

DRAFT Energy Storage (BESS) Combining District Ordinance

November 18, 2025

Public Comments Key Points Menu

– from *STOP Lithium BESS in Santa Cruz County*

TEMPLATE for Letter Opening

The approval of use permits, building permits or other entitlements for utility-scale BESS without specific standards in place in a BESS zoning ordinance presents a current and immediate threat to the public's safety and welfare. Santa Cruz County's current draft of the Energy Storage Combining District Ordinance is missing many specific standards necessary to protect the public's safety and welfare.

TEMPLATE for Letter Closing

Please do NOT approve the Draft BESS Ordinance "in concept" or at all until these strong compliance measures to protect public health and safety are incorporated.

CHOOSE FROM ANY BELOW AND COMBINE TO CREATE A LETTER BODY

1. The 1,000-foot setback does not include as sensitive receptors dense residential neighborhoods 500 to 800 feet away from a proposed industrial-scale, utility-scale BESS already in the permitting process.
2. The draft does not incentivize non-flammable and non-explosive battery technology as an option. Instead, its codified focus is limited to lithium battery technology.
3. The draft needs to require a viability study on any ag land parcels proposed to be used for BESS development by a third-party, expert, certified professional service provider with no financial or organizational ties to the project or the county.
4. The draft violates both voter approved Measure J's mandate to preserve agricultural land and similar codes in the Santa Cruz County General Plan. [ARC-1.2.1 (LCP), ARC-1.2.3 (LCP) and ARC-1.2.4 (LCP)] The Draft needs to prohibit lithium BESS development on agricultural parcels. Allowing BESS projects using lithium batteries in agricultural areas puts at risk the future economic viability of surrounding agricultural land, due to the known risk of thermal runaway and resulting toxic contamination of surrounding soil, surface and ground water. Current Santa Cruz County General Plan goals prohibit divisions involving commercial agricultural lands for the purpose of using the new parcel(s) for non-agricultural uses or for the purpose of dividing off land not usable for agriculture.

Using the new parcel for public and quasi-public purpose is allowed only when the division will not adversely impact or discourage long-term commercial agriculture in the area.

5. The draft does not define adequately the testing protocols for large scale fire testing, allowing for potentially different installation configurations to be used than what was tested.

6. The draft does not explicitly state which county-selected, third-party, independent of developer influences expert entity is conducting the large scale fire testing.

7. The draft does not link setback requirements or extensions to a plume study that is based on worst-case scenarios. The draft needs to require that all technical studies, Hazard Mitigation Analysis and planning documents required by SB 38, NFPA 855 and the County include plume study and toxic gas dispersion from both a probable scenario of limited thermal runaway and possible scenarios of a worst-case, simultaneous thermal runaway in all site modules at once.

8. The draft does not link setback requirements to any Acute Exposure Guideline Level (AEGL) and specifically does not link them to the AEGL-1, in which exposed individuals may experience mild, non-permanent discomfort or irritation.

9. The draft does not explicitly require an applicant paid, county selected, third-party, independent of developer influence expert entity to conduct baseline testing. This party's expert recommendations for all relevant toxic elements for testing needs to be used in equal part with the recommendations from the County Environmental Health Services Division and/or the California Department of Toxic Substances Control. The distance for baseline testing needs to extend to the worst-case scenario plume study results.

10. The draft does not include applicant paid technical studies prepared by a county selected, third-party, independent of developer influence fire protection engineer estimating impacts to property values and insurability of properties potentially impacted by a plume caused by thermal runaway.

11. The draft does not require an owner paid, county selected, third-party, independent of developer influence assessment of all damage at sites in the path of the plume caused by thermal runaway or other incident, or all remediation necessary to return sites in the path of the plume to their previous condition prior to

the incident, and neither does it itemize what would be assessed: namely, environment, agriculture, residents and business.

12. The draft does not require the owner to compensate residents and businesses for health, job and property losses in the event of thermal runaway or other incident.

13. The draft does not address potential water or fire suppressant liquid runoff in the event of thermal runaway or other incident. It does not require county-selected, third-party, independent of developer influence subject matter experts to prepare technical studies that analyze impacts to groundwater, wildlife, waterways and the environment. It does not specify testing protocols for water and fire suppressant liquid. It does not specify the frequency that the retention basin must be emptied or how quickly in the event of heavy rain or flooding.

14. The draft does not specify a dedicated fire water supply. A minimum of a 3 million gallon engineered retention pond or series of ponds are needed to protect the environment and public and agricultural water supplies from toxic chemical release from firefighting efforts to contain thermal runaways.

15. The draft does not define adequately the monitoring protocols for a perimeter, fence-line Community Air Quality Monitoring System, neither specifying hydrogen fluoride (HF) gas or any other volatile toxic pollutants emitted from BESS containers during operation and system failures nor the installation elevations required to support this monitoring,

16. The draft does not include the installation of a Community Air Quality Monitoring System in the downwind areas of a BESS project site or in any disadvantaged community and sensitive receptor sites in close proximity.

17. The draft does not require the use of county-selected, third-party, independent of developer/owner influence routine drone air monitoring or drone monitoring in the event of thermal runaway paid for by the owner.

18. The draft does not define adequately the testing protocols for soil and water after a thermal runaway or other incident, neither specifying immediacy or any time frame within which sampling must occur, or that it includes downwind testing, or the full spectrum of toxins needing testing.

19. The draft does not require the use of county-selected, third-party, independent of developer influence routine state of charge (SOC) and state of health (SOH)

monitoring of charging and discharging rates for real time information on battery degradation.

20. The draft does not require that the NFPA 855 annual or more frequent fire inspections are completed at the 100% level, as strongly recommended by former Kern County Fire Chief Mike Nichols to the Commission on the Environment.

21. The draft does not require an owner paid, county selected, third-party, independent of owner influence root cause analysis of a thermal runaway fire by a subject matter expert or specify the lead, coordinating agency.

22. The draft does not require the BESS facility owner to provide funding annually for fire response equipment, for radio interoperability and to support a consolidated fire and medical public safety answering point for efficient and effective BESS emergency response, along with the necessary training that the draft does identify.

23. The draft does not specify that the emergency response plan may be edited after land use permits are approved or that a finalized one must be submitted prior to issuance of any building permits.

24. The draft does not specify requirements for the comprehensive annual report to the county.

25. The draft does not specify provisions for ownership changes, neither for time limit on written notification nor for fines. The project and all approval for the BESS facilities should be void if a new owner or operator fails to provide written notification within the established time frame. Reinstatement of a voided project or approvals should be subject to the same review and approval process as new BESS applications.

26. The draft does not specify in concrete, quantified terms how much of a front-of-the-meter, utility-scale BESS facility's stored energy would be directed not to the grid but instead specifically to Santa Cruz County energy and electrification needs.

27. The draft does not require a county-selected, third-party, independent of developer influence evaluation for earthquake safety. Lithium BESS facilities should be prohibited where there is danger of liquefaction.

28. The draft does not identify College Lake, Salsipuedes Creek and Aptos Creek as protected environmentally sensitive areas. The draft does not require that all development associated with a BESS at any designated site, including access road,

perimeter fencing and landscaped buffer is subject to the SC County Riparian Corridor and Wetlands Protection Ordinance (SCCC Title 16: 16-30).

29. The draft does not specify a 30-foot-wide fire rated access road that encircles the entire containerized module array inside a security perimeter fence with a minimum of two rapid access system entrances to the access road.

30. The draft exempts the perimeter fencing and drainage from the 100-foot setbacks required from adjacent properties. The ordinance needs to require that energy storage systems and all associated structures *including* perimeter fencing and drainage should be set back a minimum of 100 feet from adjacent properties.

31. The draft does not specify any sound decibel requirements from a BESS facility, its components and ancillary equipment. Average noise generated should be capped at 65 decibels.

32. The draft does not specify construction times, which should be set at between 7 am and 6 pm.

33. The draft does not specify signage located on BESS modules, perimeter fences and any other security barriers or specify the language on the signs.

34. The draft does not require a 24-hour security system with 24-7, 7 days a week monitoring, with any threats immediately reported to law enforcement.

35. The draft does not include a plan for cybersecurity or a plan for hardening against sabotage and vandalism.

36. The draft's augmentation plan does not explicitly require replacement of battery modules with non-flammable, non-explosive technology as it becomes available. The augmentation plan wording does not state that this replacement by non-flammable technology must supersede any long-term contractual agreements between the applicant or owner with their battery supplier for periodic replacements with lithium batteries. The augmentation plan does not prohibit second-life or used batteries. The augmentation plan does not require that any increase in the size of the facility or number of modules will require a new Use Permit application.

37. The draft's non-specificity indicates that the owner is **not** paying for:

- compensation to residents and businesses for health, job and property losses suffered in the event of a thermal runaway or other incident
- annual funding for fire response equipment, radio interoperability and support of a consolidated fire and medical public safety resource for effective BESS emergency response
- costs reimbursements of an assessment of damages to the environment, agriculture, residents, and businesses in the event of a thermal runaway or other hazardous incident and the costs to return all sites in the path of the plume caused by thermal runaway to their previous condition prior to the incident conducted by a county-selected, third-party, independent of developer influence expert party
- county selected, third-party, independent of developer influence, expert party to conduct baseline testing
- expert county-selected, third-party, independent of owner influence testing of soil and water within 24 hours of failure/fire, including downwind of the facility, for all battery specific toxins, heavy metals, dioxins, PCBs, chlorinated compounds, PAHs, VOCs and PFAS
- at minimum, five samples of water and fire suppressant liquids, their analysis and mitigation measures if thermal runaway occurs by a county-selected, third-party, independent of developer influence expert party
- a county-selected, third-party, independent of developer or owner influence routine drone air monitoring system for hazardous biological toxins **and** immediate drone monitoring during and after a thermal runaway incident for all battery specific toxic elements including HF (Hydrogen Fluoride)
- a county-selected, third-party, independent of owner influence routine state of charge (SOC) and state of health (SOH) monitoring of the
 - charging and discharging rates for real time information on battery degradation
 - done by a third-party
- a comprehensive annual report to County Staff consisting of but not limited to:
 - number of threats made to the site

- number of trips of the site security system
 - number of hazardous incidents at site
 - number of fire and law responses to site
 - water testing of on-site and surrounding properties for hazardous chemicals existing in the battery system
 - air monitoring results
- a security system to prevent break-ins with cameras and barbed wire, monitored 24 hours a day, 7 days a week with any threat being immediately reported to law enforcement
- signage located on BESS modules, perimeter fence and any other security barriers identifying
 - 24-hour emergency contact information
 - product description
 - hazard warnings
 - site owner
 - isolation distance of 330 feet in the event of thermal runaway incident