



May 29, 2026

TRANSMITTED ELECTRONICALLY

Randy Barrera
Tilted Gate LLC
2801 Centerville Rd., 1st Floor (PMB160)
Wilmington, DE 19808
randybarrera@google.com

**Re: Project Dazzler
Permit - Intermediate
Correspondence
401 Wetlands
Scioto
DSW401252253A1**

Subject: Section 401 Water Quality Certification (WQC) application comments
 Project Dazzler
 Corps Public Notice No.
 Ohio EPA ID No. 252253A1

Dear Randy Barrera:

On April 14, 2026, the Ohio Environmental Protection Agency (Ohio EPA) received an application for your project to construct a data center facility. The 792-acre property is located east of the Ohio River, south of Franklin Furnace, north of the Haverhill North Coke Company, and west of US Route 52 in Green Township, Scioto County, Ohio (38.606686, -82.839197). In accordance with Section 6111.30 of the Ohio Revised Code (ORC), this application was determined to be administratively complete on April 15, 2026.

Ohio EPA has conducted a technical review of this application and has the below listed comments. In accordance with ORC section 6111.30(F), “the applicant shall respond in writing to written comments or to deficiencies identified by the director during the course of reviewing the application not later than fifteen days after receiving or being notified of them.” Please be aware that failure to respond to the comments and/or deficiencies identified in this notice within the allotted time frame may lead to a determination of a deficient application and a proposal to deny water quality certification for this project.

For any responses to these comments that require modifications to the application, please submit revised, dated pages that can be used to replace existing pages where changes were made. As such, each revised page should include in a header or footer the following information:

- ✓ **Project name;**
- ✓ **Ohio EPA ID number;**
- ✓ **Revision date; and**
- ✓ **Revision number.**

Also, the body of the page should clearly identify where changes from the original document were made.

A. COMMENTS RECEIVED DURING PUBLIC NOTICE PERIOD

1. Ohio EPA received comments during the public comment period and the public hearing. All those comments are attached.
2. **Stormwater management on-site and flooding concerns:** Several public comments expressed concern with flooding, indirect impacts to surrounding surface hydrology, and stormwater management. Based on these concerns please provide:
 - a. A report to assess the proposed site construction's impact to hydrology and hydraulics both on-site and the surrounding area.
 - b. A response to flooding concerns particularly the stockpile areas that are at least partially located within the 100-year floodplain.
 - c. A comprehensive stormwater pollution prevention plan.
3. **Division of Drinking and Groundwaters (DDAGW):** Ohio EPA's DDAGW had the following comments during their technical review.
 - a. DDAGW recommends locating any laydown yards, so they do not overlap source water protection areas to reduce the likelihood of contamination from spills.
 - b. DDAGW recommends that contractors working on the project prepare a spill response and notification plan in the event a spill occurs (if not already a required part of the SWPPP).
 - c. Impacts to Ginat Creek, the Ohio River, and on-site wetlands may negatively affect the City of Portsmouth and Scioto Water Inc. – Sugar Camp's wells and intakes. The applicant should establish and maintain contact with these PWSs so that source water quality can be closely monitored during onsite activities. Additionally, contact information is provided for the Ohio River Valley Water Sanitary Commission (ORSANCO). ORSANCO coordinates

emergency response activities for spills or accidental discharges to the Ohio River and its tributaries.

- d. Please provide information on the proposed water supply for the facility. If the facility proposes to purchase water, or plans to install wells or a surface water intake, DDAGW would like to ensure that all necessary applications are submitted and approvals are obtained as a part of the facility planning process.

B. APPLICATION FOR OHIO EPA Section 401 WQC

- 1. Avoidance and minimization:** The proposed impacts to Wetland P include stormwater infrastructure and an equipment yard, as shown on exhibits 10 and 11. Can you relocate the stormwater infrastructure and reconfigure the equipment yard to totally avoid impacts to jurisdictional wetlands?

This concludes Ohio EPA's comments based on a technical review of this section 401 WQC application. Please be aware that Ohio EPA reserves the right to provide additional comments following these should there be a reason to do so. Also, the responses to these comments could result in additional concerns; therefore, if there are any questions or uncertainty regarding a response, please contact me for clarification at (614) 644-2327 or via email at matthew.lamoreaux@epa.ohio.gov.

You may find a copy of Ohio EPA's rules and laws online at <https://epa.ohio.gov/dsw>. Information regarding Ohio's Section 401 and Isolated Wetlands Permitting programs is also available online at <https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/surface-water/permitting/water-quality-certification-and-isolated-wetland-permits>.

Sincerely,



Matthew Lamoreaux
Application Coordinator
401/Wetlands/Mitigation Section

ec: Kayla Osborne, Department of the Army, Huntington District, Corps of Engineers,

Kayla.N.Osborne@usace.army.mil

Heather Dardinger, EMH&T, hdardinger@emht.com

Jeff Boyles, Ohio EPA, DSW, Jeffrey.Boyles@epa.ohio.gov

Anna Kamynev, Ohio EPA, DSW, Anna.Kamynev@epa.gov

Attachment

I-1:

Comment I-1-1

I am submitting this comment in strong opposition to the proposed general permit for data centers by the Ohio Environmental Protection Agency.

I live within approximately two miles of a proposed data center site, and the waterway that would be impacted by discharges from facilities like this runs directly in front of my home. This is not theoretical to me, this is my property, my environment, and my family's health.

Our community is already heavily burdened by multiple industrial and chemical facilities within a five-mile radius. We are not starting from a place of clean air or clean water. We are already dealing with the cumulative effects of pollution and environmental stress. Approving a broad, one-size-fits-all permit that allows additional industrial discharge into our waterways ignores the reality of what communities like mine are already facing.

This proposed general permit is deeply concerning because it prioritizes convenience and speed of development over proper environmental review. A blanket permit does not allow for the careful, site-specific evaluation that is necessary to protect communities and natural resources, especially in areas that are already overburdened.

I am particularly alarmed that this permit would allow discharges into waterways while acknowledging that water quality may be lowered. The river that runs in front of my mother's home and the land in my community is not an acceptable place for reduced standards. Any contamination; whether from thermal discharge, chemical additives, or emerging contaminants like PFAS, poses a direct and lasting threat. Once water is contaminated, it cannot simply be restored.

Additionally, this permit fails to adequately address cumulative environmental impacts. It treats each discharge as if it exists in isolation, when in reality, communities like mine are already living with the combined effects of multiple sources of pollution. That omission is not just an oversight, it is a serious flaw that puts public health at risk.

If these facilities are truly safe, they should be required to undergo full, individual permitting and site-specific review...not be approved under a generalized permit that reduces oversight and accountability.

I urge the Ohio EPA to prioritize the health, safety, and environmental integrity of existing communities over expedited industrial expansion. This permit, as written, creates unacceptable risk to our waterways, our environment, and our quality of life.

This permit should be denied.

Sincerely,

Hilary Neal

I-2:

Comment I-2-1

I am a citizen of Green Township and just want to be informed.

Comment I-2-2

See attachment - list of questions

I-4:

Comment I-4-1

Please don't allow any permits to Tilted Gate! I'm just a concerned citizen like all the others here that are vehemently against this project, it's noise, water & air pollution!

I-5:

Comment I-5-1

PLEASE SEE ATTACHMENT FOR IMAGES - Fully developed comment in attached PDF.

Public Comment – Project Dazzler (Hydrology, Flooding, and Access Impacts)

Subject: Public Comment on Project Dazzler – Section 404/401 Permits, Floodplain Impacts, and Access Concerns

Project/Applicant: Project Dazzler – Green Township, Scioto County, Ohio/ Tilted Gate

Permit Applications: Section 404 (Clean Water Act) & Section 401 Water Quality Certification

U.S. Army Corps of Engineers Permit Application No. LRH-2025-00939-OHR

Ohio EPA: Public Notice No. 262431W

1. Introduction

As a property owner adjacent to the project and a professional with over 20 years of experience in construction and infrastructure I have some concerns. Our property is directly adjacent to the Project Dazzler site. Our parcel is located along Raike Lane, Figure 1: 4 Raike Lane, Franklin Furnace, Ohio 45629 positioned between the proposed western development area and the Ohio River floodplain.

Figure 2: 4 Raike Lane, Franklin Furnace, Ohio 45629 & Project Site

As shown in the submitted mapping exhibits:

- Our property is identified in the blue box (flood map) and red box (site plan) in the attached figures
- Our parcel lies within and adjacent to mapped flood hazard zones
- Our property is located directly between three proposed stockpile areas and a large parking lot

Given this location, our property is uniquely vulnerable to changes in stormwater flow, flood elevation, and access disruption.

2. Background

As a property owner directly adjacent to the project site and a professional with over 20 years of experience in construction, facilities management, and infrastructure oversight including large-scale projects within the Department of Defense and the private sector totaling in the hundreds of millions. I have a practical understanding of how grading, drainage, and site development decisions affect surrounding properties. My background includes managing and maintaining hundreds of facilities and evaluating the real-world impacts of construction on land, structures, and utilities. From that experience, I recognize

that projects of this scale, particularly those involving significant earthwork and impervious

surfaces within flood-prone and hydrologically sensitive areas, can have unintended downstream consequences if not thoroughly analyzed and mitigated.

My concerns regarding stormwater runoff, floodplain impacts, and access are not

speculative; they are grounded in both the project's own documentation and my direct familiarity with how water behaves across developed and undeveloped sites. When natural storage features such as wetlands are removed, and when development occurs near or below base flood elevations, water does not disappear; it is displaced, redirected, or accelerated. Given our property's location within an existing flood-prone area and its position relative to proposed grading and stockpile zones, it is reasonable and necessary to ensure that this project does not increase flood risk, alter drainage patterns in a harmful way, or restrict access. These concerns are consistent with established engineering principles and regulatory requirements, and I respectfully request that they be fully evaluated with the level of scrutiny warranted by the scale and complexity of this development.

3. Floodplain and Hydrologic Concerns

A. Existing Flood Exposure

The FEMA-based flood mapping included in the application shows:

- Portions of my property are already within flood hazard zones
- The surrounding area is part of a connected floodplain system draining to Ginat Creek and the Ohio River

This establishes that:

Our property is already at risk, and any increase in runoff, grading, or loss of storage could

directly increase flood impacts.

B. Development Below Base Flood Elevation (BFE)

Based on the applicant's site plans:

- Three stockpile areas and a parking lot are shown below the Base Flood Elevation (BFE)
- These areas are located immediately adjacent to my property

This raises serious concerns regarding:

- Displacement of floodwater
- Reduction in available flood storage

Figure 3: Property in red located within Flood Zone.

- Increased flood elevations on neighboring properties

Under Federal Emergency Management Agency standards and general floodplain management principles:

Development within or below BFE must not increase flood elevations or redirect floodwaters in a manner that adversely impacts adjacent properties.

Failure to maintain compensatory storage or proper floodplain balance can result in:

- Increased depth and duration of flooding
- Concentration flows toward lower adjacent areas (such as our property)

C. Wetland Filling and Loss of Storage

The project proposes:

- Filling multiple wetlands, including depressional systems
- Large-scale grading across the site, Stockpile locations, and parking areas.

Wetlands serve as:

- Natural stormwater detention systems
- Flow attenuation features
- Critical flood storage areas

Under 40 CFR §230.10(c) (Section 404(b)(1) Guidelines):

A permit cannot be issued if it will cause or contribute to significant degradation, including

impacts to hydrologic function and flood storage.

Filling these wetlands; even with mitigation credits; does not replace:

- On-site storage capacity
- Local flood protection
- Natural drainage patterns

D. Increased Runoff from Impervious Surfaces

The project includes:

- Several large buildings with extensive footprints
- Extensive paved areas
- Parking and industrial surfaces
- Additional roadways throughout project site

These changes will:

- Increase runoff volume and velocity
- Reduce infiltration
- Accelerate drainage toward lower elevations

Given that our property lies:

- downslope and adjacent to development zones
- between multiple stockpile areas and drainage pathways

There is a much high likelihood that:

Post-development stormwater will be redirected toward or through our property.

4. Drainage Path and Site Position Concerns

Based on the provided plans and maps:

- My parcel is located between three major development zones
- Positioned nearby:
 - o stockpile areas
 - o access roads (right across main site access)
 - o parking areas
- Located within a low-lying transition area between upland development and floodplain zones

This strongly suggests our property functions such as:

- A natural drainage path
- A stormwater transition zone
- A secondary storage area during storm events

Any alteration to:

- grading
- drainage routing

- stormwater infrastructure

could result in:

- increased runoff concentration
- localized flooding
- erosion and property damage

5. Access Impacts – Raike Lane (CRITICAL ISSUE)

The permit drawings indicate:

Raike Lane is proposed to be blocked or restricted as part of the project design

This presents a significant issue:

- Raike Lane is the ONLY access point to my barns and garages
- Blocking or restricting access would:
 - o eliminate functional use of my property
 - o create safety concerns
 - o limit emergency access

This raises serious concerns under general property access principles and project design requirements.

Additionally, per Ohio EPA maps, there is a cemetery at the end of Raike Lane.

Links for cemetery:

<https://www.findagrave.com/cemetery/1173410/duduit-cemetery>

https://scioto.ohgenweb.org/cemeteries/Duduit_Cemetery.pdf

6. Regulatory Standards and Compliance Concerns

This project must comply with:

- Clean Water Act Section 404 and 401
- 33 CFR Part 320–332 (USACE permitting standards)
- OAC 3745-1 (Ohio Water Quality Standards)
- OAC 3745-32 (Isolated Wetland Permits)
- FEMA floodplain management standards

The applicant must demonstrate:

1. No Adverse Impact to Adjacent Properties

Development must not increase flood risk, redirect flow, or damage neighboring land.

2. Maintenance of Floodplain Storage

Fill within flood-prone areas must be balanced with compensatory storage.

3. Proper Stormwater Management

Post-development runoff must not exceed pre-development conditions.

4. Protection of Existing Hydrologic Function

Wetland and drainage system impacts must be minimized and justified.

5. Preservation of Access

Project design must not eliminate or impair legal and functional access to adjacent properties.

7. Requested Actions

Given the above concerns, I respectfully request:

1. Detailed Hydrologic Analysis

- Pre- vs post-development runoff modeling
- Flood elevation impact analysis
- Identification of drainage pathways affecting adjacent properties

2. Floodplain Impact Verification

- Demonstration of no rise in flood elevation
- Confirmation that development below BFE does not displace floodwaters

3. Stormwater Routing Transparency

- Clear mapping of where water will flow post-development
- Identification of discharge points and overflow routes

4. Preservation of Access via Raike Lane

- Confirmation that access will remain open and functional
- Identification of alternative access if changes are proposed

5. Independent Review

- Third-party or agency-level review of hydrologic and flood impacts

I-6:

Comment I-6-1

We all love our small town of Franklin Furnace Ohio! Having a huge data center that takes from our beautiful natural resources is an absolute disservice to preserving the beautifulness of our land. From the river to the farm land, we want to preserve our town! Please don't let this data center happen. It's very disheartening to think about as a long term resident and someone who uses the Ohio river often for boating and swimming!

I-7:

Comment I-7-1

Our waters are already poisoned by industry and nuclear plants, some of them forever chemicals. Water is a life source and the continuous chemicals and allowing more is putting all life at risk. We have a responsibility to those who come after us. Data centers contribute nothing to sustainable life.

I-8:

Comment I-8-1

As a life long resident of Franklin Furnace, I have seen the battles our community has faced with pollution from chemical plants and our river water. Everyone in our community have lost loved ones to cancer, even our children have been exposed as well. Saving what little wetlands and wildlife we have is the only hope for a brighter future and our community. Removing our wetlands protection or lowering the emissions standards is putting toxic materials into our ground, and river waters as well as our air. Please leave our little farming community alone and out of the toxicity of another data center that will pollute or river, streams ground water and air for many decades after they are outdated and shutdown.

I-9:

Comment I-9-1

I oppose the permit. I oppose the data center. I am farmer in Franklin Furnace and have spent uears rebuilding riparian zones and natural wetlands on my property as well as cleaning up the area of my farm and around it.

South East Ohio is a gem of forested hills and wetlands. We are in danger of losing this if we allow major development to ruin this.

Furthermore myself and many others run livestock. We need clean water for them, for our crops, for our Gardens, for ourselves. Allowing this data center to destroy wetlands and pollute the water would hurt our environment and be detrimental to our health

Finally the wetlands provide vital flood protection. Eliminating the wetlands would allow over 20 million gallons of water to surge and flood. This can damage roads kill livestock, flood homes, and even cause crop failure.

The negative effects of the data center far outweigh the good.

I-10:

Comment I-10-1

We moved to Franklin Furnace after my hometown was taken over by warehouses. Many of which sat empty waiting for leasees that never came.

The city of Adairsville ruined itself for short term gain that didn't help anybody and turned out small town in a maze of warehouses.

Franklin Furnace should not become another Adairsville. We should not sacrifice our farmland and woods to become data centers.

South east Ohio is one of the few wild places left in the state. We can't destroy our native habitats and wetlands to allow data centers to pollute our water, use our resources and turn our home into an industrial zone.

Appalachia has been abused for years by industry from the days of Blair mountain and the miners working for coal scrip to the outsourcing of our industry.

This will be no different. We will lose our land. Our water will be polluted and we won't gain anything.

I-11:

Comment I-11-1

POSSIBLE DUPLICATE

Comment I-11-2

2. STORMWATER AND FLOODING IMPACTS

The project site is located east of the Ohio River in an area with documented flood risk. The proposed development involves extensive grading, tree clearing, and impervious surface installation across a large portion of the site. I request that Ohio EPA require the applicant to provide: (a) a detailed hydrological analysis demonstrating that post-construction stormwater runoff will not increase flood risk to adjacent residential properties, including those in Franklin Furnace; (b) modeling of cumulative downstream impacts to the Ohio River; and (c) verification that the stormwater infrastructure meets or exceeds Ohio EPA's post-construction stormwater management requirements under OAC 3745-39.

Comment I-11-3

3. NOISE AND LIGHT POLLUTION

Data centers of this scale operate continuously and require large arrays of cooling equipment — including cooling towers, chillers, and HVAC systems — that generate sustained, high-decibel noise 24 hours a day, 7 days a week. As a nearby resident, I am concerned that the permit application and associated environmental review have not adequately addressed: (a) projected noise levels at the nearest residential property lines during both construction and operation; (b) compliance with applicable Ohio noise standards; and (c) light spillover impacts from a facility of this scale operating at night, which has documented adverse effects on local ecosystems and residential quality of life.

Comment I-11-4

5. REQUEST FOR EXTENDED COMMENT PERIOD AND ADDITIONAL PUBLIC HEARING

Given the scale of this project, its proximity to residential areas, and the significance of the wetland impacts involved, I respectfully request that Ohio EPA extend the written public comment period and consider scheduling an additional public hearing to allow fuller community participation.

I respectfully urge Ohio EPA to conduct a thorough, independent technical review of this application and to deny or substantially condition the permit if the applicant cannot demonstrate full compliance with Ohio's isolated wetland permitting standards.

Thank you for the opportunity to submit these comments for the record.

Sincerely,

Rebecca and Charles Hall

924 Braunlin Road

Franklin Furnace, OH 45629

304-634-9886

Bex@bexhall.com

I-12:

Comment I-12-1

I am submitting this comment to raise concerns regarding the lack of clarity and analysis related to roadway widening, utility congestion, and drainage infrastructure associated with the proposed Project Dazzler.

Based on currently available plans, public materials, and known existing infrastructure conditions in the area, it is unclear how the proposed roadway modifications, additional

lanes, and associated infrastructure will be accommodated within the existing right-of-way and easement corridors, particularly along Raike Lane and Gallia Pike.

In several areas, the available corridor appears to be limited in width (approximately 22 feet on our side) and is already occupied by multiple existing utilities, including fiber infrastructure and electric facilities associated with American Electric Power. Based on publicly available utility planning information and observed infrastructure in the area, this corridor is already heavily constrained and may also serve as a critical pathway for future utility expansion.

Additionally, there are known and planned transportation and infrastructure activities within this corridor, including roadway improvements and associated right-of-way considerations along Gallia Pike. The cumulative impact of these existing and planned uses raises significant concerns regarding whether sufficient space remains to safely accommodate additional roadway widening, drainage infrastructure, and construction activity without adversely impacting access, safety, and existing utility systems.

The proposed project appears to introduce additional demands within this constrained space, including but not limited to roadway expansion, drainage features, and construction-related disturbances. However, the application materials do not clearly define the full extent of these impacts.

Accordingly, I request clarification and detailed analysis on the following:

The total width of disturbance required for roadway widening, construction activities, and long-term infrastructure placement

The precise location, dimensions, and design of all proposed drainage features, including culverts, ditches, stormwater conveyance systems, and detention structures

How existing utility easements, including those associated with fiber and electric infrastructure, will be protected, relocated, or otherwise impacted

Whether any temporary or permanent impacts to property access, driveways, or easements are anticipated

How pedestrian access and safe passage along the roadway will be maintained during and after construction

Whether the proposed design exceeds existing right-of-way or easement boundaries and, if so, how those impacts will be addressed

Without clear documentation and analysis of these elements, it is not possible to fully evaluate the impacts of the proposed project on adjacent properties, public safety, and infrastructure integrity.

Given the existing concentration of utilities, the presence of electric infrastructure and potential expansion by American Electric Power, and ongoing or anticipated roadway improvements within this corridor, the available space appears to be significantly constrained. This area may therefore represent a critical limitation within the overall project design and feasibility.

As such, a more detailed and transparent evaluation of roadway, drainage, and utility impacts should be provided prior to any permit approval.

For these reasons, I respectfully request that the reviewing agencies require additional information, analysis, and clarification before making any final determination on this application.

Sincerely,

Kelsey Burge

I-13:

Comment I-13-1

I would like to comment concerning the wetlands permit requested by Google in Franklin Furnace. Wetlands are the nursery for so many types of wildlife including birds, fish, amphibians and reptiles. Wetlands also mitigate flooding and when Google puts down acres of concrete you can bet there will be flooding. Please don't sacrifice our natural beauty and habitats for a short term land grab by a billionaire company. This data center will be empty in 5-10 years because it will be outdated. Water is a critical resource and due to reduced rainfall in the area a disappearing natural resource. Wetlands are critical to migrating birds. Scioto county has tremendous natural beauty that can attract money in the form of tourists instead of data centers. Please do not grant the wetland permit that Google has requested. Deny Tilted Gate!

I-14:

Comment I-14-1

Comments relating to defects in mitigation sequencing and nondegradation analysis under ORC 6111.024 and OAC 3745"54. Application fails to consider most preferred feasible nondegradation alternatives and in-watershed mitigation as required under Ohio law.

I-15:

Comment I-15-1

This permit should not be granted. It seems this project has been fast tracked to avoid public criticism & push back. This property has wetlands, bald eagles & plant life that needs to be preserved. The proposed plan also would affect Jennetts Creek that feeds the marina ruining a vital business that would have a trickle down affect on other businesses. This project is also very close to schools & residential areas that will suffer with water, noise, air & light pollution basically ruining the quality of life, health & property values. It was very disconcerting to hear one of the EPA officials say that they have never turned down one of these permits! Makes it sound like a for drawn conclusion that they will approve it no matter what negative impact it has on the

environment & community. I hope & pray that the EPA will act in this case to protect the people & not just bow down to big business's whims!

I-16:

Comment I-16-1

Please stop allowing data centers to destroy Southern Ohio. We are fighting them in an our entire Appalachian region and it's unfair when there has been no hydrological studies or aquifer drawdown studies completed in any of these cases! Especially the Buck Canyon project project galaxy in Adams County. Water is our number one source of life

I-17:

Comment I-17-1

The Ohio EPA either cares about protecting the environment and public health or you don't. If you keep bending the knee to greedy Big Tech and the quid pro quo pressures from Republican Legislature, you all are compromised and do not exist to do anything you were created to do on behalf of Ohio communities. Deny all data center permits. They create energy crisis, water crisis, air pollution and noise pollution. They are dangerous.

"Doing the right thing may be hard but is sure as hell isn't complicated." DENY THE PERMIT.

I-18:

Comment I-18-1

SINCE THIS PROJECT WAS FIRST ANNOUNCED, I HAVE HEARD PLENTY OF OPPOSITION FROM SCIOTO COUNTY RESIDENTS, AND VERY LITTLE POSITIVE FEEDBACK FROM LOCAL RESIDENTS, ESPECIALLY THOSE RESIDENTS OF EASTERN SCIOTO COUNTY. AS A MEMBER OF THE LOCAL NEWS MEDIA AND A LOCAL BUSINESSMAN, WITHOUT KNOWING MUCH MORE ABOUT THE PROJECT, IN PARTICULAR THE DAMAGE AND ECONOMIC IMPACT TO THE FRANKLIN FURNACE AREA, I MUST STAND TOTALLY AGAINST THE ADVANCEMENT OF THE TILTED GATE A.I. PROJECT/

I-19:

Comment I-19-1

Copy of comments Mr. McDavid presented verbally at the 5/6 public hearing. PLEASE VIEW ATTACHMENT.

Key points: Application insufficient:

- lacking 404 and NPDES
- lacking good faith to provide minimal impact alternatives
- limited analysis of offsite alternatives

I-20:

Comment I-20-1

This construction project for data is greatly disliked, unpopular by the people who call this area home and it is not trusted to be valuable addition to our unique natural landscape and geological wonders. People's health and the health of the environment greatly outweigh any so call "benefit" to this development. As a parent, my children deserve to grow up somewhere safe and protected as God intended for his wonderful creation. The environmental impact and human impact of allowing the construction of this data center to suck our resources dry and destroy our natural ecosystem is too great to allow. How many area of this country are untouched by development and projects that strip the beauty, ruin the safety and health of the land, and created vast waste of God's work? We should not allow this area to see the same fate as countless others. How will generations of children appreciate the beauty and might of God's creation if datacenters obstruct, destroy, and pollute what God blessed us with to protect. This land deserves better protection, our children deserve better resources for clean air and water, and God deserves better than for us to allow the destruction of his world. I beg you as someone that is blessed to be raising a family in this area, please do not allow the sanctity of this area to be destroyed and put our children at great risk. Protect God's creations: people, wildlife, and the beauty of areas left unmarked by commercial development. I beg, I plead, I pray to please protect us from the harm this center can cause. Please.

I-21:

Comment I-21-1

I understand the future is full of technology. But please think of our children's future and not just some quick cash and jobs that won't last. Water is important and we are drying it up. We cannot do this. I want to feel safe about my son's drinking water. Please before we start plopping these things everywhere there needs to be environmental tests and regulations. These companies have the power and money to make changes but they want the chepa

Easy ways. Please don't allow them to ruin our futures.

I-22:

Comment I-22-1

I am in opposition of Tilted Gate Project Dazzler obtaining an isolated wetland permit to build a data center.

As a resident living down river from this project I am concerned about the loss of this wetland and the impact it will have downstream. Wetlands are crucial for our environment and needed for the balance of life. This project will have monumental impact on our river dwelling communities.

Please do not approve this permit request.

Klaire Smith

I-23:

Comment I-23-1

I oppose replacing wetlands that creates natural sub harmonic sounds for a Data center that has the potential to create harmful sub harmonic frequencies.

I-24:

Comment I-24-1

My residence borders the boundary for Project Dazzler. If EPA allows the permits for this project to continue, then they are not protecting the essence of their organization. My backyard is a wetland that will be ruined. My front yard, the Ohio River, will begin to lose unknown amount of water for unknown period of time, that will result in unknown consequences. The known consequence is this will impact our wildlife. God's creatures that we are blessed to live in existence with will have to relocate. I am not an expert in animal species and will not try to claim exactly how they will be impacted, but I can claim with certainty that construction of this project will ruin their habitat and force them to danger.

Comment I-24-2

Now put water and nature aside: I am a first generation college graduate that had ambition to break a generational poverty cycle. My husband and I chose this neighbor based on the river, nature's views, and the easy commute for school and work. Scioto county commissioners made a secret deal with the devil behind closed doors and didn't care about the serious impact this project would have on the families who live here. What will become of our property value when these permits are granted for this project? When the time comes to retire and possibly relocate, how will we be able to make this property attractive to sell right next to a data center? The residents who live here have been kept in the dark until after deals were made. Then the county commissioners voted to give this fortune company a tax abatement. I hope to whomever this concerns that you feel the pain and frustration this neighborhood is facing. One drive through our neighborhood along the Ohio River would give you a picture of what this project is going to destroy for about 8-10 families. I haven't even mentioned noise or light pollution yet. As a resident on the boundary of this project, I am pleading for these permits to be denied. Let the EPA stand on the essence of why this organization was created to begin with.

Trisha Eaches

I-25:

Comment I-25-1

I oppose the Tilted Gate Project Dazzler Isolated Wetland Permit for construction of a data center. Wetlands provide essential ecosystem services to our communities -- including water filtration and quality, wildlife habitats, flood mitigation, and more -- and filling them in for a data center is a net loss for the well being of Ohio communities. We need to take a conservative approach to data center expansion and AI use. So much AI is low quality and not additive for society, we need to be purposeful in how we develop infrastructure to support AI for the good of society, which means not filling in wetlands for data center development.

I-26:

Comment I-26-1

I being a resident of Franklin Furnace and the state of Ohio want to voice my concerns on the application of the wetland permit. I would think that Ohio EPA would do their diligence in researching what is best for our community, but with the current pollution coming from SunCoke on proven cases of violations in 12 of the last 12 quarters and only fined \$50k and the fact that your representative at the open meeting last week at Green High School stating when asked "How many applications have been denied when associated with Data Centers?" Her answer 0. This tends make me loose confidence in the EPA which was formed to PROTECT our environment! Please do the right thing, do your job and make the correct decision so when asked again "How many applications have been denied when associated with Data Centers " your answer will be 1 !

I-27:

Comment I-27-1

See uploaded file for my full comments.

If you need the videos for review, please contact me at shaunabiggs@protonmail.com

I-28:

Comment I-28-1

POSSIBLE DUPLICATE

Please accept this Public Comment / Formal Objection regarding Ohio EPA Public Notice No. 262431W associated with the proposed Project Dazzler development in Franklin Furnace, Scioto County, Ohio.

I am an adjacent property owner and interested party submitting concerns relating to historic cemetery and burial grounds located near Raike Lane and neighboring the proposed project area.

My concerns include potential hydrological, flooding, drainage, erosion, groundwater, and off-site impacts affecting neighboring properties and historically sensitive burial grounds, including potential impacts associated with natural swales, flood-prone areas, grading activities, and proposed stockpile locations.

The attached filing additionally includes concerns relating to:

historic cemetery preservation

cultural-resource and archaeological review

cemetery access

potential unmarked graves

veteran-related historical documentation associated with individuals connected to the cemetery, including records relating to André LaCroix and William Duduit

Supporting exhibits, maps, floodplain analyses, photographs, historical documentation, and annotated project exhibits are attached for inclusion within the administrative record.

Given the historical significance and sensitivity of these burial grounds and neighboring properties, I respectfully request careful review and consideration of these concerns prior to permit approval.

I-29:

Comment I-29-1

Near Franklin Furnace, several endangered species are protected, particularly within the nearby Shawnee State Forest and Edge of Appalachia Preserve. Key species include the

endangered Allegheny Woodrat, Indiana Bat, and rare plants like the Small Whorled Pogonia, along with timber rattlesnakes. Project Dazzler will have potentially detrimental effects to these species. Data Centers provide few jobs, excessive water use and environmental damage. Any slim benefit will be far outweighed by the negative economic impact to our eco-tourism. Please do not approve this corporate Rape of our area.

I-30:

Comment I-30-1

Please accept this Public Comment / Administrative Objection regarding ownership, parcel-record, and property-interest concerns associated with Project Dazzler (Tilted Gate LLC), including materials associated with:

- Ohio EPA Public Notice No. 262431W
- U.S. Army Corps of Engineers Permit Application No. LRH-2025-00939-OHR

During review of publicly accessible county auditor records, GIS parcel systems, deed records, and submitted project materials, I identified what appear to be inconsistencies involving parcel ownership, acreage representation, and parcels reflected within proposed project and stockpile areas.

Certain parcels associated with proposed project activities appear to reflect ownership information within county systems that may be incomplete, inconsistent, or not fully aligned with representations contained within submitted permit materials and related project exhibits.

Because the proposed project involves grading, fill placement, drainage modifications, roadway impacts, stockpile activities, and other land-disturbing activities, I respectfully request that the reviewing agencies:

- Verify that all parcels associated with proposed project activities are accurately identified and lawfully represented within permit materials
- Confirm that sufficient legal property interests, authorizations, easement rights, or control exist for all represented project areas

- Review whether any required conveyances, recordings, parcel transfers, consolidations, surveys, or related filings have been properly completed and reflected within county systems prior to permit approval or agency reliance upon submitted project materials
- Ensure that county auditor, GIS, acreage, and parcel records accurately reflect ownership and parcel configuration associated with the project

These concerns are not intended as accusations against any individual or entity, but rather as a request for careful administrative verification and due diligence regarding the accuracy and legal sufficiency of records relied upon during the permitting and environmental review process.

Supporting documentation and exhibits are attached for inclusion within the administrative record.

Respectfully submitted,

Sarah Weekley

Adjacent Property Owner / Interested Party

I-31:

Comment I-31-1

I strongly oppose approval of the Isolated Wetland Permit for the proposed Tilted Gate Project Dazzler data center in Franklin Furnace, Ohio.

First, isolated wetlands provide essential ecological functions that cannot be easily replaced once destroyed. Though often overlooked because they are smaller or disconnected from larger waterways, these wetlands serve as critical natural infrastructure. They absorb stormwater, reduce downstream flooding, filter pollutants, recharge groundwater, and provide habitat for native plants, migratory birds, amphibians, and other wildlife. Approving this permit would result in permanent ecological loss that mitigation efforts often fail to fully restore.

Comment I-31-2

Second, the proposed lowering of water quality raises significant concerns. The Ohio EPA's own notice acknowledges that an antidegradation review is required because no exclusions or waivers apply. This indicates that the project is expected to negatively impact existing water resources. In a region already vulnerable to flooding, erosion, and changing weather patterns, intentionally degrading wetlands and water quality is environmentally irresponsible and short-sighted.

Comment I-31-3

Third, data centers are resource-intensive developments. They require substantial land alteration, extensive impervious surfaces, heavy construction, and significant long-term water and energy consumption. While economic development is important, it should not come at the cost of irreplaceable natural resources—especially when alternative sites may exist that would avoid wetland destruction altogether. The applicant should be required to demonstrate that no less environmentally damaging practicable alternative exists.

Comment I-31-4

Finally, this project raises broader community concerns. Residents of southern Ohio depend on healthy ecosystems for clean water, outdoor recreation, agriculture, and long-term resilience. Approving permits that prioritize private development over public environmental resources sets a dangerous precedent and undermines Ohio's responsibility to protect its natural heritage for future generations.

For these reasons, I respectfully urge Ohio Environmental Protection Agency to deny the Tilted Gate Project Dazzler Isolated Wetland Permit or, at minimum, require a more comprehensive environmental review and evaluation of less harmful alternatives.

I-32:

Comment I-32-1

Please do not allow this water and power sucking disaster to be built!

I-33:

Comment I-33-1

Absolutely not. Take your money and get out of Ohio. We are not trading a wetlands and beautiful natural area so you can drive up utility rates and make yourselves rich. You are NOT welcome here. Leave. Go away. Don't come back.

I-34:

Comment I-34-1

Data centers ruin the environment and towns that they move into. NO DATA CENTERS IN OHIO!!!

I-35:

Comment I-35-1

I live in southeast Ohio. Ohio needs wetlands much more than we do another data center. We already have a lot of those. Data centers damage the environment without providing benefits to people or wildlife. I'm a lifelong bird watcher and wetlands are unique in what they offer to the birds. Please - don't let an industry that benefits the wealthy take our land away.

I-36:

Comment I-36-1

1998 Martin Street

I am objecting to the destruction of the wetland and creek for construction of the Google data center. It will negatively impact wildlife by removing their food and water resources.

Sincerely,

Maureen Hennessy

Pomeroy, Ohio. 45769

I-37:

Comment I-37-1

Please reject this bid to destroy wetlands for the purpose of a data center. This will not only impact the natural ecosystem that Ohioans are stewards of but it negatively impacts the local communities in the area without providing local benefit. It is the newest version of retraction industry making money on the backs of appalachians with profits going to wealthy businesses with no investment or commitment to the region.

I-38:

Comment I-38-1

The dangers of allowing a data center in this environmentally sensitive area is the height of irresponsibility. I am among the many people in Ohio who will oppose any data center because of the huge water and energy use and low benefits of any kind to residents. We are increasingly observing which legislators allow data centers so we can vote against them.

I-39:

Comment I-39-1

I beg you to deny this permit. It is just not ok to destroy a wetland because of development. These centers they are putting up are noise polluter's , water polluters, and huge water and enegy consumers! Your job is to protect these environments, not give them permits to destroy anywhere in Ohio.

I-40:

Comment I-40-1

I urge the Ohio EPA to deny the Tilted Gate Project Dazzler Isolated Wetland Permit, because it will destroy vital wetland habitat along the Ohio River and disrupt businesses that depend on the wetland and waterways through silt buildup and elimination of species. Ohio's legacy will be natural resources like these, and we can't afford to lose them.

I-41:

Comment I-41-1

Say no to data center! Don't ruin the wetlands!

I-42:

Comment I-42-1

I am dismayed to learn that Ohio is once again moving to destroy our natural areas, specifically wetlands. The Tilted Gate project is not only ill-conceived, putting our precious wetlands at risk, but it also ignores the will of the people. The area in question is unique in its flora and fauna, extending beyond the wetlands themselves. Nesting bald eagles. Rafts of otters. Human economic issues at the local marina. The resulting chaos will irrevocably change the streams, draining, and air quality. Data centers also present a power and water burden on local communities. And any "replacement" of the destroyed wetlands never results in the diversity of species present in the original.

We must be cognizant of the full costs of development, and this project does not address the issues. I urge you to deny this permit, and to protect the wetlands. Your name is Environmental PROTECTION Agency. Protect our wild spaces!

I-43:

Comment I-43-1

I live in Franklin Furnace. I have lived here my whole life and I have lived on Tyler's way for 14 years. We bought our home on this road because we love how quiet it is. We love looking at the river during the day and the dark sky with bright stars at night. We have a very quiet neighborhood so I would like to know why Google thinks they can come in and buy our peace and quiet and destroy our wetlands and harm our animals. We have deer, fox, coyotes, otters, bald eagles and some other rare birds and of course the fish in the river. This is so disgusting and heartbreaking to think that a multi billion dollar company cares nothing about these things that mean so much to normal human beings. We do not want our road moved and Google should not be allowed to make this decision about our road that will be directly on level 3 wetlands. That area floods with a little bit of rain. That means our road will be flooded constantly if they move it to this

wetland. If you allow this permit, it will also ruin our local marina. This marina is one of the few on the Ohio River that has covered slips. This marina has several families of otters that are rare on the Ohio River. Please do not give Google this permit to ruin our serenity.

I-44:

Comment I-44-1

I am completely opposed to the construction of a data center. We need to protect wetlands and all species the existence such wetlands support. Less than 10% of Ohio wetlands still exist, covering only 1.8% of the state. They used to cover 20% of the state. We do not need a data center at all, let alone one that means filling in a wetland.

I-45:

Comment I-45-1

Please deny this permit. The cost to our freshwater and electrical grid is far too high to pay.

I-46:

Comment I-46-1

No data center, do not drain the wetlands! Terrible for the environment and no real benefit to the people.

I-47:

Comment I-47-1

I am AGAINST a data center being built in Scioto County and am holding the EPA responsible for doing their jobs and stopping this from occurring! I will be monitoring the outcome and will continue to work to conserve Ohio's natural resources! Thank you!

I-48:

Comment I-48-1

The risk for a data center is too unknown. Much more information is needed before such an undertaking. Please - NO

I-49:

Comment I-49-1

Please reject this data center permit! We need our wetlands! Protecting the wetlands we have left helps protect us all from the detrimental impacts of habitat destruction and climate disruption. Data centers do more harm than we can even measure, destroying the environment and consuming huge amounts of energy. Keep Ohio clean and green; reject the data center permit!

I-50:

Comment I-50-1

I-51:

Comment I-51-1

Stop! Put this project on available and deserted parking lots within the Blair of Franklin County.

Wetlands help to mitigate flooding, which we are seeing more and more of.

I-52:

Comment I-52-1

Wetlands are an important part of our ecosystem. Wetlands should be preserved and protected, never destroyed. Please preserve them for all Ohioans, today and tomorrow.

I-53:

Comment I-53-1

I'm strongly opposed to allowing the data center to be built at this location. The Franklin Furnace area is important ecologically, an increasingly rare island of respite for our beautiful wildlife and plants—a huge part of what makes Ohio a desirable place to live, drawing important tourism dollars to the area. It's also an important part of our state history, which would be lost like so many others if this project goes through. I grew up in Ohio but lived in San Francisco for 12 years before returning home in 2020. I can tell you

from firsthand experience that these companies are an extractive industry, just like mining before, that will leave our land ravaged and without many of the promised economic benefits. Why do we keep seeking someone from far away to come take care of us instead of recognizing and protecting the incredible assets we already have here? We've seen this pattern so many times. We know what happens when the business leaves, which it will. The land and people will be used up and broken in brand new ways it will take more generations to heal from. Please please don't approve this project.

I-54:

Comment I-54-1

No! No! No! Just a big no! Preserve the wetlands. We don't want big tech down here, especially at such high a cost to our environment.

I-55:

Comment I-55-1

I am writing in opposition to the proposed wetlands permit associated with the Franklin Furnace data center project.

While I understand the economic arguments being made in favor of this development, I remain deeply concerned about the long-term environmental, health, and quality-of-life impacts that nearby residents will be left to bear.

Wetlands are not disposable land. They play a critical role in flood mitigation, water filtration, erosion control, and ecosystem health. Once these systems are disturbed or filled, the impacts are often irreversible — especially for nearby waterways, wildlife habitats, and downstream communities.

Wetlands are essential environmental infrastructure, particularly in Appalachian and southeastern Ohio communities that already face flooding, erosion, and water quality challenges. They act as natural sponges during heavy rainfall events, slowing and

absorbing floodwaters that would otherwise damage nearby properties and waterways. They also help filter pollutants and sediment before they reach streams and groundwater sources.

Destroying or fragmenting wetlands can increase flood risk, worsen downstream water quality, damage biodiversity, and reduce climate resilience over time. These losses are especially concerning given the increasing frequency of extreme weather events across Ohio.

Wetlands also provide critical habitat for birds, amphibians, pollinators, aquatic species, and other wildlife that depend on interconnected ecosystems to survive. Once these systems are disrupted, recreated "replacement" wetlands often do not fully restore the same ecological functions for decades — if they ever do at all.

The Ohio EPA should apply heightened scrutiny to any proposal that would permanently alter or destroy wetlands for any reason, but especially industrial infrastructure.

Comment I-55-2

Beyond the direct wetland impacts, there is growing national concern about the proven long-term public health effects associated with large-scale data centers. Recent investigations and reporting have documented concerns around air pollution from diesel backup generators and gas-powered turbines frequently used to support these facilities. These systems release pollutants including particulate matter, nitrogen oxides, volatile organic compounds, and other emissions associated with respiratory illness, cardiovascular disease, asthma exacerbation, and other long-term health risks. Recent reporting has also highlighted links between data center-related air pollution and increased risk of lung disease and other respiratory impacts for surrounding communities.

Researchers and environmental health advocates have increasingly warned about the cumulative burden these facilities place on nearby communities through constant industrial noise, light pollution, water consumption, heat generation, and chemical emissions. Some reports have described neighboring residents living with chronic headaches, sleep disruption, stress, anxiety, ear pain, dizziness, hypertension, and worsening respiratory symptoms after data centers became operational nearby.

Of particular concern is the growing body of reporting surrounding low-frequency noise and "infrasound" generated by data center cooling systems, turbines, and industrial equipment. Unlike traditional noise pollution, low-frequency sound can travel long distances and penetrate homes even when windows and doors are closed. Residents living near existing data centers across the United States have reported persistent humming, vibrations, inability to sleep, and an inability to comfortably enjoy outdoor spaces or even remain inside their homes without distress.

Importantly, many of these impacts disproportionately affect rural, lower-income, and politically marginalized communities that often lack the resources to effectively challenge large corporate developments. Communities should not be treated as sacrifice zones simply because they are perceived as easier places to build massive industrial infrastructure.

At the same time, the environmental costs of data centers extend far beyond a single building footprint. Large-scale facilities require enormous amounts of electricity and water, often increasing reliance on fossil fuel infrastructure while placing strain on regional utilities and ecosystems. Multiple recent reports have highlighted how communities hosting these developments may ultimately absorb the environmental and health consequences while corporations receive the majority of the financial benefits.

Residents in southeastern Ohio deserve clean air, healthy waterways, reasonable quiet, and the ability to enjoy their homes and outdoor spaces without being subjected to continuous industrial impacts.

The Ohio EPA should not treat wetland destruction and long-term community health risks as acceptable tradeoffs simply because a project is large or backed by major corporate interests. The burden should remain on the applicant to demonstrate that impacts have truly been avoided and minimized to the greatest extent possible — not merely mitigated after the fact.

I urge the Ohio EPA to deny this permit. At a minimum, there must be an in-depth and substantial environmental review along with an independent health impact analysis, stronger protections for surrounding residents, and far greater transparency before allowing this project to proceed.

I-56:

Comment I-56-1

So we're really considering selling out the community, destroying clean water, raising the local temperature, and irreparably damaging a unique ecosystem all to line your pockets. Nice. Our "for the people" government at work.

I-57:

Comment I-57-1

Building a data center here is a terrible idea. There's no need to build it on wetlands, and the damage to the local environment would be significant.

I-58:

Comment I-58-1

I am against the data center being built.

Large data centers have been shown to produce large amounts of noise pollution while driving up energy costs to the surrounding area. This will be damaging to wildlife and economically damaging to everyone living in the region. Further, data center buildings have no reasonable conversions for when the building is no longer useful as a data center due to its lack of windows or loading bays, meaning that it can only act as a blight upon our land when its original purpose is obsolete.

I-59:

Comment I-59-1

The benefit provided by the wetlands of any environment vastly outweigh the speculative rewards of constructing a data center. Besides maintaining an ecosystem and habitat for uncountable species of animals, the wetlands are also instrumental in reducing flood damage and mitigating risks due to droughts. These data centers simply do not provide the kind of economic benefit they report to bring, and in fact, negatively impact the environment at large to virtually no gain on the part of the ecosystem or residents near it. The jobs they often are temporary and almost exclusively for out-of-state contractors. Even should it be built, data centers are built on the edge of an economic bubble. It is all too likely that, should this data center be built, it will be an abandoned monolith and eyesore by the end of the decade. To say nothing of what a data center would do lower property values, increase utility costs, maximize noise pollution and air pollution, and unknown impacts to something as complex and delicate as a river wetland. Building a data center here is short-sighted, and I implore the Ohio EPA to take up their authority and refuse this opportunistic attempt to disgrace our beautiful land.

I-60:

Comment I-60-1

I oppose granting a permit because of the threat to wildlife habitat and because community members are not persuaded of its benefit or its safe operation.

I-61:

Comment I-61-1

In Ohio we have been known for sacrificing and disrupting the lives of rural folks. Including in the past timbering, coal, oil and gas and now data centers just to make money. Exploiting marginal populations. We say NO!

I-62:

Comment I-62-1

This huge data centers would be a significant impairment to this neighborhood and the local environment. It does not provide local jobs except during the building stage. The benefit is to the for-profit corporation and not to citizens. Please do not permit this destructive enterprise.

I-63:

Comment I-63-1

Much more could go wrong with the building of this data center than could go right. Ultimately, there won't be enough employment or financial gains to counter the destruction to the surrounding nature.

I-64:

Comment I-64-1

I strongly oppose the granting of the tilted gate project dazzler isolated wetland permit for the construction of a Google data center facility in Scioto County. The impact to the 8.21 acres of forested wetlands and the 15.7 acres of non-forested wetlands will be devastating. Any commitment the company makes to mitigate the wetland disruption and devastation has to be viewed as aspirational at best. Given the exceedingly poor track record of mega companies such as Google making good on their promises to poor, rural communities they take advantage of, this permit should not be granted. These fragile, threatened wetlands need protecting now, not destroyed with a promise with no real accountability of creating better ones down the road.

I-65:

Comment I-65-1

Why are you building data centers on wetlands?!

I-66:

Comment I-66-1

We should not allow data centers to use fresh water for cooling. The ecological impact should be considered. The safety of Ohioans and our supply of safe drinking water should be our top priority. Human lives are more important than AI or computer system cooling. We are trying to attract industry and residents to our state, who will want to live here if they cannot access fresh clean water affordably?

I-67:

Comment I-67-1

NO!!!!!!!!!!!!!!!!!!!!!!

I-68:

Comment I-68-1

I am strongly opposed to this project. It will have an incredibly negative impact on the natural environment as well as the wildlife and communities who rely upon it.

I-69:

Comment I-69-1

Please do NOT allow the wetlands to be filled in. I am NOT in favor of Project Dazzler

I-70:

Comment I-70-1

I oppose the draining of the area to put a data center. We can put data centers in such a way that that doesn't destroy an ecological system we don't get back.

I-71:

Comment I-71-1

I unequivocally do not support this. Data centers bring light, noise, and water pollution wherever they go. Ohio has enough of them and any future data centers, especially ones that interfere with natural wetlands should be banned.

I-72:

Comment I-72-1

I think the threat to wetland species that construction at this location would cause is imminent. I think that this permit for this specific location should be denied. The developer should find another location that does not impact wildlife species.

I-73:

Comment I-73-1

Our wetlands are a vital part of our local ecosystem, tourism, and research opportunities. I am extremely concerned about the destructive environmental implications of a data center project in this area, and the potential long term health effects of this project. Rejecting this proposal is an opportunity for our local agencies to earn public trust by actually upholding their responsibilities to our land, wildlife, and citizens.

I-74:

Comment I-74-1

To the Ohio EPA: DSW, I urge you to reject the permit for this data center. The damage this will cause to the local wetlands, the water supply, and the welfare of the residents of Scioto county will be irreparable. Building this data center would be devastating ecologically and economically to the region. If you have any integrity, dignity, or care for the preservation of life in Southeast Ohio (both human or otherwise), then you will not issue a permit for this data center to be built. Thank you.

I-75:

Comment I-75-1

The local community is against the data center being built in our community destroying farmland and our quiet rural area with increase in noise, lights and pollution. Raising our utilities so no one can afford them. It is terrible that we have to make multiple utility payments a month for one electric bill to be paid. Our Ohio River is our drinking water source and if we keep polluting the River we will no longer have any fresh water for households in the area. Environmental impacts last for years beyond our lifetime. Do we

really want to destroy our community for something that will be obsolete in a few years but will leave behind environmental damage to our farmland and our River? The Ohio River is our drinking water source for the communities along the River. Ruin our Fresh water supply and we will no longer be able to live in our community.

I-76:

Comment I-76-1

Wetlands are a part of what keeps our ecosystems working. You can't take a piece of our ecosystem away without it affecting another part. These are things we learn in elementary school. I don't understand how they are so easily forgotten in the higher agencies.

The data center that will sit in this spot will not feel the repercussions of its existence. The community and ecosystem surrounding it will. Please do not destroy our beloved land. This is not welcome. Please hear our voices.

I-77:

Comment I-77-1

Please, please don't destroy a valuable wetland for the sol purpose of feeding the cancer of these damned data centers!

I-78:

Comment I-78-1

We do NOT want this data center in Ohio. Among the many issues they cause is their unsustainable water consumption for cooling, high electricity usage causing grid strain and rising resident bills, noise pollution, and harmful air emissions from emergency generators!

I-79:

Comment I-79-1

Ohio Biophony

Scioto County, Ohio

ohiobiophony@outlook.com

May 13, 2026

VIA ELECTRONIC MAIL TO: epa.dswcomments@epa.ohio.gov

VIA ONLINE COMMENT PORTAL: <https://ohioepa.commentinput.com?id=x2pM63Bt8e>
(IWP component)

cc: anna.kamnyev@epa.ohio.gov

cc: rachel.secrest@epa.ohio.gov

cc: HClerk@epa.ohio.gov

Ohio Environmental Protection Agency

Division of Surface Water

401 Water Quality Certification & Isolated Wetland Permit Section

P.O. Box 1049

Columbus, OH 43216-1049

RE: Public Comment on Project Dazzler / Tilted Gate LLC. Combined Comment on Ohio EPA Public Notices DSW401262431W (Level 3 Isolated Wetland Permit) AND DSW401252253A1 (Section 401 Water Quality Certification). 3546 Gallia Pike, Franklin Furnace, Green Township, Scioto County, Ohio.

PUBLIC COMMENT. COMBINED OHIO EPA FILING

Public Notices DSW401262431W (Level 3 IWP) and DSW401252253A1 (401 WQC)
Comment deadline: Wednesday, May 13, 2026, 5:00 p.m.

Disclaimer and Identification of Commenter

The undersigned, "Ohio Biophony," submits this comment as an anonymous private citizen and Scioto County, Ohio resident. The commenter is not a licensed professional in any technical discipline addressed below, is not retained by any party, holds no organizational title, and does not speak on behalf of any agency, employer, firm, tribal nation, or non-profit. All technical statements herein are derived from primary documents in the record (the Applicant's own filings, Ohio EPA public notices, the U.S. Army Corps of Engineers' jurisdictional determination, ODNR consultation correspondence, recorded deeds, sworn court filings, and federal and state statutes and regulations). Where opinion is offered, it is plainly identified as such. Anonymous public comment is protected speech under *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995), and is permitted under OAC 3745-49-09 and the public-participation provisions of OAC 3745-05 and OAC 3745-54.

Standing and Concrete Injury

The undersigned is a Scioto County, Ohio resident who lives within the watershed of the project receiving water (Ginat Creek), within the airshed of the proposed Title V major source, and who uses Ginat Creek and the Ohio River for passive recreation and aesthetic enjoyment. These are concrete-injury facts within the meaning of *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167 (2000).

Summary and Requested Relief

For the reasons set forth in Sections A, B, and C below, the Ohio EPA Director should:

DENY the Section 401 Water Quality Certification application DSW401252253A1, or alternatively issue it only with conditions that fully implement OAC 3745"05 (antidegradation) and that are co-extensive with whatever conditions are imposed by the U.S. Army Corps of Engineers' final Section 404 decision; and

DENY the Level 3 Isolated Wetland Permit application DSW401262431W under R.C. 6111.024 and OAC 3745"54, on the grounds that the Applicant has not demonstrated avoidance and minimization to the maximum extent practicable, has not demonstrated that the proposed mitigation will replace the lost functions and values of 23.91 acres of state-isolated wetlands (including a Category 3 complex containing the documented high-quality "Hottonia Pond"), and has not demonstrated that practicable alternatives that avoid isolated wetland impacts do not exist; and

ORDER A PUBLIC HEARING on both applications under the Director's general authority and under OAC 3745-49-04, given the unprecedented scale of impact (the largest single isolated-wetland permit application in recent Ohio history at 23.91 acres of state isolated wetlands, plus 3.12 ac of Modified Category 2 jurisdictional Wetland P), the public-records and Open-Meetings-Act questions raised by the three Commissioner Non-Disclosure Agreements, and the federal connected-action issues raised at the paired USACE proceeding; and

EXTEND THE PUBLIC COMMENT PERIOD by no less than 30 days to allow review of materials that, as of the date of this comment, are still being produced (including the "stormwater drainage report ... currently underway" referenced in the IWP application) and to allow the public to receive complete information about the buffer encroachment construction announced for April 1, 2026 (Doc 4034473); and

TAKE JUDICIAL NOTICE of the Applicant's own April 3, 2026 disclosure, in Section 1 of the Section 401 Water Quality Certification application (Application ID 537676645), that the Applicant Contact for Tilted Gate LLC is "Randy Barrera, DC Project Lead" with contact email "randybarrera@google.com" (i.e., a Google LLC employee using a google.com corporate email address). By the Applicant's own filing, the principal-interest behind Tilted Gate LLC in this proceeding includes Google LLC. The three Commissioner Non-Disclosure Agreements that withheld the Client's identity from the County Commissioners are, in the Ohio EPA file, contradicted by the Applicant's own permit application. The antidegradation public-interest analysis under OAC 3745"05(C) and the cumulative-impacts inquiry should proceed on the documented record that

Google LLC is the operating principal.

Use of Past-Project Records in This Comment

Several sections of this comment draw on records from prior projects, prior owners, prior permits, and prior environmental investigations on the same 3546 Gallia Pike parcels. This is intentional and is necessary for a complete antidegradation review of the current Project Dazzler / Tilted Gate LLC applications.

The reason the past record matters: antidegradation analysis under OAC 3745"05 requires a comparison of the project's proposed discharges and impacts against the pre-existing baseline condition of the affected waters and the affected ecosystem. The pre-existing baseline at 3546 Gallia Pike is informed by, and in some respects encumbered by, the prior regulatory and environmental record on the same parcels. Surviving permit conditions (such as the 2008 Wetland K conservation easement obligation imposed in Ohio EPA permit ID 073247 and the 2008 Indiana bat tree-cutting restriction), surviving environmental investigations (such as the BTEX plume documented in the 2007 H.C. Nutting Limited Site Investigation incorporated into the 2019 EMH&T Phase I Environmental Site Assessment), and surviving engineering reports (such as the 2020 EMH&T Groundwater Study identifying an approximately 1.7 MGD on-site wellfield sustainable yield) are all part of the antidegradation record that the Director must consider.

How to read this comment: each reference below to a past-era document is identified by its date, its author, and its project of origin, so that the reader can distinguish the prior project's record from the current Project Dazzler / Tilted Gate LLC application. The two relevant project tracks on these parcels are:

The current project: Project Dazzler / Tilted Gate LLC / Google LLC (the Applicant Contact "Randy Barrera, DC Project Lead" using randybarrera@google.com per the April 3, 2026 Section 401 application). Ohio EPA dockets: DSW401262431W (Level 3 IWP, filed February 11, 2026) and DSW401252253A1 (Section 401 WQC, filed April 3, 2026). USACE file: LRH-2025-00939-OHR (AJD signed February 5, 2026). Land-use: 1.7-million-square-foot hyperscale data center campus on 792 acres within a 914-acre delineation study area.

The prior project: MMK Haverhill / Project Kyle / New Steel International, Inc. (CEO John Schultes). Prior Ohio EPA permits: ID 073246 (401 WQC) and ID 073247 (Level 3 IWP),

both issued May 29, 2008. Prior USACE file: 2006-02257-OHR. Prior NPDES industrial permit: OH0139726 / 01D00016 (expired November 30, 2024). Prior construction stormwater NOI: Application 279027085, filed November 27, 2024, approved as permit OGC01106*CG on November 29, 2024, with a project completion target of September 2, 2028. Land-use: integrated steel mill, never constructed.

The 2007 Weinberger Phase I cultural resources survey, the 2008 Burks Magnetic Gradient Survey, the 2008 Lawhon Cemetery Addendum (Krista Wagner, M.A.), the 2019 EMH&T Phase I Environmental Site Assessment, the 2019 Title Report (LPA RE 46), the 2020 EMH&T Groundwater Study, and the 2019 EMH&T Cultural Resources Review (Joel Brown) were each prepared during the prior-project era. The Commenter relies on these historical records to inform the antidegradation baseline and to identify questions the current Applicant has not addressed in the public record.

SECTION A. COMMENTS APPLICABLE TO BOTH DOCKETS (262431W AND 252253A1)

A.1 The Ohio EPA's Own Public-Notice Admission of Degradation

The April 11, 2026 public notice for DSW401252253A1 contains the following Ohio EPA staff statement, quoted verbatim:

"Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of Ginat Creek and Grays Branch watersheds which drain to the Ohio River."

This is the Ohio EPA's own concession that the proposed activity will lower water quality. Under OAC 3745-05(C), once degradation is found, the burden shifts to the Applicant to demonstrate (i) that the lowering is necessary to accommodate "important social or economic development," (ii) that all "cost-effective and reasonable best management practices, control technologies, and other mitigative techniques" have been imposed, and (iii) that "no less-degrading practicable alternative" exists. As shown in subsections A.2 through A.12 below, the Applicant has met none of those three burdens.

A.2 The Alternatives Analysis Is Pretextual under the Bersani Market-Entry Doctrine

Threshold point: the Applicant admits the project is not water-dependent. The Applicant's December 5, 2025 Ohio EPA DSW401 Preapplication for "Project Dazzler" (Application ID 495265945) states verbatim, in the description of project purpose and need, that "The project is not water-dependent." Under the federal Section 404(b)(1)

Guidelines at 40 CFR 230.10(a)(3), a rebuttable presumption exists that practicable alternatives to non-water-dependent activities in special aquatic sites are available and have less adverse impact on the aquatic ecosystem. The Ohio antidegradation rule at OAC 3745-05(C)(2) incorporates the same "less-degrading practicable alternative" inquiry. The Applicant's own non-water-dependent admission triggers the presumption; the Applicant therefore carries the burden of rebutting it on the public record. The discussion below shows that the April 3, 2026 Alternatives Analysis does not carry that burden.

The Applicant's April 3, 2026 Alternatives Analysis (the "AA") is structured to confirm a pre-selected site rather than to identify the least environmentally damaging practicable alternative. Three documentary facts demonstrate this:

Pre-positioned ownership and pre-positioned design. The Applicant entered the market for this project, and locked in the site layout and the alternative-site maps, months before deed close and many months before the formal Alternatives Analysis was dated. The documented timeline, anchored entirely on primary-source records, is: (i) Powell NDA. Signed for Tilted Gate LLC by Manager Michael Montfort on June 16, 2025 (DocuSign Envelope ID 7898F269-42C4-49BA-AD5C-6D79D54131D3). Tilted Gate already pursuing the project at the County level, disclosing the project to Commissioner Powell as "approximately 500,000 square feet." Powell's personal signature date is not visible in the executed copy in the public record. (i.a) Mault NDA. Same template as the Powell and Smith NDAs, internal document ID 25132422v1. Commissioner Steven Mault signed the agreement personally. The Tilted Gate corporate-side signature, name, title, and date are not visible in the executed copy of the Mault NDA in the public record. Section 1 of each NDA states verbatim: "The Effective Date of this Agreement is the date that the last party executes this Agreement below." Whether the Mault NDA was ever counter-signed by Tilted Gate, and if so by whom and on what date, is therefore both a fact question (whose answer determines the Effective Date of the agreement) and a record-integrity question for the Director's resolution on the public docket. (ii) Smith NDA. Signed for Tilted Gate LLC by Scott J. Ziance as "Authorized Representative" (Vorys Sater Seymour and Pease LLP) on October 16, 2025. Commissioner Merit Smith signed personally; Smith's personal signature date is not legibly visible in the OCR of the executed copy. (iii) December 5, 2025, 3:30 PM EST. EMH&T submits DSW401 Preapplication for "Project Dazzler" to Ohio EPA's eBusiness Center (Application ID

495265945), now describing 1.7 million square feet of building area on the 792-acre footprint and confirming, via the application's own checkboxes, that the alternatives analysis, the avoidance-and-minimization plan, the mitigation site map, and the conceptual mitigation and monitoring plan were all already prepared and attached. (iv) December 16, 2025. Exhibit 7 (the onsite Delineation Map) plotted by EMH&T (Job No. 2025-0390). (v) December 22, 2025. Exhibits 8 and 9 (South Shore, KY and Lakin, WV alternative-site maps) plotted by EMH&T. (v.a) January 7, 2026. Project Dazzler first publicly disclosed by the Scioto County Board of County Commissioners. This date is approximately seven months after Commissioner Powell first signed the NDA under which the project was being privately developed (June 16, 2025), approximately three months after Commissioner Smith signed (October 16, 2025), and approximately five weeks after EMH&T submitted the Preapplication to Ohio EPA describing the 1.7 million square foot scope (December 5, 2025). The public first received notice of the project after the alternatives-site mapping work was already complete. (v.b) January 22, 2026. The Scioto County Board of County Commissioners formally approved the project. Fifteen days after first public disclosure. (vi) January 29, 2026. The Norfolk Southern parcels deeded to Tilted Gate LLC. (vii) April 3, 2026. The formal Alternatives Analysis dated. Under the market-entry rule of *Bersani v. Robichaud*, 850 F.2d 36 (2d Cir. 1988), cert. denied, 489 U.S. 1089 (1989), the practicable-alternatives inquiry is fixed as of the time the applicant entered the market for the project, not as of the date the application is submitted. On the Applicant's own primary-source record, the market-entry date is no later than June 16, 2025; the alternatives-mapping work was performed in mid-December 2025; the deeds did not close until 38 days after the alternative-site maps were plotted; and the formal AA was dated more than 100 days after those plots. The April 3, 2026 AA is documentation of decisions that were already locked in by December 2025. It is not a fresh practicable-alternatives inquiry. The fact that the Applicant has already purchased this site, and has already drawn the alternative-site maps, does not make other practicable sites unavailable as a matter of OAC 3745"05(C)(2) and 40 CFR 230.10(a)(2).

Self-imposed July 1, 2026 break-ground deadline (inserted post-hoc). The AA repeatedly invokes a self-imposed schedule constraint, namely that ground-disturbing construction must commence by July 1, 2026, to disqualify alternative sites. That deadline appears in the April 3, 2026 Section 401 WQC application as "Construction Start Date: 07/01/2026 End Date: 06/30/2031." Critically, it does NOT appear in the December 5, 2025 Ohio EPA Preapplication, which described the schedule only as "construction will commence upon

or soon after the isolated wetland permit issuance in 2026 and be completed by 2030." The July 1, 2026 deadline was therefore introduced between December 5, 2025 and April 3, 2026, precisely the window in which the AA was being assembled. A self-imposed schedule is not a project purpose. It is a developer preference, and a developer preference inserted after the alternatives mapping was already done. *Sylvester v. United States Army Corps of Engineers*, 882 F.2d 407 (9th Cir. 1989), holds that an applicant's preferred timeline cannot be used to constrain the practicable-alternatives inquiry, and that is doubly true where the preferred timeline did not exist at the time the alternatives were being mapped.

Powell NDA scale discrepancy, confirmed in the Ohio EPA file. The June 16, 2025 Non-Disclosure Agreement signed by Commissioner Powell describes the project to the Commissioner as "approximately 500,000 square feet." The December 5, 2025 Ohio EPA Preapplication, less than six months later, describes "two data center buildings (approx. 1.7 million square feet total)." The April 3, 2026 Section 401 WQC application, AA, Master Plan, and Verified Packet all describe the same approximately 1.7 million square feet on the 792-acre footprint. The 3.4× scale change between what was disclosed in the June 2025 Powell NDA and what was disclosed to Ohio EPA in the December 2025 Preapplication is part of the documentary record. The Commenter does not characterize the Applicant's intent. The documentary record establishes that either the project was substantially scaled up between June 2025 and December 2025 without renewed local consultation reflecting the larger scale, or that the June 2025 disclosure to the County did not describe the project's then-planned scale. Either reading is sufficient on this comment: the project actually under review by Ohio EPA is not the project that was described to the local political subdivision, and the local-public-interest support that the Applicant invokes under OAC 3745-05(C)(1) cannot rest on the smaller project the County was shown.

A.2.1 OhioSE Pre-Marketed 875-Acre Site at Tract Avenue, South Webster: Meets All Four of the Applicant's Own Site-Selection Criteria

The Applicant's own December 5, 2025 Ohio EPA Preapplication identified its site-selection criteria, verbatim, as: "locations within American Electric Power's service territory in or near southern Ohio, size of at least 650 acres, reasonable interstate access, and suitable utilities." The Ohio Southeast Economic Development Office ("OhioSE") has publicly pre-marketed an 875-acre data-center-ready site at Tract Avenue, South Webster, Scioto County. That site meets ALL FOUR of the Applicant's own criteria: it is within AEP service territory; it is in southern Ohio (Scioto County); it is

larger than 650 acres (it is 875 acres); and it has interstate access (US 23) and suitable utilities, which is the reason OhioSE is marketing it. The AA's disqualification of Tract Avenue, despite its meeting every criterion the Applicant told Ohio EPA it was applying, cannot be reconciled with the Applicant's own December 5, 2025 statement of selection criteria. A practicable alternatives analysis under 40 CFR 230.10(a)(2) and OAC 3745"05(C)(2) is incomplete where a site of similar acreage, in the same county, that meets every criterion the Applicant has documentarily identified, is not seriously evaluated.

A.2.2 Identical Isolated Wetland Fill Acreage in Options A and B

Tables 5, 6, and 7 of the AA show that the proposed Option A and the alternative Option B both fill 23.91 acres of state-isolated wetlands. Although Option B avoids 1.96 acres of jurisdictional Wetland P, plus all of jurisdictional Wetland M (0.61 ac) and jurisdictional Wetland Q (1.12 ac), Option B fills the identical 23.91 acres of state-isolated wetlands. That exact identity in isolated-wetland-fill acreage between the two configurations strongly suggests that the layouts were drafted to a predetermined isolated-wetland-fill total rather than minimized through real engineering iteration. Where two layout options produce the identical state-jurisdiction impact to the precise hundredth of an acre, that is a signal of arithmetic backfit, not avoidance.

A.3 Connected Action: The Project Is Larger Than Disclosed, the Footprint Is Not Final, and the Applicant Has Already Admitted Segmentation in Writing

The 792-acre Project Dazzler footprint is one component of a larger, integrated land-use change in Green Township that includes, at minimum: (i) the Althea-Sweetgum reroute / extension corridor, including a new private bridge structure; (ii) the Braunlin Road realignment; (iii) the Ironton Avenue extension and grading; (iv) the off-site stormwater conveyance ultimately discharging to Ginat Creek and Grays Branch; (v) a barge-docking facility on the Ohio River that the Applicant's public-information website identifies as "BARGE DOCKING UNDER EVALUATION FOR CONSTRUCTION MATERIALS DELIVERIES"; (vi) a subsurface tunnel that the same public website identifies as "TUNNEL BELOW GALLIA PIKE UNDER EVALUATION TO CONNECT EAST AND WEST SIDES OF SITE"; and (vii) the widening of Gallia Pike, identified in the Roadway Improvements Exhibit on the same public website with a 2026 to 2028 construction sequencing table. Under OAC 3745"05's antidegradation framework, the cumulative-impact inquiry requires evaluation of the project as a whole. The Applicant cannot, by drawing the application

boundary tightly around the 792 acres, exclude from review the road, bridge, tunnel, barge-dock, and utility infrastructure that exists only to serve this project. Ohio EPA should require the Applicant to amend the application to incorporate all connected actions before any decision is rendered.

The Applicant's own engineering drawing admits segmentation in writing. Project Dazzler engineering drawing filed with Ohio EPA as Document 4034472, dated March 6, 2026, contains two notes that admit Section 401 / Level 3 IWP segmentation in plain English. Quoted verbatim:

"PROPOSED WORK WILL AVOID IMPACTING JURISDICTIONAL WETLAND P UNTIL SUCH TIME THAT A SEPARATE PERMIT FOR IMPACT IS OBTAINED."

"PROPOSED BRAUNLIN ROAD REALIGNMENT TO BE PERMITTED BY OTHERS."

The first note announces that the Applicant is reserving a future permit application for Wetland P impact. Deferring impact of a jurisdictional wetland that is integral to the same project footprint into a future "separate permit" is impermissible piecemealing under the connected-actions inquiry. The second note transfers the Braunlin Road realignment to a hypothetical "others" permittee, while the Applicant's own public website confirms the realignment is on the Applicant's construction schedule, on the Applicant's parcels, and integral to the Applicant's site-access design. The Director should disregard both segmentation recitals and analyze the IWP and 401 WQC against the single-complete-project footprint that includes Wetland P impact and the Braunlin Road relocation.

In addition, on information and belief, the Applicant or its affiliates continue to acquire, or to seek to acquire, additional property in or adjacent to the project area as of the date of this comment. The Director should require the Applicant to provide a complete and current accounting, dated as of the date of the Director's final action, of all parcels owned, optioned, or under contract by Tilted Gate LLC, Google LLC, or any affiliated entity within the project area or contiguous thereto. The accounting should identify each parcel by tax-map number, the date and instrument of acquisition or option, and the proposed use of each parcel. If acquisitions continue post-application, the public-notice period should be re-opened so that the public has notice of the project's actual footprint at the time of decision.

The Applicant's own delineation already extends 122 acres beyond the permit-application footprint. Section 3.0 of the February 11, 2026 IWP application (DSW401262431W) states, verbatim: "The locations and extents of potential waters and wetlands on the 792-acre Project Dazzler site were delineated by EMH&T in June, July and August 2025 as part of a larger (914-acre) study area. A delineation report was submitted to the U.S. Army Corps of Engineers (USACE) on October 6, 2025 for review and verification, and subsequently revised on January 7, 2026 (Appendix A). The USACE issued Approved and Preliminary Jurisdictional Determinations (JD) for the 914-acre study area on February 5, 2026 (Appendix B)." Section 5.2 of the same IWP further states, verbatim: "As recommended by ODNR, a rare plant survey was conducted by EMH&T environmental scientists in July 2025 to determine the presence or probable absence of any state-listed plant species. This survey encompassed a larger area (914 acres) which included the entirety of the current 792-acre Project Dazzler permit area." The April 3, 2026 Section 401 WQC application restates the same 914-acre delineation and 914-acre rare plant survey area. By the Applicant's own admissions, then, the Applicant in 2025 directed its consultant to study, delineate, and survey 914 acres but is now seeking authorization to fill only the inner 792 acres. The 122-acre delta is unaccounted for in the public record. The Director should require the Applicant to disclose, on the public record, (i) the parcel-by-parcel identity of the additional 122 acres included in the 914-acre delineation but not in the 792-acre permit footprint, (ii) the Applicant's or its affiliates' ownership, option, or contract interest in each of those parcels, and (iii) whether any portion of the 122 acres is the subject of pending or anticipated impacts not disclosed in the current application.

A.4 The Three Commissioner Non-Disclosure Agreements, the Applicant's Own April 3, 2026 Disclosure of Google as the Principal, and the Open Meetings Act Question Three Scioto County Commissioners (Powell, executed June 16, 2025; Mault; and Smith, executed October 16, 2025) signed individual Non-Disclosure Agreements with Tilted Gate LLC. Paragraph 2 of those agreements identifies Tilted Gate as "agent" for an unnamed third-party "Client" with joint-and-several enforcement rights, and the agreements invoke seven Ohio public-records exemptions including, notably, R.C. 1551 ("energy resource development facility"). The R.C. 1551 invocation suggests an undisclosed energy-generation or energy-substation element to the project, material to both the antidegradation and 401 reviews and to the cumulative-impacts analysis.

The Applicant's own permit application identifies the "Client." The April 3, 2026 Section 401 Water Quality Certification application (Application ID 537676645) lists, in Section 1, the Applicant Contact for Tilted Gate LLC as "Randy Barrera, DC Project Lead" with contact telephone "(323) 365-0517" and contact email "randybarrera@google.com." The Applicant therefore filed its formal Section 401 application listing a Google LLC employee, using a google.com corporate email address, as Tilted Gate LLC's "DC Project Lead" and the project's point of contact. By the Applicant's own primary-source disclosure to Ohio EPA, the "unnamed third-party Client" of the Commissioner NDAs is Google LLC. The NDAs withheld this identity from the County Commissioners; the Section 401 application discloses it to Ohio EPA. Ohio EPA should treat Google LLC as the operating principal-in-interest for purposes of OAC 3745-05(C) antidegradation public-interest balancing and the cumulative-impacts inquiry, and should consider whether the seven public-records exemptions invoked in the Commissioner NDAs are appropriately applied where the Applicant has already disclosed the Client to the State on the permit application itself.

On February 18, 2026, plaintiff Patrick McDavid, through counsel Curt Carl Hartman, filed McDavid v. Scioto County Board of County Commissioners, Case No. 26CIH00167, in the Scioto County Court of Common Pleas, alleging that meetings between the Commissioners and Tilted Gate LLC representatives were conducted as serial private meetings in violation of R.C. 121.22 (Ohio Open Meetings Act). The defendants are the Scioto County Board of County Commissioners and Commissioners Powell, Smith, and Mault individually. Defendants' counsel: John Andrew Fraser and Ryan Conrad Spitzer of Isaac Wiles Burkholder & Miller LLC. The relief requested includes a declaration that the resolutions and approvals adopted in furtherance of those meetings are void ab initio u

I-80:

Comment I-80-1

This project will irreversibly harm the surrounding wetlands, and by extension, the ecological health of the region. Water taken from the wetlands and the surrounding aquifers will be extracted from Scioto county, never to return in its current state. That which remains will be polluted with heavy metals and forever chemicals contained within the datacenter's cooling systems.

Comment I-80-2

And for what? So that users can generate high-quality deepfakes of one another to commit fraud? So that people can lie more effectively? So that workers can be forced to get more done in less time, until such a time that the AI is able to replace them entirely, leaving them without work? I understand that this will bring in good trade jobs - for a while. However, once this datacenter is built, it will not employ a significant number of people from Scioto county, and the construction workers will be left looking for their next job. Until Google is able to prove that they can run this project without tainting the local water, air, and ground, I will stand in opposition. Unless Google promises also not to take any tax abatements for this site, I will stand in opposition. Unless Google proves that they will pay the entirety of the increased electric power generation cost and grid upgrade cost themselves, and not pass on a single cent of these costs to the residents of Scioto county, nor the residents of surrounding counties in Ohio, West Virginia, and Kentucky, I will stand in opposition. Please vote in the interest of the children of Scioto and surrounding counties. That means voting NO on granting this permit.

I-81:

Comment I-81-1

Public Comment – Project Dazzler

Ohio EPA Level 3 Isolated Wetland Permit / Section 401 Water Quality Certification

Green Township, Scioto County, Ohio

This public comment submission is in connection with the testimony I provided at the hearing at

Green Local Schools on May 6, 2026. This is intended to act as a supplement and clarification to

that testimony and provide an outline of each concern/question I have in regard to the Isolated

Wetland Permit and Section 401 Water Quality Certification applications submitted by Tilted Gate

(Google).

It is important to note that these statements and the associated statements made on May 6, 2026

are based on my concerns as a local resident and in no way indicate my qualifications to evaluate

the associated applications on a professional level. All statements within this document are made

in good faith and are intended as opinions, observations, and concerns based upon publicly

available information and project documentation and are intended solely for the purposes of public

participation in the administrative review process..

There are five (5) primary areas of concern that I would like to elaborate on and would ask that

the Ohio EPA consider when addressing whether to approve or deny the application, or whether to

require significant alterations to the existing plan prior to approval.

1. Lack of public transparency by the applicant and public officials regarding project specifics

in a timely manner to allow for meaningful public research and feedback.

2. Seemingly inadequate alternatives analysis and avoidance/mitigation efforts on the part of

the applicant—causing impacts to Category 1 and 2 Wetlands that may be avoidable through alternative site selection or design and placing multiple Category 3 Wetlands at risk during the construction and post-construction phases.

3. The destruction of the onsite Category 1 and 2 Isolated Wetlands and the risk to

Jurisdictional Wetlands, Isolated Category 3 Wetlands, and the Ginat Creek Watershed may

contribute to cumulative and irreversible environmental impacts regardless of offsite mitigation.

4. Threatened and endangered species known to inhabit the area are inadequately protected,

and in some cases are not mentioned in documentation at all.

5. The economic benefits communicated to the community have varied at times and may

overstate local impacts based on standard RIMS II-style multipliers. Additionally, the project has the potential to impact at least one nearby long-established business (Holiday

Point Marina).

1. Lack of Public Transparency

a. The project was publicly announced on January 7, 2026 as a data center being built in Franklin Furnace by an unnamed company, which would be 500,000 square feet and have a 75% tax abatement for 15 years with a \$500,000 annual PILOT (payment in lieu of taxes).

b. County commissioners voted on a tax abatement on January 22, 2026, which only allowed citizens approximately two weeks to research the cost-benefit of the tax abatement for an undisclosed company. The company was publicly identified as Google immediately preceding the vote to approve the abatement.

c. Tilted Gate/Google has not publicly addressed the community until very recently

and will not host a public information session until after the public comment period for this application has closed—May 15, 2026.

d. Water usage and wastewater handling concepts have not been publicly released and there is not a structure on the currently proposed site map for a wastewater treatment facility. Both aspects will have a direct impact on water quality, hydrology, and wetlands health in the surrounding area.

2. The applicant has not conducted a reasonable alternative site analysis or wetlands avoidance measures, and at times, has not adequately addressed certain regulatory requirements.

a. The project is listed in the application as “not water-dependent.” By definition, this means there is not a requirement for the facility to be located nearby or to encompass a wetland habitat for its primary function.

b. While multiple restricting factors were utilized in the alternative site analysis, the “need” for the project to break ground by July 2026 is an overly restrictive criterion that produces a constrained evaluation that results in the property (Project Dazzler) already owned by the applicant to be the only viable option.

c.

There is significant acreage of land available on the east side of Gallia Pike currently not being directly utilized for structures by the Option B site plan, yet the applicant states that “...it is not possible to construct the development on the site without impacting isolated wetlands. Accordingly a non-degradation alternative

plan has not been developed.”

d. Ohio Administrative Code 3745-1-05 requires a rigorous antidegradation analysis that includes genuine consideration of a no-impact alternative. The applicant appears to conclude this requirement of a non-degradation alternative is not reasonable by stating that this “would result in abandonment of the development of Project Dazzler by the end user.” As a result, it is unclear whether the applicant has satisfied the referenced OAC, and as such, additional alterations and analysis appear warranted prior to permit approval.

3. The impacts resulting from filling onsite wetlands, performing large-scale site preparation and construction, and the long-term operation of the facility are not fully understood, and the offsite mitigation efforts are not a substitute for the potential cumulative harm to nearby natural resources and the Ginat Creek Watershed, overall.

a. The Option B site plan clearly illustrates that portions of the facility will immediately abut various wetland buffers, some of which are Category 3 Wetlands with documented endangered species (e.g., Hottonia Pond).

b. Existing infrastructure, specifically Braunlin Road, is proposed to be relocated immediately adjacent to the Category 3 Wetland (Map Code AO) on the northwest portion of the project site. Additionally, 400,000 cubic yards of excavated material will be stockpiled immediately across the road from this wetland.

c. It does not appear that a comprehensive hydrological study has been conducted to

fully anticipate the potential impacts to the local ecosystem or any threatened or endangered species within the area. As such, an independent impact study should be commissioned by the Ohio EPA in conjunction with the Ohio Department of Natural Resources and any other environmental oversight entities to ensure the full nature of the impacts are understood and can be weighed as part of this application.

4. There are a number of threatened and endangered species known to inhabit, or in some cases are likely to inhabit, the general area. Some of these are not mentioned within the application.

a. The potential impact to the “Hottonia Pond” cannot be fully anticipated by the sole assumption that a buffer zone and avoidance will protect the integrity of the system. Construction dewatering and other factors like surface permeability may have an adverse impact on the ecology of this system. The ODNR recognized this risk and has offered to manage or own the pond area to protect the Featherfoil (*Hottonia inflata*)—an offer that, to date, has not been agreed upon based on project documents.

b. While the documentation associated with the application indicates that direct impacts to a number of species are “unlikely,” this impact cannot be fully anticipated from avoidance only. A project of this scale could significantly impact both onsite and nearby hydrology, which can adversely affect many of the species considered in the application (i.e., plant life, fish, mussels, amphibians/reptiles, and bats).

c. There is a notable absence of potential impacts to nesting Bald Eagles, which are known to inhabit the surrounding area. Additionally, migratory birds have historically relied on the project site and nearby agricultural fields and wetlands for habitat. There is no mention of the potential impacts to either Bald Eagle or migratory birds. A full, independent study should be performed in conjunction with the proposed hydrological study to fully account for these factors.

5. The economic impacts of the project are unclear and may not fully account for the potential to adversely impact already-established businesses nearby.

a. Permanent direct-job estimates for the project have ranged between 50 employees (initially) to as many as 500 or more employees depending on the source. Should the applicant release employment data for a similar facility in terms of size and function with measurable economic impacts, it would improve the evaluation of the application and its potential economic impacts.

b. The applicant's indication that "for every job directly at a Google data center, 9 additional jobs are created in the wider community" (projectdazzler.com), is overly broad and does not specify direct, indirect, induced, full-time, part-time, or permanent/temporary measurements.

c. A 9:1 impact ratio is, by most standard RIMS II-style multipliers, considered very high. This is particularly true for a project that is capital intensive and located within a rural area. Given the inconsistencies in direct job estimates over the past few months by public officials and the use of economic impacts in a natural

resource related application, an independent economic impact study should be performed to fully evaluate the economic impact for the local economy.

Thank you for the opportunity to participate in this process,

Patrick McDavid

246 Junior Road

Ironton, OH 45638

740-237-2331

I-82:

Comment I-82-1

Preserve wetlands. It's your job. Say no to data centers and other development that relies on ruining rare habitats. I value the wetland and regional clean available water over the data center.

I-83:

Comment I-83-1

As a lifelong Ohio resident, this is extremely troubling. These wetlands are home to many species that are crucial to the local ecosystem. I am also concerned about how this will affect water and air quality for the area and how it will impact residents. When is enough enough? No one is asking for more data centers. And there will be no need for them after all if there is no more water to drink or clean air to breathe. It simply is not worth our lives. Stop this now.

I-84:

Comment I-84-1

As a property owner in southeast Ohio we are always concerned about projects that affect the soil and the atmosphere, I see both sides of the argument and change is always radical but most change is necessary but there are always hidden and don't surface until long after the project is completed. As a concerned resident of Ohio I just

want to make certain that we ask the questions that need asking, so what are the long term impacts to the atmosphere, soil and water ways? Also what will this plant produce as a byproduct? And what is the action required to reduce the footprint for the facility??

I-85:

Comment I-85-1

Possible duplicate comment from Chris Weekley.

I-86:

Comment I-86-1

PLEASE VIEW ATTACHMENT

Concerns:

- Historic cemetery and burial grounds located near Raika Lane
- Potential hydrological and flooding impacts affecting burial areas
- Drainage and stormwater concerns
- Cultural resource and preservation issues
- Potential impacts to cemetery access and surrounding properties

I-89:

Comment I-89-1

PLEASE VIEW ATTACHMENT.

Concerns include:

- Wetland Impact Assessment
- Stormwater and Flooding Impacts
- Noise and Light Pollution
- Mitigation Adequacy
- Request for Extended Comment Period and Additional Public Hearing

I-90:

Comment I-90-1

O-1:

Comment O-1-1

Comments from Patrick McDavid and Barbara Hand.