are necessary for demonstrating compliance with this article, including but not limited to, the energy, water bills, waste records, noise, heat monitoring and any reports or forms received from tenants, utilities, or state and federal agencies. All such records shall be preserved for a period of four

1 years from the applicable submission date. At the request of the Commissioner, such
2 records shall be made available for inspection and audit by the Commissioner.

3 (b) When a data center changes ownership, the previous owner shall provide the new owner
4 all information for the months of the calendar year being benchmarked during the time
5 the previous owner was still in possession of the property. If the previous owner fails to
6 provide all necessary information and documents, they are subject to penalties by the
7 Commissioner.

8 **SECTION SEVEN. Noise Monitoring requirements** (Use from Data Centers Resolution draft)

9 (a) Not be issued a nuisance letter by the Health Commissioner, and shall maintain compliance
10 with the City noise ordinance 68130 (Chapter 15.51 of the City's Revised Code of Ordinances),

11 (b) Standard Data Centers and Major Data Centers shall annually provide to the Health
12 Commissioner a third-party report, created by an entity acceptable to the Commissioner, of noise
13 emissions including baseline dBA, dBC, nighttime hours, daytime hours, and during backup
14 generation use to verify compliance with relevant standards. The first annual report shall occur
15 within thirty (30) days of the commencement of operation. Readings should be taken at the
16 parcel line of all joining parcels or parcels directly across a street or alley from the parcel
17 containing the data center. The report shall include levels of low-frequency sounds emanating
18 from the site.

19 (c) Failure to comply with these requirements could risk revocation of an occupancy permit.

20 (d) Owners may apply for a variance is baseline measurements, as measured from the parcel line,
21 are out of compliance with relevant ordinances. And shall work with the Office of Building
22 Performance and Health Department to show appropriate documentation and cause necessitating
23 a variance.

1 **SECTION EIGHT. Violations and Enforcement**

2 Any person who fails to comply with any benchmarking information submittal
3 requirement mandated by this Chapter or misrepresents any material fact in a document or report
4 prepared as required by this Chapter shall result in the following:

5 (1) A written warning shall be issued by the Commissioner to any owner who fails to submit any
6 required reports. Such warning letter shall be effective on the date of issuance and shall be
7 mailed to the owner's last known address as determined by city record. It is the Owner's, or
8 previous Owner's responsibility to notify the Commissioner of change of address and/or change
9 of ownership.

10 (2) In the event required reporting is not completed within sixty (60) days of the date the written
11 warning is issued, said failure shall constitute an offense and shall be punishable, upon
12 conviction, a fine not less than one dollar nor more than five hundred dollars. Each day failure to
13 report continues shall constitute a separate offense.

14 (3) Additional available remedies. If any person violates the provisions of this article, the City
15 Counselor's Office may initiate an action for legal or equitable relief in any court with
16 appropriate jurisdiction. A petition for legal or equitable relief shall not be a bar against, or a
17 prerequisite for, taking any other action against any person.

18 (4) Nonexclusively. The remedies provided for in this article are not exclusive. The
19 Commissioner may take any, all, or combination of these actions, or any other action available at
20 law, against any person.

21 **SECTION NINE. Rules**

22 The Commissioner may promulgate such rules as are necessary to carry out the provisions of this
23 Chapter.

1 **SECTION TEN. Severability.**

2 If any section, subsection, sentence, clause, phrase or other portion of this article is for any
3 reason declared unconstitutional or invalid, in whole or in part, by any court of competent
4 jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity
5 shall not affect the validity of the remaining portions of this article, which remaining portions
6 shall continue in full force and effect.