STATE OF NEW YORK

3297--B

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. PIROZZOLO, FALL, TANNOUSIS, E. BROWN, DeSTEFANO -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend to the general municipal law, in relation to prohibiting the siting of battery energy storage system sites in assembly district 63 as established by chapter 127 of the laws of 2023; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Legislative intent. It is the intent of this Legislature to protect New York State from the adverse effects of the siting of battery energy storage systems and related facilities and infrastructure in most instances, including but not limited to air pollution and the risk of explosions. The cumulative impact of spewing toxic fumes into the air and the potential for explosions in such close proximity to homes, schools, churches, playgrounds, and small businesses would prompt extremely negative effects on the public health and safety of the local community.

The Legislature hereby determines that the public interest requires a prohibition on the siting of battery energy storage systems and related facilities and infrastructure in assembly district 63, in most instances.

§ 2. The general municipal law is amended by adding a new section 137 to read as follows:

§ 137. Battery energy storage systems; prohibition in assembly district sixty-three. 1. Definition. For the purposes of this section, "battery energy storage system" shall mean one or more devices, assem-

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

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bled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system shall be classified as a tier one or tier two battery energy storage system as follows: (a) tier one battery energy storage systems shall possess an aggregate energy capacity less than or equal to six hundred kilowatt hours and, if in a room or enclosed area, consist of only a single energy storage system technology; (b) tier two battery energy storage systems shall possess an aggregate energy capacity greater than six hundred kilowatt hours or are comprised of more than one storage battery technology in a room or enclosed area.

2. Notwithstanding any other law, rule, or regulation to the contrary, the future siting and construction of battery energy storage systems and related facilities, systems, infrastructure, and substations of any scale and possessing any storage capacity and including, but not limited to, those deploying lithium-ion batteries, is hereby prohibited in assembly district sixty-three. No permit shall be issued for the approval or construction thereof, including those reserved for utility or commercial use, with the exception of those sited for use in industrial zones, along with those reserved for small-scale residential applications.

§ 3. This act shall take effect immediately and shall apply to siting permit applications pending as of such effective date; provided, however, that this act shall expire and be deemed repealed December 31, 2032.