

CONCURRENCE IN SENATE AMENDMENTS

AB 915 (Petrie-Norris)

As Amended July 17, 2025

Majority vote

SUMMARY

Original Committee of Reference: Committee on Water, Parks, and Wildlife

Exempts water storage ponds that are associated with an energy storage facility that uses compressed air technology and is located in eastern Kern County from dam safety regulations.

Senate Amendments

Current Committee Recommendation: Concur

- 1) Delete the previous contents of this bill pertaining to clean energy project siting and permitting.
- 2) Exempt water storage ponds associated with an energy storage facility that uses compressed air technology and is located in eastern Kern County from dam safety regulations if the water storage ponds meet the following criteria:
 - a) Have a maximum pool height of 25 feet or less from the final engineered grade and a maximum storage capacity of 1,500 acre-feet (AF) or less;
 - b) Are designed by, and constructed under, the supervision of a registered civil engineer;
 - c) Are not across a stream or watercourse; and
 - d) Are approved by a lead agency under the California Environmental Quality Act, including approval by a state agency under a certified regulatory program.
- 3) Declare and find that this special statute is necessary because of the unique project that will be located in Kern County.

COMMENTS

Existing law defines "dam" as any artificial barrier, together with additional appurtenant structures (including training walls, spillways, outlets, tunnels, channels, pipelines, or dikes) that may impound or divert water and is either: 25 feet or greater in height from the natural stream bed to the top of the barrier/maximum storage elevation; or impounds a capacity of 50 AF of water or more (Water Code § 6002).

More than 1,200 structures in California meet the definition of "dam" and are, therefore, subject to regulation and oversight by the Division of Safety of Dams (DSOD) within the Department of Water Resources. DSOD ensures dam safety by:

- 1) Reviewing and approving dam enlargements, repairs, alterations, and removals to ensure that the dam appurtenant structures are designed to meet minimum requirements;

- 2) Performing independent analyses to understand dam and appurtenant structures performance. These analyses can include structural, hydrologic, hydraulic, and geotechnical evaluations;
- 3) Overseeing construction to ensure work is being done in accordance with the approved plans and specifications;
- 4) Inspecting each dam on an annual basis to ensure it is safe, performing as intended, and is not developing issues. Roughly one-third of these inspections include in-depth instrumentation reviews of the dam surveillance network data; and
- 5) Periodically reviewing the stability of dams and their major appurtenances in light of improved design approaches and requirements, as well as new findings regarding earthquake hazards and hydrologic estimates in California.

Certain types of structures (e.g., those that are smaller and impound water principally for agricultural purposes) are exempt from oversight by DSOD. This bill adds another exemption for storage ponds associated with the Willow Rock Energy Storage Center in eastern Kern County.

According to the California Energy Commission (CEC), the Willow Rock Energy Storage Center is a proposed compressed air energy storage facility in Kern County. The project site is on undeveloped land in an area zoned for "Limited Agriculture." The area surrounding the project boundary is largely undeveloped with very sparse residential development; the nearest residence is approximately 0.8 miles northwest of the northwest corner of the Willow Rock project site.

A dam or reservoir operator must submit an application to DSOD for the construction of a new dam or reservoir and the repair, alteration, or removal of an existing dam or reservoir. To cover its costs in reviewing applications, DSOD assesses a filing fee on a sliding scale that is a percentage of the estimated cost of the project as follows: 3.25% on the first \$1 million, 2.5% on the next \$4 million, 2% on the next \$15 million, 1.75% on the next \$30 million, 1.25% on the next \$100 million, 0.75% on the next \$300 million, and 0.5% on all costs in excess of \$500 million.

DSOD also assesses annual fees on jurisdictional dams to cover its ongoing oversight and regulation of dams and reservoirs. The annual fees are based on a formula that fluctuates from year-to-year based on DSOD's costs. For FY 2024-25 and FY 2025-26 the base annual fee is \$1,195 plus \$280 per foot of dam height plus an additional charge for "critical appurtenant structures," if applicable. Neither the DSOD filing fees or annual fees would apply to the Willow Rock Energy Storage Center (Willow Rock) project affected by this bill given that the project has availed itself of CEC's in lieu permitting process (see discussion below), but these fees provide context regarding the cost of dam safety oversight.

The Warren-Alquist Act, enacted in 1974, established CEC as the state's primary energy policy and planning agency. One of its key provisions is to grant CEC the exclusive authority to license and certify thermal power plants with a generating capacity between 50 and 100 megawatts (MW). This approval process, known as Application for Certification (AFC), ensures that proposed power plants meet environmental, public health, and safety standards while aligning with California's broader energy and environmental policies. AFC is an "in lieu" permitting

process that involves rigorous evaluation, including environmental impact assessments, public participation, and coordination with local, state, and federal agencies to ensure responsible energy development. Projects that use CEC's AFC process need not obtain additional permits from other state, regional, or local agencies or federal agencies, to the extent permitted by federal law. The thermal plants that can avail themselves of the AFC process include:

- 1) Natural gas-fired power plants (including combined-cycle and peaking plants);
- 2) Geothermal plants;
- 3) Solar thermal power plants (e.g., concentrated solar power or CSP plants); and
- 4) Biomass or biogas facilities (waste-to-energy plants).

The Willow Rock Energy Storage Center is a 520-megawatt gross and 4,160 megawatt-hour gross facility using Hydrostor, Inc.'s proprietary, advanced compressed air energy storage technology. The facility would consist of four power turbine trains and each train would share a common set of thermal storage tanks (hot and cold water), as well as the air storage cavern. Willow Rock would interconnect to Southern California Edison's Whirlwind Substation located southwest of Willow Rock via a new approximately 19-mile 230-kilovolt generation-tie line.

According to Willow Rock's fact sheet provided by Hydrostor (sponsor of this bill), "Hydrostor's technology relies on a man-made, fully lined retention pond which maintains the pressure of the compressed air in the underground cavern. The pond has no hydrologic connection to surface water or groundwater, will contain less than 600 [AF] of water, and will have a small berm six feet high from finished grade. 45 [AF] of water, or 15 million gallons of water, will be held above the finished grade, and all water in the pond can be emptied into the cavern if necessary."

Although Hydrostor argues that this pond is not a dam, CEC and DSOD staff have indicated that the reservoir falls within the definition of "dam." As such, the retention pond feature of Willow Rock is subject to the same design, construction, and inspection requirements as other dams. CEC states that it will consult with DSOD through the AFC process to address dam safety requirements and standards relevant to Willow Rock.

According to the Author

"Clear jurisdiction and certainty are key for new energy technologies that are necessary to California meeting its clean energy and climate change requirements. Some long duration energy storage projects that utilized compressed air and water are facing uncertainty as to which agency is responsible for reviewing their projects and issuing their permits. If they are regulated as dams because they have a pond of water onsite they face millions of dollars and years of delays.... [This bill] ensures CEC can use its long-standing authority and process to review compressed air energy storage projects and their various components including retention ponds.... Under [this bill] water storage ponds at compressed air storage facilities will be permitted and regulated in the same manner as wastewater treatment ponds because both pond types are nearly identical in volume, how they are engineered, and how they are built."

Arguments in Support

Hydrostor is the sponsor of this bill and developer of the Willow Rock Energy Storage Center in Kern County. Hydrostor asserts this bill is necessary to provide regulatory certainty and ensure the Willow Rock project is completed on time: "CEC and DSOD Staff have recently asserted

that DSOD's jurisdiction applies to the reservoir. The agencies are asking Hydrostor to file an application with DSOD, despite the CEC's exclusive jurisdiction over all state law issues. Contrary to the CEC's "one-stop" permitting jurisdiction, these dual permit application processes could add years, costs, and complexity by proposing to treat this purpose-built reservoir as if it is a full-scale dam, which it is not in either size or function. Forcing this important energy storage facility into two permitting application processes when the CEC has sole jurisdictional authority for the Willow Rock project is not warranted. To ensure that Willow Rock can move forward to provide energy storage needed to ensure a more reliable grid and to integrate renewable energy into the generation mix and for the Project to meet ongoing procurement and financing requirements, it is imperative that a final decision by the CEC be made in 2025. The joint CEC-DSOD process raises concerns about the delivery of the much-needed benefits of long duration energy storage on such a timeline. [This bill] provides clarity relative to jurisdiction and allows long duration energy storage projects like Willow Rock to move through the normal CEC permitting process. Clear jurisdiction and certainty are key for new energy technologies that are necessary to California meeting its clean energy and climate change requirements."

Arguments in Opposition

None on file.

FISCAL COMMENTS

The Assembly Appropriations analysis of the previous version of this bill is not relevant and the Senate Appropriations Committee did not hear this bill and, instead, reported it to the Senate Floor pursuant to Senate Rule 28.8; indicating this bill does not appropriate money, does not result in significant state costs or require the appropriation of funds, and will cause no significant reduction in revenues.

VOTES

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: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 78-0-1

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

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

ASM WATER, PARKS, AND WILDLIFE: 13-0-0

YES: Papan, Jeff Gonzalez, Alvarez, Ávila Farías, Bains, Bennett, Boerner, Caloza, Hart, Macedo, Celeste Rodriguez, Rogers, Tangipa

UPDATED

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