

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: February 3, 2025
White Plains, New York


COMMITTEE ON


Margaret A. Cio

Vedat Gashi

Benjamin Boynton

Legislation
2/3/25

2025.01.15 JRA/ALM

Vedat Gashi


Public Safety
2/4/25

Dated: February 3, 2025

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

A handwritten signature in black ink, reading "Colin J. Amato". The signature is written in a cursive, flowing style.

COMMITTEE ON

Legislation

Dated: February 4, 2025
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Margaret A. Cunzio

COMMITTEE ON

Public Safety

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: *[Signature]*

PH

Budget Director

Date: 1/15/25

LOCAL LAW INTRO. NO. - 2025

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.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. A new Chapter 637 is hereby added to the Laws of Westchester County to read as follows:

Chapter 637

Notification of Battery Energy Storage Systems by Local Municipalities in Westchester County

Sec. 637.01. Definitions

1. Battery Energy Storage Systems – One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.
2. Commissioner – The Commissioner of the Westchester County Department of Emergency Services
3. Department – The Westchester County Department of Emergency Services.

Sec. 637.02. Applicability

1. The requirements of this Local Law shall apply to all local municipalities within Westchester County.
2. The requirements of this Local Law shall apply to:

- A. all new and existing non-residential Battery Energy Storage Systems permitted, installed, or modified in Westchester County; and
- B. modifications to, retrofits or replacements of an existing non-residential Battery Energy Storage System that increase the total Battery Energy Storage System's designed discharge duration or power rating.

Sec. 637.03. Notification Requirements.

1. Municipalities shall provide written notification to the Commissioner, or their designee, of any existing Battery Energy Storage Systems in the municipality within 30 days of being notified of this local law by the Commissioner, or their designee.
2. Municipalities shall provide written notification to the Commissioner, or their designee, within 30 days of any approval of plans for new Battery Energy Storage Systems in the municipality or modifications to existing Battery Energy Storage Systems. Approved plans shall include the issuance of a building, electrical, or special use permit for any Battery Energy Storage Systems by a municipality within Westchester County.
3. This notification requirement shall not replace any requirement for local municipalities to refer applications for certain planning and zoning actions to the Westchester County Planning Department pursuant to New York General Municipal Law §239-m or Sections 277.61 and 277.71 of the Laws of Westchester County.
4. The notification to be provided to the Commissioner pursuant to subdivision 1 and 2 above shall include the following information:
 - A. Address of the (proposed) location of Battery Energy Storage Systems site:

- B. Zoning district designation for the parcel(s) of land comprising the project site;
- C. The size and capacity of the Battery Energy Storage System;
- D. Contact information, when available, for:
 - i. The owner of the Battery Energy Storage System site;
 - ii. The operator of the facility containing the Battery Energy Storage System; and
 - iii. The contractor or other individual responsible for installation of the Battery Energy Storage System.
- E. The following dates for the Battery Energy Storage System:
 - i. The date the Battery Energy Storage System components are expected to be on site, if known;
 - ii. The date the Battery Energy Storage System is expected to be operational and/or the date which the Battery Energy Storage System became operational, if known; and
 - iii. The date of the final inspection of the Battery Energy Storage System by the relevant permitting official of the municipality.

Section 2. Upon the effective date of this local law, the Commissioner, or their designee, shall notify forthwith the following individuals and bodies within each local municipality in Westchester County of the notification requirement established by this Local Law:

- A. Planning Board;
- B. Department of Planning;

C. Clerk; and

D. Chief Executive of.

Section 3. This Local Law shall take effect immediately.