Section 12 Solar Law Addendum Battery Energy Storage Systems.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM: 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. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

A. Permitting requirements for all battery energy storage systems.
Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system shall be
   1. submitted prior to the issuance of a permit.
   2. Name, address, phone number, and signature of the project applicant, as well as all property owners, demonstrate their consent to the application and the use of the property for the battery energy storage system. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application.

B. Permitting requirements for small battery energy storage systems. Small Battery Energy Storage Systems shall be allowed in the Town and shall require a development permit. Small Battery Energy Storage Systems shall maintain a 400-foot minimum setback distance from any existing residential structure.

C. Permitting requirements for large energy battery storage systems. Large battery energy storage systems are permitted through the issuance of a special use permit and shall be subject to the following requirements and design standards. Any special permit application shall include the following information:
   1. Property lines and physical features, including roads, for the project site.
   2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, existing and proposed structures, exterior lighting, screening, and vegetation.
   3. A preliminary specification sheet that documents all proposed storage equipment to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a special use permit.

D. Decommissioning plan. The applicant shall submit a decommissioning plan in accordance with the New York State Uniform Fire Prevention and Building Code, to be implemented

upon abandonment and/or in conjunction with the removal of the facility. Decommissioning plan shall include:

1. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
3. The anticipated life of the battery energy storage system;
4. The estimated decommissioning costs and how said estimate was determined;
5. The method of ensuring that funds will be available for decommissioning and restoration;
6. The method by which the decommissioning cost will be kept current;
7. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed;
8. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

E. Decommissioning fund. The owner and/or operator of the energy storage system shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed financial institution. All costs of the financial security shall be borne by the applicant.

F. Ownership changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Town Board of such a change in ownership or operator 30 days prior to the ownership change. A new owner or operator must provide such notification to the Town Board in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Town Board in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this section.

G. Abandonment and removal of large battery energy storage systems. Large battery energy storage systems shall be considered abandoned when they cease to operate consistently for more than 12 consecutive months. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may enter the property and utilize the available bond or security for the removal of a large battery energy storage system and the restoration of the site in accordance with the decommissioning plan. Failure to comply with this section will result in enforcement action detailed in **Article 10.**

H. Administration and enforcement.

1. In order to verify that the battery energy storage system owner or operator and any and all lessees and renters place, construct, modify, and maintain the battery energy storage system in accordance with all applicable technical, safety, fire, building, and local codes, laws, ordinances, regulations, and other applicable requirements, the

Town may inspect all facets of placement, construction, modification, and maintenance.

2. Any inspections required by the Town that are beyond the Town's technical expertise or ability shall be conducted by third parties at the expense of the applicant.

I. Signage. Signage shall be in compliance with American National Standards Institute Z535 and shall include the type of technology associated with the battery energy storage system, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, 24-hour emergency contact information and any information required by the National Electric Code. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

J. Vegetation and tree cutting. Areas within 100 feet on each side of large battery energy storage systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover shall be permitted if they cannot readily transmit fire. Removal of trees shall be minimized to the extent possible outside the 100-foot radius of the large battery energy storage system.

K. Fencing and screening. Large battery energy storage systems, including all mechanical systems, shall be enclosed by fencing at least seven feet high, and 2 ft below grade with a self-locking gate to prevent unauthorized access (unless housed in a dedicated-use building) and not interfering with ventilation or exhaust ports. Large battery energy storage systems shall be screened to minimize adverse visual impacts by preserving natural vegetation and providing earth berms and landscaped screening to abut residential properties, public roads, public sites, and known areas of important views or vistas. Existing vegetation may be used to satisfy all or a portion of the required landscaping and screening. Any unhealthy vegetation shall be removed and replaced, immediately. The Planning Board has the right to waive the landscaping requirements for large battery energy storage systems where an applicant can demonstrate no impact on adjacent parcels.

L. Setbacks. Minimum setback from road right-of-way lines is 100 feet. Minimum setback from side lot lines is 300 feet. Minimum setback from rear lot lines is 200 feet. Minimum setback from any existing residential structures is 400 feet. The Planning Board may require greater setbacks if deemed necessary to lessen the impacts of the project on neighboring properties. The side and rear lot line setbacks for contiguous parcels that include facility components within one proposed project can be waived. Fencing, access roads and landscaping may occur within the setback.

M. Noise. The one-hour average noise generated from battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturers noise rating to demonstrate compliance. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

N. Lighting. Lighting of the battery energy storage system shall be limited to that minimally required for safety and operational purposes and shall be reasonable shielded and downcast from abutting properties.

O. Erosion and sediment control. Erosion and sediment control and stormwater management plans shall be prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

P. Engineering plans. Prior to the issuance of the special use permit or final approval by the Planning Board, but not required as part of the application, engineering plans must be signed and sealed by a NYS Licensed Professional Engineer.

Q. Emergency operations plan. A copy of the approved Emergency operation plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

1. System certification. Prior to the issuance of a development permit from the Enforcement Officer, the applicant must submit copies of all safety certifications to the Town Board and Enforcement Officer.
2. Site access. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and first responders in the area.
3. Large battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the most recent National Electric Code.
4. The applicant must ensure that appropriate and acceptable first responder training is available before commencing operations.

R. Emergency procedures. Procedures must include the following:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
2. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
3. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
4. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
5. Other procedures and schedules for conducting drills of these procedures and for training of and meeting with all local first responders (Fire Departments) on the contents of the plan and appropriate response, and safety procedures in accordance with the most recent New York State Fire Code guidance.

S. Host Municipal Agreement:

Town of Leyden shall be required to be Host Community and lead for any PILOT projects and agreements within the Town of Leyden boundaries.