

DOCKETED	
Docket Number:	26-OIR-04
Project Title:	Emergency Rulemaking Amending the Opt-In Regulations
TN #:	272980
Document Title:	Express terms
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/29/2026 7:18:44 PM
Docketed Date:	9/29/2026

EXPRESS TERMS

California Code of Regulations Title 20. Public Utilities and Energy Division 2. State Energy Resources Conservation and Development Commission Chapter 5. Power Plant Site Certification

Proposed new language appears as underline (example) and proposed deletions appear as strikeout (~~example~~). Existing language appears as plain text. Three dots or “...” represents the substance of the regulations that exists between the proposed language and current language.

§ 1876.5. Pre-filing Consultation.

(a) At least 30 days before submitting an opt-in application under this Article, the applicant shall meet with staff to discuss information requirements for the opt-in application and potential issues that may arise during formal review of the project, including, but not limited to, significant project impacts, local concerns, grid connectivity, water supply, or site access.

(b) Staff shall invite the local government(s) that would have had permitting authority over the site and related facility, but for Chapter 6.2 of Division 15 of the Public Resources Code, and may invite other relevant state and federal agencies, and California Native American tribes, to participate in the meeting(s) held pursuant to subdivision (a).

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25545, 25545.1, 25545.2 and 25545.4, Public Resources Code.

§ 1877. Contents of Opt-in Application.

[skipping subsections (a) - (e)]

~~(f) The opt-in application shall contain preliminary information demonstrating overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility, consistent with Public Resources Code section 25545.9. Staff shall provide the submitted information to the local government for review and comment.~~

(g ~~f~~) The opt-in application shall include the applicant's plan or strategy, including a timeline for execution, to comply with ~~obtain legally binding and enforceable agreement(s) with, or that benefit, a coalition of one or more community-based organizations prior to project certification, consistent with Public Resources Code section 25545.10 and section 1879.5 of these regulations.~~

(hg) The opt-in application shall include a discussion of how whether the project meets the requirements of Public Resources Code sections 21183 and 21183.6.

(h) The opt-in application shall provide evidence that the applicant has sufficient real property rights to the proposed location to currently access, build, and operate the proposed facility. Absent evidence to the contrary, an affirmation by the applicant of such rights and a description of those rights, shall be adequate evidence.

(1) For projects on federal land such as land managed by the Bureau of Land Management, the application shall describe the status of the applicant's efforts to obtain a right-of-way or similar entitlement from the applicable federal agency, and a description of the applicant's access to the project site.

(i) For energy storage systems, the opt-in application shall include documentation of the applicant's consultation with the authority that has jurisdiction over fire suppression, consistent with Public Resources Code section 25545.19, including the date, the names and titles of participants, a summary of matters discussed, and a description of how the proposed project would address those matters.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25527, 25545, 25545.1, 25545.2, 25545.3.3, 25545.3.5, 25545.7, 25545.9, 25545.10, and 25545.13, and 25545.19, Public Resources Code.

§ 1877.5. Withdrawal, Suspension, and Early Termination of Opt-in Application.

(a) Any time after ~~acceptance~~ filing the application, the applicant may withdraw the opt-in application by filing a written notice of withdrawal. The notice of withdrawal must be authorized and verified in the same manner as the original opt-in application, as provided in section 1707 of title 20.

(b) Upon receipt of a properly executed withdrawal, the executive director shall immediately file a statement that the application has been withdrawn and, upon resolution of all outstanding issues, close the docket. The documents of the proceeding shall continue to be maintained by the Docket Unit.

(c) If the applicant decides to request that the commission review and approve the project after filing a notice of withdrawal, the applicant must file a new opt-in application under section 1876, except that an applicant for facilities described in section 25545(b)(3) of the Public Resources Code must either file a new opt-in application under section 1876 or a new notice or application under section 1709 of title 20.

(d) At any time after filing the application, the applicant can request the proceeding be suspended by filing a written request to the executive director stating the request for suspension, the estimated length of time needed for the suspension, and an

acknowledgment that the commission will cease all work on the application during the suspension.

(1) Upon receiving a request for suspension that meets the requirements of this section, the executive director shall grant the suspension and may require status reports based on the length of the suspension to keep the commission and public informed on the state of the project.

(2) If the estimated time for suspension has passed and the applicant does not request the proceeding be resumed, the executive director may seek termination of the application at a business meeting unless the applicant shows good cause for why the suspension should be continued.

(3) The executive director may terminate the suspension and resume the proceeding upon request by the applicant, at which time the executive director shall establish a new proceeding schedule.

(e) Application review may be subject to early termination at any time during the review process, including prior to completion of the applicable environmental document.

(1) If staff determines that the project will have one or more of the following significant deficiencies, the executive director shall file a request for early termination of the application for the commission's consideration at a business meeting:

(i) loss of or inability to acquire site control or other entitlements necessary for project construction or operations, including but not limited to, federal agencies failing to timely process or approve applications for a right-of-way or similar entitlement;

(ii) inability for the project to connect to the grid;

(iii) inability to demonstrate functioning technology that will operate at the scale proposed by the applicant;

(iv) the applicant or a parent company is the subject of a bankruptcy proceeding;

or

(v) any other significant impediment that more likely than not renders the project undevelopable within a reasonable time.

(2) In determining whether to terminate the project application early, the commission shall consider the likelihood of the proposed facility reaching the operational stage, the actions and timeline necessary to resolve the barriers to project success, the cost to the commission of continuing the proceeding, the number of project applications currently before the commission, the number expected, and any other factors deemed relevant by the commission.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25545, 25545.1, and 25545.2, and 25545.4, Public Resources Code.

§ 1878. Commission Review of Opt-In Application.

(a) To ensure a complete application, the executive director may request from the applicant additional information missing from the application from the applicant as set forth in Public Resources Code section 25545.4, including additional information to address comments by public agencies and California Native American tribal governments.

(b) Consistent with Public Resources Code section 25545.4, the executive director shall file a statement when the application is deemed complete.

~~(c) No later than 45 days after an application is deemed complete, or a later date set forth by the executive director, the applicant shall provide information updating or supplementing the information in the application to support the findings required by Public Resources Code sections 25545.9 and 25545.10. After the application is deemed complete, the executive director may request from the applicant additional information necessary to complete the staff assessment, including information to address issues raised by public agencies or members of the public, and if necessary, information to support the findings required under Public Resources Code section 25545.9.~~

(d) To facilitate timely project review and ensure the commission has current data to fully and accurately understand the potential environmental or health and safety impacts of rapidly evolving technology associated with opt-in projects, the executive director may exercise the authority as conferred under Government Code section 11181. Such authority includes but is not limited to issuing subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, any writing as defined by Evidence Code section 250, and the promulgation of interrogatories pertinent or material to any inquiry, investigation, hearing, proceeding, or action. Any person or entity reasonably likely to have pertinent information related to the inquiry is subject to the investigatory authority of the executive director.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25210, 25545, 25545.4, 25545.9 and 25545.10, Public Resources Code.

§ 1878.1. Reimbursement of Local Agencies.

(a) Upon receipt of an application, staff shall notify the local agencies that would otherwise have permit authority over the project, were it not for the commission's jurisdiction, that the project application has been filed and the commission is seeking comments on the application.

(1) In this notice, staff shall identify the technical areas comments from each agency are specifically being solicited for, including but not limited to, design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of land in the area of the facility, and other aspects of the design, construction, or operation of the proposed site and related facility. The notice shall request the agencies to provide information that is specific and potentially unique to the project location. Examples include but are not limited to, local thresholds of significance for relevant environmental impacts, local vehicle miles traveled calculation methodologies, local land use requirements, and local noise requirements.

(2) The notice shall instruct the agencies to provide information already within their knowledgebase and state that they are not expected to perform studies or retain expert consultants to provide comments on the application.

(b) Costs eligible for reimbursement.

(1) Local agencies shall be reimbursed by the applicant as set forth in Public Resources Code section 25538 for costs incurred in accordance with actual services performed by the local agency that are within the scope of staff's request for agency review and comment, provided that the local agency follows the procedures set forth in this section. These costs include:

(A) costs associated with the review of the complete application;

(B) costs associated with the drafting of comments within the scope of staff's request; and

(C) reimbursement for any permit fees the agency would have otherwise required absent commission jurisdiction if the agency performs work such as developing and providing the commission with permit language for inclusion in the Staff Assessment.

(2) Expenses incurred by an agency for the presentation or defense of positions outside the scope of staff's request for comments pursuant to subdivision (a)(1); including attorneys' fees and costs associated with advocating for or against commission approval of the facility, are not eligible for reimbursement.

(c) At any time, the applicant and local agency can execute a reimbursement agreement in lieu of the reimbursement process set forth in subsections (d) and (e). Commission approval of such an agreement shall not be required.

~~(A) permit fees, including traffic impact fees, drainage fees, park-in-lieu fees, sewer fees, public facilities fees and the like, but not processing fees, that the local agency would normally receive for an application for a facility as defined in Public Resources Code section 25545(b) in the absence of commission jurisdiction, and~~

~~(B) the added costs of services performed directly in response to commission requests for review that are not normally covered by the permit fee and for which a fee is normally charged. This does not include expenses incurred prior to a commission request for review or expenses incurred for review beyond the scope of the commission request.~~

~~(b) Costs ineligible for reimbursement. A local agency may not be reimbursed under this section for the following types of costs, even if actually incurred:~~

~~(1) expenses incurred by a local agency for the presentation or defense of positions not reasonably related to the matters that the agency is requested to review or not within the area of the agency's expertise; this includes attorneys' fees and costs associated with advocating for or against commission approval of the facility.~~

~~(2) expenses for which it receives payment from other sources; or~~

~~(3) entertainment and first class travel expenses.~~

(ed) Procedure for approving reimbursement budgets.

(1) To be eligible for reimbursement, a local agency must receive a request for review of the application from the ~~E~~executive ~~D~~director or delegee.

(2) To apply for reimbursement, a local agency shall, within 2430 days ~~of~~ after the application has been deemed complete under section 1878(b) receiving a request for review from the commission, file submit to the executive director and the applicant an itemized proposed budget with the staff and the applicant estimating the actual and added costs that are likely to be incurred during review of and comment on the application such review. The proposed budget shall justify each line item amount and explain how each line item is reasonably related to the matters technical areas which that the local agency is has been requested to review or related to actual work typically covered by permit fees. A local agency's failure to ~~file~~ submit a proposed budget within the time period specified herein shall not prevent it from receiving reimbursement; however, failure to use the approval process described in this section creates a risk that the local agency will not be reimbursed for work already performed.

~~(3) Within 10 working days of receiving a proposed budget, the staff shall notify the agency, in writing, whether the proposed budget is complete or incomplete. If the proposed budget is incomplete, the staff shall provide the local agency with a list of deficiencies that must be corrected to complete the proposed budget request.~~

(43) If neither the commission staff nor the project applicant submits files a written objection to the proposed budget within 140 working days setting forth the basis for the objection ~~after the proposed budget is determined to be complete~~, then the proposed budget is deemed approved. If a written objection is filed, the local agency may address the objection and, if changes to the proposed budget are warranted, resubmit it.

~~(5) If a local agency reasonably incurs costs in responding to a commission request for review of a project before its proposed budget is approved, the local agency may include such costs in the budget retroactively.~~

(64) A local agency may apply for augmentations or other changes to an approved budget by submitting ~~filing~~ a request for an amended budget. Requests for an amended budget shall also be processed in accordance with this subdivision.

~~(de)~~ Procedure for approving reimbursement invoices.

(1) A local agency seeking reimbursement must receive approval of its proposed budget before it ~~files~~ submits an invoice for expenses actually incurred. Reimbursement may not exceed the approved budget.

(2) On either a monthly or quarterly basis, the local agency seeking reimbursement shall file submit ~~with~~ to the commission staff and the project applicant an invoice for the expenses actually incurred in reviewing the application during the past month or quarter.

(3) If the applicant does not object to the invoice within 10 business days after receipt, then it shall pay the local agency the amount of the invoice within 14 business days after ~~of the~~ receipt of the invoice.

~~(ef)~~ Resolving disputes. If there is a dispute over a reimbursement budget under subdivision ~~(ed)~~ above, or a reimbursement invoice under subdivision ~~(de)~~ above, which cannot be directly resolved between the applicant and the local agency, the local agency or applicant shall notify the ~~E~~executive Director in writing of the dispute. The ~~E~~executive Director shall resolve the dispute by filing a written decision based on good cause as demonstrated by any information provided by the applicant and local agency on the merits of reimbursement.

Note: Authority cited: Sections 25213, 25218(e) and 25545.12, Public Resources Code.
Reference: Sections 25519(f), 25538, 25545, 25545.1 and 25545.8, Public Resources Code.

§ 1879. Staff Assessment and Executive Director's Recommendation.

(a) Within 150 days from the date the application is deemed complete, or as extended by delays in receiving requested information from the applicant as set forth in Public Resources Code section 25545.4(d)(3). or as soon thereafter as is practicable, staff shall file a Staff Assessment of the opt-in application that consists of a draft environmental ~~document impact report~~ following the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regs., tit. 14, div. 6, ch. 3) and includes consideration on whether the project satisfies the conditions in Chapter 6.5 (commencing with Section 21178) of Division 13, including Sections 21183 and 21183.6, of the Public Resources Code, and a separate section addressing the following:

(1) The extent to which the applicant has complied with the recommended minimum standards of efficiency adopted under Public Resources Code section 25402(d).

(2) The conformity of the facility with public safety standards and the applicable air and water quality standards, and with other applicable local, regional, state, and federal standards, ordinances, or laws ~~and a statement of efforts made to correct or eliminate any noncompliance.~~

(3) The potential for restoring the site as necessary to protect the environment if the commission denies approval of the application.

(4) The public benefits from the project including, but not limited to, economic benefits, environmental benefits, and electricity reliability benefits.

(5) An identification of public agencies that received notice of the opt-in application.

(6) An identification of whether the site is located at a prohibited area as identified in Public Resources Code sections 25526 and 25527 and any proposed findings relevant to that location.

(7) ~~The overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility. Economic benefits may include, but are not limited to, employment growth, housing development, infrastructure and environmental improvements, assistance to public schools and education, assistance to public safety agencies and departments, property taxes, and sales and use tax revenues.~~ Confirmation that evidence has not been filed sufficient to overcome the rebuttable presumption that construction or operation of the facility will have an overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility.

(8) Confirmation that at least one Any legally binding and enforceable agreements has been executed in compliance with section 25545.10 of the Public Resources Code and

~~section 1879.5. by the applicant with, or that benefit, a coalition of one or more community-based organizations, such as workforce development and training organizations, labor unions, social justice advocates, local governmental entities, California Native American tribes, or other organizations that represent community interests, where there is mutual benefit to the parties to the agreement.~~

(b) After conclusion of at least a 60-day public comment period on the Staff Assessment of the opt-in application, including the draft environmental document impact report, staff shall publish an updated Staff Assessment of the opt-in application that consists of a final environmental document impact report following the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code of Regs, tit. 14, div. 6, ch. 3), and any updates or changes to the sections of the Staff Assessment addressing section 1879, subdivisions (a)(1)-(a)(8). The updated Staff Assessment, including the final environmental document impact report, shall be filed no sooner than 30 days before the commission's consideration at a public meeting.

(c) Concurrent with the publication of the updated Staff Assessment the executive director shall file a recommendation on whether the commission shall certify the environmental impact report, mitigated negative declaration, or negative declaration and issue a certificate for construction and operation of the facility.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25526, 25545.1, 25545.6, 25545.8, 25545.9, 25545.10 and 25545.13, Public Resources Code.

§ 1879.5. Community Benefits Agreements

(a) Unless the executive director approves a different date, the applicant shall file at least one executed community benefits agreement no later than 120 days after the application is deemed complete.

(b) Agreements used to meet the requirements of Public Resources Code section 25545.10 or otherwise evidence project benefits shall be filed in the proceeding's docket in an unredacted form.

(c) In order to fulfill the requirements of Public Resources Code section 25545.10, the community benefits agreement(s) shall in total provide for funding in an amount not less than \$2,500.00 per megawatt of nameplate capacity for energy generation projects, \$550 per MWh of nameplate capacity for energy storage projects, \$55 per square foot for manufacturing facility projects, or \$1,400.00 per ton per day of hydrogen production capacity for hydrogen production facility projects. For projects that combine energy generation, energy storage, manufacturing, or hydrogen production, the total agreement amount shall not be less than the combined component calculation.

(d) The commission shall consider the number of agreements and diversity of benefits to be provided to local communities when considering whether to approve the project.

(e) Any community benefits agreement may include provisions obligating performance by the applicant upon start of construction.

(f) Upon project approval, each project owner shall report on the progress of the administration of all the community benefits agreements it entered pursuant to this section, in its monthly and annual compliance reports.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.

Reference: Sections 25545.1 and 25545.10, Public Resources Code.

§ 1880. Public Outreach.

(a) Noticing of meetings, workshops, hearings, and similar public events shall be done as set forth in section 1209 of title 20.

(b) The timing and number of public events shall be consistent with Public Resources Code sections 25545.7.2 and 25545.7.6.

(c) For purposes of conducting a meeting, informational workshop, or scoping workshop as close as practicable to the proposed site consistent with Public Resources Code sections 25545.7.2 and 25545.7.6, the commission or applicant shall, to the extent feasible, secure a space with adequate technological capacity to support remote participation that is near the project site.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.

Reference: Sections 25545, 25545.7.2 and 25545.7.6, Public Resources Code.

§ 1880.5. Record of Proceedings and ~~Request for Modification.~~

(a) To prepare and certify a record of the proceeding concurrently with the review of the opt-in application, as set forth in Public Resources Code section 25545.13, the project's docket will be the record of proceedings and contain the materials required in subdivision (e) of Public Resources Code section 21167.6. Documents that are incompatible with the docketing system, such as Geographic Information Systems file formats and modeling files may not be available in the docket, but unless otherwise excluded, are part of the record of proceedings. The commission's certification of the environmental document ~~impact report~~ and project shall be based on this record and on any information discussed at the ~~public comments made at the~~ public meeting to consider the application.

~~(b) Within five days after the executive director issues the recommendation set forth in section 1879(c), staff shall file a statement that the record of proceedings is complete. All documents, except for copyright protected records, placed in the record of proceedings shall be publicly available at the time the Staff Assessment is filed.~~

~~(c) Within seven days after staff files the statement set forth in subsection (b), any person who commented on the Staff Assessment of the opt-in application may request that the commission modify the record of the proceeding. Such a request shall be filed into the project's docket and contain information detailing the records to be added or removed, reason for such action, and laws and policies supporting such action. A request to modify the record of the proceeding shall not delay or prohibit the commission from certifying the record of the proceeding pursuant to Public Resources Code section 25545.13.~~

~~(d) The executive director may review the request and take actions to conform the docket with the request by adding or removing the requested records and notifying the requester. Comporting with the request shall cause the request to be considered withdrawn.~~

~~(e) A request to modify the record of proceeding not acted upon by the executive director shall be considered by the commission at the public meeting in which the opt-in application is on the agenda for consideration. The executive director shall file a statement before the public meeting explaining the reasons for not acting on a request.~~

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25545, 25545.8, 25545.9, 25545.10 and 25545.13, Public Resources Code.

§ 1881. Commission Certification of the Environmental Document Impact Report and Certification to Construct and Operate the Facility, Final Record of Proceedings.

After consideration of the updated Staff Assessment of the opt-in application, the executive director's recommendation, the requirements of Public Resources sections 25545.8, 25545.9, and 25545.10, and public and public agency comment, the commission shall determine whether to certify the environmental document impact report and issue a certification to construct and operate the facility. The commission may take action including, without limitation, voting to issue the certification, deny the application, or require additional information or analysis. If the commission votes to require additional information or analysis, the commission shall issue an order that specifies the required information and establishes a schedule for subsequent actions. Upon project certification, the commission shall also certify the final record of proceedings or the commission may delegate certification of the record of proceedings

to the executive director, who must certify the record within five days of the commission's action.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25545, 25545.4, 25545.8, 25545.9 and 25545.10, Public Resources Code.

§ 1881.5. Approval to Operate a Battery Energy Storage System

(a) For any application filed with the commission after January 1, 2026, that includes a battery energy storage system, the Compliance Project Manager (CPM) shall not authorize commencement of testing or operation of the battery energy storage system until the CPM determines that one of the following conditions has been met:

- (1) The authority having jurisdiction over fire suppression has completed an inspection of the battery energy storage system; or
- (2) The authority having jurisdiction over fire suppression does not complete the inspection within 90 days after receiving notice from the project owner that the battery energy storage system is ready for inspection.

(b) For purposes of this section, "The authority having jurisdiction over fire suppression" refers to the fire department with primary responsibility to respond to an emergency at the site.

(c) The obligation is on the project owner to coordinate with the jurisdiction and CPM to schedule any inspections.

(d) The project owner shall submit to the CPM, within 48 hours, any inspection results provided by the authority having jurisdiction over fire suppression.

(e) The CPM shall consider any inspection results before approving system testing or operations. Any design or equipment changes or modifications recommended by the jurisdiction require CPM approval.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25545, 25546.16 and 25545.19, Public Resources Code.

§ 1882. Post Certification Project Changes.

[skipping subsection (a)-(c)]

(d) If staff finds a subsequent or supplemental environmental ~~impact report~~ document is not required, staff shall file a statement to that effect, along with any addendum to the environmental document if necessary, and approve the project change. Any person may file an objection to a staff's approval of the project change within 14 days of the filing of staff's statement. Any such objection must make a showing supported by facts that the

change requires the preparation of a subsequent or supplemental environmental ~~impact report document~~ as set forth in Title 14, California Code of Regulations, sections 15162 and 15163. Speculation, argument, conjecture, and unsupported conclusions or opinions are not sufficient to support an objection to staff approval.

(e) If staff finds a subsequent or supplemental ~~environmental impact report document~~ is required, or if a person files an objection that complies with subdivision (d), the subsequent or supplemental environmental ~~impact report document~~ and the petition shall be submitted to the commission for consideration at a public meeting held under section 1101. The commission shall issue an order approving, rejecting, or modifying the petition.

(f) Change in Ownership or Operational Control.

(1) A petition to transfer ownership or operational control of a facility shall contain the following information:

(A) the identity of the new owner or operator and identity of any parent organization.

(B) a statement verified by the new owner or operator in the manner described in section 1707 that the new owner or operator understands the conditions of certification and agrees to comply with those conditions.

(2) Upon completing its review of the petition, staff shall approve a change in ownership or operational control that complies with all of these requirements by filing a statement approving the petition.

Note: Authority cited: Sections 25213, 25218 and 25545.12, Public Resources Code.
Reference: Sections 25545, 25545.3.3, 25545.3.5, 25545.9, 25545.10, 25545.11 and 25806 Public Resources Code.

20 CCR Div. 2 Ch. 5 App. B

**Appendix B Information Requirements for an Application for Certification (AFC),
Opt-In, or Small Power Plant Exemption (SPPE).**

(a) Executive Summary

...[skipping subsection (1) Project Overview- (3) Project Ownership]

(4) Site Control for Opt-In Projects

(i) Written proof of site control evidencing sufficient real property rights to currently access, construct, and operate the proposed project site, gen-tie line, and all ancillary elements of the proposed project.

(b) Project Description

(1) In a section entitled, "Generation Facility Description, Design, and Operation" provide the following information:

...[skipping subsection (A)-(D)]

(E) Additional Opt-In Requirements for Battery Energy Storage System (BESS) Applications

(i) Clearly state and depict on a map the setback distance from the nearest BESS to the following:

a. property line of the nearest residential receptor.

b. nearest shoulder of a roadway or passenger rail line.

(ii) Identify the selected BESS battery technology including the specific manufacturer(s), make, and model. If the manufacturer is not yet finalized, provide a list of qualified manufacturers that are suitable for the project. Provide detailed information about safety mechanisms, including but not limited to fire and explosion prevention devices.

(iii) A description of any failure incidents involving at least one enclosure within the last 5 years of the selected BESS battery manufacturer at a single facility, and a complete description of the proposed measures to prevent failure incidents for the proposed project.

(iv) A site plan and layout for the BESS, including BESS enclosures, spatial arrangement, equipment locations Power Conversion System (PCS) or inverters, transformers, switchgear), access roads/pathways, fire lanes or clearances, and any safety or perimeter features. The site plans shall be equivalent to at least 30 percent design plans.

(v) Scaled and dimensioned elevation drawings that clearly identify the clearance distances, heights and dimensions of all major components of the BESS facility, including:

a. The battery yard of the energy storage system (showing BESS enclosures, PCS and inverters, transformers, and any associated structures).

b. All tall structures within the project substation (e.g., H-frames, poles, bus supports).

c. The transmission line structures, including lattice, H-frames, monopoles and others, and any dead-end structures associated with the interconnection to the electrical transmission system as described in Public Resources Code section 25545(b)(5).

(vi) Drawings shall include:

a. Height measurements in feet for each structure.

b. Labels for equipment types and structural elements.

c. Orientation and reference points for clarity (e.g., north arrow, scale bar).

d. If applicable, maximum and typical heights for repetitive structures.

e. If applicable, minimum and typical clearance distances between BESS enclosures and exposures.

(vii) A detailed discussion about non-operation, planned and unplanned, that ceases operations for a period of 90 days or less. The discussion shall include:

a. A description of how the CEC will be notified of the event, planned or unplanned, and next steps to ensure public health and safety.

b. How to facilitate coordination with applicable local, state, federal, and tribal entities.

(viii) If the facility includes system augmentation, identify if augmentation is intended to maintain facility MW or MW hours, or if augmentation will increase facility output over time. Provide a detailed description of the anticipated BESS augmentation schedule and associated construction activities. Specifically:

a. Identify how many BESS enclosures would typically be added annually as part of planned capacity expansions, if applicable.

b. Provide a general description of construction activities for these augmentation phases, including but not limited to:

i. Site preparation and trenching for electrical conduits and foundations.

ii. Number of vehicle trips expected for equipment delivery and construction crews.

iii. Number and type of deliveries, including battery enclosures, transformers, and auxiliary equipment.

iv. Use of cranes or other heavy equipment for placement of BESS enclosures.

v. Any temporary laydown areas or staging requirements.

vi. Include assumptions regarding construction duration, crew size, and impact mitigation measures (e.g., dust control, noise management).

(F) Additional Opt-In Requirements for Solar Photovoltaic Applications

(i) Provide a detailed operational description of the solar photovoltaic facility, including energy generation sources, expected production schedule, control logic (e.g., priority for on-site use versus grid export), and coordination with solar output variability.

(ii) If the project includes a BESS, provide a comprehensive description of the operational relationship between the solar facility and the BESS. The description shall include:

a. Whether the solar facility's primary function is to supply power to the electrical grid, the BESS, or both.

b. The conditions and timing for charging the BESS (e.g., during peak solar generation, off-peak grid periods).

c. The conditions and timing for discharging the BESS (e.g., to support grid stability, supply power to on-site facilities, or meet other demand).

d. Any control strategies or prioritization logic used to manage energy flows between the solar facility, BESS, and other project components.

...[skipping subdivision (2) - (3) and subdivisions (c) and (d)]

(e) Facility Closure

(1) A discussion of how facility closure will be accomplished in the event of premature or unexpected cessation of operations.

(2) Additional Opt-In Requirements for Battery Energy Storage System Applications

(A) A discussion of the decommissioning and permanent closure process. This discussion shall include:

i) Steps that will be undertaken to safely remove and dispose of system components at the site including: hazardous materials and electrical equipment in compliance with applicable environmental and safety regulations.

ii) Site restoration measures that will be undertaken, including grading, soil remediation, and revegetation, and removal of foundations or underground utilities.

iii) Approximate timeline and sequencing of closure activities.

iv) The parties that will be responsible for decommissioning and closure and contingency measures that are proposed to ensure financial and operational capability for closure.

[skipping subsection (f)-(g)(7)]

(8) Air Quality

...[skipping subsection (A) - (K)]

(L) Additional Opt-In Requirements for Battery Energy Storage System Applications

(i) If any emergency back-up generator or fire pump is proposed for use during the operational phase, provide the following information:

Manufacturer specification sheets. The specification sheets must include engine power (brake horsepower), emission rates, exhaust parameters, and the engine's emissions tier.

Selective catalytic reduction (SCR) system information. Confirm whether a SCR system will be used to reduce NOx emissions from the emergency back-up generator or the fire pump. If yes, provide the project's estimated ammonia emissions in pounds per day and tons per year.

(ii) To verify that the proposed refrigerant(s) in the HVAC and BESS cooling system comply with the Hydrofluorocarbon (HFC) prohibition as specified in Cal. Code Regs., tit. 17, §§ 95371-95378, provide the following information:

Cooling system design and refrigerant identification. Describe the HVAC and BESS cooling and thermal management system design and confirm the specific refrigerant(s) that will be used.

Annual refrigerant leakage estimate. Provide an estimate of annual refrigerant leakage from the proposed cooling system, reported as carbon dioxide equivalent (CO₂e) emissions.

HFC prohibition compliance demonstration. Demonstrate that the proposed refrigerant(s) will comply with the applicable HFC prohibitions.

(iii) To support staff's evaluation of annual indirect greenhouse gas (GHG) emissions associated with the use of the proposed BESS, provide the following, along with the supporting spreadsheet file(s) containing live, embedded calculations:

Transmission and cycle-loss emissions. Estimate the annual indirect GHG emissions (metric tons CO₂e/year) resulting from energy losses due to transmission (if applicable) and charging/discharging cycle losses. Include all assumptions and methods used to account for round-trip efficiency degradation over the project lifetime.

Auxiliary-load emissions. Estimate the annual indirect GHG emissions (metric tons CO₂e/year) from auxiliary loads including BESS cooling and thermal management and

other auxiliary equipment. Include all assumptions and methods used to account for BESS efficiency degradation over the project lifetime.

Grid-charging assumptions and emission factors (if applicable). If the BESS would be charged by the grid, provide assumptions for the annual hours (or energy) of grid charging, the electric-grid GHG emission intensity factor(s) used for charging and discharging (including consideration of carbon neutrality by 2045), and efficiency degradation over the project lifetime.

(iv) If the project is proposing to use sulfur hexafluoride (SF₆), describe how the project would comply with the SF₆ phase-out regulation as specified in Cal. Code Regs., tit. 17, §§ 95350- 95359.1.

(M) Additional Opt-In Requirements for Solar Photovoltaic Applications

(i) If any emergency back-up generator or fire pump is proposed for use during the operational phase, provide the following information:

Manufacturer specification sheets. The specification sheets must include engine power (brake horsepower), emission rates, exhaust parameters, and the engine's emissions tier.

Selective catalytic reduction (SCR) system information. Confirm whether a SCR system will be used to reduce NOx emissions from the emergency back-up generator or the fire pump. If yes, provide the project's estimated ammonia emissions in pounds per day and tons per year.

(ii) To verify that any proposed refrigerant(s) in the HVAC system comply with the Hydrofluorocarbon (HFC) prohibition as specified in Cal. Code Regs., tit. 17, §§ 95371-95378, provide the following information:

HVAC system design and refrigerant identification. Describe the HVAC system design and confirm the specific refrigerant(s) that will be used.

Annual refrigerant leakage estimate. Provide an estimate of annual refrigerant leakage from the proposed cooling system, reported as carbon dioxide equivalent (CO₂e) emissions.

HFC prohibition compliance demonstration. Demonstrate that the proposed refrigerant(s) will comply with the applicable HFC prohibitions.

(iii) If the project is proposing to use SF₆, describe how the project would comply with the SF₆ phase-out regulation as specified in Cal. Code Regs., tit. 17, §§ 95350-95359.1.

(9) Public Health

[skipping subsections (A)-(E)]

(F) Additional Opt-In Requirement for Battery Energy Storage System Applications - A dispersion modeling of all potential criteria air pollutants and toxic air contaminants (TAC) for a worst-case impact analysis in a potential BESS thermal runaway event using a well-validated model. The main criteria air pollutants and TACs of concern include but are not limited to hydrogen fluoride (HF), carbon monoxide (CO), hydrogen cyanide (HCN), hydrogen chloride (HCl), benzene, sulfur dioxide (SO₂), nitrogen oxides (NO_x), phosphoryl fluoride (POF₃), carbonyl fluoride (COF₂), acrolein, formaldehyde, volatile organic compounds (VOCs), and particulate matters including ultrafine particulates.

(i) Confirm that the modeling data reflect the specific battery chemistry proposed. If the modeling data originate from literature review, please provide a technical justification demonstrating that the data are representative and conservative for worker, responder, and public exposure conditions and provide a copy of the referenced literature. If the data come from a BESS test, please also provide the specific analytical method(s) for determining the presence of off-gassing constituents in the test, including sample collection methods, laboratory preparation methods, analytical methods, the MDL (method detection limit) or PQL (practical quantitation limit) or RL (reporting limit) for all measured constituents, and all QA/QC (quality assurance/quality control) data including results of a spiked sample.

(ii) Identify the assumed worst-case scenario, including but not limited to the number of cells or modules involved, state of charge, burn duration, exhaust parameters, and emission factors, using available representative data from the literature review or measured from any BESS test or incidents. Provide justification demonstrating that the assumptions are both representative and conservative to be protective of public health.

(iii) Compare the modeled BESS thermal runaway/fire-related TACs concentrations to appropriate health-based exposure thresholds, including the U.S. EPA Acute Exposure Guideline Levels (AEGL) and Emergency Response Planning Guidelines (ERPGs) thresholds, and demonstrate whether the acute hazard Index (HI) of TACs would be higher than the significance threshold of 1.0 at sensitive receptors.

(iv) If the acute HI would exceed 1.0, explain what mitigation measures are planned to be implemented to reduce the impacts to less than significant.

(10) Hazardous Materials Handling

[skipping subsection (A)-(G)]

(H) Additional Opt-In Requirements for Battery Energy Storage System Applications

(i) A discussion of actions and procedures that the project owner would implement to reduce the probability of hazardous BESS incidents during transportation to and from the project site and actions to reduce the impact of such incidents (if they occur) to motorists and nearby sensitive receptors.

(11) Worker Safety/Fire Protection

...[skipping subsection (A) - (C)]

(D) Additional Opt-In Requirements for Battery Energy Storage System Applications

(i) A complete description of the BESS remote monitoring capability and technology, including the remote monitoring facility, if any.

(ii) For remotely operated facilities, a discussion of the anticipated time for operation personnel to arrive onsite following notification of an emergency condition.

(iii) A description of the emergency response training that will be offered to the local emergency management agencies during construction and operations.

(iv) A narrative demonstrating that the applicant has contacted the local emergency responding agency and informed the agency of the proposed project. Include the names, dates, and a brief description of the meeting and outcomes.

(v) A complete description of the fire detection and alarm systems, and gas detection systems that will be installed in equipment (BESS enclosure, PCS inverters, transformers, switchgear), throughout the project site, and for the purposes of remote operations.

(vi) A complete description of the explosion prevention and control systems (exhaust ventilation or deflagration venting) that will be installed in the selected BESS enclosure, including the length of time that backup power will operate the exhaust ventilation systems.

(vii) A Hazard Mitigation Analysis (HMA) in accordance with the latest California Fire Code edition. The HMA shall be supported by test reports from a large-scale fire test conducted in accordance with the latest edition of UL 9540A or appropriate test method agreed to by staff.

(viii) UL 9540A cell-level, module-level, unit-level, and installation-level-large-scale fire test reports for the selected BESS in accordance with the latest edition of the UL 9540A standard.

(ix) A discussion of the project's consistency with local standard requirements for response time and distance from fire stations, EMS capabilities, and hazardous materials teams. Include a discussion on whether access to the project site via at least two gates is available.

(x) Provide draft outlines of the Hazardous Energy Control Program (Cal. Code Regs., tit. 8, §§ 2320.1 et seq., §§ 2940 et seq., § 3314) covering construction and operations.

(E) Additional Opt-In Requirements for Solar Photovoltaic Applications

(i) A complete description of the solar PV remote monitoring capability and technology, including the remote monitoring facility, if any.

(ii) For remotely operated facilities, a discussion of the anticipated time for operation personnel to arrive onsite following notification of an emergency condition.

(iii) A description of the emergency response training that will be offered to the local emergency management agencies during construction and operation.

(iv) A narrative demonstrating that the applicant has contacted the local emergency responding agency and informed the agency of the proposed project. Include the names, dates, and a brief description of the meeting and outcomes.

(v) A complete description of the fire detection and alarm systems that will be installed in equipment (solar PV panel/string, PCS inverters, transformers, switchgear), throughout the project site, and for the purposes of remote operations.

(vi) Provide draft outlines of the Hazardous Energy Control Program (Cal. Code Regs., tit. 8, §§ 2320.1 et seq., §§ 2940 et seq., § 3314) covering construction and operations.

...[skipping subsection (12) Waste Management]

(13) Biological Resources

...[skipping subsection (A) - (H)]

(I) Opt-In Battery Energy Storage System Applications shall include a discussion regarding potential impacts on biological resources caused by a BESS fire and address the following:

(i) Direct mortality or injury to wildlife caused by a BESS fire;

(ii) Airborne transport and deposition of heavy metals, semi-volatile organic compounds, and other hazardous materials or chemicals released by a BESS fire;

(iii) Impacts associated with fire suppression and control activities including construction of firebreaks or fire access roads, vegetation clearing, water application, and the use of fire retardants or other suppression agents;

(iv) Effects on wildlife and vegetation, including soil microbiota;

(v) Effects on sensitive habitats, including U. S. Fish and Wildlife Service-designated Critical Habitat and California Department Fish and Wildlife Sensitive Natural Communities;

(vi) Effects on ecological succession and associated changes in habitat composition or type;

(vii) Effects related to bioaccumulation or food-web transfer of heavy metals or other contaminants; and

(viii) Effects related to soil, surface water, or groundwater contamination.

(J) Opt-In Solar Photovoltaic Applications shall describe potential impacts of installation and operation of solar panels on biological resources, including a discussion of the following:

(i) Baseline studies to characterize existing bird and bat use and species presence;

(ii) Anticipated migratory bird assemblages and bat species that may be affected, including major migration routes and seasonal movement patterns;

(iii) Anticipated levels of bird and bat mortality associated with the project due to collision or other means, including comparison to background mortality levels, where available;

(iv) The type of solar panel proposed for use and anticipated or known extent of light polarization or reflectivity associated with the technology;

(v) Geographic areas or patches of habitat with higher bird abundance, especially for water-obligate and water-associated bird species, and habitats used by bats for foraging, roosting, or movement, including major bird or bat migration routes and large bodies of water.

(vi) Available avoidance, minimization, and mitigation measures, adaptive management strategies, and their anticipated effectiveness in reducing impacts to birds and bats.

(14) Water Resources

...[skipping subsection (A) - (E)]

(F) Additional Opt-In Requirements for Battery Energy Storage System Applications

(i) A water quality protection plan with best management practices to protect surface- and ground- water quality in the event of a BESS fire.

...[skipping subsection (15) Soil Resources- (18) Transmission System Safety and Nuisance]

(19) Wildfire

...[skipping subsection (A) - (C)]

D) Additional Opt-In Requirements for Battery Energy Storage System Applications

(i) A discussion of vegetation management for wildfire prevention and protection, including locations of vegetation control, vegetation height limits and vegetation clearance buffers for both on- and offsite project components. Include a discussion of chemicals used for vegetation management.

(ii) A discussion of how water runoff from wildfire or BESS fire firefighting activities would be contained onsite during a wildfire or BESS fire, including situations when the volume exceeds the capacity of the stormwater system.

(E) Additional Opt-In Requirements for Solar Photovoltaic Applications

(i) A discussion of vegetation management for wildfire prevention and protection, including locations of vegetation control, vegetation height limits and vegetation clearance buffers for both on- and offsite project components. Include a discussion of chemicals used for vegetation management.

...[skipping subsection (h) Engineering and (i)]

Authority cited: Sections 25213, 25216.5(a) and 25218(e), Public Resources Code.

Reference: Sections 21080.5, 25519(a), 25519(c), 25520, 25522(b), 25523(d)(1), 25540.1, 25540.2, 25540.6, and 25541, 25545.2 and 25545.4(b)(2), Public Resources Code.