SENATE COMMITTEE ON ENERGY, UTILITIES AND COMMUNICATIONS

Senator Josh Becker, Chair
2025 - 2026 Regular

Bill No:	AB 615	**Hearing Date:**	7/7/2025
Author:	Davies		
Version:	5/5/2025 Amended		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Sarah Smith		

SUBJECT: Power facilities: emergency response and action plans

DIGEST: This bill requires energy storage applications submitted to the California Energy Commission (CEC) for opt-in permitting to include an emergency response and action plan, as specified. This bill also expands the information that a thermal powerplant siting applicant must submit to the CEC to include specified information about transmission lines and emergency response and action plans for the powerplant.

ANALYSIS:

Existing law:

1) Establishes the CEC as the agency with exclusive authority to license thermal plants 50 megawatts (MW) or larger, exempt certain small thermal power plants up to 100 MW from its jurisdiction, and certify eligible renewable energy generation and energy storage (Opt-in Certification) and Department of Water Resources energy facilities. (Public Resources Code §25200 *et seq*. and 25500 *et seq*.)

2) Establishes and vests the California Public Utilities Commission (CPUC) with regulatory authority over public utilities, including electrical corporations. (Article 12 of the California Constitution)

3) Establishes the California Building Standards Commission (CBSC) within the Government Operations Agency, the California Building Standards Law, and sets forth its powers and duties, including approval and adoption of building standards and codification of those standards into the California Building Standards Code. (Health and Safety Code §18901 *et seq*.)

4) Requires the State Fire Marshal, before the next triennial edition of the California Building Standards Code adopted after January 1, 2025, to propose

to the CBSC updates to the fire standards relating to requirements for lithium-based battery systems. (Health and Safety Code §13110.3)

5) Requires the CPUC to implement and enforce standards for the maintenance and operation of facilities for the generation and storage of electricity owned by an electrical corporation or located in the state to ensure their reliable operation. (Public Utilities Code §761.3)

6) Authorizes the CPUC, after a hearing, to require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public. (Public Utilities Code §768)

7) Authorizes a person proposing an eligible facility, including an energy storage system that is capable of storing 200 megawatt-hours or more of energy, to file with the CEC an application for certification for the site and related facility, commonly referred to as the "AB 205 Opt-in Certification." Provides that the certification issued by the CEC is in lieu of any permit, certificate, or similar document required by a state, local, or regional agency for the use of the site and related facility. (Public Resources Code §25545 *et seq.*)

8) Requires the CPUC to direct the state's three largest electrical corporations to file applications for programs and investments to accelerate widespread deployment of distributed energy storage systems for specified purposes and authorizes the CPUC to approve, or modify and approve, programs and investments of an electrical corporation in distributed energy storage systems with appropriate energy storage management systems. (Public Utilities Code §2838.2)

9) Requires the CPUC to determine appropriate targets, if any, for each load-serving entity to procure viable and cost-effective energy storage systems to be achieved by December 31, 2015, and December 31, 2020. Requires the governing board of each local publicly owned electric utility to initiate a process to determine appropriate targets, if any, for the utility to procure viable and cost-effective energy storage systems to be achieved by December 31, 2016, and December 31, 2020. (Public Resources Code §2836)

This bill:

1) Requires energy storage application submitted to the CEC for opt-in permitting to include all the following information:

a) An emergency response plan incorporating impacts to surrounding areas in the event of an emergency that would be conducted and coordinated with local emergency management agencies, unified program agencies, and local first response agencies. This bill specifies that this emergency response plan must be paid for by the applicant.
b) Analysis and feedback on the emergency plan from a local emergency management agency regarding whether the proposed facility requires supplemental first responder capabilities and meets the National Fire Protection Association (NFPA) 855 Standard as it relates to setbacks, as applicable.
c) Any additional feedback on the emergency plan provided by the local emergency management agency regarding whether greater setbacks are recommended for the facility.

2) Requires an application to the CEC for certification of a thermal powerplant to include the following:

a) A description of any electric transmission lines, which must include a cost estimate for the transmission line, justification of the line's route and a description of the line's impacts on environmental, ecology, scenic, historic, and recreational assets.
b) An emergency response plan incorporating impacts to the surrounding areas in the event of an emergency, conducted and coordinated with local emergency management agencies, unified program agencies, and local first response agencies. This bill requires the applicant to pay for the emergency response plan.

Background

Recent safety incidents at battery storage facilities have raised concerns about emergency plans for battery-related incidents. This bill is one of several measures authored in recent years to address concerns about emergency plans and fire safety protocols at battery storage facilities. Several high-profile incidents at these facilities, particularly fires at facilities located at Moss Landing Harbor in Monterey, have raised questions as to whether existing emergency plans fully address safety issues posed by fires at battery storage sites. Below are descriptions of four recent incidents at battery storage facilities:

- On September 4, 2021, there was a safety incident at the Moss Landing Phase I, 300 MW lithium-ion battery energy system owned by Vistra Corporation that prompted an immediate shutoff of the facility. According to Vistra Corporation, an investigation found that smoke from a failed bearing

in an air-handling unit in the building triggered a heat suppression system to improperly spray water on battery racks, causing damage and overheating.

- The same facility, though in a separate building, experienced a second incident on February 13, 2022, at its Phase II (100 MW) building. Following the incident, Vistra stated in a news release that there was early evidence that water hoses leaked and that some batteries short circuited, creating smoke in the building. Vistra subsequently decided to pause restart activities while they assess the Phase II incident and incorporate any learnings. Both Vistra-owned facilities have since been brought back on-line.

- On September 20, 2022, a separate incident occurred at a neighboring battery energy storage facility (182 MW) at Moss Landing, but owned by Pacific Gas & Electric (PG&E). The battery fire at the storage facility led to a shelter-in-place advisory for the neighboring community, including to a local recreational vehicle camp. According to news reports, the fire smoldered for five hours as emergency responders are advised to not extinguish a battery fire, but allow it to burn itself out.

- More recently, on January 16, 2025, a fire erupted in the Phase I Moss Landing facility (300 MW) operated by Vistra Corporation. The battery systems are made of lithium nickel manganese cobalt oxides (NMCs) and ignited in the concrete hall. The fire suppression system failed to distinguish the fire. Local authorities initiated evacuations of residents in the local community.

Some battery technologies have higher risks, but overall, safety incident rates for battery storage facilities are low and decreasing. Different battery types have different safety features, which requires unique consideration of the different types of facilities at each site. Even within the lithium-ion class of batteries, the chemistry in different types of battery components can influence the potential fire risks. The NMC batteries involved in the January 2025 fire at Moss Landing are known for their higher energy density; however, this higher energy capacity can contribute to higher risks of "thermal runaway," a process in which an uncontrolled reaction within the battery generates excess heat, which can trigger combustion and fires. Despite these risks, battery storage facilities have not historically produced as many safety incidents or fires as natural gas facilities and electric power plants, and research indicates that recent technology advances and lessons learned have reduced incidents from battery storage facilities across the sector. Nevertheless, the Moss Landing fires underscored the need for more clear plans addressing local safety needs and protocols.

CPUC has already taken steps to increase safety oversight of battery storage facilities. Following the initial fires at the Vistra facilities, the Legislature passed SB 1383 (Hueso, Chapter 725, Statutes of 2022). SB 1383 expanded the CPUC's oversight authority over energy storage systems. As part of its implementation of SB 1383, the CPUC updated General Order (GO) 167-B, which sets forth the maintenance and operation standards for electric generation facilities. The CPUC's update extended the CPUC's maintenance and operation standards and enforcement powers to energy storage systems owned by electrical corporations and third parties. The Legislature expanded safety requirements for battery storage facilities by passing SB 38 (Laird, Chapter 377, Chapter 2023), which required every battery energy storage facility in the state to have an emergency response plan covering the battery storage facility's premises. In response to SB 1383 and SB 38, the CPUC adopted changes to GO 167-C, which include the following:

- Establishes standards for the maintenance and operation of energy storage systems.
- Applies emergency response and emergency action plan requirements to energy storage system owners.
- Requires owners of generation facilities to coordinate with local authorities in developing their emergency plans
- Establishes logbook standards for energy storage systems and renewable generating assets, and revise logbook standards for each generating asset
- Modifies maintenance and operation standards for generating assets
- Adds provisions to enhance safety and effectiveness of energy storage systems operation and maintenance.

Bill focuses on the CEC's powerplant siting and opt-in permitting facility. While prior legislation addressed emergency response through the role of the CPUC in regulating the safety of power generating assets and utility safety requirements, this bill requires the CEC to incorporate emergency response plans that account for local emergency response needs into the powerplant siting process. This bill requires applicants for the CEC's longstanding thermal powerplant certification process and the CEC's newer opt-in non-fossil facility certification process to submit emergency response plans that address local emergency response coordination. This bill requires the applicant to pay for the creation of the emergency response plans and submit the plans at the time the applicant submits an application for certification. Under existing law, the CEC already requires applicants to submit specified fees as part of the application; however, these fees are based on a specific schedule. This bill requires an applicant to pay for the creation of an emergency response plan, but it does not establish a limit on how much this plan may cost or clarify if the CEC may set an amount. Each plan will likely require customized measures based on the specific facility, posing

challenges to accurately assessing a fee for the plan. It is also unlikely that an application submitted as part of a powerplant certification will include all the safety considerations for the operation of the powerplant. The CEC's siting process is a functional equivalent of a California Environmental Quality Act (CEQA) review, and final approval of an application may be based on making changes or establishing strategies for mitigating a powerplants' impact to the environment and other local resources. Additionally, the plant may also be subject to the CPUC's safety requirements for electric generators, including battery storage facilities.

Bill's transmission line requirements are likely unnecessary. This bill requires a thermal powerplant applicant to submit specified information about the cost, routes, and environmental and local impacts of transmission facilities. Under existing law, the CEC's siting process already assess the impacts of transmission facilities associated with a proposed powerplant project; however, the pathway of those transmission facilities are largely governed by the path needed to reach the first point of interconnection to the larger transmission grid. Remaining transmission issues – including cost allocation, planning, and grid operations – are regulated by the CPUC, the California Independent System Operator (CAISO), and the Federal Energy Regulatory Commission (FERC).

NFPA 855 and its applicability to this bill and SB 283 (Laird, 2025). The NFPA 855 standard is a national standard that sets out mandatory requirements for energy storage system safety strategies. The standard applies to all energy storage technologies and includes technology-specific provisions for different types of energy storage systems. The standard provides guidelines and requirements for design, construction, installation, and operation of energy storage systems, focusing on preventing fires and explosions. While NFPA is a national standard, California's mandatory fire codes are adopted at the state level by the Office of the State Fire Marshal (OSFM).

Both this bill and SB 283 use NFPA 855 as a benchmark for energy storage safety requirements. This bill requires an energy storage emergency plan submitted as part of an opt-in siting application to meet setback requirements in the NFPA 855. SB 283 requires the OSFM to adopt fire code requirements for energy storage facilities that are at least as protective as the NFPA 855, and it requires the CEC and local governments to incorporate NFPA 855 standards into their energy storage permitting processes. SB 283 also establishes a framework in which an energy storage applicant for opt-in permitting must confer with and obtain input from local fire agencies on its emergency response plan required by the CPUC and document this discussion as part of the application to the CEC. While both this bill and SB 283 address the need for obtaining local input on emergency response

plans, this bill specifically requires an energy storage siting applicant to submit an emergency response plan that addresses coordination between the energy storage facility operator and local emergency responders. To the extent that power generation facility operators, including those for energy storage facilities, already outline local emergency response coordination in emergency response plans required by the CPUC, this bill may establish some duplicative requirements on generation facility developers.

Need for Amendments. This bill's application requirements regarding transmission lines are likely not needed to address the potential impact of transmission line construction in powerplant siting cases. Both this bill and SB 283 require the CEC to incorporate NFPA 855 into siting requirements, however, SB 283 required the OSFM and the CEC to adopt codes for energy storage systems that are at least as protective as NFPA 855. SB 283 also requires the CEC to apply these requirements to all applications submitted after January 1, 2026. *To prevent potential ambiguity regarding energy storage opt-in siting applications in the event that this bill and SB 283 both become law, and for the reasons stated above, the author and committee may wish to amend this bill to do the following:*

- *Delete provisions of the bill regarding the submission of transmission data as part of a thermal powerplant siting application.*
- *Remove the bill's requirement for energy storage developers to obtain feedback from local fire agencies on NFPA 855 setbacks and instead require the CEC to ensure that energy storage opt-in siting requirements comply with setback requirements that are at least as protective as the standards in NFPA 855.*
- *Specify that this bill's requirements for energy storage system applications apply to applications submitted after January 1, 2026.*
- *Clarify that nothing in this bill alters the CPUC's authority to regulate the rates, services, or safety practices of a public utility or generating asset owner subject to its jurisdiction.*

Prior/Related Legislation

SB 283 (Laird) of 2025, establishes the Clean Energy Safety Act of 2025 and requires energy storage systems certified by the CEC or a local jurisdiction to comply with new fire safety standards and inspection requirements, as specified. The bill is currently pending in the Assembly Local Government Committee.

AB 303 (Addis) of 2025, prohibits permitting of battery energy storage facilities of specified sizes at within specified distances to sensitive areas and removes battery storage facilities within the CEC AB 205 opt-in permitting provisions. The bill is pending in the Assembly Utilities and Energy Committee.

AB 1285 (Committee on Emergency Management) of 2025 session, requires the State Fire Marshal, in consultation with the Office of Emergency Services, to develop fire prevention, response, and recovery measures for utility grade lithium-ion battery storage facilities. The bill is pending in the Senate Governmental Organization Committee.

AB 434 (DeMaio) of 2025, prohibits, until January 1, 2028, a public agency from authorizing the construction of a battery energy storage facility and requires the State Fire Marshal to adopt guidelines and minimum standards for the construction of a battery energy storage facility to prevent fires and protect nearby communities from any fire hazard posed by the facility, as specified. The bill is pending in the Assembly Utilities and Energy Committee.

AB 588 (Patel) of 2025, would have required the State Fire Marshal to convene a lithium battery working group to identify those safety issues associated with lithium batteries and associated charging infrastructure, as specified. The bill was held in the Assembly Appropriations Committee.

SB 1152 (Limón, Chapter 781, Statutes of 2024) required the California State Fire Marshal, before the next triennial edition of the California Building Standards Code, to propose to the CSBC updates to the fire standards relating to requirements for lithium-based battery systems.

SB 38 (Laird, Chapter 377, Statutes of 2023) required each battery energy storage facility located in the state, and subject to specified safety requirements, to have an emergency response plan and emergency action plan that covers the premises of the battery energy storage facility.

AB 205 (Committee on Budget, Chapter 61, Statutes of 2022), expanded the CEC's siting jurisdiction to include solar, wind and energy storage facilities that meet certain criteria in lieu of local permitting.

SB 1383 (Hueso, Chapter 725, Statutes of 2022) expanded the CPUC's safety oversight of electric generating facilities to encompass energy storage facilities.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

California Professional Firefighters
City of Laguna Niguel

City of San Juan Capistrano, if amended
County of Orange
Rural County Representatives of California, if amended

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the author:

> California has become a global leader when it comes to our energy production and innovation. Our state provides our citizens with plenty of choice when it comes to getting their energy in the homes and communities. However, we must ensure that when we bring energy to a community in the form of a plant or facility, it is with the most abundance of safety measures taken. AB 615 is a common-sense measure to ensure that when a developer or manufacturer of an energy facility submits an application to operate a facility in our state, they include an emergency preparedness plan with the application. This will ensure the local community has all the knowledge and tools available to know how their communities will be protected in the worst-case scenario.

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