

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 502 Session of 2025

INTRODUCED BY STEELE, GIRAL, MADDEN, WAXMAN, SAPPEY, HILL-EVANS,
HOWARD, SCHLOSSBERG, MALAGARI, NEILSON, SANCHEZ, KHAN,
O'MARA, CEPEDA-FREYTIZ, K.HARRIS, DONAHUE, McNEILL, INGLIS,
PROKOPIAK, SALISBURY, KRUEGER, BOROWSKI, SIEGEL, ABNEY,
KINKEAD, BOYD, HOHENSTEIN, SHUSTERMAN, PIELLI, MAYES AND
PROBST, APRIL 23, 2025

REFERRED TO COMMITTEE ON ENERGY, APRIL 23, 2025

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, establishing the Reliable Energy
3 Siting and Electric Transition Board.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 8

9 RELIABLE ENERGY SITING AND ELECTRIC TRANSITION BOARD

10 Sec.

11 801. Findings and declaration of policy.

12 802. Definitions.

13 803. Reliable Energy Siting and Electric Transition Board.

14 804. Powers and duties of board.

15 805. Certificate of reliable energy supply.

16 806. Application process.

1 807. Application review.

2 808. Pennsylvania Siting Advisory Council.

3 809. Effect of other laws.

4 § 801. Findings and declaration of policy.

5 The General Assembly finds and declares as follows:

6 (1) The present and predicted growth in energy demands
7 in this Commonwealth requires a Statewide procedure for the
8 selection and use of sites for reliable energy generating and
9 storage facilities. The selection of sites will have an
10 impact on our citizens, the location and growth of industry
11 and the use of natural resources of this Commonwealth.

12 (2) It is the policy of the Commonwealth to locate large
13 reliable energy generating and storage facilities in an
14 orderly manner that is compatible with human health, safety,
15 environmental preservation and the efficient use of
16 resources.

17 (3) In order to effectuate this policy, there is need
18 for greater Statewide coordination of facility siting to
19 ensure continued electric power system reliability and
20 integrity while satisfying the Commonwealth's obligations
21 under section 27 of Article I of the Constitution of
22 Pennsylvania and limiting adverse effects on human health,
23 safety and the environment.

24 § 802. Definitions.

25 The following words and phrases when used in this chapter
26 shall have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Advisory council." The Pennsylvania Siting Advisory Council
29 established in section 808(a) (relating to Pennsylvania Siting
30 Advisory Council).

1 "Board." The Reliable Energy Siting and Electric Transition
2 Board established in section 803 (relating to Reliable Energy
3 Siting and Electric Transition Board).

4 "Department." The Department of Environmental Protection of
5 the Commonwealth.

6 "Electric generator." The equipment or machinery capable of
7 producing, generating or storing electricity for private or
8 public consumption.

9 "Property" or "site." The parcel of real property upon which
10 a reliable energy generating or storage facility or storage
11 facility is proposed to be constructed or modified.

12 "Reliable energy generating facility" or "facility." An
13 electric generator plant, or a combination of electric
14 generators and associated facilities, with a nameplate capacity
15 equal to or greater than 25 megawatts.

16 "Reliable energy generator." A person that proposes to
17 construct:

18 (1) An electric generator with a nameplate capacity
19 equal to or greater than 25 megawatts or modify an existing
20 electric generator to result in a nameplate capacity equal to
21 or greater than 25 megawatts.

22 (2) A reliable energy storage facility.

23 "Reliable energy storage facility." A facility located in
24 this Commonwealth employing technology, including any
25 electrochemical, thermal or electromechanical technology, or any
26 technology defined as "energy storage technology" in 26 U.S.C. §
27 48E (relating to clean energy investment credit) or 26 CFR
28 1.48E-2(g)(6) (relating to qualified investments in qualified
29 facilities and EST for purposes of section 48E) as of the
30 effective date of this section, that is capable of absorbing and

1 storing energy for use at a later time and that has a maximum
2 facility output of at least 10 megawatts and the technical
3 capacity to deliver its maximum facility output in a minimum
4 duration of no less than four hours.

5 "Secretary." The Secretary of Environmental Protection of
6 the Commonwealth.

7 § 803. Reliable Energy Siting and Electric Transition Board.

8 (a) Establishment.--The Reliable Energy Siting and Electric
9 Transition Board is established within the department for the
10 purpose of facilitating the development of new sources of
11 reliable energy in this Commonwealth while limiting adverse
12 effects on human health, safety and the environment.

13 (b) Membership.--The board shall consist of members selected
14 as follows:

15 (1) The secretary or a designee who shall be an employee
16 of the department.

17 (2) The Secretary of Community and Economic Development
18 or a designee who shall be an employee of the Department of
19 Community and Economic Development.

20 (3) The Secretary of Labor and Industry or a designee
21 who shall be an employee of the Department of Labor and
22 Industry.

23 (4) The chairperson of the Pennsylvania Public Utility
24 Commission or a designee who shall be an employee of the
25 Pennsylvania Public Utility Commission.

26 (5) The President of the Pennsylvania Building and
27 Construction Trades Council or a designee who shall be an
28 officer of the Pennsylvania Building and Construction Trades
29 Council.

30 (6) The President of the Pennsylvania Chamber of

1 Business and Industry or a designee who shall be an employee
2 of the Pennsylvania Chamber of Business and Industry.

3 (7) The chairperson of the department's Environmental
4 Justice Advisory Board.

5 (c) Organization.--The secretary shall serve as chairperson
6 of the board. The members shall select from among themselves
7 officers as they deem necessary.

8 (d) Quorum and meetings.--

9 (1) A majority of the members of the board shall
10 constitute a quorum.

11 (2) The board shall meet to conduct official business at
12 the call of the chairperson.

13 (e) Expenses.--Members shall receive no compensation for
14 their services but shall be reimbursed for any expenses
15 necessarily incurred by them in the performance of their duties.

16 (f) Administrative services.--The department shall provide
17 administrative services and staff, including legal counsel and
18 legal staff, to the board.

19 § 804. Powers and duties of board.

20 The board shall have and may exercise all powers necessary or
21 appropriate to carry out and effectuate the board's purposes
22 under this chapter, including, but not limited to:

23 (1) Appoint an executive director.

24 (2) Make and execute contracts and other instruments.

25 (3) Approve, conditionally approve or deny applications
26 under section 807 (relating to application review).

27 (4) Consult with the advisory council.

28 (5) Promulgate regulations necessary to carry out the
29 purposes of this chapter.

30 (6) Perform other operational activities necessary or

appropriate to further the purposes of this chapter.

§ 805. Certificate of reliable energy supply.

(a) Applicability.--Prior to the preparation of a site or construction of a reliable energy generating facility or storage facility in this Commonwealth, a person may obtain a certificate of reliable energy supply under this chapter.

(b) Purpose.--To ensure the efficient and uniform entry of new reliable energy generating or storage facilities that protect human health, safety and the environment in this Commonwealth, the board is authorized to issue certificates of reliable energy supply that enable the prompt construction of needed energy resources.

(c) Restrictions.--A certificate of reliable energy supply may not be issued to a person if:

(1) the proposed reliable energy generating facility or storage facility will be located on property that is zoned for residential uses and has been zoned for residential uses since January 1, 2024; or

(2) the person has previously sought approval from a county or municipal or other local government or authority for the proposed reliable energy generating facility or storage facility or a substantially similar reliable energy generating facility or storage facility at the same location and been denied in an appealable action.

(d) Effect of certificate.--

(1) A county or municipal or other local government or authority by ordinance, regulation or other action may not require any land use approval, consent, permit, certificate or condition that materially impedes the purposes of this chapter or will delay or prevent the construction, operation

1 or maintenance of a reliable energy generating facility or
2 storage facility that has been issued a certificate of
3 reliable energy supply.

4 (2) The requirements of sections 619.2 and 1105 of the
5 act of July 31, 1968 (P.L.805, No.247), known as the
6 Pennsylvania Municipalities Planning Code, shall be deemed
7 satisfied by the board's issuance of a certificate of
8 reliable energy supply under this chapter.

9 (e) Transfer.--A certificate of reliable energy supply may
10 be transferred, subject to the approval of the board, to a
11 person who agrees to comply with the terms, conditions and
12 modifications contained in the certificate of reliable energy
13 supply and other requirements as determined by the board.

14 § 806. Application process.

15 (a) Application.--An applicant for a certificate of reliable
16 energy supply shall file with the board an application, in a
17 form that the board may prescribe, including the following
18 information:

19 (1) A description of the proposed reliable energy
20 generating facility or storage facility.

21 (2) A statement and explanation of the need for the
22 proposed reliable energy generating facility or storage
23 facility, including an analysis of the proposed facility's
24 projected benefit to the electric grid within this
25 Commonwealth.

26 (3) Safety and reliability information, including
27 planned provisions for emergency operations and shutdowns,
28 and information on risks related to current and projected
29 extreme weather conditions over the anticipated lifetime of
30 the facility.

1 (4) Available site information, including maps,
2 description and applicable zoning designation, if any.

3 (5) Justification for adoption of the site selected,
4 including an explanation of why the proposed location is best
5 suited for the reliable energy generating facility or storage
6 facility, how the selection of the proposed site aligns with
7 the applicable county development plan and the potential
8 benefit to the community in which it is located.

9 (6) For sites located in whole or in part within an area
10 identified using the Pennsylvania Wildlife Action Plan's
11 Conservation Opportunity Area Tool as "Pennsylvania Climate
12 Change Connectivity," an explanation of the specific measures
13 to be taken to minimize and ameliorate impacts on wildlife
14 habitat connectivity. The board may identify a successor tool
15 or successor identification under this paragraph if the
16 Conservation Opportunity Area Tool is no longer available.

17 (7) Studies that have been made by or for the applicant
18 of the environmental impact of the reliable energy generating
19 facility or storage facility.

20 (8) Identification of all environmental permits required
21 for the construction and operation of the reliable energy
22 generating facility or storage facility and the status of the
23 application for the identified permits.

24 (9) A statement certifying that the proposed reliable
25 energy generating facility or storage facility will be
26 designed and constructed in compliance with all applicable
27 Federal and State environmental laws and regulations.

28 (10) A summary of the consultation with municipalities
29 as required under subsection (b).

30 (11) Proof that a copy of the application has been sent

1 to each municipality in which any portion of the proposed
2 reliable energy generating facility or storage facility is to
3 be located. The copy of the application sent to each
4 municipality shall be accompanied by a notice specifying the
5 date on or about which the application is expected to be
6 filed.

7 (12) Any other information required by the board to make
8 a determination under section 807 (relating to application
9 review).

10 (b) Public participation.--

11 (1) Prior to filing an application for a certificate of
12 reliable energy supply, an applicant shall consult with the
13 municipality or municipalities in which the reliable energy
14 generating facility or storage facility is proposed to be
15 located.

16 (2) Consultation with a municipality or municipalities
17 shall include, but not be limited to, good-faith efforts to
18 meet with each chief elected official of the municipality or
19 municipalities or the official's designee to discuss the
20 proposed reliable energy generating facility or storage
21 facility, including why the site was selected, alternative
22 locations that were considered, environmental impacts and
23 potential benefits to the community.

24 (3) At the time of the consultation, the applicant shall
25 provide the municipality with a copy of any technical reports
26 concerning the need for the reliable energy generating
27 facility or storage facility, including a map indicating the
28 area of need, the location of existing surrounding
29 facilities, a detailed description of the proposed site under
30 consideration, a description of the site selection process

1 undertaken by the prospective applicant and the potential
2 environmental effects of the proposed reliable energy
3 generating facility or storage facility.

4 (4) As part of the application for a certificate of
5 reliable energy supply, the applicant shall provide a summary
6 of any meeting held with municipalities under this
7 subsection. In the event the applicant is unable to secure a
8 meeting with a municipality, the application shall contain a
9 detailed explanation of the applicant's best efforts and
10 reasonable attempts to secure the meeting, including, but not
11 limited to, written communications between the applicant and
12 the municipality.

13 (c) Public hearing.--Within 45 days of the filing of a
14 complete application for a certificate of reliable energy
15 supply, the board shall hold at least one public hearing
16 regarding the application and accept public comment. The board
17 may conduct the hearing or appoint an individual to serve as a
18 hearing officer. The following shall apply:

19 (1) The applicant for a certificate of reliable energy
20 supply shall attend the public hearing.

21 (2) The public hearing shall be held in accordance with
22 65 Pa.C.S. Ch. 7 (relating to open meetings). Notice of the
23 meeting shall be posted on the board's publicly accessible
24 Internet website at least two weeks prior to the meeting.

25 (3) The board may hold the public hearing in a
26 municipality in which the proposed reliable energy generating
27 facility or storage facility is to be located.

28 (4) The board may hold a concurrent public comment
29 period.

30 (5) The board shall review and consider the information

1 received during the public hearing and any applicable public
2 comment period in making a determination under section 807.

3 (d) Fees.--

4 (1) For a reliable energy generating facility or storage
5 facility, the fee required for review of an application for a
6 certificate of reliable energy supply shall be the product of
7 50¢ times the maximum kilowatt electric capacity, as
8 determined by the estimated net demonstrated capability of
9 the highest capacity alternative.

10 (2) For applications for a reliable energy generating
11 facility or storage facility falling in whole or in part
12 within an area described in subsection (a)(6), the
13 application fee shall be the amount in paragraph (1) plus an
14 additional amount of 5¢ times the maximum kilowatt
15 electricity capacity, as determined by the estimated net
16 demonstrated capability of the highest capacity alternative,
17 and the additional amount shall be deposited as follows:

18 (i) Fifty percent shall be deposited into a
19 restricted account in the State Treasury. The money in
20 the restricted account is appropriated, on approval of
21 the Governor, to the Fish and Boat Commission for the
22 purpose of the State Wildlife Grant Program established
23 under Federal law.

24 (ii) Fifty percent shall be deposited into a
25 restricted account in the State Treasury. The money in
26 the restricted account is appropriated, on approval of
27 the Governor, to the Game Commission for the purpose of
28 the State Wildlife Grant Program established under
29 Federal law.

30 (3) The board may increase the application fee by an

1 amount not to exceed 20% per year in accordance with the act
2 of June 25, 1982 (P.L.633, No.181), known as the Regulatory
3 Review Act.

4 (4) The maximum application filing fee shall be \$150,000
5 or, in the case of a facility falling in whole or in part
6 within an area described in subsection (a)(6), \$175,000.

7 (e) Modifications.--

8 (1) If the holder of a certificate of reliable energy
9 supply finds it necessary to propose modifications to the
10 application during the course of project planning or
11 construction, the modifications may be made without
12 revocation of the certificate or reapplication to the board,
13 provided that:

14 (i) the proposed modifications are submitted by the
15 holder to the board; and

16 (ii) the board determines that:

17 (A) the modifications constitute minor or de
18 minimis modifications in the ordinary course of
19 business that do not substantially alter the original
20 application; or

21 (B) the modifications do not constitute minor or
22 de minimis modifications, but the proposal for
23 modification is accompanied by a statement of written
24 assent by the chief elected official of each
25 municipality or municipalities, and the modifications
26 would not adversely alter the determinations of the
27 board with respect to section 807(a)(2) (relating to
28 application review).

29 (2) Notwithstanding paragraph (1), the holder of a
30 certificate of reliable energy may submit an application

1 under subsection (a) for a proposed modification.

2 § 807. Application review.

3 (a) Determination.--The board shall, within 90 days from the
4 date of filing of a complete application, issue to the reliable
5 energy generator a certificate of reliable energy supply for the
6 reliable energy generating facility or storage facility proposed
7 in the application if the board determines that the applicant
8 has demonstrated that:

9 (1) The application is complete and accurate.

10 (2) The proposed reliable energy generating facility or
11 storage facility will:

12 (i) Comply with all applicable Federal and State
13 laws and regulations.

14 (ii) Obtain all necessary environmental permitting
15 for the construction and operation of the proposed
16 reliable energy facility.

17 (iii) Not unduly interfere with the orderly
18 development of the region with consideration having been
19 given to the views of the municipality or municipalities
20 in which the proposed reliable energy generating facility
21 or storage facility will be located.

22 (iv) The proposed reliable energy generating
23 facility or storage facility is necessary or proper for
24 the service, accommodation, convenience or safety of the
25 public.

26 (b) Denial or conditional approval.--If the board determines
27 that the standards under subsection (a) have not been met, the
28 board shall, within 90 days of the date of filing, either deny,
29 in whole or in part, the application, providing in writing its
30 reasons for the denial, or approve the application subject to

1 stated conditions.

2 (c) Amended application.--In the event of denial or
3 conditional approval, the applicant may, within 180 days, submit
4 an amended application. The board shall make a decision on the
5 amended application within 90 days of receipt of the complete
6 amended application.

7 (d) Appeal.--A board's decision under subsection (b) or (c)
8 shall be considered an appealable action under the act of July
9 13, 1988 (P.L.530, No.94), known as the Environmental Hearing
10 Board Act. The following shall apply:

11 (1) Any appeal of a board decision to the Environmental
12 Hearing Board shall be limited to the administrative record
13 developed before the board.

14 (2) The party challenging the board's decision shall
15 have the burden of proving the board's decision was arbitrary
16 and capricious.

17 (3) The Environmental Hearing Board shall issue its
18 final decision on an appeal of the board's decision within
19 180 days after the appeal is filed.

20 (4) Procedural errors in the development of the
21 administrative record before the board shall not be a basis
22 for challenging the board's decision unless the errors were
23 so serious and related to matters of such central relevance
24 to the decision that the decision would have been
25 significantly changed had the errors not been made. The
26 person asserting the significance of the procedural errors
27 shall have the burden of proving that the action would have
28 been significantly changed.

29 (5) If the Environmental Hearing Board determines that a
30 board's decision is arbitrary and capricious on the basis of

1 the administrative record, or determines that a procedural
2 error occurred in the development of the administrative
3 record, which error would have significantly changed the
4 board decision, the Environmental Hearing Board shall remand
5 the board's decision to the board to reopen the
6 administrative record and consider the additional information
7 before making a decision on remand.

8 § 808. Pennsylvania Siting Advisory Council.

9 (a) Establishment.--The Pennsylvania Siting Advisory Council
10 is established within the department. The advisory council shall
11 consist of the following members:

12 (1) The Consumer Advocate of the Commonwealth or a
13 designee who shall be an employee of the Office of Consumer
14 Advocate.

15 (2) The Executive Director of the County Commissioners
16 Association of Pennsylvania or a designee who shall be an
17 employee of the County Commissioners Association of
18 Pennsylvania.

19 (3) The Executive Director of the Pennsylvania Municipal
20 League or a designee who shall be an employee of the
21 Pennsylvania Municipal League.

22 (4) The Executive Director of the Pennsylvania State
23 Association of Township Supervisors or a designee who shall
24 be an employee of the Pennsylvania State Association of
25 Township Supervisors.

26 (5) The Executive Director of the Pennsylvania State
27 Association of Boroughs or a designee who shall be an
28 employee of the Pennsylvania State Association of Boroughs.

29 (6) The Executive Director of the Pennsylvania Farm
30 Bureau or a designee who shall be an employee of the

Pennsylvania Farm Bureau.

(7) The Executive Director of the Pennsylvania Game Commission or a designee who shall be an employee of the Pennsylvania Game Commission.

(8) Other members with diverse expertise in energy, land use planning and environmental protection as the Governor may from time to time appoint.

(b) Duties.--The advisory council shall:

(1) Make policy recommendations to the board regarding the siting of reliable energy projects and the effect of siting decisions on regional land use and comprehensive planning.

(2) Advise and assist the board regarding the public participation provisions under section 806(b) (relating to application process).

(3) Provide recommendations to the board on other subjects as the board may direct.

§ 809. Effect of other laws.

This chapter does not affect, limit or impair any right or authority of the department under:

(1) Section 1917-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(2) The act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

(3) The act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.

(4) The act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act.

(5) The act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

1 (6) The act of October 18, 1988 (P.L.756, No.108), known
2 as the Hazardous Sites Cleanup Act.
3 (7) 58 Pa.C.S. (relating to oil and gas).
4 Section 2. This act shall take effect in 60 days.