



NOSSAMAN LLP | Memorandum

TO: The Honorable Chris Holden, Chair
Assembly Appropriations Committee
FROM: Nossaman LLP on behalf of the Monterey County Board of Supervisors
DATE: July 21, 2023
RE: **SB 38 (Laird) Hazardous materials: enforcement: county counsel- SUPPORT**

The County of Monterey is pleased to support measure Senate Bill 38 by Senator John Laird. This measure requires each battery energy storage facility in the state to have an emergency response plan and an evacuation plan that covers the area of the battery energy storage facility.

On September 20, 2022, there was a battery fire at a battery energy storage facility owned by Pacific Gas & Electric (PG&E) in Moss Landing, in Monterey County. The fire led to a shelter-in-place advisory for the neighboring community. According to news reports, the fire smoldered for five hours as emergency responders were advised to not extinguish a battery fire but allow it to burn itself out.

SB 38 aims to have appropriate emergency response and evacuation plans in place for battery storage facilities. This measure will require the owner or operator of a battery energy storage facility to develop an emergency response and evacuation plan that establishes response procedures in the event of a malfunction or failure in equipment to the California Public Utilities Commission.

It is for these reasons that the County of Monterey supports SB 38 and asks that these amendments be considered. Should you have any questions, please feel free to contact Monterey County's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

Ashley Walker
Nossaman LLP

CC: Honorable John Laird, California State Senate
Members, Assembly Appropriations Committee
Consultant, Assembly Appropriations Committee
Gregory Melkonian, Assembly Republican Consultant
Hon. Dawn Addis, 30th Assembly District
Hon. Anna Caballero, 14th Senate District
Hon. Robert Rivas, 29th Assembly District
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)