

GOVERNOR'S VETO
AB 615 (Davies)
As Enrolled September 8, 2025
2/3 vote

SUMMARY

- 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 an emergency response plan, as specified.

Governor's Veto Message

This bill would require battery energy storage facilities seeking a site certification permit from the California Energy Commission (CEC), in coordination with local emergency planning agencies, to develop an emergency response and action plan and require the CEC to confirm the project's compliance with the National Fire Protection Association (NFPA) 855 Standards.

I support the goal of ensuring the safety of battery energy storage facilities, which is why my Administration launched the California Battery Safety Collaborative in September 2024 to examine battery storage technologies and safety practices, particularly as California ramps up deployment of battery energy storage facilities. I remain committed to advancing additional measures to improve the safety of these facilities. That is also why I signed Senate Bill 38 (Laird) last year, which requires battery energy storage facility owners to develop emergency response plans in coordination with local agencies and to comply with the latest NFPA standards.

To that end, this bill is largely duplicative of existing requirements and mandates a new procedural requirement that risks delaying critical clean energy projects applying for permits through the CEC's site certification permitting programs, without providing the intended additional safety benefits.

COMMENTS

Energy Resources Conservation and Development Commission: The Energy Resources Conservation and Development Commission (commonly referred to as the California Energy Commission, or CEC) is responsible for forecasting energy supply and demand, developing and implementing energy conservation measures, conducting energy-related research and development programs, and siting major power plants.

Power Plant Licensing and Application for Certification: The CEC has the exclusive authority for licensing thermal power plants of 50 megawatts (MW) or larger, as well as related transmission lines, fuel supply lines, and other facilities. This would include, for example, any natural gas-fired, solar thermal, and geothermal plant that meets the 50 MW threshold, but would not include others, such as hydroelectric, solar photovoltaic, and onshore wind power.

A certificate issued by the CEC is in lieu of any permit, certificate, or similar document otherwise required by any state, local or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.

The application for certification (AFC) process, a certified regulatory program under the California Environmental Quality Act (CEQA), results in environmental assessment documents that are "functionally equivalent" to an environmental impact report (EIR). After licensing, the CEC is required to monitor compliance of the facility with all applicable federal, state, and local laws, as well as any conditions of certification imposed by the CEC.

Small Power Plant Exemption: The Small Power Plant Exemption (SPPE) program allows CEC to exempt thermal power plants that do not exceed 100 MW from its licensing authority. The CEC's review is pursuant to CEQA and California Code of Regulations, Title 20. The CEC can grant an exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources. As the lead agency under CEQA, the CEC prepares the appropriate CEQA document for the project (for example, a mitigated negative declaration or an EIR). If exemption is approved, the project developer is responsible for securing local, state, and federal permits to construct and operate the plant. Local and state agencies will consider the environmental document prepared by the CEC for any discretionary decisions subject to CEQA.

CEC's Opt-In Certification Process: CEC oversees the permitting of clean and renewable energy facilities, including solar photovoltaic, onshore wind, and energy storage systems, and facilities that produce or assemble clean energy technologies or their components. Under AB 205, the CEC is the lead CEQA agency for environmental review and permitting for any facility that elects to opt into the CEC's jurisdiction.

Types of facilities eligible to apply to the Opt-In Certification Program: The following types of facilities are eligible: solar photovoltaic or terrestrial wind electrical generating power plants generating 50 megawatts (MW) or greater; energy storage systems capable of storing 200 megawatt-hours (MWh) or more; stationary power plants 50 MW or greater using any source of thermal energy, excluding fossil or nuclear fuels; transmission lines associated with these generating and storage facilities; specified facilities that manufacture or assemble clean energy or storage technologies or related component; and hydrogen production facility (not derived from fossil fuel feedstock) and associated onsite storage and processing facilities.

Public input during the Opt-In Certification Program: According to the CEC, a key part of creating a safe and reliable electric system is ensuring that the review of these proposed facilities includes a process for public input. Within five days of each project application being deemed complete, the CEC sends an invitation to request consultations with California Native American tribes. Within 30 days, the CEC holds a public scoping and informational meeting. By day 150, the CEC posts a draft Environmental Impact Report (EIR), and within 30-60 days of posting the draft EIR, the CEC holds a public meeting on the draft EIR and provides 60 days for public comment. On or before the 270th day, the proposed project and final EIR will be brought to a CEC business meeting for license consideration.

NFPA 855 Standard for the Installation of Stationary Energy Storage Systems: NFPA Standard 855 provides insight into mitigating risks and helping to ensure all installations are performed appropriately, taking into account vital life safety considerations. The standard offers

comprehensive criteria for the fire protection of energy storage system (ESS) installations based on the technology used, the setting where the technology is being installed, the size and separation of ESS installations, and the fire suppression and control systems in place.

Fire Codes and NFPA 855: While NFPA 855 is a standard and not a code, its provisions are enforced by NFPA 1, Fire Code, in which Chapter 52 provides an outline of requirements along with references to specific sections in NFPA 855. The International Fire Code (IFC) has its own provisions for ESS in Section 1207, which are largely harmonized with those in NFPA 855. The revision process for the 2026 edition of NFPA 855 is already underway, with 26 Task Groups addressing specific topics. The Task Groups comprise fire safety professionals, industry experts, and other interested parties, and they engage in robust debate of public inputs aimed at improving the standard. While locally adopted fire codes take precedence over NFPA 855, the depth of this standard make it a valuable resource for all Authorities Having Jurisdiction (AHJs).

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.

Arguments in Support

The California Professional Firefighters write in support, "As an integral part of our power grid, it is critical that power generation facilities are constructed with a stringent focus on safety and stability to ensure the uninterrupted transmission of power and the prevention of hazardous incidents. Fires and other emergencies at these facilities can be extremely dangerous for all involved and can result in the release of highly-toxic compounds to surrounding communities. In order to prevent these emergencies and ensure that all parties are coordinated in their response, AB 615 requires that when a permit is filed for the construction of a power facility, the applicant must include an emergency response and action plan that has been reviewed by the responding emergency response agency. This ensures that the agencies tasked with protecting their communities in the event of an emergency are able to provide feedback in order to improve the preparedness of the facility as well as providing opportunities to collaborate and prepare for any eventuality."

The City of Laguna Niguel writes, "The City of Laguna Niguel is pleased to offer this letter of support for AB 615 (Davies). AB 615 would require applications for energy storage facilities submitted to the California Energy Commission to include an emergency response and action plan that incorporates impacts on the surrounding areas in the event of an emergency and must include recommendations and feedback from local first responders and emergency agencies to determine whether the proposed site is feasible or should be rejected for public safety reasons. Under current law, emergency response and action plans are not required to be completed until after the project is completed."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations, "Minor and absorbable costs to the CEC to review additional plans. The CEC notes it already has the authority to require emergency planning activities as part of the CEC's application review process and already considers state and local standards in the environmental review process."

VOTES**ASM EMERGENCY MANAGEMENT: 7-0-0**

YES: Ransom, Hadwick, Arambula, Bains, Bennett, Calderon, DeMaio

ASM UTILITIES AND ENERGY: 18-0-0

YES: Petrie-Norris, Patterson, Boerner, Calderon, Chen, Davies, Fong, Mark González, Harabedian, Hart, Irwin, Papan, Rogers, Schiavo, Solache, Ta, Wallis, Zbur

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 76-0-3

YES: 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

ABS, ABST OR NV: Bennett, Jeff Gonzalez, Nguyen

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ASSEMBLY FLOOR: 77-0-2

YES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, 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

ABS, ABST OR NV: Ahrens, Lee

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