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Follow-Up on Petition to Inspect Confidential Records and Request to Complete Public Disclosure of the Tanager BESS Air-Quality

Additional submitted attachment is included below.

Ada E. Márquez, AICP

San José, California | Submitted solely in personal capacity; no institutional representation

August 31, 2026

VIA CEC E-FILING AND EMAIL

Sanjay Ranchod, Chief Counsel

Matt Pinkerton, Acting Assistant Chief Counsel

California Energy Commission

715 P Street, MS-14

Sacramento, California 95814

RE: Follow-Up on Petition to Inspect Confidential Records and Request to Complete Public Disclosure of the Tanager BESS Air-Quality and Health-Risk Record — Los Esteros Critical Energy Facility, Docket 03-AFC-02C (TN 271563; TN 271892; TN 272160; TN 272161)

Dear Chief Counsel Ranchod, Acting Assistant Chief Counsel Pinkerton, and CEC Staff:

Thank you for granting my July 17, 2026 Petition to Inspect Confidential Records (TN 271563) and for releasing the technical memorandum and AERMOD materials following the August 7, 2026 decision (TN 271892). My original request was not merely for access to raw model files. It sought the public portions of the Tanager Battery Energy Storage System (BESS) air-quality and health-risk record—including final emission data, AERMOD inputs and outputs, health-risk results, and reasonably segregable supporting information—in a form sufficient for the public to understand, reproduce, and test the conclusions being offered to the Commission.

That purpose remains important because Tanager would add a 200-megawatt, approximately 1,600-megawatt-hour lithium-iron-phosphate BESS to an existing CEC-certified power-plant site near Alviso residents, workers, sensitive habitats, and other existing or reasonably foreseeable stationary sources. Meaningful review requires a transparent chain from the assumed fire or thermal-runaway scenario, to chemical-specific emission rates, to dispersion modeling, to receptor concentrations, to health-based benchmarks and staff conclusions.

The August 24 production is a substantial step, but it appears to provide only a partial remedy. TN 272160 is a more-than-10,000-page combined raw-model bundle. It does not, by itself, disclose the complete calculation bridge or constitute a public-facing health-risk assessment. Several portions of the original petition and several of staff's own Data Requests A65 through A70 also remain unresolved or cannot be located in the public docket. I therefore respectfully ask CEC to complete the disclosure remedy and clarify the technical-review record before staff relies on these materials or recommends action on the petition to amend.

I. The August 24 production does not resolve the full scope of the July 17 petition

The July 17 petition asked CEC to address TN 271506 and the overlapping repeated confidentiality application in TN 271503; apply the burden of proof record by record and field by field; clarify which records were covered by each confidentiality determination; release public and segregable portions; provide a redaction index; and provide a reproducibility package sufficient to understand and test the air-

quality and health-risk conclusions. The August 7 decision described the records at issue more narrowly as the technical memorandum and supporting AERMOD files.

CEC then issued TN 271996 on August 17, 2026, granting confidentiality to electronic calculation spreadsheets, AERMOD input/output files, and other electronic support data associated with the repeated application in TN 271503. Three confidential filings followed or remained identified as project-specific fire, gas-composition, and mass-to-mass calculation records (TN 271997 through TN 271999). On August 24, staff publicly filed TN 272160 and TN 272161, but did not file a public redaction index or a segregated calculation package.

This sequence creates ambiguity concerning the scope and status of the records. The August 7, 2026 Decision on Petition to Inspect Confidential Records (TN 271892) found that the applicant had not met its burden regarding the memorandum and AERMOD materials and that those materials appeared to concern public air-pollution emission data or analysis. The August 17, 2026 confidentiality determination (TN 271996), however, continued confidential treatment for overlapping supporting records without publicly identifying which fields remain protected, which final emission data have been segregated and released, or how the two determinations fit together. A written, record-specific clarification is needed.

II. TN 272160 is a unitized dispersion-model archive, not a complete public health-risk assessment (HRA) or offsite consequence analysis (OCA)

The first substantive page of TN 272160 states that 20 native AERMOD-related files were combined into one PDF because of docket-platform limitations and that the native files are available on request through Kiteworks or another file-transfer platform. The index lists filenames, file types, and sizes, but not the page ranges where each file begins and ends. The result is not reasonably usable as the sole public presentation of the analysis.

More importantly, the disclosed run is titled “TANAGER ACUTE RELEASE” and uses the generic pollutant label OTHER. Each of five alternative buoyant-line source groups is modeled at 1.0 gram per second. The reported micrograms-per-cubic-meter values are therefore unitized dispersion factors unless and until they are scaled by chemical-specific, scenario-specific emission rates. The five source groups appear to represent alternative fire locations; they are not combined as a single cumulative source group.

TN 272160 does disclose useful model mechanics, AERMOD version 24142, AERMET version 18081, 6,596 receptors, 2013–2017 KNUQ meteorological data, source geometry, terrain elevations, and output tables. It does not disclose chemical-specific release rates, cancer risk, chronic or acute hazard indices, OEHHH Reference Exposure Level comparisons, labeled sensitive-receptor results, cumulative-source contributions, or a narrative conclusion explaining the public-health significance of the modeled values. Raw model mechanics are not a substitute for the missing analytical bridge and health interpretation.

III. The public record still lacks the bridge from emission factors to final modeled health conclusions

The current public filings provide separate pieces of the analysis, but not the transparent chain connecting them. Table 1 summarizes the principal gap.

Table 1. Public record crosswalk

Public filing	What it provides	What remains missing or unclear
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Public filing	What it provides	What remains missing or unclear
TN 272160	Unitized AERMOD inputs, outputs, meteorology, receptor, and plot files.	Uses OTHER and 1.0 g/s per alternative source. No public chemical-specific scaling, HRA results, labeled receptor map, or health-benchmark comparison.
TN 272161	Ramboll memorandum recommending emission factors in mg/kg-battery for selected compounds.	No public mass-burned assumption, event duration, final g/s by compound, or reproducible bridge from mg/kg-battery to the unit AERMOD run.
TN 271049	One-hour concentrations for multiple substances and an AEGL/ERPG narrative.	No requested OEHHA acute-REL comparison or acute hazard index. The separately requested A70 receptor-group results were not located.
TN 271996–271999	Confidentiality determination and identified calculation/supporting records.	No field-level redaction index, segregated spreadsheet, aggregated reproduction package, or clear inventory of final emission data released from these records.
TN 267462	Construction-related HRA memorandum.	This is distinct from the acute BESS fire/thermal-runaway analysis and should not be treated as resolving that scenario.

Source: CEC Docket 03-AFC-02C

The missing link is especially important because the publicly released unitized AERMOD output is dated December 24, 2025, while the project-specific Hithium large-scale fire testing cited in TN 271049 occurred January 23–29, 2026, and the emission-factor memorandum released as TN 272161 is dated June 16, 2026. A unitized dispersion-model result may sometimes be scaled using subsequently developed emission rates if the source geometry, release characteristics, heat and buoyancy assumptions, and other model parameters remain representative. The public record, however, should explain that methodology, identify every scaling factor, disclose the final compound-specific emission masses and rates, including the grams-per-second rates applied to the unitized results, and document CEC staff’s independent quality-control review.

IV. Several of Staff’s Data Requests appear unanswered or incompletely answered in the public record

CEC’s March 26, 2026 Data Request Set 3 (TN 269329) asked for a more complete acute-release analysis. The June 26, 2026 response (TN 271049) states that it addresses A64, A65, A66, A67, and A70, but the following items remain unresolved or require staff clarification:

A65 — Test methods and QA/QC. Staff requested literature and test methods, sampling, laboratory preparation, detection/reporting limits, and QA/QC information. TN 272161 provides useful literature discussion, but the project-specific calculation chain and any segregable QA/QC information remain unavailable. Staff should identify exactly what A65 information it considers complete and what remains confidential.

A66 — Comparison to acute health benchmarks. Staff asked that all modeled toxic air contaminants be compared with AEGLs, OEHHA/CARB acute Reference Exposure Levels, and ERPGs, excluding IDLH values. TN 271049 explains why the applicant prefers other emergency benchmarks, but it does not provide the requested acute-REL comparison. If staff accepts that departure, the public record should state the technical and legal rationale.

A67 — Acute hazard index. Staff requested a demonstration that the acute hazard index is below 1.0, or mitigation if it is not. TN 271049 states that no applicable criterion is exceeded, but I could not locate the requested multi-substance acute hazard-index calculation.

A68 — AERMOD and HARP files. The AERMOD archive is now public. I could not locate corresponding HARP files or a staff explanation that HARP was not used or was no longer required.

A70 — Two sensitive-receptor groups. Staff requested one-hour concentrations at receptor groups approximately 500 meters south-southeast and 822 meters west-southwest of the project. Although TN 271049's cover identifies A70 as included, I could not locate a separately labeled A70 response, the two requested result sets, or a map identifying those receptors.

V. CEC should provide its independent technical evaluation in a concise, understandable public form

The public record also needs staff's independent judgment, not only the applicant's raw files and conclusions. The AERMOD output reports 43,824 hours processed, including 6,162 calm hours, 670 missing hours (1.53 percent), and 1,020 warnings. These statistics do not necessarily invalidate the run, but staff should explain whether the warnings and missing data are acceptable; whether the 2013–2017 KNUQ meteorological period is representative; whether the urban-population and surface-characteristic assumptions are appropriate; whether source geometry and buoyancy remained valid after the 2026 fire-test data were incorporated; and whether any reruns, sensitivity tests, or corrections were performed.

Staff should also state whether it accepts the applicant's use of ERPG-2 and, where ERPG values were unavailable, AEGL-1 emergency-response benchmarks as a substitute for—rather than a supplement to—the OEHHA acute-REL and target-organ hazard-index analysis expressly requested in Data Request A10. California's established air-toxics methodology defines an acute hazard quotient by reference to the applicable acute REL and calculates acute hazard index by summing hazard quotients for toxic air contaminants affecting the same target organ, with an acute HI of 1.0 constituting the Bay Area Air District's project-risk limit. (Health & Saf. Code, § 44360, subd. (b)(2); Bay Area Air Quality Management Dist., Reg. 2, Rule 5, §§ 2-5-201, 2-5-202, 2-5-302.3, 2-5-401–402, 2-5-603.) The Air District's 2022 CEQA Guidelines separately identify acute hazard-index analysis and ERPG-2 accidental-release analysis, demonstrating that the two benchmarks address distinct public-health questions. CEC should therefore explain the technical and legal basis for accepting any substitution and state whether both analyses will be required before action on the petition. Staff first requested the acute-REL and hazard-index analysis in Data Request A10 and again requested it in Data Requests A66 and A67. (CEC Staff Data Request Set 1, Data Request A10, TN 264452; CEC Staff Data Request Set 3, Data Requests A66–A67, TN 269329; Los Esteros Critical Energy Facility, Data Response Set 1C, TN 268268.)

This is consistent with CEC's post-certification rule, which requires analysis of environmental effects; compliance with applicable laws, ordinances, regulations, and standards; effects on the public; and potential effects on nearby property owners and residents. (*Cal. Code Regs., tit. 20, § 1769, subds. (a)(1)(D)–(F), (H).*) It is also consistent with CEQA's disclosure purpose. In *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516–522, the California Supreme Court explained that an environmental document must contain enough detail for nonparticipants to understand the issues and must reasonably connect air-quality impacts to likely health consequences, or meaningfully explain why that connection cannot be made. A 10,000-page technical archive without the calculation bridge and health interpretation does not perform that public-facing function.

VI. The emergency-release analysis should be distinguished from the cumulative air-quality and public-health analysis

CEQA does not prescribe a single method for assessing cumulative effects; the analysis is governed by standards of practicality and reasonableness and should focus on related impacts to which other projects contribute. (Cal. Code Regs., tit. 14, § 15130, subd. (b); *East Bay Mun. Util. Dist. v. Department of Forestry & Fire Protection* (1996) 43 Cal.App.4th 1113, 1127.) Accordingly, I am not requesting that CEC combine routine emissions from every nearby source with the discrete Tanager thermal-runaway scenario in a single acute-release AERMOD run. Bay Area Air District guidance likewise treats local community health risks and accidental releases as distinct impact categories, while recommending that local-risk analysis compare the project's impacts and the combined cumulative impacts from surrounding sources against the applicable thresholds. (Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, ch. 3, tbl. 3-1, pp. 3-4–3-5, and ch. 5, § 5.3.2, pp. 5-13–5-14 (2022).)

I am instead requesting that CEC identify where, by what method, and under whose responsibility the broader cumulative air-quality and public-health analysis will be conducted and disclosed. Cumulative impacts include a project's incremental effects when added to closely related past, present, and reasonably foreseeable probable future projects. (Pub. Resources Code, § 21083, subd. (b)(2); Cal. Code Regs., tit. 14, §§ 15130, subds. (a), (b)(1)–(5), 15355.) Although CEC's powerplant site-certification program is a certified regulatory program (Cal. Code Regs., tit. 14, § 15251, subd. (j)), California courts have held that cumulative-impact review remains an integral part of the environmental evaluation conducted under a certified program. (*Pesticide Action Network North America v. Department of Pesticide Regulation* (2017) 16 Cal.App.5th 224, 248–250; *Laupheimer v. State of California* (1988) 200 Cal.App.3d 440, 462–466.)

The Tanager review should therefore disclose how staff will evaluate the project in the context of existing Los Esteros emissions, the Microsoft/San José Data Center emergency generators, other approved or reasonably foreseeable nearby sources that may contribute to the same air-quality or public-health effects, and the same affected receptors. CEC's post-certification regulation independently requires analysis of the proposed change's environmental effects, compliance with applicable laws, effects on the public, and effects on nearby residents and property owners. (Cal. Code Regs., tit. 20, § 1769, subds. (a)(1)(D)–(F), (H).) The emergency offsite-consequence analysis, construction HRA, operational air-permit analysis, and CEQA-equivalent cumulative analysis may use different methods; however, the public record should identify the purpose, scope, assumptions, responsible reviewing agency, and findings for each analysis.

VII. Disclosure and environmental-review authorities support a narrow-redaction, meaningful-review remedy

Government Code section 7924.510¹, subdivisions (a), (b), and (d), makes pollution information required by a state or local agency, pollution-monitoring data, and all air-pollution emission data public records. Subdivision (d) distinguishes emission data from data used to calculate emission data; qualifying trade-secret calculation inputs may remain protected, but the emission data remain public. Government Code

¹ The Masonite decisions, interpreting the predecessor to Government Code section 7924.510, confirm the same distinction: air-pollution emission data are public, while data used to calculate emissions may be withheld only when they qualify as trade secrets. (*Masonite Corp. v. Superior Court* (1994) 25 Cal.App.4th 1045, 1055–1058.) *Masonite Corp. v. County of Mendocino Air Quality Management District* (1996) 42 Cal.App.4th 436, 445–450, applied that distinction to emission factors in the particular Air Toxics “Hot Spots” context, while noting that publicly available records still furnished the essential emission rates.

section 7922.525(b) separately requires disclosure of every reasonably segregable portion after deletion of exempt material.

Title 20, California Code of Regulations, section 2506(b)(4), places the burden on the entity seeking confidentiality to demonstrate that confidentiality is warranted under the CPRA considering all facts and circumstances. CEC's August 7 decision found that the applicant's conclusory assertions and failure to identify specific proprietary fields did not meet that burden for the memorandum and AERMOD materials. The same record-specific analysis and segregability principle should apply to the remaining calculation spreadsheets and supporting data.

Finally, Public Resources Code section 21080.5(d)(2)(D) and (F) requires a certified regulatory program to provide written responses to significant environmental points and sufficient public time to review and comment on the environmental documentation. Title 20, California Code of Regulations, section 1769(a)(1)(D)–(F) and (H), requires the post-certification petition and review to address environmental effects, compliance with applicable laws, effects on the public, and effects on nearby residents and property owners. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 likewise emphasizes a clear, coherent environmental record sufficient to inform decisionmakers and the public.

VIII. Requested Remedies

To complete CEC's response to TN 271563 and establish a usable public record before staff recommendation or Commission action, I respectfully request that CEC take the following actions or, for any item not provided, state the legal and factual basis in writing:

1. **Clarify the scope and status of the confidentiality determinations.** Explain how the confidentiality applications and determinations in TN 271053, TN 271503, TN 271506, TN 271892, and TN 271996 relate to the confidential records docketed as TN 271997 through TN 271999 and the public releases in TN 272160 and TN 272161. Identify which records, spreadsheets, fields, or data categories remain withheld and the present basis for withholding each one.
2. **Provide a complete responsive-record inventory.** Identify each technical memorandum, spreadsheet, native model file, HARP file, calculation file, test report, staff review, and supporting record responsive to TN 271563. For each record, provide its TN or filename, date, author or custodian, subject, and current public or confidential status. If a requested category of record does not exist, please state that expressly.
3. **Provide the native AERMOD files.** As invited by the notice in TN 272160, transmit the original machine-readable AERMOD files through Kiteworks or another suitable file-transfer platform, including any .INP, .ADO, .PLT, .ROU, meteorological, receptor, and related files, while preserving their original filenames and directory relationships.
4. **Release the resulting chemical-specific emission data.** For each modeled compound and fire scenario, disclose the resulting emission mass and release rate in model-ready units (Gov. Code, § 7924.510, subd. (d)). Also disclose the event duration, temporal profile, and assumed number or mass of cells or batteries involved to the extent those items constitute emission data or reasonably segregable, nonexempt calculation information. If any of those inputs is withheld, identify it under item 6 below.

5. **Release the segregable calculation records and a reproducible calculation bridge.** Provide the existing calculation spreadsheets with only narrow, field-level redactions and disclose all reasonably segregable formulas, labels, units, assumptions, and outputs (Gov. Code, § 7922.525, subd. (b)). If CEC determines that exact proprietary inputs cannot be released, provide, as part of the environmental-review record, an aggregated, masked, or otherwise nonconfidential calculation bridge sufficient to trace—and, to the extent feasible, reproduce—the final emission rates and modeled concentrations without revealing any proven trade secret.
6. **Provide a redaction and withholding index.** For every withheld record or field, identify the document and the page, sheet, cell or range, or data category, as applicable; the precise legal basis for withholding; the factual showing on which CEC relied; whether the material constitutes air-pollution emission data or data used to calculate emissions; and why no additional portion can reasonably be segregated and disclosed under Government Code section 7922.525(b), applying the distinction in Government Code section 7924.510(d) between emission data and data used to calculate emissions.
7. **Identify and release the HARP record.** Identify and docket any existing HARP files responsive to Data Request A68. If no HARP run was performed, state that expressly and identify the method used to perform any cancer, chronic, or acute risk or hazard calculations presented in the record. (TN 269329, Data Request A68)
8. **Complete or resolve Data Requests A66 and A67.** Provide the comparison to OEHHA/CARB acute reference exposure levels requested in A66 and the acute hazard-index calculation requested in A67. Alternatively, issue a written staff determination explaining whether the applicant's alternative emergency-benchmark response satisfies A66 and A67, which benchmarks staff accepts for each decision purpose, and why omission of the requested acute-REL and hazard-index analyses is technically and legally appropriate. (TN 269329, Data Requests A66–A67)
9. **Identify and complete the response to A70 and provide a receptor map.** Identify and docket any existing response providing the one-hour results for the two receptor groups specified in A70—approximately 500 meters south-southeast and 822 meters west-southwest of the project. If no such response exists, provide the requested results. Also provide a readable map cross-walking receptor IDs and coordinates to the relevant residences, workplaces, and other human receptors evaluated, together with project, facility, and property boundaries. Any nearby habitat areas may be shown as generalized contextual layers without disclosing protected species-location information. (TN 269329, Data Request A70)
10. **Identify and docket staff's independent QA/QC review.** Identify and docket any existing staff review of model versions, meteorological representativeness, calm and missing hours, warnings, urban or rural model selection, receptor coverage, source geometry and buoyancy, unit-emission scaling, toxicity values, benchmark selection, corrections, and sensitivity analyses. If no such record exists, provide a staff memorandum addressing these matters before final staff recommendation or Commission action.
11. **Provide a concise public-facing emergency-release/OCA and HRA summary.** Clearly distinguish the emergency-release or offsite-consequence analysis from any health-risk assessment and present the complete analytical chain: the fire scenario and testing basis; chemical-specific emission masses and rates; AERMOD scaling and resulting concentrations; receptor locations; applicable health

benchmarks; and staff's conclusions. The summary should identify material assumptions, limitations, uncertainties, and the responsible reviewing agency.

12. **Identify the cumulative-analysis and agency-review pathways.** State where, by whom, and under what regulatory process the record will evaluate cumulative air-quality and public-health effects involving existing Los Esteros emissions, the Microsoft/San José Data Center generators, and other approved or reasonably foreseeable nearby sources affecting the same receptors. Identify the respective roles of CEC, the Bay Area Air District, CARB, and the City of San José, and provide the relevant docket, permit, or document reference for each review pathway. (Pub. Resources Code, § 21083, subd. (b)(2); CEQA Guidelines, §§ 15130, 15355; Cal. Code Regs., tit. 20, § 1769, subd. (a)(1)(D)–(F), (H))
13. **Provide a meaningful public-review period.** After the publicly releasable responsive records and staff synthesis have been docketed, provide at least 30 days for public review and comment before staff issues its final recommendation or the Commission acts, unless a longer period is otherwise required. The requested 30-day period is intended to provide the sufficient and reasonable time for public review and comment contemplated by Public Resources Code section 21080.5(d)(2)(F) and (d)(3)(B).
14. **Docket this letter and provide a point-by-point written response.** Place this letter and CEC's written response in Docket 03-AFC-02C. The response should be keyed to items 1 through 13 above, state whether each request has been completed, remains pending, or is denied, identify the TN or location of each produced record, and provide the legal and factual basis for any denial or continued withholding. This request is also consistent with Public Resources Code section 21080.5(d)(2)(D), which requires final agency action to include written responses to significant environmental points raised during the evaluation process.

Conclusion

CEC's August 7 decision correctly recognized that conclusory trade-secret assertions cannot displace the public status of air-pollution emission data and analysis. CEC's August 24 release is valuable, but the public still lacks the information needed to move from raw unit-model output to final chemical-specific emission data and understandable health conclusions. Completing the remedy through native files, final emission rates, segregated calculations, a redaction index, staff QA/QC, and a concise public-facing synthesis of the HRA would preserve the transparency required for informed participation.

I respectfully request the clarification and records as soon as feasible and, in all events, before staff issues its assessment, final recommendation, or takes other action relying on the disputed analysis. Thank you for your attention to this request and for ensuring that the Tanager air-quality and public-health record is both technically reviewable and publicly understandable.

Sincerely,

Ada E. Márquez, AICP, Concerned San José resident

Submitted solely in personal capacity; no institutional representation

cc

Drew Bohan, Executive Director, California Energy Commission
 John Heiser, Compliance Project Manager, California Energy Commission
 CEC Office of the Public Advisor, Energy Equity, and Tribal Affairs
 Greg Nudd, Deputy Executive Officer of Policy, Bay Area Air Quality Management District
 Martina Davis, Division Manager, City of San José Planning Division
 Melissa Venecek, Manager, Toxics Inventory and Special Projects, California Air Resources Board

References

Docket-security note. References are identified by transaction number, code section, and reporter citation without active hyperlinks. This document is text-native and searchable.

CEC Docket Materials

California Energy Commission Staff. Tanager BESS Data Request Set 1, including Data Request A10. TN 264452. June 25, 2025.

Los Esteros Critical Energy Facility. Tanager BESS Project Data Response Set 1B, including Air Quality Analysis and Health Risk Assessment Memorandum. TN 267462. November 17, 2025.

Los Esteros Critical Energy Facility. Data Response Set 1C. TN 268268. January 20, 2026.

California Energy Commission Staff. Data Request Set 3, Data Requests A64–A81. TN 269329. March 26, 2026.

Los Esteros Critical Energy Facility. Data Response Set 3C, including responses to A64–A67 and stated response to A70. TN 271049. June 26, 2026.

Los Esteros Critical Energy Facility. Repeated Application for Confidential Designation—Data Response Set 3C Information. TN 271053. June 29, 2026.

Los Esteros Critical Energy Facility. Repeated Application for Confidential Designation for Data Response A65 supporting information. TN 271503. July 16, 2026.

California Energy Commission. Response to Los Esteros’s Request for Confidentiality (concerning TN 271053). TN 271506. July 17, 2026.

Ada E. Márquez. Petition to Inspect or Copy Confidential Records and Comment on Tanager BESS Air-Quality and Health-Risk Disclosure. TN 271563. July 17, 2026.

California Energy Commission, Office of Chief Counsel. Decision on Petition to Inspect Confidential Records. TN 271892. August 7, 2026 (docketed August 10, 2026).

California Energy Commission. Response to Los Esteros’s Repeated Application for Confidential Designation (TN 271503). TN 271996. August 17, 2026.

California Energy Commission. Confidential Tanager BESS supporting fire, gas-composition, and mass-to-mass calculation records. TN 271997–TN 271999. July 16, 2026.

California Energy Commission. Combined AERMOD Files. TN 272160. August 24, 2026.

Ramboll. Emission Factors for Select Compounds Formed from Thermal Runaway and Fires from LFP Batteries. Attachment DR-A65 Technical Memorandum. TN 272161. June 16, 2026 (docketed August 24, 2026).

Statutes and Regulations

Bay Area Air Quality Management District. Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants, sections 2-5-201, 2-5-202, 2-5-302.3, 2-5-401–402, and 2-5-603.

California Constitution, article I, section 3(b).

California Government Code sections 7922.525(b) and 7924.510(a), (b), and (d).

California Public Resources Code sections 21080.5(d)(2)(D), (d)(2)(F), and (d)(3)(B), and 21083(b)(2).

Title 20, California Code of Regulations, sections 1769(a)(1)(D)–(F) and (H), and 2506(b)(4).

Title 14, California Code of Regulations, sections 15130, 15250, 15251(j), and 15355.

Clean Air Act section 114(c), 42 United States Code section 7414(c).

California Health and Safety Code sections 44345, 44346(h), and 44360(b)(2).

Title 17, California Code of Regulations, section 91011.

Cases and Guidance

East Bay Municipal Utility District v. Department of Forestry & Fire Protection (1996) 43 Cal.App.4th 1113.

Laupheimer v. State of California (1988) 200 Cal.App.3d 440.

Masonite Corp. v. Superior Court (1994) 25 Cal.App.4th 1045.

Masonite Corp. v. County of Mendocino Air Quality Management District (1996) 42 Cal.App.4th 436.

Pesticide Action Network North America v. Department of Pesticide Regulation (2017) 16 Cal.App.5th 224.

Sierra Club v. Superior Court (2013) 57 Cal.4th 157.

Sierra Club v. County of Fresno (2018) 6 Cal.5th 502.

Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412.

Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines, Chapters 3 and 5, 2022.