
THIRD READING

Bill No: AB 615
Author: Davies (R), et al.
Amended: 7/14/25 in Senate
Vote: 21

SENATE ENERGY, U. & C. COMMITTEE: 16-0, 7/7/25

AYES: Becker, Ochoa Bogh, Allen, Archuleta, Arreguín, Ashby, Caballero,
Gonzalez, Grove, Hurtado, Limón, McNerney, Rubio, Stern, Strickland, Wahab
NO VOTE RECORDED: Dahle

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 76-0, 5/27/25 (Consent) - See last page for vote

SUBJECT: Power facilities: emergency response and action plans

SOURCE: Author

DIGEST: This bill requires the California Energy Commission (CEC) to incorporate specified emergency response and action plan requirements into certification processes for thermal power plans and opt-in permitting for battery storage facilities. This bill also requires the CEC to incorporate specified fire safety setback requirements into the opt-in permitting process for battery storage facilities.

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 the CEC to ensure that battery energy storage facilities that submit an application to the opt-in permitting process after January 1, 2026, comply with setback requirements that are at least as protective as those most recently published by the National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems.
- 2) 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. This feedback may include recommendations for greater setbacks for the proposed facility.
 - c) Requires an application to the CEC for certification of a thermal powerplant to include 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 thermal powerplant siting and opt-in permitting duties.

The CEC's siting process is a functional equivalent of a California Environmental Quality Act review, and final approval of an application may be based on making changes or establishing strategies for mitigating a power plant's impact to the environment and other local resources. As a result, the CEC's certification process may include additional specifications for a power generation facility to address the facility's impact on the surrounding area. This bill requires the CEC to incorporate emergency response plans that account for local emergency response needs into the powerplant siting process. This bill specifically establishes a mechanism by which local emergency response agencies can recommend greater setbacks for energy storage projects that would create more space between the energy storage facility and other local structures and resources. This bill also 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. Some power generators covered by this bill may also be subject to the CPUC's safety requirements for electric generators. 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.

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.

Both this bill and SB 283 use NFPA 855 as a benchmark for energy storage safety requirements. 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.

Related/Prior Legislation

SB 283 (Laird, 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 Appropriations Committee.

AB 303 (Addis, 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, 2025), 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 Appropriations Committee.

AB 434 (DeMaio, 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, 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: (Verified 8/18/25)

California Professional Firefighters
City of Laguna Niguel
City of San Juan Capistrano
County of Orange
Rural County Representatives of California

OPPOSITION: (Verified 8/18/25)

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.

ASSEMBLY FLOOR: 76-0, 5/27/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bennett, Jeff Gonzalez, Nguyen

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