

Battery Storage



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Young / Sommer LLC

Agenda

- ▶ **New York's Goals & Accomplishments**
- ▶ **Permitting at The Local Level**
- ▶ **Moratoriums**
- ▶ **Addressing Community Concerns**
- ▶ **NYSERDA Fire Recommendations & Updates**
- ▶ **Questions**





What New York Wants



1,500 MW of energy storage by 2025

3,000 MW of energy storage by 2030

Where New York Stands



343.93 MW of Total Capacity

5,290 Total Projects

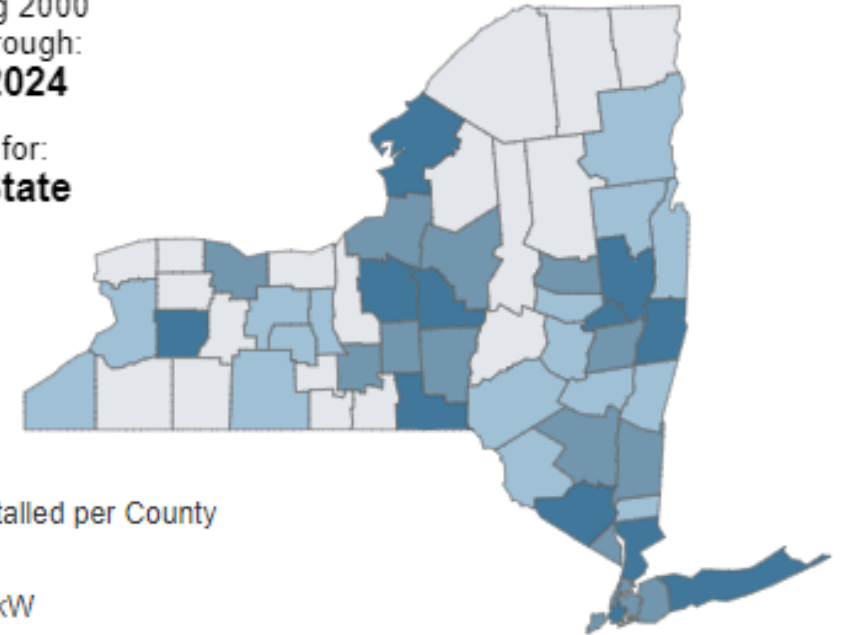
Where are these projects located?

▶ Top counties:

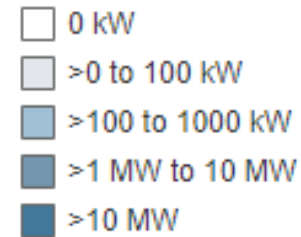
- ▶ Jefferson: 43 MW
- ▶ Orange: 36 MW
- ▶ Rensselaer: 25 MW
- ▶ Saratoga: 21 MW
- ▶ Suffolk: 21 MW
- ▶ Broome: 20 MW
- ▶ Wyoming: 20 MW

Data beginning 2000
and current through:
March 31, 2024

Showing Data for:
New York State



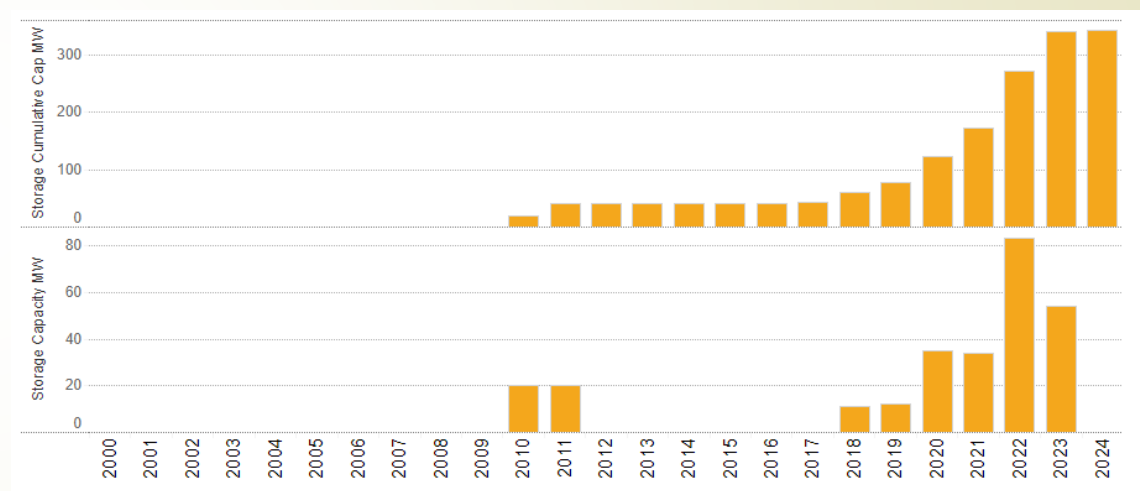
Megawatts installed per County



Source: NYSERDA

Storage Cumulative Cap

- ▶ Sharp Incline from 2020 to 2023
 - ▶ 122 MW to 340 MW
- ▶ Almost no increase from 2023 to 2024
 - ▶ 340 to 343
 - ▶ Why?




Source: NYSERDA

Siting in New York: What To Expect

- Regulated at the local municipal level and through the SEQRA process unless co-located with a large-scale renewable project undergoing the ORES siting process.
- Frequent municipal law structures:
 - Complete Battery Storage Law
 - Overlay Zone
 - Built into Solar Provisions
 - Nothing at all





Nothing At All? Now What?

- ▶ Look at potential uses in the existing code:
 - ▶ Broad enough?
 - ▶ Ex. “Utility,” “industrial,” etc.
- ▶ Beware of Prohibitive Provisions:
 - ▶ “All uses not expressly listed are prohibited.”
- ▶ Suggest the NYSERDA Model Law
- ▶ Seek interpretation from the municipality



New York City's Law

- ▶ Defined by output capacity
 - ▶ Accessory: cannot exceed designated limit over 10-hour period
 - ▶ Non-Accessory: Exceeds Accessory's output capacity
- ▶ Accessory:
 - ▶ Permitted in Residential, Commercial and Manufacturing zones
 - ▶ Requires: Building Permit and Fire Department review
- ▶ Non-Accessory:
 - ▶ Permitted in Residential (special use permit), Commercial (some require special use permit), and Manufacturing (as a right)

Moratoriums

- Although not new, a recent and significant uptick
- Recent fires have raised local concerns
- Hardship exemption
 - Constitutional right
- Ways to approach:
 - Maintain engagement with the municipality
 - Try to have your proposed project exempted
 - 2-years in the eyes of the New York Courts



How To Address Concerns

- ▶ Get in early
 - ▶ Conduct public outreach, to an extent
 - ▶ Understand the community's concerns
- ▶ Show what you have already done (technology wise) to prevent any issues
 - ▶ Have the facts and data points to back this up if asked
- ▶ Show what you plan to do (safety measures, response plans)
 - ▶ Emphasize the established fire code
- ▶ Invest in the community's needs



Proposed Recommendations for Fire Code Updates

- ❖ FCNYS 1206.8 Peer Review – Require industry-funded independent peer reviews for all projects.
- ❖ FCNYS 1206.13.3 Explosion Control – Expand the requirements for explosion control to include BESS cabinets in addition to rooms, areas, and walk-in units. Additionally, provide design requirements or language for what constitutes a “passable” system.
 - ❖ Specific internal committee assigned to this
- ❖ FCNYS 1206.7.1 Fire Mitigation Personnel – Require that qualified personnel are available for dispatch within 15 minutes and able to arrive on scene within four hours to provide support to local emergency responders.
 - ❖ Public Comments: “too expensive”
 - ❖ This was already included in IFC 2024
 - ❖ Will most likely remain

Proposed Recommendations for Fire Code Updates Cont.

- ❖ FCNYS 1206.9.2.1 Systems Monitoring – Update the Fire Code to ensure that Battery Management System (BMS) data is monitored by a 24/7 staffed Network Operations Center (NOC). Critical failure notifications should be immediately communicated to the site owner/operator to take corrective actions as necessary.
 - ❖ Public Comments: Surprisingly split, NYSERDA to address
 - ❖ Already in place in NYC
- ❖ FCNYS 1206.11.9 Security of Installations – Update the Fire Code to incorporate requirements for closed-circuit television (CCTV) systems, specifying their intended use as both a continuous monitoring tool and a post-event analysis resource.
 - ❖ From NYSERDA, there will be new language about being available to first responders when in route, “when possible”
 - ❖ Need to address duration of storage
- ❖ FCNYS 1206.2 Applicability – Remove the Fire Code exemption for BESS projects owned or operated by electrical utilities to ensure that all projects comply with the Fire Code.
 - ❖ Will mirror the IFC

Proposed Recommendations for Fire Code Additions

- ❖ Emergency Response Plans and Regular Fire Department Training - including a requirement for an Emergency Response Plan (ERP) and annual local first responder training for every BESS installation.
 - ❖ Overall positive feedback
 - ❖ Will be new language to assuage local fire departments that do not want training
 - ❖ Wherever possible = MUST
- ❖ Central Station Monitoring of BESS Facilities – Include a Fire Code requirement for monitoring of fire detection systems by a central station service alarm system to ensure timely, proper notification to the local fire department in the event of a fire alarm.
 - ❖ Unexpectedly controversial
 - ❖ Will move this to Considerations section
- ❖ Periodic Special Inspections – Introduce a new provision in the Fire Code mandating industry-funded special inspections for BESS installations to ensure thorough safety and compliance.
- ❖ Current Perceived Exemptions for BESS Cabinets – Include “cabinets” in all Fire Code requirements that pertain to rooms, areas, or walk-in units, except for fire suppression requirements, as they may be inappropriate for cabinets.



Additional Considerations

- ❖ Root Cause Analysis – The WG concluded that the Fire Code may not be the appropriate place to require a Root Cause Analysis (RCA).
- ❖ Water Supply – The WG recommends establishing guidance for water supply, including whether water is appropriate for different technologies, in an emergency response to a BESS fire and determining if more specific requirements are necessary.
- ❖ Transformers Containing Highly Flammable Materials – Recommend that the Code Council have further discussions around clearance distances of oil-insulated transformers from BESS.

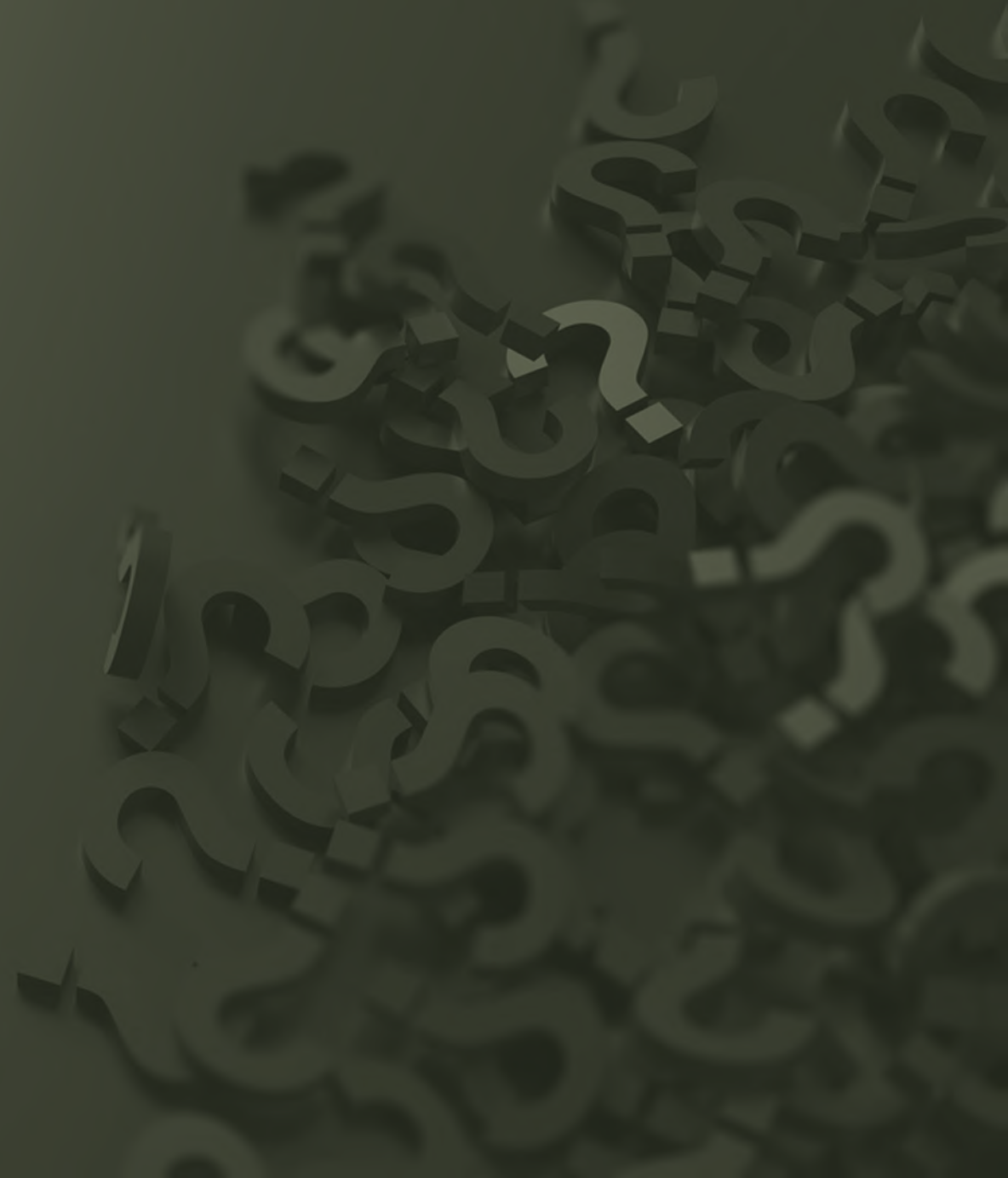
NYSERDA's Plan for Fire Recommendations

- Nothing is final, still in flux
- Updated Recommendations from public comments are supposed to come out in June
- Another round for a full SAPA review projected in September





Questions/Discussion



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