City Council Meeting

Public Comments

October 9, 2024

Board or Commission for Public Comment City Council

Email melrals@cox.net

Council Meeting Date 10/23/2024

Item # no number, in general comment

Subject CRIME AND TRAFFIC ACCIDENTS

Position No Position

First and Last Name Melissa Alice Ralston

Are you an Escondido Resident? Yes

Comments

I would like to see the amount of crime and traffic accidents addressed publicly. It's seems to have gotten out of control. Perhaps, Escondido can take a proactive approach and start a PSA campaign or send mailers to remind residents to slow down, obey traffic rules, watch for pedestrians and report suspicious activity, something that might bring more awareness to these on going issues.

Board or Commission for Public Comment City Council

Email jasona@cleantechsandiego.org

Council Meeting Date October 9, 2024

Item # 6

Subject Interim Urgency Ordinance Prohibiting New Commercial Battery Energy Storage Systems Within the City of Escondido

Position In Opposition

First and Last Name Jason Anderson

Are you an Escondido Resident? No

Mayor White and Councilmembers:

On behalf of Cleantech San Diego, please accept this letter regarding the proposed ordinance prohibiting battery energy storage systems (BESS) projects in the City of Escondido.

As background, Cleantech San Diego is a member-based business organization founded 17 years ago to position the San Diego region as a leader in the cleantech economy. We represent the renewable energy industry, a critical sector that employs close to 42,000 people in our region and has a $9.9 billion impact on our regional economy.

Battery storage projects are not only critical for keeping the electric grid operating reliably for our communities and businesses, but they are also essential to achieving our goals of 100 percent renewable energy. They provide a necessary energy resource to ensure our region does not face blackouts during extreme weather conditions such as heat waves.

The San Diego region has always been a leader in renewable energy generation and as a result, was an early adopter of battery storage. As the battery storage industry has evolved and technology has advanced, so have the types of projects and ways in which they are designed and constructed. Battery storage projects today are built with the latest in technology and safety with highly advanced emergency monitoring and protocols in place to ensure they pose little risk to surrounding areas. In addition, the BESS industry follows a robust set of established national codes and safety standards to guide planning, developing, and operating each energy storage project.

As you consider the proposed resolution, it is our hope that you will take into account the many economic, workforce, and sustainability benefits of BESS projects in our region. Thank you for your consideration.

Sincerely,

Jason Anderson, President and CEO, Cleantech San Diego

Board or Commission for Public Comment City Council

Email scott@storagealliance.org

Council Meeting Date 10/09/2024

Item # 6

Subject Urgency Ordinance Prohibiting New Energy Storage Systems

Position In Opposition

First and Last Name Scott Murtishaw

Are you an Escondido Resident? No

Comments

Dear Mayor While and City Council Members:

On behalf of the California Energy Storage Alliance (CESA), I write regarding the proposed moratorium on Battery Energy Storage Systems (BESS) in the City of Escondido.

CESA is a 501(c)(6) membership-based advocacy group committed to advancing the role of energy storage in the electric power sector. CESA supports stringent measures created by fire safety experts for BESS to protect public safety. However, CESA strongly opposes a moratorium on BESS projects. There are several reasons deployment of BESS should not be delayed.

Energy storage is essential for maintaining a reliable grid.

BESS is a crucial piece of the energy mix for California and local jurisdictions to meet their electric reliability and decarbonization goals. The thousands of megawatts (MW) of energy storage deployed since 2020 have played a critical role in preventing grid emergencies, despite the intensity of the recent heat waves. However, much more energy storage is needed. Thousands of additional MW of BESS will be necessary in the next few years to meet load growth from electric vehicles and data centers at the same time we must retire the state's remaining nuclear and once through-cooling gas-fired power plants.

Energy storage plays a key role in meeting state and local environmental goals.

As the City implements its climate action plan, we believe BESS will play a critical role to helping the city achieve its climate and energy goals, including the electrification of the transportation sector and the necessary associated infrastructure. Additionally, the Governor's Office estimates the state will need 52,000 MW of energy storage by 2045 to accomplish our greenhouse gas mitigation goals. Attaining these goals, which will help mitigate the negative impact of fires, droughts, and floods due to climate change, depends on the aggressive deployment of BESS to store renewable energy for use when customers need it.

BESS is safe.

California has deployed over 10,000 megawatts (MW) of energy storage, including 175 utility-scale facilities and over 150,000 customer-sited systems. Although a few incidents of overheating or thermal runaway have occurred in California since 2021, no one has been harmed, including first responders or members of the public. No air monitoring conducted near the BESS facilities during these incidents has found air emissions of concern to public health. Regarding the most recent safety incident in Escondido, Fire Dept. Division Chief Batson stated "There were no readings of toxic fumes even real close to where the fire was – even as close as five feet." Thorough water and air quality testing data showed that "all readings taken were well below acceptable exposure limits and considered expected readings during a routine structure fire." These findings are consistent with air monitoring results of incidents in California and elsewhere. This is true regardless of whether the facilities were designed with a containerized or non-containerized configuration.

CESA supports the development of emergency response plans, as established by Senate Bill 38 (Chapters 377, 2023). This new law requires BESS owners and operators to work with local jurisdictions to develop comprehensive safety plans. Together, these requirements ensure that BESS facilities adhere to the highest safety standards and that adequate safety protocols are in place. CESA supports reasonable development standards for BESS, and respectfully urges you to direct staff to use publicly available regulations and models from other jurisdictions to develop BESS standards. We stand ready to be a technical resource and to continue to work with your staff to provide additional information and resources.

We respectfully urge you to reject a moratorium on BESS facilities and work collaboratively with developers and the community to site this critical infrastructure, ensuring that adequate safety requirements are incorporated as part of the permitting process. If you have any questions, please feel free to contact me at scott@storagealliance.org.

October 8, 2024

Escondido City Council
201 N. Broadway
Escondido, CA 92025

RE: Item 6 — Council Agenda of Oct. 9 — Battery energy storage systems

Dear Mayor White and Members of the City Council,

AES supports the City's desire to study battery energy storage system (BESS) technologies and develop appropriate development guidelines and policies; however, we strongly oppose the proposed moratorium on issuing any land use entitlements or other approvals related to BESS projects. Such a moratorium is unnecessary, given existing standards, and would be harmful to City and regional climate and clean-air goals.

AES supports strong standards and regulations and is encouraged to see that the City plans to devote significant resources toward developing new policy. Safety is a top priority for AES, and we are deeply committed to constructing and operating the safest possible BESS projects in San Diego County.

A robust set of codes, standards, and requirements is already in place to ensure the safe construction and operation of BESS in California. These include the National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems and related NFPA standards; the UL 9540 Standard for Safety of Energy Storage Systems and Equipment; UL 9540A, the Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems; the International Fire Code; the California Fire Code; and California Senate Bill 38 (2023). Each of these standards is regularly reviewed and updated. AES adheres to these standards and in many cases goes further to provide additional protection for our employees, our neighbors, and emergency response personnel.

It is important to understand that the recent thermal runaway and fire incidents occurred at facilities that were designed and constructed before these latest standards were established. BESS facilities in the development pipeline today will be subject to stricter codes than those that were built just four years ago. Additionally, system design standards and battery chemistries have improved significantly in the last several years.

A moratorium is not consistent with local and regional clean-air and climate action policies, particularly the Escondido Climate Action Plan (CAP), which sets the ambitious goal of achieving 100 percent zero-carbon electricity in Escondido by increasing grid-supply renewables. Due to the intermittent nature of solar and wind energy resources, achieving the City's goal is only possible with BESS facilities that can capture excess renewable energy produced during periods of lower demand and release that energy during periods of high demand. In other word, BESS projects are essential to achieving the greenhouse gas emissions reductions called for in the City's CAP.

A moratorium would also have the effect of exacerbating equity concerns in Escondido by maintaining a business-as-usual energy supply for up to two years. Without the rapid expansion of battery energy storage, the operation of existing natural gas facilities in Escondido will continue to fill gaps in the local energy supply. Delaying the implementation of battery energy storage in Escondido will further impact the neighborhoods in which those fossil fuel facilities currently operate.

In drafting development standards specific to the City of Escondido, the City Council should give City staff wide latitude to fully evaluate and accept or reject a range of potential standards. These proposed standards should be based on empirical evidence gathered through comprehensive engagement with academic researchers, subject matter experts, industry practitioners, fire agency leaders, labor organizations, and other community stakeholders.

AES is ready and willing to participate in any task force or stakeholder advisory group the City may convene. We are also available to share feedback and input on a more ad-hoc basis. Our staff have worked on numerous BESS projects in jurisdictions nationwide and can share valuable insights based on research and testing as well as practical experience. AES experts already participate in various industry technical groups responsible for creating and updating safety standards, such as NFPA's Energy Storage Systems Committee.

We urge you to reject the moratorium, vote no on the urgency ordinance, and direct staff to move forward with studying and drafting proposed development guidelines.

Thank you for considering our perspective on this important matter.

Sincerely,

Corinne Lytle Bonine
Director, Permitting

cc: Sean McGlynn, City Manager
Zack Beck, City Clerk
Michael R. McGuinness, City Attorney

October 8, 2024

The Honorable Dane White
Mayor, City of Escondido
201 North Broadway
Escondido, CA 92025

RE: Ordinance No. 2024-12 (Interim Urgency Ordinance Prohibiting New Commercial Battery Energy Storage Systems Within the City of Escondido)

Dear Mayor White,

The undersigned stakeholders write to you regarding the proposed ordinance prohibiting new commercial battery energy storage systems (BESS) in the City of Escondido. We represent a diverse group of stakeholders who believe BESS projects are critical in meeting our region's climate goals while providing reliable and affordable energy to residential neighborhoods, small businesses, and more.

We are in strong opposition to the proposed ordinance and urge the Council to vote no on any legislation that prohibits BESS projects in the San Diego region.

BESS projects throughout the State of California are necessary in preventing blackouts, brownouts, and public safety power shutoffs when energy is in high demand, like on sweltering summer days when air-conditioning units are in use. With more electric vehicles and all-electric buildings joining California's energy grid, grid resilience must be at the center of our conversations. BESS projects contribute significantly to grid stabilization and guarantee a continuous supply of clean energy, thereby decreasing dependence on fossil fuels and reducing greenhouse gas emissions. Furthermore, BESS are essential to ensuring residents across the county have access to reliable power sources, needed for business and residents alike. Escondido's own climate action goals would likely require the development and deployment of local BESS projects.

These projects also create local green jobs in a multitude of sectors and have other positive economic opportunities, including new tax revenue to their respective jurisdictions. Any potential moratorium on BESS projects would have a dramatic impact on the economy, stymying our regional supply chain involved in BESS, solar, and photovoltaic (PV) industries. This has the potential to cause our region to lose important manufacturing, engineering, and electrical jobs that employ thousands of San Diegans.

Safety of residents is a top concern of our coalition, and we understand the fear or discomfort modern technologies can cause in communities. That is why we are supportive of federal guidelines and the 2022 California Fire Code regulations (Section 1207: Electrical Energy Storage Systems), which has also been adopted by the County of San Diego. BESS developed in 2024 are almost exclusively developed in purpose-built outdoor BESS enclosures (as opposed to systems developed in warehouses) – these newer systems 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.

We would be happy to meet with you to discuss any questions or concerns you or Escondido Councilmembers may have and hope the City of Escondido will collaborate with us to strengthen our grid, create new jobs, and invest in our local economy. You may reach out to Justine Murray (jmurray@sdchamber.org), Executive Director of Public Affairs, at the San Diego Regional Chamber of Commerce, to connect with the undersigned stakeholders. Thank you for your consideration.

Sincerely,

Justine Murray
Executive Director of Public Affairs
San Diego Regional Chamber of Commerce

Jeremy Abrams
Business Manager
IBEW 569

Jason Anderson
President & CEO
Cleantech San Diego

Corinne Lytle Bonine, PMP
Director, Permitting – Wind & West
AES Clean Energy | The AES Corporation

Serena Pelka
Policy Advocate
Climate Action Campaign

Kevin Smith
Chief Executive Officer
Arevon

CC:
Honorable Deputy Mayor Christian Garcia
Honorable Councilmember Consuelo Martinez
Honorable Councilmember Joe Garcia
Honorable Councilmember Michael Morasco
Economic Development Director Jennifer Schoeneck
City Manager Sean McGlynn
City Attorney Michael R. McGuinness

CLIMATE ACTION
CAMPAIGN
SAN DIEGO | ORANGE COUNTY | LOS ANGELES

October 7th, 2024

The Honorable Dane White
Mayor, City of Escondido
201 North Broadway
Escondido, CA 92025

RE: Ordinance No. 2024-12 (Interim Urgency Ordinance Prohibiting New Commercial Battery Energy Storage Systems Within the City of Escondido)

Dear Mayor White and Honorable Councilmembers,

Climate Action Campaign (CAC) is a non-profit organization with a simple mission: create a clean air and climate safe future through effective and equitable policy action. In order to improve quality of life and reduce pollution in our communities, we need clean, reliable, and safe energy that must include the use of battery storage in order to keep the lights on.

State officials credit battery storage for keeping the lights on in California and strengthening grid reliability during this summer of historic heat waves. Local power helps build our local reliability, which the Clean Energy Alliance relies on as they work to provide affordable clean energy to the Escondido community. Prohibiting Battery Energy Storage System (BESS) projects risks these developments moving to other areas and the City losing opportunities for local job creation, economic benefits, and clean energy investments.

We do not support the proposed ordinance and encourage the City to pursue opportunities that balance the need for BESS projects and safety concerns. Opportunities available include requiring Community Benefits Agreements to be created as BESS projects are developed to ensure project benefits reach local and adjacent communities first and the adoption of additional fire safety regulations. We urge Council to utilize thoughtful policymaking as the significant ramifications of restricting BESS projects are considered.

Keeping the lights on saves lives and keeps our economy stable. Battery storage systems ensure everyone has access to reliable power - a basic human essential need. These projects help us phase out the use of dangerous, fossil fuels and are a critical piece of the zero pollution future that our communities need and deserve in order to live healthy, resilient lives.

Sincerely,

Serena Pelka
Policy Advocate
Climate Action Campaign

October 6, 2024

The Honorable Dane White
Mayor, City of Escondido
Escondido City Hall
201 N. Broadway
Escondido

RE: Proposed Interim Urgency Ordinance Prohibiting New Commercial Battery Energy Storage Systems Within the City of Escondido - Ordinance No. 2024-12

Dear Mayor White,

On behalf of IBEW 569 representing 3,700 union electricians and power professionals, with over 100 members and their families living in Escondido, we write to you regarding your proposed ordinance prohibiting new commercial battery energy storage systems (BESS) in the City of Escondido.

IBEW 569 has members who live in and work around the City of Escondido. We believe BESS projects are critical to providing reliable and affordable energy to residential neighborhoods and small businesses. BESS projects are critical to achieving our region's climate action goals. While we have joined various stakeholders in opposing this ordinance, we also wanted to share best practices that address the underlying reasons for bringing this ordinance forward.

Recent fires at BESS projects in Otay Mesa, Valley Center, and Escondido have called into question the safety of BESS projects. These three projects were permitted and developed prior to 2018. Now, there are federal and state minimum fire protection regulations pertaining to BESS that are far more advanced. The City of Escondido can adopt these new fire safety standards. For example, the County of San Diego now adopts, without modification, the 2022 California Fire Code (CFC) Section 1207 for the areas under its jurisdiction.[1] CFC 1207 outlines regulations for the installation, operation, and maintenance of ESS in various occupancies, including both stationary and mobile systems. The 2022 CFC significantly raised the bar for: the commissioning, decommissioning, operations, and maintenance of ESS; installation

[1] San Diego County Code, Division 6, Chapter 1.

requirements, including proper electrical disconnects, working clearances, seismic and structural design considerations, and impact protection for ESS located in areas subject to vehicle damage. The National Fire Protection Association 855 (2023) which produces the National Electrical Code, sets the minimum requirements for mitigating the hazards associated with Electrical Energy Storage Systems (ESS), like fire control and suppression, and a standardized Hazard Risk Mitigation Analysis.

The residents of the Escondido deserve to be safe. We understand concerns regarding new technology and believe the safety of Escondido residents should of course be prioritized. That is why IBEW 569 supports the local adoption of federal guidelines like the National Fire Protection Association 855 (2023) and the 2022 California Fire Code regulations (Section 1207: Electrical Energy Storage Systems), which have been adopted by the County of San Diego and should be adopted by the City of Escondido. 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.

However, **we believe the Council of Escondido should go further in protecting the residents of Escondido**. This is why IBEW 569 is urging the inclusion of safety standards for BESS Facilities that require best-in-class workforce training for those who install and maintain BESS and a detailed Emergency Response Plans from BESS developers that are site-specific.

Minimum Workforce Standards for BESS Facilities

It matters who builds these facilities. For example, the Otay Mesa fire that burned for 17 days was <u>not</u> built by general electricians. IBEW 569 strongly advocates that all electrical work on BESS facilities with an energy capacity exceeding 70 kilowatt-hours be performed by state-certified electricians (i.e., general electricians and registered apprentice electricians).

Admittedly, this exceeds a current rule-making decision by the California Contractor State Licensing Board (CSLB) 2023 that determined that the installation of BESS should be performed by state-certified electricians working under **C-10 licensed contractors**. The CSLB is the state agency tasked with establishing necessary rules and regulations for the administration and enforcement of the Contractors State License Law. In enforcing and administering the Contractors State License Law, the CSLB is required to "**prioritize public protection** in all its licensing, regulatory, and disciplinary functions."[2]

The CSLB thus sets the minimum standards for contractor licensing qualifications in

[2] Contractors State License Board (CSLB), State of California, Dpt. of Consumer Affairs, "Initial Statement of Reasons: Battery Energy Storage Systems," 28 April 2023, p. 1. https://www.cslb.ca.gov/Resources/LawsAndRegulations/2023/BESS_ISOR_OAL.pdf; Included as Attachment A.

California. Consistent with its authority, the CSLB in Spring 2023 codified BESS installations over 80 kilowatt-hours as work to be performed by C-10 Electrical Contractors, contractors who employ state-certified general electricians:

> "A C-10 Electrical Contractor is defined as an electrical contractor who 'places, installs, erects or connects any electrical wires, fixtures, appliances, apparatus, raceways, conduits, solar photovoltaic cells or any part thereof, which generate, transmit, transform or utilize electrical energy in any form or for any purpose.' (Title 16, section 832.10 of the California Code of Regulations [CCR])."[3]

According to the CSLB's reasoning for adopting the 2023 rule:

> "The proposed amendments will eliminate stated confusion about whether BESS is part of a PV [photovoltaic] system or a standalone electrical device for the purposes of CSLB specialty license classification descriptions. Specifying that BESS is a standalone technology strictly appropriate for the C-10 Electrical Contractor classification … ensures the Board is appropriately limiting the field and scope of the operations of licensed contractors to those in which they are classified and qualified to engage, as required by BPC section 7059."[4]

In other words, the CSLB rule will ensure those permitted to install BESS facilities with an energy capacity exceeding 80 kilowatt-hours have the skills and training required to *safely* install, connect, modify, maintain, and repair BESS facilities that "present greater risks" because they "tie into more complex electrical systems."[5]

Just as the findings informing the CSLB rule-making decision would benefit "the public by clearly defining the BESS installations that require specialized electrical knowledge and skill," so too would the people of the Escondido benefit from such a requirement.[6]

However, if the Escondido City Council does not see fit to adopt the above noted workforce standards, we instead urge the adoption of a safety standard that would require a minimum of 50 percent of onsite BESS electrical workers on BESS facilities in excess of 70 kilowatt-hours be certified in Energy System and Microgrid Training and Certification (ESAMTAC). ESAMTAC

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[3] University of San Diego, "Contractors State Licensing Board Proposes New Rule Concerning Battery Energy Storage Systems," *Consumer Protection Policy Center* (blog), 28 Nov. 2023, https://sites.sandiego.edu/cpil-blog/2023/11/28/contractors-state-licensing-board-proposes-new-rule-concerning-battery-energy-storage-systems/; See also Attachment A for a timeline of this process.

[4] CSLB, p. 6.

[5] CSLB, p. 16.

[6] The CSLB's rule-making decision is currently being challenged by C-46 licensed contractors (solar installers); California Solar Energy Industries Association v. Contractors State License Board (2024), No. 37-2024-00029818-CU-MC-CTL, Ca. Super. Crt., https://www.courthousenews.com/wp-content/uploads/2024/06/california-solar-energy-industries-association-v-contractors-state-license-board-complaint.pdf, accessed 8 Sept. 2024.

is a best-in-class, national training and certification program developed by a team led by Penn State University that included: the National Fire Protection Association (NFPA) —which produces the National Electrical Code, including the NFPA 855 governing ESS mentioned above—the Electric Power Research Institute (EPRI), and the National Electrical Industry Standards (NEIS) project that utilizes the American National Standards Institute (ANSI) approval process, among others.[7] Critically, ESAMTAC is not specific to union construction labor, nor is it limited to a single classification of worker.

By requiring a minimum percentage of the onsite workforce on BESS facilities in excess of a certain size to hold an ESAMTAC certification, Escondido can ensure that technicians possess the necessary skills and knowledge to handle complex BESS electrical work. This requirement would significantly reduce the risk of installation and maintenance errors, which are often the root cause of fires, electrical malfunctions, and other hazards. This proactive approach safeguards public safety and aligns with best practices in risk management, potentially lowering insurance costs and liability exposure for the City of Escondido and project developers. By adopting the proposed workforce standards, the Escondido City Council will demonstrate strong commitment to maintaining the highest standards of safety and operational excellence in the deployment of BESS. With the additional requirement of ESAMTAC training, the City of Escondido will be on the leading edge of best practices compared to other jurisdictions. Indeed, while other jurisdictions are just standing up ESAMTAC training, San Diego County already has a critical mass of over 300 ESAMTAC certified electricians ready to meet the moment.[8]

ESAMTAC: Sample Policy

"A minimum of fifty (50) percent of the onsite workers performing electrical work involving the installation, assembly, testing, commissioning, maintenance, repair, retrofitting, and decommissioning of a BESS facility or Energy Storage Management System (ESMS) shall hold an ESAMTAC certification."

Emergency Response Plans

After recent BESS fires in the County of San Diego, San Diego County Fire began requiring "a new type of technical study" for all BESS project applications.[9]

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[7] See Attachment B - ESAMTAC White Paper

[8] Since launching an ESAMTAC program at the San Diego Electrical Training Institute in Fall 2018, IBEW 569 and NECA SD have made ESAMTAC a requirement to graduate from our apprenticeship. The states of California, Nevada, and New York have each launched programs to increase ESAMTAC; Climate Investments, "Expanding Energy Storage and Microgrid Training and Certification," *CaClimateInvestments.ca.gov*, 16 March 2022, https://www.caclimateinvestments.ca.gov/2022-profiles/low-carbon-workforce; Paul Ciampoli, "NYPA Partners with Energy Storage and Microgrid Training and Certification Program," *PublicPower.org*, 1 June 2023, https://www.publicpower.org/periodical/article/nypa-partners-with-energy-storage-and-microgrid-training-and-certification-program.

[9] Tyler Farmer, "Battery Energy Storage System (BESS) Update: New technical studies and weekly Board staff touchpoint," Received by Andrew Harvey, Rebecca Smith, Hunter McDonald, Gregory Kazmer, Eric Henson, et al., 15 August 2024 (email).

The core element of this " new type of technical study" is a Hazard Mitigation Analysis consistent with California Fire Code Chapter 1207 (2022). IBEW 569 would recommend the City of Escondido likewise implement such tools as provided in the California Fire Code Chapter 1207.

BESS can present significant risks if not properly managed during emergencies. An emergency response plan (ERP) enhances safety by providing a clear, structured approach to handling potential incidents such as fires, chemical leaks, or system failures. A well-designed ERP outlines specific procedures for identifying and responding to various emergencies, ensuring that all personnel are aware of their roles and responsibilities. By addressing BESS-specific hazards, such as thermal runaway or electrical malfunctions, the Ordinance's proposed ERP requirement will help prevent small issues from escalating into major incidents.
For these reasons, IBEW 569 respectfully requests you support the proposed Safety Standards for Battery Energy Storage System (BESS) Facilities.

Emergency Response Plan: Sample

1. As a condition of approval, the BESS facility applicant shall submit a site-specific emergency response plan to the fire code official for review and approval prior to the commissioning of the BESS facility.
    A. The site-specific emergency response plan shall be prepared by a qualified engineer, specialist, laboratory, or fire safety specialty organization acceptable to the fire code official.
    B. If a Hazard Mitigation Analysis is prepared for the BESS facility pursuant to California Fire Code, Chapter 12, Section 1207.1.4, the BESS facility applicant shall expressly consider and incorporate findings of that analysis into the site-specific emergency response plan.

The "new technical study" is comprised of the following three parts:

1) Hazard Mitigation Analysis consistent with California Fire Code Chapter 12 secs 1207.1.4-1207.3.3
2) Project shall comply with California Fire Code Chapter 3 secs 322.1-322.4.2.5
3) California Fire Code Scope and Administration: [A] 104.8.2 Technical Assistance:

> To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or owner's authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory, or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

C. A review of the emergency response plan shall be conducted and documented on an annual basis by the BESS facility applicant and the fire code official. The emergency response plan shall also be reviewed and amended whenever there is a change in facility design, construction, operation, or maintenance that affects emergency response planning or when off-site resources are changed or modified that may affect the emergency response plan. Amendments to the emergency response plan must be reviewed and approved by the fire code official.

2. The site-specific Emergency Response Plan shall include:[10]

A. A description of the facility, including a facility map, the specific energy storage system and associated components, controls and safety-related devices, and the entrance locations;
B. The roles and responsibilities of personnel responsible for implementation of the plan;
C. Preparation and planning for emergencies, including pre-planning actions and emergency routes;
D. Notification and communication procedures between the battery energy storage facility and local emergency management agencies;
E. Safety protocols and response procedures for equipment malfunction or failure;
F. Safety training procedures;
G. Emergency response procedures;
H. Evacuation procedures;
I. Post-emergency reporting procedures;
J. Statement of conditions associated with BESS facility, including unique challenges, and fire and water requirements;
K. Response to a fire incident, including fire external to battery container, fire internal to battery container, and post-fire protocols;
L. Site maintenance schedule;
M. Response procedures to chemical release, including inventory of hazardous materials, spill response, and reporting major spills;
N. Medical emergency response procedures;
O. Response protocols to non-emergency safety incidents;
P. Response to security incidents procedures;
Q. Stated potential impact of environmental hazards, such as flooding and flash flood, tornado, lightning storm, winter storm, or seismic events; and

[10] The proposed ERP provisions are based on the Draft Emergency Response Plan (DERP) developed by the American Clean Power Association (ACP) and available at https://cleanpower.org/wp-content/uploads/gateway/2022/11/ACP_Energy_Storage_Emergency_Response_Plan_Template.pdf. The DERP provides a recommended format for preparing emergency response plans for energy storage facilities, designed to adapt to the specific conditions, environment, staffing structure, technologies and setup of each site. It also advises that the ERP be reviewed annually and whenever changes in facility design or external circumstances could impact the plan.

R. Cybersecurity protocols.

Conclusion

BESS projects throughout the State of California are already proving necessary in the prevention of blackouts, brownouts, and public safety power shut offs when energy is in high demand, like on sweltering summer days when air-conditioning units are in use. With more electric vehicles and electric infrastructure of all kinds joining California's energy grid, grid resilience must be at the center of our conversations. BESS projects contribute significantly to grid stabilization and guarantee a continuous supply of clean energy, thereby reducing greenhouse gas emissions while keeping the lights on. These projects also create local blue-collar jobs in a multitude of sectors and have other positive economic opportunities, including new tax revenue, to the communities they are developed in. A prohibition of BESS projects would have a dramatic impact on the local economy, stymying our regional supply chain involved in BESS, solar, and photovoltaic (PV) industries, and may cause our region to lose important manufacturing, engineering, and electrical jobs that employ thousands of San Diegans.

IBEW 569 respectfully opposes the proposed resolution against BESS projects in and adjacent to the City of Escondido. And as partners in safety with our brothers and sisters fighting fires that seem to be year-round in Southern California, we remain committed to the safety, health, and well-being of the City of Escondido. We hope you find the outlined safety standards useful alternatives and stand ready to answer any questions you or city staff may have.

Your Partner in Safety,

Jeremy Abrams
Business Manager
IBEW 569

cc:
Honorable Deputy Mayor Christian Garcia
Honorable Councilmember Consuelo Martinez
Honorable Councilmember Joe Garcia
Honorable Councilmember Michael Morasco
City Manager Sean McGlynn
City Attorney Michael R. McGuinness
City Planner Veronica Morones

October 7, 2024

San Diego County Board of Supervisors
Chairwoman Nora Vargas
Fax: (619) 338-8146

Escondido City Council
Mayor Dane White
Fax: 760-839-4578

Re: Fire Safe Energy Storage Batteries

Dear Chairwoman Vargas & Mayor White:
We are aware of the multiple chemical fires caused by lithium-ion energy storage facilities in San Diego County over the past several months. Unfortunately, many other similar fires have resulted from the same causes over the past several years around the globe. As stewards of your communities and the residents that you represent, you are undoubtedly forced to consider several important aspects of this reality, including:

A) How do we help advance the utilization of safe, reliable renewable energy sources to reduce the impacts climate change?

B) How do we keep our communities safe while achieving the above?

C) What levers do we have at our disposal?

Many cities and counties around the country are facing the same dilemmas. Many are also all considering how they may need to modify their energy facility permitting processes to ensure safe, reliable and cost effective measures. As part of these discussions, these jurisdictions often look to "take a time out" to fully understand the safety aspects of lithium-ion batteries before they allow any further projects to be permitted and constructed. This is often a wise and expected action to take given that the fires produce hazardous chemicals and local environmental impacts.

Our company, ESS (Energy Storage Systems), is an American manufacturing company located in Wilsonville, Oregon. We make water-based "flow batteries" that are fire-safe, explosion-safe, grid-scale energy storage systems. The electrolyte in our batteries is comprised of water and various salts and has the acidity of wine. The production process for our American made batteries is verified as the having the lowest level of greenhouse gases of any other grid scale energy storage battery. We are a safe and proven alternative to lithium-ion batteries.

Why are we telling you this? First, we want you to know there are proven, safe alternatives available to lithium-ion batteries. Second, we believe that the battery projects involving our fire and explosion safe batteries should not be involved in any extended "time out" that may result from your need to develop additional safety measures for lithium-ion batteries.

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We have been deploying systems commercially since 2021 and have batteries deployed across half a dozen states as well as several countries internationally. Our customers choose us in large part because of the demand from local communities and stakeholders for safe, sustainable energy storage products.

We would be pleased to discuss this with anyone on your staff who may be assigned to examine any possible changes to your permitting processes for the future and to otherwise provide you a courtesy briefing on our technology..

We look forward to any future discussions on how to accelerate the deployment of safe energy storage systems.

Sincerely,

Hugh McDermott

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Hugh McDermott, SVP Business Development & Sales

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