

Minutes of Meeting
Perkasie Planning Commission
July 22, 2026

620 W. Chestnut Street
Perkasie, PA 18944

Attendance:
Planning Commission:

Maureen Knouse
Heather Nunn
Mairi Schuler
Mary McKay
Dave Weaver
Dale Schlegel (Absent)
Joseph Sieps
Patrick Freeman (Absent)
Quinten Baker

Borough of Perkasie:

Cassandra L. Grillo, Borough Zoning Officer
Attorney Brendan Callahan, Borough Solicitor
Judith Goldstien, Borough Planner

Call to Order

Chairperson Quinten Baker called the meeting to order at 7:01 PM. The Pledge of Allegiance was recited. A quorum was present, and the Commission proceeded with the business before it.

Approval of Minutes

Upon a motion by Joe Sieps, seconded by Maureen Knouse, the Planning Commission unanimously approved the June 24, 2026, meeting minutes.

New Business

505 Constitution Avenue – Recycling Facility (Land Development Application)

The applicant requested that review of the land development application be continued until the next regular Planning Commission meeting, scheduled for August 26, 2026.

The Commission agreed to continue the application.

Old Business

Data Center Ordinance Amendment Discussion

The Planning Commission continued its review of the proposed Data Center Ordinance. Mr. Callahan presented responses and recommendations received from the Borough's Electric Utility Engineer. Discussion included the following:

- **Cooling Technology:** The Utility Engineer recommended that evaporative cooling systems not be permitted. Applicants should instead be required to utilize air-cooled, closed-loop water, or similar high-efficiency non-evaporative systems to help protect local water resources.
- **Tonal Noise:** The Utility Engineer expressed concerns regarding the regulation of tonal noise. Mr. Callahan noted that the current draft ordinance addresses tonal noise but stated that he would follow up with the Utility Engineer and a noise engineer to determine whether additional regulations should be included.
- **Generator Testing:** The Utility Engineer recommended establishing regulations limiting when and how generator testing may be conducted.
- **Heat Pollution:** The Utility Engineer expressed concern that heat pollution was not specifically addressed in the proposed ordinance. It was noted that the Borough has a separate ordinance addressing heat pollution.
- **Utility Power Usage:** The Commission discussed whether the Borough could establish a cap on the amount of power used by a data center. Mr. Callahan stated that he had not identified authority allowing the Borough to establish such a cap. Discussion included requiring applicants to provide documentation regarding projected power usage, the electric grid's ability to accommodate the proposed demand, and potential impacts on residential electric rates.
- **Decommissioning:** The Commission discussed the process and costs associated with decommissioning a data center, including responsibility for those costs.

No formal action was taken. Staff were directed to continue reviewing and revising the draft ordinance for future consideration.

Public Comment

Joann Krop – 234 Laurel Lane: Expressed concerns regarding the proposed Recycling Facility, including its location and potential impacts on the neighboring residential area.

Michelle Carr – 309 Pin Oak Lane: Expressed concerns regarding the applicant's background and history with previous development projects and asked whether the Planning Commission researches an applicant's development history.

Phil Matuchi – 399 Essex Court: Commented on the Recycling Facility application, expressed concerns regarding potential impacts on nearby residents, and offered suggestions regarding compatibility with the surrounding neighborhood.

Damien Jones – 234 Rock Hill Road: Expressed concerns regarding heat pollution, tonal noise, energy usage, and potential incentives for the applicant. He also asked about the process for amending the proposed ordinance.

Adjournment

With no further business before the Commission, the meeting adjourned at 8:48 PM.

Heather Nunn - Secretary

**PERKASIE BOROUGH
ORDINANCE NO. _____**

**AN ORDINANCE OF THE BOROUGH OF PERKASIE, BUCKS
COUNTY, PENNSYLVANIA, AMENDING THE PERKASIE BOROUGH ZONING
ORDINANCE AT CHAPTER 186, ZONING, ARTICLE II, DEFINITIONS, ARTICLE
IV, USE REGULATIONS AND RESTRICTIONS, ARTICLE V, ZONING DISTRICTS,
ARTICLE VIII, OFF-STREET PARKING AND LOADING, AND ATTACHMENT 2,
TABLE OF USES.**

WHEREAS, the Pennsylvania Borough Code at 8 Pa.C.S.A. § 101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia (“Borough Council”) to make and adopt ordinances that are consistent with the Constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens; and

WHEREAS, the Borough Council has determined that it would be in the best interest of the Borough to amend the Zoning Ordinance so as to provide regulations with respect to the Data Center Use within the Borough; and

WHEREAS, the Borough Council has met and will meet the procedural requirements for the adoption of the proposed Ordinance; and

WHEREAS, Borough Council, after due consideration of the proposed Ordinance at a duly advertised public meeting, has determined that the best interest and general welfare of Perkasia Borough will be served by the amendment to the Zoning Ordinance of the Borough of Perkasia.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1.

The provisions of Chapter 186 Zoning, Article II, Definitions,

Section 186-5.C shall be amended to add the following terms:

DATA CENTER

A facility primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware.

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, storage, and security buildings or structures; electrical substations; utility lines; domestic and non-contact cooling water and wastewater treatment facilities; water holding facilities; pump stations; water towers, 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.

SECTION 2.

The provisions of Chapter 186, Zoning, Article IV, Use

Regulations and Restrictions, Section 186-18.G, Industrial Uses, shall be amended to add the following:

- (14) Data center. Such use shall include, but is not limited to, facilities primarily used for housing and operating computer systems and associated equipment, including servers, data storage and processing systems, and accessory infrastructure such as cooling systems, power generators, electrical substations, and network hardware, subject to the following provisions:
 - (a) Minimum lot area. The minimum lot area shall be 3 acres.
 - (b) Building height. The maximum building height shall be 45 feet not to exceed three stories, inclusive of associated roof-top equipment and Data Center Accessory Uses.
 - (c) Setbacks. The Data Center and Data Center Accessory Uses and associated equipment and structures shall be setback 50 feet from the property line of all other adjoining properties and road rights-of-way, and if abutting a residential district or residential use, the required setback shall be 100 feet from the property line that abuts such residential district or use.

- (d) Buffers and screening. The perimeter buffer shall comply with Zoning §§ 186-20.L(2) and 186-54. Data Center Accessory Uses, including ground level and roof top mechanical equipment used for cooling, ventilating, or otherwise operating the facility, shall be screened from view on all sides with a visually solid screen. Such screen may be provided by a visually solid fence, screen wall, parapet wall, or other visually solid screen. Such screen may incorporate perforated surfaces on it as necessary to permit ventilation of the equipment.
- (e) Barbed wire, razor wire, electrified fences, fence spikes or other types of hazardous fencing are prohibited.
- (f) Noise and vibration.
 - [1] The applicant shall submit a pre-construction noise and vibration study with the conditional use application prepared and sealed by a qualified professional. Such qualified professional shall be an engineer licensed in the Commonwealth of Pennsylvania or other environmental or technical professional with demonstrated education, training and experience in acoustical noise or vibration analysis applicable to the scope of work being performed (defined herein as “Qualified Professional”) to include the predicted noise and vibration levels from the operation of the Data Center.
 - [2] Simultaneous operation assumption. All noise evaluations, studies, modeling, and compliance determinations shall assume the concurrent operation of all generators, cooling systems, mechanical equipment, and other noise producing devices operating at maximum rated capacity, unless a more restrictive operating condition is required by approval.
 - [3] Within 180 days following issuance of a use and occupancy certificate and commencement of operations at the Data Center, the applicant shall submit to the Borough an as-built post-construction noise and vibration study. The study shall:
 - [a] Be conducted by a Qualified Professional using applicable ANSI standards and generally accepted criteria.
 - [b] Demonstrate compliance with all applicable noise regulations set forth in the Data Center Noise Standards Tables at the end of this section. Compliance shall be demonstrated using objective sound level limits expressed in A-weighted decibels (dBA), measured and evaluated in accordance with standardized methodologies acceptable to the Borough.
 - [c] Include sound measurements taken at all property lines.
 - [d] Include measurements taken during normal operations, peak cooling load, and during operation of emergency generators under load.

- [e] Address low-frequency noise impacts, including compliance with applicable dBC limits set forth in the Data Center Noise Standards Tables.
 - [f] Vibration Standards to be used in the study. Vibration shall be evaluated using two distinct criteria: (a) Building Damage: Ground vibration shall not exceed 0.2 to 0.5 inches per second peak particle velocity (PPV), measured in accordance with USBM RI 8507 or successor standard; and (b) Human Perception: Vibration levels shall not exceed 65 VdB, measured in accordance with ISO 2631-1 or successor standard.
 - [g] Identify all measurement locations, instrumentation used, calibration documentation, testing methodology, operational conditions during testing, and meteorological conditions.
 - [h] The timing of the post construction noise and vibration study shall not preclude enforcement by the Borough at any time upon identification of a violation. The applicant shall provide reasonable access to monitoring data, equipment specifications, and operating conditions to the Borough Engineer, designee or other consultant acting on behalf of the Borough.
- [4] If the post construction study demonstrates non-compliance with any applicable noise or vibration standard, the applicant shall, within 30 days of written notice from the Borough, submit a corrective action plan prepared by a Qualified Professional. All violations shall be fully remediated within a timeframe approved by the Borough, but in no event later than 90 days following Borough notice of non-compliance, unless extended by the Borough for good cause shown.
 - [5] If the pre-construction noise study establishes a baseline sound level in excess of the maximum sound level permitted under Data Center Noise Standards Tables, the post-construction study shall demonstrate that operations of the proposed use do not increase baseline ambient sound levels. Sound levels with 1 dBA of ambient sound levels will meet this requirement.
 - [6] Objective Noise Standards. Noise limits shall be established by land use category, measurement location, time-of-day, and averaging period, and shall include provisions for instrumentation and low-frequency noise evaluation.
 - [7] The Borough may require additional noise and vibration testing upon receipt of substantiated complaints or following material modification, replacement, or addition of mechanical equipment, cooling systems, generators, or other vibration-generating equipment.
 - [8] If initial monitoring or complaints indicate a probable violation, the Borough may require interim mitigation measures, which may include operational modifications, equipment limitations, or temporary

curtailment of specific noise producing activities until compliance is demonstrated.

[9] Data Center Noise Standards Tables.

Table 1: Data Center Noise Limits, Measurement, and Compliance Requirements

Category	Requirement
Applicable Uses	Data Centers, including all accessory mechanical equipment, generators, cooling systems, and substations
Measurement Basis	A-weighted sound levels (dBA), unless noted otherwise for low-frequency noise
Receptor Locations	Measurements and modeling shall be conducted at the nearest property line to receptors
Operating Condition Assumption	All compliance evaluations shall assume simultaneous operation of all generators, cooling equipment, and other noise-producing devices at maximum rated capacity

Table 2: Numeric Noise Limits by Zoning Use

Receiving Land Use	Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM – 7:00 AM)
Residential	55 dBA Leq (1-hour)	45 dBA Leq (1-hour)
Mixed-Use / Commercial	60 dBA Leq (1-hour)	50 dBA Leq (1-hour)
Industrial	65 dBA Leq (1-hour)	55 dBA Leq (1-hour)

Short term tonal or impulsive noise exceeding the above limits by 5 dBA or more shall constitute a violation.

Table 3: Low Frequency Noise Criteria

Parameter	Requirement
Frequency Sensitivity	C-weighted sound levels (dBC), capturing enhanced sensitivity to low-frequency noise
Measurement Metric	Equivalent continuous sound level (Leq, 1-hour) in dBC
Measurement Locations	At the nearest property line
Daytime Limit (7:00 AM – 10:00 PM)	70 dBC Leq (1-hour)
Nighttime Limit (10:00 PM – 7:00 AM)	60 dBC Leq (1-hour)
Tonal / Narrowband Noise	Clearly perceptible low-frequency tonal noise shall require mitigation regardless of overall dBC compliance, as determined by the Qualified Professional or the Borough based on clearly perceptible tonal characteristics
Applicability	Limits apply under simultaneous operation of all generators,

cooling systems, and mechanical equipment

Table 4: Modeling and Study Requirements

Requirement	Standard
Pre-construction Study	Required with conditional use application
Post-construction Verification	Required within 180 days of commencement of operations
Prepared By	Qualified Professional with demonstrated noise expertise
Modeling Methodology	ISO 9613-2, CadnaA, SoundPLAN, or equivalent accepted industry model
Meteorological Assumptions	Downwind propagation, ISO-conservative conditions
Equipment Data	Manufacturer sound power levels and octave-band spectra
Low-Frequency Evaluation	Required where large generators or cooling systems are used

Table 5: Measurement Procedures

Element	Requirement
Instrumentation	Type 1 or Type 2 ANSI-certified sound level meter
Calibration	Pre- and post-measurement field calibration required
Measurement Duration	Minimum 15 minutes per location unless otherwise specified. Sound level limits expressed as hourly equivalent levels (Leq, 1-hour) may be evaluated using shorter-duration measurements, including the minimum durations identified in this table, where such measurements are conducted under steady-state operating conditions and are representative of normal operations.
Operating Conditions	Measurements shall include peak cooling load and generator operation under load
Background Noise	Baseline ambient levels documented prior to construction

Table 6: Compliance

Item	Requirement
Material Increase Definition	An increase of ≥ 3 dBA above baseline ambient sound level
Violation Determination	Exceedance of numeric limits or material increase
Retesting Authority	Borough may require additional testing following substantiated complaints or equipment changes

[10] Water and sewer.

[a] All data center facilities shall be served by public water systems and public sewer systems.

- [b] Applicant shall provide detailed estimates of daily and annual water usage.
 - [c] Applicant shall provide documentation from the public water provider that there is sufficient water available to serve the Data Center without impacting water pressure or availability of water to other users in Borough.
 - [d] Applicant shall be required to utilize air-cooled or closed-loop water systems or similar high-efficiency non-evaporative systems in order to protect local water resources.
 - [e] No Data Center shall be approved unless the applicant demonstrates that the anticipated water supply yield is sufficient for the Data Center and will not adversely impact water pressure or availability of water to other users in the Borough.
- [11] Power supply.
- [a] If the applicant proposes to connect the Data Center to the electric grid used by the public, the applicant shall provide documentation from the applicable electric service provider (the "Utility Provider") certifying that that the necessary capacity is available and that the Utility Provider will be able to serve the Data Center. Applicant shall submit detailed plans which describe and depict the manner and design by which power will be provided (including location of substations) by the Utility Provider.
 - [b] The Applicant shall provide an analysis of potential ratepayer impacts, including projected effects on public electric rates or service reliability. Known impacts on electric rates or availability for other uses directly attributable to the data center project shall be noted.
 - [c] Applicant shall provide documentation of working with the Utility Provider to provide site design to enable future technology which aid in the Data Center being more energy self-sufficient such as incorporation of microgrid elements, advance conductors to connect the site, and the possibility of a separate, underground HVDC grid for the Data Center.
- [12] Power generation facilities.
- [a] Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, or fossil fuel, shall not be considered part of the Data Center use but shall be subject to existing municipal or utility regulations. Such systems shall be considered a separate principal use and shall be approved according to all applicable state and federal regulations along with municipal zoning regulations applicable to such use. The

applicant shall select, design and locate the energy generation systems to limit noise, emissions, and visual impacts to adjacent and nearby uses as much as possible.

- [b] Electric Utility Substations on the same property as the Data Center they serve must be located on the side or rear of a Data Center principal building so they are screened from public view and shall not be located in a required front yard. On-site substations do not require a buffer or screening between the Data Center Principal Building and the substation.
 - [c] Data Center electric utility substations visible from an arterial roadway must include a combination of year-round opaque landscaping and screening walls to minimize visual impact.
 - [d] Burying power lines serving the property is strongly encouraged. On-site power lines of 34.5 kV and below must be buried.
 - [e] Substations abutting a district boundary other than Limited Industrial and/or a parcel containing a sensitive receptor shall be set back a minimum of 800 feet from the property line. If abutting another Limited-Industrial zoned parcel and use, substations shall meet the requirements for accessory uses in the underlying zoning district.
 - [f] The Data Center electric utility substation shall be subject to applicable zoning district setback requirements. Setbacks shall be measured from the edge of the enclosure containing the substation to the property boundary of the lot it occupies.
 - [g] No nuclear energy generating system shall be permitted as part of the Data Center use.
- [13] Backup power generators are only to be used to provide backup electrical supply during a power outage or similar emergency situations, or for testing purposes. Only Tier IV generators shall be utilized. If the Data Center operator intends to use backup power generators, the operator shall maintain a public website announcing the times when the generators will be in operation. Any operation of the backup generators, for testing purposes, shall be announced on the website at least 24 hours in advance. The operator shall also notify the Borough at least 24 hours in advance of a test. Upon request by the Borough, the Data Center operator shall provide the address of the website where the notices required by this Section are published.
- [14] Emergency management.
- [a] The applicant shall submit an Emergency Response Plan (ERP) prepared by a qualified professional. The ERP shall:
 - [i] Be reviewed and accepted by the local fire department and emergency management services as part of the conditional use process;

- [ii] Include detailed procedures for fire suppression, containment, ventilation, and evacuation;
 - [iii] Include an evaluation of the access roads and hydrant locations within the site to ensure suitable access for emergency equipment within the site;
 - [iv] Ensure that all first responders receive adequate training specific to the installed system; and
 - [v] 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.
 - [vi] If Applicant intends to utilize a generator on-site for any purpose, Applicant shall provide for generator testing in accordance with industry standards, to be determined by the Borough Engineer. Any such testing of a generator shall occur during weekdays between 8:00 a.m. and 6:00 p.m., except in the event of an emergency.
- [b] Costs incurred, including specialized training for fire and EMS personnel, shall be reimbursed by the applicant, including future ongoing training specific to the Data Center's ERP.
 - [c] Any Data Center proposing battery storage or any other device or group of devices capable of storing energy in order to supply electrical energy at a later time, whether the energy is stored for use on-site or off-site, shall demonstrate compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards and must include fire suppression systems designed specifically for battery storage.
 - [d] No Data Center shall be approved unless the applicant demonstrates that procedures for fire suppression, containment, ventilation, and evacuation are sufficiently protective of public health, safety and welfare.
- [15] Decommissioning. At the time of application, the operator shall submit a Decommissioning Plan prepared by a qualified professional. The plan shall outline the procedures for safe shutdown, removal of equipment, disposal or recycling of materials, and site restoration. The Borough may require financial security (with related agreements) to be posted to cover the full cost of decommissioning and site restoration if not done in a timely fashion by the operator/owner of the Data Center

SECTION 3. The provisions of Chapter 186, Zoning, Article V, Zoning Districts, Section 186-20.L(1) shall be amended to add the following:

(c) Uses by conditional use. The following uses shall be permitted when authorized as a conditional use by Council in accordance with Article XII.

G(14) Data center

SECTION 4. The provisions of Chapter 186, Zoning, Article V, Zoning Districts, Section 186-20.L(3)(a) shall be amended to add the following:

[4] Data center: one off-street parking space per 8,000 s.f. of floor area designed and intended to be accessible regularly by employees.

SECTION 5. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 6. This Ordinance shall be effective upon enactment.

SECTION 7. Under the authority conferred by the Borough Code, 8 Pa.C.S.A. §101, *et seq.*, the Municipalities Planning Code and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio.

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Executive Order

Commonwealth of Pennsylvania

Governor's Office

Executive Order 2026-05 – Protecting Pennsylvania Consumers from Data Center Impacts

Date: August 18, 2026

By Direction of:

A blue ink signature of Josh Shapiro.

Josh Shapiro, Governor

WHEREAS, Pennsylvania has seen significant interest in the development of data centers within the Commonwealth; and

WHEREAS, most of these proposals are speculative in nature, with no identified end user, but comprise plans that, if realized, would add significant burdens to the local community – including energy costs, noise pollution, and more – absent sufficient efforts to mitigate those impacts; and

WHEREAS, while there are reports of over 100 data center facilities having been proposed in Pennsylvania, as of the effective date of this Executive Order, the Department of Environmental Protection has received permit applications related to 20 proposed data center facilities in this Commonwealth, and there are 14 existing or in-development data center locations with an active certificate of exemption from the Department of Revenue under the Computer Data Center Equipment Program authorized under Article XXIX-D of the Act of March 4, 1971, P.L. 6, No. 2, known as the Tax Reform Code of 1971; and

WHEREAS, in its 2025 Load Forecast, PJM Interconnection (PJM) projected 74 GW of summer peak electric load growth on the PJM regional grid through 2045, primarily driven by data center development; and

WHEREAS, due almost entirely to demand from prospective data centers, prices in the electric capacity market operated by PJM have surged to record highs, and the settling prices of the last three base residual capacity auctions have been curtailed only because of this Administration's negotiated price cap, which to date has saved consumers over \$30 billion in unfair electricity cost hikes; and

WHEREAS, even with the price cap, across PJM's last four base residual capacity auctions, data centers were responsible for \$29.4 billion in capacity charges to ratepayers, or 46% of the total auction costs, according to the PJM Independent Market Monitor; and

- WHEREAS, the development of data centers requires significant expenditures to upgrade electricity transmission and distribution systems, and current utility tariffs and regulatory practices allow some of these costs to be recovered from customers rather than data centers; and
- WHEREAS, the Ratepayer Protection Pledge that seven of the largest artificial intelligence companies have signed as of the effective date of this Executive Order, in which they commit to “Building, Bringing, or Buying New Power Supply,” and to paying for all new power infrastructure upgrades required to deliver electricity to their data centers, among other commitments, is non-binding; and
- WHEREAS, the Constitution of the Commonwealth of Pennsylvania and the laws of the Commonwealth recognize Pennsylvanians’ right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment; and
- WHEREAS, without proper controls, the proliferation of data centers could harm Pennsylvanians’ right to clean air and pure water because of their emissions, water use, and energy demand; and
- WHEREAS, under Article VI, Section 619.2 of Act of July 31, 1968, P.L. 805, No. 247, known as Pennsylvania’s Municipalities Planning Code, state agencies “shall consider and may rely upon comprehensive plans and zoning ordinances when reviewing applications for the funding or permitting of infrastructure or facilities”; and
- WHEREAS, this Administration will always fight to protect Pennsylvanians’ constitutional rights and prevent excessive energy cost increases from being passed on to residents of the Commonwealth; and
- WHEREAS, the Governor’s Responsible Infrastructure Development (GRID) Requirements were announced on February 3, 2026, and on May 27, 2026, this Administration released standards to protect Pennsylvanians and establish strict guardrails to hold data center developers accountable to the public interest; and
- WHEREAS, the GRID Requirements focus on four key areas: (1) Energy Affordability; (2) Transparency and Community Engagement; (3) Workforce and Economic Development; and (4) Environmental Protection.

NOW, THEREFORE, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby direct as follows:

1. Establishing Strict Guardrails for Data Center Development.

- a.** The Department of Environmental Protection (DEP) shall develop a template Consent Order and Agreement that developers of any data center with peak demand of over 25 MW must execute and submit for the review process described in Paragraph 1(b). The template Consent Order and Agreement shall incorporate terms and conditions to ensure compliance with the GRID Requirements.

- b.** DEP shall establish a review process for any permit or authorization application submitted after the effective date of this Executive Order in connection with a data center project with peak demand of over 25 MW by an applicant that commits to follow the GRID Requirements.
- (1)** DEP shall make this review process available only to permit or authorization applicants that prior to submitting any new applications:
- (a)** Identify for DEP the nature of the development project and provide DEP a notice of intent to comply with the GRID Requirements; and
 - (b)** Participate in a meeting with DEP during which the applicant identifies permits and authorizations it intends to seek for the project and identifies when it will, or did, obtain local or municipal approvals for the project, and during which the parties will discuss a project-specific Consent Order and Agreement, based on the template developed under Paragraph 1(a) of this Executive Order, to implement the GRID Requirements; and
 - (c)** Execute a project-specific Consent Order and Agreement, based on the template developed under Paragraph 1(a) of this Executive Order, to implement the GRID Requirements.
- (2)** For permit or authorization applicants that execute a Consent Order and Agreement, DEP shall:
- (a)** Review applications for permits or authorizations on a rolling basis; and
 - (b)** Issue any qualifying permits or authorizations on a rolling basis only after the applicant has provided documentation to DEP demonstrating that the project is consistent with the local comprehensive plan and that the project has received all local or municipal approvals under the applicable subdivision and zoning ordinance (or ordinances if a project involves permits for facilities and infrastructure in more than one municipality or county), adopted pursuant Act of July 31, 1968, P.L. 805, No. 247, known as Pennsylvania's Municipalities Planning Code, or Home Rule authority, if any; and
 - (c)** Incorporate as conditions into any qualifying permits or authorizations, to the extent permitted by law, the GRID Requirements; and
 - (d)** For purposes of the PAYback program established under Executive Order 2023-07, *Building Efficiency in the Commonwealth's Permitting, Licensing, and Certification Processes*, and for the Permit Decision Guarantee Program established under Executive Order 2012-11, *Permit Decision Guarantee for the Department of Environmental Protection*, begin the processing timeline only after receiving documentation demonstrating that the data center project is consistent with the local comprehensive plan and has received all required local or municipal approvals; and

- (e) Notify the local jurisdiction or jurisdictions in which the data center project will be located, as well as the Department of Revenue (DOR), once a data center developer has executed a project-specific Consent Order and Agreement, based on the template developed under Paragraph 1(a) of this Executive Order, to implement the GRID Requirements.
- c. For any permit or authorization application submitted after the effective date of this Executive Order in connection with a data center project with peak demand of over 25 MW by an applicant that has not executed a Consent Order and Agreement to comply with the GRID Requirements, DEP shall:
 - (1) Not begin reviewing applications for permits or authorizations until after the applicant has provided documentation to DEP demonstrating that the project is consistent with the local comprehensive plan and that the project has received all local or municipal approvals under the applicable subdivision and zoning ordinance (or ordinances if a project involves permits for facilities and infrastructure in more than one municipality or county), adopted pursuant Act of July 31, 1968, P.L. 805, No. 247, known as Pennsylvania's Municipalities Planning Code, or Home Rule authority, if any; and
 - (2) Not begin reviewing applications for permits or authorizations until after the applicant has provided documentation to DEP demonstrating that the project has received any authorization for water withdrawal or wastewater discharge required for the project, if any is required; and
 - (3) Not issue permits or authorizations on a rolling basis and not issue permits or authorizations until after all necessary permit or authorization applications have been received and reviewed by DEP; and
 - (4) Exclude review of the permit or authorization from the PAYback program established under Executive Order 2023-07, *Building Efficiency in the Commonwealth's Permitting, Licensing, and Certification Processes*, and from the Permit Decision Guarantee Program established under Executive Order 2012-11, *Permit Decision Guarantee for the Department of Environmental Protection*.
- d. DOR shall, under Article XXIX-D, Section 2938-D of the Act of March 4, 1971, P.L. 6, No. 2, known as the Tax Reform Code of 1971, prescribe all necessary forms and procedures and make all necessary updates to the Computer Data Center Equipment Exemption Program Guidelines to ensure applicants for the sales and use tax exemption on or after the effective date of this Executive Order comply with the GRID Requirements.
- e. The Office of Transformation and Opportunity shall remove any existing data center project from the PA Permit Fast Track Program, established under Executive Order 2024-04, *PA Permit Fast Track Program*, and data center projects shall no longer be eligible for the PA Permit Fast Track Program.

2. Making Data Center Development Transparent.

- a.** For all agencies under the Governor's jurisdiction, the use of non-disclosure agreements in connection with a data center project is impermissible.
- b.** DEP shall create a publicly accessible map with current permitting information about all proposed data center projects known to DEP or DOR.
- c.** DEP shall notify data centers currently operating within this Commonwealth that by July 1, 2027, and by July 1 of every year thereafter, they must comply with the requirement to submit the energy and water consumption report required under Article XVIII-B, Section 1813-B of the Act of April 9, 1929, P.L. 343, No. 176, known as the Fiscal Code. The report shall include the following:
 - (1)** The name and address of the data center, including the nature or purpose of the facility; and
 - (2)** The name of the parent company of the entity that is responsible for management and operation of the data center, or utilizes at least 50% of the facility's capacity; and
 - (3)** Total energy consumption for the previous calendar year, specified by month and the source or sources of the energy consumed; and
 - (4)** Total natural gas consumption for the previous calendar year, specified by month; and
 - (5)** The estimated average amount of energy usage per hour during the data center's peak load, measured in megawatt-hours; and
 - (6)** Total water consumption for the previous calendar year, along with the maximum day demand, specified by month, water source and whether the consumption was intended for cooling or another application; and
 - (7)** Any measures undertaken in the previous calendar year to improve energy or water efficiency and reduce energy consumption or water consumption; and
 - (8)** Any measures undertaken to protect the environment and public from polluted water or air; and
 - (9)** Any measures undertaken to generate electricity from new sources on site or off site to reduce carbon emissions or impacts on the electric grid, including the specific energy source, the number of megawatt-hours generated from each identified source, and any potential future measures to generate electricity or other form of energy on site or off site; and
 - (10)** Any measures undertaken to recover waste heat to power the data center, or to recover waste heat for purposes relating to general building heating, cooling systems or coolant systems specifically for the capture of waste heat from processors; and

- (11) An estimation of the projected total energy and water demand for the following year, including a comparison of the previous year's total energy consumption and water consumption, if applicable; and
- (12) If water is being provided by a Public Water System permitted under the Act of May 1, 1984, P.L. 206, No. 43, known as the Pennsylvania Safe Drinking Water Act, identify the Public Water System and all associated agreements with the Public Water System.

3. Protecting Pennsylvania Consumers.

- a. To limit reliability impacts on the electric system caused by data centers, the Governor's Special Counsel for Energy Affordability ("Special Counsel") shall engage with the Pennsylvania Public Utility Commission ("Commission"), and shall advocate for the rapid development of rules, procedures, and orders that would:
 - (1) Ensure each electric utility that has received a request to interconnect a data center in its territory files with the Commission revisions to both its pre-emergency interim resource adequacy service (IRAS) and emergency load control procedures so that utilities curtail data centers prior to any other customer during pre-emergency IRAS or emergency events, unless the data center customer has secured incremental electric capacity for the entirety of its demand; and
 - (2) Ensure that utilities do not classify a data center as critical load exempt from curtailment during pre-emergency or emergency events.
- b. To limit electric system costs caused by data centers from being imposed on other customers, the Special Counsel shall engage with the Commission, and shall advocate for the rapid development of rules, procedures, and orders that would allow for the timely approval of utility tariffs that accomplish the following:
 - (1) Charge the appropriate data center customers for any PJM reliability backstop auction costs in accordance with the procedures ultimately approved by the Federal Energy Regulatory Commission in docket ER26-3380-000; and
 - (2) Prevent an electric utility from charging non-data center customers for backstop auction costs, including in the event that a data center becomes insolvent or is otherwise not able to pay the auction costs assigned to it; and
 - (3) Ensure that data center customers pay all Commission-jurisdictional interconnection costs that the utility incurs due to the development of data centers.
- c. In advance of PJM's reliability backstop auction and related actions, the Special Counsel shall engage with the Commission, and shall advocate for the rapid development of rules, procedures, and orders:

- (1) For electric utilities to submit megawatt adjustments for any reliability backstop auction target in accordance with the procedures ultimately approved by the Federal Energy Regulatory Commission in docket ER26-3380-000; and
- (2) For electric utilities to register large loads in PJM's large load registry, including any locational requirements for incremental electric capacity; and
- (3) For implementation of credits pertaining to PJM's pre-emergency IRAS program following the Federal Energy Regulatory Commission's ultimate disposition of relevant rules and procedures in docket ER26-3515-000.

4. Crafting Nation-Leading Rules and Best Practices.

- a. DEP shall recommend to the Secretary of Policy and Planning any new regulations it identifies as necessary to protect the environment, including air and water, from detrimental impacts caused uniquely by data center development and operation. In particular, DEP shall examine:
 - (1) Whether regulations should be updated to require new or different technologies or emissions controls for backup generators; and
 - (2) Whether regulations governing emissions from backup generators sufficiently consider the cumulative impact of multiple backup generators that may operate at a facility or proximate facilities under certain circumstances; and
 - (3) Whether regulations governing emissions from backup generators should be updated for instances when the backup generators may be deployed as grid resources; and
 - (4) Other regulations as necessary.
- b. DEP shall identify mechanisms to expedite permitting and remove permit-related barriers for new clean, reliable, affordable energy generation and storage facilities on brownfield and previously developed sites and facilities, including Commonwealth sites, as well as mechanisms to remove barriers to deploying advanced reconductoring and other advanced transmission technologies on existing transmission rights-of-way.
- c. The Department of Community and Economic Development (DCED) shall prepare best practices on zoning standards and community benefit agreements that municipalities and other local governments could use in their engagement with data centers.

5. Cooperation by State Agencies.

All agencies under the Governor's jurisdiction shall cooperate with, assist, and support DEP, DOR, and DCED as they work to fulfill their responsibilities as outlined in this Executive Order.

6. Implementation.

This Executive Order shall be implemented consistent with and to the extent permitted by applicable law and shall not be construed to contravene or supersede any state or federal law. This Executive Order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies, or entities, its officers, employees, or agents, or any other persons. This Executive Order shall not be construed to impair or otherwise affect the authority granted by law to an executive department, agency, or the head thereof.

7. Severability.

The provisions of this Executive Order are severable. If any provision of this Executive Order, or the application of any provision, is held to be invalid, the remainder of this Executive Order and the application of its other provisions to any other circumstance shall not be affected and shall remain valid.

8. Effective Date.

This Executive Order shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.