

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, DECEMBER 10, 2024**

MINUTE ORDER NO. 30

SUBJECT: NEW REQUIREMENTS FOR BATTERY ENERGY STORAGE SYSTEM (BESS) PROJECTS IN UNINCORPORATED AREAS AND CEQA FINDINGS (DISTRICTS: ALL)

OVERVIEW

Last May, San Diego County Fire (County Fire) responded to the 17-day Gateway Fire at a battery energy storage systems (BESS) facility in East Otay Mesa. Following the incident, the Board of Supervisors (Board) approved \$250,000 in the Fiscal Year 2024-26 CAO Recommended Operational Plan Change Letter for County Fire to contract with a fire protection engineering firm to provide a BESS fire safety best practices report with policy recommendations for new and existing facilities in the unincorporated area (Attachment A). On July 17, 2024 (8), the Board directed the Chief Administrative Officer (CAO) to work with in-process BESS project applicants on development standards for siting BESS projects in the unincorporated area and develop options to incentivize safety. While that work continues, the Board directed exploring interim standards and other stopgap measures to ensure safety.

On September 11, 2024 (5), the Board received an update on upcoming short-term actions and longer-term efforts on development standards that would be presented to the Board in the future. At the meeting, the Board directed the CAO to have County Fire analyze appropriate residential buffer distances based on plume modeling and develop a plan for BESS facilities, report to the Board in 45 days with an interim update and return with a plan to the Board by December 11, 2024.

On November 12, 2024, the draft BESS Best Practices report was released for public comment and a community listening session was held on November 14, 2024. Since then, County Fire has developed Interim Fire Protection Guidelines for BESS Facilities (Attachment B) for addressing the fire and life safety of BESS projects within the San Diego County Fire Protection District (SDCFPD). The proposed plan includes the following fire code enhancements:

- Immediate enforcement of new fire mitigation, detection, and safety standards by San Diego County Fire until upcoming changes to the California Fire Code and adoption of an updated Consolidated Fire Code in 2025 by the Board of Supervisors
- Requirements for explosion prevention, passive and active ventilation systems to reduce risk, gas detection and an actively monitored battery management system to alert first responders in case of elevated risk
- Submission of a Hazard Mitigation Analysis and Hazard Identification Analysis
- Emergency planning and training procedures to support first responders with quickly and safely addressing risks during an incident
- Laboratory-validated parts and components to reduce potential fires and explosions once a BESS facility becomes operational
- Continuous evaluation of emerging technologies and practices, including National Fire Protection Association (NFPA) updates

County Fire’s proposed implementation plan includes setbacks, structure separation distance and site requirements based on fire behavior, firefighting access and suppression, and applicable codes and standards. County Fire is recommending a minimum 100-foot setback to provide adequate distance for personnel, apparatus, and command to be safely positioned during a fire suppression operation and is consistent with personnel and resource placement during the Gateway Fire. The proposed setback is consistent with the existing requirement of 100 feet of defensible space.

As noted in the BESS Best Practices report, prior incidents involving BESS facilities have shown the potential for toxic gas emissions during failure events, and plume modeling (dispersion analysis) could be completed during the planning stage of a proposed BESS project to help determine evacuation distances and approach distances for first responders. County Fire is proposing that plume modeling be required for each individual project within the SDCFPD and the results may yield a recommendation for a setback greater than 100-feet. Attachment B includes specific inputs and assumptions that each project would incorporate into a County Fire-recognized software system for an acceptable dispersion analysis.

Today’s actions include the Board receiving and accepting the consultant’s report and authorizing the County Fire Chief to implement the Interim Fire Protection Guidelines for BESS Facilities as determinations within the fire code. Applicants will be required to hire a fire protection engineer to complete a technical study that accounts for each recommended best practice to mitigate future risk. In addition, today’s actions include directing the CAO to return within 150 days to update the Consolidated Fire Code for the San Diego County Fire Protection District only, to codify the Interim Fire Protection Guidelines for BESS Facilities into the Consolidated Fire Code. County Fire will continue working with independent fire protection districts to immediately take the same actions and include the recommended best practices into the next three-year update of the San Diego County Consolidated Fire Code for the SDCFPD and other fire protection districts.

RECOMMENDATION(S)
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.
2. Receive the *San Diego County BESS Best Practices* report. (Attachment A).
3. Authorize the County Fire Chief to immediately implement the Interim Fire Protection Guidelines for BESS Facilities as identified in Attachment B.
4. Direct the Chief Administrative Officer to return to the Board within 150 days with modifications to the Consolidated Fire Code for the San Diego County Fire Protection District that incorporate the Interim Fire Protection Guidelines for BESS Facilities in Attachment B.

EQUITY IMPACT STATEMENT

Battery energy storage systems (BESS) facilities have a potential to impact communities both positively and negatively, including communities disproportionately impacted by environmental burdens. San Diego County Fire (County Fire) is responsible for administering fire prevention services in the San Diego County Fire Protection District (SDCFPD). The SDCFPD includes some of the most under-resourced and impacted communities with health disparities and median income below the

regional average. Unsafe BESS facilities could further negative impacts for SDCFPD residents. Accepting the recommendations in the report can help balance benefits to the environment, job growth, and resident safety in the SDCFPD.

SUSTAINABILITY IMPACT STATEMENT

This action aligns with County of San Diego’s Sustainability Vision and Goals and supports a transition to a green, carbon-free economy, helps reduce greenhouse gas emissions, support green job creation and workforce development, and prepare for the impacts of a changing climate by leading an energy grid that is decarbonized.

FISCAL IMPACT

There is no fiscal impact associated with today’s recommended actions to receive the *San Diego County BESS Best Practices* report (Attachment A) or to implement the guidelines. The added guidelines will increase the BESS application review process by staff that will be supported by applicant fees. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT

As part of San Diego County Fire’s listening session and public comment period, County Staff heard from the business community about their concerns of potential cost increases with implementing the best practices recommendations and the potential reduction in opportunities to permit new projects due to potential setbacks from neighboring properties. Previous County and local university research examined levels of job creation in the San Diego region associated with \$5.1 billion in average annual spending on energy supply investments between 2021 - 2030. Approximately \$630 million annually (12.3%) is spent on clean renewables. BESS projects are a part of clean renewables. Further requirements are unlikely to substantially impact spending on energy projects.

ACTION 1.1:

A motion was made by Supervisor Vargas to continue the item.

ABSENT: Anderson

(Motion failed due to lack of a second.)

ACTION 1.2:

A motion was made by Supervisor Vargas to continue the item for 90 days.

ABSENT: Anderson

(Motion failed due to lack of a second.)

ACTION 1.3:

ON MOTION of Supervisor Lawson Remer, seconded by Supervisor Desmond, the Board of Supervisors took the following actions:

1. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.
2. Receive the San Diego County BESS Best Practices report. (Attachment A).

AYES: Lawson-Remer, Montgomery Steppe, Desmond
NOES: Vargas
ABSENT: Anderson

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter