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Data Center Development and Nexuses to Clean Water Act Program Implementation: Association of Clean Water Administrators Memorandum

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The Association of Clean Water Administrators (“ACWA”) published a memorandum titled:

Data Center Development and Nexuses to CWA Program Implementation (“Memorandum”).

The Memorandum addresses:

- Key issues.
- Emerging gaps.
- Strategic considerations for state regulators and ACWA members.

ACWA describes its organization as the national voice of state and interstate water programs.

The Memorandum initially notes that the:

... rapid expansion of data centers associated with artificial intelligence, cloud computing, and digital infrastructure is creating a new and increasingly complex set of implementation challenges under the Clean Water Act.

Further, it states that data centers have historically received “limited attention within water quality regulatory programs.” This is stated to be changing and leading state and federal regulators to reevaluate how existing Clean Water Act frameworks apply to these developments because of data center:

- Scale.
- Concentration.
- Operational demands.

Issues noted include:

- Water-intensive cooling systems.
- Large wastewater flows.
- Growing reliance on reclaimed water.
- Significant supporting energy infrastructure.

Described as primary Clean Water Act implementation issues in the Memorandum include:

- Water Supply Issues
- Source Water Depletion / Evaporative Losses

- Transparency in Water Use
- Strains on POTW Capacity
- Water Quality Standards
- Temperature and Thermal Criteria
- Chemical and Narrative Criteria
- Antidegradation Policies
- Designated Uses and Changing Demand
- Water Reuse and Water Quality Standards
- PFAS
- Nitrates
- NPDES Permitting
- Unintentional Direct Discharge
- Intentional Direct Discharges
- Cooling tower blowdowns
- Equipment wash water
- Thermal Discharges
- Indirect Discharges and Pretreatment
- Stormwater Permitting
- Cumulative Impacts
- PFAS
- Emerging Pollutants
- Transparency / Trade Secrets
- TMDL Development and Implementation
- Wasteload Allocations
- Thermal TMDLs
- Implementation and Reasonable Assurance
- Water Reuse
- Source Water
- Water Quality
- Reduced Flow Returns
- Nutrients / Salts / Trace Organics
- State Variability
- Regulatory Gaps
- Other CWA and Permitting Issues
- CWA Sec. 401 Certification
- CWA Sec. 404 Permitting
- Climate
- Energy-Water Nexus
- Environmental Justice
- Public Concern / Backlash

A copy of the Memorandum can be found [here](#).