PROPOSED AMENDMENT
HB 1173 # 4

DIGEST

Fire department training program. Deletes AM117301 as adopted by the house utilities, energy, and telecommunications committee on January 17, 2023. Amends the introduced version of HB 1173 as follows: (1) Provides that bill takes effect upon passage, instead of retroactively on January 1, 2023. (2) Adds language requiring the operator of a utility scale battery energy storage system (BESS) to provide a copy of the operator's emergency response plan for the BESS to the fire department responsible for providing fire protection services in the area in which the BESS is located. (3) Provides that the operator of a BESS for which construction is complete on April 1, 2023, must: (A) offer before January 1, 2024, a training session regarding the construction and operation of the BESS to members of the fire department responsible for providing fire protection services in the area in which the BESS is located; and (B) cooperate with the department of homeland security (department) to provide such information concerning the BESS as is reasonably necessary for the administration of an annual training program to be administered and overseen by the department or another appropriate agency designated by the department. (The introduced version of the bill requires the operator of a BESS to provide annual training to members of the fire department responsible for providing fire protection services in the area in which the BESS is located.) (4) Extends from January 1, 2024, to July 1, 2024, the date by which the fire prevention and building safety commission (commission) must adopt rules to specify standards for the construction and operation of a BESS. (5) Provides that the commission's rules must: (A) be consistent with NFPA 855; and (B) take effect not later than July 1, 2024. (6) Provides that the commission's rules must include the following: (A) Standards for: (i) chemical spill prevention and control; and (ii) appropriate setbacks from surface water resources; for the construction and expansion of a BESS. (B) Standards and procedures for a training program that must be: (i) completed annually by full-time firefighters; and (ii) offered annually to volunteer firefighters; who are members of a fire department that is responsible for providing fire protection services in an area in which a BESS is located. (7) Provides that in establishing the standards and procedures for the training program, the commission shall consult with the board of firefighting personnel standards and education. (8) Specifies that the duration and content of the training program: (A) shall be determined by the commission; and (B) may include instruction on the use and storage of lithium ion batteries.

Delete AM117301 as adopted by the house utilities, energy, and telecommunications committee on January 17, 2023.

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 3, delete lines 11 through 32, begin a new paragraph and insert:

"**Sec. 8. (a) The operator of a utility scale battery energy storage system shall:**

(1) provide a copy of the emergency response plan described in section 2(b)(4) of this chapter, as finally adopted, to the fire department that is responsible for providing fire protection services in the area in which the utility scale battery energy storage system is located; and

(2) in the case of a utility scale battery storage system for which construction is complete on April 1, 2023, offer a training session described in subsection (b) to the members of the fire department described in subdivision (1) before January 1, 2024.

(b) Subject to subsection (d), the training offered under subsection (a)(2) must provide participating members of the fire department with information regarding the construction and operation of the utility scale battery energy storage system reasonably necessary to allow the fire department to safely and effectively respond to a:

(1) fire at; or

(2) discharge or threatened discharge of environmental contaminants by;

the utility scale battery energy storage system.

(c) Subject to subsection (d), the operator of a utility scale battery energy storage system shall cooperate with the department, or another appropriate agency designated by the department, to provide such information concerning the utility scale battery energy storage system as is reasonably necessary for the administration of the training program described in section 9(c)(2) of this chapter.

(d) This section does not require the operator of a utility scale battery energy storage system to divulge a trade secret (as defined in IC 24-2-3-2).

Sec. 9. (a) As used in this section, "commission" refers to the fire prevention and building safety commission established by IC 22-12-2-1.

(b) Before July 1, 2024, the commission shall adopt rules under IC 4-22-2 specifying standards for the construction and operation of utility scale battery energy storage systems consistent with:

(1) this chapter; and

(2) NFPA 855.

(c) The rules adopted by the commission under subsection (b) must include the following:

(1) Standards for:

(A) chemical spill prevention and control; and

(B) appropriate setbacks from surface water resources;

for the construction and expansion of utility scale battery energy storage systems, as necessary to protect soil and surface water resources from chemicals contained in or produced by utility scale energy storage systems. In establishing the standards described in this subdivision, the commission shall consult with the department of environmental management or the department of natural resources, as appropriate.

(2) Standards and procedures for an annual training program concerning the provision of fire protection services in an area in which a utility scale battery energy storage system is located. The training program established under this subdivision must:

(A) be:

(i) completed annually by full-time firefighters (as defined in IC 36-8-10.5-3); and

(ii) offered annually to volunteer firefighters (as defined in IC 36-8-10.5-5);

of each fire department or volunteer fire department (as defined in IC 36-8-10.5-4), as applicable, that is responsible for providing fire protection services in an area in which a utility scale battery energy storage system is located;

(B) provide program participants with information regarding the construction and operation of utility scale battery energy storage systems reasonably necessary to allow the fire department to safely and effectively respond to a:

(i) fire at; or

(ii) discharge or threatened discharge of environmental contaminants by;

a utility scale battery energy storage system; and

(C) provide for the department, or another appropriate agency designated by the department, to administer and oversee the program.

In establishing the standards and procedures described in this subdivision, the commission shall consult with the board of firefighting personnel standards and education. The

standards and procedures established under this subdivision must specify the training program's duration and content, which may include instruction on the use and storage of lithium ion batteries.

(d) In adopting rules under this section, the commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1.

(e) The rules adopted by the commission under this section must take effect not later than July 1, 2024.".

Page 3, line 38, delete "department's progress in developing standards" and insert "**progress of the fire prevention and building safety commission in adopting the rules**".

(Reference is to HB 1173 as introduced and as amended by AM117301.)