SOUTHERN ENVIRONMENTAL LAW CENTER

525 East Bay Street, Suite 200
Charleston, SC 29403

Telephone 843-720-5270
Facsimile 843-414-7039

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VIA E-MAIL

Colleton County Zoning Board of Appeals
Planning and Development Department
31 Klein Street, Harrelson Building, Rm. 300
P.O. Box 98
Walterboro, SC 29488
planning@colletoncounty.org

Re: Proposed Data Center Campus in Colleton County – Special Exception Case No. SE-2025-139[1]

Dear Colleton County Zoning Board of Appeals Members and Planning and Development Department:

The Southern Environmental Law Center—on behalf of itself, the Carolina Ocean Alliance, the Charleston Climate Coalition, Friends of Coastal South Carolina, Friends of the Edisto/Edisto Riverkeeper, the League of Women Voters of South Carolina, the M.A.R.S.H. Project, the South Carolina Coastal Conservation League, the South Carolina Wildlife Federation, the Southern Alliance for Clean Energy, and the South Carolina Small Business Chamber of Commerce—submits these comments in opposition to the data center campus proposed in Colleton County at 0 Cooks Hill Rd. and, specifically, to the requested Special Exception for the data center campus (Case No. SE-2025-139). As detailed below, this rural tract of land—located in the cherished ACE Basin, one of the largest undeveloped estuaries on the east coast—is an inappropriate location for a massive data center complex that will disrupt local communities and harm the local environment. Colleton County also cannot lawfully grant the requested special exception.

1. Data Centers Do Not Belong in the ACE Basin.

The 1.7-million-acre ACE Basin watershed, positioned around the Ashepoo, Combahee, and Edisto rivers, is one of the largest areas of undeveloped wetlands and uplands ecosystems

[1] All resources cited in this letter—with the exception of *The Trump Administration's Data Center Push Could Open The Door For New Forever Chemicals* by Molly Taft, *infra* note 4, which could not be converted to a PDF format—can be found in this Sharefile folder: https://southernenvironment.sharefile.com/f/fo002a1c-755c-45c5-98b4-1db504625a7c. This folder has been shared with planning@colletoncounty.org. If you would like the digital folder to be shared with additional email addresses, please send an email with your request to mhuck@selc.org.

remaining on the Atlantic Coast.[2] The ACE Basin is recognized by the U.S. Fish and Wildlife Service and South Carolina Department of Natural Resources as a priority focus area for diverse ecosystems and a wealth of wildlife and is home, not only to many threatened and endangered wildlife species, but also to cultural and archaeological resources important to South Carolina's history.[3] The ACE Basin Task Force—a collaboration of private landowners, conservation organizations, and federal and state entities—has forever protected over 300,000 acres of public and private land in the area.[4]

In South Carolina, there is significant support for and belief in the proposition that not every square inch and not all parts of our state should be developed or industrialized. There are certain areas of South Carolina, including the ACE Basin, that are so ecologically, historically, and culturally important that they must be protected against incompatible land use in order to preserve our state's natural heritage and identity. Unfortunately, this incredible part of South Carolina's natural heritage does remain vulnerable to the adverse impacts of incompatible land use that threaten to degrade the fragile wildlife and water resources in the area. As of recently, these incompatible land uses include data centers and associated industrial infrastructure.

Data centers have exploded across the country in recent years—particularly in the Southeast. These facilities house computer systems, typically provide few permanent jobs for community members, use immense amounts of energy and water, and even the more efficient water-cooling systems adversely impact water quality. The facilities may also use harmful chemicals such as per- and poly-fluoroalkyl (PFAS) substances, degrade local air quality through the use of onsite generators, and contribute to noise pollution in communities.[5]

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[2] Lowcountry Land Trust, *The Ebb & Flow Blog – Conservation Focus Area: The ACE Basin* (Apr. 10, 2023), https://lowcountrylandtrust.org/land-conservation/conservation-focus-area-the-ace-basin/ [https://perma.cc/QM49-R8LQ] (hereinafter Ebb & Flow Blog).

[3] *Id.*; *see also* S.C. Dep't of Nat. Resources, *Characterization of the Ashepoo-Combahee-Edisto (ACE) Basin, South Carolina*, https://www.dnr.sc.gov/marine/mrri/acechar/index.html [https://perma.cc/N3K7-HGTZ]; The Nature Conservancy, *Protected, Connected Lands in the ACE Basin*, https://www.nature.org/en-us/get-involved/how-to-help/places-we-protect/ace-basin/ [https://perma.cc/V7CF-Z2LH].

[4] Ebb & Flow Blog, *supra* note 2.

[5] *See* Martin C. Offutt & Ling Zhu, CRS, *Data Centers and Their Energy Consumption: Frequently Asked Questions* (Aug. 26, 2025), available at https://www.congress.gov/crs_external_products/R/PDF/R48646/R48646.1.pdf; "Data Centers and the Power System," NESCOE (June 25, 2024), available at https://nescoe.com/resource-center/data-centers-primer/ [https://perma.cc/UX6S-FFKY]; Environmental and Energy Study Institute, *Data Centers and Water Consumption* (June 25, 2025), https://www.eesi.org/articles/view/data-centers-and-water-consumption [https://perma.cc/SCF9-2V2J]; Chemours, *Fluorinated Gases Enable the Digital Transformation*, https://www.chemours.com/en/pfas-advocacy/data-centers; Molly Taft, GRIST, *The Trump Administration's Data Center Push Could Open The Door For New Forever Chemicals* (Dec. 7, 2025), https://grist.org/accountability/the-trump-administrations-data-center-push-could-open-the-door-for-new-forever-chemicals/ [https://perma.cc/5WQ5-9PRA]; Christopher Tozzi, DATA CENTER KNOWLEDGE, *4 Strategies for Eliminating Data Center Water Pollution* (Nov. 11, 2025),

The impacts from data centers do not stop at the facilities themselves, though. Across the South, electric utilities are pursuing a massive expansion of new gas pipelines and gas plants in order to power data centers. Indeed, in our own state not far from this proposed data center, Santee Cooper and Dominion Energy are proposing a 2,200-MW gas plant and 70-mile gas pipeline to serve growing energy demand from data centers, with Santee Cooper acknowledging that nearly 70 percent of its expected load growth is from data centers.[6]

All of this is culminating into a significant threat to the ACE Basin—a gas plant, a gas pipeline, a major data center campus, a substation, and anticipated and proposed future industrialization in this cherished and irreplaceable ecosystem in our state.

Indeed, data centers can rapidly transform the character of rural communities by opening the door to escalating industrialization. Take Virginia as an example. As of 2024, Virginia is now home to over 300 data centers, totaling 63 million square feet of data center space across 7,200 acres of land.[7] Moreover, the impact of a data center does not end at the facility itself: it also includes the significant energy infrastructure that is often necessitated by these campuses. Here, for example, the campus includes a proposed "substation area" suggesting that, in addition to the 9 data center buildings and additional impervious surface across the area, there will be a new substation constructed on this tract—adding to the industrialization of this area.

While data centers may be appropriate in some areas, they are certainly not appropriate everywhere. The ACE Basin is one of these inappropriate places. Colleton County cannot approve this industrial facility in one of the most cherished and remarkable parts of our state.

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https://www.datacenterknowledge.com/sustainability/4-strategies-for-eliminating-data-center-water-pollution; Azarifar, et al., *Liquid Cooling of Data Centers: A Necessity Facing Challenges*, Applied Thermal Engineering Vol. 247 (June 15, 2024), https://www.sciencedirect.com/science/article/abs/pii/S1359431124007804; Grand View Research, *Data Center Generator Market (2023-2030)*, https://www.grandviewresearch.com/industry-analysis/data-center-generators-market; Wilson, et al., *Grid Strategies: Power Demand Forecasts Revised Up for Third Year Running, Led by Data Centers* (Nov. 2025), https://gridstrategiesllc.com/wp-content/uploads/Grid-Strategies-National-Load-Growth-Report-2025.pdf [https://perma.cc/Y748-MKG3].

[6] Transcript at 7, South Carolina Joint Bond Review Committee Meeting (Dec. 2, 2025), available at https://www.hannah-sc.com/ShowDocument.aspx?PressReleaseID=1959 [https://perma.cc/8NPW-V2ZK]; *see also* David Wren, *One SC Industry's Insatiable Power Demand Is Driving Energy Investments, Higher Bills*, POST & COURIER (Dec. 1, 2024) ("[D]ata centers will account for between 65 percent and 70 percent of all new energy usage in the state."), available at https://www.postandcourier.com/business/google-data-centers-dominion-energy-dorchester-electricity/article_2ddaef4e-acd0-11ef-a79a-576ade6f3d67.html [https://perma.cc/G9PK-VM98].

[7] Virginia Joint Legislative Audit and Review Commission Report to the Governor and the General Assembly of Virginia, *Data Centers in Virginia* (2024), at 5, available at https://jlarc.virginia.gov/pdfs/reports/Rpt598.pdf [https://perma.cc/AC74-QZYJ].

2. The Zoning Board of Appeals Cannot Legally Approve the Proposed Data Center as a Special Exception.

Colleton County's zoning code is clear—special exceptions are *not* allowed by-right. They are not even allowed if an applicant commits to obeying particular conditions.[8] Rather, special exceptions are subject to the code's strictest level of scrutiny—they are only allowed if they satisfy specific criteria *and* specified conditions. The proposed data center satisfies neither the law's criteria nor its specified conditions; thus, the Zoning Board of Appeals (ZBA) must reject it.

Special exceptions represent a category of activities that must be carefully sited to avoid the sometimes objectionable location and concentration of such activities. Because of the heightened scrutiny necessary to responsibly site these types of land uses, the ZBA may only approve a proposed special exception if the activity satisfies the following conditions, amongst others:

1. The proposed use is consistent with the recommendations contained in the county comprehensive plan and the character "description" of the underlying zoning district;
2. The proposed use is compatible with existing uses in the vicinity;
3. The proposed use will not adversely affect the general welfare or character of the immediate community;
4. Adequate provision is made for such items as: setbacks, buffering to protect adjacent properties from any potential adverse nuisances, such as noise, vibration, dust, glare, odor, traffic congestion and others; and
5. The property will be developed in a way that will preserve and incorporate any important natural features.[9]

As provided in Sections A-D below, the proposed data center campus fails to meet these mandatory conditions because it is—on its face—inconsistent and incompatible with the underlying zoning district and existing uses in the vicinity. Further, community welfare will undoubtedly be degraded by the massive proposed data center campus, and existing important natural features will be destroyed.

Further, Colleton County zoning code mandates that the activity satisfy the following conditions:

1. Principal buildings shall not exceed 75 feet in height;
2. The property must have setbacks of at least 200 feet;
3. The property must have 150-foot-wide forested buffer to provide 100% opacity from surrounding thoroughfares and adjoining properties;
4. All air conditioning units and HVAC systems must be thoroughly screened from view from public rights-of-way and adjacent properties;

[8] i.e. a conditional use, subject to COLLETON CNTY., S.C., tit. 14, art. 14.08-3 (2022).
[9] COLLETON CNTY., S.C., art. 14.08-7.050 (2022).

5. All outdoor lighting must be downcast and arranged to prevent light trespass onto adjacent properties;
6. Sound levels shall not exceed 65 decibels, except during emergency generator testing, which shall be limited to once per week, conducted only on weekdays between 11:00 AM and 1:00 PM; and
7. Cryptocurrency processing is not allowed.[10]

As described in Section E below, neither the public nor the ZBA has any evidence to show that the proposed data center campus will satisfy these requirements aside from bare allegations regarding only *some* of the conditions, provided by the applicant on a single-page worksheet.[11] This is not adequate to assure anyone that the campus will meet the necessary conditions, and, even in the one-page sheet, the applicant misstates one of the few mentioned conditions,[12] showing a lack of understanding of and commitment to the requirements imposed by the County's zoning code. The ZBA cannot approve a proposed special exception that does not demonstrate that it will satisfy this section of the law.

A. The ZBA Must Reject the Proposed Data Center Campus Because It Is Not Consistent with the County Comprehensive Plan's Recommendations or the District's Character Description.

The ZBA cannot approve a special exception unless it finds that the proposed land use satisfies the conditions laid out in the zoning code's special exceptions section, listed *supra* p. 4.[13] Because the data center does not satisfy these conditions, the ZBA must deny its application.

First, the proposed data center is not "consistent with the recommendations contained in the county comprehensive plan and the character 'description' of the underlying zoning district."[14] As for the character description of the zoning district, the area at issue is zoned as Rural Development-2 (RD-2). The zoning code describes RD-2 as "very rural in nature . . . allow[ing] for agricultural uses, rural residential development, and low intensity supporting uses."[15] The Comprehensive Plan describes this area as "countryside," which is meant to "[p]romote residential uses at low densities to protect areas adjacent to farmland/cropland/agricultural uses."[16] The description goes on to state that the preferred character of the area is: "Active farmland/cropland; Large tracts for forestry operations; Low density residential; Limited commercial at crossroads;

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[10] COLLETON CNTY., S.C., ORDINANCE 25-O-10 (2025).
[11] Special Exception Application Packet.
[12] *Id*. (stating that "[t]he site will maintain a minimum of 100' natural buffer" when the requirement is a 150-foot-wide forested buffer that provides 100% opacity, *see* COLLETON CNTY., S.C., ORDINANCE 25-O-10 (2025)).
[13] COLLETON CNTY., S.C., art. 14.08-7.050 (2022).
[14] *Id*.
[15] COLLETON CNTY., S.C., art. 14.08-2.060(A) (2022).
[16] Colleton County Comprehensive Plan at 132.

[and] Churches and civic uses."[17] Development density is described as: "Large tracts of farmland; Single family residential on large tracts of land; 1 dwelling unit per acre allowed, but not encouraged; Limited commercial at crossroads."[18] The description emphasizes three separate times on the same page that commercial developments should be "limited" and located at crossroads.[19]

A 900-acre data center campus is incompatible with this description on its face. Of course, a data center is not a "farmland/cropland/agricultural use," "rural residential development," or a "low intensity supporting use," which are the allowed uses in this district. The "limited" commercial use which may be permitted in RD-2 is meant to be located at crossroads, but (if a data center campus can even be considered "commercial" in the first place) the vast majority of the proposed data center campus is far from crossroads and deep in forested agricultural lands. Currently, the site is a timber farm—one of the condoned uses of the area. Allowing almost 900 acres of predominately natural space that is surrounded by numerous parcels of conserved land[20]—another land use listed for the district—to be converted into a highly resource-intensive industrial behemoth flies in the face of the zoning code and its goal of preserving rural areas. It cannot be allowed by the ZBA.

Similarly, the proposal is inconsistent with the "recommendations contained in the county comprehensive plan," as set out in the County Comprehensive Plan's "Comprehensive Plan Vision," which is that:

> Colleton County recognizes its unique position as a well-established community with an abundant and thriving agricultural and estuarine environment that is vulnerable to the rapid urbanization occurring in adjacent counties, potentially challenging the County's traditional quality of life. The County desires to facilitate a future growth pattern that is focused around its municipalities where urban services are available, encouraging very low density land usage in areas outside of its municipalities in order to enhance and protect the County's significant natural resources, rural way of life, and economic development opportunities. The County will invest its resources in a manner that supports a focused development pattern around its municipalities, creating high-impact job opportunities and a healthy living environment to meet the current and future needs of its residents.[21]

The proposed data center is not aligned with this vision. First, it sites an almost 900-acre industrial campus in a "very rural" part of the County—not a "municipalit[y] where urban services

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[17] *Id*.
[18] *Id*. (the description also states that "Water and Sewer are not readily available.").
[19] Colleton County Comprehensive Plan at 132.
[20] Proposed ACE Basin Data Center Map (showing large amounts of conserved properties in the surrounding community).
[21] *Id*. at 7.

are available." Most notably, the data center campus will likely not be able to hook into municipal water services, meaning it will need to draw significant water reserves from underground aquifers, discussed below.

Second, data centers are incredibly resource intensive, and the proposed project may impose a significant drain on the County's natural resources, especially its water. The computer systems inside data centers need to be cooled to function properly. To do this, many data centers use an approach called evaporative cooling, which requires a significant amount of clean, potable water. A large 50 MW data center can use more than 530 million gallons of water a year—that's enough to fill 804 Olympic-size swimming pools.[22] In comparison, the entire City of Walterboro water system serves 11,000 people and uses approximately 657 million gallons of water a year.[23] The application contains no mention of where the massive campus will source its water from, nor how much water it is expected to use, and the City of Walterboro has not been contacted in any regard in relation to this proposal.[24] This suggests that the data center campus will draw on underground water reserves, which could cause many untold harmful impacts, including draining water reserves currently being used by County residents for domestic and agricultural purposes.[25]

Because the applicant has submitted zero information regarding its water usage, important questions remain unanswered such as: How much water will the site use daily and at peak? Where will the campus get its water from? Will it strain residential water supply, impact private wells, or impact other customers' water bills in Walterboro? What is the wastewater treatment plan? The ZBA cannot assess whether the special exception is "consistent with the recommendations contained in the county comprehensive plan" without knowing the answers to these questions and, consequently, cannot approve this application.

Third, despite the applicant's claims that the project will bring up to 1,500 jobs to the County, data center job creation is frequently described as a "boom-and-bust" phenomenon because they create few long-lasting jobs in relation to the massive footprint they occupy. Notably, the application admits that 1,000 of its claimed jobs will be temporary construction jobs. The

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[22]Arman Shehabi, et al., *2024 United States Data Center Energy Usage Report*, BERKLEY LAB: ENERGY ANALYSIS & ENVIRONMENTAL IMPACTS DIVISION (Dec. 2024), at 47, available at https://escholarship.org/uc/item/32d6m0d1 [https://perma.cc/G367-SVUH] (calculated water use for a 50 MW data center using the median water use efficiency metric of 0.32 liters per kilowatt hour reported for hyperscale data centers in the United States).

[23]Colleton County Comprehensive Plan at 47.

[24]Email from City of Walterboro City Manager (Dec. 12, 2025).

[25] Less water intensive cooling systems also raise concerns that require careful review, such as the sourcing of water for the initial filling of a closed loop system and wastewater treatment and disposal for periods of maintenance or routine discharge. Indirect water consumption is also a concern. A recent report estimates that the indirect water consumption footprint (from electricity use) of data centers in the United States was roughly 211 billion gallons (800 billion liters) in 2023. Arman Shehabi, et al., *2024 United States Data Center Energy Usage Report*, BERKLEY LAB: ENERGY ANALYSIS & ENVIRONMENTAL IMPACTS DIVISION (Dec. 2024), at 57, available at https://escholarship.org/uc/item/32d6m0d1 [https://perma.cc/G367-SVUH].

remaining 500 claimed jobs are likely an overstatement and not supported by any documentation, including pointing to similarly sized facilities that have created 500 permanent jobs. It is particularly important that the applicant provide evidence supporting its job projections given that the Comprehensive Plan recommends that "[t]he County . . . invest its resources in a manner that supports a focused development pattern around its municipalities, ***creating high-impact job opportunities*** and a healthy living environment to meet the current and future needs of its residents."[26] Without this evidence, the ZBA cannot reasonably find that the proposal is "consistent with the recommendations contained in the county comprehensive plan."[27]

B. The ZBA Must Reject the Proposed Data Center Campus Because It Not Compatible with Existing Uses in the Vicinity and Will Adversely Affect the General Welfare and Character of the Immediate Community.

In addition to the requirements discussed above, in order to approve a special exception, Colleton County zoning code requires the ZBA to determine that the proposed special exception is (1) compatible with existing uses in the vicinity and (2) will not adversely affect the general welfare or character of the immediate community.[28] The proposed data center campus cannot satisfy these requirements.

The existing uses in the vicinity of the data center are agriculture and multiple properties which are permanently protected by conservation easement, including Bonnie Doone, Ravenwood Plantation, Remley Point, Prospect Hill Farm, and Horseshoe Tract. The character of the community is consequently very rural, agricultural, and, in some places, wild. Currently, the tract is used as rural timberland, offering natural resources to the surrounding community and wildlife. It blends into the surrounding area well.

The applicant's proposal to convert this natural area into a data center campus would introduce a polluting industrial use on a massive scale into this area, transmuting its rural character into something more akin to an airport or strip industrial development and threatening to open up this area to more and more industrial development. There is no doubt that such a change in land use will adversely affect the welfare and character of the surrounding community. As mentioned, data centers can use massive amounts of water and electricity and even the more efficient data centers can contribute to water quality degradation. One large data center can use 100 MW of power, which is roughly equivalent to the annual energy used by nearly 80,000 homes.[29] While the application does not make clear what the size of its proposed data centers are, a map included in its application has "111 MVA" written on each of the 9 proposed buildings.[30] If MVA in this context

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[26]Colleton County Comprehensive Plan at 7 (emphasis added).
[27] *Id*.
[28] COLLETON CNTY., S.C., art. 14.08-7.050 (2022).
[29]"Data Centers and the Power System," NESCOE (June 25, 2024) at 3, 12, available at https://nescoe.com/resource-center/data-centers-primer/ [https://perma.cc/UX6S-FFKY].
[30]Special Exception Application Map.

stands for Mega Volt Amps, which can be roughly equivalent to MW, the applicant might be proposing an almost 1,000 MW campus.[31] A 1,000 MW campus could use the equivalent to the annual energy used by nearly 800,000 homes.[32] The entire population of Colleton County is less than 40,000 people[33] (with far fewer households). It is deeply troubling that we don't know the answer to this question regarding energy use.

This lack of information points to other important questions that remain unanswered including: How much electricity will this data center complex require? Where will that electricity come from? Will it require new infrastructure? Where will transmission be located? Who pays for that infrastructure? The answers to each of these questions is necessary before the ZBA can determine whether the proposal will not adversely affect the general welfare and character of the surrounding community.

The fact alone that the applicant has not presented this information should be enough to convince the ZBA to reject this application, but, even with the information available, it appears that this proposed data center campus will be a giant drain on local infrastructure, necessitating the construction of at least one known substation and potentially more energy infrastructure in the future.[34] Relatedly, the County zoning code provides that approved data centers can generate electricity using onsite gas generation,[35] meaning the applicant could build an unknown number of generators in the community that create air pollution and can be noisy—clear adverse effects on the general welfare of the immediate community.

Beyond the unanswered energy consumption questions, as mentioned previously, the data center campus may require significant water resources. A large 50 MW data center can use more than 530 million gallons of water a year.[36] With no servicing water utility, the data center campus

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[31] Other sources online suggest that in certain contexts, MVA to MW can equate to a 35% difference. In that case, this would still be a huge facility at roughly 650 MW, possibly tying it the fourth largest data center campuses in the country. *See* K. Vaishnavi Srivalli, *Top 10 Largest Data Centers In The US (2025)*, BLACKRIDGE RESEARCH & CONSULTING (Nov. 18, 2025), available at https://www.blackridgeresearch.com/blog/largest-top-biggest-data-centers-in-united-states-list [https://perma.cc/B8H6-U26M].

[32] "Data Centers and the Power System," NESCOE (June 25, 2024) at 3, 12, available at https://nescoe.com/resource-center/data-centers-primer/ [https://perma.cc/UX6S-FFKY].

[33] S.C. Counties, *Colleton County*, available at https://www.sccounties.org/sites/default/files/uploads/resources/colleton_0.pdf [https://perma.cc/8B97-G8UX].

[34] David Wren, *One SC Industry's Insatiable Power Demand Is Driving Energy Investments, Higher Bills*, POST & COURIER (Dec. 1, 2024) ("[D]ata centers will account for between 65 percent and 70 percent of all new energy usage in the state."), available at https://www.postandcourier.com/business/google-data-centers-dominion-energy-dorchester-electricity/article_2ddaef4e-acd0-11ef-a79a-576ade6f3d67.html [https://perma.cc/G9PK-VM98].

[35] COLLETON CNTY., S.C., ORDINANCE 25-O-10 (2025).

[36] Arman Shehabi, et al., *2024 United States Data Center Energy Usage Report*, BERKLEY LAB: ENERGY ANALYSIS & ENVIRONMENTAL IMPACTS DIVISION (Dec. 2024), at 47, available at https://escholarship.org/uc/item/32d6m0d1 [https://perma.cc/G367-SVUH]. Further, if this data center

may need to drill into local aquifers, possibly taking needed resources from its neighbors and surrounding community—another clear adverse effect on the general welfare of the immediate community. Moreover and further underscoring the important unanswered questions here, some data centers that have more efficient water use systems have *greater* water quality impacts due to their use of per- and poly-fluoroalkyl (PFAS) technologies.[37] Will this campus use PFAS? If so, will there be PFAS in wastewater discharges from the facility? If so, will those discharges threaten local drinking water sources? These are critically important questions to answer before this campus can be authorized by the ZBA under its ordinance.

For these reasons, it is impossible to conclude that placing a data center campus in the middle of this rural, largely preserved area is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community.[38] Consequently, the ZBA must reject the application for a special exception.

C. The ZBA Must Reject the Proposed Data Center Campus Because There Is No Assurance that Adequate Provision Will Be Made to Protect Adjacent Properties from Adverse Nuisances.

Colleton County zoning code requires that the ZBA conclude that, before approving a special exception, there is adequate provision for "setbacks [and] buffering to protect adjacent properties from any potential adverse nuisances, such as noise, vibration, dust, glare, odor, traffic congestion and others."[39] Again, the application contains virtually no information on the topic, except to claim in a conclusory manner that it will maintain "a minimum of 100' natural buffer"[40] (which, notably, violates the code's buffer conditions, discussed below, *infra* p. 11).

The applicant also claims that "[t]he proposed development will not have nuisances such as vibration, dust, glare, or odor."[41] While the long-term operation of a data center campus may not create these nuisances, the construction of it certainly will, yet, instead of describing plans to minimize or eliminate these nuisances, the applicant claims they do not exist. The applicant states that 47% of the site—meaning more than 400 acres—will be disturbed by the site's development.[42] That is a massive project that will generate waste, may involve significant tree clearing, will involve heavy machinery and trucking, and construction on a major scale and on an unknown timetable. The lack of provision for these adverse nuisances fails to satisfy the zoning code and lends an additional reason for the ZBA to reject this ill-conceived proposal.

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campus does have a capacity closer to 1,000 MW, that could mean 10.6 billion gallons of water a year, which is more than 16 times the annual use of the entire City of Walterboro. *See* Colleton County Comprehensive Plan at 47.

[37] Chemours & Taft, *supra* note 5.

[38] COLLETON CNTY., S.C., art. 14.08-7.050 (2022).

[39] *Id*.

[40] Special Exception Application Packet.

[41] *Id*.

[42] *Id*. ("53% of site is to remain undisturbed . . . .").

D. The ZBA Must Reject the Proposed Data Center Campus Because the Property Will Not Be Developed in a Way That Preserves and Incorporates Important Natural Features.[43]

The ZBA must reject the proposed data center for the additional and separate reason that the property will not be developed in a way that will preserve and incorporate the area's important natural features.[44] As mentioned, the proposed tract of land consists of undeveloped timberland. It also includes over 230 acres of wetlands, compromising more than a quarter of the property.

The application states that 47% of the property—meaning about 400 acres—will be disturbed by development. In line with the general lack of information present in the application, it is unclear exactly what kinds of disturbances are planned, but the applicant does state an expected 1.5 acres of wetlands fill. Notably, though, this appears to only reference permanent fill of wetlands and *not* the degrading impacts on surrounding wetlands with impervious surfaces and development. Indeed, it appears there will be road development in and adjacent to wetlands.[45] Additionally, considering the plot's current state as timberland, it is likely safe to assume that large areas of the tract will be cleared, graded, and replaced with structures and impervious surfaces.

As it exists now, the land is surrounded by parcels of permanently protected property. This creates a mostly uninterrupted habitat for ACE Basin wildlife, likely including threatened and endangered species. The forest, wetlands, and wildlife are all "important natural features" that the zoning code mandates must be "preserved and incorporated."[46] Without more information on the applicant's development plans—including how much clearing will take place and what and how many species, including state and federal threatened and endangered species, will be impacted—the ZBA cannot rationally conclude that disturbing 400 acres of natural land to build this massive data center campus will "preserve and incorporate" the parcel's "important natural features."

E. The ZBA Must Reject the Proposed Data Center Campus Because It Does Not Satisfy Required Conditions for Data Centers.

In addition to the factors the ZBA is mandated to review for a special exception request outlined in Sections 2.A-D above, the ZBA cannot approve a special exception request for a data center that fails to meet the minimum conditions set out for data centers in the zoning code. Relevantly, these provisions require that data centers satisfy the following conditions:

1. Principal buildings shall not exceed 75 feet in height;
2. The property must have setbacks of at least 200 feet;
3. The property must have 150-foot-wide forested buffer to provide 100% opacity from surrounding thoroughfares and adjoining properties;

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[43] COLLETON CNTY., S.C., art. 14.08-7.050 (2022).
[44] *Id*.
[45] Proposed ACE Basin Data Center Map.
[46] COLLETON CNTY., S.C., art. 14.08-7.050 (2022).

4. All air conditioning units and HVAC systems must be thoroughly screened from view from public rights-of-way and adjacent properties;
5. All outdoor lighting must be downcast and arranged to prevent light trespass onto adjacent properties;
6. Sound levels shall not exceed 65 decibels, except during emergency generator testing, which shall be limited to once per week, conducted only on weekdays between 11:00 AM and 1:00 PM; and
7. Cryptocurrency processing is not allowed.[47]

For the majority of these, neither the public nor the ZBA know if or how the proposed data center campus will satisfy the conditions. The applicant provides no detailed drawing showing it will comply with these requirements, testimony, or detailed explanations. What is provided is a minimal site plan, a one-page worksheet that completely ignores height requirements, setbacks, air conditioning/HVAC, and what kind of processing (cryptocurrency or otherwise) the campus will be used for. The worksheet mentions lighting and noise levels only to claim the requirements will be "fully compl[ied]" with but does not mention how.

This is particularly suspect considering the massive construction projects that will need to take place if a data center campus is ultimately created. The ordinance provides a noise limit of 65 decibels, which is about the volume of a vacuum. Is it possible to turn 400 acres of forest into an at-least-nine-building data campus with roads and a substation without generating more noise than that of a vacuum cleaner? We doubt it. Yet this is not mentioned by the applicant and no variance has been sought. Regarding noise associated with its regular (i.e. non-construction) operations, the applicant fails to substantiate its claim that it will abide by the noise condition during those times as well. This is a particular concern considering the massive size of the development. Numerous localities hosting data centers have been responding to resident concerns about constant, low level noise. At minimum, the application should have included information detailing what measures will be employed to guarantee compliance and mitigation measures planned to address noise during construction, operation, and generator use. Without demonstrating the project will meet the noise condition, or that a variance from this requirement has been acquired, the applicant cannot carry its burden of proof that its proposed use can be permitted as a special exception.[48]

In addition to the overarching lack of information and the likelihood that the proposal will not meet the noise condition, the applicant will not meet the minimum buffer condition. The

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[47] COLLETON CNTY., S.C., ORDINANCE 25-O-10 (2025).

[48] *Mulligan v. Zoning Bd. of Adjustment of E. Norriton Twp.*, 90 Pa. Cmwlth. 394, 397–98 (1985) ("Appellant's initial burden of proof required proof not only that the proposed use was of the type permitted by the special exception, but also that the proposed use complied with the other Ordinance requirements applicable to all commercial uses, e.g., set-backs, lot size, and parking requirements. . . . . Appellant's proposed use included a two-foot side yard which was in violation of the side yard requirements applicable to all uses in a commercial district. Without a variance from this requirement, Appellant could not comply with the specific requirements of the special exception, and thus failed to meet his burden in this regard." Internal citations omitted.).

ordinance requires a "minimum one hundred fifty (150) foot-wide forested buffer to provide 100% opacity from surrounding thoroughfares and adjoining properties."[49] On its single-page worksheet, the applicant states "[t]he development will maintain a minimum of 100' natural buffer."[50] This is notably not in accordance with the 150-foot requirement in the law. There is also no description of this buffer to assure the public or ZBA that 100% opacity will be achieved. This admission of noncompliance and lack of substantiation mandate that the ZBA deny the application to build a massive data center campus in this rural area.

3. Conclusion

Siting an almost 900-acre data center campus in Colleton County would not only be a bad policy decision and run counter to the decades of effort made by locals to protect the ACE Basin from misaligned development projects—it's also illegal. Here, the applicant has offered the public and ZBA virtually no information regarding its proposal. We don't know how much water or energy it will need or how it plans to get it. We don't know how much pollution it will produce or how much it will harm to the environment during its construction and operation. We don't have any evidence to support the job creation numbers claimed by the applicant, and in fact the evidence we do have is to the contrary. We have no evidence to support the blanket assertion that it will comply with various requirements in the zoning code, including mandated noise levels and buffer requirements. The information the applicant does provide suggests the facility could be massive, with an operational capacity of hundreds or even thousands of megawatts. There is no universe in which an almost 900-acre data center campus should be cited in a protected, rural district, and the ZBA should and must reject this ill-conceived request.

Sincerely,

Ursa Heidinger, Associate Attorney
Chris DeScherer, Office Director
Emily Wyche, Senior Attorney

Southern Environmental Law Center
525 East Bay Street, Suite 200
Charleston, SC 29403
(843) 720-5270

[49] COLLETON CNTY., S.C., ORDINANCE 25-O-10 (2025).
[50] Special Exception Application Packet. Of note, while the applicant states elsewhere that it will "maintain the minimum 150' buffer requirements outlined within the ordinance," it is not clear that this is actually the case, and the statement regarding a 100-foot minimum, at best, suggests a lack of understanding and real contemplation of the zoning code and how the proposed project will impact this area and community.

uheidinger@selc.org
cdescherer@selc.org
ewyche@selc.org