# STATE OF NEW YORK

7727

2023-2024 Regular Sessions

# IN ASSEMBLY

June 6, 2023

Introduced by M. of A. PIROZZOLO -- read once and referred to the Committee on Cities

AN ACT in relation to requiring Richmond county to establish a hazards annex to the Richmond county emergency management plan for certain fixed energy storage facilities; and providing for the repeal of such provisions upon expiration thereof

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Richmond county is hereby directed to establish a hazards annex to the Richmond County Emergency Management Plan for fixed energy storage facilities housing lithium-ion batteries within 2 years of the effective date of this section. The hazards annex shall be applicable to energy storage facilities placed or planned to be placed in assembly district 63.

§ 2. Richmond county shall update emergency management plans concurrently and in coordination with the Division of Homeland Securities' Disaster Preparedness Commission as it updates guidance on fixed energy storage facilities housing lithium-ion batteries, including those placed or planned to be placed in assembly district 63.

§ 3. Prior to the approval and issuance of any federal, state, and/or local government permits for any proposed energy storage facility housing lithium-ion batteries in Richmond county, including those placed or planned to be placed in assembly district 63, the New York State Office of Fire Prevention and Control, the New York State Energy Research and Development Authority, and the Department of Environmental Conservation shall jointly inspect the site and shall approve its location to ensure that appropriate safety setbacks are being adhered to. Considerations for safety setbacks shall include, but not be limited to, major fire risks and release of hazardous fumes, as well as prevailing wind patterns that could affect the spread of the fumes, due to fires at the proposed energy facility with respect to:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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a. Potential bystanders;
b. Buildings and equipment not related to the energy storage facility;
c. Schools and nursing homes;
d. Shopping centers;
e. Sports, athletic and other recreational facilities;
f. Disadvantaged communities, especially the rural poor, and any potential displacement that could occur;
g. Farmland;
h. State parks;
i. Wildlife; and
j. Water tables, Watersheds, and Viewsheds.

Considerations for safety setbacks shall also include ensuring compliance with New York City Fire Department Rule 3 RCNY 608-01, as well as compliance with applicable Federal Occupational Safety and Health Administration standards, including but not limited to Hazardous Materials Standard 1910.119 and Toxic and Hazardous Substances Standard 1910.1200.

§ 4. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2032; provided, however, that section three of this act shall take effect upon completion of the hazards annex required pursuant to section one of this act; provided further, however, that the county executive of Richmond county shall notify the legislative bill drafting commission upon the completion of the hazards annex required pursuant to section one of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.