

Riverhead weighs code changes after groundwater contamination near East Hampton, NY BESS fire

(fire broke out May 31, 2023)



Artist's rendering of a modern battery storage facility. Image: Adobe Stock

By
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Key Points

- Riverhead is working on draft revisions to its battery energy storage code.
- The discussion follows PFAS detections in public water wells near the **2023 East Hampton, NY** BESS fire site.
- SCWA says PFPrA was detected in water that migrated from the fire; state officials say the source remains under investigation.
- Rothwell opposes a moratorium but wants runoff containment and removal of utility-scale BESS from Residence A-80 zoning.
- Several Suffolk towns have adopted or extended BESS moratoria while reviewing local rules.

Riverhead officials are working on revisions to the town's battery energy storage code after new disclosures that groundwater near the site of a 2023 East Hampton battery storage fire has been contaminated with PFAS compounds.

Council Member Ken Rothwell, who was on the Town Board when Riverhead adopted its battery energy storage law in April 2023, said in a July 29 interview that he has drafted amendments to the town code that would require containment systems for future utility-scale battery energy storage facilities and remove them as special permit uses in the Residence A-80 zoning district.

Rothwell said he does not support a moratorium on battery energy storage systems, commonly known as BESS, but believes Riverhead's code should be tightened in light of what has happened in East Hampton.

"I am a strong proponent of it," Rothwell said of battery energy storage. But he said he is "equally" committed to making sure the systems are environmentally safe.

The draft revisions have not yet been made public. Rothwell said he sent his proposal to Riverhead Town Senior Planner Matt Charters, the town attorney, his fellow board members and Supervisor Jerry Halpin, and asked that the issue be placed on a Town Board work session agenda.

Charters, who developed Riverhead's BESS code in 2022 before its 2023 adoption, told RiverheadLOCAL last week there had been discussion of a possible moratorium after the new East Hampton information surfaced. Rothwell said he stepped in with proposed code revisions instead.

Riverhead became one of the first East End towns to adopt a zoning law allowing large-scale battery energy storage facilities. The Town Board unanimously adopted the law on April 4, 2023, after months of public controversy.

See: [Battery energy storage system plan is presented to Planning Board, a move blasted by both Aguiar and Blass](#) (Aug. 20, 2022)

See: [Residents, angered by proposed zoning code changes, again press Town Board for moratorium](#) (Dec. 7, 2022)

The code allows Tier 1 systems, up to 600 kilowatt-hours, in all zoning districts. Larger Tier 2 systems, including utility-scale facilities, are allowed by Town Board special permit and Planning Board site plan review in specified zoning districts, including industrial areas, Agricultural Protection and Residence A-80.

At the time, residents warned that the technology posed unanswered safety and environmental risks. BESS advocates, consultants and developers told town officials the systems were needed to support renewable energy and stabilize the electric grid, and said modern code requirements would make them safe.

See: [Riverhead Town Board unanimously approves law to allow battery energy storage facilities](#) April 6, 2023

Less than two months after Riverhead adopted its code, a fire broke out May 31, 2023 at the East Hampton Energy Storage Center, a 5-megawatt battery storage facility on Cove Hollow Road. Fires followed that summer at battery storage facilities in Warwick and Lyme, New York,

prompting Gov. Kathy Hochul to create an interagency state working group to review BESS safety.

See: [After three fires this summer at commercial battery storage facilities in N.Y., Hochul creates working group for safety investigation](#) (Aug. 4, 2023)

Riverhead briefly considered a moratorium in late 2023, but Hubbard said in January 2024 that a moratorium was no longer necessary because the state was preparing new safety-code recommendations. Those state fire-code updates have since been adopted and took effect Jan. 1, 2026.

See: [Battery energy storage moratorium is no longer necessary, Hubbard says](#) (Jan. 5, 2024)

The East Hampton fire, however, is now raising a different concern: groundwater contamination.

PFAS, short for per- and polyfluoroalkyl substances, are a large family of human-made chemicals used for decades because they resist heat, oil, grease and water. Some PFAS have been used in firefighting foams, stain-resistant fabrics, nonstick cookware and other products. They are often called “forever chemicals” because many do not readily break down in the environment. Some PFAS have been linked to health concerns, and drinking water contamination is a major issue on Long Island because the region depends on a sole-source aquifer.

The compound detected near the East Hampton facility is PFPrA, or perfluoropropanoic acid, an “ultra-short-chain” PFAS. That means it is part of the PFAS family but has a shorter carbon chain than better-known compounds such as PFOA and PFOS. State health officials say PFPrA is less studied than PFOA and PFOS and is considered an uncommon PFAS in New York. Unlike some longer-chain PFAS, PFPrA does not appear to remain in the human body for long periods, but it persists in the environment and can move through groundwater. Smaller PFAS compounds can also be more difficult to remove with conventional water treatment.

New York has enforceable drinking water standards of 10 parts per trillion each for PFOA and PFOS, two of the most widely known PFAS compounds. The federal EPA has adopted lower standards of 4 parts per trillion for PFOA and PFOS, but public water systems have until 2029 to comply with those federal limits.

There is no contaminant-specific federal or state drinking water standard for PFPrA. For the East Hampton investigation, the state Department of Health is using a preliminary, site-specific screening level of 3 parts per billion for PFPrA. PFPrA also falls under New York’s broader “unspecified organic contaminant” standard of 50 parts per billion, but DOH says the 3 ppb screening level is more specific to PFPrA and more protective for this investigation.

SCWA filed a federal lawsuit May 29 against East Hampton Energy Storage Center, LLC, LG Chem, Ltd. and LG Energy Solution, Ltd., according to the federal docket and civil cover sheet. The civil cover sheet describes the case as asserting claims for negligence, public nuisance, trespass, strict product liability for defective design, and strict product liability for manufacturing defect. The complaint itself was not available in the docket materials online.

[The water authority told customers in June](#) that it had detected PFPrA “in water which migrated from the fire” and said it sued the facility’s developers, operators and equipment manufacturers to hold them accountable. SCWA said it had taken two wells out of service and restricted use of two

more. East Hampton Town's updated public Q&A says three of four impacted wells have been removed from service and the fourth is available only for emergency use.

State officials have been more cautious about assigning blame. [A July community update from the State Department of Environmental Conservation](#) says no source of the contamination has yet been determined, and that the ongoing investigation includes evaluation of the nearby BESS facility that caught fire in 2023.

DEC said SCWA began using a new analytical method in January 2026 to test for ultra-short-chain PFAS compounds that had not previously been monitored by public water suppliers in New York. PFPrA was detected in four SCWA public supply wells near the East Hampton fire site. Two of the wells exceeded the state's 50 ppb unspecified-organic-contaminant standard and were removed from service; SCWA restricted use of the other two wells.

Suffolk County's investigation also found higher PFPrA levels in temporary groundwater wells installed between the public supply wells and the BESS facility. Those were not drinking water wells. DEC said one groundwater sample contained PFPrA at 1,170 parts per billion, far above both the 3 ppb screening level and the 50 ppb unspecified-organic-contaminant standard. DEC also reported PFOS at 2.77 parts per billion in a temporary groundwater well. That equals 2,770 parts per trillion, far above New York's 10 ppt drinking water standard for PFOS, though again the sample came from a groundwater investigation well, not from water being delivered to customers.

East Hampton officials say delivered SCWA water currently meets applicable drinking water standards because the impacted wells have been removed from service or restricted.

Rothwell said the uncertainty over the source of the contamination is precisely why Riverhead should require containment systems at future BESS sites. He said possible sources being discussed include the batteries themselves, firefighting foam, an unrelated plane crash site or existing PFAS contamination from the East Hampton Airport area.

"I don't know that we have a clear-cut answer," Rothwell said. "But I am absolutely saying that we need...a way to mitigate it."

Rothwell said his proposed code revisions would require a liner or capture system beneath battery units, with rainwater normally flowing to a tank and then to a drainage system. In the event of a fire, he said, the system would lock down the tank so water from firefighting or rainfall during a fire would be captured, tested and properly disposed of rather than allowed to seep into groundwater.

He said he discussed the concept with Paul Rogers, a retired FDNY lieutenant and hazardous-materials specialist who is now an energy storage industry consultant. Rogers has spoken on behalf of BESS developers in Riverhead Town meetings. as a fire-safety expert, citing his FDNY and hazardous-materials experience.

Rogers co-founded Energy Safety Response Group, a private firm that provides safety, permitting, project-review and emergency-response consulting services for battery energy storage projects. Rothwell said Rogers emphasized the danger of rainfall during a fire, even if firefighters decide not to pour water directly on a burning battery unit.

Rothwell said he also wants to remove large-scale BESS facilities from the Residence A-80 zoning district, saying they do not belong in residential neighborhoods and should be limited more to industrial areas.

His proposal would not apply retroactively to projects that already have approvals, including the BESS facility under construction at the town landfill, Rothwell said. He said it would affect future projects, including proposals on Edwards Avenue and other sites still moving through review.

Several battery storage projects have advanced in Riverhead since the 2023 code was adopted. The Town Board in April approved a 5-megawatt, 20-megawatt-hour BESS facility at 221 Scott Ave. in Calverton, and a 1,000-kilowatt-hour system proposed by Hampton Jitney at 253 Edwards Ave. Another 5-megawatt, 20-megawatt-hour facility proposed for 1281 Pulaski St. drew skepticism from board members earlier this year because of its proximity to homes and wetlands.

The prospect of a Riverhead moratorium surfaced indirectly last month, when the town clerk received a cluster of letters urging the town not to impose one. The letters, many of them similar in language, came from renewable-energy advocates, business groups, labor representatives and BESS supporters. At that point, no moratorium proposal had been publicly discussed by the Town Board.

Other Suffolk towns have taken a more cautious approach since the 2023 fires. Southold adopted a BESS moratorium in 2023 and this year sought another 12-month extension while it reviews state fire-code changes and develops local regulations. Babylon, Huntington, Smithtown and Islip have also had BESS moratoria or moratorium extensions in place while reviewing their codes.

Southampton moved from a moratorium to a revised BESS code that creates tiers for facilities, limits where larger projects can go and requires additional review for larger systems. Suffolk County Planning Commission records show the county has urged towns reviewing BESS laws to consider stormwater containment, hazmat training, emergency response and groundwater protection.

Citizens Campaign for the Environment, whose executive director Adrienne Esposito has been a prominent Long Island clean-water advocate, has taken a position similar to Rothwell's: BESS facilities are needed, but must be designed to protect Long Island's aquifer.

In a statement issued after the East Hampton groundwater contamination was made public, CCE said the East Hampton facility was an older, first-generation system built before New York adopted stricter BESS fire-code requirements. The group said the facility used more than 2 million gallons of water to fight the 2023 fire and had no containment system to prevent contamination from seeping into groundwater.

CCE said New York's newer BESS fire-code requirements are intended to prevent the circumstances that occurred in East Hampton by requiring stronger design review, battery hazard analysis, explosion-control provisions, monitoring and emergency-response planning for larger lithium-ion BESS facilities. But the East Hampton contamination concern raises a separate issue: what happens to rainwater, sprinkler water or firefighting runoff if a battery unit burns.

CCE called on the East Hampton Energy Storage Center to clean up the contamination and urged the state and municipalities to require stormwater management at new BESS facilities to prevent PFAS or other contaminants from entering groundwater.

“Battery Energy Storage Systems are a critical piece of our renewable energy mix and necessary to diversify our energy sources,” Esposito said in the statement. “Every large-scale energy project has impacts, but especially with newer technology such as BESS, it is crucial that we build them responsibly and in a way that is protective of our environment.”

Esposito said New York’s updated fire code would reduce the risks associated with newer facilities, but said additional protections are still needed for stormwater runoff.

“Moving forward, we need to ensure that no toxic contamination results from stormwater runoff at BESS facilities,” she said. “We must protect drinking water and communities. We must also transition off fossil fuels by building renewable energy and energy storage. This can absolutely be done safely and responsibly.”

Esposito could not immediately be reached for additional comment.

The issue leaves Riverhead balancing two policy concerns that have both become more urgent: the state’s push for energy storage to support renewable power and grid reliability, and Long Island’s dependence on a sole-source aquifer for drinking water.

Rothwell said battery storage remains necessary, particularly on Long Island, where electric demand and grid constraints are serious concerns. But he said the East Hampton fire shows Riverhead should not wait for final answers before strengthening its own code.

“Until we have clear, clear data,” Rothwell said, “it’s not ethically right to go ahead and risk the environment.”