Earth Month Network, Inc. ™

Pinal County
Board of Supervisors
135 N. Pinal St.
Florence, AZ 85132

FOR THE RECORD

Hon. Jeffrey McClure, District 4, Chairman
Hon. Jeff Serdy, District 5, Vice Chairman
Hon. Rich Vitiello, District 1 Supervisor
Hon. Mike Goodman, District 2 Supervisor
Hon. Stephen Q. Miller, District 3 Supervisor

PUBLIC HEARING ON AGENDA ITEMS 21 AND 22
ORDINANCE 026-PZ-PD003-26
ZONING APPLICATIONS BY ROSE LAW GROUP, PC FOR
LANDOWNERS - VERM LA OSA RANCH, et al.
MAY 27, 2026

INTRODUCTION:

Earth Month Network, Inc. a 501(C)3 is the operating entity for Earth Month, which was founded on April 4, 1970, and currently based in Maricopa, Arizona USA with a global presence and a focus on environmental education, environmental justice, environmental law and policy, conservation, intelligence analysis, new technologies and integration, engineering, water & wastewater, tar sands, data/AI centers, civil and human rights, etc. and is appearing specially herein and not in general.

SUBJECT:

The Pinal County, Arizona Board of Supervisors are conducting a public hearing Wednesday May 27, 2026, in re the above subject as presented in the proposed ordinances 2026-PZ-PD-003-26, agenda item 21[1] item 22 [2] which are included herein and made a part hereof as attached hereto by reference.

[1] Proposed ORDINANCE 2026-PZ-PD003-26 ZONING APPLICATION BY ROSE LAW GROUP PC FOR LANDOWNERS - VERM LA OSA RANCH, et al., Agenda Item 21.
[2] Proposed ORDINANCE 2026-PZ-PD003-26 ZONING APPLICATION BY ROSE LAW GROUP PC FOR LANDOWNERS - VERM LA OSA RANCH, et al., Agenda Item 22.

As such, it is the standing position of the Earth Month Network, Inc. that the proposed ordinances on agenda items 21 and 22 as presented in their entirety and the intended projects on their face by Applicants are ***vehemently objected to and are opposed*** for cause, to wit:

COSIDERATIONS:

1. Once again Pinal County is contemplating yet more forced instillation of a mixed use "center complex" aka data center, this one consisting of 3,385 acres south of Eloy, along the Greene Canal of the Santa Cruz Wash, consisting of 59 separate undisclosed specific use buildings in the complex.

As the county progresses on this trail, leading to an undisclosed rabbit hole encircling the taxpayers, citizens, residents and visitors as ***real parties of interest*** to being entrapped. In doing so, the county has failed in its official capacity to protect itself as a body, and to protect the real parties of interest.

2. Applicants are not to be given a free pass on such an overly ambitious project by the Pinal County Board of Supervisors by embracing such without full and complete transparency and disclosure to the county, and the taxpayers, citizens, residents and visitors as real parties of interest. It does not appear that the Applicants informed the county and interested parties of the true reason what such centers are being built for or even needed. The excuse was to keep up with China is propaganda.

Author herein experienced first introduction to centers of the past was at Randolph AFB Texas and Langley Virgina in 1977 and are common to him now. They have vastly changed in scope and technology. It was known then for the need to obtain and control data on specific subject matter internally/nationally and for foreign countries of concern. This has been expanded since 911 to be exclusive in developing technologies to create ***mass surveillance*** of/on/about citizens, residents and immigrants in the USA and hold that informational process in controlled environments within the so-called cloud and centers commonly called data centers of various types. These ***mass surveillance centers*** collect, hold and transfer confidential and private data, of which to be shared and sold without consent, a Fourth Amendment violation to the Constitution for the united States which is governed and controlled by the real parties of interest.

3. Pinal County has put themselves and the real parties of interest at risk by intentionally, knowingly and willfully failing to develop and implement ***county codes that are specific to data centers*** and the like projects that are inclusive of those that would be in ***a high industrial I-3 zone*** (extremely high). There is no mention in the Pinal County *zoning* and *development* codes as to data centers or any semblance thereof, even chip plants lacking. [3] [4]

[3] Pinal County Zoning Code CHAPTER 2.340. - I-3 INDUSTRIAL ZONING DISTRICT
[4] Pinal County Development Services Definitions, CHAPTER 2.10. - DEFINITIONS

Pinal County's own Planning Division has stipulated its purpose for the county inclusive of items that are needed in specific codes as applied to projects as herein stated:

> "The purpose of the planning division is the promotion and protection of the public health, safety, comfort, convenience, and general welfare by securing for the citizens of Pinal County, Arizona, the social and economic advantages of an orderly and efficient use of land. The group reviews and evaluates all zoning requests that are referred to the Board of Supervisors, Planning Commission, and Board of Adjustment. The group also reviews commercial site plans, signs, subdivisions, and other administrative zoning plans, permits, and special projects." [5] [emphasis added]

Projects of this type and scope require special attention and warrants close examination, calling for focused oversight demanding careful consideration essential to Federal and State regulations and covering the minimal available codes of Pinal County. This exemplifies the fact of the requirement to develop codes to meet or exceed the Federal and State laws and guidelines as to specific county codes other than just an ordinance that is void of such, e.g., Programs, Plans, Policies, and Procedures as applied to the enlarged scope toward the Environment and Ecosystems pursuant to The Clean Air Act (42 U.S.C. 7401 et seq.) [6] The Clean Water Act (33 U.S.C. 1251 et seq.), National Environmental Policy Act (NEPA), Endangered Species Act (16 U.S.C. 1531-1544 *et seq*), The Toxic Substance and Control Act (15 U.S.C. 2601 et seq.), Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and others.

Pinal County is not at a loss yet, if and when they make such provisions in county code and not rely upon the defective proposed ordinances. How so? The city of Flagstaff Arizona has recently taken a proactive approach and is in the process of developing and refining new city codes to reflect upon the various types of centers that may want to invade the city.[7] This proactive approach protects the city, the citizens, residents, visitors, the vast environment and ecosystems. Flagstaff should be the model for Pinal County to follow not the cautionary tale.

4. The Applicants have not provided details of whom will be the operator of the proposed facility, as such being an ***undisclosed principal.*** This creates security issues as disclosure is not made as to is the principal and if the principal will permit those purchasing, or leasing space and those of colocation use to be of a ***countries of concern,*** e.g. China (including Hong Kong and Macau), Russia, Iran, North Korea, Venezuela, and Cuba. This has been a problem in the past with centers and is ongoing.

Currently it is unlawful for any data center in the country to acquire parts or components from such countries of concern as stated in the National Defense Authorization Act (NDAA) [8] and

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[5] Pinal County Community Development - Planning, About page.
[6] Environmental Protection Agency Clean Air Act Resources for Data Centers, May 12, 2026.
[7] City of Flagstaff Arizona Data centers zoning code update, May 5, 2026.
[8] National Defense Authorization Act Section 889 of the John S. McCain NDAA for FY 2019.

the Department of Justice Data Security Rule through Executive Order 14117[9] that restricts transactions involving "bulk sensitive personal data" by countries of concern, and that are implemented by the Bureau of Industry and Security. [10] These are of utmost integral components when considering such a project in Pinal County, or anywhere for that matter.

We know this to be a fact by currents events with the Ruso-Ukraine War. Ukraine has obtained whole drones and partial drones used by Russia against them. It is most unfortunate as the United States supplies Ukraine with armaments and Russia is using armaments that contain components made in the USA. Drones used by Russia, such as the Shahed/Geran and Lancet series, are heavily reliant on imported microelectronics. Up to two-thirds of the foreign components inside Russian drones are manufactured by US companies. [11] [12]

- **Microcontrollers and Processors:** Units from Texas Instruments and Microchip Technology act as the computational brain for flight control.
- **Power Management:** Voltage step-down converters, operational amplifiers, and line drivers manufactured by Texas Instruments.
- **Integrated Circuits and Sensors:** Analog-to-digital converters, inertial measurement units (IMUs), and semiconductors from Analog Devices, CTS Corporation, and Monolithic Power Systems.
- **Nvidia:** Their Jetson AI microcomputers have been identified in automated drone targeting systems, pointing to joint Russian-Iranian weapons development.
- **Intel & Advanced Micro Devices (AMD):** Both companies have had their microchips and processors identified in various Russian unmanned aerial vehicles and missile systems.
- **Micron Technology & NXP USA Inc.:** Their microprocessors and memory components have been repeatedly found in recovered drone flight control units.

Manufacturing plants for Microchip are in Chandler while Manufacturing at Lb2 in Tempe closed in 2025. CTS Corporation has a location in Tucson, Monolithic Power Systems has a location in Chandler, Intel has two chip plans in Chandler, while Texas Instruments has design and engineering in Phoenix and Tucson.

This regrettable circumstance translates that while components manufactured in the USA and possibly locally in Arizona are used by a country of concern (Russia) against a country

[9] Executive Order 14114 Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern, February 24, 2024.
[10] Bureau of Industry Security, Industry Guidance to Prevent Diversion of Advanced Computing Integrated Circuits May 13, 2025
[11] Be4Ukraine, Russian Drones.
[12] Olena Bilousova, Agiya Zagrebelska, Vladyslav Vlasiuk, and Nataliia Shapoval, *Foreign Components In Russian Military Drones,* (International Working Group on Russian Sanctions & KSE Institute, August 23, 2023)

(Ukraine) that the USA is provided armaments and humanitarian aid, economic support for during a war. You must ask yourself this essential question: *if components from the USA are used by Russia against a US ally, what are the chances that components from countries of concern would not continue to flow as components to be used in a data center?*

** **Executive Notice:** Once again, it is unlawful for such components from a country of concern to be implemented into a data center. This alone is a ***procedural bar*** to the proposed project and prohibits the approval of any ordinance as a matter of law, *supra*.

STIPULATIONS:

Applicants have proposed 34 separate stipulations within the two ordinances as presented. For the most part they are so general that they lack substance or create a cause for authentication to support any semblance that they would adhere to the stipulations. Please note that once again Pinal County does not have any codes that could remotely append to data centers or to this project and are void for vagueness ab initio.

POWER:

1. The Applicants have not yet been determined to reveal the correct or anticipated energy specific sources or use, but states to the effect they intend to rely on two gas generators for initial startup and to phase off with battery storage and a combination of the grid, as well as stating ***possibly*** from the solar farm on state land near Eloy. Is this two generators for each building?

It is unknown what energy sector will be used and how much to be drawn and consumed by each. This still leaves an unknown for what would come directly from the grid and from solar depriving current users. What and how much energy are they speaking of for consumption? By taking energy from the solar farm, it will take energy from the grid which would deplete those users of energy and increase costs to them. This is a linier process and is not a much-needed circular sustainable remedy.

2. One of the highest operational costs for a data complex is electrical power. A data center or complex can draw 100mw of power up to over 300mw. It does not appear that any energy best practices are being presented for the use of sustainable energy at most sites. Battery storage creates environmental hazards to destructive magnetic field energy to the human body and to wildlife, and oil contamination form transformers.

3. At times emergency power is supplied to what is termed a pod which are placed on each side of the building containing huge generators. Some are supplied by diesel engines and others are by natural gas which would require tier IV. The one of choice is Rolls Royce. Their new NG one for 2026 is a 20 Cylinder mtu Series 4000 L64 engine for the 60hz market and able to deliver 2.8mw in 45 seconds. A diesel 4000 series is also used with the ability for adjustable fuels. Model

1600 is still a popular one of choice. Diesel engines sit atop a 3000-to-7000-gal fuel cell and are heavy polluters.

4. There is a colossal amount of heat that is generated then expelled and exhausted from data centers. The heat generated can be 16° F/-8.8° C or more over and above the ambient air temperature. This raises grave concerns that was not addressed by Applicants as to what harm they intend imposing upon addition Global Warming and Climate Change which affect humans and wildlife?

WILDLIFE:

Within Pinal County this project location may be a more rural desert area but has an abundance of beautiful wildlife within and wildlife that crosses the boarder from Mexico. It is called Sonoran Desert Wildlife, and consists in part of:

Mammals

- **Predators:** Coyotes, bobcats, and occasional foxes or badgers.
- **Herbivores:** Desert mule deer, javelina (collared peccaries), and black-tailed jackrabbits.
- **Small Wildlife:** Round-tailed ground squirrels, desert pocket mice, and kangaroo rats.

Reptiles & Amphibians

- **Snakes:** Western diamondback rattlesnakes, gopher snakes, and coachwhips.
- **Lizards:** Common chuckwallas, zebra-tailed lizards, and side-blotched lizards.
- **Desert Tortoises:** They are occasionally spotted in rocky foothill areas.
- **Toads:** Red-spotted toads, which become more active during monsoon season.

Birds

- **Desert Birds:** Greater roadrunners, cactus wrens, and Gambel's quail.
- **Birds of Prey:** Red-tailed hawks, kestrels, owls, and occasionally golden eagles.
- **Songbirds:** Various species that thrive in arid scrublands.

This desert oasis contains 110 different bird species, with eleven potential colonization and sadly, eight potential expirations of species.[13] Both mammals and reptiles in this oasis need further remarks. Within Pinal County the project is close to vast species that would need to be identified, cataloged and pinned pursuant to NEPA and the Endangered Species Act. [14] These requirements need to be in the county code. Applicants made reference to vegetation but made no mention of wildlife and species thereof or their protection, why not?

[13] Audubon Society, Birds & Climate Change in Our National Parks, Sonoran Desert.
[14] Endangered Species Act 16 U.S.C. §1531 et seq. (1973), updated July 25, 2025.

WATER:

1. Centers depending on their intended use design and size require different amounts of water. Some centers are open loops and others closed loops. This would have to be disclosed by the Applicant and principle to determine the drawing from ground water. Campus can draw from 4 % to 7% of the current systems or basin reserve, sometimes more. Data centers use the least water because they do not operate at full capacity. Hyperscale AI Centers on the other foot run continuously requiring constant flow.

2. These piped systems require flushing at least once a year, depending on the maintenance requirement which also demands a pretreatment system of waste. This needs to be implemented in code. Closed looped systems are the better technology today and use approximately five times less water than evaporative or older systems. AI centers, where liquid (water or dielectric) cools chips directly, which can be more efficient.

3. The consumption rate of a medium-sized data center can consume roughly 100 million gallons of water per year. An AI-focused hyperscale data centers require higher, continuous cooling, with some facilities using 385 million gallons annually. Data centers and AI centers use significant amounts of water, with large facilities consuming up to 5 million gallons per day for cooling, equivalent to a town of 10,000 to 50,000 people. It is primarily used to prevent server overheating through evaporation; water usage is expected to rise by 870% in the coming years due to AI growth. Ouch! As a general rule it would be 1-M gallons a day for a well that pumps 750 gallons a minute.

4. Water source for the proposed project is the Eloy Sub-basin from wells. This means that it is most likely that the water drawn from the aquifer will be potable. However, this raises great concern for over usage as Arizona is in a serious drought, and it is expected that Arizona will lose 25% or more of its Colorado Water Rights. A center should have an *in-situ* waste treatment plant for reuse and anywhere from 3 to 5 times and placed in county code.

NOISE POLLUTION:

1. Data center builds ae constructed in similar ways to cut costs and have consistent building requirements that are repeatable for Mission Critical projects. Most consist of 2 floors and usually two large sections on each floor that are leased to other clients. A building is about 55 feet tall with a deck to hold the large chillers weighing about 53,000 lbs each. The deck including the top of chillers, and the building would bring the height to approximately 80 feet.

2. Depending on the manufacture and type of chiller some water and others are with centrifugal or screw pump being most common with 20 to 800 tons of cooling energy. These

systems are very loud and have been recorded to be at 119 db much like the generators. If the pumps are wrapped it still produces 95 db or more into the environment.

3. Under the large chillers it can consist of the pumps and piping that moves water from the building to the chillers. It has a vertical centrical pump that runs at over 80 psi and is very loud at over 100 *db*.

4. Chiller noise can be up to 119 *db* which can travel up to four miles. Just as dangerous to the noise level to humans and wildlife are the frequency/hertz ranges. Each unit manufacture and brand have their own ranges.

5. Horizonal chilled water pumps are under the platform for the chillers and pump warm water from the data floor back to the chillers for recirculation. They operate at 95 db or louder with a steady *hz* range.

6. The large generators are test run monthly and are extremely loud. Depending on the generator manufacture model they can produce 119 *db* and their own frequency/hertz issues that are damaging to humans and wildlife. The exhaust could be run into water tanks to break nose and collect pollutants for treatment.

7. Both chillers and generators can transmit variable nose *db* levels and variable *hz* up to four miles away causing harm to wildlife and humans, mostly developing children.

8. Best Available Technology (BAT) is not used for chillers. Both centrifugal and screw chillers can utilize Helium as a medium which requires less compression emitting less noise. They can be placed in an enclosed building or underground.

9. Indoors in the data center consist of cooling units called CRAU or CRAC units that receive the chilled water under the floor and circulate the air underneath and within the data center to cool the equipment. These run at lower *db* and do not affect external noise.

EXPENSES:

It should be clearly noted that the applicant/agent and principle would be responsible and liable and incur all costs of construction and operation including but not limited to securing water and electrical utilities and keep them maintained and not burden the parties of interest, an will not cause a rate increase upon them in any form. This needs to be in county code.

ECONOMIC IMPACT:

The economy would boost while construction is going on for lodging, food shopping and even recreation, and slow down to a minimal amount afterwards. Centers are not known for

generating revenue through employment. They do not offer tours due to the public due to security concerns and cleanroom environments. Any tax incentive for the county should not be the controlling factor for the project and should encompass what is best for the parties of interest without bias.

JOBS:

A project could employ up to 3,000 different temporary skilled construction union jobs in various trades and professions off and on. These are drawn from all over Arizona and the country. Once finished each building will have security and management, professional certified HVAC Technicians, facilities technicians, janitors etc. Not much of a draw from the area once finished due to the skills required and security clearance.

The square millage/per acre of the project displaces more space than that of commercial business that would employ more people, 2 to 5 people per acre, several thousand more than the project site.

One can calculate that there could be as many as 50 jobs per 250-K square feet of date floor space. The trend now is to share labor between buildings on large campuses to save manpower and costs. Some tenants that lease space in a given center may want to supply their own staff.

In conclusion the objection and opposition to the proposed ordinances stands while it is hoped that the Pinal County Board of Supervisors will not sign off on the proposed ordinances pursuant to the aforementioned more intrinsically to page 3, note 4 and page 5 at ** Executive Notice, taking a proactive approach by exercising your official capacity to protect humans and the environment, conducting orderly and efficient use of land by creating proper and formable county codes for data centers..

Respectfully Submitted this 27th day of May 2026.

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