
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 502 Session of
2025

INTRODUCED BY KANE, SANTARSIERO, TARTAGLIONE, STREET, COMITTA,
COLLETT, PISCIOTTANO, COSTA, SCHWANK, BOSCOLA, SAVAL,
CAPPELLETTI, HUGHES, HAYWOOD, KIM AND MILLER, MAY 12, 2025

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 12, 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.

17 807. Application review.

18 808. Pennsylvania Siting Advisory Council.

1 809. Effect of other laws.

2 § 801. Findings and declaration of policy.

3 The General Assembly finds and declares as follows:

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

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

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

22 § 802. Definitions.

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

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

29 "Board." The Reliable Energy Siting and Electric Transition
30 Board established in section 803 (relating to Reliable Energy

1 Siting and Electric Transition Board).

2 "Department." The Department of Environmental Protection of
3 the Commonwealth.

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

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

10 "Reliable energy generator." A person that proposes to
11 construct:

12 (1) An electric generator with a nameplate capacity
13 equal to or greater than 25 megawatts or modify an existing
14 electric generator to result in a nameplate capacity equal to
15 or greater than 25 megawatts.

16 (2) A reliable energy storage facility.

17 "Reliable energy generating facility" or "facility." An
18 electric generator plant, or a combination of electric
19 generators and associated facilities, with a nameplate capacity
20 equal to or greater than 25 megawatts.

21 "Reliable energy storage facility." A facility located in
22 this Commonwealth employing technology, including any
23 electrochemical, thermal or electromechanical technology, or any
24 technology defined as "energy storage technology" in 26 U.S.C. §
25 48E (relating to clean energy investment credit) or 26 CFR
26 1.48E-2(g)(6) (relating to qualified investments in qualified
27 facilities and EST for purposes of section 48E) as of the
28 effective date of this section, that is capable of absorbing and
29 storing energy for use at a later time and that has a maximum
30 facility output of at least 10 megawatts and the technical

1 capacity to deliver its maximum facility output in a minimum
2 duration of no less than four hours.

3 "Secretary." The Secretary of Environmental Protection of
4 the Commonwealth.

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

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

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

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

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

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

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

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

28 (6) The President of the Pennsylvania Chamber of
29 Business and Industry or a designee who shall be an employee
30 of the Pennsylvania Chamber of Business and Industry.

1 (7) The chairperson of the department's Environmental
2 Justice Advisory Board.

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

6 (d) Quorum and meetings.--

7 (1) A majority of the members of the board shall
8 constitute a quorum.

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

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

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

17 § 804. Powers and duties of board.

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

21 (1) Appoint an executive director.

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

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

25 (4) Consult with the advisory council.

26 (5) Promulgate regulations necessary to carry out the
27 purposes of this chapter.

28 (6) Perform other operational activities necessary or
29 appropriate to further the purposes of this chapter.

30 § 805. Certificate of reliable energy supply.

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

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

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

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

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

23 (d) Effect of certificate.--

24 (1) A county or municipal or other local government or
25 authority by ordinance, regulation or other action may not
26 require any land use approval, consent, permit, certificate
27 or condition that materially impedes the purposes of this
28 chapter or will delay or prevent the construction, operation
29 or maintenance of a reliable energy generating facility or
30 storage facility that has been issued a certificate of

1 reliable energy supply.

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

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

12 § 806. Application process.

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

17 (1) A description of the proposed reliable energy
18 generating facility or storage facility.

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

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

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

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

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

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

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

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

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

28 (11) Proof that a copy of the application has been sent
29 to each municipality in which any portion of the proposed
30 reliable energy generating facility or storage facility is to

1 be located. The copy of the application sent to each
2 municipality shall be accompanied by a notice specifying the
3 date on or about which the application is expected to be
4 filed.

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

8 (b) Public participation.--

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

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

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

1 generating facility or storage facility.

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

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

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

19 (2) The public hearing shall be held in accordance with
20 65 Pa.C.S. Ch. 7 (relating to open meetings). Notice of the
21 meeting shall be posted on the board's publicly accessible
22 Internet website at least two weeks prior to the meeting.

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

26 (4) The board may hold a concurrent public comment
27 period.

28 (5) The board shall review and consider the information
29 received during the public hearing and any applicable public
30 comment period in making a determination under section 807.

1 (d) Fees.--

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

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

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

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

28 (3) The board may increase the application fee by an
29 amount not to exceed 20% per year in accordance with the act
30 of June 25, 1982 (P.L.633, No.181), known as the Regulatory

1 Review Act.

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

5 (e) Modifications.--

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

12 (i) the proposed modifications are submitted by the
13 holder to the board; and

14 (ii) the board determines that:

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

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

27 (2) Notwithstanding paragraph (1), the holder of a
28 certificate of reliable energy may submit an application
29 under subsection (a) for a proposed modification.

30 § 807. Application review.

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

7 (1) The application is complete and accurate.

8 (2) The proposed reliable energy generating facility or
9 storage facility will:

10 (i) Comply with all applicable Federal and State
11 laws and regulations.

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

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

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

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

30 (c) Amended application.--In the event of denial or

1 conditional approval, the applicant may, within 180 days, submit
2 an amended application. The board shall make a decision on the
3 amended application within 90 days of receipt of the complete
4 amended application.

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

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

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

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

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

27 (5) If the Environmental Hearing Board determines that a
28 board's decision is arbitrary and capricious on the basis of
29 the administrative record, or determines that a procedural
30 error occurred in the development of the administrative

1 record, which error would have significantly changed the
2 board decision, the Environmental Hearing Board shall remand
3 the board's decision to the board to reopen the
4 administrative record and consider the additional information
5 before making a decision on remand.

6 § 808. Pennsylvania Siting Advisory Council.

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

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

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

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

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

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

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

30 (7) The Executive Director of the Pennsylvania Game

1 Commission or a designee who shall be an employee of the
2 Pennsylvania Game Commission.

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

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

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

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

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

16 § 809. Effect of other laws.

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

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

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

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

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

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

29 (6) The act of October 18, 1988 (P.L.756, No.108), known
30 as the Hazardous Sites Cleanup Act.

1 (7) 58 Pa.C.S. (relating to oil and gas).

2 Section 2. This act shall take effect in 60 days.