HAMPTON BAYS CAC NOVEMBER 2022 MEETING MINUTES

Meeting Date: November 17, 2022
Meeting Time & Location: 7pm EST Zoom Meeting
HBCAC Meeting Zoom link
https://us02web.zoom.us/j/87034073959?pwd=MVpoMFFtNGRma2FaUU5ZK2drZFVsdz09

HBCAC website link: https://www.southamptontownny.gov/435/Hampton-Bays

Member Attendees: Kevin McDonald – Chairperson, Margaret Friedlander - Secretary; Molly Scruggs, Geraldine Spinella, Louise Stalzer, Amy Paradise, Dave McMorris, Ray D'Angelo, Christine Taylor, James Mackin

Guest Attendees: Maria Hults resident and President of the HBCA, Councilperson Rick Martel; Councilperson Cyndi McNamara, Legislative Aide May Zegarelli

Guest Speaker: Candace Rossi, CEM Senior Project Manager, NY-Sun NYS Energy Research Development Authority (NYSERDA)

Guest Speaker Topic: Battery Energy Storage Systems (BESS)

MEETING AGENDA

1. Guest speaker/presenter
    - Battery storage, site plan and best practice policies for NY (note we are not discussing individual projects—they have their own procedures for review)
2. Town Board members updates
    - Traffic matters update---Downtown issues—CVS, other developments if any.

HBCAC MEMBER VOTE

A unanimous vote of members in attendance was taken.

The Hampton Bays CAC strongly advises the Town of Southampton Board Members to comply with the NYSERDA Model Law and related guidelines provided in the New York State Battery Energy Storage System Guidelines for Local Governments, most-recently updated in December 2020 and any future updates. This document contains information and step-by-step instructions to support local governments in New York in managing the development of residential, commercial, and utility-scale BESS in their communities.

Because this is a relatively new technology application it's imperative that our Town Board proactively and collaboratively engage with the Planning Board, Fire Safety, Police Services, and all Authorities Having Jurisdiction (AHJs) to ensure best practices, defined by the Model Law and related best practice guidelines, are implemented.

Overview: The Model Law is intended to help local government officials and AHJs adopt legislation and regulations to responsibly accommodate battery energy storage systems in their communities. The Model Law lays out procedural frameworks and substantive requirements for residential, commercial, and utility-scale battery energy storage systems.

Refer to the New York State Battery Energy Storage System Guidelines for Local Governments 2020 attachment for the complete contents of the Model Law.

ATTACHMENTS

1. Candice Rossi provided the attachment of her 11/17/22 presentation to the HBCAC
2. New York State Battery Energy Storage System Guidelines for Local Governments 2020

HBCAC FOLLOW UP REQUESTS:

- A Southampton Town community work session, inclusive of all Town wide CACs and Civic groups who are interested, to discuss Battery Energy Storage Systems.
    - Key stakeholders should include: a NYSERDA representative; Michael Lieberman, Hampton Bays Long Range Planner and NYSERDA point person for the Town; Ryan Murphy, Hampton Bays Code Enforcement; and representatives from the Town Board, Planning Board and our Fire, Police, Ambulance services.
    - Consider including AHJs and Civic groups engaged in the planning and implementation of the Battery Energy Storage Systems in East Hampton and Montauk
- Confirmation of Fire Dept training and the status of an emergency response plan specific to Battery Energy Storage systems

CANDICE ROSSI GUEST SPEAKER PRESENTATION (see presentation deck attached)

- Candice Rossi specifically works for the Clean Energy Siting Team www.nyserda.ny.gov/Siting
- NYSERDA created clean energy guidebooks to assist local governments managing clean energy developments in their communities
- NYSERDA offers local governments free one-on-one technical assistance on topics including, but not limited to:
    - Property taxes & Payment-in-Lieu-of-Taxes (PILOTs)
    - SEQR process
    - Adopting clean energy zoning laws
    - Municipal procurement
    - Adopting & Implementing the Unified Solar Permit & Energy Storage Permit
- Introduction to Battery Energy Storage Systems (BESS)
- Overview: NYS goals, policies, and programs
- BESS fire safety & codes in NY State
    - Summer of 2019 NYSERDA worked with NY Dept of State to address BESS code requirements during which time 2021 codes were being drafted
    - An emergency rule was passed which adopted 2021 uniform codes for NY State and must be followed
    - A lot of codes are put in place to address fire risks and to prevent and/or contain fire and/or thermal runaway
    - The presentation deck provides 6 out of 100 slides about BESS fire codes for a quick overview
- Helpful Links
    - Clean Energy Siting Homepage www.nyserda.ny.gov/Siting
    - Battery Energy Storage Guidebook www.nyserda.ny.gov/StorageGuidebook
- *Follow up information received from Candice Rossi on 11/22/22 copied and pasted below.*

  I have provided below some information regarding Ralph's {Ray D'Angelo's} question re: battery failures.

  The data regarding cell failure is a little more complicated, as there are different chemistries even within lithium-ion batteries, and also, there are different configurations and different safety features in each project depending on the local codes. I would note again, that NYS has some of the most stringent codes in the county, so NYS projects will likely have more safety features than some of the batteries that have failed in the past.

The Electric Power Research Institute (EPRI) has a journal article *As Lithium-ion Batteries Scale, Mitigation the Risk of Fires Becomes More Important*, *https://eprijournal.com/a-focus-on-battery-energy-storage-safety/* which has this information published; "EPRI's battery energy storage system database has tracked over 50 utility-scale battery failures, most of which occurred in the last four years. One fire resulted in life-threatening injuries to first responders. These incidents represent a 1 to 2 percent failure rate across the 12.5 GWh of lithium-ion battery energy storage worldwide." Its important to note, that failure does not always result in fire, and only 1 incident out of 50 failures tracked led to injuries to first responders. I would assume that the 1 incident they are referring to is the one in Surprise, Arizona in April 2019 (which actually led to us working with DOS to upgrade NYS' codes) and that system was installed on a utility site on, I believe, the 2012 ICC codes, which we are utilizing the 2021 ICC codes in NYS. There has also been a lot of lessons learned from that incident in regards to incident management for battery failures. I do think the article does a good job of putting this into perspective.

They also keep a database of BESS Failure Events worldwide that is available here. https://storagewiki.epri.com/index.php/BESS_Failure_Event_Database

Q&A

Q: Margaret Friedlander
Was the Battery Energy Storage System Guidelines and other relevant information provided to the Southampton Town Board and/or the Southampton Town Planning Board?

A: Guest Speaker
Her colleague Bill worked with Michael Lieberman on the Model Law. Per Rick Martel, Michael Lieberman is the Towns NYSERDA contact at Town Hall.

Q: Kevin McDonald
Are you finding most municipalities are following the model law, and compliance is good and comprehensive, and does it appear to be working?

A: Guest Speaker
Yes from what we can see at this point. I was in Buffalo and there's a 20-megawatt site and the town adopted our Model Law, and the team is helping to train the local fire department. Town fire codes can only do so much and there are some parts of the Model Law the identify having an emergency operations response plan which shows you're actually complying with all fire safety recommendations per the Model Law

Q: Margaret Friedlander
What's your experience with other locals that are installing Battery Energy Storage Systems when it comes to Authorities Having Jurisdiction (AHJs) successfully working and planning together to ensure compliance with the Model Law?

The Model Law (is guidance, and not literally "a law") also mentions the appointment of a Battery Energy Storage Task Force that include residents, businesses, interested Non-Profit organizations, utilities, relevant municipal officials.

In the Town of Southampton, the Planning Board cannot comment on what's before the Town Board and The Town Board cannot comment on what's before the Planning Board. How then can we ensure there's a cohesive plan and approach to siting and building Battery Energy Storage Systems that comply with Model Law if everyone is working in silos?

I was the person who provided the NYSERDA Guidelines to our Southampton Town Planning Board in March of 2022, and at the time, they were unaware of these Guidelines and the Board agreed they needed to educate themselves about this subject.

A: Guest Speaker
Model Law and NYSERDA Guidelines encourage best practice. It should be all stakeholders at the table collaborating. Much of what needs to be signed-off on are regulations that fall within the fire code, and this requires the fire code official signing off on specific things. **In the law itself - Fire training is required as part of a BESS Site Plan application and special use permit application.**
A lot can be hit or miss -- some towns are collaborative and others not, but we can only encourage people, we can't hand hold.

Margaret Friedlander
I encourage our Councilpersons Rick Martel and Cyndi McNamara who are on this Zoom call to take note of the above, read the NYSERDA Model Law and Guidelines, and follow up accordingly to ensure all AHJs are informed and working collaboratively

Q: Margaret Friedlander
Permitting for Tier 2 Bess that calls for onsite utility lines to be placed underground to the extent feasible and as permitted by the serving utility… (see pages 9-10 in the Guidebook)

Would it be accurate to say if it cost less money and is more convenient to keep utility lines above ground vs underground – this is an option?

A: Guest Speaker
The Model Law recommends utility lines be underground, but it depends on the utility and site. Most communities don't want to see more wires. Cost is born by the energy storage owner, not the utility or the Town

Q: Geraldine Spinella
Are you involved in any of the companies that want to build Battery Energy Storage Systems in Hampton Bays?

There are Battery Energy Storage projects in Hampton Bays already before the Planning Board. These should not be located in residential neighborhoods. We should be seeing a plan from our Fire Marshal before anything moves forward.

What is the cost to homeowners?

A: Guest Speaker
No, I don't even know who these companies are. We are just working with local governments to give them information. The Battery Storage owner would be charged by, and will be paying, the utility company. There is no additional cost to the residents.

Q: Margaret Friedlander
What percentage of Battery Storage Energy Systems are sited in rural more isolated areas and in more populated city or suburb site locations? Where are a lot of these being sited?

A: Guest Speaker
I don't have that information off-hand or data points I can reference. A lot of them are being Upstate NY which happens to be more rural.

Q: Ray D'Angelo
What is the failure rate of these batteries?
And is there any noise, like a hum, associated with these facilities?
Some facts not related to Battery Storage Systems: Lithium-ion batteries have a propensity to catch fire. This year in NY State there have been over 200 fires related to lithium-ion batteries with 6 fatalities and over 135 injuries. We have to be really careful where we site these Battery Energy Storage Systems.

A: Guest Speaker

I don't have specific information regarding failure rates. It is fairly low, but I don't have specific data points. There is some noise – kind of similar to a transformer. They're definitely not as loud as a window installed air conditioner and the sound dissipates pretty quickly. One site I visited I could hear something inside the fence, but not outside.

There are differences between mobile and stationary lithium battery units. Mobile units (like e-bikes) are harder to regulate, and the stationary units have a more substantial codes and protection measures. They have similar technologies, but different code requirements and safety measures.

Follow Up information from guest speaker requested: What is the engineer specification of the range of reasonable failure rates?

COMMENTS

Councilperson Rick Martell

Michael Lieberman, Planner, is working with NYSERDA. He's updated the Town Board a little bit about sustainability and is the person to have deeper discussions with. And Ryan Murphy, briefed the Board on NY State code for Battery Storage Systems. I don't think any additional recommendations have been made to the NY State code, but I can find out. "Just as Ray is concerned about safety, so am I. I want to make sure our Fire Dept is trained and ready."

Chair, Kevin McDonald

It would be good to have a work session about this topic to inform and lead the proper siting of these Battery Energy Storage Systems without discussing specific projects in front of the Planning Board.

Margaret Friedlander

Based on NYSERDA Model Law and best practice guidelines the subject of and resulting discussions and planning for Battery Energy Storage Systems should not be siloed, and it's important that the Planning Board and the Town Board not continue with a "Chinese Wall" approach.

A Chinese wall in business is a virtual barrier erected to block the sharing of information among groups or individuals within the same organization from sharing information that could create a conflict of interest.

There should be no conflict of interest amongst all Authorities Having Jurisdiction (AHJs) if the goal is to ensure there's a cohesive plan, approach, and codes re: siting, safety, et al, related to Battery Energy Storage Systems that comply with NYSERDA Model Law and best practices.

There should be no conflict of interest when it comes to the safety of our community and the Town Board must proactively engage all AHJs inclusive of the Planning Board, Police, Fire, Ambulance, et al.

I call for a vote from the CAC about this subject

Councilperson Cyndi McNamara

This {Battery Energy Storage Systems} is a new code.

We are going to have a public hearing on December 13, 2022, on our Solar Code. Planning does a great job and they put a lot of work and time into making sure these codes, if anything, are more stringent than the State requires. The Solar Code is a great example. There are already planned projects awaiting the Solar Code. I anticipate us adopting the code and then these projects will come before the Planning Board very quickly.

I think they {the Planning Board} did take a step back on Battery Energy Storage Systems so they could get some training – which they have done. We're taking our time with the code to get it right so when it {Battery Energy Storage Systems} comes up the guidelines are all there. I know the

Planning Board worked with Code and won't make any decisions until they have all the information they need. Not sure if they worked with NYSERDA directly, but to say they didn't have the actual manual, maybe they didn't, but I know people on the Planning Board, and they wouldn't make any decisions until they had the information they needed.

Margaret Friedlander
The Planning Board was very transparent about needing to be educated when I participated in two remote work sessions. And I did provide them with the NYSERDA Guidelines in March of 2022 which they admitted they were unaware of and unfamiliar with. It's important to ensure that all AHJs, including the Fire Marshall, Ambulance, Police… are all working together. Their services are inextricably linked when it comes to Battery Energy Storage Systems safety and response plan.

Cyndi McNamara
I can tell you 100% that our Fire Department have this {Battery Energy Storage System Fire} training

Kevin McDonald
I'm not critical often, but when you make an inquiry to the Fire Department Fire Marshall's office, the response is we'll take a look at it when we get the referral. This is probably not the best response.

So, our message to our Councilpersons is there are people who are concerned and want to be sure that all the I's dotted and T's crossed that something new and different never done before is done with a rigorous review and not something less.

Geraldine Spinella
One of the site locations for a BESS in Hampton Bays is surrounded by homes and business, it's located right on Montauk Hwy {302 & 310 W. Montauk Highway} and backs up against the railroad tracks. The property has already been purchased – so what can be done to ensure everyone's safety after the fact? These should be sited in an industrial park. I asked the Fire Dept in the Spring if they were aware of Battery Energy Storage Systems proposed in Hampton Bays and did they have any experience with any type of lithium battery fires? They said no they were not aware and did not have any experience; and heck I wouldn't want to put out one of those fires because you almost can't.

Margaret Friedlander
There may be some relevant learnings based on the East Hampton and Montauk Battery Energy Storage Systems.

- East Hampton Site location is 3 Cove Hollow Road
- Montauk Site location, per the East Hampton Star, is a triangular parcel less than a half-acre in size, bordered to the north by the Long Island Railroad tracks and to the west by North Shore Road. The site location is surrounded by major FEMA flood zones, and is only about 100 yards in either direction from Fort Pond and Fort Pond Bay}.