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Comment Received From: Phillip Carranco
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Public Comment on Emergency Rulemaking Title 20 CCR 1875-1882 & Appendix B

Dear Commissioners and Staff:
I am writing as a member of the public about the proposed amendments to the Opt-In Certification Program. I support California's clean energy goals and the need to build energy storage quickly. My comments draw on concerns that members of the public have raised in opt-in proceedings and on lessons from battery storage fires already on record in California, including a large facility fire that forced evacuations of nearby neighborhoods, and a later re-ignition of charged battery modules during post-fire cleanup that led to shelter-in-place orders and school closures. In both cases, the cause was not promptly determined, and local agencies reported that they lacked the equipment to measure key toxic gases such as hydrogen fluoride. I ask the Commission to keep the improvements in this proposal and to close the gaps below before adoption, so that the program works well for every community in California.

What the proposal does well.
The new Appendix B battery storage requirements are a major step forward. They call for mapped setbacks, the battery manufacturer's failure history, a hazard analysis supported by large-scale UL 9540A fire testing, worst-case toxic smoke modeling (including hydrogen fluoride), remote-monitoring and response-time information, containment of firefighting water, and decommissioning plans. I also support the fire inspection required before operation (Â§1881.5); the new site-control and fire-authority consultation requirements (Â§1877(h)â€“(i)); the community benefits agreement rules in Â§1879.5, including firm deadlines, unredacted filing, minimum funding and compliance reporting; earlier tribal and local engagement in pre-filing (Â§1876.5); the Commission's new authority to compel information (Â§1878(d)); and making the record public when the Staff Assessment is filed (Â§1880.5(b)); the ability to end stalled or non-viable applications early (Â§1877.5); a defined process for local agencies to recover their review costs (Â§1878.1); and the health benchmark that toxic smoke exposure at nearby homes, schools and other sensitive locations stay below an Acute Hazard Index of 1.0.

What needs to be improved.
The following recommendations reflect issues the public has raised in opt-in proceedings and lessons from incidents on file. Each is intended to apply statewide.

1. Tell nearby households about a project at the start (Â§Â§1876.5, 1877). Residents often learn of a proposed facility only once environmental scoping or the Staff Assessment arrives, when designs are largely settled and trust is hard to build. Please require applicants to send a mailed notice to owners and occupants within a set distance of the site shortly after pre-filing consultation and no later than the date the

application is filed. The notice should explain the proposal in plain language, list the docket number and a staff contact, describe how to comment, and be provided in the languages commonly spoken nearby. Early notice lets neighbors identify evacuation, wildfire and land-use concerns while the design can still change.

2. Require a full environmental impact report for large battery projects near people (Â§Â§1879, 1881, 1882). The amendments allow approval with a mitigated negative declaration or negative declaration, which do not require a full review of alternative sites. Please require an EIR for battery storage facilities of 200 MWh or more located within a set distance of homes, schools, farmworker or subsidized housing, hospitals, or sensitive habitat. Members of the public have raised environmental-justice concerns about facilities proposed next to low-income and federally assisted housing, including the risk that residents could lose that housing if federal hazard-separation standards are not met. Only a full alternatives analysis can fairly weigh those impacts.

3. Require the actual equipment and current fire test data before certification (Appendix B(b)(1)(E)(ii); Â§1882). The rules still allow applicants to list several "qualified manufacturers" and choose the final product after certification. Public commenters have documented applications that rely on a "representative" enclosure and on an older UL 9540 certificate rather than complete, current-edition UL 9540A reports. Please require that the specific UL 9540-listed product, with current-edition UL 9540A data including the installation-level large-scale fire test, be identified before an application is deemed complete. Any later change of manufacturer, model or battery chemistry should require a noticed Â§1882 petition, review by the local fire authority, and supplemental environmental review if impacts increase. Battery safety test data should be public, not confidential.

4. Make emergency access and fire-authority consultation binding, not paper exercises (Â§1877(h)â€“(i); Appendix B(g)(11)(D)(ix); Â§1881.5). An applicant's own statement of property rights, and a "discussion" of whether two gates are available, are not enough. The public has identified applications where secondary emergency access depended on agreements that had not been finalized, and where the applicant had not met with, or had misidentified, the responsible fire agency. Please require recorded easements for primary and secondary fire apparatus access that meet the California Fire Code and the State Minimum Fire Safe Regulations; written confirmation from the correct local fire authority that consultation occurred; and an emergency response plan, prepared with local fire and emergency-management agencies consistent with SB 38 and CPUC General Order 167-C, that is filed and reviewed before certification. Please also require that authority's written acknowledgment, before any commissioning tests begin, that the emergency-response and public-protection plans are complete and coordinatedâ€”not merely that a meeting took place.

5. Confirm site control with documents, not assurances (Â§Â§1877(h), 1878(b)). Under the current text, an applicant's description of its own land rights is accepted unless someone proves otherwise. When designs depend on land the applicant does not control, staff, local agencies and the public can spend months reviewing plans that

could never be built. Before an application is deemed complete, please require recorded deeds or lease memoranda, a preliminary title report, or signed agreements filed under the Commission's confidentiality rules with financial terms withheld. This showing should extend to every parcel the design needs, including transmission lines, offsite roads, the interconnection point, and any offsite drainage, grading or flood-protection work, and it should be updated whenever revised plans are filed.

6. Set minimum statewide setbacks and require an evacuation analysis. Please establish minimum setbacks from homes, schools, hospitals, farmland and wetlands, with greater distances where toxic-plume modeling shows a hazard. Please also require an independent evacuation and traffic study for any site served by a single or dead-end access road. Where a county has developed battery-specific siting standards, the Commission should treat them as a baseline rather than override them without explanation.

7. Require continuous air monitoring tied to public alerts. Incidents on record show that local air agencies may lack the capability to measure hydrogen fluoride during a battery fire, and that federal monitoring may end within days and be handed to the operator's own consultant. Please require baseline air sampling before construction; a permanent network of hydrogen fluoride and particulate monitors at the fence line and in nearby neighborhoods, schools and farm fields, operated independently or third-party audited, with public real-time data; coordination with the local air district; preset levels that trigger shelter-in-place or evacuation alerts in English and other languages commonly spoken in the community; and post-incident sampling of soil, surface water, irrigation conveyances and nearby wells.

8. Require 24/7 monitoring and automatic alerts for the life of the facility. Appendix B asks only for a "description" of remote monitoring and response time. Please require monitoring 24 hours a day, 7 days a week, by on-site staff or a staffed remote center; gas and thermal-runaway detection; automatic notification of the fire agency and the public; and a maximum on-site response time. Incidents on record show that charged modules can ignite long after an initial fire, so 24/7 monitoring should continue through any post-incident cleanup and decommissioning until all energized batteries are removed. Any change to detection or suppression systems should require fire-authority approval and verification testing.

9. Require site-specific seismic and geotechnical design with independent review. Much of California is seismically active, and many candidate sites sit near substations on low-lying or wetland soils. Please require a site-specific geotechnical, fault and liquefaction study; seismic design for enclosures, racks and anchorage; and independent third-party review of these studies at the applicant's expense.

10. Close the inspection gap (Â§1881.5). Operation should not begin simply because 90 days have passed without a fire inspection. Please require an actual inspection and written sign-off by the local fire authority, including before any later addition of battery capacity, and preserve that authority's right of entry and annual inspections during

operation, funded by the owner. Commissioning tests should likewise wait for that inspection and for written fire-authority acknowledgment of the emergency and public-protection plans. If the local authority has not acted within 90 days, the Commission should reassign it to the State Fire Marshal's office or an independent licensed fire protection engineer, paid for by the applicant, rather than let operation start uninspected. If an inspection finds safety or code problems and the inspector issues them in writing, the 90-day period should stop running until the applicant certifies that every listed item is fixed.

11. Protect local fire capacity (Â§1878.1). Please allow reimbursement of qualified expert consultants hired by local fire agencies to review battery projects, and require a fire-service funding agreement for ongoing training, equipment and inspections. The current text tells agencies they need not commission studies or hire outside experts, which leaves small and rural fire districts unable to review complex battery hazards. To keep these reviews focused and timely, the Commission could ask the agency to submit a proposed work scope and spending limit for approval by the Compliance Project Manager before the work begins.

12. Keep the economic-benefit information and strengthen community agreements (Â§Â§1877, 1879, 1879.5). Even with the statutory presumption of net economic benefit, please continue to require applicants to file economic-benefit information and share it with the local government, and set out a clear process for rebutting the presumption. Please define a primary impact area around each facility and direct a clear supermajority of required community benefits funding to residents and services within it, with at least one direct benefit to the host community. Organizations and public entities serving that area should have a formal role in negotiating the agreement. Agreements should also remain binding on any later owner.

13. Make ownership changes public and accountable (Â§1882(f)). Opt-in projects have changed hands while under review. Please require public notice, written assumption of all conditions of certification and community agreements, and proof of decommissioning financial assurance before staff approve any transfer of ownership or operational control.

14. Make suspensions and early terminations transparent (Â§1877.5). Please post suspension requests and status reports, and allow public comment before any early-termination decision.

15. Protect farmland, soil and groundwater from firefighting runoff (Appendix B). A battery fire can send contaminated water into fields, drainage ditches and shallow aquifers. Where a project sits on or next to productive farmland, please require secondary containment sized for a realistic firefighting-water volume; a soils and hydrogeology evaluation that identifies likely migration paths; baseline soil and groundwater sampling before construction; and a funded cleanup and restoration plan that takes effect after any significant release.

16. Open the technical record to the public (Â§1880.5). Neighbors cannot evaluate health claims if the underlying models stay locked away. Please require applicants and staff to post, or promptly make available, the nonconfidential modeling files and datasets cited in the Staff Assessment, and to publish plain-language executive summaries of the Staff Assessment and any update in English and in the languages commonly spoken near the site.

17. Require conservative assumptions in toxic-plume modeling (Appendix B). Appendix B already calls for worst-case toxic smoke modeling and an Acute Hazard Index of 1.0 or less at sensitive locations. Please make that standard enforceable by specifying that models must assume a multi-enclosure cascading failure consistent with the site layout; use conservative meteorology; quantify hydrogen fluoride and other key off-gases from the chemistry proposed; and show that the Acute Hazard Index stays at or below 1.0 at homes, schools, farms and other sensitive receptors. Credit for suppression systems should rest on tested multi-enclosure performance, not on unproven claims.

18. Require a noise study at the nearest residences (Appendix B). Battery cooling fans and power-conversion gear often emit a steady hum that carries past the fence line into adjacent homes. Please require a site-specific acoustic evaluation at the closest dwellings, with mitigation that meets the local noise ordinance or, if none applies, levels protective of nearby residents.

Thank you for considering these comments. With these changes, the amended program can deliver clean energy faster while earning the trust of communities across California that will host these facilities. I also ask that these amendments apply, to the extent the law allows, to applications still pending when the regulations take effect.

Sincerely,
Phillip Carranco
November 10, 2026