



Kenneth W. Jenkins  
County Executive

January 17, 2025

Westchester County Board of Legislators  
800 Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Attached hereto for your consideration is "A LOCAL LAW adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester."

This proposed law would require all local municipalities within Westchester County to provide written notification to the Department of Emergency Services ("DES") for all new and existing non-residential Battery Energy Storage Systems permitted, installed, or modified in Westchester County. Battery Energy Storage Systems ("BESS") are a type of energy power that uses batteries to store electrical energy. It is a technological solution that can help prevent renewable energy waste, stabilize the electrical power grid in real time, and balance supply and demand needs when the electrical grid fluctuates due to weather, outages, or congestion on the grid. However, most BESS use lithium-ion batteries, which are deemed hazardous materials by the United States Department of Transportation, and can pose significant safety concerns, including risks of fire, thermal runaway, toxic gases, and even explosions in localities where these BESS are placed.

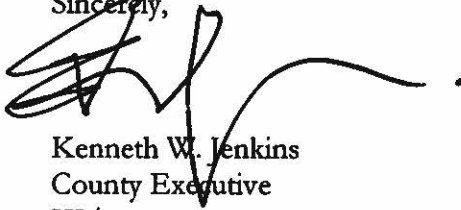
This local law is designed to increase safety and transparency within the County by establishing clear notification requirements for local municipalities regarding new installations, modifications and existing non-residential BESS. This will ensure greater coordination and planning for emergencies, which will enhance safety for residents and first responders in Westchester County. Specifically, this notification requirement will allow DES to properly plan for emergencies that can arise from the installation or modification of a BESS in the County and to properly create contingency plans for dealing with emergencies that could be exacerbated by the presence of a BESS.

DES oversees the County's Emergency Communications Center, commonly referred to as "60 Control," which provides primary dispatch services for 52 fire departments and 32 EMS agencies in Westchester, and handles fire and EMS mutual-aid requests going in and out of the County. Further, DES works with the County Fire Coordinator and Deputy Fire Coordinators, who serve as liaisons between the County and local municipal fire departments, to mitigate potential fire emergencies within the County. Having advanced knowledge of the presence of a BESS at a location will allow DES to better inform the first responders to the risks faced at the location.

As such, this law requires local municipalities to provide written notification to the Commissioner of DES, or their designee, of any existing BESS in the municipality as well as any approval of plans for new BESS in the municipality or modifications to existing BESS. The written notification shall include the: (1) address of the (proposed) location of BESS site; (2) zoning district designation for the parcel(s) of land comprising the project site; (3) size and capacity of the BESS; (4) pertinent contact information for the owner, operator, and contractor responsible for the management and installation of the BESS site; and (5) relevant installation, operation, and inspection dates for the subject BESS.

I recommend the approval of the attached Local Law.

Sincerely,

A handwritten signature in black ink, appearing to read 'KJ', with a long, sweeping horizontal line extending to the right.

Kenneth W. Jenkins  
County Executive  
KJ/nn  
Attachments

TO: HONORABLE BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of “A LOCAL Law adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.”

Your Committee is informed that the proposed law would require all local municipalities within Westchester County to provide written notification to the Department of Emergency Services (“DES”) for all new and existing non-residential Battery Energy Storage Systems permitted, installed, or modified in Westchester County.

Your Committee is advised that, Battery Energy Storage Systems (“BESS”) are a type of energy power that uses batteries to store electrical energy. It is a technological solution that can help prevent renewable energy waste, stabilize the electrical power grid in real time, and balance supply and demand needs when the electrical grid fluctuates due to weather, outages, or congestion on the grid. However, most BESS use lithium-ion batteries, which are deemed hazardous materials by the United States Department of Transportation, and can pose significant safety concerns, including risks of fire, thermal runaway, toxic gases, and even explosions in localities where these BESS are placed.

Your Committee recognizes that this local law is designed to increase safety and transparency within the County by establishing clear notification requirements for local municipalities regarding new installations, modifications and existing non-residential BESS. This will ensure greater coordination and planning for emergencies, which will enhance safety for residents and first responders in Westchester County. Specifically, this notification requirement will allow DES to properly plan for emergencies that can arise from the installation or modification of a BESS in the

County and to properly create contingency plans for dealing with emergencies that could be exacerbated by the presence of a BESS. Your Committee recognizes that DES oversees the County's Emergency Communications Center, commonly referred to as "60 Control," which provides primary dispatch services for 52 fire departments and 32 EMS agencies in Westchester, and handles fire and EMS mutual-aid requests going in and out of the County. Further, DES works with the County Fire Coordinator and Deputy Fire Coordinators, who serve as liaisons between the County and local municipal fire departments, to mitigate potential fire emergencies within the County. Having advanced knowledge of the presence of a BESS at a location will allow DES to better inform the first responders to the risks faced at the location.

As such, this law requires local municipalities to provide written notification to the Commissioner of DES, or their designee, of any existing BESS in the municipality as well as any approval of plans for new BESS in the municipality or modifications to existing BESS. The written notification shall include the: (1) address of the (proposed) location of BESS site; (2) zoning district designation for the parcel(s) of land comprising the project site; (3) size and capacity of the BESS; (4) pertinent contact information for the owner, operator, and contractor responsible for the management and installation of the BESS site; and (5) relevant installation, operation, and inspection dates for the subject BESS.

Moreover, and as you know, your Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to

the memorandum from the Department of Planning, dated January 14, 2025, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

The Committee, after careful consideration, recommends the adoption of this Local Law.

Dated: January \_\_, 2025  
White Plains, New York

COMMITTEE ON

# FISCAL IMPACT STATEMENT

SUBJECT: Chapter 637- Battery Energy Storage

☒ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☐ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses:

Annual Amount N/A

Describe: A Local Law adding Chapter 637 to the Laws of Westchester County to require notification to the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester.

Potential Related Operating Budget Revenues:

Annual Amount N/A

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Patricia Haggerty

Title: Sr. Budget Analyst

Department: Budget

Date: January 15, 2025

Reviewed By: 

PH

Budget Director

Date: 1/15/25

**RESOLUTION NO. \_\_\_\_ - 2025**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law No. \_\_\_\_ - 2025, entitled "A LOCAL Law adding Chapter 637 to the Laws of Westchester County to require notification of the Department of Emergency Services of Battery Energy Storage Systems by local municipalities in the County of Westchester." The public hearing will be held at \_\_.m. on the \_\_\_\_ day of \_\_\_\_\_, 2025, in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.