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SUSQUEHANNA COUNTY
COMMISSIONERS

SUSQUEHANNA COUNTY, PENNSYLVANIA
ORDINANCE NO.2026-04

AN ORDINANCE OF SUQUEHANNA COUNTY, PENNSYLVANIA, AMENDING ITS SUBDIVISION AND LAND DEVELOPMENT ORDINANCE REGARDING THE DEVELOPMENT, CONSTRUCTION, OPERATION AND DECOMMISSIONING OF BATTERY ENERGY STORAGE SYSTEMS IN THE COUNTY.

WHEREAS, as authorized by the Pennsylvania Municipalities Planning Code (MPC), the Board of Commissioners of Susquehanna County regulates land use within the County through its Subdivision and Land Development Ordinance, currently codified as Ordinance #2005-1, as amended;

WHEREAS, upon the recommendation of the Planning Commission, the Board of Commissioners wishes to amend its Subdivision and Land Development Ordinance, as follows: amend Article VII Commercial and Industrial Land Development by adding new Section 714 Battery Energy Storage Systems to provide for the development, construction, operation and decommissioning of Battery Energy Storage Systems in the County;

WHEREAS, the County 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 at a duly noticed public meeting;

WHEREAS, on April 8, 2026, the Board of Commissioners held a duly noticed and advertised public hearing to take public comment on the proposed subdivision and land development ordinance amendment; and

WHEREAS, the Board of Commissioners, having received such public comment as may have been given at the Public Hearings, and having received the recommendations of the Planning Commission, finds that enactment of the proposed amendment to the subdivision and land development ordinance will be beneficial to the health, safety, and welfare of the County and consistent with the MPC.

NOW THEREFORE, be it Ordained and Enacted by the County of Susquehanna Board of Commissioners, and it is hereby Ordained and Enacted by authority of same, as follows:

SECTION 1: AMENDMENT REGARDING THE DEVELOPMENT, CONSTRUCTION, OPERATION AND DECOMMISSIONING OF BATTERY ENERGY STORAGE SYSTEMS.

That the County Subdivision and Land Development Ordinance (SALDO), currently codified as Ordinance #2005-1, as amended, is hereby amended to add the following as subsection 714 to Article VII:

Section 714 Battery Energy Storage Systems

714.1. Purpose

The purpose of this Section is to provide for the development, construction, operation and decommissioning of Battery Energy Storage Systems in the County, subject to reasonable conditions that will protect the public health, safety and welfare.

714.2 Definitions Specific to Battery Energy Storage System Facilities

"Energy Storage" means any technology that is capable of absorbing electricity, storing the electricity for a period of time, and redelivering that electricity.

"Battery Energy Storage System" (BESS) means one or more electrochemical devices that charge, or collect, energy from the grid or a generation facility, store that energy, and then discharge that energy at a later time to provide electricity or other grid services, not to include a stand-alone 12-volt car battery or an electric motor vehicle. Battery energy storage systems are typically measured in megawatts (1 megawatt = 1,000 kilowatts). Battery Energy Storage Systems that have a capacity of less than 1 megawatt are excluded from these regulations.

714.3 Applicability

This Section applies to all land development plans that provide for Battery Energy Storage Systems to be constructed after the effective date of this amendment. Battery Energy Storage Systems constructed prior to the effective date of this amendment shall not be required to meet the requirements of this Section; provided that any physical modification to an existing Battery Energy Storage System that materially alters the size and type or other equipment shall comply with the provisions of this Section. Any future modification to a Battery Energy Storage System approved under this Ordinance that materially alters the size and type of technology or equipment shall require approval in compliance with the provisions of this Ordinance.

714.4 Procedures and Application Requirements

A. A Battery Energy Storage System shall be considered a land development as defined by the SALDO and the application for the development of a Battery Energy Storage System shall be processed in accord with all the procedures established by the SALDO for major subdivisions and land developments and shall comply with the following standards and requirements of this Section 714.

B. In addition to the standard requirements for land development applications, an application for a Battery Energy Storage System shall include the following:

    a. Application fee in an amount set by resolution of the Board of Commissioners.
    b. A list of all parcel numbers that will be used by the Battery Energy Storage System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels ("participating parcels or parties").

c. An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
d. Current photographs of the subject property.
e. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, buffering and screening, drainage facilities, easements, floodplains, bodies of water, proposed access routes, and road rights of way. The site plan must be drawn to scale and must indicate how the Battery Energy Storage System will be connected to the power grid.
f. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Battery Energy Storage System.
g. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drainage facilities and addressing stormwater management, which is subject to the County's review and approval.
h. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Battery Energy Storage System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Battery Energy Storage System and restore the subject parcels, which is subject to the County's review and approval.
i. Financial security that meets the requirements of this Section, which is subject to the County's review and approval.
j. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Battery Energy Storage System, which is subject to the County's review and approval.
k. A plan for managing any hazardous waste, which is subject to the County's review and approval.
l. A fire protection plan, which identifies the fire risks associated with the Battery Energy Storage System; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
m. A transportation plan for construction and operation phases, including any applicable agreements with the Pennsylvania Department of Transportation, which is subject to the County's review and approval.
n. An attestation that the applicant will indemnify and hold the County harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Battery Energy Storage System, which is subject to the County's review and approval.
o. Proof of compliance with all applicable Pennsylvania Department of Environmental Protection ("DEP") and federal NPDES regulations must be provided to the County, which in turn will review and grant approvals at its own discretion.

p. A list of all chemicals that may be used, accompanied by a plan to prevent chemicals, fire suppressant agents, or similar hazards from contaminating surface water, groundwater, and soil, and to minimize the risk of human exposure.
q. A fire suppression systems designed specific to battery storage. Documentation must be provided showing coordination with the local Fire Code Officials and Fire Services.
r. Any additional information or documentation requested by the Planning Commission, County Board of Commissioners or other County representative.

714.5 General Provisions for Battery Energy Storage Systems

A. Battery Energy Storage Systems shall be permitted when approved in compliance with the procedures, standards, and criteria contained in this section.

B. All Battery Energy Storage Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, including Underwriters Laboratories (UL) UL 9540 (Standard for Safety of Energy Storage Systems and Equipment), and National Fire Protection Association (NFPA) Standard 855 "Standard for the Installation of Stationary Energy Storage Systems."

C. The County may enforce any remedy or enforcement, including but not limited to the removal of any Battery Energy Storage System pursuant to the SALDO or as otherwise authorized by law, if the Battery Energy Storage System does not comply with this Ordinance.

714.6 Dimensional Standards

The dimensional standards of Battery Energy Storage Systems and any accessory uses shall be in accordance with the SALDO, with the following exceptions:

A. The maximum building height for a Battery Energy Storage System shall be 60 feet, inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.

B. Lot minimum lot size for a Battery Energy Storage System shall be 5 acres.

C. Setbacks. Battery Energy Storage Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings such as schools, hospitals and	Setback a minimum of 1000 feet from the property lines

nursing homes and occupied dwellings on nonparticipating properties	
Occupied buildings and dwellings on participating properties	Setback a minimum of 300 feet from the property lines
Public road right-of-way	Setback a minimum of 50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	Setback a minimum of 300 feet from property lines and 1,000 feet from any adjacent lot's existing residential structure

714.7 Landscape Buffer

A. An area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer. The buffer shall not be used for parking, storage or any other purpose except landscaping, crossing of access roads or required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Planning Commission shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

B. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation in accordance with Section 707.2 and shall be a minimum of twenty-five (25) feet in width. The buffer shall be dense enough to block the view of interior objects from the exterior of the lot and to assist with sound reduction as much as possible.

    1. Design details of buffers shall be included in the site plan, and buffers shall be considered improvements for the purpose of guaranteeing installation in accordance with the requirements for land developments in this Ordinance.

    2. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

714.8 Security Fencing

A minimum six (6) foot high security fence must be installed around all electrical equipment related to the Battery Energy Storage System. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Battery Energy Storage System.

714.9 Noise

A. The noise generated by a Battery Energy Storage System must not exceed any acceptable level as defined by applicable local municipal ordinances.

B. Where no local municipal noise ordinance applies exists, the applicant shall demonstrate through a sound study conducted by a professional acoustical expert that the sound generated by a Battery Energy Storage System uses during normal operations shall be limited to a maximum daytime (7:00 a.m. to 8:00 p.m. Monday-Friday) decibel level of 67 dB(A) and a maximum nighttime and weekend (8:00 p.m. to 7:00 a.m. Monday-Friday and all day Saturday and Sunday) decibel level of 57 dB(A) as measured from the property line of the use. Such sound study shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. A sound study shall be conducted at the following phases:

C. All costs for present and future noise studies will be incurred by the applicant.

714.10 Water and Sewer

A. If the use will be served by a public water supply, the applicant shall submit documentation from the public authority certifying that the public authority will supply the water needed.

B. If the use is to rely upon nonpublic sources of water, the applicant shall provide a water feasibility study. The purpose of the study is to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the use on existing wells, groundwater, and surface waters in the vicinity.

714.11 Underground Transmission

A. All power transmission or other lines, wires, or conduits from a Battery Energy Storage System to any building or other structure must be located underground at a depth that complies with current applicable national or industry standards (e.g., National Electrical Safety Code (NESC), National Electrical Code (NEC), and IEEE standards), except for power switchyards or the area within a substation.

1. Exceptions and Waivers.

a. Technical Impracticability: A waiver may be granted by the County or municipal governing body upon a written finding that undergrounding is technically impracticable due to one or more of the following:

i. Existing subsurface utilities, geology, bedrock, groundwater conditions, or other physical constraints that make burial infeasible or unsafe.

ii. Conflicts with critical infrastructure (e.g., high-pressure gas mains, sewer interceptors) that cannot be reasonably relocated; or

iii. A serving utility's refusal to provide underground service despite reasonable design changes.

b. Process: Requests for a waiver must be made in writing at the time of land development application and must include:

i. Detailed engineering documentation prepared by a licensed professional engineer demonstrating the basis for the waiver.
ii. A statement of efforts made to avoid or mitigate impacts and to coordinate with the utility; and
iii. Proposed alternative measures to protect reliability and aesthetics (e.g., screening, rerouting, buried/partially buried routes, enhanced design standards).

c. Emergency Repair Exception: Temporary above-ground installation for emergency repair of electric facilities is permitted provided that permanent underground replacement or remediation is completed within a period specified in the emergency authorization (not to exceed 180 days absent extension).

2. Financial Responsibility.

a. The Applicant shall be responsible for all costs associated with the underground installation, including design, permitting, trenching, conduit/duct bank, cable installation, connection fees, utility coordination, and final restoration, unless otherwise provided in a written agreement with the serving utility or municipality.

b. The County or municipality may require financial security (performance bond, letter of credit) to guarantee completion of underground utility installation and site restoration.

714.12 Emergency Management

A. Emergency Response Plan. The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. A copy of the approved ERP shall be given to the local fire department and emergency management services, and the County Emergency Management Agency. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The ERP shall:

a. Be reviewed and accepted by the local fire department and emergency management services and the County Emergency Management Agency as part of the land development process.
b. Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
c. Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.

d. Ensure that all first responders receive adequate training specific to the installed system. The applicant shall pay for the cost and expenses of training required that is beyond the scope of the local first responders' regular training.
e. All projects that require the additional use of new, special or advanced fire protection equipment or solutions designed for environments where water-based systems are ineffective or destructive, such as clean agents, foam, dry chemicals, CO2 or similar specialized agents, products, materials or systems, by the local agency providing fire response service, shall obtain approval from the local agency providing such service prior to project approval. Nonavailability of approved fire response services shall be considered grounds for denying permits until such services are available. The agency providing fire response services is not obligated to extend or supply such specialized services if they do not exist at the time of application. The extension of services and purchase of required specialized equipment. agents, products, materials or systems, shall be provided at the cost of the applicant.

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f. Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Battery Energy Storage System.
g. Include procedures for safe shutdown, de-energizing or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, personal injuries, and for safe start-up following cessation of emergency conditions.
h. Include procedures for inspection and testing of associated alarms, interlocks, and controls.
i. Demonstrate compliance with the version of National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards in effect on the date of the application, and must include fire suppression systems designed specifically for battery storage.

B. Any Battery Energy Storage System that includes energy storage that uses lithium or lithium-ion batteries shall be required to use an automatic fire suppression system designed to suppress lithium and lithium-ion fires. The design and use of the aforementioned fire suppression system shall be to the reasonable satisfaction of the County and shall include provisions to prevent the leakage of chemicals from contaminating local watersheds. If the local fire department requires the use of water in its response plan, the a severable storm drain connection must be included to ensure that leaks do not escape the system’s envelope.

C. No Battery Energy Storage System shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.

D. The Battery Energy Storage System shall provide a 24-hour emergency signage visible at the access entrance to include a contact representative's name and 24-hour telephone number.

E. Battery Energy Storage Systems shall include containment systems to prevent chemicals, fire suppressant agents, or similar hazards from contaminating surface water, groundwater, and soil, and to minimize the risk of human exposure.

714.13 Signal Interface

The Applicant shall make all efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Battery Energy Storage System.

714.14 Parking

Battery Energy Storage Systems are to be provided with at least one parking space per 8,000 square feet of floor area designed and intended to be accessible regularly by employees, or one parking space for every one employee, based upon the maximum number of employees on site during the largest shift, whichever is lesser.

714.15 Lighting

A. The Battery Energy Storage System must implement dark sky-friendly lighting solutions.

B. Lighting shall be controlled in both height and intensity; and lighting design shall be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used as guidelines for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement.

C. Lighting shall be limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Battery Energy Storage System and must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.

714.16 Decommissioning

A. The Battery Energy Storage System (hereinafter “Facility”) Owner and Operator shall, at its expense, complete decommissioning of the Facility, within twelve (12) months after the end of the useful life of the Facility. The Facility will be presumed to be at the end of its useful life if it’s not used for a continuous period of twelve (12) months. The Facility Owner or Operator shall report to the County in writing within 48 hours any cessation or discontinuation of use by sending notice to:

Planning and Development
County Courthouse
31 Lake Ave (PO Box 218)
Montrose, PA 18801
Email: ppeltz@susqco.com

If the County becomes aware of the cessation or discontinuation of use of the Battery Energy Storage System Facility by observation or report from a third party, without receiving notification from the Facility Owner or Operator, the County may notify the Facility Owner or Operator of the report or observation in writing or by posting a notice on the premises that decommissioning must be completed within six (6) months of said notice.

B. Decommissioning shall include removal of all hazardous materials and contents, including cabling, electrical components, and any other associated facilities. The Facility Owner or Operator shall certify that all hazardous materials and contents have been removed at the end of the twelve (12) or six (6) month period in Section A as applicable.

C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Planning Commission after the first year of operation and every fifth year thereafter.

E. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs +10%. The Decommissioning Funds shall be posted and maintained with a bonding company, Federal or Commonwealth chartered lending institution chosen by the Facility Owner, Operator, and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the County.

F. Decommissioning Funds may be in the form of a performance bond, surety bond, or other form of financial assurance that are acceptable to the County. These funds must be delivered before construction begins on the proposed project. This bond will be maintained by the municipality.

G. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed herein the County may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the County shall constitute agreement and consent of the parties to the agreement, the

irrespective heirs, successors and assigns that the County may take such action as necessary to implement the decommissioning plan.

I. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the County concurs that decommissioning has been satisfactorily completed, or upon written approval of the County.

J. In the event of sale or transfer of the Facility, the acquiring agency shall adhere to the original monetary and operational decommissioning requirements set forth for the original developer.

714.17 Liability Insurance

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $5 million per occurrence and $5 million in the aggregate. Certificates shall be made available to the County upon request.

714.18 Permits

All required local, county, state, and federal permits must be obtained before the Battery Energy Storage System begins operating.

714.19 Extraordinary Events

If the Battery Energy Storage System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the County within 24 hours.

714.20 Annual Report

The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

i. Current proof of insurance;
ii. Verification of financial security; and
iii. A summary of all complaints, complaint resolutions, and extraordinary events.

714.21 Inspections

The County may inspect a Battery Energy Storage System at any time by providing 24 hours' advance notice to the applicant or operator.

714.22 Transferability

A land development approval for a Battery Energy Storage System is transferable to a new owner. The new owner must register its name and business address with

the County and must comply with this Ordinance and all approvals and conditions issued by the County.

714.23 Host community agreement

The applicant shall enter into a host community agreement with the local municipality in which the Battery Energy Storage System is located. The host community agreement shall require that, upon commencement of any operation, the Battery Energy Storage System owner must pay the municipality $2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the municipality for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the municipality and the applicant.

SECTION 2: SEVERABILITY.

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3: CONFLICT.

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ENACTED AND ORDAINED into Law this 8th day of April 2026.

BOARD OF COMMISSIONERS:

_____
Alan M. Hall

_____
David Darrow

_____
Robert McNamara

ATTEST:

_____
Rebekah Hubbard, Chief Clerk

APPROVED AS TO FORM:

_____

County Solicitor