

ORDINANCE NO. 1 of 2026

**AN ORDINANCE OF THE TOWNSHIP OF GREENE, BEAVER COUNTY, PENNSYLVANIA AMENDING THE ZONING ORDINANCE, CHAPTER 153, SECTIONS 153.075-153.078 A-1 AGRICULTURAL DISTRICT, SECTIONS 153.090-153.094 N-C NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT, SECTIONS 153.105-153.108 R-1 SUBURBAN RESIDENTIAL DISTRICT, SECTIONS 153.120-153.123 R-2 GENERAL RESIDENTIAL DISTRICT, SECTIONS 153.135-153.138 C-1 LIGHT COMMERCIAL DISTRICT, SECTIONS 153.150-153.153 C-2 HIGHWAY COMMERCIAL DISTRICT AND SECTIONS 153.165-153.168 I INDUSTRIAL DISTRICT, TO DEFINE AND PERMIT AS AN ACCESSORY USE, Tier 1 Battery Energy Storage Systems (BESS) less than 600kWh, BY RIGHT IN ALL DISTRICTS AND TO DEFINE AND PERMIT AS A CONDITIONAL USE, Tier 2 Battery Energy Storage Systems (BESS) equal to or greater than 600kWh IN THE INDUSTRIAL ZONING DISTRICT, AND ESTABLISH STANDARDS AND CRITERIA FOR THE SAME.**

AN ORDINANCE OF Greene Township, BEAVER COUNTY, PENNSYLVANIA, RELATING TO BATTERY ENERGY STORAGE SYSTEMS (BESS)

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**SECTION 1 - INTRODUCTION**

**WHEREAS**, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§ 10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the use of property and to promote the conservation of energy through access to and use of renewable energy resources; and

**WHEREAS**, Greene Township seeks to advance and protect the general health, safety and welfare of the community by adopting and implementing an amendment to the Zoning Ordinance providing for access to and use of battery energy storage systems (BESS) with the following objectives;

- 1) To provide a regulatory scheme for the location, construction and operation of battery energy storage systems consistent with best practices and safety protocols;
- 2) To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems, to mitigate any potential impacts on abutting and nearby properties; and
- 3) To mitigate the impacts of battery energy storage systems on local historical and environmental resources such as agricultural lands, forests, wildlife, groundwater availability and other protected resources.

**WHEREAS**, the purpose of this Ordinance is to set forth requirements for battery energy storage systems (BESS);

**WHEREAS**, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendments to the Beaver County Planning Commission, which gave its recommendations regarding the proposed amendments by letter dated November 19 2025

**WHEREAS**, the Township has, in accordance with the requirements of the MPC, submitted the proposed

amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments by letter dated October 31, 2025.

**WHEREAS**, on January 5, 2026 the Township Board of Supervisors held a duly noticed, advertised, and posted public hearing to take public comment on the proposed zoning ordinance text amendments; and

**WHEREAS**, the Township Board of Supervisors, having received such public comment as may have been given at the Public Hearing, and having received the recommendations of the Township's Planning Commission and Beaver County Planning Commission, finds that enactment of the proposed zoning amendments will be beneficial to the health, safety, and welfare of the Township and consistent with the MPC.

**NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors of Greene Township, Beaver County, Pennsylvania, as follows:

## **SECTION 2 – DEFINITIONS**

**BATTERY(IES)**: A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM**: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM (BESS)**: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. **Tier 1** Battery Energy Storage Systems (BESS) have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consists of only a single energy storage system technology, and is not intended to supply power to any other parcel.
- B. **Tier 2** Battery Energy Storage Systems (BESS) have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room, battery storage container(s) or enclosed area.

**CELL**: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy

**COMMISSIONING**: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING**: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that

- operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
- a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

**NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):** A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

**NEC:** National Electric Code.

**NFPA:** National Fire Protection Association.

**NON-DEDICATED-USE BUILDING:** All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

**NON-PARTICIPATING PROPERTY:** Any property that is not a participating property.

**NON-PARTICIPATING RESIDENCE:** Any residence located on non-participating property.

**OCCUPIED COMMUNITY BUILDING:** Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

**PARTICIPATING PROPERTY:** A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

**UCC:** Uniform Construction Code, ACT 45 of 1999 as amended.

**UL:** Underwriters Laboratory.

### **SECTION 3 – APPLICABILITY**

- A. The requirements of this Ordinance shall apply to all battery energy storage systems permitted, installed, or modified in Greene Township after the effective date of this Ordinance, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Ordinance.
- D. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- E. Issuance of permits and approvals shall be granted by the Greene Township Code Enforcement & Zoning

Officer, Greene Township Engineer and the Pennsylvania state certified building inspection agency retained by the township.

F. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Construction Code (UCC), Act 45 of 1999, as amended and adopted building code of the township shall be designed, erected, and installed in accordance with all applicable provisions of the UCC and industry standards as referenced in the UCC and the Greene Township Code.

#### **SECTION 4 – Permitting Requirements for Tier 1 Battery Energy Storage Systems (BESS)**

Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Construction Code (UCC), Act 45 of 1999, as amended and adopted building code of the township and the “Battery Energy Storage System Permit,” and are exempt from site plan review. Stored energy is to be used on site only as an accessory to a permitted use.

#### **SECTION 5 – Permitting Requirements for Tier 2 Battery Energy Storage Systems (BESS)**

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a Conditional Use Permit within the INDUSTRIAL zoning district and shall be subject to the Uniform Construction Code and the site plan application requirements set forth in this Section.

A. Applications for the installation of Tier 2 Battery Energy Storage System shall be:

1) reviewed by the Code Enforcement/Zoning Enforcement Officer for completeness, with all associated costs, paid for by the applicant. An application shall be considered complete when it addresses all matters listed in this ordinance including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Construction Code (UCC), Act 45 of 1999, as amended and adopted building code of the township and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment. Applicants shall be advised within 30 business days of the completeness of their application or any deficiencies that must be addressed/revised prior to substantive review by the Township Planning Commission and Township Engineer.

2) subject to a public Conditional Use hearing within the timeline specified in Chapter 153.262 Conditional Use Permit after the application has been considered complete by the Code Enforcement/Zoning Enforcement Officer and forwarded to the Township Planning Commission.

#### **SECTION 6 – Regulations Applicable to All Tier 2 Battery Energy Storage Systems (BESS)**

BESS shall conform to applicable industry standards. All batteries, cells, panels, racking systems, containers, and all anchoring systems shall be new equipment commercially available; no used or experimental equipment shall be used without the approval of a variance by Greene Township.

Following the granting of siting approval under this Ordinance, a structural engineer, as well as an electrical engineer, shall certify in writing, as part of the BESS permit application process, that the design of the BESS is within accepted professional standards, given local soil, subsurface and climate conditions.

A. **Utility Lines and Electrical Circuitry.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

**B. Signage.** In addition to the requirements of Chapter 153.183, 153.186, 153.188 & 153.189, the following shall apply:

- 1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
- 2) Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances gates to BESS facilities and on BESS outdoor containers.
- 3) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

**C. Lighting.** Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

**D. Vegetation and tree-cutting.** Areas within 100 feet (minimum) on all sides of Tier 2 Battery Energy Storage Systems shall be cleared of combustible equipment, materials, vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire.

**E. Noise and Vibration.** The maximum instantaneous decibel level generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a decibel level of 50 dB(A) and 50 dB(C) as measured at the property line/perimeter of the BESS host parcel or as measured within any other township parcel beyond the host parcel. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

At the discretion of the Board of Supervisors, the applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of comparable existing battery energy storage systems to demonstrate compliance with this standard, with all associated costs paid for by the applicant.

- 1) **As-built** - An as-built sound study shall be conducted six months after issuance of the certificate of occupancy and prior to the final escrow release for any land development phase, with all associated costs paid for by the owner. An as-built sound study may also be required thereafter by Greene Township. If it is determined by the as-built sound study that there is a violation of the aforesaid noise limits, it shall be considered a violation of this Ordinance
- 2) To document decibel level if there is a complaint on an operations system, at the discretion of the Board of Supervisors, the owner shall commission a report providing Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the property line to demonstrate compliance with this standard, with all associated costs paid for by the owner.
- 3) **Vibration** - The applicant shall provide a vibration study, with all associated costs paid for by the applicant, prepared by a qualified professional that demonstrates that no vibration from the BESS facility, BESS Accessory Uses, or associated equipment will be perceptible to the human sense of feeling beyond the property line.

- 4) **Emergency Operations** - Maximum decibel levels specified herein during normal operations shall not apply during times of power outage, however the sound studies shall also evaluate and report anticipated decibel levels when all emergency power generation equipment is running, including backup generators. Testing of auxiliary power systems, including generators, is restricted to a scheduled and consistent time period between the hours of 9:00am – 11:00am Monday through Friday. Such systems shall not exceed 70 dB(A) or 70 dB(C) while testing or in use during an emergency or primary power system failure.
- 5) **Performance Standards** - Noise emanating from a use or activity which exceeds the maximum permissible noise levels set forth in the definition section of this ordinance as amended from time to time relating to noise shall not be permitted, including noise levels and tonal noise from a BESS facility operation. Violation of established noise levels will result in revocation of a Township business license. The Township reserves the right to require independent verification of sound or noise measurements and/or to request additional measurements at different points or locations on the owner/operator's property as well as at locations beyond the owner/operator's fence or property line with all associated costs paid for by the owner.

#### **G. Conditional Use Permit Standards.**

1) **Setbacks.** Tier 2 Battery Energy Storage Systems shall be setback 300 feet from parcel borders/property line. Non-participating residences and occupied community buildings on non-participating properties shall be setback 500 feet from the nearest edge of any component of the BESS to the nearest point of the outside wall of the structure.

A) The setback requirements for Non-Participating Properties may be waived by the written consent of the owner(s) of each affected Non-Participating Property. Any waiver of the above setback requirements shall run with the land and shall be recorded at the expense of the BESS Applicant in the Beaver County Recorder of Deeds Office.

2) **Height.** Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

3) **Fencing Requirements.** Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum 8-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports. All security fencing shall be placed behind the buffer and screened from view.

4) **Screening and Visibility.** Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using a landscaping buffer, architectural features, earth berms and other screening methods that will harmonize with the rural character of Greene Township and not interfering with ventilation or exhaust ports.

A) **Landscaping Buffer** - In an effort to mitigate any potential negative effects and reduce the visual impact of the facility, the perimeter of the facility shall be landscaped. Facilities shall be fully screened on all sides from view from all neighboring properties. Landscaping shall be installed within a planting area around the facility, in accordance with the following standards:

- (1) The landscaping buffer shall preferably use trees, shrubs, grasses and forbs that are native to Pennsylvania or where appropriate may include naturalized and non-invasive species.
- (2) The landscaping buffer shall at a minimum consist of four rows of (70%) evergreen trees and (25%) deciduous trees on fifteen foot (15') staggered

centers which provide a visual screen. Evergreens shall be a minimum of four foot (4') tall and deciduous trees shall be a minimum of five to six foot tall (5'-6') when planted and shall have a minimum mature height of forty (40) feet. Additional evergreen shrubs consisting of five (5%) of the mix shall be planted to fill in and provide screening near the bases of the deciduous trees. Immediate replacement of dead trees and shrubs shall be required throughout the life of the BESS.

- (3) Landscaping screening shall be evaluated under leaf-on conditions. The planting area shall be located beyond the outside of the use area, which includes the security fence, required parking areas, required stormwater infrastructure, or other structures or infrastructures required or proposed with the development.
- (4) At the discretion of the Board of Supervisors, the minimum mature height of vegetative screening may be modified where the applicant can show good cause or practical difficulty.
- (5) If the Tier 2 BESS is being constructed within the landscaping buffer of a larger project, the Board of Supervisors may waive or modify the requirements in this subsection specific to battery energy storage systems.
- (6) Tier 2 BESS that are surrounded by existing primarily native deciduous woodland to a minimum depth of one hundred fifty (150) feet on the same parcel, may be exempt from further screening or buffering requirements when permitted as a conditional use. Such existing woodland shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest. Replacement/replenishment of existing woodland removed in response to such occurrences shall comply with subsection (G) (4) (a) (2.) above.

5) **Mitigation for Loss of Forest Habitat** – On land that is forested within 1 year immediately preceding the filing of an application to install a Tier 2 BESS, the plans shall designate thereon an area of land on the same lot/parcel equal to the total area of forest habitat that will be eliminated, cut, destroyed or otherwise disturbed by such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest. Such designated land shall be permitted to include the land area contained in the required planting of the Landscaping Buffer 4) A).

6) **Mitigation for Disruption of Historic Resources and Properties** – Historic resources, structures and properties, such as but not limited to cellar holes, farmsteads, marked graves, water wells, memorials and monumentation shall be excluded from the areas proposed to be developed for Tier 2 BESS. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area and proper access path as determined by the Greene Township Board of Supervisors shall be established on all sides of each historic resource, with all associated costs paid for by the applicant. Access easements to historic resources/properties may be required and specified by the Greene Township Board of

Supervisors and/or Beaver County, Commonwealth of Pennsylvania and federal agencies.

- 7) **Batteries** - Failed battery cells and modules shall not be stored on site and shall be removed no later than 30 days after deemed failed by the BESS operator or cell/module manufacturer. The operator shall notify the Hookstown Volunteer Fire Chief if the type of battery or batteries used onsite is to be changed.
- 8) **Roads** – Applicant(s) or User(s) are expected to avoid damaging public roads (owned by Greene Township and or the Commonwealth of Pennsylvania) and shall be responsible for mitigation of damages to same. At the discretion of the Greene Township Board of Supervisors, a Public Roads Damage Avoidance and Mitigation Plan may be required and shall be in accordance with the following standards:
  - A) Applicant or User shall execute the **Greene Township Excess Maintenance Agreement** with Greene Township prior to beginning the BESS project construction regardless of the current roadway condition or previous weight limit studies. The Township Engineer may act with or as the designated representative of Greene Township.
  - B) **Identification of Potential Roads Usage.** The applicant shall identify, with the approval of the Township Engineer, all state and local public roads to be used within Greene Township, to transport equipment, parts and material for construction, operation or maintenance of the battery energy storage system and related components.
  - C) **Documentation of Road Conditions.** Prior to construction, the Township Engineer shall document the current road conditions of the road identified for use, with all associated costs, including but not limited to township engineer fees, paid for by the applicant. Interim inspections and Roadway Condition Surveys may be taken during construction per the Excess Maintenance Agreement and acted upon by Greene Township. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
  - D) **Road Preparation and Damage.** Any road preparation or maintenance necessitated by the proposed battery energy storage system or damage caused by the applicant or its contractors during construction or decommissioning shall be promptly completed or repaired, as appropriate, at the applicant's expense. The township shall also be reimbursed for all costs it incurs, including but not limited to township engineer and solicitor fees.
  - E) **Financial Assurance.** Financial Security, Liability, Remedies and Additional Security shall be subject to the terms of the Greene Township Excess Maintenance Agreement.
  - F) The Township will provide normal roadway/asphalt maintenance and winter maintenance similar to its current activities prior to the installation of the facility. If the facility, as part of an Operations Plan and or Emergency Operations Procedures requires increased winter maintenance or any type of preemptive upgrades/repairs relating to the facility, the applicant shall first provide a detailed scope of work/timeline for review and approval by the Township. All associated costs of review, construction, permitting, etc. shall be paid for by the applicant.
- 9) **Site Plan.** A site plan shall be submitted showing preliminary structure details and location, fencing details and location, landscaping plan, signage, location of underground and above ground transmission facilities, cooling water and fire suppression water and/or chemical system(s), containment/secondary containment plan and stated capacity for cooling water and fire suppression water and/or chemical system(s), project development timeline, and any other pertinent information as required by the Greene Township Board of Supervisors. After a Conditional Use Permit is issued, and prior to ground disturbance or issuance of building permit(s), the Greene Township Board of Supervisors may approve minor modifications to the preliminary site plan to account for reasonable engineering optimization and final selection of equipment. The site plan application shall additionally include and conform to the following:

**A) Power and Communications Lines.**

- (1) On-site power and communications lines between battery energy storage system units shall be placed underground to the extent feasible and permitted by the serving utility. The main service connection at the utility company right-of-way, and any new interconnection equipment, may be located above ground.
- (2) Power and communications lines running from the on-site system(s) to interconnections with structures off-site shall be buried underground to the extent feasible and as permitted by the serving utility.
- (3) At the discretion of the Greene Township Board of Supervisors, power and communications lines may be allowed to be unburied in the following cases:
  - (a) Elements of the natural landscape, such as but not limited to shallow bedrock and water courses, interfere with the ability to bury lines; and/or
  - (b) Elements of existing infrastructure interfere with the ability to bury lines; or distance makes undergrounding infeasible.

**B) Electrical Diagram.** An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.

**C) Equipment Specification Sheets.** A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of the building permit.

**D) Contact Information.** Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system as installed shall be submitted prior to the issuance of the building permit.

**E) Cooling System.** Cooling system diagram documenting proposed method to control/dissipate heat generated by the BESS/BESS components. All use of cooling water is to be sourced from surface water sources, not groundwater wells, unless otherwise approved by the Greene Township Board of Supervisors.

**F) Fire Protection.** The system shall include the following:

- a. Continuous monitoring of each individual cell for voltage, current and temperature sensors to detect early failures.
- b. In addition, early warning smoke detectors, thermal imagery and infrared sensors shall be utilized for areas where storage takes place.
- c. Each cell and module shall be capable of being automatically monitored and automatically removed from service when normal working parameters are exceeded. An automatic alarm system shall be in place to immediately alert appropriate individuals of cells and modules when normal working parameters are exceeded.
- d. Automatic fire suppression system(s) shall be used to control fires and to prevent the involvement of adjacent modules.

**G) As-built Maps and Plans.** Within sixty (60) calendar days of completion of the BESS project, the Applicant or Owner/Operator shall deliver "As-built" maps, site plans and engineering plans for the BESS that have been signed and stamped by a Professional Engineer and a Licensed Surveyor.

**10) Commissioning Plan.** The System installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such plan shall be compliant with NFPA 855 and document and verify that the system and associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by state codes shall be

provided to the Greene Township Engineer prior to final inspection and maintained at an approved on-site location.

- 11) **Insurance.** The BESS Owner shall provide the Township with evidence of public liability insurance for body injury and property damage in the amount of \$1,000,000.00 for each person and \$2,000,000.00 for each occurrence. The policy shall cover any losses that might occur during the performance of the operation, maintenance, repair or decommissioning. The township and its agents shall be named as additional insured, a copy of the insurance certificate shall be attached to the agreement and the insurance shall not be changed nor canceled without 30 days' notice and approved by the township. Changing or canceling the policy without township approval shall be justification for immediate decommissioning of the facility.
- 12) **Fire Safety Compliance Plan.** The applicant shall document, verify and describe how the fire safety system and its associated controls will function and be maintained in proper working conditions.
- 13) **Operations and Maintenance Manual/Plan.** The applicant shall describe the ongoing maintenance schedule for the battery energy storage system, inspection schedules, monitoring systems, safety systems, how repairs will be conducted, process to protect/repair/upgrade system components, recycling and disposal of cells and modules removed from service and overall facility upkeep, as well as design, construction, installation testing and commissioning information. Maintenance provisions will be driven by manufacturer requirements for the specific listed system and shall meet all NFPA 855 and state codes. The Plan shall include a specific list of who will complete these activities and when these activities will occur. The applicant shall submit the Plan to the Township prior to beginning operation. The Plan shall include an executed contract for the proper transportation, removal and recycling/disposal of cells and modules that are to be removed from service. Yearly, the applicant shall submit a written statement noting the Township that the facility is being operated in accordance with the Plan, or that it is not being operated in accordance with the Plan.
- 14) **Stormwater Management.** The proposed facility shall meet the requirements of the township's Stormwater Management Ordinance. All facilities, buildings, containers, isolated structures, pads, stone and asphalt surfaces shall be considered impervious and connected areas. Disconnected impervious areas shall be treated as connected impervious areas. The site plan shall provide additional facilities to capture and contain water from firefighting activities that could transmit contaminated water to adjacent properties and water courses.
- 15) **On-site Training.** The applicant/facility owner/operator is required to provide training to local emergency responders prior to energizing and/or operating the BESS facilities. The applicant shall schedule training with the Hookstown Volunteer Fire Department, other local fire department(s) and emergency response agencies once per year at a convenient and reasonable time. Proper PPE equipment including inspections/calibrations/certifications for emergency responses personnel shall be provided by the applicant to the Hookstown Volunteer Fire Department and emergency response agencies for an active and appropriate emergency response. All associated cost of training and PPE equipment shall be paid for by the applicant.
- 16) **Emergency Operations Procedures.** A copy of the approved Emergency Operations Procedures shall be given to the system owner, the Hookstown Volunteer Fire Department or other local fire departments, and Beaver County Emergency Management. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. In the event of an emergency that requires the Hookstown Volunteer Fire Department and/or other fire department/first

responder intervention, the BESS Owner/Operator is required to reimburse said fire department(s)/first responders for all costs associated with the emergency response.

The Emergency Operations Plan shall include the following information:

- A) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- B) Procedures for inspection and testing of associated alarms, interlocks, and controls.
- C) Procedures to be followed in response to notifications from the Battery Energy Storage Management System that could signify potentially dangerous conditions, including shutting down equipment, summoning services and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure and/or runaway thermal reaction contained or uncontained causing a fire at the BESS site.
- D) Procedures to be followed to ensure directed drainage and containment of firefighting water and/or chemicals on site, prevention of their release into the soil and groundwater as well as their timely cleanup, removal and disposal from the site post incident.

**17) Decommissioning and Site Reclamation Plan.** The Decommissioning and Site Reclamation Plan shall address and/or ensure the following standards:

- A) Disposal of all solid/liquid hazardous waste in accordance with local, state, and federal waste disposal regulations.
- B) The anticipated life of the battery energy storage system.
- C) The estimated decommissioning costs and method of ensuring funds will be available.
- D) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
- E) A listing of any contingencies for removing an intact operational storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- F) The BESS owner is required to notify the Township immediately upon cessation or abandonment of the operation. Following a continuous twelve (12) month period in which no energy is stored, or if substantial action on construction or repairs to the project is discontinued for a period of one-year, the BESS owner/permit holder will have one year to complete decommissioning, dismantle and remove the BESS including all BESS related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, solid/liquid containment structures, solid/liquid secondary containment structures and other associated facilities from the property. At the discretion of the Board of Supervisors, the continuous one-year period that triggers decommissioning may be extended if the applicant demonstrates ongoing commitment to the project through activities such as, but not limited to, making lease payments or documentation of ongoing maintenance or repairs.
- G) Decommissioning shall be completed in accordance with the approved decommissioning plan.
- H) The landowner or tenant shall notify the Board of Supervisors both when the project is discontinued and when decommissioning is complete.
- I) Decommissioning financial surety will be required by the Board of Supervisors. At the time of issuance of the permit for the construction of the BESS, the owner shall provide financial security in the form and amount acceptable to Greene Township to secure the expense of dismantling and removing said BESS, regrading as necessary and revegetation/seedling of any disturbed areas to provide erosion control. Specifically, owner shall post a bond for decommissioning in an amount

necessary to cover the 100 % of the expense to dismantle, remove and recycle/dispose of the BESS including all BESS related equipment or appurtenances related thereto, including but not limited to buildings, cabling, battery cells, controls, safety equipment, electrical components, roads, foundations, solid/liquid containment structures, solid/liquid secondary containment structures and other associated facilities from the property, as security if owner fails to comply with the above decommissioning requirements. In lieu of a bond, owner may deliver other security acceptable to Greene Township. The value of the bond shall be acceptable and approved by the Township. The Bond shall remain in full effect continuously until the facility is decommissioned and verified by the Township. The value of the bond shall be reevaluated and updated as determined by the township every three (3) years on the anniversary date of the Agreement. The Applicant shall submit a revised itemized bond calculation for township review and approval ninety (90) day prior to the anniversary date of the Agreement.

- J) The decommissioning application shall comply with all applicable federal, state, and local regulations including but not limited to environmental standards.

**18) Abandonment.** The BESS shall be considered abandoned when it ceases to operate consistently for more than one (1) year or fails to operate in accordance with the written Operations and Maintenance Manual/Plan. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Township may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a Tier 2 BESS and restoration of the site in accordance with the decommissioning plan. Or act in any manner relating thereto.

**19) Change of Ownership.** In the event that the BESS Owner wants to transfer ownership to a New Owner, the Present BESS owner and the Proposed New BESS owner shall submit the following:

- (A) Length of time the New BESS Owner has been in business
- (B) The Proposed New Owner's Name, address, date of incorporation, contact person's name/title and contact information (cell phone and email address)
- (C) Whether the Proposed BESS Owner has any zoning ordinance violations on other BESS projects and the nature of the violation
- (D) Whether the Proposed BESS Owner has any type of regulatory violations (DEP, EPA, FEMA, Stormwater, Erosion and Sedimentation Control, etc.) on other BESS projects and the nature of the violation
- (E) Whether the proposed BESS Owner has any type of emergency incident that involved fire or emergency management type response on other BESS projects and the nature of the incident.
- (F) Whether the proposed BESS Owner has any type of regulatory violation involving, sound, setbacks, buffer zone, roadway maintenance, operations, maintenance, reporting, local codes on other BESS projects and the nature of the violation
- (G) Permit fees, Application Fees, insurance certificates, proposed decommissioning bond value, decommission bond, operation/maintenance Manual/Plan, Emergency Response Plan, Emergency Contacts, and proposed entrance signs.
- (H) In the event that the owner transfer of the BESS facility does occur, and it is later determined that the New BESS Owner has provided some but not all of the information outlined above, or provides erroneous information, then the zoning permit shall be revoked.
- (I) Further, the Township and the Zoning Hearing Board reserve the right to enforce this provision. Additionally, the cost of review and of prosecution of this matter by legal means shall be paid by the New BESS Owner or former owner. The owner of the BESS, landowner of the subject property and/or applicant of the BESS shall provide written notification to the Township at least thirty (30) days prior to any change in ownership of the applicant/owner/landowner. At the time of any Change of Ownership, current owner must not

be in violation of this Ordinance. The phrase "change in ownership of Battery Energy Storage System" includes any kind of assignment, sale, lease, transfer or other conveyance of ownership or operating control of the applicant/owner/landowner, the BESS, or any portion thereof. The successor owner/operator of the BESS shall assume in writing all of the obligations of the Conditional Use Permit, including but not limited to, site plan approval, decommissioning plan, decommissioning bond/surety, excess maintenance agreement and all requirements under this Ordinance. The successor owner must notify all applicable county, state and federal bodies of said change in ownership as required by law and copy the Township on said notice. If the successor owner/operator fully complies with this section, then the Conditional Use Permit shall remain in effect. If the successor owner/operator fails to comply with this section, then it may be determined by the Supervisors of the Township at a public meeting that the Conditional Use Permit is void. A conditional permit that is deemed void by the Township Supervisors OR any modification of a BESS that alters or changes the essential character or operation of the BESS in a way not intended at the time the Conditional Use Permit was granted, shall require a new Conditional Use Permit. The owner, applicant or authorized representative shall apply for an amended Conditional Use Permit prior to any modification of the BESS. Finally, despite transfer of the ownership, the original owner or operator of the BESS shall remain liable for compliance with all conditions, restrictions, and obligations contained in the Conditional Use Permit, provisions of this Ordinance and applicable county, state and federal laws. Township reserves the right to object to any Change in Ownership as described herein.

**20) Application and Review Fees** – The Applicant shall pay a Ten Thousand Dollar (\$10,000.00) non-returnable Permit Fee for each Tier 2 Battery Energy Storage Systems (BESS) or Phase. In addition, the Applicant shall pay an Agreement Fee to reimburse the township for its direct expenses and all third party consulting fees, for review, consultation, management, inspection observation, coordinate, and transfer the Agreement. Reimbursement shall be provided within thirty (30) days of the township's invoice. This fee represents the upfront cost to implement and administer the Ordinance which requires extensive Township, engineering and legal involvement/expertise. This fee is not intended to be punitive or a profit center.

**SECTION 7 – Repealer.** All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 8 – Savings Clause.** If any section, provision, or part of this ordinance shall be adjudged invalid, illegal, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged, Invalid illegal or unconstitutional.

**SECTION 9. Effective Date.** This ordinance shall be in effect after its final passage by the Greene Township Board of Supervisors.

**ORDAINED** and **ENACTED** by the Board of Supervisors for Greene Township this 5<sup>th</sup> day of January, 2026. This Ordinance shall be effective immediately.

**ATTEST:**

*Kimberly A. Moore*  
Township Secretary

**TOWNSHIP OF GREENE**

**BY:** *Paul R. Blissett*  
Chairperson, Greene Township

**Board of Supervisors**

*[Signature]*  
Supervisor  
*[Signature]*  
Supervisor