

DOCKETED	
Docket Number:	26-OPT-02
Project Title:	Seahawk Battery Energy Storage System
TN #:	272171
Document Title:	Phillip Carranco Comments - Code Requirements Demand Product Specifications
Description:	N/A
Filer:	System
Organization:	Phillip Carranco
Submitter Role:	Public
Submission Date:	8/25/2026 8:51:53 PM
Docketed Date:	8/26/2026

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Submitted On: 8/25/2026

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Code Requirements Demand Product Specifications

Dear Commissioners and Staff:

This letter comments on the Application for Opt-In Certification for the Seahawk Battery Energy Storage System Project (TN 270250). The Application states that the CATL EnerC+

306 (also referenced as EnerG+ 306) has been selected only as a “representative BESS

enclosure” to “set maximum potential impact envelopes, for site design and modeling

analysis, and to set baseline safety standards,” and that “a final manufacturer for the BESS

enclosures would be selected during the detailed design process post-certification.”

This approach is inconsistent with the product specific requirements of NFPA 855, the California Fire Code (CFC Chapter 12, Section 1207), and Santa Cruz County fire-safety

rules. It undermines the completeness and enforceability of the Fire Mitigation Plan (FMP),

Hazard Mitigation Analysis (HMA), and Emergency Response Plan (ERP) that the Application relies upon (Appendices 3.16A “C). Any later change in manufacturer or model

would alter the fire, explosion, and toxic-gas hazards that were analyzed, affecting public

safety and requiring reauthorization.

Code Requirements That Demand a Specific, Listed Product

NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) requires that

electrochemical ESS be listed to UL 9540. Large-scale fire testing under UL 9540A (cell,

module, unit, and often installation level) is used to evaluate thermal-runaway fire propagation and to justify spacing, suppression, explosion control (NFPA 68/69), and any

deviations from prescriptive limits. An HMA is required for installations of this scale; it must

evaluate the consequences of thermal runaway, BMS failure, ventilation failure, and other

fault conditions using the actual product’s test data. Emergency response planning must

be based on the specific hazards, SDS, and recommended tactics so that local fire

agencies can train and pre-plan.

The 2025 California Fire Code (Title 24, Part 9), Section 1207.1.5, requires that construction documents submitted with the permit application include: Manufacturer's specifications, ratings and listings of each ESS. Fire suppression design, detection, and explosion control features are tied to UL 9540A results or an approved HMA. Santa Cruz County Code Chapter 7.92 adopts the CFC. The County's emerging BESS standards further require fire district consultation before submittal, a Fire Risk Assessment and Failure Modes and Effects Analysis, large scale fire testing, and an Emergency Response and Action Plan consistent with Public Utilities Code Â§ 761.3 and Senate Bills 38 and 283. The Application's HMA, ERP, and UL 9540A results (confidential Appendix 3.16A) are therefore based on a single representative model. Those documents cannot be treated as final if the actual hardware is chosen later.

Public Safety Consequences of Post-Certification Substitution

Different LFP products vary in cell format, module design, cooling architecture, enclosure construction, heat release rate, flammable gas generation, and propagation behavior. A bounding or maximum envelope analysis is useful for CEQA impact assessment only if the final product is demonstrably equal to or better than the representative. If the selected system produces higher heat release, more toxic or flammable gases, or greater fire-spread potential than the CATL EnerC+ 306, then:

- ï, Site layout, inter unit spacing, suppression density, and explosion control features may no longer be adequate.
- ï, Modeled off-site plume, radiant heat, and explosion overpressure envelopes used for CEQA and public safety findings would be exceeded.
- ï, The ERP and first responder training (Pajaro Valley Fire Protection District / Santa Cruz County Fire Department) would be based on incorrect hazards.
- ï, The 100-foot setbacks and other design features analyzed in the Application could prove insufficient.

Even a better product still requires updated listings, 9540A data, a revised HMA, and fire official acceptance before construction. First responder tactics and training are product specific. Approving a certificate that leaves the manufacturer open after certification therefore leaves a material gap in the public-safety record.

Required Reauthorization

Any change in manufacturer, model, chemistry, or enclosure design after CEC certification

that affects fire or life-safety characteristics would constitute a change to the certified project. Such a change would require:

- i, Amendment of the CEC certificate;
- i, Supplemental CEQA review if the new product exceeds the certified impact envelopes;
- i, Resubmittal and reapproval of the HMA, FMP, and ERP by the fire code official; and
- i, Updated consultation with the Pajaro Valley Fire Protection District.

The CEC should not certify a project whose fire safety analysis is explicitly contingent on a

later, unspecified product.

Requested Conditions

To protect public safety and maintain the integrity of the certification, the CEC should impose conditions of certification that:

1. Require the final BESS to be listed to UL 9540 and to have UL 9540A test data demonstrating performance equal to or better than the CATL EnerC+ 306 representative used in the Application.
2. Require the final HMA, FMP, and ERP to be submitted, reviewed, and accepted by the fire code official and CEC staff before any construction permit or notice to proceed.
3. Prohibit substitution of manufacturer or model without prior CEC and fire official review and, if impacts increase, supplemental environmental review.
4. Require that first responder training and pre-incident planning occur on the actual installed equipment.

The representative product approach may be acceptable for a conservative CEQA analysis

of maximum potential impacts, but it does not satisfy the product specific listing, testing, HMA, and construction document requirements of NFPA 855, CFC Section 1207, or Santa

Cruz County fire rules. Certification without the conditions above would leave the Fire Mitigation Plan incomplete and would expose the public to unanalyzed residual risk.

Thank you for considering these comments.

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