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February 20, 2024

Maura Weissleder, Deputy Town Clerk
Town of Yorktown Town Board
363 Underhill Avenue
Yorktown Heights, NY 10598

Re: **Proposed Amendment to Chapter 300 "Zoning"**
Moratorium - Large Scale Energy
Town of Yorktown; Westchester County
DEP Log #: 2024-MUL-0058-SQ.1

Dear Ms. Weissleder and Members of the Town Board:

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Yorktown Town Board's (Board) referral for a proposed local law amendment.

The proposed action involves an amendment to Chapter 300 Zoning. The local law's purpose is to establish a temporary moratorium on the issuance of building permits, special permits, certificates of occupancy and site plans for the approval, construction, establishment and/or operation of new "Large-Scale Solar Energy System" within the limits of the Town of Yorktown.

Based upon review of the circulated draft local law, DEP respectfully submits the following comments for the Board's consideration:

1. Given the unique nature of large-scale solar energy systems and associated battery energy storage systems and the limited available public information about the potential adverse environmental impacts of such facilities, DEP supports the moratorium which will enable the Town Board to thoroughly review potential adverse impacts to health, safety, welfare and quality of life, draft proposed new regulations, and enact new regulations for these establishments.

2. The Board should consider whether stormwater associated with these facilities is considered "hot spot" runoff pursuant to NYS standards. Stormwater from designated hotspots may not be infiltrated to groundwater unless the runoff receives dual treatment.

3. Projects sponsors should confirm the type of batteries used in the energy storage systems. It is understood that lithium-ion batteries make up 90% of the energy storage systems market, however lead, sodium-sulfur, and zinc-based batteries are among other available options. Lead-acid batteries, in particular, are eco-friendly as the average lead battery is made-up of more than 80% recycled materials.

4. The facilities must include industry standard design features to significantly reduce the potential of a spill or leak and must be designed to provide secondary containment. All releases of potentially hazardous materials should be handled in accordance with the waste and hazardous materials plan, emergency response plan, or other applicable O&M plan for each facility. Additionally, project sponsors should clarify whether the facility will meet the latest National Fire Protection Association *Standards for the Installation of Energy Storage Systems*.

5. The Board should assess whether the local fire departments are equipped to manage fires at these facilities, what types of fire suppression chemicals are required, and which controls are required to manage and capture excess fire suppressants.

6. The responsible fire department(s) should develop pre-incident plans for responding to fires, explosions, and other emergency conditions associated with these facilities. The pre-incident plans should identify any surface water features or stormwater management structures that may be impacted by excess fire suppressants.

7. These facilities are often located outdoors and exposed to extreme temperatures, severe weather, humidity, and dust, and the batteries themselves generate heat when charged and discharged. As such, active cooling must be incorporated to maintain an ideal temperature range. Historically, lithium-ion energy storage systems feature an air-cooling system meaning that the air around the modules is regulated, however liquid-cooled systems which involve a water-glycol mixture can also be utilized to chill battery cells. The project sponsors should clarify which type of cooling system is proposed and how spills will be managed if a liquid-based cooling system is utilized.

8. The project sponsors should be required to assess the battery storage system for damage during routine O&M inspections. Damaged systems should be handled in accordance with manufacturers specifications and damaged or spent batteries must be removed from the site and disposed of or recycled in accordance with federal and state laws.

Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,

Cynthia Garcia

Cynthia Garcia, Supervisor
SEQRA Coordination Section

X: J. Petronella, NYSDEC Region 3
B. Lopez, WCPD