

31. Direct the Chair of the Board to send a letter of support to the author of Senate Bill 283, and take related actions ()



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Board of Supervisors - Fourth District and Fifth District

Subject: Support for Senate Bill 283 - Energy Storage Systems

Meeting Date: May 6, 2025

Formal Title: Direct the Chair of the Board to send a letter of support to the author of Senate Bill 283, and take related actions

Recommended Actions

Direct the Chair of the Board to write a letter of support to the author of Senate Bill 283 (Laird), and share the letter with the legislative committee scheduled to hear the bill and the County's legislative delegation and advocates.

Executive Summary

On February 5, 2025, Senator John Laird introduced Senate Bill 283-Energy Storage Systems, which has also become known as the "Clean Energy Safety Act of 2025." If passed, this legislation would strengthen safety standards for battery energy storage systems (BESS). In light of the recent fire at the Moss Landing Energy Storage Facility, it is imperative that the County support efforts to bolster safeguards for battery energy storage systems.

Discussion

Senate Bill 283 (SB 283) enhances statewide safety standards for battery energy storage systems (BESS) and ensures collaboration with local fire authorities, including required inspection at key stages prior to a project becoming operational. The bill also requires BESS to comply with the National Fire Protection Association 855 standards, which are widely regarded as the most robust guidelines for ensuring safety and minimizing hazards.

Under SB 283, developers must first consult with local fire authorities before submitting a BESS project for approval, whether through the local permitting process or the California Energy Commission's AB 205 Opt-In Certification Program. This engagement must cover facility design, evaluate potential risks, and incorporate emergency response strategies, including those mandated by SB 38 (Laird, 2023).

In addition, before the BESS facility can go online, it will be also required to undergo a safety inspection by local fire officials, or by the State Fire Marshal if the local jurisdiction defers its authority. SB 283 requires that the facility owner covers the cost of these inspections, reinforcing accountability in the permitting process.

The passage of this legislation will improve the safety of battery energy storage systems throughout the State, as well as help guide the development of a local energy storage Ordinance, which will further aid in protecting our community.

Financial Impact

The recommended action does not have any financial impact.

Strategic Initiatives

Operational Plan - Comprehensive Health & Safety, Sustainable Environment

Submitted By:

Felipe Hernandez, Fourth District Supervisor and Monica Martinez, Fifth District Supervisor

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

AMENDED IN SENATE APRIL 9, 2025

AMENDED IN SENATE MARCH 20, 2025

SENATE BILL

No. 283

Introduced by Senator Laird

February 5, 2025

An act to add Section 18944.22 to the Health and Safety Code, to add Sections 25545.15 and 25545.16 to the Public Resources Code, and to add Chapter 10 (commencing with Section 8500) to Division 4.1 of the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as amended, Laird. Energy storage systems.

Existing law, the California Building Standards Law, establishes the California Building Standards Commission (commission) within the ~~Department of General Services~~ *Government Operations Agency* 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. Existing law 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 commission updates to the fire standards relating to requirements for lithium-based battery systems, as provided.

This bill would require the commission and the Office of the State Fire Marshal to review and consider the most recently published edition of the National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems, for incorporation into the next update of the California Building Standards Code adopted after July 1, 2026.

Existing law authorizes a person proposing an eligible facility, including an energy storage system that is capable of storing 200 megawatthours or more of energy, to file with the State Energy Resources Conservation and Development Commission (Energy Commission) an application for certification for the site and related facility, as provided. Existing law provides that the certification issued by the Energy Commission 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.

Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities, including electrical corporations. Existing law requires the PUC to direct the state's 3 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 PUC to approve, or modify and approve, programs and investments of an electrical corporation in distributed energy storage systems with appropriate energy storage management systems, as defined.

This bill would require an application submitted to the Energy Commission in accordance with the above-described provisions relating to certification of facilities by the Energy Commission, and an application submitted to a local jurisdiction for an energy storage management system, to include the applicant's certification that the facility has been designed in accordance with the *most recently published edition of the NFPA 855, Standard for the Installation of Stationary Energy Storage Systems*, and, at least 30 days before submitting an application, the applicant met and conferred with the local fire department responsible for fire suppression in the area where the facility or system is proposed, as provided. The bill would also prohibit the approval of those applications unless the local jurisdiction requires as a condition of approval that the system be constructed, installed, commissioned, operated, maintained, and decommissioned in accordance with *the most recently published edition of the NFPA 855*, that after installation is complete, but before commencing operations, the system be inspected by the local fire department responsible for fire suppression or by a representative or designee of the State Fire Marshal, and that the applicant bear the cost of the inspection. *The bill would authorize a state or local entity to approve the construction of an energy storage management system with over 600 kilowatthours of storage capacity only if it is located in a noncombustible, dedicated-use building or is*

a remote outdoor installation, as provided. By imposing additional duties on local officers, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known, and may be cited, as the*
2 *Clean Energy Safety Act of 2025.*

3 ~~SECTION 1.~~

4 *SEC. 2.* Section 18944.22 is added to the Health and Safety
5 Code, to read:

6 18944.22. The commission and the Office of the State Fire
7 Marshal shall review and consider the most recently published
8 edition of the National Fire Protection Association (NFPA) 855,
9 Standard for the Installation of Stationary Energy Storage Systems,
10 for incorporation into the next update of the code adopted after
11 July 1, 2026.

12 ~~SEC. 2.~~

13 *SEC. 3.* Section 25545.15 is added to the Public Resources
14 Code, to read:

15 25545.15. In an application for an energy storage system, as
16 described in paragraph (2) of subdivision (b) of Section 25545,
17 submitted in accordance with this chapter, the applicant shall certify
18 both of the following:

19 (a) ~~The facility~~ *energy storage system* has been designed in
20 accordance with the *most recently published edition of the National*

1 Fire Protection Association (NFPA) 855, Standard for the
2 Installation of Stationary Energy Storage Systems. The applicable
3 edition of NFPA 855 shall be the 2023 edition, unless a later edition
4 is incorporated into the California Building Standards Code
5 pursuant to Section 18944.22 of the Health and Safety Code or
6 designated by the commission as applicable to this chapter. If
7 *Systems, unless the mostly recently published edition was published*
8 *less than one year before the date of the application, in which case*
9 *the energy storage system shall be designed in accordance with*
10 *the California Building Standards Code (Title 24 of the California*
11 *Code of Regulations).*

12 (b) If there is a conflict between a provision of NFPA 855 and
13 a provision of the California Building Standards Code (Title 24
14 of the California Code of Regulations) or any other regulation
15 adopted by a state agency, the more protective provision shall
16 apply.

17 (b)

18 (c) At least 30 days before submitting an application, the
19 applicant met and conferred with the local fire department
20 responsible for fire suppression in the area where the *facility energy*
21 *storage system* is proposed and discussed the *facility energy*
22 *storage system* design, sought input on mitigating potential fire
23 and life safety concerns, and sought input on the content of
24 emergency response plans.

25 ~~SEC. 3.~~

26 SEC. 4. Section 25545.16 is added to the Public Resources
27 Code, to read:

28 25545.16. The commission shall not certify an energy storage
29 system, as described in paragraph (2) of subdivision (b) of Section
30 25545, pursuant to this chapter, unless both of the following
31 requirements are satisfied:

32 (a) The *facility energy storage system* shall be constructed,
33 installed, commissioned, operated, maintained, and
34 decommissioned in accordance with the *most recently published*
35 *edition of the* National Fire Protection Association (NFPA) 855,
36 *Standard for the Installation of Stationary Energy Storage Systems.*
37 ~~The applicable edition of NFPA 855 shall be the 2023 edition,~~
38 ~~unless a later edition is incorporated into the California Building~~
39 ~~Standards Code pursuant to Section 18944.22 of the Health and~~
40 ~~Safety Code or designated by the commission as applicable to this~~

~~chapter 10~~ *If Systems, unless the most recently published edition was published less than one year before the date of the application, in which case the energy storage system shall be designed in accordance with the California Building Standards Code (Title 24 of the California Code of Regulations).*

(1) Notwithstanding paragraph (1), a manufacturer or energy storage system owner may voluntarily design the energy storage system in accordance with a more recent edition of NFPA 855 before its operative date, if compliance with all applicable listing and testing requirements is demonstrated.

(2) If there is a conflict between a provision of NFPA 855 and a provision of the California Building Standards Code (Title 24 of the California Code of Regulations) or any other regulation adopted by a state agency, the more protective provision shall apply.

(b) After installation is complete, but before commencing operations, the ~~facility~~ energy storage system shall be inspected by the local fire department responsible for fire suppression or by a representative or designee of the State Fire Marshal. The applicant shall bear the cost of the inspection.

~~SEC. 4.~~

SEC. 5. Chapter 10 (commencing with Section 8500) is added to Division 4.1 of the Public Utilities Code, to read:

CHAPTER 10. ENERGY STORAGE MANAGEMENT SYSTEMS

8500. For purposes of this chapter, both of the following definitions apply:

(a) “Energy storage management system” has the same meaning as defined in Section 2838.2.

(b) “NFPA 855” means the National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems. The applicable edition of NFPA 855 shall be the 2023 edition, unless a later edition is incorporated into the California Building Standards Code pursuant to Section 18944.22 of the Health and Safety Code or designated by the commission as applicable to this chapter. If there is a conflict between a provision of NFPA 855 and a provision of the California Building Standards Code (Title 24 of the California Code of Regulations)

1 or any other regulation adopted by a state agency, the more
2 protective provision shall apply.

3 8501. An application submitted to a local jurisdiction for an
4 energy storage management system shall include the applicant's
5 certification of both of the following:

6 (a) (1) The energy storage management system has been
7 designed in accordance with the NFPA-~~855~~. 855, *unless the most*
8 *recently published edition was published less than one year before*
9 *the date of the application, in which case the energy storage*
10 *management system shall be designed in accordance with the*
11 *California Building Standards Code (Title 24 of the California*
12 *Code of Regulations).*

13 (2) *Notwithstanding paragraph (1), a manufacturer or energy*
14 *storage management system owner may voluntarily design an*
15 *energy storage management system in accordance with a more*
16 *recent edition of NFPA 855 before its operative date, if compliance*
17 *with all applicable listing and testing requirements is*
18 *demonstrated.*

19 (b) At least 30 days before submitting an application, the
20 applicant met and conferred with the local fire department
21 responsible for fire suppression in the area where the energy storage
22 management system is proposed and discussed the energy storage
23 management system design, sought input on mitigating potential
24 fire and life safety concerns, and sought input on the content of
25 emergency response plans.

26 8502. A local jurisdiction shall not approve an energy storage
27 management system, unless the local jurisdiction requires both of
28 the following as a condition of approval:

29 (a) (1) The energy storage management system shall be
30 constructed, installed, commissioned, operated, maintained, and
31 decommissioned in accordance with the NFPA-~~855~~. 855, *unless*
32 *the most recently published edition was published less than one*
33 *year before the date of the application, in which case the energy*
34 *storage management system shall be designed in accordance with*
35 *the California Building Standards Code (Title 24 of the California*
36 *Code of Regulations).*

37 (2) *Notwithstanding paragraph (1), a manufacturer or energy*
38 *storage management system owner may voluntarily design an*
39 *energy storage management system in accordance with a more*
40 *recent edition of NFPA 855 before its operative date, if compliance*

1 with all applicable listing and testing requirements is
2 demonstrated.

3 (b) After installation is complete, but before commencing
4 operations, the energy storage management system shall be
5 inspected by the local fire department responsible for fire
6 suppression or by a representative or designee of the State Fire
7 Marshal. The applicant shall bear the cost of the inspection.

8 8503. (a) For purposes of this section, all of the following
9 definitions apply:

10 (1) “Dedicated-use building” has the same meaning as defined
11 in Chapter 12 (commencing with Section 1201) of Part 9 of the
12 California Building Standards Code (Title 24 of the California
13 Code of Regulations).

14 (2) “Noncombustible building” means a building that meets
15 the Type I building requirements set forth in Part 11 (commencing
16 with Section 101) of the California Building Standards Code (Title
17 24 of the California Code of Regulations).

18 (3) “Remote outdoor installation” has the same meaning as
19 defined in Chapter 12 (commencing with Section 1201) of Part 9
20 of the California Building Standards Code (Title 24 of the
21 California Code of Regulations).

22 (b) A state or local entity may only approve the construction of
23 an energy storage management system with over 600 kilowatthours
24 of storage capacity if it is located in a noncombustible,
25 dedicated-use building or is a remote outdoor installation.

26 ~~SEC. 5.~~

27 ~~SEC. 6.~~ The Legislature finds and declares that Sections 4 2
28 to 4, 5, inclusive, of this act adding Section 18944.22 to the Health
29 and Safety Code, adding Sections 25545.15 and 25545.16 to the
30 Public Resources Code, and adding Chapter 10 (commencing with
31 Section 8500) to Division 4.1 of the Public Utilities Code address
32 a matter of statewide concern rather than a municipal affair as that
33 term is used in Section 5 of Article XI of the California
34 Constitution. Therefore, Sections 4 2 to 4, 5, inclusive, of this act
35 apply to all cities, including charter cities.

36 ~~SEC. 6.~~

37 ~~SEC. 7.~~ No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 a local agency or school district has the authority to levy service
40 charges, fees, or assessments sufficient to pay for the program or

1 level of service mandated by this act, within the meaning of Section
2 17556 of the Government Code.

3 However, if the Commission on State Mandates determines that
4 this act contains other costs mandated by the state, reimbursement
5 to local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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SENATOR JOHN LAIRD



SB 283

Clean Energy Safety Act of 2025

SUMMARY

Senate Bill 283 provides a crucial tool and safeguard to ensure battery storage facilities are built and maintained with the highest level of safety and oversight by our local fire officials.

BACKGROUND

A disastrous fire broke out in January 2025 at the Moss Landing battery storage facility. The emergency prompted evacuations when a fire burned for several days, later reignited, and raised serious concerns within the community about toxic smoke, heavy metals, and ash.

Under existing law, battery energy storage systems (BESS) can be permitted locally or through the California Energy Commission's AB 205 Opt-In Certification Program. Although industry recognized safety standards have come a long way since Moss Landing's BESS development, there still lacks consistent state guidance on the permitting and development of BESS.

The state made recent strides to enhance BESS oversight and local coordination through SB 38 (Laird, Chapter 377, Statutes of 2023) which required local emergency plans, and SB 1383 (Hueso, Chapter 725, Statutes of 2022) which expanded the California Public Utilities Commission's (CPUC) enforcement over BESS. CPUC modified General Order 167 in March 2025 to implement and enforce maintenance and operation standards, including the enforcement of SB 38 (Laird, 2023) and add new safety standards for the operation of BESS. CPUC is actively inventorying BESS facilities to prioritize inspection and audits of all existing BESS facilities under CPUC oversight.

California established a landmark policy to use 100% renewable energy by 2045. Solar and wind power are key to meeting this goal, however grid reliability relies on BESS which stores energy for use when the sun is down and the wind is not blowing. There are

several major energy goals in California – move away from fossil fuels to a greener electrical grid, have safe and renewable energy sources, maintain affordability, and keep the lights on. The development of safe BESS is crucial to meeting these goals.

THIS BILL

Senate Bill 283 strengthens statewide safety standards for battery storage energy systems (BESS) and ensures there is local fire authority consultation and inspection at various stages prior to a project going online.

SB 283 requires battery storage facilities to adhere to the National Fire Protection Association (NFPA) 855 standards, which are widely recognized as the strongest standards for safety and hazard mitigation of BESS. Prior to submitting a BESS application through the local approval process or the California Energy Commission's AB 205 Opt-In Certification Program, developers are required to engage and confer with local fire authorities. This consultation must address facility design, assess potential risks, and integrate emergency response plans, such as those required under SB 38 (Laird, 2023).

A facility will be also required to undergo a safety inspection by local fire officials, or by the State Fire Marshal if the local jurisdiction defers its authority, before the facility can go online. SB 283 ensures that the facility owner covers the cost of inspections, reinforcing accountability in the permitting process. SB 283 will be amended to limit BESS development in combustible buildings as the bill progresses.

SB 283 enables the safe development of BESS to protect California emergency responders, workers, and the community.

SPONSORS

California Professional Firefighters
International Brotherhood of Electrical Workers