McCracken County Model Ordinance and Notes

Large Energy-Intensive and Advanced Industrial Facilities Ordinance for McCracken County, Kentucky

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Prepared for: McCracken County Fiscal Court, Planning Commission, and Board of Adjustment

Submitted by: Protect McCracken County (contact: Erica Moore)

Covers: the data center and energy campus on DOE-leased land AND Global Laser Enrichment's plant on privately owned land

Date: August 2026

Model Ordinance Notes

The model ordinance covers large energy-intensive and advanced industrial facilities generally, and it is built on a two-track legal design so it can reach both the data-center-and-energy campus and the GLE enrichment plant, each on its own terms.

Two tracks are needed because the two projects sit behind two different legal walls.

The data center is on federal land. Brookfield leases the parcel from DOE under the Atomic Energy Act and the 1993 Hall Amendment. Federal-land immunity is in play, but it is not a clean bar, because the operator is a private commercial tenant, not the government itself. The ordinance therefore applies to it "to the maximum extent permitted by law," reaches its generally applicable performance standards and everything built off the federal parcel, and leaves the County Attorney to pin down the rest, including whatever the DOE lease says about following local law.

GLE is on private land. GLE acquired its 665-acre parcel from the Kentucky Department of Fish and Wildlife, the former West Kentucky Wildlife Management Area, through a land swap. It is private land inside the county, so federal-land immunity does not apply. The county's ordinary zoning reaches it. The one remaining limit is nuclear-safety preemption, which bars the county from regulating radiation and nuclear-material handling, but leaves the county free to apply non-radiological land-use standards: conditional-use review, setbacks, buffers, ordinary noise and lighting, stormwater, traffic, and water reporting.

The ordinance includes a nuclear-safety savings clause (Section 4) that expressly limits it to non-radiological, traditional land-use matters and disclaims any attempt to regulate what the NRC controls. That clause is what lets the ordinance apply to GLE without being preempted, and it protects the rest of the ordinance if any single provision is challenged.

How the ordinance applies to each project

Project	What this ordinance does to it
Data center + energy campus (DOE-leased federal land)	Full whole-campus review, setbacks, water, noise, lighting, emergency response, utility protection, and compliance, applied to the maximum extent permitted by law and fully to the private operator and all off-federal-parcel components. County Attorney determines the reach on the federal leasehold itself.
GLE enrichment plant (private land)	Ordinary county zoning applies. Conditional-use review, setbacks and buffers, non-radiological noise and lighting, stormwater, traffic, water withdrawal and reporting, and decommissioning all apply. Radiological safety, radiation, and nuclear-material handling are carved out and left to the NRC by the Section 4 savings clause.
Shared / off-site infrastructure	Pipelines, transmission, substations, water lines, and roads on private or county land are fully subject to the ordinance regardless of which project they serve.

Model Ordinance No. 2026-____

An Ordinance of McCracken County, Kentucky, establishing zoning and regulatory standards for large energy-intensive and advanced industrial facilities, including data center and energy campuses and uranium enrichment and other nuclear fuel-cycle facilities, to protect public health, safety, property, natural resources, utility customers, and quality of life.

Recitals

WHEREAS, McCracken County exercises planning and zoning authority under KRS Chapter 100 and applicable county ordinances; and

WHEREAS, large energy-intensive and advanced industrial facilities are proposed in the county, including an integrated data center and energy campus on federally owned land leased from the U.S. Department of Energy, and a uranium enrichment facility on privately owned land acquired by the applicant adjacent to the former Paducah Gaseous Diffusion Plant; and

WHEREAS, these facilities can affect noise, water resources, air quality, public safety, local infrastructure, utility rates, wildlife, and neighboring property; and

WHEREAS, the county intends to exercise its traditional, non-radiological land-use authority to the fullest extent permitted by law, while fully respecting the exclusive authority of the U.S. Nuclear Regulatory Commission over radiological safety and the immunities that attach to federally owned land;

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of McCracken County, Kentucky:

Section 1. Title

This ordinance shall be known as the McCracken County Large Energy-Intensive and Advanced Industrial Facilities Ordinance.

Section 2. Purpose and Intent

The purpose of this ordinance is to protect the public health, safety, and welfare; private property; natural resources including water, air, wildlife, and remediation areas; utility customers; and community quality of life, in connection with large, energy-intensive, and advanced industrial facilities. It is regulatory and protective, not intended to facilitate or guarantee any development, and shall be applied to the maximum extent permitted by law.

Section 3. Definitions

(a) **Regulated Facility.** Any of the following within the county's jurisdiction: (i) a Data Center and Energy Infrastructure Campus; (ii) a uranium enrichment or other nuclear fuel-cycle facility; (iii) a major electric generating facility or battery energy storage facility; or (iv) any industrial facility with a contracted or designed electrical load of [50] megawatts or more, a site of [100] acres or more, or a water demand of [500,000] gallons per day or more.

(b) **Data Center and Energy Infrastructure Campus ("Campus").** A development that includes a data center together with any functionally related generation, battery storage, substations, transmission, water infrastructure, cooling equipment, fuel or gas pipelines, roads, and other supporting facilities, whether or not separately owned, leased, or permitted, when developed in connection with the same data-center load or master plan.

(c) **NRC-Licensed Facility.** A Regulated Facility that requires a license from the U.S. Nuclear Regulatory Commission, including a uranium enrichment or nuclear fuel-cycle facility.

(d) **Sensitive Receptor.** A residence, school, licensed childcare facility, place of worship, hospital, nursing or assisted-living facility, or public park.

(e) **Controlled or Remediation Area.** Land subject to environmental or institutional controls, deed restrictions, or ongoing cleanup under federal or state authority, including areas associated with the former Paducah Gaseous Diffusion Plant.

(f) **Federally Owned Parcel.** Land owned by the United States, including DOE land leased to a private party.

(g) **Privately Owned Facility.** A Regulated Facility on land owned or acquired by the applicant or a private party, including a greenfield parcel adjacent to a federal site.

(h) **Material Expansion.** Any increase of [10] percent or more in acreage, contracted electrical load, generation capacity, battery storage capacity, or water demand, or the addition of a new generation, storage, or fuel-cycle technology.

Section 4. Non-Radiological Scope; Reservation of Federal Nuclear Authority

(a) This ordinance regulates only traditional, non-radiological land-use matters within the county's police power, including siting, setbacks, buffers, non-radiological noise and lighting, stormwater, traffic, water withdrawal from local sources, decommissioning, and local public-safety coordination.

(b) This ordinance does not regulate, and shall not be construed to regulate, radiological health and safety, radiation hazards, or the possession, processing, or handling of source, byproduct, or special nuclear material, or any other matter within the exclusive jurisdiction of the U.S. Nuclear Regulatory Commission under the Atomic Energy Act of 1954, as amended.

(c) No provision shall be applied to require anything that conflicts with a facility's NRC license or with federal law, and this ordinance shall not be used to prohibit outright a use that is federally licensed.

(d) If any provision is held preempted as applied to an NRC-Licensed Facility, that application is severable and the remainder of the ordinance continues to apply to that facility and to all others.

Section 5. Applicability, Jurisdiction, and Federal Land

(a) This ordinance applies to the establishment, construction, operation, and Material Expansion of any Regulated Facility, or any component of one, within the county's zoning jurisdiction.

(b) **Federally Owned Parcels.** On a Federally Owned Parcel, this ordinance is applied to the maximum extent permitted by law. The County Attorney is directed to determine which provisions may lawfully be enforced on the federal leasehold and which may not, and the county shall not assume either answer.

(c) **Privately Owned Facilities.** A Privately Owned Facility, including the GLE enrichment site and any facility on land acquired by the applicant, is subject to the full application of this ordinance, limited only by the non-radiological scope in Section 4.

(d) **Off-parcel components.** Pipelines, transmission, substations, water infrastructure, and roads on private or county land are fully subject to this ordinance regardless of which facility they serve.

Section 6. Conditional Use Required

(a) A Regulated Facility is a conditional use. It is not permitted by right in any district, including Heavy Industry (MH), and requires conditional-use approval with an approved development plan.

(b) A Material Expansion requires new or amended conditional-use approval and the public notice in Section 17.

(c) Conditional-use approval is subject to conditions reasonably necessary to carry out this ordinance and to the annual compliance certificate in Section 16.

Section 7. Whole-Facility Review and Anti-Segmentation

(a) The county shall evaluate the reasonably connected components of a Regulated Facility together for its land-use decision. An applicant shall not divide a facility or campus into separate applications to avoid or diminish review.

(b) The application shall identify all known and reasonably anticipated components, including phasing, even where a component is separately owned, leased, or permitted, or held by an affiliate.

Section 8. Setbacks, Buffers, and Sensitive Receptors

(a) Minimum setbacks shall be established from Sensitive Receptors and, separately, from wetlands, streams, rivers, floodplains, and protected habitat, including the former wildlife management area lands and the Clarks River corridor. Suggested minimums for counsel: generation, storage, and fuel-cycle components at least [1,000] feet, and other structures at least [500] feet, from any Sensitive Receptor; at least [300] feet from wetlands, streams, and rivers; and no permanent structures within the mapped [100]-year floodplain.

(b) Setbacks shall increase beyond the minimum where an acoustic, air-quality, wetland, flood, habitat, fire, or contamination study shows more distance is needed. No reduction shall be allowed based solely on a neighboring owner's waiver.

(c) Additional buffering shall apply near any Controlled or Remediation Area, and screening shall be required along boundaries facing Sensitive Receptors. These requirements integrate with the county's existing stormwater and site-plan provisions.

Section 9. Water Resource Protection and Reporting

(a) The application shall include an engineering water balance prepared by a qualified professional, not a marketing description, stating for each component and the whole facility: the water source or sources; maximum daily withdrawal; average daily withdrawal; consumptive use; discharge volume, temperature, and chemistry; chemicals and additives used; drought operations; and emergency or peak demand. The water balance shall be updated upon any Material Expansion or material change in operations.

(b) The applicant shall document, with the serving utility, that withdrawal and discharge can be accommodated without adverse effect on the availability, reliability, quality, or cost of water and wastewater service to existing customers.

(c) **Quarterly operational reporting.** The operator shall report actual water use each calendar quarter, in gallons, by source and by component, stating both average daily and maximum daily withdrawal, consumptive use, and discharge for the quarter.

(d) **Enhanced reporting.** The operator shall report monthly during any declared drought and during the first [12] months of operation, when actual demand is not yet established.

(e) **Annual public summary.** The operator shall publish an annual consolidated summary comparing the year's actual use against the projections in the water balance, including any claim of use under five million gallons per day.

(f) **Verification and consequence.** All reports shall be verified by a qualified third party and posted publicly. A report showing withdrawal or discharge above projected or permitted levels shall trigger review and, where warranted, mandatory mitigation.

Section 10. Noise Standards

(a) The applicant shall commission an independent baseline noise study over at least [7] days including nights before construction, and submit predictive modeling before approval showing compliance at the nearest Sensitive Receptors.

(b) **A-weighted limits.** At the nearest residential property line, not to exceed [60] dBA during the day (7 a.m. to 7 p.m.) and [50] dBA at night (7 p.m. to 7 a.m.).

(c) **C-weighted limits (low-frequency hum).** At the nearest residential property line, not to exceed [73] dBC during the day and [65] dBC at night, measured over [5]-minute intervals. A-weighting alone understates the low-frequency hum from cooling and generation, so these C-weighted limits apply in addition to the A-weighted limits.

(d) **Octave-band limits (low-frequency control).** The facility shall not exceed the unweighted octave-band sound-pressure limits set out in a schedule prepared by a qualified acoustical consultant and adopted with this ordinance, measured at the nearest residential property line and covering at least the 16 Hz through 8,000 Hz octave bands. Exceedance of any single band is a violation. Octave-band limits are the primary control on low-frequency noise.

(e) **Infrasound.** At the nearest residential property line, infrasound (energy below 20 Hz, which A- and C-weighting do not capture) shall not exceed [85] dBG (G-weighted). Compliance testing shall include measurement of infrasound.

(f) **Tonal and impulsive noise.** Where narrow-band frequency analysis shows an audible tone or an impulsive character, the applicable limits above are reduced by [5] dB.

(g) **Application.** These limits apply to cooling equipment, transformers, generation, generator testing, and all other Campus and facility sources.

(h) **Post-construction testing.** The operator shall conduct compliance testing within [60] days after each phase becomes operational.

(i) **Continuous monitoring.** The operator shall install and maintain, at its expense, permanent continuous noise monitors recording A-weighted, C-weighted, octave-band, and infrasound levels. Monitor locations shall be based on exposure, not a fixed count: at the property line facing each residential cluster, and at sensitive receptors within [one mile] whose predicted level comes within [10] dB of any applicable limit. Data shall be telemetered to a county-accessible dashboard and a public web page, with automatic alerts on exceedance, and retained for [five] years.

(j) **Independent monitoring.** All monitoring and periodic attended verification testing shall be performed by an independent acoustical consultant retained by or approved by the county and paid for by the operator. Operator self-certification does not satisfy this section, and the county retains audit and spot-check rights.

(k) **Verified exceedance defined.** A verified exceedance occurs when monitoring shows a level above any applicable limit, measured as [an hourly equivalent level (Leq)] or [more than [10] cumulative minutes above the limit in any hour], after correction for or exclusion of clearly unrelated sources, and confirmed by the continuous-monitor data or an attended measurement.

(l) **Response and cure.** A verified exceedance triggers a notice of violation and a mandatory mitigation plan within [10] days and cure within [30] days. If the exceedance is not cured, the county may require operational curtailment, including reduced or halted nighttime operation of the offending equipment, until compliance is achieved, and the penalties and certificate and permit actions in Section 16 apply.

Section 11. Outdoor Lighting

(a) **Purpose.** Because the county lies within the Mississippi Flyway and contains the Clarks River corridor and habitat for migratory birds, bats, and federally protected species, outdoor lighting shall be designed to minimize harm to wildlife as well as to neighboring residents.

(b) **Shielding.** All outdoor luminaires shall be fully shielded (full cutoff) with a zero-uplight rating (U0 under the BUG system). No light shall be emitted at or above the horizontal.

(c) **Color.** Correlated color temperature shall not exceed [2200] Kelvin (warm amber) anywhere on the site. Blue-rich and short-wavelength light, which most harms birds, bats, and insects and most increases skyglow, is prohibited.

(d) **Nighttime curfew.** All non-essential outdoor lighting shall be turned off, not merely dimmed, from [one hour after sunset] until sunrise. Only the minimum lighting necessary for safety may remain, and it shall be motion-activated and fully shielded.

(e) **Seasonal migration lights-out.** During spring migration [March 15 to May 31] and fall migration [August 15 to November 15], all non-essential outdoor lighting shall be off from dusk to dawn.

(f) **Tall structures.** Any required aviation obstruction lighting shall use flashing rather than steady-burning fixtures, at the minimum intensity the FAA allows, because steady lights on tall structures attract and kill migrating birds. Decorative uplighting of structures is prohibited.

(g) **Light trespass.** Light trespass shall not exceed [0.05] foot-candle at any residential property line, and shall produce no measurable increase over ambient darkness at the boundary of any wetland, stream, the Clarks River corridor, protected habitat, or wildlife refuge.

(h) **Controls and brightness.** Motion sensors, dimming, and separate lighting zones shall be used, and lighting shall be no brighter than necessary, subject to any lumens-per-acre cap the county adopts.

(i) **Certification and verification.** The applicant shall submit an as-built photometric plan, and an independent consultant retained or approved by the county and paid by the operator shall verify shielding, color temperature, trespass, and curfew compliance after installation. Violations are enforced under Section 16, including required correction and shutting off non-compliant fixtures until they comply.

Section 12. Legacy Contamination and Soil Disturbance

(a) Where a Regulated Facility is on or adjacent to a Controlled or Remediation Area, the application shall identify all excavation, grading, trenching, water lines, pipelines, foundations, and soil movement in or near that area.

(b) The application shall document the applicable DOE, EPA, and Kentucky Energy and Environment Cabinet approvals, consultations, or determinations, and the county shall not issue any legally required local approval until that documentation is provided.

(c) **Pre-disturbance characterization.** Before any soil disturbance in or within [500] feet of a Controlled or Remediation Area, the applicant shall sample and characterize soil and groundwater in each work area. Known contamination shall be identified and planned for in advance, not addressed only upon discovery.

(d) **Soil and Materials Management Plan.** The applicant shall submit a plan, prepared by a qualified environmental professional and approved by the responsible agencies, governing the segregation, handling, stockpiling, covering, transport, and disposal of contaminated soil; equipment decontamination; dust suppression; and erosion, sediment, and stormwater control.

(e) **Continuous perimeter air monitoring.** During earthwork, the operator shall maintain real-time air monitoring at the site boundary and nearest receptors for particulates, volatile organic compounds, and radiological particulates. Exceedance of the [lower] action level requires enhanced dust control; exceedance of the [upper] action level requires an automatic work stoppage until controls are restored. Data shall be telemetered to a public dashboard with alerts.

(f) **Independent on-site monitor.** Earthwork shall be overseen by an independent environmental professional retained by or approved by the county and paid by the operator, present during disturbance and with authority to stop work. The county also retains stop-work authority. Operator self-monitoring does not satisfy this section.

(g) **Notification.** Any exceedance, release, or discovery of contamination shall be reported to the county, the responsible agencies, and the public within [24] hours. Failure to report is a violation under Section 16.

(h) **Groundwater and plume protection.** The applicant shall provide baseline and ongoing groundwater monitoring, shall not discharge dewatering in any manner that could mobilize contamination, and shall not conduct any activity that interferes with ongoing federal or state remediation.

(i) **Financial assurance.** The operator shall maintain financial assurance and shall indemnify the county and residents for the cost of responding to any spread of contamination caused by construction. Enforcement and the county's independent review and monitoring costs are governed by Section 16.

Section 13. Emergency Response and Public Safety

(a) The applicant shall submit an emergency-response plan developed with McCracken County Emergency Management and the local fire district or districts, addressing fire-water supply and flow, battery thermal-runaway response with large-scale fire test data, natural-gas leak and fire response, hazardous-material inventories, severe-weather and flood procedures, backup-power incidents, and evacuation and public-notification procedures.

(b) The plan shall provide for annual drills with local responders and for funding, through a cost-recovery or infrastructure agreement, of specialized equipment or training the facility makes necessary.

(c) For an NRC-Licensed Facility, this section requires coordination and information-sharing with local responders to the extent not preempted, and does not regulate radiological emergency planning reserved to federal authority.

Section 14. Utility and Ratepayer Protection

(a) **No cost shift.** No county approval, tax or payment-in-lieu agreement, or infrastructure agreement shall shift project-caused capital, road, water, sewer, emergency-response, electric-system, or other costs onto existing residents or ratepayers. Each facility shall fully fund the infrastructure it requires.

(b) **Roads and haul routes.** The operator shall fund the construction, repair, and repaving of roads damaged by construction and heavy-haul traffic, shall execute a road-use and maintenance agreement with a pre-construction and post-construction road-condition survey and a road-damage bond, and shall fund any traffic improvements the project necessitates.

(c) **Independent rate-impact study.** Before approval, an independent rate-impact study, not the serving utility's own assurance, shall assess the effect on existing customers. It shall be prepared at the operator's expense and posted publicly.

(d) **Data center; dedicated generation and interconnection.** The data center's dedicated generation is acknowledged, but because that generation is grid-connected, the operator shall fully fund all grid interconnection, network and transmission-system upgrades, capacity obligations, and backup-service costs its connection causes, so that none is socialized onto other ratepayers.

(e) **Load-generation matching.** The data center's electrical load shall not be energized or ramped faster than its own dedicated generation and storage are commissioned and available to serve that load. To the extent any interim grid power is used before the dedicated generation is operational, the operator shall bear all interim energy, capacity, and transmission costs and any resulting cost impact on existing customers, through a dedicated or bilateral arrangement and a ratepayer hold-harmless. This matching requirement is a development-phasing condition and a condition of the operating-compliance certificate under Section 16.

(f) **Grid-supplied facilities, including GLE.** A facility that draws power from the grid, including the GLE plant on private land, shall fully fund the line extension and any system upgrades required to serve it, with no socialization onto other ratepayers, and, if it takes utility power under contract, shall be subject to large-load protections including a minimum contract term, a minimum monthly billing demand, collateral, and exit or stranded-cost fees.

(g) **Ratepayer hold-harmless and security.** As a condition of local approval and any tax or incentive agreement, the operator shall provide a binding ratepayer hold-harmless and financial security sufficient to cover project-caused cost shifts and stranded costs, making any voluntary no-added-cost pledge an enforceable obligation.

(h) **Public Service Commission.** Because electric rates and cost allocation are within the jurisdiction of the Kentucky Public Service Commission, the county shall intervene, and support residents in intervening, in the relevant proceedings to secure these protections, and shall coordinate with Big Rivers Electric, Jackson Purchase Energy, and Paducah Power System.

(i) **Annual accounting and enforcement.** The operator shall publish an annual accounting of electricity demand, dedicated generation online, any interim grid power drawn, infrastructure additions, rate impact, and any county or ratepayer cost attributable to the facility. Violations and cost shifts are enforced under Section 16, including a draw on the financial security.

Section 15. Decommissioning, Radioactive Material, and Long-Term Site Stewardship

(a) **Siting preference and alternatives analysis.** For a facility that will generate, process, or store radioactive or hazardous material, the applicant shall submit an alternatives analysis, and the county shall give preference to siting on land already subject to environmental controls or remediation, such as the federal Paducah site, over creating a new contaminated footprint on previously uncontaminated land. The applicant shall demonstrate why co-location on an already-controlled site is not practicable. This preference rests on land conservation, groundwater protection, and avoidance of new long-term institutional controls, and not on radiological safety.

(b) **Non-radiological decommissioning and restoration assurance.** The application shall include a decommissioning and site-restoration plan for removal of structures, foundations, equipment, and conduit, backed by financial assurance in an amount set by an independent cost estimate plus a [20] percent contingency, updated at least every [three] years and replenished as drawn. This is separate from and supplemental to any radiological decommissioning funding required by the NRC.

(c) **Radioactive material and waste disposition.** The applicant shall file with the county its NRC decommissioning funding plan and its radioactive-material storage and disposition plan, shall demonstrate a committed, funded off-site disposition pathway for residual and depleted material rather than indefinite on-site accumulation, and shall provide non-radiological containment, including groundwater, stormwater, and spill controls, for any storage area. This subsection requires disclosure and land-use protection only and does not regulate matters within the NRC's exclusive jurisdiction.

(d) **Long-term stewardship and institutional controls.** The applicant shall record deed restrictions and land-use controls running with the land, provide long-term groundwater monitoring, and maintain financial assurance for perpetual non-radiological site stewardship, so the obligation follows the property regardless of ownership.

(e) **Indemnification and hold-harmless.** The operator shall indemnify and hold harmless the county and its residents against any cost of contamination response, decommissioning, or long-term stewardship not covered by federal funds, including any shortfall in NRC-required financial assurance and any cost arising from bankruptcy or abandonment.

(f) **Groundwater and migration.** The operator shall prevent any off-site migration of contamination, provide baseline and ongoing groundwater monitoring, and undertake corrective action, coordinated with Section 12 and with ongoing federal and state remediation.

(g) **Timing and enforcement.** The financial assurance and disposition plan shall be in place before operation. This section is enforced under Section 16, and the county may draw on the financial assurance. Consistent with Section 4, nothing in this section regulates radiological safety reserved to the NRC.

Section 16. Annual Compliance Certificate, Inspection, and Enforcement

(a) Rather than reopening the conditional-use entitlement each year, the county shall issue an annual operating-compliance certificate upon the operator's demonstration of compliance through required reports and a county inspection. The County Attorney shall confirm the structure under KRS Chapter 100.

(b) The county shall inspect each facility at least annually, shall inspect on any credible complaint, and may inspect unannounced. The county may require corrective action. Violations are subject to escalating civil fines, corrective-action orders, and, for substantial or uncured violations, suspension or revocation of the certificate and referral for revocation of the conditional use under KRS Chapter 100.

(c) **Independent audit.** Issuance of the annual certificate shall be supported by an independent, operator-funded compliance audit, not the operator's own certification alone.

(d) **Public participation.** The county shall provide public notice and a comment period before issuing an annual certificate, and shall consider resident complaints and any unresolved exceedances. A certificate shall not issue, and any issued certificate is suspended, while a verified violation or an unpaid penalty remains unresolved.

(e) **Corporate guaranty.** The operator shall provide a parent-company or other corporate guaranty so that all penalties, financial assurance, and obligations under this ordinance are backed by a financially responsible party and are not limited to a thinly capitalized local entity.

(f) **Daily penalty.** A violation not cured within the time allowed is subject to a civil penalty for each day it continues, each day a separate offense, at the maximum amount the county may lawfully impose. The County Attorney shall confirm the maximum penalty available under Kentucky law.

(g) **Curtailment and self-help.** For a substantial or uncured violation, the county may require reduced or suspended operation of the offending component until it is corrected, may draw on the facility's financial assurance to investigate, measure, and mitigate and bill the operator, and may seek injunctive relief.

(h) **Cost recovery and escrow.** The operator shall fund, through a replenishing escrow or reimbursement agreement, the permanent monitoring equipment and public data feed, the independent consultants required by this ordinance, and the county's reasonable engineering, consultant, and legal costs of review, monitoring, and enforcement. Deposits shall be replenished as drawn and any unused balance refunded, and charges shall be limited to reasonable costs actually incurred. The County Attorney shall confirm the county's fee authority under Kentucky law.

Section 17. Transparency and Public Access

(a) **Public portal.** The operator shall maintain a free, searchable public web portal, with no login required, containing every application, environmental study, acoustic and water report, emergency plan, compliance certificate, audit, and periodic report, in downloadable form, kept for the life of the facility.

(b) **Real-time monitoring, public and constant.** All continuous noise, air, and water monitoring required by Sections 9, 10, and 12 shall be streamed to a public dashboard in near real time (within [one hour]), continuously available to anyone, with exceedance alerts posted automatically when a limit is crossed.

(c) **Posting deadlines.** Documents shall be posted within [10] days of submission or receipt. Quarterly operational reports shall be posted within [30] days after the end of each quarter, annual summaries within [60] days, and incident or exceedance notices within [24] hours.

(d) **Complaint channel.** The county shall maintain a public complaint line with logged entries and a required response time, and complaints shall be part of the compliance record under Section 16.

(e) **Material Expansion.** A Material Expansion, or any significant increase in acreage, computing load, generation capacity, storage capacity, or water demand, shall require new public notice and review before it may proceed.

(f) **Enforcement and limited exemption.** Failure to post, to stream, or to meet a deadline in this section is a violation under Section 16. Only genuinely security-sensitive or safeguards information for a nuclear facility may be withheld, and that exemption shall be construed narrowly and shall not be used to withhold ordinary environmental or operational data.

Section 18. Severability and Reformation

If any section or application is held invalid, including as applied to federally owned land or preempted as applied to an NRC-Licensed Facility, the remaining sections and applications continue in full force, and invalidity as applied to one facility or parcel shall not affect application to any other. If a provision is invalid as written, a court shall narrow or reform it to the extent needed to make it valid and shall give it the maximum lawful effect, rather than strike it entirely. It is the Fiscal Court's intent that this ordinance apply to the fullest extent lawfully possible to every Regulated Facility and to all privately owned and off-federal components within county jurisdiction.

Section 19. Effective Date

This ordinance takes effect upon passage, recording, and publication as required by law.

Adopted this ____ day of _____, 2026.

_____ _____

Craig Z. Clymer, County Judge/Executive Attest, Fiscal Court Clerk

Planning Commission Recommendation and Referral to the Fiscal Court

The McCracken County Planning Commission, acting under KRS Chapter 100, held a duly advertised public hearing on this proposed ordinance on _____, 2026, and received public comment.

Having reviewed the proposed ordinance and the record, the Commission finds that it is consistent with the county's adopted comprehensive plan and that it serves the public health, safety, and welfare of McCracken County.

The Commission therefore recommends that the McCracken County Fiscal Court adopt this ordinance, and refers it to the Fiscal Court for that purpose.

Recommended this _____ day of _____, 2026.

Vote: For _____ Against _____ Abstain _____ Absent _____

_____ _____

Chair, McCracken County Planning Commission Secretary, McCracken County Planning Commission

Individual members concurring:

_____ Vote: For ____ Against ____ Abstain ____ Absent ____

_____ Vote: For ____ Against ____ Abstain ____ Absent ____

_____ Vote: For ____ Against ____ Abstain ____ Absent ____

_____ Vote: For ____ Against ____ Abstain ____ Absent ____

_____ Vote: For ____ Against ____ Abstain ____ Absent ____

Drafting notes for county commission / counsel

- **Check whether current grading already triggered a local approval.** Earthwork and soil movement may already be underway. Determine what county approvals, if any, that work required. If grading proceeded on land within county jurisdiction without a required approval, that may be a present violation and an immediate opening for a stop-work or enforcement action, not just a future rule.
- **Pressure-test the Section 4 savings clause.** This is what lets the ordinance apply to GLE without being preempted. Confirm it tracks the Atomic Energy Act and Pacific Gas & Electric v. State Energy Resources, and that no other section strays into radiological regulation.
- **Resolve the two-track jurisdiction.** Determine what is enforceable on the DOE leasehold (data center) versus fully enforceable on GLE's private land, and preserve full application to all off-federal components.
- **Confirm the annual compliance-certificate mechanism under KRS Chapter 100** (Section 16), including inspection, fines, corrective action, and suspension or revocation, rather than annual re-entitlement.
- **Confirm every bracketed figure** with qualified consultants: thresholds, setbacks, dBA and dBC limits, monitoring, expansion percentages, and bond amount.
- **Coordinate utility provisions with the Kentucky Public Service Commission** so the county protects local costs without intruding on rate matters reserved to the PSC.

This document is advocacy drafting for review to be finalized by qualified Kentucky land-use counsel before introduction.