

# TOWARDS A SAFE & RESPONSIBLE ENERGY TRANSITION

*A statement by Wendell No Assault & Batteries March 4, 2024*



The Battery Energy Storage System (BESS) industry says it wants to transition our state to a clean energy future. But to make that transition happen in a responsible and safe manner, it is critical that comprehensive safety standards are in place. Other states like California and New York are struggling with the same public safety challenges we face here in Massachusetts.

The Commonwealth has compounded the challenges of clean energy transition by mandating that private, for-profit corporations can develop solar and BESS while being “protected” from all local zoning rules. The state is not only forcing towns to accept these projects by right---but also gives corporations the power to dictate where projects will be located and how big they will be. Local towns are unable to control land use for these

projects, while corporations sell stored electricity with no energy benefit for the host community. This situation is an abuse of power and an affront to the concept of home rule. Because the issue of lithium-ion technology is a public health and safety concern, the state should support small communities that object to having their local bylaws totally overridden by the state.

A general bylaw we have written for the Town of Wendell addresses the licensing of Battery Energy Storage Systems (BESS), including those powered by lithium-ion batteries. It was written to protect the health, safety, and welfare of Wendell residents and the town's natural and built environment.

According to the National Fire Protection Association (NFPA): "While these batteries can provide an effective and efficient source of power, the likelihood of them overheating, catching on fire, and even leading to explosions increases when they are damaged or improperly used, charged, or stored." The BESS industry has been observing more field failures resulting in fires and explosions. Lithium-ion batteries contain flammable electrolytes, which can create unique hazards when the battery cell becomes compromised and enters thermal runaway. The Massachusetts Dept. of Public Utilities has acknowledged that with BESS, "a zero-risk performance standard is unattainable." By responsibly regulating and managing the hazards associated with this energy technology, the new bylaw seeks to minimize risks to the health safety and welfare of the Wendell community.

The proposed project site is surrounded by mature forests, at risk from construction as well as fire hazards. Pursuant to the recent Report of the Climate Forestry Committee's

recommendations for climate-oriented forests management guidelines, “every acre of forest lost to conversion represents a loss of stored carbon to the atmosphere as well as a loss of future carbon sequestration.” The proposed Wendell bylaw limits unnecessary forest land conversion and clear-cutting, reducing the loss of all other forest benefits, and promotes the reuse of already developed sites for battery energy storage systems. It helps keeps “forests as forests.”

The bylaw adds new definitions for energy storage systems and BESS. It requires no licensing for battery installations within a power rating less than 1MW. Larger applications with a power rating greater than 1 MW and no more than 10 MW would require licensing approval, based on findings that their emergency operation plan, hazard mitigation analysis, evacuation plan and other emergency response plan documents are "sufficient in content and detail to protect the public health, safety, convenience, and welfare." Projects with a power rating greater than 10 MW would not be licensed. Projects would have to meet all Wendell bylaws and regulations, the NFPA standards, state building code, and meet insurance and financial surety requirements, liability insurance, and cost of decommissioning.

It is important for the town of Wendell to be a full intervenor in the DPU application filed by Wendell Energy Storage 1, LLC to construct a huge 105 MW BESS, more than 6 times larger than the BESS project the same parent company, New Leaf Energy, has partnered with Canadian-owned First Light to build in Preston, CT. Wendell’s intervention sends a message to the state that the concern over public safety and responsible development is an issue that the town feels strongly about. It is equally important for the town to appeal any decision by the Attorney General to reject a general by law designed to protect the safety and health of the town of Wendell.

NAB would prefer to see more aggressive conservation measures taken first, coupled with the Department of Energy’s aggregated rooftop solar/in-home residential batteries (“virtual power plants”) used to collect and store energy---instead of large, utility scale batteries being mandated by the state to be located in rural forest land. Preservation of forest land for forest use is also an important environmental policy priority for the Commonwealth, and battery technology implementation should be compatible with using “forests as forests.”

Our town has a small volunteer fire department with the closest hazmat team located at least an hour away. We do not have the logistical or financial capacity to deal with a major system failure at a BESS. The town of Wendell should not expose its residents or property to potentially costly and damaging battery operation incidents.

If the Selectboard for any reason does not wish to place a battery licensing regulation general bylaw on the town warrant, the citizens of Wendell are prepared to submit a petition to that effect. We also encourage the town to retain special legal counsel to oversee any litigation regarding keeping Wendell safe from the risks posed by BESS technology. It is very likely that the town of Wendell will also have to retain a subject matter expert regarding the public safety risks of lithium-ion batteries.

Wendell should also begin discussions with Shutesbury, Carver, and other interested and affected communities, to take mutual action to ensure the public's safety by holding BESS projects to as close to a zero-risk performance standard as possible and challenging the imposition of BESS to protect the public safety of our communities.

After experiencing BESS fires in New York State counties of Jefferson, Orange and Suffolk County last summer, Governor Kathy Hochul created an Inter-Agency Work Group to ensure that further BESS installations could be done “safely and responsibly.” That state Work Group has released a series of recommendations for improved safety performance that is now open for public comment in New York State.

The New York Governor’s Interagency Fire Safety Work Group has released for public comment a list of Fire Code Recommendations, including:

- PEER REVIEW: Require industry-funded independent peer reviews for all projects.
- EXPLOSION CONTROL: Expand the requirement for explosion control to include BESS cabinets in addition to rooms, areas, and walk-in units. Additionally, provide design requirements or language for what constitutes a “passable” system.
- FIRE MITIGATION PERSONNEL: Require that qualified personnel are available for dispatch within 15 minutes and able to arrive on scene within four hours to provide support to local emergency responders.
- SIGNAGE: Extend safety signage requirements beyond the BESS unit itself to include perimeter fences or security barriers and include a map of the site, BESS enclosures, and associated equipment.
- SYSTEMS MONITORING: Update the Fire Code to ensure that Battery Management System (BMS) data is monitored by a 24/7 staffed Network Operations Center (NOC). Critical failure notifications should be immediately communicated to the site owner/operator to take corrective actions as necessary.
- SECURITY OF INSTALLATIONS: Update the Fire Code to incorporate requirements for closed-circuit television (CCTV) systems, specifying their intended use as both a continuous monitoring tool and a post-event analysis resource.
- APPLICABILITY: Remove the Fire Code exemption for BESS projects owned or operated by electrical utilities to ensure that all projects comply with the Fire Code.
- EMERGENCY RESPONSE PLANS and REGULAR FIRE DEPARTMENT TRAINING: Include a requirement for an Emergency Response Plan (ERP) and annual local first responder training for every BESS installation.
- CENTRAL STATION MONITORING OF BESS FACILITIES: Include a Fire Code requirement for monitoring of fire detection systems by a central station service alarm system to ensure timely, proper notification to the local fire department in the event of a fire alarm.
- FIRE STOPS, BARRIERS, or FIRE BREAKS: Mandate the installation of fire stops for all BESS enclosure penetrations to prevent the propagation of fires from one BESS unit to another through these pathways.

--PERIODIC SPECIAL INSPECTIONS: Introduce a new provision in the Fire Code mandating industry-funded special inspections for BESS installations to ensure thorough safety and compliance.

--WATER SUPPLY: establish guidance for water supply, including whether water is appropriate for different technologies, in an emergency response to a BESS fire and determining if more specific requirements are necessary.

Governor Hochul has stated: "It is critical that we have the comprehensive safety standards in place...to ensure New York's clean energy transition is done safely and responsibly."

After a major fire and explosion rocked a BESS facility in Surprise, AZ in April of 2019, the National Fire Protection Association wrote that the serious injuries to firefighters "confirmed for some a long-simmering fear that the fire service and safety community are unprepared to deal with this burgeoning [BESS] technology...battery incidents are so challenging to first responders."

As citizens of Wendell, we must be vigilant to protect our town's health and safety from any potential concerns posed by BESS technology, and to push for enhanced safety procedures and oversight of this technology before supporting projects in our community.

**Wendell No Assault & Batteries, 3.4.24**

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