

KEATING TOWNSHIP BATTERY ENERGY STORAGE FACILITY ORDINANCE

ORDINANCE NO. 116

AN ORDINANCE OF KEATING TOWNSHIP, MCKEAN COUNTY, PENNSYLVANIA, REGULATING THE CONSTRUCTION AND OPERATION OF BATTERY ENERGY STORAGE FACILITIES; PROVIDING FOR PERMIT REQUIREMENTS, DESIGN STANDARDS, SAFETY MEASURES, DECOMMISSIONING, AND ENFORCEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Keating Township has the authority under the Second Class Township Code to adopt ordinances to protect the health, safety, and welfare of residents; and

WHEREAS, advances in energy storage technology have led to the development of large-scale Battery Energy Storage Facilities that may be proposed within the Township; and

WHEREAS, such facilities can pose potential risks related to fire safety, hazardous materials, noise, and environmental impacts if not properly regulated; and

WHEREAS, the Board of Supervisors desires to establish reasonable standards and a permitting process for the construction, operation, and decommissioning of such facilities to ensure the protection of the Township and its residents; and

WHEREAS, the Board of Supervisors finds it necessary and in the best interest of the Township to adopt this ordinance.

SECTION 1. AUTHORITY

This Ordinance is adopted pursuant to the Second Class Township Code, 53 P.S. §65101 et seq., and other applicable laws of the Commonwealth of Pennsylvania.

SECTION 2. PURPOSE AND INTENT

The purpose of this Ordinance is to establish uniform standards for the permitting, design, construction, operation, and decommissioning of Battery Energy Storage Facilities within Keating Township to:

- Protect the public health, safety, and welfare;
- Ensure safe operation, fire protection, and environmental safeguards;
- Provide a clear process for facility permitting and oversight; and
- Ensure proper removal and site restoration upon facility closure or abandonment.

SECTION 3. DEFINITIONS

- Battery Energy Storage System (BESS): An energy storage system using batteries to store electrical energy for use at a future time.
- Large-Scale Facility: A BESS with a nameplate capacity greater than 600 kilowatt-hours (kWh) or primarily intended for commercial or utility purposes.
- Small-Scale Facility: A BESS with a nameplate capacity of 600 kWh or less, intended as an accessory use to a residence or business.
- Applicant: The person, partnership, company, or corporation seeking to construct or operate a BESS.
- Operator: The entity responsible for the day-to-day operation and maintenance of the BESS.
- Decommissioning: The removal and proper disposal or recycling of all equipment, structures, and materials related to a BESS facility and restoration of the property to its original condition.

SECTION 4. PERMIT REQUIRED

1. No person or entity shall construct, install, or operate a Large-Scale Facility within Keating Township without first obtaining a Battery Energy Storage Facility Permit issued by the Board of Supervisors.
2. Small-Scale Facilities intended for residential or accessory use shall comply with the Pennsylvania Uniform Construction Code and any applicable state or federal permitting requirements but are not subject to the township permit requirements of Sections 4 through 8 of this Ordinance.

SECTION 5. APPLICATION REQUIREMENTS

Applicants for a Battery Energy Storage Facility Permit shall submit:

1. Completed application form and applicable fee as established by resolution of the Board of Supervisors.
2. Site plan showing property boundaries, facility layout, access, setbacks, fencing, and screening.
3. Engineering drawings stamped by a professional engineer licensed in Pennsylvania.
4. Fire safety and emergency response plan meeting NFPA 855 standards, reviewed with the local fire department.
5. Evidence of compliance with applicable state and federal codes (UL 9540/9540A, NEC, IFC).
6. Proof of liability insurance with minimum coverage of \$2,000,000 per occurrence.
7. Decommissioning plan and cost estimate prepared by a qualified engineer.
8. Proposed financial security (bond or escrow) to ensure decommissioning.

SECTION 6. DESIGN AND SAFETY STANDARDS

- Setbacks:
 - 300 feet from any existing occupied dwelling on a non-participating property.
 - 50 feet from any property line or public road right-of-way.
- Noise: Maximum 55 dBA measured at the nearest property line of a non-participating parcel.

- Fencing and Security: Facilities must be enclosed by a minimum 7-foot-high fence with locked gates.
- Signage: Warning signs including emergency contact information shall be posted at the facility entrance.
- Fire Safety: Facility must comply with NFPA 855 and provide on-site fire suppression and spill containment.
- Lighting: Lighting must be downward-directed, shielded, and meet dark-sky standards.

SECTION 7. DECOMMISSIONING AND FINANCIAL SECURITY

1. The operator shall remove all equipment, structures, and foundations to a depth of 3 feet within 12 months after the facility ceases operation.
2. Recyclable components shall be recycled to the extent possible.
3. The applicant shall post financial security (bond or escrow) equal to 110% of the estimated decommissioning cost.
4. The decommissioning cost estimate shall be reviewed by an independent engineer approved by the Township every five (5) years, with the cost of the review paid by the applicant. The financial security shall be updated as necessary to reflect current decommissioning costs.

SECTION 8. INSPECTION AND ENFORCEMENT

1. The Township may inspect a facility at any reasonable time with 24-hour notice to ensure compliance.
2. Violations may result in fines up to \$500 per day and/or revocation of the permit.
3. The Township may take legal action to enforce compliance, including removal of a non-compliant or abandoned facility at the operator's expense.

SECTION 9. TRANSFER OF OWNERSHIP

No permit may be transferred without prior written approval by the Township. New owners/operators must provide updated insurance and bonding.

SECTION 10. SEVERABILITY

If any section of this Ordinance is declared invalid by a court of law, the remaining sections shall remain in effect.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect five (5) days after adoption.

ENACTED AND ORDAINED this 4 day of September 2025, by the Board of Supervisors of Keating Township, McKean County, Pennsylvania.

KEATING TOWNSHIP BOARD OF SUPERVISORS

Chairman: David Mullen

Supervisor: John Cook

Supervisor: Ryan S. [Signature]

Secretary: Taylor Rittberg