



CENTER FOR COALFIELD JUSTICE

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Pennsylvania House Energy Committee

RE: HB 502 - Reliable Energy Siting and Electric Transition (RESET) Board

Thank you for the opportunity to provide input on the RESET Board, which Governor Shapiro proposed as part of his Lightning Plan.

CCJ is a Pennsylvania-incorporated not-for-profit organization with federal Internal Revenue Service § 501(c)(3)-status recognition located in Washington, PA. Our mission is to “improve policy and regulations for the oversight of fossil fuel extraction and use; to educate, empower and organize coalfield citizens; and to protect public and environmental health.” CCJ has over three thousand members and supporters and is governed by a volunteer Board of Directors.

CCJ works with residents every day to help them learn about and give input on energy projects that have the potential to impact the communities they call home. Every community has different wants and needs; what works in one may not work in another. However, whatever the proposal is, every community wants the opportunity to voice their opinion and have an impact when they don't want a particular project in their town. Within this context, we offer the following comments on HB 502.

1. HB 502 removes a municipality's right to decide what projects happen within its borders.

Under this bill, the RESET board will be granted vast power to site qualifying energy projects while removing a municipality's ability to place additional conditions on the facility that would protect residents within their borders. The way Pennsylvania law currently operates gives municipalities the ability to regulate where certain projects can go within their borders, while the State gets to dictate how those projects operate. This legislation would subvert that practice and give the State the authority to say *both* how and where. At the same time, municipalities would be stripped of the ability to place conditions on projects, such as sound and light limitations, which are often put into effect to protect residents' health, safety, and enjoyment of their property.

Additionally, municipalities do not have the opportunity to rezone to prevent projects in certain areas. HB 102 does not allow the RESET Board to site projects in areas zoned residential. However, the area must have been zoned residential before January 2024 to be protected from potential large-scale energy projects, which means any updates municipalities may try to make to their zoning map to protect more residents would be moot. Right now, an abundance of housing developments are being built across the Commonwealth, and more are being proposed daily because we are in the midst of a housing crisis. Therefore, an area that might not be zoned as residential now very well could be in the next decade. However, residents of these new housing plans could be threatened by a large energy project next to their homes because it wasn't zoned as residential before 2024. This is an arbitrary deadline that was only imposed to limit a community's ability to fight back.

While removing siting decisions for large-scale energy generation projects to the state is the very purpose of this legislation, there must be a balance. Municipal leaders know their communities' wants and needs best and must have a say on these decisions. Thus, this legislation should be amended to allow municipalities to place conditions on project approvals and to recognize any zoning changes after 2024 so that municipalities can protect their residents further.

2. HB 502 limits community input on proposals.

a. Notice is not adequate.

While this legislation does require a public hearing on projects that the RESET Board could site, it only requires two weeks' notice to the public. However, two weeks is not adequate time to turn out informed community members for the event. Therefore, testimony on projects will be limited and potentially uninformed due to time constraints. We urge an amendment that would inform the public, not just municipal leaders, of a potential project as soon as an application is submitted to the RESET Board, and to extend public notice for hearings to at least 30 days. It is important to note that those who know an area better than anyone else are the very ones who live there. Thus, ensuring they have adequate notice to educate themselves and the State about the proposed project is crucial. Only with these measures in place will the RESET Board get meaningful comments representing the community's will.

b. More community voices are needed on the RESET Board.

There is only one seat on the RESET Board that represents community voices—the Chair of DEP's Environmental Justice Advisory Board. This voice will carry a heavy load in advocating for Pennsylvania residents, while the rest of the board traditionally favors development over what the community wants. To make the board more balanced, HB 502 should be amended to add more community voices to the RESET Board to ensure that everyday Pennsylvanians' wants and needs are adequately represented and addressed.

Although this legislation is intended to help much-needed clean energy generation projects come online, it can't be done at the expense of municipality and community input. We recommend the following improvements to this legislation that would still serve its purpose, but allow more equity in its application:

1. Allow municipalities to place conditions on a proposed project;
2. Give municipalities the ability to rezone to residential;
3. Give notice and information to the public as soon as an application is submitted to the RESET Board;
4. Expand notice requirements to at least 30 days for public hearings, and;
5. Balance the RESET Board with more community voices.

Thank you for your consideration. If you have any questions or would like to discuss any of the above recommendations, please contact me anytime.

Respectfully,

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