

JANUARY 6, 2024 AT 2.12 PM PT

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RUTH BROCK'S EMAIL CORRESPONDENCE WITH HECATE GRID REGARDING HECATE'S HUMIDOR BESS PROJECT COMPLIANCE WITH CALIFORNIA LEGISLATURE BILL SB 38 REGARDING THE STATE LAW REQUIREMENT THAT EFFECTIVE OCTOBER 07, 2023, ALL BATTERY ENERGY STORAGE FACILITIES IN CALIFORNIA MUST BE IN COMPLIANCE AND HAVE AN EMERGENCY RESPONSE AND EMERGENCY ACTION PLAN IN PLACE AND APPROVED BY LOS ANGELES COUNTY, THE LOS ANGELES COUNTY FIRE DEPARTMENT AS WELL AS ANY OTHER LOCAL GOVERNMENT AGENCY

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SUBJECT: Request for SB 38 Compliance

Hecate Grid,

In accordance with SB 38, section (g)(1 through 5) passed by Governor Newsom on October 7, 2023, your proposed Humidor BESS transmission project is required to have an 'emergency response and action plan'. This plan is to be provided to Los Angeles County as well as any other local government agency. The Acton Town Council is the advisory representing the interests of the community of Acton where your transmission BESS project is proposing to develop, therefore should also be provided this emergency response and action plan.

**SB 38 states the following:**

- (g) (1) In order to ensure the safety of employees, emergency responders, and surrounding communities, each battery energy storage facility located in the state and subject to subdivision (a) shall have an emergency response and emergency action plan that covers the premises of the battery energy storage facility, consistent with Sections 142.3 and 6401 of the Labor Code and any related regulations, including the regulatory requirements applicable to emergency action plans pursuant to Section 3220 of Title 8 of the California Code of Regulations.
- (2) The emergency response and emergency action plan shall do all of the following:
  - (A) Establish response procedures for an equipment malfunction or failure.
  - (B) Include procedures that provide for the safety of surrounding residents, neighboring properties, emergency responders, and the environment. These procedures shall be established in consultation with local emergency management agencies.

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- (C) Establish notification and communication procedures between the battery energy storage facility and local emergency management agencies.
- (3) The emergency response and emergency action plan may do all of the following:
  - (A) Consider responses to potential offsite impacts, including, but not limited to, poor air quality, threats to municipal water supplies, water runoff, and threats to natural waterways.
  - (B) Include procedures for the local emergency response agency to establish shelter-in-place orders and road closure notifications when appropriate.
- (4) In developing the emergency response and emergency action plan, the owner or operator of the battery energy storage facility shall coordinate with local emergency management agencies, unified program agencies, and local first response agencies.
- (5) The owner or operator of each battery energy storage facility shall submit the emergency response and emergency action plan to the county and, if applicable, the city where the facility is located.

As this emergency response and action plan should be considered public information, I am requesting that you also provide this information to me as the lead representative of Acton Takes Action, a community task force representing the residents of Acton.

Thank you and I will look forward to receiving this important information that will define the safety plan you have developed for your Humidor BESS transmission project in coordination with LACounty Fire, to be implemented in accordance with SB 38.

Thank you,

Ruthie Brock  
Task Force Leader  
Acton Takes Action

SEE PAGE 3 FOR IMPORTANT INFORMATION CROSS LINKS >>

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#### **INFORMATION CROSS LINKS**

1. CA Senate Bill SB 38, signed into law Oct. 7, 2023. Emergency Response and Emergency action plan that covers the premises of the battery energy storage facility, consistent with Sections 142.3 and 6401 of the Labor Code and any related regulations, including the regulatory requirements applicable to emergency action plans pursuant to Section 3220 of Title 8 of the California Code of Regulations. Read the full text of the new law.
2. January 9, 2024. ATA letter to LACoFD Fire Chief Marrone regarding his comments made at the December 19, 2023 BOS NOE BESS Appeal Hearing and questions pertaining to the Humidor BESS project including questions about Hecate's compliance with CA SB 38: Emergency Response and Emergency Action Plan that covers the premises of a battery energy storage facility.
3. January 9, 2024. Important Acton Takes Action Anti-BESS activity community update. Read the full update!
4. December 19, 2023 BOS Meeting. Watch the BOS meeting segment regarding the BESS Appeal Hearing to hear Chief Marrone's testimony. Agenda Items 72 & 98-A; Start Time: 3:06:59, End Time 4:11:39.