

Battery Energy Storage Systems
Proposed Legislation, Re:
Moratorium and Minimum Safety Standards

Adopt a temporary moratorium on the consideration, approval, funding, permitting, construction and operation of battery energy storage systems (“BESS”) until the State adopts minimum standards relating to the protection of public health, safety and welfare. These standards should include:

1. Minimum setback/separation requirements.
2. A mandatory process for identifying resources needed to respond to thermal runaway and other emergency events, and requiring BESS operators to fund the cost of such resources.
3. A mandatory process for evaluating the operational and safety records of the specific type, technology, manufacturer and components of the batteries that will be utilized in the BESS.
4. Minimum best practices/standards for the protection of ground water, surface water, air quality and other natural and environmental resources in the event of thermal runaway or other emergency event, and requiring BESS operators to fund the cost of providing such protections.
5. A mandatory requirement that BESS operators provide bonds or other sufficient security to ensure compliance with the adopted standards.
6. A mandatory requirement that BESS operators maintain adequate insurance to cover the cost of loss or damages caused by the BESS.
7. A requirement that BESS operators respond with corporate personnel within two hours of the inception of a thermal runaway or other emergency event.
8. A requirement that all proposed BESS facilities obtain a Certificate of Environmental Compatibility and Public Need pursuant to CSG 16-50k.