

# **Proposed Local Law Number 12 Of 2025**

## **County Of Ulster**

### **A Local Law To Require Notification To The Department Of Emergency Communications/ Emergency Management Of Battery Energy Storage Systems (BESS) By Local Municipalities In The County Of Ulster**

**BE IT ENACTED**, by the County Legislature of the County of Ulster, New York, as follows:

#### **SECTION 1. TITLE.**

This Local Law shall be known and referred to as the “Ulster County Battery Energy Storage Systems Notification Law”.

#### **SECTION 2. LEGISLATIVE INTENT AND FINDINGS.**

The proposed law would require all local municipalities within Ulster County to provide written notification to the Ulster County Department Of Emergency Communications/ Emergency Management for all new and existing nonresidential Battery Energy Storage Systems permitted, installed, or modified in Ulster 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 of Ulster 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 Ulster County. Specifically, this notification requirement will allow Ulster County Department of Emergency Communications/ Emergency Management 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, to mitigate potential fire emergencies within the County.

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Having advanced knowledge of the presence of a BESS at a location will allow the Department of Emergency Communications/ Emergency Management to better assess, plan for and mitigate damage from accidents or incidents and the risks to the first responders at any such BESS location.

As such, this law mandates local municipalities to provide written notification to the Director of the Department of Emergency Communications/ Emergency Management of any existing BESS in the municipality as well as of any approval of plans for new BESS in the municipality or modifications to existing BESS.

#### **SECTION 3. DEFINITIONS.**

As used in this local law the following terms shall have the meanings indicated:

- A. Battery:** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products or in a residential application are excluded from these requirements, which requirements only apply to non-residential commercial applications.
- B. Battery Energy Storage Systems (BESS):** 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 and all such systems shall be subject to this law regardless of Tier classification:
  - 1) 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.

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- 2) 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.

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

#### **SECTION 4. BESS NOTIFICATION REQUIREMENTS.**

All local municipalities within Ulster County are required to provide written notification to the Director of the Ulster County Department Of Emergency Communications/ Emergency Management of any existing BESS in the municipality as well as of any approval of plans for any new BESS in the municipality or of any modifications to any existing BESS.

Such written notification to the Director shall be promptly made and shall include the following items: (1) address of the location or 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.

#### **SECTION 5. SEVERABILITY.**

In the event that any portion of this Local Law is found to be preempted by state law, or otherwise invalidated, such finding will not have any effect on either the remaining portions or applications of this Local Law or any provisions of the Ulster County Charter, which shall remain in full force and effect.

#### **SECTION 6. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon its filing with the New York State Secretary of State.