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PETITION

**Honorable Select Board
Carver, Massachusetts**

Date January __, 2024

We the undersigned registered voters in the Town of Carver, do hereby petition the Select Board to place the following General Bylaw on the **WARRANT FOR TOWN MEETING**:

ARTICLE ___: (Citizen Petition: Lithium-Ion Battery Storage) To see if the Town will adopt the following General By-Law for protection of the public health, safety, and welfare:

Section 9.9 **LITHIUM-ION BATTERY STORAGE**

9.9.1 It shall be unlawful for any person to operate lithium-ion battery storage equipment designed or capable of storing an energy capacity of 10 megawatts or more except in compliance with this Section 9.9.

9.9.2 Definition. "Lithium-ion battery storage equipment" shall mean equipment utilizing a lithium-ion battery chemistry as a medium of energy storage and shall include but not be limited to battery cells, modules, enclosures, and related necessary structures.

9.9.3. **LITHIUM-ION BATTERY PERMITS AND PROCEDURE**

9.9.3.1 PURPOSE

The purpose of this section is to specify a permit requirement for the operation of lithium-ion battery storage equipment to protect the public health, safety, convenience, and general welfare.

9.9.3.2 PERMIT REQUIRED

It shall be unlawful for any person to operate a lithium-ion battery storage equipment, for all such equipment designed or operated to store an energy capacity of 10 megawatts or more, without a permit issued by the Planning Board.

9.9.4 APPLICATION

The following information shall be included in any application for a permit to operate lithium ion battery storage equipment:

- a. Name of the applicant.
- b. Address of the applicant.
- c. Location of the proposed lithium-ion battery storage equipment.
- d. Storage capacity of the proposed lithium-ion battery storage equipment.
- e. The applicant shall provide a training plan, approved by the Town Fire Chief, for all specialized training required to respond to any emergency incident involving the lithium-ion battery storage equipment. Said plan shall provide for training on an annual basis.
- f. The applicant shall provide an emergency operations plan (“EOP”) as required by applicable National Fire Protection Association (“NFPA”) standards.
- g. The applicant shall provide a hazard mitigation analysis (“HMA”) as required by applicable NFPA standards.
- h. A description of battery components and specific chemical and physical makeup and composition.
- i. The applicant shall prepare an air dispersion model and analysis to determine the extent and effects of a thermal runaway event affecting at least 50% of the lithium-ion battery cells proposed for use as part of the lithium-ion battery storage equipment.
- j. The applicant shall prepare an analysis to determine the extent and effects of a thermal runaway event affecting at least 50% of the lithium-ion battery cells proposed for use as part of the lithium-ion battery storage equipment.
- k. The applicant shall prepare an analysis of the manpower and equipment needs for an emergency response to a thermal runaway event affecting at least 50% of the lithium-ion battery cells proposed for use as part of the lithium-ion battery storage equipment.
- l. The applicant shall provide such other analyses as may be requested by the Town, including but not limited to the Town Fire Department, related to the public health, safety, convenience, or welfare and the operation of the proposed lithium-ion battery storage equipment.

9.9.5 EMERGENCY OPERATION PLAN REQUIRED CONTENT

The EOP shall include, in addition to all information required by applicable NFPA standards, the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery.
- f. Identification of all hazards associated with the potential for fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions related to the lithium-ion battery storage equipment.
- g. Determination of the effective response force (manpower) and necessary equipment to respond to each of the hazards so identified, and a comparison of the Town's actual response force and existing equipment to the effective response force and necessary equipment to identify gaps or deficiencies.
- h. Creation of an emergency evacuation plan tailored to the Town and each of the hazards so identified.
- i. Creation of an emergency response guide with specific protocols and procedures for Town emergency responders for each of the hazards so identified and the necessary manpower and equipment for each response scenario.
- j. Other procedures or information as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders. energy storage system equipment from the facility.

9.9.6 STANDARDS

No permit shall issue unless the Planning Board finds that:

- a. The EOP, HMA, evacuation plan, and other emergency response documents are sufficient in content and detail to protect the public health, safety, convenience, and welfare.
- b. The manpower, equipment, and other resources available to the Town's emergency responders are sufficient to respond to a potential hazard or emergency response scenario associated with the proposed lithium-ion battery storage equipment.
- c. The applicant has adequately and completely identified all hazards associated with the operation of the lithium-ion battery storage equipment in the location proposed.
- d. The lithium-ion battery storage equipment will be in a location that will not cause undue or excess risk to the public health, safety, convenience, and welfare.
- e. The potential hazards associated with the lithium-ion battery storage equipment in the particular location proposed can be appropriately managed and minimized.
- f. There are no other considerations that would result in operation of the lithium-ion battery storage equipment in the particular location creating an undue or unacceptable risk to the public health, safety, convenience, and welfare.

9.9.7 ENFORCEMENT

The Planning Board shall have the authority to enforce the provisions of this section through the issuance of cease and desist orders, criminal court actions, or civil court actions. As an alternative to criminal prosecution in a specific case, the Planning Board may issue a citation under the noncriminal disposition procedure in G.L. c.40, §21D, if adopted by the Town as a General Bylaw.