

Executive Order No. 2026-5

**PROTECTING CHICAGOANS' CLEAN WATER, CLEAN AIR, ENERGY
AFFORDABILITY, AND QUALITY OF LIFE**

WHEREAS, the Sustainable Data Centers Working Group (“Working Group”), established pursuant to City Council Ordinance SO2024-0008201, conducted an eighteen-month review of modern data center development, including consultation with industry and energy experts, environmental organizations, community stakeholders, and government agencies, and has issued recommendations intended to ensure that future data center development aligns with the City's environmental, economic, infrastructure, and community priorities; and

WHEREAS, the City of Chicago's existing laws and regulations governing data center development and operations were adopted before the emergence of modern data centers and do not adequately address the significant demands these facilities place on the City's electrical grid, water resources, air quality, public infrastructure, or the cumulative impacts they impose on surrounding communities; and

WHEREAS, the City should not approve the construction of new data centers or the material expansion of existing facilities under an inadequate regulatory framework that does not fully account for those impacts, and the public interest would be best served by temporarily preserving the status quo while comprehensive regulations are developed and adopted; and

WHEREAS, the City Council possesses the exclusive legislative authority to enact a temporary moratorium on new data center development and material expansions, and the Mayor calls upon the City Council to exercise that authority by adopting a narrowly tailored, time-limited moratorium while the City completes a comprehensive modernization of its regulatory framework; and

WHEREAS, until such legislation is enacted, the executive branch has an independent obligation to exercise every lawful authority available under existing law to protect the public health, safety, and welfare by ensuring that discretionary approvals for data center development and operations are supported by a complete administrative record, informed by rigorous technical review, and based upon evidence sufficient to satisfy all applicable legal requirements; and

WHEREAS, the City of Chicago is home to approximately thirty-nine data centers, the majority of which are enterprise or colocation facilities located in or near the central business district and along major utility corridors that support their operations; and

WHEREAS, the Working Group determined that continued growth in data center development within the City remains likely, notwithstanding Chicago's land and infrastructure constraints, and therefore concluded that the City should modernize its regulatory framework before additional facilities are developed or existing facilities are expanded; and

WHEREAS, noise generated by cooling equipment, diesel emergency generators, and other data center equipment is among the most common community concerns associated with data center operations, has resulted in numerous 311 complaints from nearby residents, and may adversely affect neighborhood quality of life and therefore the Working Group recommended the development of noise control standards that better account for the volume, duration, and intensity of noise emissions from data centers; and

WHEREAS, diesel emergency generators require routine testing that produces air pollution, including particulate matter, nitrogen oxides, and carbon monoxide, pollutants associated with adverse public health impacts, and therefore the Working Group recommended strengthened environmental oversight of generator operations; and

WHEREAS, the rapid expansion of data center development nationally has increased pressure on regional electric systems, contributed to rising electricity costs, created concerns regarding grid reliability, and may impede progress toward greenhouse gas reduction goals if not appropriately managed; and

WHEREAS, increasing electricity demand attributable in significant part to data center development may disproportionately burden working families and businesses through higher utility costs, and, as the Working Group noted, approximately twenty percent of Chicago households are already energy burdened; and

WHEREAS, data centers may consume substantial quantities of water depending on their size and cooling technology, with hyperscale facilities using as much as five million gallons of water per day, and the Working Group emphasized that future policies should balance both water efficiency and energy efficiency because the two are closely interconnected; and

WHEREAS, after evaluating these issues, the Working Group recommended that the City adopt a comprehensive policy framework centered on environmental permitting, zoning, and transparent operational reporting to reduce environmental impacts, improve public accountability, and ensure that future data center development advances Chicago's sustainability, public health, and economic objectives; now, therefore,

I, Brandon Johnson, Mayor of the City of Chicago, do hereby order as follows:

Section 1. Air Pollution Control Permits and Certificates of Operation for Data Centers.

The Chief Sustainability Officer, consistent with her duties and responsibilities pursuant to Chapter 2-31 of the Code and her authority under Chapter 11-4 of the Code, and considering the recommendations of the Working Group, shall impose conditions upon air pollution control permits for any regulated equipment or area at a data center, pursuant to Section 11-4-630 of the Code. The Chief Sustainability Officer has authority to impose conditions for data center air pollution control permits that are necessary to “reduce the potential risk of harm to the public health, safety, and welfare or to the environment from releases of air contaminants from buildings, structures, facilities, devices, processes or other air pollution sources within the city,” as provided in Code Sections 11-4-600 and 11-4-603. Such conditions shall include a clear description of the types of data centers to which the conditions shall apply.

Pursuant to Section 2-31-070 of the Code, the Chief Sustainability Officer shall promulgate rules for data center air pollution control permits. Within ninety (90) days of the effective date of this Executive Order (subject to further extension authorized by the Mayor), the Chief Sustainability Officer shall publish such rules in accordance with the applicable public notice process.

To the extent that a data center is required to apply for a new or renewed certificate of operation pursuant to Section 11-4-660 of the Code, the Chief Sustainability Officer shall include the applicant’s compliance with the conditions adopted for data centers as part of the application for an annual certificate of operation.

Section 2. Control of Noise from Data Centers.

The Chief Sustainability Officer, consistent with her duties and responsibilities pursuant to Chapter 2-31 of the Code and her authority under Chapter 11-4 and Section 8-32-090 of the Code, and such other departments as may be necessary, shall review the current regulatory framework under Section 8-32-090 of the Code with respect to noise emissions from mechanical stationary sources operating at or for the operation of data centers.

Within ninety (90) days of the effective date of this Executive Order (subject to further extension by the Mayor), the Chief Sustainability Officer shall, as allowed by law, publish rules for the proper administration and enforcement of Section 8-32-090 of the Code applicable to data centers, as that term is defined by those rules.

Section 3. Planned Development Proposals Including Data Centers.

The Commissioner of the Department of Planning and Development (“DPD Commissioner”) shall ensure that every proposed Planned Development that includes a data center receive enhanced review consistent with the Working Group’s recommendations and applicable law.

The DPD Commissioner shall evaluate the proposal in light of the Planned Development standards contained in Chapters 17-8 and 17-13 of the Code, including whether the proposed development is compatible with the surrounding area and whether public infrastructure and City services are adequate to serve the proposed development. In making those determinations, the DPD Commissioner shall specifically consider projected electricity demand, water consumption, emergency and backup power generation, air emissions, noise, cumulative environmental impacts, transportation impacts, emergency response capacity, and impacts on neighboring communities.

Upon receipt of a Planned Development application that includes a data center, the DPD Commissioner shall promptly notify the Commissioners of Buildings, Business Affairs and Consumer Protection, the Environment, and Water Management. After receiving such notice, each department’s commissioner shall, within 60 days or such other period as arranged by the relevant commissioner with the DPD Commissioner, provide the DPD Commissioner with written recommendations identifying any conditions reasonably appropriate to protect public health, safety, affordability, the environment, and the general welfare. After consultation between the relevant departments, the DPD Commissioner shall include in any proposed Planned Development ordinance all conditions identified by the commissioners pursuant to this Executive Order.

Section 4. Interdepartmental Data Center Environment and Community Protection Task Force.

There is established the Interdepartmental Data Center Environment and Community Protection Task Force (“Data Center Task Force”). The Data Center Task Force shall include representatives from Departments of Buildings, the Environment, Planning and Development, Technology and Innovation, and Water Management, and such other departments, offices, and personnel as the Mayor may designate. The Data Center Task Force shall be co-chaired by the Chief Sustainability Officer and the Mayor’s Chief of Policy.

The Data Center Task Force shall evaluate and, where appropriate, implement the recommendations of the Sustainable Data Centers Report published by the Working Group to improve and enhance Chicagoans’ clean air, clean water, energy affordability, and quality of life as a result of data center operations and development.

The Data Center Task Force shall ensure that its work is informed by input from Chicago residents, relevant subject matter experts, and stakeholders.

The Data Center Task Force shall provide recommendations to the Mayor, and where appropriate, draft proposed amendments to the Municipal Code of Chicago and proposed rules governing data centers for consideration by relevant departments, including, but not limited to, rules pertaining to departmental permitting, impact controls, licensing standards, zoning regulations, and reporting requirements on or before March 15, 2027, or such other date approved by the Mayor that is consistent with the timing and duration of any data center development moratorium approved by the City Council.

Together, these measures shall ensure that future data centers are planned, constructed, and operated in ways that protect affordability, public health, and the environment, advance the City's sustainability goals, and reinforce transparency and accountability.

Section 5. Effective Date.

This Order will take effect upon its execution and filing with the City Clerk.

This Executive Order is intended solely to provide interim executive direction pending legislative action by the City Council and the adoption of a temporary data center moratorium and a comprehensive regulatory framework governing data center development and operations. Accordingly, this Executive Order shall remain in full force and effect unless amended or rescinded by a subsequent Executive Order; provided, however, that Section 3 of this Executive Order shall be automatically rescinded upon the effective date of an ordinance enacted by the City Council establishing a temporary moratorium on the approval of new Data Centers or the material expansion of existing Data Centers.

Mayor

Received and filed on _____

City Clerk