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*Comment Received From: Alissa Cope
Submitted On: 6/4/2025
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**OPPOSITION COMMENTS on Compass Energy BESS 24-OPT-02
Sage Environmental**

see comment letter from Environmental Planner and CEQA practitioner

Additional submitted attachment is included below.

Sage Environmental Group

Environmental • Biological • Habitat Restoration • Regulatory Compliance Services

Via Electronic Transmittal

Uploaded to Project Docket

June 3, 2025

California Energy Commission
715 P Street
Sacramento, CA 95814

Subject: Compass Energy BESS Project, San Juan Capistrano – OPPOSED 24-OPT-02

Commissioners:

Recap of verbal remarks 6-3-25 zoom public outreach.

My name is Alissa Cope. I have a degree in environmental science from UC Riverside and grew up in California. I am currently an environmental planner and a CEQA practitioner. I am submitting this letter as a follow-up to my remarks at the 6-3-25 public outreach meeting and to provide additional comments.

I would appreciate the **CEC taking a hard look at the environmental information presented by Dudek**. [Applicant's consultant] and the Project Proponent [Compass]. I urge you to look at it with a **critical eye**, because a lot of the **information presented as fact is actually quite skewed**. One of the main CEC Opt-in requirements is that the project be located in an **urban setting**. I think if you heard the speaker before me clearly, an **open space area in San Juan Capistrano does not qualify as an urban setting** in any manner. The fact that the Dudek written documentation would just say San Juan is urban, therefore it qualifies, really doesn't make any sense. The data submitted **downplays the risks, dismisses the risks, not does NOT look carefully at actually what each environmental factor is**. Dudek is just pushing a lot of paper.

Land Use. The **[industrial]** project is completely inconsistent with the land. Use guidelines that are from the local cities.

Aesthetics. I wanted to get on the record about the CEQA requirements. The gentleman before me talked about what it looks like from the viewshed above. There really is no other **industrial development at this scale located anywhere near where they're proposing to locate it. So it is out of character**,

Transportation. The site has **1 point of entry**. Even though the project proponent is saying that they've added 3 points of entry – there is 1 point of entry from the public street, and it crosses a railroad track, and it also crosses a creek.

Thank you for your time.

Additional Remarks 6-3-25 post public outreach meeting:

Topic 1. Biological Resources.

Crotch's bumble bee. Has a **habitat assessment and focused survey** been conducted for the Crotch's bumble bee (*Bombus crotchii*), per the California Department of Fish and Wildlife Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species?

Crotch's bumble bee (*Bombus crotchii*) primarily inhabits open grasslands, shrublands. They are able to persist in areas with some human development, indicating a degree of adaptability to modified landscapes. Known occupied habitat is in the vicinity of the proposed BESS facility. The proposed location does provide suitable habitat for this species.

Please require the project applicant to conduct the CDFW required surveys.

Topic 2. Traffic and Circulation.

2a. Standard and widely accepted traffic and circulation standards for cities and counties in California require a primary AND **secondary** point of access for new development from a public roadway.

2b. The current location for the BESS facility includes ONLY a singular point of access from a public roadway.

2c. The singular point of access is unique and dangerous. It is blocked by a train track gate arm located above a bridge.

2d. Should the train gate arm fail, or a train get stuck on the tracks, or a catastrophic event cause the bridge to be compromised, there would be **no access to the site**.

2e. Should the CEC accept a BESS facility located on a site with only one access point, the decision would be in **direct violation of standard development codes**.

Topic 3: Public Safety and Health

A facility containing toxic and explosive chemicals should be manned 24/7 and 365 and include a guarded entrance with trained security personnel.

3a. Onsite personnel should be appropriately trained as first responders and fire fighters with a minimum of 4 staff members at all times (2 trained operators and 2 security personnel).

3b. Please update the CEC cost benefit analysis to include this personnel, personnel, training, and necessary first response, firefighting equipment, security equipment and supporting infrastructure.

3c. The facility should be equipped with manual emergency shut off and fire suppression equipment to allow onsite staff to immediately respond to an emergency.

Topic 4. **Regulatory Requirements**

Regulatory requirements for the operation phase should be similar or more stringent than an oil refinery or chemical plant using explosive material. **Please update the projects conditions of approval and cost benefit analysis to include these additional requirements.**

4a. Please update the projects regulatory requirements to properly address the risks associated with the volatile nature of the chemicals and materials present at the site to provide analysis for adjacent land uses, including sensitive receptors (senior homes, schools, low-income residential neighborhoods) and important resources, such as waterways and agricultural uses.

4b. The analysis should include a catastrophic event, chronic health and environmental impacts associated with residual toxicity persisting in the environment.

4c. The applicant provided/Dudek analysis consistently and unrealistically minimizes potential health concerns. **An independent CEC funded analysis should be conducted by a disinterested, qualified third-party** familiar with acute and chronic toxicity health effects present in an industrial application environment.

Topic 5. **Water Resources.**

The creek that transverses the site has been the subject of major studies by Orange County Transportation Agency (OCTA) (see their docket submittal) for erosion issues that affect the rail line. OCTA operates the Metrolink train that utilizes the LOSSAN railroad tracks between San Juan Capistrano and Laguna Niguel and crosses the BESS site.

5a. OCTA estimates several repair scenarios varying from \$60M to 100M to **stabilize the creek and allow continued use of the railroad track.**

5b. Please require the project applicant to evaluate these major erosion issues and provide a comprehensive plan to address erosion to the creek and facility footprint.

Topic 6. **Eco-terrorism and Related Homeowners Insurance**

The BESS facility is unmanned. A drone could easily fly over the facility and drop an explosive. Tesla car dealerships have recently experienced incendiary explosions.

6a. Please include in the CEC cost benefit analysis the cost of surrounding homeowners and businesses to purchase ecoterrorism insurance to provide coverage for such an event.

6b. Please include the probability that such an insurance is not available in the current market or not affordable to the average homeowner.

6c. Please consider the potential for a class action lawsuit for negligence in not providing for protective measures for ecoterrorism by the property owner in the cost benefit analysis.

6d. For the analysis, the affected radius should include everyone within an explosive plume zone using a worse case scenario.

6e. Has the CEC consulted with the state insurance commissioner on the possibility of homeowners obtaining terrorist protection insurance for a chemical facility located within a high fire zone? Please confirm consultation.

Topic 7: **Utilities**

I understand there is a major Orange County-to San Diego gas pipeline owned by Kinder Morgan in proximity of the BESS site that carries **gasoline, jet fuel and diesel fuel**. The pipeline is not mentioned in the Dudek data submittal.

Such an important utility is **required to be included in the CEC EIR analysis** – not only for potential encroachment issues, but the potential for the gas pipeline to ignite with extreme fire temperatures anticipated should the BESS facility explode.

Please require the project applicant to evaluate this major utility and provide a comprehensive plan to address a catastrophic explosion and fire.

Respectfully,

SAGE ENVIRONMENTAL GROUP

A handwritten signature in black ink that reads "Alissa Cope". The signature is fluid and cursive, with the first name "Alissa" and the last name "Cope" clearly distinguishable.

Alissa Cope
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