

February 24, 2025

San Diego County Board of Supervisors  
County Administration Center  
1600 Pacific Highway, San Diego, CA 92101

**RE: ITEM 11 - SUBJECT: SUPPORTING SAFER PRACTICES WHEN SITING  
BATTERY ENERGY STORAGE SYSTEM PROJECTS**

Dear Chairman Anderson and Board Members:

The California Energy Storage Alliance (“CESA”) respectfully urges the San Diego County Board of Supervisors to reject the motion to support AB 303 (Addis), a bill related to battery energy storage permitting.

CESA is a 501(c)6 membership-based organization committed to advancing the role of energy storage in the electric power sector. We strive to advance a more affordable, efficient, reliable, safe, and sustainable electric power system for all Californians. Our membership includes technology manufacturers, project developers, systems integrators, electrical contractors, software developers, professional services firms, and other clean tech industry leaders.

The safe deployment of energy storage resources in California is our top priority. CESA supports stringent requirements for storage owners and operators, consistent with industry and national standards, to prevent or mitigate any potential hazards through a proactive, collaborative stakeholder effort.

As introduced, however, AB 303 would severely restrict the permitting of new Battery Energy Storage Systems (BESS) facilities irrespective of their safety features and would do nothing to improve the safety of existing facilities. Among its provisions, AB 303 would impose an unworkable 3,200 ft. buffer zone on new BESS facilities, which is not based on or supported by any public health science; preclude BESS facilities over 200 MWh from eligibility under the California Energy Commission’s (CEC) opt-in siting program; and require the CEC to deny any pending applications it has received for BESS facilities (in effect prejudging the merits of those projects via legislation rather than the administrative record). Together, these restrictions would impose a de facto moratorium on new BESS facilities in California, rendering our grid less reliable and our clean energy goals unattainable.

CESA has been actively engaged with the San Diego County Fire Protection District since the Board directed the district to develop BESS Safety guidelines at the September 11<sup>th</sup> Land Use Committee meeting. This bill would upend the hard work of your staff as they are working to finalize the county’s BESS safety guidelines that are specific to San Diego County.

We share the county's goal to increase BESS safety. To that end, CESA, in collaboration with our sister organization American Clean Power, has developed a set of recommended safety policies to improve BESS safety for both existing and new facilities. The recommendations, which are available on our Safety Resources website (<https://storagealliance.org/safety-resources>), represent a better alternative to enable the continued deployment of BESS while holding BESS developments to the most recent safety standards available.

To meet California's reliability and greenhouse gas mitigation goals while ensuring BESS facilities meet the highest safety standards, our response must be deliberate and informed by safety experts. We respectfully urge the Board to reject this motion and to continue to allow your staff to develop BESS safety guidelines that meet the specific needs of San Diego County.

If you have any questions, please feel free to contact me at [scott@storagealliance.org](mailto:scott@storagealliance.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Murtishaw".

Scott Murtishaw  
Executive Director, CESA



February 24, 2025

The Honorable Terra Lawson-Remer  
Vice Chair, County of San Diego Board of Supervisors  
1600 Pacific Highway  
San Diego, CA 92101

**RE: Supporting Safer Practices When Siting Battery Energy Storage System Projects**

Dear Board of Supervisors,

On behalf of the undersigned stakeholders, we write you today to express our strong opposition to Item #11 "Supporting Safer Practices When Siting Battery Energy Storage System Projects." This proposal to support California State Assembly Bill 303 (AB 303), authored by Assemblymember Dawn Addis, would be a de facto ban on the permitting or development of Battery Energy Storage System (BESS) projects throughout the state.

We understand your concerns regarding new technology and believe the safety of residents should of course be prioritized, that is why we are supportive of federal guidelines and the 2022 California Fire Code regulations (Section 1207: Electrical Energy Storage Systems), which was adopted by the County of San Diego in 2024. BESS developed in 2024 are designed with robust safety protocols including fire propagation control, thermal management systems, automatic shutoff technology, physical barriers, and 24/7 real-time monitoring. Experts and fire officials also regularly inspect these systems.

As we have shared before, a ban such as this would have significant negative consequences for our local economy, supply chains, climate action efforts, workforce and could devastate California's energy grid. Such a ban would undermine San Diego Gas & Electric (SDG&E), San Diego Community Power (SDCP), and Clean Energy Alliance's (CEA) efforts to procure clean, reliable, affordable energy for local ratepayers. Moreover, AB 303 would not only impact future BESS projects, but also projects already being reviewed and built, causing significant expenses to developers, costly lawsuits against the state, and would end thousands of jobs within the clean energy sector. Additionally, BESS generate substantial property tax revenue that benefits local school districts, municipal districts, and government budgets, while also supporting clean energy adoption, job creation, and long-term economic development in regions like San Diego County.

As you may be aware, California's energy grid faces growing challenges due to rising demand for electricity. BESS technology plays a pivotal role in mitigating these challenges by storing excess

renewable energy and dispatching it when needed most, therefore reducing strain on the grid during peak demand periods. Continued investment in energy storage infrastructure is crucial to ensuring a sustainable power system for all San Diegans. BESS projects have already demonstrated their critical role in preventing blackouts, brownouts, and other power shutoffs locally and across California, particularly during periods of extreme weather – which are occurring more frequently in recent years. In 2023 and 2024, the state experienced a notable reduction in grid failures and blackouts, largely attributed to the deployment of BESS installations. As California advances toward a more electrified future, expanding energy storage capacity is essential to maintaining grid stability, reliability, and affordability.

We thank you for your consideration of the detrimental impacts Assembly Bill 303 would have on our county and state and respectfully ask for your no vote.

Sincerely,



Jessica Lawrence  
Interim President & CEO  
San Diego Regional Chamber of Commerce



Jeremy Abrams  
Business Manager  
IBEW 569



Josh Coon  
Vice President of Development  
Arevon Energy



Daniel Harmon  
Vice President of Development  
Middle River Power

CC:

Hon. Supervisor Joel Anderson  
Hon. Supervisor Monica Montgomery Steppe  
Hon. Supervisor Jim Desmond  
CAO Ebony N. Shelton  
County Counsel



Brittany Syz  
Vice President  
External Affairs & Communications

8320 Century Park Court  
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2/24/2025

San Diego County Board of Supervisors  
Acting Chair Terra Lawson-Remer  
San Diego County Administration Center  
1600 Pacific Highway San Diego, CA, 92101

Hon. Terra Lawson-Remer, Acting Chair, San Diego County Board of Supervisors:

Subject: Agenda Item 11: SUPPORTING SAFER PRACTICES WHEN SITING BATTERY ENERGY STORAGE SYSTEM PROJECTS, Tuesday, February 25, 2025

## OVERVIEW:

Battery Energy Storage Systems (BESS) play a critical role in ensuring the reliability and stability of California's power grid as the state integrates more renewable energy sources. As energy storage technologies continue to evolve and advance, the safety of these systems is—and should remain—a central focus of the development of BESS projects.

SDG&E is committed to maintaining the safety of these systems and conducts thorough site and technology assessments adhering to industry codes and standards. Continuous advancements in technology and rigorous testing ensure that BESS are safe and reliable.

SDG&E has developed a portfolio of over 20 utility-owned BESS projects, several of which can carry customer load under microgrid operations. SDG&E's BESS facilities, totaling over 385 Megawatts (MW) and 1,550 Megawatt hours (MWh) across San Diego County and the region, currently support the safe and reliable operation of the bulk electric system and provide microgrid resiliency<sup>1</sup>. Microgrids have been an effective tool to mitigate PSPS impacts in high-fire threat areas.

Through its rules and regulations, the California Energy Commission (CEC) fosters collaborative siting efforts between industry, agency representatives and the community<sup>2</sup> and has and is licensing beneficial projects throughout the state. AB 303 would require the CEC to deny all pending project applications, resulting in a chilling impact to the BESS industry and potentially jeopardizing assets needed for increased grid reliability. Overall, the bill may dramatically impact California's efforts to increase reliability, electrify the grid, while meeting its climate goals.

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<sup>1</sup> <https://www.sdge.com/major-projects/battery-energy-storage-systems-bess-and-microgrids>

<sup>2</sup> <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/opt-certification-program>

Reaching the State's ambitious net-zero emissions goal by 2045 will require BESS to be a critical component, and is the case for any local climate action plan as well. The County of San Diego's Climate Action Plan recognizes the need to add more renewables to the grid and has similar net-zero emissions reductions as the State.<sup>3</sup> BESS provide an effective strategy to achieving these goals.

On behalf of our 4,700 employees who are committed to building a clean, safe, and reliable infrastructure, we respectfully request a vote No on Item 11. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brittany Syz', with a stylized flourish at the end.

Brittany Syz  
Vice President, External Affairs & Communications

CC:

Hon. Joel Anderson, Supervisor, District 2

Hon. Monica Montgomery Steppe, Supervisor, District 4

Hon. Jim Desmond, Supervisor, District 5

San Diego County Chief Administrative Officer Ebony Shelton

San Diego County Clerk of the Board Andrew Potter

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<sup>3</sup> <https://www.sandiegocounty.gov/content/sdc/sustainability/climateactionplan.html>

**From:** [Mary Davis](#)  
**To:** [FGG, Public Comment](#)  
**Subject:** [External] Yes on Item 11 - Tue. 02-25-2025  
**Date:** Wednesday, February 19, 2025 2:47:53 PM

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# Yes on Item 11

*SD County Board of Supervisors - Tue. February 25, 2025*

## ***Supporting Safer Practices When Siting BESS (Battery Energy Storage System) Projects***

### **Please Support AB 303**

***Battery Energy Safety & Accountability Act***



#### ***AB 303 would:***

- **ensure that BESS projects won't be built in environmentally sensitive areas, such as high fire and high flood zones**
- **require a 3,200-foot setback from "sensitive places" like homes, schools, and healthcare facilities**
- **return the authority to decide whether to allow these facilities back where it belongs -- *into the hands of local communities***

Please include this image/email in the final agenda for Tue. 02-25-2025.

Respectfully,

Mary Davis  
Alpine



**From:** [JP Theberge](#)  
**To:** [FGG, Public Comment](#)  
**Subject:** [External] Fwd: AB303 - Item 11 - Please Support  
**Date:** Monday, February 24, 2025 8:57:21 PM

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I submitted this earlier today as a comment on Item 11 tomorrow. Thanks!

Begin forwarded message:

**From:** JP Theberge <jp@culturaledge.net>  
**Subject:** AB303 - Item 11 - Please Support  
**Date:** February 24, 2025 at 8:37:34 PM PST  
**To:** <terra.lawson-remer@sdcounty.ca.gov>, <Jim.Desmond@sdcounty.ca.gov>, "Joel Anderson" <joel.anderson@sdcounty.ca.gov>, <monica.montgomerysteppe@sdcounty.ca.gov>  
**Cc:** <senator.blakespear@senate.ca.gov>, <senator.jones@senate.ca.gov>, <assemblymember.alvarez@assembly.ca.gov>, <assemblymember.boerner@assembly.ca.gov>, <assemblymember.davies@assembly.ca.gov>, <assemblymember.demaio@assembly.ca.gov>, <assemblymember.patel@assembly.ca.gov>, <assemblymember.sharpcollins@assembly.ca.gov>, <assemblymember.ward@assembly.ca.gov>, <coordinator@safeenergystorage.org>, "Yuen, Jeffrey" <Jeffrey.Yuen@sdcounty.ca.gov>, "Salazar, Maykent L" <MaykentL.Salazar@sdcounty.ca.gov>, "Henson, Eric" <Eric.Henson@sdcounty.ca.gov>, "Lynch, Dahvia" <Dahvia.Lynch@sdcounty.ca.gov>, Vince Nicoletti <vince.nicoletti@sdcounty.ca.gov>

Esteemed supervisors:

Thanks for taking the time tomorrow to discuss AB303. I represent constituents in the unincorporated County through my role on the Elfin Forest / Harmony Grove Town Council. I have also been involved in advocating for our communities of Eden Valley, Harmony Grove and Elfin Forest as well as the adjacent neighbors in the City of Escondido in opposition to the Seguro project.

5200 people in the area have signed a petition in opposition to Seguro ([link](#)) and hundreds have written letters. Lastly, I am one of the leaders of Californians for Safe Energy Storage (which represents the largest counties in California, approximately 21 million people) seeking common sense ways to protect communities from potentially toxic impacts of BESS facilities. The group has mobilized several hundred letters in support of AB 303.

[www.safeenergystorage.org](http://www.safeenergystorage.org)

The people are speaking loud and clear: BESS facilities need to be treated like other industrial land uses that have a potential to be harmful to communities and be kept away from where people live.

*First some facts on BESS Facilities, then we can talk about AB303:*

## **THERMAL RUNAWAY FIRES ARE A FACT OF LIFE FOR BESS FACILITIES**

The facts are clear: these facilities catch fire with regularity. 93 fires have been tracked by the industry (which only tracks media coverage) (EPRI Failure Database, [link](#)). And the vast majority have occurred since 2021, more than one per month. California has seen 5 in the last 18 months alone (not included the unreported fires in remote installations).

Fact: Larger facilities have a higher likelihood of catching fire. Using the industry's own data, a 1000 MWh facility (smaller than the proposed Seguro site), statistically speaking, will have a fire on-site every 2 years. (White paper on fire risk: [link](#)). For a facility that may last 30 years or more, that's 15 fires during its lifespan (though most energy facilities last 60 years). That's a lot to burden a neighborhood with.

## **FIRST RESPONDERS STANDARD PROCEDURE: LET IT BURN**

After much trial and error (and injuries and water contamination), fire authorities around the state seem to have settled on a consistent response: let it burn. Cooling nearby containers may or may not be helpful. This means that if you live next to a facility, you can be reasonably certain that there will be an uncontrolled conflagration on a semi-regular basis. The industry's only real mitigation to the fire risk is to attempt to limit the fire to one container (40 foot long, filled with toxic chemicals). I can't think of any industry whose fire response to a chemical fire is to just let it burn, especially not in the vicinity of human beings living in neighborhoods.

## **ONE CONTAINER ON FIRE IS TOO MUCH:**

The industry will not promise that there will be no fires, they can only promise that fires will be "contained to just one container" (as bad as that sounds). This too, cannot be guaranteed. Container fires can spread to adjacent containers under the right conditions: the Tesla Big Battery fire in Australia (an open-air facility with 212 containers) caught fire during unseasonably high temperatures and high winds spread the fire from one container to the next destroying two shipping container-sized units ([link](#)). These units are typically around 40 feet long, 16 feet wide and 8 feet tall. They can contain upwards of 40,000 individual battery cells.

## **THE IMPACTS ARE REAL**

While the industry celebrates the fact that no one has died from battery fires, fires do pose serious health risks to first responders and neighboring residents. This is why every single fire reported has required evacuation of hundreds or thousands of people, shelter in place orders and/or the closing down of major roadways like Highway 1 in Monterey (on multiple occasions). The risk of respiratory damage is too high.

## HEAVY METALS DEPOSITED FOR MILES AROUND

During battery fires, the plume contains a cocktail of harmful, toxic chemicals that, even in small amounts, can cause significant damage. The direction of the plume (up, diagonally, or horizontally, in some cases) depends entirely on weather conditions. One thing is clear: the particles carried in the plume eventually settle as far as 15 miles away. The recent fire in Moss Landing deposited heavy metals (Manganese, Cobalt, Nickel and Lithium) in toxic levels within a 2 mile radius (NY Times article [link](#), LA Times article [link](#), analysis of heavy metals [link](#)). We still don't know what impacts that has on the health of the communities surrounding. There have been hundreds of reports of respiratory distress, rashes (potentially burns) and other impacts following that fire.

*All that notwithstanding, I would like to raise a few points about the AB 303 that aren't particularly obvious upon first reading:*

### AB 303: IT ACTUALLY DOES GIVE BACK LOCAL CONTROL:

As a refresher, in 2022, Assembly Bill 205 was passed which allowed BESS developers to bypass local land use authority by “opting in” to an approval process through the California Energy Commission.

*The Opt-In Certification Program, as it's known, is an optional permitting process through which developers can submit project applications. The CEC permit is in lieu of any permit that would normally be required by the local land use authority and most, but not all, state permits. California Energy Commission Opt-in Fact Sheet ([link](#))*

To date, two BESS projects in California *that were rejected* by the local land use authority have sought to opt-in: the Engie Project in San Juan Capistrano ([link](#)) and the NextEra project in Vacaville, Solano County ([link](#)). Both went through a complete approval process and were rejected by local planning authorities. Both are now seeking to bypass the local authorities through expedited CEC process courtesy of AB 205.

This new bill, AB 303 ([link](#) to text) essentially negates AB 205. How? By modifying the definition of “facility” in AB 205's language to exclude Battery Energy Storage facilities. Amending, Section 25545, subdivision (b), paragraph (2), subparagraph (B):

**25545.** For purposes of this chapter, the following definitions apply:

(a) “California Native American tribe” has the same meaning as set forth in Section 21073.

(b) “Facility” means any of the following:

(1) A solar photovoltaic or terrestrial wind electrical generating powerplant with a generating capacity of 50 megawatts or more and any facilities appurtenant thereto.

(2) ~~An~~ (A) Except as provided in subparagraph (B), an energy storage system as defined in Section 2835 of the Public Utilities Code that is capable of storing 200 megawatthours or more of energy.

*(B) "Energy storage system" does not include a battery energy storage system. The commission shall deny an application for a battery energy storage system that is pending as of the effective date of this subparagraph.*

### **AB 303: IT SPECIFIES STRICT SITING PARAMETERS BECAUSE JURISDICTIONS HAVE NOT SHOWN LEADERSHIP ON PROTECTING COMMUNITIES**

The overwhelming support we've seen for AB 303 comes down to the fact that jurisdictions around California (including San Diego County) have not taken the necessary steps to protect communities from these facilities. Developers exploit poorly resourced communities like Eden Valley, Otay, Escondido to burden them with facilities that endanger their lives and create a burden that no one should be required to carry.

While the siting parameters required in this bill may be seen as interfering with local officials' discretion, it is because local officials have not stepped up to create rigorous land use regulations that dictate where and how these projects can be built. Even so, local officials we've spoken to are largely supportive of this bill on a bipartisan basis because Sacramento has weakened their discretion already and this actually allows them to implement the will of the people.

While I urge all board members to support AB 305, if there is to be any discussion about the strict setback requirements of the bill, it should be "why haven't we implemented strict land use parameters as we do for other harmful land uses?" That is the question that the people want answers to.

### **AB303: WIDESPREAD SUPPORT ACROSS SD COUNTY AND THE STATE: CONSTITUENTS INSIST ON BEING PROTECTED**

In the last 2 weeks, constituents have written several hundred letters to their elected officials to support AB 303. That's because we feel we're being ignored. The vast majority of folks who have written in have expressed support for green energy, while at the same time expressing concerns that the industry is forcing an environmental injustice on folks who may not have the resources to fight billion dollar companies.

I urge you to support AB303 (and Item 11) and push for stricter siting parameters within our own land use policies here in San Diego County.

With much respect and appreciation for the work you do to represent us,

- JP Theberge