

STATE OF NEW YORK

8141

2025-2026 Regular Sessions

IN ASSEMBLY

May 1, 2025

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

AN ACT to amend the energy law, the public service law and the public authorities law, in relation to mandatory notice to elected officials of battery energy storage system siting proposals and mandatory periodic updates throughout the entirety of the siting proposal process

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

1 Section 1. The energy law is amended by adding a new article 22 to
2 read as follows:

ARTICLE 22

BATTERY ENERGY STORAGE SYSTEM NOTICE

Section 22-101. Definitions.

22-103. Mandatory notice to elected officials of battery energy storage system siting proposals.

8 § 22-101. Definitions. As used in this article, the following terms
9 shall have the following meanings:

10 1. "Applicant" means a developer or other entity or individual propos-
11 ing a battery energy storage system.

12 2. "Battery energy storage site" means for purposes of the siting of
13 battery energy storage systems (BESSs), both those that are standalone
14 BESSs, those that are tied to a major renewable energy facility or major
15 electric transmission facility as defined in section one hundred forty-
16 nine of the public service law, as well as storage sites as well as such
17 term is defined in section nineteen hundred one of the public authori-
18 ties law, shall be defined as a site housing a BESS equipped with
19 rechargeable batteries that can store electricity from the grid or,
20 directly or indirectly, from, for example, renewable sources like solar
21 and wind power, to be released later when needed, helping to balance
22 energy supply and demand, and whereby BESS denotes one or more devices,
23 assembled together, capable of storing energy in order to supply elec-

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

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1 trical energy at a future time, not to include a stand-alone twelve-volt
2 car battery or an electric motor vehicle, and which is classified as a
3 tier one or tier two battery energy storage system as follows: (a) tier
4 one battery energy storage systems shall possess an aggregate energy
5 capacity less than or equal to six hundred kilowatt hours and, if in a
6 room or enclosed area, consist of only a single energy storage system
7 technology; (b) tier two battery energy storage systems shall possess an
8 aggregate energy capacity greater than six hundred kilowatt hours or are
9 comprised of more than one storage battery technology in a room or
10 enclosed area. Neither "battery energy storage site" nor "battery energy
11 storage system" shall include those reserved for use in industrial
12 zones, nor those reserved for small-scale residential applications.

13 3. "Elected state official" means the senator representing the senate
14 district in which the facility is proposed to be sited and the assembly-
15 member representing the assembly district in which the facility is
16 proposed to be sited.

17 4. "Filing" means all filings associated with the proposed siting of a
18 battery energy storage system.

19 5. "Municipality" means any village, town, city, or county.

20 § 22-103. Mandatory notice to elected officials of battery energy
21 storage system siting proposals. 1. Notwithstanding any other law, rule,
22 or regulation to the contrary, all governmental entities engaged in any
23 stage of the battery energy storage system siting proposal process shall
24 furnish elected state officials with notice of filings associated with
25 proposed battery energy storage sites and systems throughout the entire-
26 ty of the siting proposal process. Governmental entities shall include,
27 but not be limited to, municipalities and their town councils and town
28 boards, as well as zoning boards, siting boards, planning boards, and
29 entities operating under similar missions and duties; community boards;
30 and, where relevant, the public service commission and its department of
31 public service's office of renewable energy siting, as well as the New
32 York state energy research and development authority.

33 2. Elected state officials shall be entitled to receive notice by the
34 governmental entity no later than ten business days after the applicant
35 makes each filing with any of the governmental entities referenced in
36 subdivision one of this section.

37 3. A notice form shall be sent via one piece of priority mail or one
38 standard box dispatched to the elected official's district office or
39 offices and an e-mail communication, with the recipient e-mail address
40 being that of the state elected official's publicly-available e-mail
41 address with the stem of @nysenate.gov or @nyassembly.gov.

42 4. The notice form pursuant to subdivision three of this section shall
43 contain a copy of all the contents contained in the original filing. An
44 exception shall be made for disclosures of content that would result in
45 the disclosure of trade secrets, and applicants shall be permitted to
46 redact said content, provided, however, such content shall not redact
47 the components of a lithium-ion battery, all battery modules which house
48 battery cells, the presence of a battery management system, and the
49 presence of vented deflagration systems, dust explosion venting systems,
50 and gas explosion venting systems in the facility.

51 5. ORES shall communicate the link to its most up-to-date statewide
52 map located on its website, as referenced in subdivision five of section
53 one hundred thirty-eight of the public service law.

54 6. The penalty levied for failing to furnish notice to elected state
55 officials shall be between one thousand to ten thousand dollars each day

1 past the ten-day period, at the discretion of the department of public
2 service.

3 § 2. The public service law is amended by adding a new section 149 to
4 read as follows:

5 § 149. Battery energy storage site and system mandatory notice related
6 to siting major renewable energy facilities and siting major renewable
7 electric transmission facilities. 1. For the purposes of this section,
8 the following terms shall have the following meanings:

9 (a) "Applicant" shall have the same meaning as defined in section
10 22-101 of the energy law.

11 (b) "Battery energy storage site" shall mean for purposes of the
12 siting of a major renewable energy facility, shall not include stand-
13 alone battery energy storage systems (BESSs), shall be defined as a site
14 housing a BESS equipped with rechargeable batteries that can store elec-
15 tricity from the grid or, directly or indirectly, from renewable sources
16 like solar and wind power, to be released later when needed, helping to
17 balance energy supply and demand, where "battery energy storage system"
18 denotes one or more devices, assembled together, capable of storing
19 energy in order to supply electrical energy at a future time, not to
20 include a stand-alone twelve-volt car battery or an electric motor vehi-
21 cle, and which is classified as a tier one or tier two battery energy
22 storage system as follows: (a) tier one battery energy storage systems
23 shall possess an aggregate energy capacity less than or equal to six
24 hundred kilowatt hours and, if in a room or enclosed area, consist of
25 only a single energy storage system technology; (b) tier two battery
26 energy storage systems shall possess an aggregate energy capacity great-
27 er than six hundred kilowatt hours or are comprised of more than one
28 storage battery technology in a room or enclosed area. Neither "battery
29 energy storage site" nor "battery energy storage system" shall include
30 those reserved for use in industrial zones, nor those reserved for
31 small-scale residential applications.

32 (c) "Elected state official" shall have the same meaning as defined in
33 section 22-101 of the energy law.

34 (d) "Filing" shall have the same meaning as defined in section 22-101
35 of the energy law.

36 2. Notwithstanding any other law, rule, or regulation to the contrary,
37 all governmental entities engaged in any stage of the battery energy
38 storage system siting proposal process shall furnish elected state offi-
39 cials with notice of filings associated with proposed battery energy
40 storage sites and systems throughout the entirety of the siting proposal
41 process. Governmental entities shall include, but not be limited to,
42 municipalities and their town councils and town boards, as well as
43 zoning boards, siting boards, planning boards, and entities operating
44 under similar missions and duties; community boards; and, where rele-
45 vant, the public service commission and its department of public
46 service's office of renewable energy siting.

47 3. Elected state officials shall be entitled to receive notice by the
48 governmental entity no later than ten business days after the applicant
49 makes each filing with any of the governmental entities referenced in
50 subdivision one of this section.

51 4. A notice form shall be sent via one piece of priority mail or one
52 standard box dispatched to the elected official's district office or
53 offices and an e-mail communication, with the recipient e-mail address
54 being that of the state elected official's publicly-available e-mail
55 address with the stem of @nysenate.gov or @nyassembly.gov.

5. The notice form pursuant to subdivision four of this section shall contain a copy of all the contents contained in the original filing. An exception shall be made for disclosures of content that would result in the disclosure of trade secrets, and applicants shall be permitted to redact said content, provided, however, such content shall not redact the components of a lithium-ion battery, all battery modules which house battery cells, the presence of a battery management system, and the presence of vented deflagration systems, dust explosion venting systems, and gas explosion venting systems in the facility.

6. ORES shall communicate the link to its most up-to-date statewide map located on its website, as referenced in subdivision five of section one hundred thirty-eight of this article.

7. The penalty levied for failing to furnish notice to elected state officials shall be between one thousand to ten thousand dollars each day past the ten-day period, at the discretion of the department.

§ 3. Section 1901 of the public authorities law is amended by adding a new subdivision 10 to read as follows:

10. "Battery energy storage system" shall have the same meaning as such term is defined in subdivision eight of this section when accompanying a build-ready site that is considered a major renewable energy facility, but only regarding paired qualified energy storage systems and battery energy storage systems as such terms are defined in section 22-101 of the energy law and section one hundred forty-nine of the public service law.

§ 4. Subdivision 3 of section 1902 of the public authorities law, as amended by section 5 of part M of chapter 58 of the laws of 2024, is amended to read as follows:

3. Establish procedures and protocols for the purpose of establishment and transfer of build-ready sites which shall include, at a minimum: (a) written notice at the earliest practicable time to a municipality in which a potential build-ready site has been identified~~[, provided however, that]~~ and, when an accompanying battery energy storage system (BESS) is being proposed, written notice by the municipality and related governmental entities engaged in the siting proposal process, including the authority [shall not deem any site for qualified energy storage systems suitable without first consulting any municipalities with jurisdiction over the potential], to elected state officials representing, respectively, the senate and assembly districts in which the build-ready site and [obtaining their approval] BESS are proposed to be sited, subject to penalties between one thousand dollars and ten thousand dollars levied by the attorney general for non-compliance with the latter directive; and (b) a preliminary screening process to determine, in consultation with the department of environmental conservation, whether the potential build-ready site is located in or near an environmental justice area and whether an environmental justice area would be adversely affected by development of a build-ready site;

§ 5. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

1 § 6. This act shall take effect immediately and shall apply to pending
2 siting permit applications; provided, however, that the amendments to
3 section 149 of the public service law made by section two and sections
4 1901 and 1902 of the public authorities law made by sections three and
5 four of this act shall not affect the repeal of such sections and shall
6 be deemed repealed therewith.