November 18, 2026

Board of Supervisors
Upper Mount Bethel Township
387 Ye Olde Highway
P.O. Box 520
Mount Bethel, PA 18343

RE: Analysis of Slate Belt Holdings Application Materials

On October 13, 2026, Slate Belt filed two preliminary land development applications with the Township, Design 1 and Design 2. Each was filed as a separate application with its own application forms, fee checks, and plan sets.[1]

- Both Designs cover the three parcels identified in the validity challenge.
- Both include a fourth parcel across from River Road, the former Portland Generating Station.
- Design 1 has 29 data center buildings, Design 2 has 6.
- Both designs list a total facility load of "up to approx. 2,100 MW at full build-out," and both "accommodate potential onsite generation and battery energy storage facilities."
- The two designs have apparent overlaps, such that both cannot be built as proposed. The Township should require Slate Belt to say with specificity which plan it is pursuing.

[1] Design 1 and Design 2 Submission Letters, Dynamic Engineering, Oct. 13, 2026.

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215)369-1181
drn@delawareriverkeeper.org
www.delawareriverkeeper.org

I. Summary of Deficiencies in the Land Development Application

The Slate Belt Applications should be rejected as incomplete. The strongest grounds supporting the rejection are as follows:

1. No environmental impact assessment ("EIA") for the proposed project. The Subdivision and Land Development Ordinance ("SALDO") requires the EIA to "accompany all site plans and major subdivision plats, whether preliminary or final." Slate Belt filed reports written for earlier industrial projects, and states that their EIA submission will come later.
2. Slate Belt has not obtained the zoning approvals that are required for the proposal. The SALDO bars approval of any plan that is not "in full compliance with Chapter 350, Zoning."
3. No erosion and sedimentation plan.
4. A traffic submission that is deficient, leaving out costs and completion dates for all recommended improvements. No traffic study submitted for Design 2.
5. No water system plan and no water or sewer service letters.

Upper Mount Bethel Township's SALDO specifically empowers the Planning Commission to reject land development applications that are administratively incomplete. The land development application currently before you, submitted by Slate Belt Holdings, is lacking several critical components necessary for an application to be considered complete. Several glaring questions still remain about the proposed development due to these deficiencies, and it would be irresponsible to do anything other than reject the Application in its current state.

II. Analysis of Missing or Incomplete Information

A. Failure to Include an Environmental Impact Assessment

The Application fails to provide an up-to-date Environmental Impact Assessment ("EIA") as required by Upper Mount Bethel Township. "An environmental impact assessment (EIA) shall be prepared for all major subdivision and land development proposals in all zoning districts." (SALDO § 298-18B(2)). While it does provide an outdated, previously completed EIA from 2022, no updated Environmental Impact Assessment was submitted with the Application materials. The previous 2022 EIA fails to meet the standards for what is required as it was evaluating "the development of a new +/- 388,800 S. F. industrial building with associated site improvements such as stormwater, utility connections/extensions, parking, etc. A total impervious coverage of ~ 19.35 acres will be created through this project." For reference, the new proposal ranges in size from either 1,400,000 square feet or 3,300,000 square feet individually, or 4,700,000 square feet collectively. Obviously, the new development proposed for this parcel has significantly increased in both size and scope, so the previous EIA is entirely inapplicable to the project currently before the Board.

The Application acknowledges such, as it itself provides that an update to the EIA will include the following evaluations:

- Verification of the current project boundary, limits of disturbance, grading, impervious coverage, access, utilities, and data center infrastructure against the 2022 industrial development concept;
- Updated Pennsylvania Natural Diversity Inventory and U.S. Fish and Wildlife Service review, including reassessment of tree clearing, bat habitat, aquatic-resource proximity, and agency coordination needs;
- Review of the January 5, 2022 Pennsylvania Fish and Boat Commission determination and its recommendations to avoid in-stream work, prevent sedimentation and water quality degradation, and maintain strict erosion and sediment controls and best management practices;
- Wetland and watercourse verification for the current design, including the Delaware River ordinary high water mark, the three unnamed tributaries, applicable buffers, and avoidance measures;
- Confirmation of floodplain avoidance and evaluation of any current work proposed near the Delaware River, its tributaries, or associated riparian areas;
- Updated geotechnical and hydrogeologic investigations, including groundwater supply, recharge, and wastewater-management considerations for the data center use;
- Updated erosion and sediment control and post-construction stormwater management analyses to document runoff rate, volume, water quality, thermal impacts, and groundwater recharge for the current layout;
- Continued Pennsylvania State Historic Preservation Office coordination regarding recorded archaeological site 36NM0004 and any required avoidance, survey, testing, or documentation;
- Evaluation of potential air, noise, lighting, utility, water-use, wastewater, and infrastructure effects specific to data center operations;
- Updated zoning, Subdivision and Land Development Ordinance, comprehensive plan, and environmental permit conformance review; and
- Revision of mitigation commitments and permit requirements based on the current plan and agency feedback.

In other words, Slate Belt Holdings has submitted a plan to complete an EIA; they have not submitted a legally-sound EIA as required by § 350-19B and SALDO § 298-18B(2).

Specifically, Slate Belt Holdings is required to demonstrate that its proposed development will not: constitute a nuisance or damage to health or any property by reason of dissemintion of noxious, toxic or corrosive fumes, smoke, odor or dust beyond the property line; result in noise or vibration clearly exceeding the requirements of Chapter 193, Noise, of the Township Code; endanger surrounding areas by reason of radiation, fire or explosion; produce objectionable heat,

glare or outdoor lighting beyond the property line, and compliance with § 350-33I; result in electrical or electromagnetic disturbance in nearby residences which adversely affect the operation of equipment other than on the property on which the disturbance is located; discharge any untreated sewage or industrial waste into any stream or river or otherwise contribute to the pollution of surface or underground waters; endanger the underground water level or supply for other properties consistent with applicable state and federal standards; create objectionable traffic condition on the highway or in an adjacent area or generate a nuisance to surrounding property by reason of truck traffic or failure to comply with the traffic impact requirements set forth in § 350-19C, or; create any other objectionable condition in an adjoining area which will endanger public health, welfare and safety or be detrimental to the environmental quality of the surrounding area. (§ 350-19B(a)-(i)). None of these necessary demonstrations have been made.

Further, Slate Belt Holdings' "proposed evaluations" that it included in its EIA submission to make up for the lack of a substantive and applicable EIA, don't even cover everything that is required of them. Nowhere in the proposed evaluations is there any mention of undertaking a vibration study. Pursuant to § 193E(5), operating or permitting the operation of any device that causes vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property is prohibited . . .. "Vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a person of normal sensitivities to be aware of the vibration, and it is expressly prohibited by § 193. Instead, Slate Belt Holdings is attempting to meet this standard by merely stating that "[v]ibration is not expected to be perceptible at the property lines" in its project narrative. So not only does the submitted EIA fail to meet the requirements of a complete land development application, even the proposed evaluations yet to be undertaken will fail to meet the requirements of a complete land development application.

In addition to all of these evaluations that are still yet to be completed, Slate Belt Holdings must also include any and all proposed mitigation measures that it intends to implement in order to address the concerns that accompany the operation of such a large scale data center campus. This is a requirement under § 350-19B, where it says that the applicant shall demonstrate . . . "[a]dequate provisions will be made to reduce and minimize any objectionable elements to the degree necessary to ensure that the proposed use(s) will not be noxious, hazardous or offensive as defined in Subsection B herein."

Unless and until these evaluations have been completed, it cannot be said that Slate Belt Holdings has submitted a complete land development application.

B. Unresolved Zoning Compliance

No application may be approved unless it is in "full compliance with Chapter 350, Zoning" (§ 298-14A(3)(a)). Slate Belt cannot show compliance for several reasons.

First, Slate Belt has taken inconsistent positions on what use class applies to its proposed development:

- The land development narrative calls the project a "high tech industry" use permitted by right under § 350-15.H(3)(c).
- The plans themselves are drawn under a different use class. The zoning schedules on Sheet CS-03 are titled "§4.203 CLASS 15 HEAVY INDUSTRIAL USES AND ORDINANCE 2020-02 PLANNED INDUSTRIAL PARKS."

To cover these inconsistencies, the Project Narrative includes a blanket statement that "the proposed Slate Belt Technology Campus has been designed to comply with the current Upper Mount Bethel Township Zoning Ordinance. The design will also comply with the draft Data Center Zoning Text Amendment, as revised by Talen Energy and submitted to the Township on 7/30/2026." However, this is not a showing of compliance. The narrative identifies no standard it meets and offers no analysis. Slate Belt cannot ask the Zoning Hearing Board to determine which use class applies, while also asserting in its application that the question is settled.

Further, the statement also cannot be squared with Slate Belt's own EIA memorandum, which lists "updated zoning, Subdivision and Land Development Ordinance, comprehensive plan, and environmental permit conformance review" among the items to still be completed.

Slate Belt fails to identify which section of the Zoning Ordinance it complies with, most likely because at this point, no one has identified which section of the Zoning Ordinance data centers must comply with–this is the entire reason for the Use Determination request that Slate Belt filed with the Zoning Hearing Board to begin with. The appropriate process to be followed under the Zoning Ordinance when questions exist as to which use class a specific use belongs to, is to file for a use class determination with the Zoning Hearing Board. Once the Zoning Hearing Board has rendered its decision, it is then appropriate for the developer to submit an application that meets the standards spelled out in the zoning ordinance. This is the process that Slate Belt Holdings is already engaged with and should continue working its way through.

Further, regardless of what use class data centers belong in, it is a factual impossibility that Slate Belt has developed its design to "comply with the current Upper Mount Bethel Township Zoning Ordinance" because, as addressed above, Slate Belt Holdings has not

performed any of the necessary evaluations to determine whether or not it is capable of meeting the applicable Zoning Ordinance standards–they admit this themselves in the submitted EIA where they identify all of the evaluations that have still not been completed.

Additionally, it is of no material concern to any involved party that the "design will also comply with the current draft Data Center Zoning Text Amendment," because that is not the law applicable to the situation at hand and there is no reason to believe that their text amendment recommendation will in fact be adopted.

C. No Erosion and Sedimentation Plan

The application lacks necessary erosion and sedimentation control plans. While Slate Belt identifies "updated erosion and sediment control and post-construction stormwater management analyses to document runoff rate, volume, water quality, thermal impacts, and groundwater recharge for the current layout" as part of the evaluations that it will undertake in its supplemental EIA, this does not meet the standards of the Upper Mount Bethel SALDO. The SALDO provides that an "erosion and sedimentation plan" is required for all major subdivisions and land developments. (§ 298-14C(1)(a)). The erosion and sedimentation plan must follow Northampton County Conservation District Regulations, be approved by the District, and comply with NPDES requirements where applicable. (§ 298-14C(8)(a)–(c)).

However, no such plan was included in Slate Belt's Application. Instead, their engineer marked the erosion and sedimentation plan as "to be provided." This is a significant deficiency in the application, which supports a finding that, as presently submitted, the application is incomplete.

D. Traffic Submissions

Slate Belt's traffic study is incomplete in material ways. First, § 298-18B(3)(c) makes the applicant responsible for every recommended traffic improvement and requires that "the estimated cost of the improvements shall be listed along with the projected date of completion." The submitted project materials recommend realigning the SR 611 ramps at the Portland-Columbia Bridge into single intersections, installing two coordinated traffic signals there, and building a 250-foot turn lane at River Road.

The materials give no cost or completion date for any of these proposed items. Without those figures, the Township cannot tell whether the improvements will actually be built, who will pay for them, or whether they will be in place before the traffic actually arrives.

Design 2 includes no traffic study at all. Even under Design 2's projections, the daily trips are above the ordinance's 500-trip threshold. *See* § 298-18B(3)(a)[1].

Further, the submitted project materials' main conclusion, that local roads will see no "significant degradation in operating conditions," rests on assumptions that the Township cannot verify based on the Application. Construction traffic is not analyzed at all.

Additionally, the traffic counts are from February 2020 and November 2021, borrowed from the previous warehouse study. It is apparent that Slate Belt was rushing the application, as these figures may have changed during the intervening 5 years.

This is relevant because if the trip numbers are low, the conclusions about delays, queues, and needed improvements are low as well. Inaccuracies and conjecture in the submitted materials presents safety issues for the people who live along these roads. Accordingly, the Township should require a complete, current study before it accepts the plan.

E. No Water System Plan or Water Service Certification

Where a centralized water system is proposed, "a water system plan shall be submitted as part of the application to the Township" (§ 298-14C(7)(c)(3)). The applicant must submit a certification of the public water supply, in the form of a letter from the entity stating it can adequately serve the development (§ 298-14C(13)(b)).

The application indicates that proposed data center development will use public water supply. The narrative states that water will come through "extensions of the Portland Borough Authority" water and sewer systems.

No water system plan or letter from Portland Borough Authority is included in the submission. Slate Belt indicates that they have received certification, but it must be shown in the application itself.

F. No Sewer Certification

The applicant must submit a certification of the centralized sewage disposal system, in the form of a letter from the serving company or authority, or a DEP certificate. (§ 298-14C(13)(c)).

Slate Belt's engineer marked "Certification of Centralized or Public Sewage Disposal System?" and the "Centralized Water and/or Centralized Sewer System Statement" as "to be

provided." This represents an additional and significant deficiency in the application, as presently submitted.

G. No Emergency Response Plan Provided

Throughout the project narrative submitted with the application, Slate Belt Holdings makes several references to an emergency response plan but there is no such plan included in the application itself. Slate Belt instead provides that "an emergency contact list and emergency response plan will be provided prior to occupancy. The emergency response planning process will address the specific mechanical and electrical systems ultimately installed at the campus. The project team will coordinate with local first responders regarding site access."

This, however, is not what is required by the application process. A campus emergency response plan must be coordinated with every level of responders, such as police, fire services, emergency medical services, emergency management, water and sewer providers, and electric utilities, not exclusively "local first responders" as Slate Belt indicates in their plan to develop a plan. The emergency plan also needs to address all aspects of an emergency on site, such as access, security, electrical hazards, batteries, generators, fuel, chemicals, firefighting water connections, contamination, runoff, and prolonged utility outages. (§ 350-19B; SALDO § 298-18). This, again, is much more robust than just "specific mechanical and electrical systems ultimately installed at the campus" as Slate Belt offers.

There are significant hazards associated with data centers, for example the use of lithium ion batteries onsite or the site's history as an Act 2 site. The failure to fulfill the Emergency Response Plan requirement is a serious and significant deficiency that renders this application, alone and in addition to other deficiencies identified, as unacceptable and incomplete.

H. Confusion Over What the Plan Actually Is

Further, Slate Belt Holdings has submitted two separate versions of its development that are dramatically different and it is uncertain which proposal is the actual plan, or if the plan is actually to develop both options. This sentiment was echoed by the Lehigh Valley Planning Commission at its most recent public meeting.

The Project Narrative for Design 1 provides that the development will consist of twenty-nine data center buildings in total, have an approximate building footprint of 3,300,000 square feet, a typical building height of 80 feet, have a domestic water demand and wastewater generation of 35,000 gallons per day, and have a total of 1,200 employees. By contrast, the Project Narrative for Design 2 provides that the development will consist of six data center buildings, an approximate building footprint of 1,400,000 square feet, a typical building height

of 35 feet, a domestic water demand and wastewater generation of 17,500 gallons per day, and have a total of 600 employees.

Though these are two dramatically different proposals in size, even more puzzling is the fact that both proposals will have a total facility load of up to approximately 2,100 MW (GDP). How can the Upper Mount Bethel Township Planning Commission move forward on a proposal when it is still so unclear what it would actually be approving? Slate Belt Holdings must clarify what is actually being proposed, and use this information to inform the pending studies necessary to complete the required Environmental Impact Assessment.

I. Questions Surrounding Act 2

There are several questions that remain unanswered surrounding the Site's relationship with Act 2. Information needs to be provided about the Site's Act 2 status, the cleanup standards that were selected, any remedial investigation that is planned or has been previously undertaken, any final reports on the status of the Site, etc. There has been no documentation provided that addresses whether the proposed development is compatible with the soil and groundwater contamination on site and the selected Act 2 remedy. There needs to be demonstrated coordination with PADEP that all activity on the Site will be approved by the agency. (*See* § 350-19A(4); 350-19B). Given that large water withdrawals, potential discharges, and spray irrigation are all proposed, there must be verification from PADEP that these activities do not pose a risk of spreading or in any way exacerbating existing contamination on Site. (*See* § 350-19A(4)).

III. Why An Incomplete Application is Relevant

The SALDO makes administrative completeness a condition of acceptance. "Prior to the recording of a major subdivision or any land development plan . . . [t]he submission will be reviewed for administrative completeness . . .. (SALDO § 298-14A). "Based upon the initial review of the Township Staff and/or the Township Engineer, the Planning Commission shall have authority, at its first regularly scheduled meeting after the submission is filed in a timely fashion, to determine if the submission is administratively complete." (SALDO § 298-14A(1)). "If the submission is incomplete the Planning Commission may . . . Recommend that the submission be rejected by the Board of Supervisors for just cause, such as the submission being administratively incomplete." (SALDO § 298-14A(1)(b)). As we and others have demonstrated, this application is incomplete in serious and significant ways. The township must reject this application as incomplete and make clear it warrants no further consideration pursuant to the MPC and/or township ordinance.

The case law also supports rejecting a substantively incomplete application. The facts here resemble *Schultheis v. Bd. of Supervisors of Upper Bern Twp.*, 727 A.2d 145 (Pa. Cmwlth. 1999). In *Schultheis*, the landowner filed a preliminary plan about a week before a zoning ordinance was adopted, which materially affected the landowner's proposition. The plan lacked soil tests, a wetland delineation, and erosion and sedimentation controls. The Board denied the application as incomplete.

The court held that "Where a preliminary plan fails to comply with the objective, substantive requirements of a subdivision ordinance, its rejection or conditional approval is within the discretion of the governing body." *Id.* at 148.

Relevant to the determination in *Schultheis* was that the Board was required only to assess the Plan as submitted. A review of the SALDO, the materials submitted, and Slate Belt's own admissions that several key and required materials are missing from its application, also support the Township's rejection of the application.

IV. Conclusion

In summary, there are several crucial elements that are missing in the submitted Application. These elements bear directly on the project's environmental impact, and the health and safety of the community surrounding the area. Slate Belt Holdings itself admits repeatedly in the submission that there are multiple documents that are "to be provided" at some later date. The Planning Commission, however, is limited in its scope of review to only the materials that are currently before it, and can not consider materials that may or may not be provided at some theoretical point in the future. Both case law and township ordinances are on the side of the Planning Commission, compelling a rejection of the submitted Application for lack of completion.

Therefore, Delaware Riverkeeper Network and Green Amendments for the Generations urge the Planning Commission to abide by the laws spelled out in the SALDO and Zoning ordinances and reject this application.

Respectfully submitted,

Maya K. van Rossum
the Delaware Riverkeeper
Founder, Green Amendments for the Generations