

DICKINSON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026-03

AN ORDINANCE OF DICKINSON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 205 – “ZONING” OF THE CODE OF THE TOWNSHIP OF DICKINSON TO ADD ADDITIONAL DEFINITIONS TO SECTION 205-12, AMEND 205-13, 205-14, 205-16, 205-17, 205-18 AND ADD NEW SECTION 205-120, ENTITLED “DATA CENTERS AND BATTERY ENERGY STORAGE SYSTEMS” TO CREATE REGULATIONS PERTAINING TO THE USE OF DATA CENTERS AND BATTERY ENERGY STORAGE SYSTEMS WITHIN DICKINSON TOWNSHIP.

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, et seq., authorizes the Board of Supervisors of Dickinson Township to amend the Township's Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Dickinson Township deems it to be in the best interest and general welfare of the residents of Dickinson Township to update and amend provisions of the Dickinson Township Zoning Ordinance to provide for Data Centers, Data Center Accessory Uses and Battery Energy Storage Systems; and

WHEREAS, the Board of Supervisors of Dickinson Township desires to add provisions to the Zoning Ordinance relating to Data Centers, Data Center Accessory Uses and Battery Energy Storage Systems;

WHEREAS, this Ordinance is intended to guide future growth and development by regulating land uses within Dickinson Township for the improvement of the health, safety, and general welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Dickinson Township as follows:

Section 1. Recitals. The above recitals are incorporated herein.

Section 2. Title and Purpose.

1. This Ordinance shall be known as the “Dickinson Township Data Center and Battery Energy Storage Systems Ordinance of 2026.”
2. The purpose of this Ordinance is to provide for the development, construction, operation and decommissioning of Data Centers and Battery Energy Storage

Systems in the Township, subject to reasonable conditions that will protect public health, safety, welfare, and the following objectives:

- a. Establish standards for the specific uses as defined;
 - b. Minimize the potential negative impacts on neighboring properties;
 - c. Provide uniform criteria for the development of such uses; and
 - d. Plan for and aid in the regulation and enforcement of such uses.
3. Data Centers require significant energy, water, and land resources, which may impact public infrastructure, natural resources, and the Township's rural character. Data Centers commonly use large-scale backup power supplies and require large-scale cooling systems that, if not properly installed and maintained, can create noise, air quality, and other environmental concerns. The Township has a responsibility to protect the public health, safety, and welfare of its residents by establishing environmental, performance and other standards, including, but not limited to, limits on noise, water use, energy demand, and monitoring, reporting, and enforcement mechanisms to ensure compliance with Township ordinances and state and federal law. The Township recognizes that the protection of residents' quality of life — including peace, quiet, clean air, and safe water — is a compelling governmental interest that justifies the adoption of these regulations. Data Centers are permissible by Conditional Use in the Business Industrial Zone.
4. Within the context of Energy Storage Systems, the intent of this Ordinance is to ensure that Battery Energy Storage Systems are installed and maintained to the most current International Building Code, International Residential Code, National Electric Code, International Fire Code and National Fire Protection Association Standards that are available.
5. Battery Energy Storage Systems with a capacity of 100 kWh or greater, and defined as Commercial or Utility scale, are subject to the provisions and requirements contained in this Ordinance.
6. Commercial-scale Battery Energy Storage Systems as part of a commercial, industrial, institutional, agricultural, governmental, or other nonresidential operations, are permissible as an Accessory Use by Conditional Use in the Conservation, Agricultural, Mixed Use, Mining, and Business Industrial zones and subject to all zoning district regulations and principal use requirements.
7. Utility-scale Battery Energy Storage Systems as part of a commercial, industrial, institutional, governmental, or other nonresidential operations, are permissible as Principal Use by Conditional Use, or Accessory Use by Conditional Use in the Business Industrial Zone.
8. Residential Battery Energy Storage Systems are exempt from the requirements found within Chapter 205-120.

Section 3. Definitions. Section 205-12 of the Dickinson Township Code of Ordinances, entitled Definitions, is amended to add the following definitions:

Ambient Noise Level: The baseline environmental noise at a site prior to development, measured by a qualified acoustical engineer over a continuous 72-hour period (including one weekend day), using ANSI standards.

Backup Generator: Natural Gas, diesel, hydrogen fuel cells, Power Storage System, or other non-coal equipment used to generate electricity during a power outage or similar emergency. Backup generators are only to be used during periods of outages, natural disasters, or similar “emergency events” for power generation and for regular reliability testing and exercising.

Battery Energy Storage Systems (BESS): An electrochemical device or more than one device assembled together, such as an Uninterrupted Power Supply (UPS) using lead acid batteries, lithium-ion batteries, or other energy storage devices, that is 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. Various forms of energy, including renewable energy from solar, wind, or hydro, for example, can charge it. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.

- **Commercial-Scale BESS:** A Battery Energy Storage System (BESS) that is designed and operated primarily to serve the electrical demands of an on-site commercial, industrial, institutional, agricultural, governmental, or other non-residential use. A Commercial BESS may store energy from the electric grid, renewable energy systems, or other lawful sources for later use by the principal use on the property. A Commercial BESS shall not be operated primarily for the purpose of providing wholesale electricity market services, utility transmission or distribution support, or energy services to multiple off-site customers. A Commercial BESS shall have a rated energy storage capacity of greater than one hundred (100) kilowatt-hours (kWh) and less than ten (10) megawatt-hours (MWh). A Commercial-scale BESS may be connected to an energy source behind-the-meter or in-front of the meter.
- **Residential-Scale BESS:** A Battery Energy Storage System (BESS) installed in a single family dwelling, or residential building, with a single-unit capacity per dwelling, of 20 kWh or less, designed to store and supply electrical energy for later use, and subject to specific safety, location, and installation requirements under applicable codes.

- **Utility-Scale BESS:** A large, grid-connected Battery Energy Storage System (BESS) with a rated energy capacity of ten (10) megawatt-hours or greater, that can be used in data centers and other large, commercial and industrial applications, to provide instant backup, stabilize the grid, integrate renewables, reduce diesel dependence, and participate in energy markets. A Utility-scale BESS may be connected to an energy source behind-the-meter or in-front of the meter.

Chemical Management Compliance: Under U.S. EPA regulations, chemical management compliance refers to meeting the legal requirements set forth in federal statutes and implementing rules to ensure that chemicals are handled, stored, and used in ways that protect public health, the environment, and worker safety.

Data Center: A facility or group of facilities, including its ancillary uses or associated structures located on the same tract or parcel of land, that is predominantly used to house working servers or similar data storage systems and has uninterruptible energy supply or generator backup power, or both, cooling systems, towers, and other temperature control infrastructure, consist of a building or buildings which are occupied primarily by computers and/or telecommunications and related equipment where digital information is processed, transferred, and/or stored, primarily to and from offsite locations. This use does not include computers or telecommunications related equipment that is secondary and customarily incidental to an otherwise permitted use on the property, such as servers associated with an office building. This use shall also include cryptocurrency mining, blockchain transaction processing, and server farms. A Data Center may include limited office space associated with facility operations but does not include general business offices or call centers. A Data Center may employ a front-of-the-meter and/or a behind-the-meter BESS that provides energy for normal operations.

Data Center Accessory Use: Ancillary uses or structures secondary and incidental to a Data Center use, including but not limited to: administrative, logistical, fiber optic, office and security buildings or structures; storage, renewable energy systems; sources of electrical power such as generators used to provide temporary power when the main source of power is interrupted, electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water cooling or holding facilities; pump stations; water towers; external environmental controls (emission controls, noise pollution controls, environmental impact monitoring); internal environmental controls (air conditioning or cooling towers, fire suppression, and related equipment); security features, provided such data center accessory uses/structures are located on the same tract or assemblage of adjacent parcels developed as a unified development with a Data Center.

Data Center Operator or Battery Energy Storage System Operator: The person or entity responsible for the post-construction operation of a Data Center or a Battery Energy Storage System.

Energy Storage System (ESS): Any system, equipment, facility, or technology that;

- Is capable of absorbing or converting energy, storing energy for a period of time, and dispatching the energy; and
- Uses mechanical, electrochemical, thermal, electrolysis, or other processes to convert and store electric energy that was generated at an earlier time for use at a later time;
- Uses mechanical, electrochemical, biochemical, or thermal processes to convert and store energy generated from mechanical processes that would otherwise be wasted, for delivery at a later time; or
- Stores energy in an electric, thermal, or gaseous state for direct use for heating or cooling at a later time, in a manner that avoids the need to use electricity or other fuel sources at that later time, such as a grid enabled water heater.

e-Waste: Any discarded electrical or electronic device, including broken, surplus, or end-of-life items like computers, data processing equipment, phones, TVs, batteries, and appliances, which are often hazardous due to toxic materials (lead, mercury) but also may contain valuable resources (gold, copper) that need proper recycling to prevent environmental harm.

Hazardous Material: Any item or agent (biological, chemical, radiological, and/or physical) that has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

- Under 49 U.S.C. § 5103, hazardous material is defined as a substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, or property during transportation in commerce and has formally designated as hazardous. This includes hazardous substances, hazardous waste, marine pollutants, elevated temperature materials, and any material listed in the Hazardous Materials Table (49 CFR 172.101) or meeting the criteria for hazard classes and divisions in 49 CFR Part 173.

Hazardous Waste: Any chemical, compound mixture or substance which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be "hazardous" as that term is defined by or pursuant to federal or state law and, for the purposes of this chapter, includes "residual waste" as that term is defined by state or federal law or regulation.

Sensitive Receptor: Any land use or structure where occupants are likely to be present for extended periods or where individuals may be more susceptible to adverse impacts from noise, lighting, visual disturbance, traffic, or other external effects. Sensitive Receptors shall include, but are not limited to: residential use, school, preschool, child or adult day-care center, hospital, assisted-living facility, long term care facility, nursing home, personal care home, retirement community, treatment center, community center, place of worship, park

(excluding trails), campground, or dormitory.

Section 4. Section 205-13 of the Code, entitled “Conservation Zone (C)”, is hereby amended by adding 205-13.B.9.(ee), “Battery Energy Storage Systems (BESS), subject to the requirements of 205-120 of this chapter”, to the accessory uses permitted by Conditional Use within the Conservation Zone.

Section 5. Section 205-14 of the Code, entitled “Agricultural Zone (A)”, is hereby amended by adding 205-14.B.9.(ee), “Battery Energy Storage Systems (BESS), subject to the requirements of 205-120 of this chapter”, to the accessory uses permitted by Conditional Use within the Agricultural Zone.

Section 6. Section 205-16 of the Code, entitled “Mixed Use Zone (MU)”, is hereby amended by adding 205-16.B.21.(z), “Battery Energy Storage Systems (BESS), subject to the requirements of 205-120 of this chapter”, to the accessory uses permitted by Conditional Use within the Mixed Use Zone.

Section 7. Section 205-17 of the Code, entitled “Mining Industrial Zone (MI)”, is hereby amended by adding 205-17.B.16.(n), “Battery Energy Storage Systems (BESS), subject to the requirements of 205-120 of this chapter”, to the accessory uses permitted by Conditional Use within the Mining Industrial Zone.

Section 8. Section 205-18 of the Code, entitled “Business Industrial Zone (BI)”, is hereby amended by adding 205-18.B.28.(o), “Battery Energy Storage Systems (BESS), subject to the requirements of 205-120 of this chapter”, to the accessory uses permitted by Conditional Use within the Business Industrial Zone.

Section 9. Section 205-18 of the Code, entitled “Business Industrial Zone (BI)”, is hereby amended by adding 205-18.D.(10), “Data Centers and Battery Energy Storage Systems (BESS), subject to the requirements of 205-120 of this chapter”, to the principal uses permitted by Conditional Use within the Business Industrial Zone.

Section 10. Section 205, Article IV, entitled Specific Criteria, is hereby amended to include §205-120. Data Centers and Battery Energy Storage Systems (BESS):

- A. Within the BI Zone, Data Centers and Utility-scale Battery Energy Storage Systems (BESS) are permitted as a principal use by Conditional Use, provided that the Applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this chapter including but not limited to those general criteria contained within 205-162.B, and specifically provided below in paragraphs D through P of this section.

- B. Within the BI Zone Utility-scale Battery Energy Storage Systems (BESS) are permitted as an accessory use by Conditional Use, provided that the Applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this chapter including but not limited to those general criteria contained within 205-162.B, and specifically provided below in paragraphs L through P of this section, and all requirements applicable to the principal use to which the Utility-scale BESS is accessory. The provisions in paragraphs D through K do not pertain to accessory use.
- C. Within the C, A, MU, MI and BI Zones, Commercial Battery Energy Systems (BESS) are permitted as an accessory use by Conditional Use, provided that the Applicant has met his/her burden of proof that the proposed use meets all applicable regulations contained within this chapter including but not limited to those general criteria contained within 205-162.B, and paragraphs L through P of this section, and all requirements applicable to the principal use to which the Commercial-scale BESS is accessory. The provisions in paragraphs D through K do not pertain to accessory use.
- D. Buildings, access drives, parking areas, staging areas and loading/unloading areas:
 - (1) Buildings, access drives, parking areas, staging areas and loading/unloading areas on the subject property shall be located no closer than:
 - a) Five hundred (500) feet from the Township's A, LDR, and MU Zones and/or a Sensitive Receptor.
 - b) Two hundred (200) feet from a residential use that is located in any other zoning district.
 - (2) All buildings shall be set back at least fifty (50) feet from any street right-of-way line.
 - (3) The subject property shall have a minimum of three hundred (300) feet of contiguous road frontage along an arterial and/or collector road.
 - (4) Access drives shall be a minimum of twenty-eight (28) feet, as measured at the street right-of-way line (unless a different width is required by the Pennsylvania Department of Transportation (PennDOT) as part of the Highway Occupancy Permit process), and a maximum of thirty five (35) wide, as measured at the throat of the access drive. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges.
 - (5) No parking areas or loading/unloading areas shall be permitted within fifty (50) feet of any public street right-of-way line.
 - (6) Vehicular access shall be designed to safely accommodate the anticipated traffic volumes generated by the proposed use without adversely affecting the level of service (LOS) or safety of adjacent roadways and intersections. The Applicant shall demonstrate, through a traffic impact

study when required by this chapter, that the proposed access points, internal circulation, and roadway improvements are sufficient to maintain safe traffic operations. Where the study identifies operational or safety deficiencies attributable to the proposed use, the Applicant shall implement all roadway, access, signalization, or traffic control improvements determined necessary by the Township Engineer or if applicable, PennDOT, prior to occupancy or commencement of operations.

- (7) Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle backups onto adjoining roads during peak arrival periods.
- (8) Must meet parking requirements set forth in Section 205-34 of this Ordinance and the following:
 - a) Minimum of one passenger parking space will be provided for each employee on the largest shift; and
 - b) Minimum of five passenger parking spaces for visitors.
- E. Principal building facades: Principal building facades shall include all building facades that face adjacent public roads. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.
- F. Dimensional Standards of a Data Center and/or BESS and any accessory uses shall be the following:
 - (1) The maximum building height may be increased by one foot for every two feet by which the building exceeds applicable minimum yard requirements, up to maximum building height of fifty (50) feet. Height requirement is inclusive of roof-mounted equipment such as cooling and ventilation systems, HVAC units and cooling towers.
 - (2) The subject property shall have a minimum lot area of fifty (50) acres and a minimum lot width of three hundred (300) feet. A maximum lot coverage of 70% shall be permitted to include all structures, driveways, parking areas, truck loading areas, and any other impervious area coverage.
- G. Buffering and screening: The Data Center and/or BESS shall comply with the applicable screening requirements of the underlying zoning district and shall be required to comply with the buffering and screening requirements set forth in Section 205-18 and 205-40 of the Code. A Landscape Buffer shall be established as follows:
 - (1) Buffer yards shall be increased to 200 feet along adjoining lands as follows:
 - a) In the C, A, LDR, and MU Zones;
 - b) Along adjoining residential uses that are located in any other zoning

district;

c) Along any land adjoining a neighboring municipality.

(2) Within the buffer yards adjoining such zones or residential uses, the screen plantings required for vegetative screens shall meet all applicable screening requirements; provided, however, Applicant shall provide for and install an earthen berm having a maximum slope of three feet of run to one foot of rise and a minimum height of 15 feet above grade.

(3) Stormwater management facilities may be located within buffer yards.

H. Traffic Impact: Applicants shall submit a traffic impact study, conducted by an independent, qualified professional, addressing both daily operational traffic and emergency response access, to demonstrate that the facility will not adversely affect local road capacity. If the study indicates reduced traffic level of service (LOS), the Applicant shall provide a traffic mitigation and implementation plan that shall return the traffic LOS to the original LOS or better.

I. Power Supply: Applicants shall provide to the Township, the following information demonstrating that adequate energy is available for the project:

(1) A will-serve letter by the appropriate public and/or private utility provider that will service the proposed use and/or a written assessment by a certified professional in the field of engineering and utility design has been made of the potential electrical, water, and/or sewer consumption of the proposed use which ensures that there is sufficient capacity available to serve the proposed use as well as the projected service needs for future growth.

(2) A written interconnection agreement from the electric service provider indicating that capacity is available and the Data Center and/or BESS will be served.

(3) A written statement of the total energy needed for the project, including on site generation and energy transmitted by the public utility.

(4) The following provisions are required:

a) All electric lines serving the facility shall be placed underground.

b) The use shall not cause electrical interference or fluctuations in line voltage on and off the operating premises.

c) Air Quality Restrictions on Backup Power Use. No Data Center and/or BESS shall operate any backup power system when the Air Quality Index (AQI) exceeds 70 ("Moderate"), as measured by the nearest official monitoring station operated by the Pennsylvania Department of Environmental Protection (DEP) or the United States Environmental Protection Agency (EPA) unless the system is a zero-emission device.

i. AQI shall be determined using data from the nearest state and

federal monitoring stations.

- J. Water Supply/Wastewater Management: Data Centers and Utility-scale BESS shall be served by public water and sewer supplied by the Dickinson Township Municipal Authority.
- (1) The Applicant shall provide the Township, with a will-serve letter, providing confirmation from the public water and sewer authorities that sufficient capacity is and will be available to serve the site as well as the needs of the service area consistent with the normal projected future needs envisioned by the authority.
 - (2) The Applicant shall provide written documentation to the Township that adequate means of wastewater disposal and discharge, including domestic wastewater and wastewater used for cooling or industrial purposes, have been provided and approved by the Municipal Authority, the Pennsylvania Department of Environmental Protection and any other regulatory authority as required.
 - (3) Applicants shall adhere to all rules and regulations of the Dickinson Township Municipal Authority.
- K. Noise, vibration and other disturbances and/or environmental impacts, including odor, smoke, dust, litter, are subjected to the provisions contained within Chapter 205-35 of the Code. The Applicant shall comply with all applicable local, state, and federal laws and ordinances, including, but not limited to, those of §205-29, 205-32, 205-35, and 205-162, and including all referenced and incorporated ordinances of this chapter. Additionally,
- (1) All costs for studies shall be paid by the Applicant.
 - (2) Submit a Noise Impact Study. The Applicant shall include a Noise Impact Study conducted by an independent, professional acoustical expert, and approved by the Township Engineer.
 - a) The purpose of the Noise Impact Study shall be to estimate existing ambient noise levels and projected post-construction sound levels associated with facility operations, including cooling systems, mechanical equipment, and emergency generators, and to evaluate potential noise impacts at all property lines and at nearby existing dwellings.
 - b) The scope of the study shall be reviewed and approved by the Township Engineer and shall be conducted using Sound Level Meters described in ANSI S1.4-2104 and generally accepted methodology. The study shall consist of the following:
 - i. Estimated existing and post-construction sound levels at all property lines, expressed in dBA and dBC, demonstrating compliance with the applicable noise standards set forth in this section;
 - ii. An estimate of the dBA and dBC noise levels that adjacent

existing dwellings would experience under existing and proposed conditions;

- iii. A description of proposed noise mitigation measures, including methods and materials, intended to limit sound levels to the standards established herein;
 - iv. Include recommended sound-reducing materials or systems as needed to meet the aforesaid standard; and
 - v. An evaluation of anticipated noise levels under both normal operating conditions and routine emergency or backup system testing.
- c) Should the required Noise Impact Study demonstrate that noise mitigation measures are necessary to comply with the sound standards established below, the Applicant shall install, at its sole expense, all noise mitigation measures necessary to achieve compliance. Such measures shall be subject to review and approval by the Township Engineer based upon certification by a qualified acoustical engineer.
- The Data Center, Battery Energy Storage System (BESS), and all associated equipment, including but not limited to HVAC equipment, cooling systems, transformers, switchgear, generators, pumps, and all standby or emergency equipment during normal operation, routine maintenance, testing, and emergency operation, shall not exceed the following sound levels as measured at the property line of the facility:
- i. Where the facility adjoins or is directly across a public street from property used or zoned for residential purposes, sound generated by the facility shall not exceed 55 dBA or 75 dBC at any time.
 - ii. Where a facility adjoins or is directly across a public street from property used for any use other than a residential use, sound generated by the facility shall not exceed 65 dBA or 85 dBC at any time.
 - iii. Simultaneous measurements shall also demonstrate that the difference between the C-weighted sound level (dBC) and the A-weighted sound level (dBA) does not exceed 20 db. All measurements shall be conducted in accordance with ANSI standards by a qualified acoustical engineer.
- d) An as-built sound study shall be conducted six (6) months after issuance of the certificate of occupancy for any Data Center and/or BESS and associated equipment prior to the final escrow release for any Data Center and/or BESS land development phase. The Township may have a sound study generated on its behalf at any time thereafter, by an entity selected by the Township, at the expense of the Applicant. If it is determined by an as-built sound study that there is a violation of the aforesaid sound limits, then the issued Zoning Permit is rescinded

until the Applicant provides a sound study showing that they have come into compliance with those regulations. The Township may select an entity to conduct a sound study to verify that the sound does not exceed the limits established by this Ordinance, and the cost of the sound study shall be borne solely by the Applicant. Upon verification that the sound does not exceed the limits established by this Ordinance, the Zoning Permit shall be reinstated. In the event of a failure by the Applicant to remediate a sound violation, the Township may revoke any zoning permit(s) previously issued for the Data Center and/or BESS. Notwithstanding the foregoing, during a power outage which removes power from all or a part of any Data Center and/or BESS building, or the Data Center Campus, the above noise limits shall not be in effect; it being recognized that the Data Center must be able to operate 24 hours per day, and 7 days per week without power interruption. In the event of such power outage, the Data Center and/or BESS building, or Data Center Campus, Applicant, as applicable, must re-establish compliance with the noise provisions herein within three (3) hours of the restoration of power.

- e) A noise reduction barrier or device shall be required where post-construction monitoring demonstrates noncompliance with sound limits set forth herein or where the Applicant's acoustic study identifies mitigation measures necessary to achieve compliance.
 - f) The maximum sound levels specified above shall not apply to emergency alerts; emergency work to provide electricity, water, or other public utilities when public health or safety is involved; snow removal, or road repair or maintenance conducted in response to emergency conditions.
 - g) Within two (2) years after issuance of a Certificate of Occupancy for all Data Center and/or BESS buildings that have been constructed pursuant to an approved land development plan, the Township reserves the right, in its sole discretion, to engage a third-party sound expert of its choosing to perform a post-occupancy noise study at the Data Center and/or BESS facilities at the Applicant's expense to confirm compliance with the sound level standards. If the study shows that the noise standards are not met, the Applicant shall undertake any modifications needed to bring the facilities into compliance with the noise standards.
 - h) The Township may require additional testing, at the Applicant's expense, whenever substantial modifications are made to the facility or whenever a documented noise complaint indicates potential noncompliance.
- (3) Vibration/Electromagnetic Study: A Vibration/Electromagnetic Study shall be prepared by a certified, independent professional and provided to the Township. All costs for present and future vibration studies shall be

paid for by the Applicant. The study shall demonstrate:

- a) That no vibration generated by Data Centers and/or BESS or associated equipment shall be perceptible to the human sense of feeling beyond the property line of the site.
 - b) That no electromagnetic waves emanating from the proposed use will extend past a property line.
- (4) Environmental and Community Impact Analysis. The Applicant shall provide to the Township, an environmental and community impact analysis. The environmental and community impact analysis shall include:
- a) A written narrative description of the nature of the on-site activities and operations, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies, and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
 - b) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth and cultural and historic resources located on the property and extending to a distance of 500 feet beyond the property boundaries.
 - c) A plan for the disposal of materials and a description within the plan on how disposal will be accomplished in a manner that complies with local, state and federal regulations.
 - d) A comprehensive evaluation and written narrative description, of the potential impacts of the proposed use upon:
 - i. Emergency services and fire protection,
 - ii. Water supply,
 - iii. Sewage disposal,
 - iv. Solid waste disposal,
 - v. Air quality and emissions,
 - vi. Energy consumption, heat emission and greenhouse gases,
 - vii. Traffic impact,
 - viii. School facilities and school district budget, and,
 - ix. Municipal revenues and expenses.
 - x. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, heat islands, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts. The Applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by

applicable laws and ordinances.

- e) Negative Impacts. Any use or activity producing air, dust, smoke, glare, exhaust, heat, or humidity in any form shall be carried on in such a manner that it is not perceptible at or beyond the property line.
- f) Environmental Impact Assessment. In addition to the requirements stated above, and elsewhere in this section, an Environmental Impact Assessment shall be performed and presented to the Township prior to the issuance of the conditional use permit. The assessment shall be prepared by an independent, qualified professional, at the Applicant's expense. An assessment shall include a description of the proposed use, including location, relationships with other projects or proposals within a 25 mile radius, with adequate data and detail for Dickinson Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. The assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts.
 - i. Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The Applicant shall identify all stationery and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The Applicant shall specify best management practices for preventing and reducing the concentration of air-polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.
 - ii. The potential for public nuisance to residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles.
 - iii. Consistency with the Dickinson Township and Cumberland County Comprehensive Plans. The Applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective Comprehensive Plans. Where the proposed use conflicts with the comprehensive plans, the assessment report shall identify mitigation measures that may be undertaken to offset any degradation, diminution, or depletion of public natural resources.
 - iv. Additional considerations. The following shall also be addressed:

- a. Adverse impacts. A statement of any adverse impacts that cannot be avoided.
 - b. Impact minimization. Environmental protection measures, procedures, and schedules to minimize damage to critical impact areas as defined in Section 178-24 of the Code, during and after construction, including design considerations.
 - c. Mitigation steps. A listing of steps/structural controls proposed to minimize damage to the site before and after construction.
- L. Exterior lighting: All exterior lighting shall meet the lighting requirements set forth for the underlying zoning district and shall be required to comply with all applicable lighting requirements set forth in Section 205-29 of the Code.
- M. Hazardous materials:
 - (1) Storage tanks for flammable or hazardous material shall not be installed closer than one hundred (100) feet to any property line.
 - (2) Storage of hazardous materials shall comply with local, state, and federal standards and shall implement spill containment systems and environmental protection measures to prevent groundwater or soil contamination.
 - (3) Applicants shall submit to the Township a detailed Hazardous Materials Safety Plan subject to approval by the Township Supervisors, and all other required local, state, and federal agencies, which demonstrate facility procedures and safeguards for storage, handling, and disposal of hazardous materials that may or will be present during construction and operations. The Hazardous Materials Safety Plan shall demonstrate that safeguards and procedures are in compliance with state and federal regulations including the Resource Conservation and Recovery Act (RCRA), the Occupational Safety and Health Administration (OSHA), the Department of Environmental Protection (DEP), and the Department of Transportation (DOT).
 - (4) Applicants shall submit the following to the Township:
 - a) Battery Energy Storage Systems (BESS). Sites shall comply with NFPA 855 or similar standards and must include fire suppression systems designed specifically for battery storage. Documentation shall be provided to the Township that demonstrates coordination with the local Fire Code Officials and Fire Services. Lead-acid and lithium-ion batteries shall be stored in labeled containers and recycled through a licensed vendor.
 - b) Fuels for backup generators. Provide documentation of a Spill Prevention, Control, and Countermeasure Plan (SPCC Plan) to the Township and have such documentation available for periodic

inspections. If the total aggregate capacity of a facility's diesel storage exceeds 1,320-gallons, federal SPCC regulations apply and a facility specific SPCC Plan shall be required. If the total aboveground diesel storage capacity exceeds 10,000-gallons, the SPCC Plan shall be certified by an independent, licensed Professional Engineer. The SPCC Plan shall mandate specific fuel transfer and secondary containment processes, periodic inspections and recordkeeping, spill prevention training, and formal reviews every five years. Underground storage of fuels is not permitted.

- c) EPCRA Reporting. Submit a plan that demonstrates compliance with the Emergency Planning and Community Right-to-Know Act (EPCRA) for emergency planning, emergency notification, and hazardous substance inventory reporting at the facility level as part of the Data Center and/or BESS operations.
- d) Waste Management Handling. Submit a plan that is compliant with local, state, and federal guidelines, for Waste Management Handling, to include e-Waste, regarding the generation, storage, and subsequent shipping of hazardous waste.
- e) Air Emissions. Emissions calculations and continuous monitoring shall be required for backup generators, powered by diesel or natural gas, and evaluated against applicable regulatory limits. A monthly Air Emissions report shall be submitted to the Township.
- f) Chemical Management Compliance. Submit a plan for ongoing Chemical Management that demonstrates compliance with local, state, and federal laws and regulations. The following items shall be included within the Chemical Management Plan:
 - i. Registrations
 - ii. Permitting
 - iii. Inventory
 - iv. Global Harmonization Standard (GHS) management
 - v. Safety Data Sheet (SDS) management
 - vi. Pollution prevention
 - vii. Spill reporting
 - viii. Storage area design

N. Emergency Management and Response: The Applicant shall submit to the Township an Emergency Response Plan (ERP) that shall:

- (1) Be prepared by an independent, qualified professional at the Applicant's expense.
- (2) Document compliance with NFPA 1, NFPA 72, NFPA 75, NFPA 855 and all other applicable guidelines for fire safety.

- (3) Be reviewed and accepted by all necessary local, state, and federal authorities and emergency management services, as part of the Land Development Plan process.
- (4) Include detailed procedures for fire suppression, containment, ventilation, and evacuation.
- (5) Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site.
- (6) Ensure that all first responders receive training specific to the installed system. Training shall be provided by the Applicant of the Data Center and/or BESS on an annual basis or as system upgrades or changes occur.
- (7) Include provisions for annual fire safety inspections demonstrating compliance with fire safety standards to be performed by a qualified professional on behalf of the Data Center and/or BESS.
- (8) Add a note to the Land Development Plan that states “The Township shall not assume liability for the adequacy of the Emergency Response Plan and reserves the right to require additional documentation or certifications to confirm compliance with national standards.”
- (9) Submit a plan and schedule to the Township for routine testing of backup systems. Submit the testing results to the Township every six (6) months.
- (10) Include provision for a community evacuation and shelter in place plan.
- (11) Include provisions for the 24 hour monitoring of systems within the facility.
- (12) Include Incident Response Plan to include EPA cleanup regulations and regulations regarding the disposal of damaged batteries.
- (13) Include the following additional plans, procedures and documentation:
 - a) Procedures for battery fire and thermal runaway incidents
 - b) Procedures and plans for toxic gas release
 - c) Procedures and plans for fire water runoff containments
 - d) Conduct modeling and plume analysis for hazardous materials
 - e) Develop plans that detail mutual aid coordination
 - f) Develop plans for coordination with Cumberland County 911
 - g) Provide GIS mapping of BESS locations
 - h) Provide Unified Command procedures for emergency incidents
- (14) Provide the Township with a Fire Protection Engineering Report prepared by a Pennsylvania licensed Profession Engineer with experience in Fire Protection Engineering, Battery Energy Storage Systems, Explosion Analysis, Hazard Mitigation, and Emergence Response Planning. The report shall address the following:

- a) Fire suppression strategy
 - b) Water supply requirements
 - c) Fire Department access
 - d) Explosion control measures
 - e) Thermal runaway mitigation
 - f) Emergency shutdown procedures
- (15) Provide the Township with a report on Fire Protection of Water Supplies that addresses the following:
- a) Fire flow analysis
 - b) Hydrant spacing requirements
 - c) Water supply duration analysis
 - d) Water runoff containment
 - e) Coordination with the local fire department and water authority
- (16) At the Applicant's expense, participate in and support the following emergency preparedness activities associated with the Data Center and/or BESS including but not limited to:
- a) Fire department training costs
 - b) Annual tabletop exercises
 - c) Specialized battery fire training
 - d) Pre-incident planning
 - e) GIS development
 - f) Hazardous materials planning
 - g) Emergency response exercises
- O. Decommissioning. All expenses associated with this paragraph are incumbent upon the Applicant of the Data Center and/or BESS.
- (1) The Applicant shall provide the Township with a decommissioning plan. The decommissioning plan shall describe the procedures for the dismantling and removal of equipment, including all appurtenances related thereto. The decommissioning plan shall include a cost estimate for decommissioning, performed by a certified, independent engineer, and reviewed by the Township Engineer.
 - (2) The Applicant shall notify the Township within 30 days after the Data Center and/or BESS, or any equipment contained therein, has permanently ceased to operate. If any equipment contained in a Data Center and/or BESS has not been in operation for a period of 12 months, operation of that equipment is presumed to have permanently ceased. To overcome the presumption, the Applicant shall demonstrate to Township by clear and

convincing evidence that all necessary and appropriate steps are being taken to recommence the operation of the subject equipment. The requirements of this subsection also apply to a Data Center and/or BESS that are never fully completed or operational if construction has been halted for a period of one (1) year.

- (3) If it is determined that a Data Center and/or or BESS or any related equipment contained therein has permanently ceased to operate, or has been abandoned, the Applicant shall have 12 months thereafter in which to dismantle and remove the equipment, including all appurtenances related thereto. Abandoning subsurface Data Center and/or BESS related equipment in place is prohibited and all such equipment shall be removed as part of decommissioning activities. If the Applicant fails to comply with the decommissioning requirements hereunder, Dickinson Township may complete the work at the Applicant's expense, including any administrative, legal and engineering costs.
- (4) The equipment and materials from the Data Center and/or the BESS shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be recycled or disposed of at one or more facilities authorized under applicable federal, state and local laws and regulations to accept such materials.
- (5) Any soil exposed during the decommissioning of the Data Center and/or BESS or related equipment shall be stabilized in accordance with applicable erosion and sediment control standards.
- (6) The area where the Data Center and/or BESS is located shall be restored to its pre-existing condition, suitable for its prior use, except that the owner of the property on which the Data Center and/or BESS is located may authorize, in writing, retention of any buffer landscaping or access roads that were installed to accommodate the Data Center and/or BESS.
- (7) Any necessary permits and approvals, such as approvals of erosion and sedimentation control plans and permits under the National Pollutant Discharge Elimination System ("NPDES") program pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342, shall be obtained prior to the initiation of decommissioning activities.
- (8) As a condition to issuance of any permit to proceed with construction of a Data Center and/or BESS, the Applicant shall provide Financial Security in a form and amount acceptable to Dickinson Township as described herein.
 - a) Dickinson Township shall be a beneficiary of the Financial Security.
 - b) The Financial Security shall secure the obligations to decommission the Data Center and/or BESS, or any related equipment contained therein, and may be used by Dickinson Township to pay for decommissioning the Data Center and/or BESS if the Applicant does not comply with the decommissioning requirements set forth herein.

- c) The Financial Security shall be posted in the form of a security bond or escrow payment in an amount equal to 110% of the estimated costs of decommissioning activities. The estimated costs of decommissioning activities may include an estimated salvage and resale value, discounted by a factor of 10%. The decommissioning cost estimate formula shall be: gross cost of decommissioning activities minus 90% credit of salvage and resale value equals the decommissioning cost estimate. This financial security shall be posted within fifteen (15) business days after approval of the conditional use application.
- d) The amount of the estimated costs to decommission the Data Center and/or BESS, or any related equipment, shall be reviewed and updated every two (2) years by a third-party professional engineer registered in the Commonwealth of Pennsylvania. The professional engineer shall be retained by the Applicant and satisfactory to Dickinson Township. The review shall take into account factors such as inflation and changes in costs, values, and legal requirements. The report of the professional engineer shall be provided to Dickinson Township for review and approval. The amount of Financial Security shall be adjusted based on the report of the professional engineer within 30 days after approval of the report by Dickinson Township.
- e) Any estimates of the costs to decommission the Data Center and/or BESS, or any related equipment, shall be subject to review and approval by Dickinson Township. The Applicant shall be responsible for all costs incurred by Dickinson Township for such review, including administrative, legal and engineering costs associated with such review.

P. Additional provisions:

- (1) Data Centers that include BESS, commercial enterprises that operate BESS, all stand-alone BESS, all Dedicated Use Buildings, and all other buildings or structures that contain or are otherwise associated with a BESS, are subject to the requirements of the most current editions of the International Codes (IBC, IFB, IRC) including applicable state amendments, and the most current edition of the National Electrical Code (NEC). All BESS shall comply with National Fire Protection Association (NFPA) Standard 855 “Standard for the Installation of Stationary Energy Storage Systems, and all equipment shall be Underwriters Laboratories (UL) 9540 (Standard for Safety of Energy Storage Systems and Equipment) listed. Conduct the following testing and provide additional engineering documentation to the Township:
 - a) UL 9540A Thermal Runaway Testing
 - b) Hazard Mitigation Analysis (HMA) consistent with NFPA 855
 - c) Submit testing reports to the Township for review

- (2) Security Fencing. Security fencing must be installed around all electrical equipment related to a Data Center and/or BESS. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the BESS.
- (3) Extraordinary Events. If a Data Center and/or BESS experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the Applicant must notify the Township within 24 hours.
- (4) Annual Report. The Applicant must submit a report to the Township, on or before January 1 of each year that includes:
 - a) Current proof of insurance;
 - b) Verification of Financial Security;
 - c) A summary of all complaints, complaint resolutions, and extraordinary events.
- (5) Inspections. The Township may conduct inspections at any time by providing 24 hours advance notice to the Applicant.
- (6) Transferability. A conditional use permit is transferable to a new owner. The new owner must register its name and business address, phone number, email address, and emergency phone number, with the Township within 30 days after transfer, and must comply with this Ordinance and all approvals and conditions issued by the Township, including the provisions of financial security as set forth herein.
- (7) Remedies. If an Applicant fails to comply with this Ordinance, the Township may pursue any remedy or enforcement pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

Section 11. Repealer. All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent they are inconsistent with this Ordinance. Except as expressly amended, nothing herein shall be deemed to affect or alter any other provision of the Dickinson Township Code.

Section 12. Savings Clause. In all other respects, the Code of Dickinson Township shall remain as previously enacted and ordained.

Section 13. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance and

Chapter, which shall remain in full force and effect.

Section 14. Effective Date. This Ordinance shall be effective in accordance with law.

DULY ENACTED AND ORDAINED this 8th day of September, 2026 by the Board of Supervisors of Dickinson Township, Cumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST:

DICKINSON TOWNSHIP

Grace Hogue, Secretary

By: _____
Rob Kole, Chairman

By: _____
Jen DeGaetano – Vice Chairperson

By: _____
Robert Line, III - Supervisor

(SEAL)

APPROVED this 8th day of September 2026