Environmental Justice/Title VI Review CyrusOne CHI6 I.D. No.: 043120AEZ Application No.: 24060010

#### 1. Introduction

This document describes the various Environmental Justice (EJ) and Title VI<sup>1</sup>-related considerations undertaken by the Illinois EPA's Bureau of Air in evaluating the above-referenced construction permit application. Because the proposed project will be located in an EJ area of concern, the Illinois EPA's policies for enhanced public outreach and evaluating potential impacts to overburdened communities were addressed in the permit review process. In addition, a Title VI-related settlement agreement (i.e., Informal Resolution Agreement or IRA) entered between the Illinois EPA and the USEPA in February 2024<sup>2</sup> was applied to this review process and resulted in a written analysis of the applicant's history of prior adjudications and past compliance, as discussed later.

#### 2. Permitting Project:

CyrusOne CHI6 (CyrusOne) proposes to construct an electronic data center located at 460 and 480 Bryn Mawr Avenue in Wood Dale, Illinois. Wood Dale is a small community comprised of roughly 1,000 people that is located in DuPage County. The community is located in a mostly rural part of central Illinois and does not possess a significant presence of industry. A medical complex consisting of doctor's offices, acute care hospital, assisted living facility and nursey home appears to be the largest employer in the area.

Data center operations are generally classified as Computer Processing and Data Preparation and Processing Services, Code 7376, under the Standard Industrial Classification system. Recent media reports indicate that increasing demands for internet-driven services, cloud storage and artificial intelligence (AI) technology are spurring new or expanding data center developments across the industry. Such efforts are generally viewed as essential to promoting the Nation's modern infrastructure needs.

CyrusOne proposes to build 42 diesel-fired emergency generators (Cummins models rated at 2,250 kilowatt (kW) and two emergency house generators (Cummins models rated at 1,250 kW) at the new data center, which will consist of two buildings. The emergency generators are used to support the data center

<sup>&</sup>lt;sup>1</sup> Title VI refers generally to the requirements of Title VI of the federal Civil Rights Act of 1964, which is one of eleven titles to the law and is entitled "Nondiscrimination in Federally Funded Programs." See, 42 U.S.C. §§2000d to §§2000d-7.

<sup>&</sup>lt;sup>2</sup> The negotiated terms of this IRA involved a Title VI disparate impacts complaint filed with USEPA in 2020 stemming from the issuance of a construction permit to General III for the relocation of a scrap metal recycling facility to Chicago's Southeast Side. The *General III* IRA memorializes the Illinois EPA's commitment to consider additional factors in its review of certain construction permit applications, as well as to enhance its public participation policies, for the purpose of improving transparency and assuring meaningful public access to its programs and activities. Additional information concerning the settlement agreement can be found on the Illinois EPA's webpage (i.e., use the Environmental Justice tab from the General Information drop-down menu).

when electrical generating power from the grid is not available due to outages. The generators will be equipped with diesel particulate filters as a means of emissions control.

For this construction permit, CyrusOne is limiting fuel consumption and emissions to restrict its potentialto-emit estimates of criteria pollutants to less than major source thresholds. More specifically, the issued construction permit contains hourly and annual fuel oil (or distillate) consumption limits for the proposed project (152.0 gallons/hour (gal/hr) and 249,312 gallons/year (gal/yr)(for 42 sets rated at 2,250 kW generators and 90 gal/hr and 15,180 gal/yr for 2 sets rated at 1,250 kW generators). For emissions of Nitrogen Oxides (NOx), which are a pollutant of concern because they are generated in the highest amounts during the run-time of the emergency generators, the company is accepting limits on the pounds per hour (lbs/hr) and tons per year (tons/yr) operation of generators (i.e., 45.74 lbs/hr for each generator set of the 2,250 kW rated models and 37.51 tons/yr for all combined generator sets of the same; 25.66 lbs/hr for each generator set of the 1,250 kW rated models and 2.05 tons/yr for the combined sets of the same). Both an annual and daily limit on the consumption of fuel distillate during regularly scheduled maintenance and testing (i.e., 264,492 gal/year and 19,000 gal/day) were added to the permit as a condition of modeling.

This construction project would result in proposed increases in annual permitted emissions of criteria pollutants from the facility, as follows:

Pollutants	Proposed Emissions Increase
	(Tons per Year)
NOx	39.57
Carbon Monoxide (CO)	11.48
Particulate Matter (PM)	0.45
Volatile Organic Material (VOM)	1.41
Sulfur Dioxide (SO2)	0.03

Under the Illinois Environmental Protection Act, 415 ILCS 5/39 and 39.5, CyrusOne must obtain both construction and operating permits for its emissions-related activities. The issued construction permit will allow the facility to operate its permitted equipment until a Federally Enforceable State Operating Permit (FESOP) is issued, provided that the company timely submits a Clean Air Act Permit Program (CAAPP) operating permit application to the Illinois EPA within 12 months after commencing operation. See, 415 ILCS 5/39.5(5)(x).

# 3. EJ Screen Results:

At the time of this permit review, EJ Screen results previously obtained through the U.S. Environmental Protection Agency's EJScreen webpages are no longer available. Other federal agency screening guides, including the Environmental Justice Index administered by the Centers for Disease Control (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) and the Climate and Environmental Justice Screening Tool administered by the White House Council for Environmental Quality (CEQ), are also unavailable.

The Illinois EPA continues to implement its EJ Policy through the use of EJ Start, which relies on census data for identifying potential areas of EJ concern based on low income and minority populations. In this case, the Illinois EPA conducted enhanced public outreach because the mapping tool identified the area surrounding the proposed site as a potential area of EJ concern. See, EJ Outreach below.

## 4. EJ Outreach and Public Participation Process:

The Illinois EPA conducted enhanced outreach through the EJ notification process. The EJ notification letter was sent to 62 separate groups, individuals, and elected officials on June 18, 2024. No inquiries were received in response to the EJ notification letter.

In accordance with the Illinois EPA Language Access Plan (LAP), Illinois EPA reviewed the American Community Survey results from the 2020 Census Bureau for the area of the proposed site. The percentage of households who speak English less than very well at home is 15.9% (Language Spoken at Home | American Community Survey | U.S. Census Bureau).

5. Air Quality Modeling Analysis:

At the Illinois EPA's request, the project underwent a comprehensive air quality modeling analysis to predict the air quality impacts from the project. An initial modeling report and electronic modeling files was submitted by CyrusOne's consultant (Ramboll) to the Illinois EPA in September 2024. A subsequent modeling report was submitted March 2025 updating revised emission rates based on a lower control efficiency for the diesel particulate filters.

The source impact analysis of the relevant NAAQS and their respective averaging periods showed modeled concentrations from the facility operating at various loads and their comparison to USEPA's significant impact levels (SILs) for the various pollutants. The modeling results based on the updated emission rates did not show any pollutants or averaging periods exceeding the SILs. These modeling results included the anticipated impact of precursor increases of NOx, SO2 and VOM on both ozone (O3) and PM2.5, which did not reveal any significant impact of the latter from secondary formation. An auditing of the modeling files by the Modeling Unit confirmed the consultant's analytical approach.

A NAAQS analysis of modeled concentrations of NO2, CO, PM10, and PM2.5, which included evaluating impacts from the facility and nearby emissions inventory sources, was also performed by the consultant and audited by the Modeling Unit. These analyses showed that modeled concentrations for these pollutants and averaging periods were below the NAAQS.

The Modeling Unit screened the project for air toxics but did not perform a formal analysis because the screening results did not reveal an appreciable impact.

For additional details concerning the modeling analysis, see the Memorandum from the Modeling Unit to the State Permits and FESOP Unit of the Permit Section, May 15, 2025.

#### 6. Permit Enhancements:

Permit enhancements consist of permit conditions that are incorporated into construction permits by the Illinois EPA to assure that a source can achieve compliance with applicable requirements, or that are necessary to accomplish the purposes of the Illinois Environmental Protection Act (Act) and are not inconsistent with Illinois Pollution Control Board (PCB) regulations. The Illinois EPA frequently considers permit enhancements when authorized by existing law.

As previously noted, the issued construction permit authorizes construction of the 44 emergency generators, all of which must be controlled by diesel particulate filters for emissions controls. The issued permit also contains limitations on both the annual consumption of the combined generators and on permitted emissions from the same. See generally, Special Condition 13(a) and (b). Annual and daily consumption limits for the combined generators during the operation of regularly scheduled maintenance and testing are also reflected in the permit for modeling purposes. See, Special Condition 13(c). As such, the construction permit restricts emissions, and particularly for the pollutant of concern, NOx emissions, to levels below that which would trigger major source requirements under the nonattainment areas regulations found at 35 Ill. Adm. Code Part 203. The finding of non-applicability of the major source rules is shown in Special Condition 1(a) of the permit.

The source must submit an episode action plan for the facility within 90 days from issuance of the construction permit, consistent with other recent data center projects permitted by the Illinois EPA. In this regard, the source will comply with the requirements of Subpart C, entitled Episode Action Plans, of 35 Ill. Adm. Code Part 244. Special Condition 12(a) through (c) of the construction permit address these requirements.

## 7. Past Adjudications and/or Past Compliance History of Applicant:

Because the construction project implicated the requirements of the *General III* IRA, the EJ/Title VI review document for this permitting action affirmatively considered the prior adjudications and past compliance history of the permit applicant, consistent with existing permit authorities found in the Act.

In this instance, the applicant does not have a history of past operation in the Wood Dale vicinity and the permitted facility is a new source. A search of the applicant's name does not reveal any prior adjudications or the entry of agreed consent orders by Illinois state courts or by the PCB. A review of the applicant's past compliance history for air-related matters from USEPA's Enforcement and Compliance History Online (ECHO)) shows a facility at the address and same identification number but it is presumed that this is in error. ECHO also shows CyrusOne potentially operating two facilities in Aurora, one of which broke ground for construction in September 2024. No recent pre-enforcement activities relating to these sources, or any other sources affiliated with CyrusOne, are depicted from the compliance and enforcement tracking program.

### 8. Additional Considerations:

Increased emissions of PM (especially PM<sub>2.5</sub>) and HAP-related emissions from a permitting project may present concerns to people residing in the vicinity of a project's planned location, particularly where there are other industrial sources located nearby. PM<sub>2.5</sub> is often a pollutant of concern in communities that border areas of industrial or manufacturing activity because of the adverse effects that smaller-sized particles of PM may pose to the environment or to human health. For this project, there is a negligible increase in permitted annual emissions of PM (i.e., at 0.45 tpy) associated with the new data center. The air quality modeling analysis confirmed that modeled concentrations of PM2.5 and PM10 emissions for this project would be below the applicable NAAQS standard and respective averaging period for both components of PM.

HAP-related emissions from a construction project may also pose public concerns due to their individual or collective impacts. For this project, the Modeling Unit concluded as part of its screening analysis that no appreciable impacts would occur. The construction permit also contains a permit restriction common to minor source permits, as shown in Special Condition 14, for limiting the project's potential to emit to less than 10 tpy for any single HAP and 25 tpy for any combination of total HAPs, assuring that the source avoids major source status under the requirements of Section 112(g) of the Clean Air Act.

## 9. Evaluation of Title VI Criteria for Disparate Impact Discrimination:

As described by the Overview and Implementation webpage for the *General III* IRA, the criteria for evaluating whether agency action is responsible for disparate impact discrimination is 1) identifying the policy or practice at issue, 2) a showing of adversity/harm, 3) a showing of disparity and 4) a showing of causation. Although this examination can be complicated, the operative criterion in most cases involving the permitting of air pollution sources is adversity/harm. The Illinois EPA's analysis in this review document examines the issue of alleged adversity/harm by assessing whether circumstances would support an enforcement action brought under existing environmental laws and regulations.

a. Substantive Standards

The issued construction permit will increase annual permitted emissions of NOx and, to a lesser degree, CO. Permitted increases of VOM, PM, and SO2 emissions associated with the project are largely *de minimis*. However, based on the air quality modeling analysis, these increased emissions from the project will not violate the NAAQS. As noted, the construction permit will limit fuel consumption and emissions from the emergency generators to assure that the source remains a minor source (nonmajor for purposes of air permitting programs). Other permit restrictions were established in the construction permit for modeling purposes, namely, the annual and daily consumption limits found in Special Condition 13(c). Nothing presented in the permit review indicates that the proposed project would cause a violation of air emission standards addressed by the Act, the PCB's Subtitle C (Air Pollution) regulations, or applicable federal regulations adopted by USEPA and enforceable by the Illinois EPA under state law.

b. Narrative Standards

The Illinois EPA has no information that would demonstrate a violation of a narrative standard of air pollution based on possible health impacts.

#### c. Nuisance-Based Standards

There is no history of odor complaints or nuisance believed to be associated with the proposed facility, such that a claim of statutory or common law nuisance could be demonstrated.