ORDINANCE NO. _____

MILFORD TOWNSHIP BUCKS COUNTY PENNSYLVANIA

DATA CENTER ZONING ORDINANCE AMENDMENT

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MILFORD TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE MILFORD TOWNSHIP ZONING ORDINANCE BY ADDING DEFINITIONS OF DATA CENTER, DATA CENTER CAMPUS, HIGH-DENSITY COMPUTING SYSTEM, DATA CENTER ACCESSORY USES AND STRUCTURES, AND RELATED TERMS TO ARTICLE IV; ESTABLISHING DATA CENTERS AND DATA CENTER ACCESSORY USES AND STRUCTURES AS A CONDITIONAL USE WITHIN THE PI PLANNED INDUSTRIAL DISTRICT; AND ESTABLISHING SECTION 404.G(19), SETTING FORTH OBJECTIVE DEVELOPMENT, UTILITY, WATER, SOUND, ENVIRONMENTAL, OPERATIONAL, CONTINUING-COMPLIANCE, MODIFICATION, DECOMMISSIONING, AND CONDITIONAL-USE STANDARDS FOR DATA CENTERS.

PREAMBLE

The Board of Supervisors of Milford Township finds, determines, and declares that:

1. The Pennsylvania Municipalities Planning Code, the Second Class Township Code, and the Township's police powers authorize the Township to regulate land use to protect the public health, safety, and welfare.
2. Artificial-intelligence computing, cloud computing, high-performance computing, and other digital infrastructure create operational characteristics substantially different from conventional office, warehouse, commercial, and industrial development.
3. Data Centers may require extraordinary electrical infrastructure, cooling capacity, emergency power generation, Battery Energy Storage Systems, utility improvements, communications systems, noise abatement, security measures, water and wastewater facilities, and specialized emergency-response planning.
4. Data Centers and their supporting facilities may affect neighboring land uses and public infrastructure through construction activity, traffic, lighting, sound, vibration, visual impacts, emergency operations, water consumption, stormwater, hazardous materials, firewater, and utility-related site improvements.
5. Objective standards provide greater predictability for applicants, property owners, Township officials, neighboring property owners, and reviewing courts than standards based primarily upon subjective determinations.
6. Conditional-use review is appropriate because utility-related land-development improvements, emergency access, environmental constraints, buffering, transportation impacts, and compatibility with surrounding development vary among sites and require evaluation through a public evidentiary hearing.
7. The Township has a legitimate interest in protecting aquifers and reliable potable-water supplies by regulating the design and operation of Data Center cooling systems as a land-use matter, without allocating water resources or regulating the location, amount, timing, terms, or conditions of a water withdrawal.
8. Data Center equipment may create continuous broadband, tonal, modulating, and low-frequency sound that is not adequately addressed by an A-weighted sound limit alone, or the current noise provisions of the Zoning Ordinance.
9. Per- and polyfluoroalkyl substances may be present in firefighting agents and other products used or stored at industrial facilities, and appropriate disclosure, containment, firewater control, spill

response, and discharge restrictions are necessary to protect soil, groundwater, surface water, stormwater, and wastewater systems.

10. Nothing in this Ordinance is intended to regulate electric generation, transmission, distribution, reliability, dispatch, pricing, interconnection, or public-utility service obligations, or any matter within the exclusive jurisdiction of the Pennsylvania Public Utility Commission, Federal Energy Regulatory Commission, Pennsylvania Department of Environmental Protection, Delaware River Basin Commission, or another governmental authority.
11. These standards supplement the general provisions of the Milford Township Zoning Ordinance and constitute minimum requirements for the protection of public health, safety, and welfare while providing reasonable opportunity for Data Centers in the PI Planned Industrial District.

NOW, THEREFORE, it is ORDAINED and ENACTED by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania, as follows:

SECTION ONE DEFINITIONS

Article IV "Use Regulations" Section G-19 of the Milford Township Zoning Ordinance is amended by adding the following definitions in alphabetical order to the "Data Center Standards":

AMBIENT SOUND LEVEL. The total sound level at a measurement location, including the sound source under investigation and all other sound.

BACKGROUND OR RESIDUAL SOUND LEVEL. The sound level at a measurement location when the source under investigation is not operating, determined by a representative measurement or technically valid source-separation method.

BACKUP POWER SYSTEM. One or more emergency generators, fuel systems, transfer switches, electrical controls, emissions-control equipment, and related infrastructure intended to provide electrical service during utility interruptions, emergency conditions, maintenance, commissioning, or testing.

BATTERY ENERGY STORAGE SYSTEM OR BESS. One or more devices, assemblies, or systems capable of storing electrical energy for later use, including associated batteries, battery racks, enclosures, inverters, transformers, fire-suppression equipment, thermal-management systems, controls, and related infrastructure.

CLOSED-LOOP COOLING SYSTEM. A cooling system in which the heat-transfer medium is recirculated and routinely reused without discharge or replacement, except for incidental maintenance losses. A system requiring continuing evaporative make-up water is not a Closed-Loop Cooling System.

COOLING. The removal, transfer, rejection, or dissipation of heat generated by Data Center equipment, buildings, or operations, including cooling towers, evaporative or adiabatic cooling or precooling, liquid or immersion cooling, chilled-water systems, condenser systems, heat exchangers, humidification used as part of a cooling process, thermal-energy storage, and make-up water for any such system.

DATA CENTER. A principal use consisting of one or more buildings designed, constructed, or operated primarily for the processing, storage, routing, transmission, switching, management, hosting, analysis, or distribution of electronic or digital information through computer servers, High-Density Computing Systems, telecommunications equipment, networking equipment, storage equipment, or similar digital infrastructure. The term includes facilities devoted to cloud computing, artificial intelligence, machine learning, scientific computing, digital communications, enterprise computing, governmental or institutional computing, research computing, and substantially similar functions.

DATA CENTER ACCESSORY USE OR STRUCTURE. A building, structure, facility, equipment installation, utility improvement, mechanical system, security feature, or other improvement customarily incidental and subordinate to an approved Data Center or Data Center Campus. The term includes administrative and computer-support buildings; BESS; Backup Power Systems; chillers; cooling towers; dry coolers; condensers; communications and fiber-optic equipment; domestic-water facilities; electrical

substations; fencing; fuel-polishing and fuel-storage systems; guard houses; internal roadways; landscaping; loading and parking areas; maintenance and storage buildings; mechanical-equipment yards; microwave and satellite communications equipment; permitted nonpotable cooling-water systems; pump stations; screening walls; security barriers and buildings; stormwater facilities; switchgear; transformers; utility corridors and vaults; wastewater facilities serving the Data Center; water-storage facilities; and substantially similar improvements. An accessory use or structure does not become a principal use solely because it is owned, operated, or maintained by a public utility, contractor, tenant, or third-party service provider, provided it principally serves the approved Data Center or Data Center Campus.

DATA CENTER CAMPUS. One or more Data Centers developed on a single tract or contiguous tracts as an integrated development using common or coordinated access, utility infrastructure, stormwater facilities, security systems, internal roadways, or other shared improvements. Aggregate Campus impacts shall be evaluated during zoning and land-development review.

DAYTIME. 7:00 a.m. through 10:00 p.m., local time.

FACILITY-ONLY SOUND LEVEL. The sound level attributable to the Data Center after correction for Background or Residual Sound Level in accordance with an accepted acoustical method.

GROUNDWATER. Water beneath the ground surface, whether obtained from a well, spring, quarry, mine, excavation, dewatering operation, infiltration system, or another subsurface source, including groundwater withdrawn on or off the Data Center property.

HIGH-DENSITY COMPUTING SYSTEM. A computing system, server installation, processor or accelerator array, graphics-processing-unit installation, storage architecture, or similar digital equipment characterized by electrical demand, rack density, cooling demand, heat generation, power-distribution requirements, or utility infrastructure substantially greater than that typically associated with conventional office, commercial, warehouse, or light-industrial uses. The term includes artificial-intelligence computing, machine learning, high-performance computing, cloud computing, large-scale data processing, scientific computing, digital rendering, blockchain or distributed-ledger processing where otherwise permitted, and technologies having substantially similar infrastructure demands.

INTENTIONALLY ADDED PFAS. PFAS deliberately added during manufacture where the continued presence of PFAS is intended to provide a specific characteristic, appearance, performance, or function, including intentional breakdown products of an added chemical.

MAJOR MODIFICATION. A change to an approved Data Center or Data Center Campus that materially increases an off-site impact or materially changes an operational characteristic upon which Conditional Use approval was based, including: an additional principal building; a material increase in approved electrical demand, Backup Power System capacity, BESS capacity, water consumption, water withdrawal, wastewater generation, building coverage, or impervious coverage; an additional substation, cooling tower, or principal access road; a reduction in an approved setback or buffer; a change to a cooling technology or source that increases water consumption; a new potable-water connection to cooling equipment; or another change demonstrated by objective evidence to materially increase an off-site impact. Routine maintenance, repair, replacement in kind, software upgrades, server replacement, and internal equipment reconfiguration that do not materially increase an off-site impact are not Major Modifications.

MINOR MODIFICATION. A change consisting of maintenance, repair, modernization, replacement in kind, or equivalent-capacity equipment replacement that does not constitute a Major Modification, materially increase an evaluated off-site impact, or require separate discretionary approval under this Ordinance.

NIGHTTIME. 10:00 p.m. through 7:00 a.m., local time.

NONPOTABLE RECLAIMED WATER. Treated wastewater, captured stormwater, rainwater, or another water source that is neither Groundwater nor potable water and is lawfully available and suitable for the proposed cooling use.

PFAS. Per- and polyfluoroalkyl substances containing at least one fully fluorinated carbon atom, including PFOS, PFOA, and their salts, isomers, precursors, and replacement compounds.

PFAS-CONTAINING FIREFIGHTING AGENT. A Class B firefighting foam, aqueous film-forming foam, fluorinated foam, wetting agent, or other fire-suppression material containing Intentionally Added PFAS.

PFOS. Perfluorooctanesulfonic acid, including its salts, isomers, and precursor compounds.

POTABLE PUBLIC WATER. Water furnished by a public or private water supplier, municipal authority, municipality, or water company for human consumption or other potable purposes, whether delivered through a distribution system, interconnection, hydrant, tanker truck, or other means.

PROMINENT DISCRETE TONE. A tone satisfying the one-third-octave-band prominence criteria in Section 404.G(19).E.6.

PROTECTED RECEPTOR. A dwelling, residential lot, school, child-care facility, hospital, nursing or assisted-living facility, place of overnight lodging, public park, or another use having comparable sensitivity to continuous environmental sound.

QUALIFIED ACOUSTICAL CONSULTANT. A professional with demonstrated education and experience in environmental acoustics and industrial-source sound modeling and measurement who is independent of the equipment manufacturer and installation contractor.

ROUTINE COOLING. Cooling occurring during normal operation, anticipated peak demand, seasonal high-temperature conditions, equipment staging, maintenance, commissioning, testing, redundancy operation, or another reasonably foreseeable condition. Routine Cooling excludes only temporary cooling during a Qualifying Emergency under Section 404.G(19).D.6.

UTILITY INFRASTRUCTURE. Electrical substations, switching stations, transformers, transmission and distribution facilities, utility corridors and easements, communications facilities, water and wastewater facilities, cooling-water systems, fuel systems, and other utility improvements serving a Data Center. Such infrastructure is regulated under this Ordinance only as to land use, land development, site design, public safety, buffering, screening, emergency access, stormwater, grading, and other matters within Township authority.

SECTION TWO: APPLICABILITY, AUTHORIZATION AND GENERAL COMPLIANCE

Section 403 Table of Use Regulations and Section 404.G of the Milford Township Zoning Ordinance are amended to add Data Center and Data Center Campus as Conditional Uses in the PI Planned Industrial District. Data Center Accessory Uses and Structures serving an approved Data Center or Data Center Campus are permitted as accessory uses subject to Section 404.G(19).

The provisions of this Section shall govern the establishment, construction, operation, expansion, modification, and continuing operation of every Data Center and every Data Center Accessory Use or Structure within Milford Township. Except as stated herein, Data Centers shall be permitted only within the PI – Planned Industrial District and only upon approval as a Conditional Use in accordance with this Section, Article X, Section 1108, and all other applicable provisions of the Milford Township Zoning Ordinance. Minor Data Centers occupying less than 30,000 square feet of building space and using less than 2 megawatts (MW) of power shall not be required to obtain conditional use approval, but must comply with the Area and Dimensional requirements of §503 and the noise standards herein in §404.G(19)E Sound and Vibration and of § 508 of the Zoning Ordinance.

SECTION THREE SECTION 404 G 19 DATA CENTER STANDARDS

Section 404.G is amended by adding Section 404.G(19) as follows:

404 G 19 A Applicability Administration and Interpretation

1. **Applicability.** This Section governs the establishment, construction, operation, expansion, modification, and continuing operation of every Data Center, Data Center Campus, and Data Center Accessory Use or Structure. Every Data Center, except as noted in Section Two regardless of floor area, requires Conditional Use approval in the PI Planned Industrial District.
2. **Coordination with other regulations.** Approval under this Section does not relieve an applicant from compliance with the Township Subdivision and Land Development Ordinance, Stormwater Management Ordinance, Building Code, Fire Code, or another applicable ordinance. This Section governs Data Center use, location, and use-specific standards; the SALDO governs land-development procedures, engineering design, public improvements, and construction details. Where both apply, both shall be satisfied. The more restrictive applicable requirement governs unless expressly stated otherwise.
3. **Continuing compliance.** Each Data Center and accessory facility shall be designed, constructed, operated, maintained, expanded, and modified in continuing compliance with this Section, all conditions of Conditional Use approval, approved land development plans, and applicable permits.
4. **Demonstration of compliance.** A required report, study, analysis, certification, plan, or technical document shall demonstrate through competent professional analysis that the proposed development complies with each applicable requirement. A submission that merely describes conditions without evaluating compliance is incomplete.
5. **Alternative compliance.** Where this Section establishes a design standard, the Board may approve an alternative through Conditional Use approval only upon express findings, supported by competent professional evidence, that the alternative satisfies the purpose of the standard and provides equal or greater protection to public health, safety, welfare, neighboring properties, and environmental resources. No alternative may waive a numerical sound limit, prohibited water use, PFAS regulation, or requirement imposed by applicable law.
6. **Professional qualifications.** Engineering plans, analyses, calculations, and certifications shall be prepared, signed, and sealed by professionals licensed or otherwise authorized to practice in Pennsylvania, as applicable. No professional must certify a matter outside that professional's area of expertise or beyond information reasonably available.
7. **Supplemental information and review.** If a submission does not demonstrate compliance with an identified standard, the Township may require supplemental information reasonably necessary to resolve that deficiency. The Township may retain qualified professional consultants at the applicant's expense to the extent authorized by law to review submissions. Review shall be limited to applicable ordinance and engineering requirements.
8. **Utility jurisdiction.** Utility-related information is required for Conditional Use approval and land-development review for emergency planning, site design, environmental protection, public safety, buffering, screening, grading, and stormwater management and impact on other properties in the Township. Nothing in this Section regulates electric generation, rates, reliability, dispatch, transmission or distribution operations, interconnection approval, public-utility service obligations, or a matter within the exclusive jurisdiction of the Pennsylvania Public Utility Commission, Federal Energy Regulatory Commission, North American Electric Reliability Corporation, PJM Interconnection, or another governmental authority.
9. **Rules of interpretation.** Listed equipment and technologies are illustrative and include future technologies with substantially similar land-use characteristics or impacts. References to other Ordinance provisions include successor provisions.

404 G 19 B Development Standards

1. **Principal and Accessory Uses.** Following Conditional Use approval of a Data Center and its Accessory Uses and Structures, Data Center Accessory Uses and Structures shall be permitted by right, provided they:
   (a) remain subordinate to the principal Data Center;
   (b) serve only the approved Data Center or Data Center Campus;
   (c) comply with this Section and all applicable Township ordinances;
   (d) do not materially increase off-site impacts beyond those approved through the Conditional Use process.

Utility Infrastructure. Provided they receive Conditional Use approval, electrical substations, switchgear, transformers, Battery Energy Storage Systems (BESS), generators, cooling facilities, communications infrastructure, fuel systems, utility vaults, utility corridors, and similar infrastructure serving the approved Data Center shall be considered permitted accessory uses and shall not constitute separate principal uses solely because of their ownership, operational control, or utility function, provided they serve only the Data Center as a principal use.

Building Separation. Mechanical equipment, utility equipment, substations, cooling systems, BESS installations, emergency generators, fuel systems, transformers, switchgear, communications facilities, and similar accessory improvements shall not be considered principal buildings for purposes of building separation, provided all applicable building, fire, electrical, and safety codes are satisfied.

2. **Area and Bulk Regulations.**
   (a) The following standards shall apply to every Data Center not exceeding 100,000 square feet:

Requirement	Standard
Minimum Lot Area	**5 acres**
Minimum Lot Width	**750 feet**
Minimum Public Road Frontage	**200 feet**
Maximum Building Height by Conditional Use Approval	**60 feet**
Maximum Accessory Structure Height	**50 feet**
Maximum Building Coverage	**60%**
Maximum Impervious Coverage	**70%**
Minimum Landscaped Open Space	**20%**
Minimum Front Yard	**250 feet**
Minimum Side Yard	**250 feet**
Minimum Rear Yard	**250 feet**

Minimum Setback from External Public Road	**200 feet**
Minimum Setback from Existing Residential Dwelling	**2,500 feet**
Minimum Setback from Residential Zoning District	**2,500 feet**

(b) Data Centers exceeding 100,000 square feet shall comply with these additional standards:

Minimum Lot Area	**20 acres**
Minimum Setback from an Existing Dwelling	**5,000 feet**
Minimum Setback from a Residential Zoning District	**5,000 feet**

(c) Building Height.

Principal buildings shall not exceed sixty (60) feet in height unless the applicant demonstrates through sealed engineering plans that additional height is required for mechanical equipment, cooling systems, structural requirements, or similar operational needs.

By Conditional Use, the Board of Supervisors may approve a building height exceeding sixty (60) feet upon finding that the increased height:

- is necessary for the intended operation;
- will comply with all setback requirements;
- will comply with applicable noise standards;
- will comply with lighting standards;
- will not materially increase visual impacts after required buffering and screening.

(d) Lot Coverage.

Building coverage and impervious coverage calculations shall include all principal buildings, accessory buildings, substations, switchyards, cooling facilities, parking areas, loading areas, internal roadways, fuel storage facilities, utility compounds, and other impervious improvements unless expressly excluded by this Ordinance.

(e) Landscape Open Space.

A minimum of twenty percent (20%) of the gross tract area shall remain landscaped open space. The open space shall comply with §531 to §536 of the Zoning Ordinance. In addition, the following areas shall not be credited toward the required landscaped open space:

- buildings;
- parking lots;
- loading areas;

- utility compounds;
- substations;
- fuel storage;
- outdoor storage;
- mechanical yards;
- paved access roads;
- stormwater management facilities.

(f) Buffer Yards.

A continuous landscape buffer having a minimum width of one hundred (100) feet shall be provided wherever a Data Center abuts the following:

1) an existing residential dwelling;
2) a residential zoning district;
3) a public park;
4) a school property;
5) a preserved agricultural property;
6) a designated conservation easement.

Buffer Components. The required buffer shall include the following:

- evergreen screening;
- deciduous shade trees;
- understory vegetation;
- native shrubs;
- ground cover;
- earth berms where appropriate;
- fencing where necessary;
- walls where appropriate.

Screening Requirements. The following shall be completely screened from adjoining residential properties and public roads:

- generators;
- substations;
- switchgear;
- transformers;
- cooling towers;
- chillers;
- fuel tanks;
- loading docks;
- service yards;
- mechanical equipment;
- refuse facilities.

Existing Vegetation. Existing mature vegetation preserved as part of the approved landscape plan may receive credit toward required screening where it provides equivalent or greater year-round screening than newly planted material.

(g) Architectural Standards.

Any building façade exceeding one hundred fifty (150) linear feet and visible from a public street or residential property shall incorporate façade articulation at intervals not exceeding one hundred fifty (150) feet.

Acceptable articulation shall include at least three of the following:

- changes in wall plane;
- changes in exterior materials;
- changes in color;
- pilasters;
- architectural reveals;
- horizontal projections;
- vertical projections;
- glazing;
- canopies;
- entrance features;
- green walls;
- landscape courts;
- public art;
- equivalent architectural features approved by the Township.

The purpose of these standards is to reduce apparent building mass while recognizing the functional requirements of secure industrial facilities.

(h) Highway Access.

Every Data Center shall obtain primary vehicular access from:

- an arterial roadway;
- or another roadway demonstrated by a traffic impact study to possess sufficient capacity for anticipated construction traffic, employee traffic, freight traffic, emergency

Construction Access. Temporary construction access shall be identified on the approved Construction Management Plan and shall minimize impacts upon local residential streets.

(i) Reserved Utility Corridors.

Where future phases are proposed, the land development plan shall identify reserved utility corridors sufficient to accommodate reasonably anticipated future utility infrastructure, including electrical transmission, distribution, communications facilities, water, wastewater, stormwater, and emergency access improvements.

Identification of future utility corridors shall not authorize future construction without approvals otherwise required by this Ordinance.

(j) Aggregate Campus Review.

Contiguous tracts and coordinated phases under common or affiliated ownership or control shall not be segmented to avoid this Section. Area, utility demand, traffic, sound, water, wastewater, stormwater, and other impacts shall be evaluated cumulatively for the entire Data Center Campus and ultimate buildout reasonably identified by the applicant.

404 G 19 C Utility Infrastructure and Utility Impact Assessment

1. **Required assessment.** Each Conditional Use application shall include a Utility Impact Assessment prepared, signed, and sealed by one or more Pennsylvania-licensed Professional Engineers. It shall identify existing and proposed utility demands and demonstrate compliance with this Section as to site design, grading, utility corridors, emergency access, buffering, screening, stormwater, environmental protection, and public safety.
2. **Electrical demand.** The Assessment shall identify, by phase and at ultimate buildout where reasonably available: connected load, peak and average demand in megawatts, annual consumption in megawatt-hours, projected ten-year demand growth, High-Density Computing Systems, anticipated rack density, cooling load, existing serving infrastructure, serving utility, voltages, substations, switchgear, transformers, easements, service routes, and anticipated Power Usage Effectiveness.
3. **Utility coordination.** The applicant shall provide reasonably available documentation of coordination with proposed utility providers, including public-water and public-sewer will-serve letters, capacity-reservation correspondence, interconnection status, studies, approvals, and identified improvements. Absence of a document not yet available from a utility shall not be deemed noncompliance if the applicant documents timely requests and provides the document before the approval stage at which it is necessary.
4. **Utility improvements.** The Assessment shall identify new or expanded substations, transmission and distribution improvements, switching stations, corridors, easements, grading, retaining walls, access roads, stormwater facilities, screening, buffering, temporary facilities, and future expansion areas, and shall demonstrate that the site accommodates them.
5. **Water and wastewater.** Subject to Subsection D, the Assessment shall identify average-day, maximum-day, peak-hour, and annual water demand; domestic, fire-flow, emergency, and cooling demand; water source; average, maximum, and peak wastewater flow; wastewater characteristics; pretreatment; cooling-water discharge; and disposal method.
6. **Fuel.** The Assessment shall identify fuel type, maximum volume, storage locations, secondary containment, delivery frequency, refueling procedures, spill prevention, and emergency shutdown.
7. **BESS.** The Assessment shall identify chemistry, manufacturer, total megawatt-hours, enclosure, ventilation, thermal management, monitoring, fire suppression, thermal-runaway mitigation, emergency shutdown, and compliance with the adopted Fire Code, NFPA 855, UL 9540, and UL 9540A where applicable.
8. **Backup power.** The Assessment shall identify the number, rating, and total capacity of generators; fuel; emissions controls; exhaust locations; expected operating and testing duration; and emergency operating duration.
9. **Sustainability disclosure.** The applicant shall identify proposed renewable energy, energy efficiency, waste-heat recovery, reclaimed water, and carbon-reduction measures. Disclosure does not impose a minimum renewable-energy requirement unless otherwise required by law.
10. **Engineering certification.** The responsible engineer shall certify that, based on reasonably available information, the Assessment demonstrates compliance with applicable requirements concerning land development, utility infrastructure, public safety, emergency access, environmental protection, and site design. The engineer need not guarantee future utility capacity beyond information supplied by the utility.

404 G 19 D Water Use and Cooling Systems

1. **Purpose.** This Subsection regulates Data Center design and operation as a land use to protect aquifers and reliable potable-water supplies, reduce consumptive loss, and keep development intensity within available water-resource capacity. An Applicant for Conditional Use approval shall demonstrate compliance with this Subsection.
2. **Groundwater prohibition.** A Data Center shall not use Groundwater, directly or indirectly, for Routine Cooling, including cooling-tower or evaporative-system make-up; adiabatic cooling or precooling; heat transfer or rejection; chilled-water, liquid-cooling, immersion-cooling, or condenser systems; or replacement of water lost through evaporation, blowdown, leakage, or discharge. The prohibition applies regardless of who withdraws or supplies the Groundwater or where it is withdrawn. Groundwater encountered by dewatering shall not be diverted into a cooling system.
3. **Potable Public Water prohibition.** A Data Center shall not use Potable Public Water, directly or indirectly, for Routine Cooling, including make-up water, evaporation, adiabatic cooling, cooling-related humidification, heat rejection, normal flushing, or replacement losses. The prohibition may not be avoided by off-site purchase, tanker delivery, temporary connection, storage, treatment, blending, relabeling, third-party transfer, or replenishment of a nominally closed loop except as allowed by Paragraph 5.
4. **Permitted cooling.** Cooling shall use air-cooled or dry technology; a Closed-Loop Cooling System; Nonpotable Reclaimed Water; captured stormwater or rainwater; or another nonpotable source demonstrated to comply. Redundancy, hot weather, peak load, drought, public-water availability, reduced air-cooling efficiency, demand response, and economic considerations do not justify prohibited Routine Cooling.
5. **Initial fill.** Potable Public Water may be used once for initial filling and required pressure testing of a genuine Closed-Loop Cooling System if no Groundwater is used; no continuing potable connection capable of Routine Cooling remains after commissioning; water is recirculated; the system does not depend on continuing evaporation or routine blowdown; refill is limited to incidental maintenance loss; and the quantity is separately metered and reported.
6. **Qualifying Emergency.** Potable Public Water may be used temporarily for Cooling only during an unanticipated equipment failure or emergency presenting an immediate threat to life, public safety, or physical destruction of essential equipment that could not reasonably have been prevented by proper design, redundancy, maintenance, or operation and cannot reasonably be addressed by reducing or shutting down affected computing load. Use shall be the minimum necessary, cease within 72 consecutive hours unless a longer period is required by a federal, Commonwealth, or county emergency order, be separately metered, be reported to the Township within 24 hours, and be documented within ten business days. Groundwater may not be used for emergency Cooling. Repeated or reasonably foreseeable emergency use is Routine Cooling.
7. **Excluded uses.** Reasonable lawful quantities of Groundwater or Potable Public Water may be used for drinking and employee welfare; toilets, handwashing, and sanitation; fire protection; eyewash and safety showers; ordinary cleaning; and incidental uses unrelated to Cooling. Such water shall not be interconnected with or transferred into a cooling system.
8. **Water Management and Cooling-System Plan.** The Conditional Use application and final land-development plan shall include a Plan prepared by a qualified Professional Engineer demonstrating compliance and identifying each cooling technology and capacity; water sources; average-day, maximum-day, and annual use by source and purpose; full-buildout cooling demand; consumptive loss, evaporation, blowdown, and discharge; initial filling and testing; reuse and leak detection; maximum-temperature and maximum-load operation; backup cooling; interconnections; metering; and protection of existing water supplies of users of wells within 1,000 feet.
9. **Plan notation.** Each approved plan, zoning permit, and Certificate of Occupancy shall state: "Groundwater and Potable Public Water are prohibited as sources of Routine Cooling for this Data

Center. This restriction runs with the land and applies to each owner, operator, tenant, successor, and assignee."

10. **Metering and records.** Separate permanent meters shall measure total Potable Public Water entering the property, each permitted nonpotable source, initial fill or testing water, emergency cooling water, and domestic or sanitary water. Monthly records shall be retained for the life of the use. By January 31 annually, the facility manager and qualified Professional Engineer shall certify compliance for the preceding calendar year.
11. **Changes and enforcement.** A material change to cooling technology, water source, piping, or operating procedure requires a revised Plan and Conditional Use approval. A prohibited use or connection is a violation for each day or part thereof and may be ordered disconnected or ceased, with corrective action verified by a qualified Professional Engineer.
12. **Limitation of authority.** This Subsection regulates Data Center land use, design, intensity, and operation. It does not allocate water or regulate the location, amount, timing, terms, or conditions of a withdrawal, and does not limit lawful authority of a water supplier, municipal authority, Pennsylvania Public Utility Commission, Pennsylvania Department of Environmental Protection, Delaware River Basin Commission, or other agency. A separate agency approval does not establish compliance with this land-use standard.

404 G 19 E Sound and Vibration

1. **General.** A Data Center and all accessory facilities shall comply with Article V, Section 508 and this Subsection. The more restrictive standard governs. Compliance with an A-weighted limit alone does not establish compliance with a C-weighted, octave-band, tonal, impulsive, modulation, ambient-increase, or vibration standard. An Applicant for Conditional Use approval shall demonstrate compliance with this Subsection.
2. **Cumulative operation.** Compliance shall be based on the aggregate contribution of the entire Data Center Campus, including all phases, tenants, buildings, equipment yards, substations, and sources that can reasonably operate simultaneously during normal operation, full load, maximum cooling demand, testing, maintenance, commissioning, or equipment staging.
3. **Overall limits.** Facility-Only Sound Level shall not exceed:

Receiving location	Day LAeq 15 min	Night LAeq 15 min	Day LCeq 15 min	Night LCeq 15 min
Protected Receptor	50 dBA	45 dBA	60 dBC	55 dBC
Other property boundary	60 dBA	55 dBA	70 dBC	65 dBC

The Protected-Receptor limit applies at the nearest receptor-property boundary or another point on that property where facility contribution is reasonably expected to be greater. The other-property limit applies at each non-Protected-Receptor boundary. A FAST-weighted maximum may not exceed the applicable Leq limit by more than 10 dB. At a Protected Receptor, LCeq minus LAeq may not exceed 15 dB for the same interval.

4. **Octave-band limits at Protected Receptors.** Facility-Only full-octave-band Leq shall not exceed:

Center frequency Hz	Daytime dB	Nighttime dB
16	70	65
31.5	65	60
63	60	55

Center frequency Hz	Daytime dB	Nighttime dB
125	55	50
250	50	45
500	47	42
1,000	45	40
2,000	43	38
4,000	41	36
8,000	40	35

An exceedance in one band is a violation regardless of overall dBA or dBC compliance. For screening at a non-Protected-Receptor boundary, these limits increase by 10 dB. Significant energy below 16 Hz may require one-third-octave evaluation from 6.3 through 16 Hz and project-specific control measures.

5. **Increase over residual.** At a Protected Receptor, Facility-Only contribution shall not increase representative predevelopment residual LAeq by more than 5 dBA Daytime or 3 dBA Nighttime, or corresponding LCeq by more than 5 dBC. The more restrictive of this Paragraph and Paragraphs 3 and 4 governs.
6. **Tones and special characteristics.** A Prominent Discrete Tone exists when a one-third-octave-band level exceeds the arithmetic average of the two adjacent bands by at least 15 dB at or below 125 Hz, 8 dB from 160 through 400 Hz, or 5 dB at or above 500 Hz. When present, 5 dB shall be added to the measured or modeled LAeq, LCeq, and affected octave band solely for compliance determination. Recurring impulsive sound may not exceed the Table 1 limit by more than 5 dB after residual correction. Readily perceptible amplitude modulation requires time-history and modulation-depth analysis and mitigation sufficient to eliminate perceptible modulation at a Protected Receptor.
7. **Vibration.** Continuous or recurring operational vibration shall not be perceptible at a Protected Receptor and shall not exceed 0.01 inch per second peak particle velocity from 1 through 80 Hz in three orthogonal axes at or within the receptor. More restrictive project-specific criteria may be required for sensitive equipment, historic structures, or demonstrated resonance.
8. **Baseline monitoring.** Before final land-development approval, a Qualified Acoustical Consultant shall conduct at least 96 consecutive hours of monitoring containing two weekdays and two weekend days, unless a longer or seasonally supplemental period is approved. Monitoring shall include simultaneous LAeq, LCeq, L10, L90, full-octave bands from 16 through 8,000 Hz, and one-third-octave data where tonal or low-frequency conditions warrant, at the nearest and most exposed Protected Receptors and representative boundaries. Weather and material extraneous sources shall be documented, and atypical events shall be excluded by a disclosed reproducible method.
9. **Acoustical analysis.** The Conditional Use application, and the final land-development plan if equipment or layout changes, shall include a report by a Qualified Acoustical Consultant demonstrating compliance. It shall include all cooling, ventilation, power, electrical, BESS, loading, service, and stationary sources; manufacturer sound-power data by octave band; quantities, modes, duty cycles, directivity, tones, and uncertainty; cumulative worst reasonably foreseeable operation; three-dimensional propagation modeling; predicted LAeq, LCeq, octave bands, tones, maxima, and vibration; at least a 3-dB design margin below each numerical limit after reasonable uncertainty; specific mitigation; and a commissioning test protocol.
10. **Measurement.** Compliance measurements shall use calibrated Type 1 instrumentation and procedures consistent with the current applicable ANSI/ASA S12.9 environmental-sound standard and instrument and filter standards. Measurements shall document settings, calibration, uncertainty,

weather, microphone locations, source operation, and sufficient time-history information to reproduce the analysis. Source-on/source-off measurement shall be used where practicable; otherwise, a technically valid residual-correction or source-separation method shall be disclosed. No correction may disregard an identifiable facility tone, modulation, or low-frequency component.

11. **Verification and monitoring.** Before final Certificate of Occupancy, or within an approved commissioning period secured by financial security, the owner shall demonstrate compliance by Daytime and Nighttime testing under the worst representative condition, including maximum cooling demand or a validated simulation, cumulative normal operation, and generator testing. Retesting is required after a Major Modification capable of increasing or changing sound. The Township may require testing upon a documented complaint, credible evidence of excess sound or vibration, or observed operational change. If a violation is confirmed, reasonable professional testing and review costs may be recovered to the extent authorized by law. During the first year of full operation, permanent monitors approved by the Township shall record at least one-minute LAeq and LCeq and preserve retrievable one-third-octave or audio data for investigated events. Continued monitoring may be imposed where supported by facility scale, complaints, or prior noncompliance.
12. **Generators.** Routine generator exercising, testing, and maintenance shall occur only Monday through Friday from 9:00 a.m. through 5:00 p.m., for the minimum necessary duration, with simultaneous operation minimized, and shall comply with the sound, air-quality, and vibration standards. An actual electrical outage, grid emergency, fire, or bona fide emergency threatening life, safety, or essential facility function is exempt from numerical sound limits only for the emergency duration. Avoidable malfunction, inadequate maintenance, economic dispatch, demand-response participation, and elective operation are not emergencies. Legally mandated life-safety testing outside stated hours shall use the least-impact practicable method. Generator logs shall be retained at least five years.
13. **Maintenance and enforcement.** Required barriers, silencers, enclosures, vibration isolators, fan controls, and other mitigation shall be maintained. Equipment may not operate in a louder mode than analyzed unless a revised analysis first demonstrates compliance. A violation of any independent metric is noncompliance. The owner shall investigate and implement a professionally prepared corrective-action plan and interim measures directed by the Township, including reduced load, altered staging, temporary mitigation, suspension of nonessential testing, or shutdown of a violating source where necessary.

404 G 19 F PFAS and PFOS Management

1. **Purpose.** This Subsection prevents PFAS releases from construction, operation, maintenance, fire suppression, cooling, electrical equipment, and waste management into soil, groundwater, surface water, stormwater, or sanitary sewer systems. A Conditional Use Applicant shall demonstrate the ability to comply with this Subsection.
2. **Firefighting agents.** No PFAS-Containing Firefighting Agent shall be purchased, installed, stored, used, discharged, or maintained at a Data Center unless it can demonstrate that the use of such agents shall be limited so that no disposal onsite is permitted. The facility shall use fluorine-free agents and systems suitable for site hazards and approved by the authority having jurisdiction. The applicant shall provide manufacturer, designer, and installer certification addressing Intentionally Added PFAS; a Safety Data Sheet alone is insufficient. An exception applies only when a particular PFAS agent is expressly required by federal or Commonwealth law and no lawful fluorine-free alternative exists, in which case the minimum quantity and complete secondary containment are required.
3. **Materials inventory.** The Conditional Use application shall include a PFAS Materials Inventory covering firefighting and wetting agents; coolants and heat-transfer or dielectric fluids; hydraulic fluids and lubricants; maintenance chemicals, cleaners, coatings, sealants, refrigerants, BESS thermal-management materials, fuel additives, and other mixtures capable of environmental release.

It shall identify product, manufacturer, use, maximum quantity, storage, PFAS status, Safety Data Sheet and manufacturer certification, containment, spill controls, and disposal. Sealed equipment shall be disclosed where PFAS-containing liquid may foreseeably be released by leakage, overheating, fire, failure, service, or disposal.

4. **Discharge prohibition.** No PFAS-containing foam, coolant, concentrate, rinsate, wash water, wastewater, firewater, or other material may be discharged to the ground, a well, groundwater, wetland, watercourse, surface water, stormwater or infiltration facility, septic system, or sanitary sewer. A sanitary-sewer discharge is allowed only with express written authorization of the receiving wastewater authority and every required regulatory approval. Land application, evaporation, infiltration, dilution, and unauthorized discharge are prohibited. Waste shall be characterized, containerized, transported, and disposed of lawfully.
5. **Storage.** Liquid or concentrate known or reasonably suspected to contain PFAS shall be stored in covered, compatible secondary containment holding at least 110% of the largest container. Storage and transfer areas shall be impervious, protected from precipitation, without an uncontrolled drain, isolated from stormwater and infiltration, equipped with leak detection where needed, and accessible for inspection and response. Underground storage is prohibited. Transfers shall be supervised and use shutoff and spill controls.
6. **Firewater.** The Emergency Operations Plan shall address containment of firefighting water, agents, and runoff from electrical equipment, BESS, transformers, generators, fuel systems, cooling systems, and chemical storage. Isolation valves, curbing, basins, or equivalent measures shall prevent entry into stormwater, infiltration, groundwater, surface water, or sanitary sewers. Capacity shall reflect the reasonably foreseeable fire scenario. Contained firewater shall be characterized before treatment, disposal, or authorized release.
7. **Baseline investigation.** Before land disturbance, the applicant shall submit a Phase I Environmental Site Assessment meeting the current ASTM standard and addressing historic PFAS uses. When the assessment identifies a PFAS recognized environmental condition, or the development includes a well, infiltration facility, substantial excavation, or groundwater withdrawal, the Township may require baseline sampling reasonably necessary to establish preconstruction conditions. Qualified professionals shall use accepted quality controls, an EPA- or DEP-approved method appropriate to the medium, and reporting limits adequate to evaluate then-applicable standards.
8. **Management and response plan.** Before final land-development approval, a qualified environmental professional shall prepare a PFAS Management and Spill-Response Plan identifying inventory, locations, inspection, handling, training, containment, cleanup, firewater isolation, prohibition on washing releases into environmental systems, emergency contractors, sampling, reporting, and compliance measures. It shall be integrated with the Emergency Operations Plan and any required Spill Prevention, Control, and Countermeasure Plan.
9. **Notification.** A known or suspected release outside containment shall be stopped and contained immediately. A release reaching or threatening environmental media or a sewer, leaving containment, resulting from fire suppression, or otherwise reportable shall be reported to the Township and applicable emergency agencies as soon as practicable but within two hours. A written report is due within ten business days. The owner shall investigate, delineate, remediate, and monitor as required by the agency having jurisdiction.
10. **Construction and continuing compliance.** Construction specifications shall prohibit PFAS-Containing Firefighting Agents and require disclosure of other Intentionally Added PFAS products capable of release. The owner is responsible for contractors, tenants, and operators. The Inventory and response plan shall be reviewed annually and updated before a new PFAS-containing product is brought onsite. By January 31 annually, the owner shall certify use, releases, inventory accuracy, and completed corrective action. Records shall be retained for the life of the use.
11. **Changes and enforcement.** Installation or replacement of fire-suppression, cooling, heat-transfer, transformer, BESS, or other equipment involving PFAS-containing fluids requires an updated

Inventory and compliance demonstration. Conversion to a PFAS-Containing Firefighting Agent is a prohibited Major Modification except under Paragraph 2. Upon documented release, credible contamination evidence, record discrepancy, or undisclosed material, the Township may require reasonable sampling, investigation, cessation, removal, isolation, corrective action, and professional verification.

12. **Relationship to law.** This Subsection establishes land-use, site-design, containment, and operational requirements and does not establish a reportable quantity, drinking-water or cleanup standard, waste classification, or discharge limit. It does not relieve compliance with the Pennsylvania Firefighting Foam Management Act, Clean Streams Law, Solid Waste Management Act, Land Recycling and Environmental Remediation Standards Act, CERCLA, RCRA, Safe Drinking Water Act, or another applicable law. The more restrictive applicable requirement governs.

404 G 19 G Operational Standards

1. **Emergency access.** Plans shall provide primary and secondary emergency access, fire lanes, gates, staging, hydrants, fire-department connections, utility and fuel shutoffs, BESS access, and Fire Marshal compliance sufficient for fire, EMS, hazardous-material, law-enforcement, and utility response. A Conditional Use Applicant shall demonstrate compliance with this Subsection.
2. **Emergency Operations Plan.** Before Certificate of Occupancy, the owner shall submit a Plan addressing utility outages, prolonged power failure, generators, BESS events, hazardous materials, PFAS and firewater, fire suppression, evacuation, fuel delivery, emergency contacts, and utility coordination. It shall be reviewed annually and updated within 30 days after a material operational change.
3. **Fire protection.** The applicant shall demonstrate compliance with the adopted Fire Code, International Fire Code, applicable NFPA standards, and Fire Marshal requirements, including pre-incident plans, hazardous-material inventories, contacts, utility isolation, and BESS response.
4. **Lighting.** Exterior lighting shall comply with Article V, Section 512, "Glare," use full-cutoff shielded downward-directed fixtures, and minimize glare, trespass, and sky glow while preserving safety. Continuous security lighting shall be confined to areas reasonably necessary for security.
5. **Parking.** Provide one space per employee on the largest shift, one per company vehicle, and visitor parking demonstrated by operations. The Board may approve fewer spaces where a professionally prepared Parking Demand Study demonstrates adequacy.
6. **Truck and freight plan.** The applicant shall identify truck routes, construction and oversized deliveries, employee traffic, docks, internal circulation, emergency circulation, schedules, escorts, utility coordination, roadway closures, and temporary utility relocation.
7. **Construction Management Plan.** Before site work, submit a Plan covering access, haul routes, erosion and sediment control, staging, contractor parking, materials, temporary utilities and lighting, hours, dust, mud, debris, stockpiles, and roadway restoration.
8. **Roadway protection.** For extraordinary construction traffic, the Township may require pre- and post-construction roadway surveys, security authorized by law, and restoration of damage demonstrated to be attributable to the project.
9. **Security.** Fencing, controlled access, surveillance, bollards, guard houses, barriers, and gates shall protect infrastructure, preserve emergency access, minimize visual impact, and comply with buffering. Additional fence height may be approved upon objective demonstration of necessity for critical-infrastructure security or public safety.
10. **Construction hours.** Construction producing significant sound is limited to 7:00 a.m. through 7:00 p.m. Monday through Saturday. Emergency work is exempt. Work outside these hours may be authorized only for a specific activity that cannot practicably occur during permitted hours and upon conditions minimizing duration and impact.

11. **Construction vibration.** Pile driving, rock excavation, blasting, and similar work may require preconstruction structural surveys, vibration monitoring, a management plan, and post-construction inspection. The applicant shall demonstrate compliance with recognized engineering standards protecting adjacent structures.
12. **Operational reporting.** Upon a written request tied to an identified zoning-compliance issue, the owner shall provide relevant records concerning sound, parking, generator testing, emergency contacts, required inspections, fire protection, water, PFAS, or other regulated matters. Trade secrets, customer data, cybersecurity information, proprietary software, and legally protected confidential information need not be disclosed, but nonconfidential information necessary to demonstrate compliance shall be provided.

404 G 19 H Substations Utility Facilities and Environmental Performance

1. **Accessory status.** Substations, interconnection and distribution facilities, switching stations, switchgear yards, transformers, control buildings, vaults, and similar infrastructure principally serving the Data Center are permitted accessory uses regardless of lawful utility ownership.
2. **Location and design.** Utility facilities shall be integrated with the site and provide emergency and maintenance access, screening, buffering, stormwater management, protection of sensitive resources, and compatibility with adjoining development.
3. **Setbacks.** Unless greater separation is required by utility-safety law, a substation or exterior switchyard shall be at least 200 feet from an external street right-of-way, 150 feet from every tract boundary, and 1,000 feet from an existing dwelling. The Board may approve an alternative only upon competent engineering evidence that topography, distance, barriers, design, or screening provides equal or greater protection and all sound and safety standards remain satisfied.
4. **Coordination and expansion.** Plans shall identify ownership, maintenance, providers, transfers, easements, access, and future expansion areas. A future area shown on a plan is not approved for construction. A Major Modification requires applicable approvals.
5. **Environmental compliance.** Every Data Center shall comply with Article V performance standards and demonstrate compliance concerning stormwater, groundwater, wetlands, floodplains, steep slopes, erosion, sediment, hazardous materials, fuel, wastewater, cooling water, heat, glare, and vibration through spill prevention, secondary containment, shutoffs, water-quality controls, and restoration measures as applicable.

404 G 19 I Conditional Use Criteria and Modifications

1. **Burden and criteria.** The applicant bears the burden of proving compliance with the specific objective requirements of this Section and generally applicable Conditional Use criteria. The Board shall approve the application if the record contains substantial evidence establishing compliance, subject to lawful conditions.
2. **Required findings.** The applicant shall demonstrate that the development:
   - **a.** complies with this Section, Article V, Section 1108 Governing Body; Powers and Duties - Conditional Uses, and applicable dimensional standards;
   - **b.** provides safe access, emergency response, and circulation;
   - **c.** will comply with numerical sound and vibration standards;
   - **d.** controls fire, explosion, fuel, battery, thermal-runaway, hazardous-material, PFAS, and firewater risks;
   - **e.** controls glare, light trespass, heat, electromagnetic interference to the extent subject to Township authority, wastewater, industrial waste, and stormwater;
   - **f.** will not cause traffic congestion or roadway conditions inconsistent with the accepted traffic study and approved plans;

g. complies with the water-use and Cooling requirements and protects groundwater and recharge; and

h. provides required setbacks, landscaping, screening, and compatibility measures.

3. **Conditions.** The Board may impose reasonable conditions supported by substantial record evidence and necessary to ensure compliance or mitigate a demonstrated impact, including roadway work, landscaping, buffering, screening, emergency access, utility coordination, sequencing, monitoring, testing, and phasing.
4. **Major Modifications.** A Major Modification requires new or amended Conditional Use approval and any required land-development approval before implementation. Review shall be limited to the modification and its reasonably related cumulative impacts, except that existing violations may be enforced separately.
5. **Minor Modifications.** The Zoning Officer may approve a Minor Modification administratively upon objective documentation of continued compliance and no material increase in an approved off-site impact. Equivalent-capacity replacement of cooling, transformer, or generator equipment is minor only if it does not change sound spectrum, water use, emissions, fuel, PFAS, coverage, height, or another regulated impact.
6. **Written determination.** A Major- or Minor-Modification determination shall be written, identify the objective facts and standards relied upon, and be retained with the zoning record.

404 G 19 J Continuing Compliance Decommissioning and Enforcement

1. **Annual certification.** Beginning one year after Certificate of Occupancy and by January 31 annually thereafter, the owner shall certify through an authorized representative that required emergency access, buffering, landscaping, sound controls, fire protection, stormwater, water-use controls, PFAS controls, and other conditions remain compliant. Professional certification shall accompany technical matters expressly requiring it under this Section.
2. **Notice of changes.** The owner shall notify the Township before a Major Modification. Routine maintenance and a Minor Modification require no Conditional Use approval but remain subject to permits otherwise required.
3. **Records.** The owner shall maintain records reasonably necessary to demonstrate compliance, including generator logs, sound reports, fire-system inspections, emergency contacts, water records, PFAS records, environmental permits, and required inspections. Records required for the life of the use by Subsections D, E, or F shall be retained accordingly; raw continuous acoustical data may be retained for five years. Legally protected information is exempt, but nonconfidential compliance information shall be supplied.
4. **Inspection.** The Township may inspect at reasonable times and on reasonable notice, limited to areas and records reasonably necessary for zoning enforcement. Immediate access without notice is permitted only to the extent authorized by law for an imminent threat to health or safety.
5. **Corrective action.** A violation notice shall identify the governing provision, factual basis, and required correction. Except for an imminent threat or a provision requiring immediate cessation, the owner shall receive a reasonable cure period. A professionally prepared Corrective Action Plan may be required for technical remediation.
6. **Decommissioning Plan.** Before Certificate of Occupancy, the owner shall submit a Decommissioning Plan identifying removal, lawful disposition, continued lawful use, and site restoration for buildings, generators, fuel systems, BESS, transformers, substations, hazardous materials, PFAS materials, utility infrastructure, and stormwater facilities. The Plan shall be updated at least every five years and after a Major Modification.
7. **Abandonment and implementation.** A Data Center is abandoned after operations cease continuously for 12 months unless the owner demonstrates, through objective evidence submitted before expiration of that period, active maintenance and a definite schedule to resume lawful

operations. Within 12 months after abandonment, the owner shall implement the approved Decommissioning Plan, remove hazardous materials and fuel, lawfully manage batteries and PFAS materials, stabilize and revegetate disturbed land, and restore drainage. Lawfully operating public-utility facilities need not be removed.

8. **Financial security.** To the extent authorized by law, the Township may require financial security for public improvements, roadway restoration, temporary facilities, or decommissioning obligations, calculated and administered under applicable law.
9. **Enforcement.** Violations are subject to Article XIII, Section 1303, the Pennsylvania Municipalities Planning Code, lawful permit suspension or revocation, injunctive or abatement relief, restoration, and other available remedies. Each day a violation continues constitutes a separate offense where authorized by law.

SECTION FOUR REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are repealed only to the extent of the inconsistency. No provision not specifically amended is repealed.

SECTION FIVE SEVERABILITY

If a court of competent jurisdiction holds a provision invalid, the determination shall not affect the remaining provisions. The Board declares that it would have adopted this Ordinance irrespective of the invalidity of an individual provision.

SECTION SIX EFFECTIVE DATE

This Ordinance shall become effective five days after enactment in accordance with applicable law.

ENACTED and ORDAINED by the Milford Township Board of Supervisors this _____ day of _____, 2026.

ATTEST

Jeffrey Vey, Township Manager _____

MILFORD TOWNSHIP BOARD OF SUPERVISORS

Christian Haberle, Chair _____

John Mininger, Vice Chair _____

Timothy M. Johnson, Member _____