

September 24, 2024

To: [council@kingcounty.gov](mailto:council@kingcounty.gov)  
[clerk.council@kingcounty.gov](mailto:clerk.council@kingcounty.gov)

Subject: Proposed Ordinance 2023-0263, Battery Energy Storage System Regulations

Please accept the Public Comments herein on the subject **Proposed Ordinance 2023-0263 on Battery Energy Storage System (BESS) Regulations** from the Joint Rural Team of King County Unincorporated Rural Area organizations [\*].

## Introduction

We understand use of a BESS facility is one of the ways that can be used to store energy for later use, especially that from renewable sources, such as Wind and Solar, which are intermittent energy generators. Because of these reasons, we support the judicial use and siting of BESS facilities.

We also understand that siting of such facilities must be informed by what each site offers and does not offer. In general, a prospective site makes most sense when coupled with energy systems and needed infrastructure/capabilities, such as fire fighting, hazardous materials handling, emergency response, etc., already exist.

We see three potential applicants for BESS facilities:

1. Power utilities for use in conjunction with Wind and Solar, as well as to improve stability, and making the grid more resilient.
2. High-electric-use industries for use as back-up, or paired with co-generation
3. Speculators seeking cheap land (rural) seeking to leverage as much cash out of the deal as possible.

We consider potential applicants for BESS facilities listed in 1. and 2. above as legitimate. We consider those in 3. as not and, thus, are the most problematic.

Herein we share our deep concerns about the *siting* of such facilities.

## Discussion

Given the State's goals for capacity for BESS, it appears there is no need for them to be placed in the Rural Area. In fact, King County can more than meet the capacity goals by limiting BESS facilities to industrial areas. It is in those areas where all the needed safety and response training and capabilities already exist. Hazardous materials events, such as metal

fires, require specialized knowledge and equipment, especially with potential releases of toxic gases with Lithium battery fires.

The experience in the recent fires in California was that the local Fire Departments were not really prepared for these types of fires. They tried using massive amounts of water, but even then, the fire was just broke back out again. In at least one these cases, fire fighters had to stand back and let it burn. (ref.: *“Firefighters extinguish ‘unpredictable’ blaze at battery storage facility in Otay Mesa,”* San Diego Union Tribune, May 16, 2024)

Again, State goals for total storage can be met in King County by co-locating BESS facilities with large electricity users in the industrial zoned areas. The benefits are many, the company themselves can benefit from using the stored electricity to augment or power their operations during peak use times when electricity costs are high, and in the case of grid brown outs or blackouts, the capacity can be directed to stabilizing the grid. Such sites allow for multiple benefits: Uses land already zoned industrial, Takes advantage of existing robust plans for hazardous materials response, and Has Fire Departments that are better trained and equipped to potential emergencies.

Industries themselves have been using BESS as an alternative to diesel or gas generators for backup supply. Banks with large server systems have been using industry scale battery systems for their primary power, and the grid as a backup supply, if there is a problem with their batteries.

However, we recognize there are issues related to equity and social/environmental justice in placing a high proportion of BESS facilities in the industrial areas where many marginalized communities, historically and currently, have experienced higher levels of impacts from toxic exposures than surrounding, better-off communities.

In the Rural Area, there may be instances where there would be benefits from *co-locating* BESS with existing electrical infrastructure and facilities, as these properties already are owned by utilities (or governments) and the property already is in an industrial use. Also such locations already are required to have plans in place for emergency response, due to the nature of the site-specific equipment (such as transformers). The reason for doing this rather than being driven by capacity needs would be more focused on stabilizing the grid and making the system more robust. This also would have the benefit of not having to, or minimizing any, increase of footprint of industrial uses in the Rural Area, while still providing the benefits from having additional localized electric supply on standby, and to *“condition”* the grid from spread out nodes.

In terms of King County Policies, Chapter 3 — **RURAL AREAS AND NATURAL RESOURCE LANDS**, Section IV. **Rural Public Facilities and Services** of the **2022 King County Comprehensive Plan** (p. 3-29) [Note: This has been retained in full in the **2024 KCCP Major Ten-Year Update**] states:

*“The policies below set forth King County’s general approach to providing services and setting facility standards for the Rural Area and provide guidance for siting those facilities that require Rural Area locations.”*

Siting of facilities on rural lands—Rural Area, Agriculture, and Forest—must not require an urban level of infrastructure or encourage urban development.

One final concern is enforcement of conditions, code, and policies. Given the fact that the King County DLS-Permitting Division's Code Enforcement Section already is grossly understaffed to meet its *existing* responsibilities and with King County's plan for permit streamlining to meet SB 5290 *without* any commensurate increase in Code Enforcement officers, how will King County realistically ensure public safety and environmental protection requirements will be met for new BESS facilities—no matter how stringent they are proposed to be. Until King County starts taking Code Enforcement seriously, how can it push such new facilities that require meaningful enforcement of conditions, code, and policies? This should give the Council pause.

## **Conclusions**

Any BESS facility sited in King County should be required to:

1. Prove it has trained Hazardous Material Response crews, trained in dealing with metal fires, as well as more general Hazardous Material training.
2. Possess the equipment, supplies, and infrastructure to support the necessary types of emergency response.

## **Recommendations**

We recommend the following be strongly considered for the subject proposed Ordinance:

1. Limit BESS on Rural lands to *existing* utility sites.
2. For equity reasons, given that <5% of King County's population lives in the Rural Area (far less on Agricultural and Forest lands) and as BESS facilities primarily serve urban areas and large companies, consider siting them in the Urban Growth Area, where needed infrastructure exists.
3. Require the builders/owners of all BESS sites to be fully liable for any damages caused.
4. Do not allow the use of Wetland Mitigation Credits for potential sites possessing critical wetlands.
5. Do not site any BESS facilities on Public Lands including those purchased with any type of Conservation funding (Local or State).
6. Require Public Notice, Public Meetings, and full Council approval of any proposed BESS facility and site.

**[\*]** Joint Rural Team: Enumclaw Plateau Community Assoc. (EPCA), Friends of Sammamish Valley (FoSV), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green River Coalition (GRC), Green Valley/Lake Holm Assoc. (GV/LHA), Hollywood Hill Assoc. (HHA), Soos Creek Area Response (SCAR), Upper Bear Creek Unincorporated Area Council (UBCUAC), and Rural Technical Consultants—Ken Konigsmark (Growth Management), Terry Lavender (Environment/Open Space), Mike Birdsall (Transportation), and Susan Boundy-Sanders (Land-Use).

Coordinated by:

Peter Rimbos

primbos@comcast.net

Regional Coordinator, GMVUAC

Coordinator, Joint Rural Team

cc: Lauren Smith, Dir. of Regional Planning, King County Executive's Office PSB:

[lauren.Smith@kingcounty.gov](mailto:lauren.Smith@kingcounty.gov)

Leon Richardson, Director, King County Department of Local Services:

[LRichardson@kingcounty.gov](mailto:LRichardson@kingcounty.gov)