

**DOCKETED**

<b>Docket Number:</b>	24-OPT-05
<b>Project Title:</b>	Corby Battery Energy Storage System Project
<b>TN #:</b>	264878
<b>Document Title:</b>	Nextera Proposed Modifications to Darden COCs (all remaining) - Corby BESS
<b>Description:</b>	N/A
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<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	7/18/2025 11:39:18 AM
<b>Docketed Date:</b>	7/18/2025

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STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Opt-In Application for the **CORBY  
BATTERY ENERGY STORAGE  
PROJECT**

**DOCKET NO: 24-OPT-05**

**North Bay Interconnect, LLC and  
Corby Energy Storage, LLC  
Proposed Revisions to Conditions of  
Certification Contained in the  
Darden Clean Energy Project Final  
Order**

North Bay Interconnect, LLC and Corby Energy Storage, LLC (Applicant) files these proposed revisions to the Conditions of Certification contained in the Darden Clean Energy Project Final Order (TN 264324) (Darden COCs)<sup>1</sup>. The purpose of this filing is to provide Staff with relevant feedback and suggested revisions to the Darden COCs that we propose be included in the Corby Battery Energy Storage Project (Project) Staff Assessment and Environmental Impact Report and ultimately the Final Decision. Applicant previously filed Proposed Revisions to Darden Final Worker Safety and Fire Protection COCs (TN 263300) on May 23, 2025 and Proposed Revisions to Darden Final Biological Resources COCs (TN 264562) on July 3, 2025. This filing contains the revisions proposed for the COCs not addressed in these earlier filings.

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<sup>1</sup> The Darden Clean Energy Project Final Order incorporates by reference and includes the Updated Final Staff Assessment and the Final EIR (TN263053) and Errata Number 1, which collectively contain the Final Conditions of Certification.

Applicant asserts that with the modified COCs the Project can be constructed and operated without significant environmental impacts and in compliance with all applicable laws, ordinances, regulations and standards. To that end, Applicant agrees with most of the requirements contained in the Darden COCs. Below is our suggested modification to each of the Darden COCs followed by the basis for the modifications.

**NO REVISIONS TO GENERAL, CIVIL, STRUCTURAL, MECHANICAL, ELECTRICAL, OR TRANSMISSION ENGINEERING CONDITIONS**

**PROPOSED REVISIONS TO WORKER SAFETY-1**

- WS-1** The project owner shall submit to the CPM a copy of the Project Construction Health and Safety Program containing the following:
- a Construction Personal Protective Equipment Program;
  - a Construction Exposure Monitoring Program;
  - a Construction Injury and Illness Prevention Program;
  - a Construction Emergency Action Plan that fulfills the requirements of California Public Utilities Code 761.3 section (g);
  - ~~a Helicopter Code of Safe Practices that incorporates all provisions of tit. 8 §§ 1901-1909 and specially includes an added limitation of operations to be conducted only during day light hours, a landing zone dust control plan, a traffic control plan for areas where the loads would be deposited and near any public road or highway, includes requirements for a Designated Biologist(s) to monitor and avoid avian impacts, and complies with FAA Regulations 14 CFR Part 91 (General Operating and Flight Rules) and Part 133 (Rotorcraft External Load Operations);~~
  - an Emergency Response Plan; and
  - a Construction Fire Prevention Plan that includes methods of access for emergency responders through locked gates.

The Personal Protective Equipment Program, the Exposure Monitoring Program, and the Injury and Illness Prevention Program, ~~and the Helicopter Code of Safe Practices~~ shall be submitted to the CPM for review and approval concerning compliance of the program with all applicable safety orders. The Construction Emergency Action Plan, Construction Emergency Response Plan, and the Fire

Prevention Plan shall be submitted to the DFPD ~~FCFPD~~ for review and comment prior to submittal to the CPM for approval.

**Verification:** At least 90 days prior to the start of construction, the project owner shall submit to the CPM for review and approval a copy of the Project Construction and Safety and Health Program. The project owner shall provide to the CPM a copy of letters from the DPFP ~~FCFPD~~ detailing resolved comments on the Construction Fire Prevention Plan, the Emergency Action Plan, and Emergency Response Plan.

Basis: The Project is not proposing to conduct work that involves a helicopter.

## **PROPOSED REVISIONS TO WORKER SAFETY-2**

**WS-2** The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following items:

1. An Operation Injury and Illness Prevention Plan.
2. An Operations Weed Management Plan that is consistent with COC BIO-7 which requires:
  - 1) an avoidance of the use of toxic substances;
  - 2) the use of soil bonding and weighting agents which are non-toxic to wildlife and plants;
  - 3) a prohibition on the use of anticoagulants for rodent control;
  - 4) a prohibition on the use of pre-emergent and other herbicides with documented residual toxicity; and
  - 5) a directive that herbicides shall be applied in conformance with federal, State, and local laws and according to the guidelines for wildlife-safe use of herbicides.
3. An Operations Emergency Action Plan that that fulfills the requirements of California Public Utilities Code 761.3 section (g).
4. An Operations Emergency Response Plan.
5. ~~An Operations Helicopter Code of Safe Practices if helicopters are used for maintenance or repairs, that incorporates all provisions of tit. 8 §§ 1901-1909 and specially includes an added limitation of operations to be conducted only during day light hours, a landing zone dust control plan, a traffic control plan for areas where the loads would be deposited and near any public road or highway,~~

~~includes requirements for a Designated Biologist(s) to monitor and avoid avian impacts, and complies with FAA Regulations 14 CFR Part 91 (General Operating and Flight Rules) and Part 133 (Rotorcraft External Load Operations).~~

6. A Hazardous Materials Management Program.
7. A Fire Prevention Plan (CCR, tit. 8, § 3221) that includes methods of access for emergency responders through locked gates.
8. A Fire Protection System Impairment Program.
9. A Personal Protective Equipment Program (CCR, tit.8, §§ 3401-3411).

The Operation Injury and Illness Prevention Plan, Hazardous Materials Management Program, Emergency Action Plan, Emergency Response Plan, Fire Prevention Plan, Fire Protection System Impairment Program, ~~Helicopter Code of Safe Practices~~, and Personal Protective Equipment Program shall be submitted to the CPM for review and approval concerning compliance of the programs with all applicable safety orders. The Fire Prevention Plan, Fire Protection System Impairment Program, and the Emergency Action Plan shall also be submitted to the DFPD ~~FCFPD~~ for review and comment.

**Verification:** At least 30 days prior to the start of commissioning, the project owner shall submit to the CPM for review and approval a copy of the Project Operations and Maintenance Safety and Health Program. The project owner shall provide a copy to the CPM of letters from the DFPD ~~FCFPD~~ detailing the resolved comments on the Operations Fire Prevention Plan, Fire Protection System Impairment Program, and Emergency Action Plan.

Basis: The Project is not proposing to conduct work that involves a helicopter.

### **PROPOSED REVISIONS TO WORKER SAFETY-3**

**WS-3** The project owner shall provide a site Construction Safety Supervisor (CSS) who, by way of training and/or experience, is knowledgeable of ~~solar PV and BESS~~ construction and relevant worker safety-related LORS. The CSS shall be capable of identifying workplace hazards relating to the construction activities; and has authority to take appropriate action to ensure compliance and mitigate hazards. The CSS shall:

- have overall authority for coordination and implementation of all occupational safety and health practices, policies, and programs;
- ensure that the safety program for the project complies with Cal OSHA and federal regulations related to solar PV and industrial battery energy storage system projects;
- ensure that all construction and commissioning workers and supervisors receive adequate safety training;
- conduct accident and safety-related incident investigations and provide emergency response reports for injuries, and inform the CPM of safety-related incidents; and
- ensure that all the plans identified in COC WORKER SAFETY-1 and WORKER SAFETY-2 are implemented.

**Verification:** At least 30 days prior to the start of site mobilization, the project owner shall submit to the CPM the name and contact information for the CSS. The contact information of any replacement CSS shall be submitted to the CPM within one business day. The CSS shall submit in the Monthly Compliance Report (MCR) a monthly safety inspection report to include:

- a record of all employees trained for that month (all records shall be kept on site for the duration of the project);
- summary report of safety management actions and safety-related incidents that occurred during the month;
- report of any continuing or unresolved situations and incidents that may pose danger to life or health;
- report of any visits from Cal OSHA and/or any complaints from workers to Cal OSHA; and
- report of accidents, injuries, and near misses that occurred during the month.

Basis: The Project is not proposing to construct solar PV panels.

#### **NO REVISIONS TO WORKER SAFETY-4**

#### **PROPOSED REVISIONS TO WORKER SAFETY-5**

**WS-5** The project owner shall prepare and submit a Sampling and Analysis Plan (SAP) for the site and the Gen-Tie line route which includes the proposed locations of soil sampling and justification for those locations, sampling depths, analytical methods, and analytes to be assessed during the

~~investigation, to conduct laboratory testing of the groundwater from the two wells to be used for dust control, have a state-certified laboratory conduct the analyses, and submit both the SAP and lab results to the CPM for review and approval prior to ground disturbing activities the use or ground application of water from those wells.~~

**Verification:** At least 60 days prior to the start of construction, the project owner shall submit the SAP to the CPM for review and approval. At least 30 days prior to the initial ground disturbing activities ~~planned use of the well water~~, the project owner shall submit the laboratory findings to the CPM for review and approval ~~of the use of the well water~~.

Basis: Groundwater contamination is not an issue of concern for the Project.

#### **PROPOSED REVISIONS TO WORKER SAFETY-6**

##### **WS-6 REMOVED**

Basis: The project does not propose to construct a solar facility.

#### **PROPOSED REVISIONS TO WORKER SAFETY-7, -8, AND -9 WERE PREVIOUSLY FILED**

#### **NO REVISIONS TO WORKER SAFETY-10**

#### **PROPOSED REVISIONS TO WORKER SAFETY-11**

##### **WS-11 REMOVED**

Basis: A Valley Fever Prevention and Response Plan is not proposed because Valley Fever has a very low occurrence in Solano County relative to counties in the Central Valley. In 2023, the rate of Valley Fever in Solano County was 6.5 cases per 100,000 people, compared to 55.8 cases per 100,000 people in Fresno County<sup>2</sup>. Additionally, the number of cases in Solano County reported as of May 31, 2025 (12 cases) was 17 percent below the average of 2023 and 2024 through May 31 (14.5 cases).<sup>3</sup>

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<sup>2</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverDashboard.aspx>

<sup>3</sup> <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/ValleyFeverProvisionalDashboard.aspx>

## **PROPOSED REVISIONS TO WORKER SAFETY-12**

### **WS-12 REMOVED**

Basis: WS-12 was added to the Darden COCs in order to mitigate an identified impact to the loss of funds that would be generated by property taxes that would benefit the Fresno County Fire Department due to a tax exemption that applies to Darden as a solar project. The Corby Project does not include any solar development and there are no tax exemptions that would reduce the property tax generated that would flow to the County of Solano and Dixon Fire Protection District. The amount of those funds are included in the Opt-in Application Table 4.14-13 and would amount to over \$2.8 Million over the life of the project. This is more than sufficient to offset the minimal impact of the Corby Project on the local fire department operational resources.

## **NO REVISIONS TO AQ-SC1 THROUGH AQ-SC5**

## **PROPOSED REVISIONS TO AQ-SC6**

### **AQ-SC6 REMOVED**

Basis: The Project will not have air emissions during operations and does not propose or require a voluntary emissions reduction agreement.

## **PROPOSED REVISIONS TO AQ-1 THROUGH AQ-18**

### **AQ-1 THROUGH AQ-18 REMOVED**

Basis: The project does not propose an emergency engine.

## **PROPOSED REVISIONS TO BIOLOGY CONDITIONS WERE PREVIOUSLY FILED**

## **NO REVISIONS TO GHG-1**

## **NO REVISIONS TO CULTURAL/TRIBAL CONDITIONS**

## **NO REVISIONS TO GEO/PALEO CONDITIONS**

## **PROPOSED REVISIONS TO HAZ-1**



**HAZ-1** The project owner shall prepare a Hazardous Materials Business Plan (HMBP) and a Spill Prevention Control and Countermeasure (SPCC) Plan and provide these plans to Solano County Department of Resource Management, Environmental Health Services Division ~~Fresno County HazMat Compliance Program~~ for review and comment and to the Compliance Project Manager (CPM) for review and approval.

**Verification:** At least 60 days prior to the start of operation the project owner shall prepare and submit the HMBP and SPCC Plan to the Solano County Department of Resource Management, Environmental Health Services Division ~~Fresno County HazMat Compliance Program~~ for review and comment and to the CPM for review and approval. The project owner shall also provide the CPM with a copy of the transmittal letter to the Solano County Department of Resource Management, Environmental Health Services Division ~~Fresno County HazMat Compliance Program~~ requesting review and comment.

At least 30 days prior to the start of operation, the project owner shall provide copies of any comment letters received from the Solano County Department of Resource Management, Environmental Health Services Division ~~Fresno County HazMat Compliance Program~~ along with any changes to the HMBP and SPCC plans for CPM review and approval. After CPM review and approval, the project owner shall provide complete copies of the final HMBP and SPCC to the Fresno County HazMat Compliance Program, sending copies of the correspondence to the CPM.

Basis: Updated language for Solano County.

## **NO REVISIONS TO HAZ-2 THROUGH HAZ-3**

## **PROPOSED REVISIONS TO HAZ-4**

**HAZ-4** Prior to commencing construction, a site-specific Construction Site Security Plan for the construction phase shall be prepared and made available to the CPM for review and approval.

The Construction Site Security Plan shall include the following:

1. perimeter security consisting of fencing enclosing the construction area;
2. security guards or electronic surveillance during hours when construction personnel are not present at the site;
3. site access control consisting of a check-in procedure or tag system for construction personnel and visitors;
4. written standard procedures for employees, contractors, and vendors when encountering suspicious objects or packages on site or off site;

5. protocol for contacting law enforcement and the CPM in the event of suspicious activity, incident, or emergency; and
6. evacuation procedures.

**Verification:** At least 30 days prior to commencing construction, the project owner shall notify the CPM that a site-specific Construction Security Plan is available for review and approval.

**Basis:** Updated language to include electronic surveillance as a security option when construction personnel are not on site.

## **PROPOSED REVISIONS TO HAZ-5**

**HAZ-5** The project owner shall also prepare a site-specific security plan for the commissioning and operational phases that would be available to the CPM for review and approval. The project owner shall implement site security measures that address physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below.

The Operation Security Plan for the BESS, and step-up substation shall include the following:

1. permanent full perimeter fence or wall, at least eight feet high and topped with barbed wire or the equivalent (CCR Title 8, Section 2812.1 High Voltage Safety Order);
2. main entrance security gate, either hand operated or motorized;
3. evacuation procedures;
4. protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency;
5. written standard procedures for employees, contractors, and vendors when encountering suspicious objects or packages on site or off site;
  - A. a statement (refer to sample, Attachment A), signed by the project owner certifying that background investigations have been conducted on all project personnel. Background investigations shall be restricted to determine the accuracy of employee identity and employment history and

shall be conducted in accordance with state and federal laws regarding security and privacy;

B. a statement(s) (refer to sample, Attachment B), signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner), that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractors who visit the project site;

6. site access controls for employees, contractors, vendors, and visitors;

7. a statement(s) (refer to sample, Attachment C), signed by the owners or authorized representative of hazardous materials transport vendors, certifying that they have prepared and implemented security plans in compliance with 49 CFR 172.880, and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;

8. closed circuit TV (CCTV) monitoring system, recordable, and viewable in the O&M building (or remotely) with cameras able to pan, tilt, and zoom, have low-light capability, and able to view 100 percent of the perimeter fence, and outside entrances to the site for the BESS and O&M building; and,

9. additional measures to ensure adequate perimeter security consisting of either:

A. perimeter breach detection or onsite motion detector capabilities; and

B. security guard(s) present 24 hours per day, seven days per week; or

C. facility personnel on site 24 hours per day, seven days per week; or

D. continuous remote monitoring 24 hours per day, seven days per week, with local duty personnel on-call 24 hours per day, seven days per week, and capable of coordinating emergency response actions with emergency personnel and of arriving on-site within 60 minutes or less.

The project owner shall fully implement the security plans and obtain CPM approval of any substantive modifications to those security plans. The CPM may authorize modifications to these measures, or may require additional measures such as protective barriers for critical facility components, or additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or the North American Electrical Reliability Corporation (NERC), after consultation with both appropriate law enforcement agencies and the project owner.

**Verification:** At least 30 days prior to the initial receipt of hazardous materials onsite, the project owner shall notify the CPM that a site-specific operations site security plan is available for review and approval. In the annual compliance report, the project owner shall include signed statements similar to Attachments A and B that all current project employees and appropriate contractor background investigations have been performed, and that updated certification statements have been appended to the operations security plan. In the annual compliance report, the project owner shall include a signed statement similar to Attachment C that the operations security plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.

**Basis:** Added option to allow continuous remote monitoring with local on-call personnel in lieu of full-time staffing or on-site security, consistent with other remotely operated facilities. A similar accommodation has been allowed for other CEC Certified unmanned facilities.

## **PROPOSED REVISIONS TO HAZ-6**

**HAZ-6** If the results of the soil sampling performed in accordance with Worker-Safety-5 indicate there are contaminants identified in areas of the Project site to be disturbed that exceed both published naturally occurring

background levels and applicable screening levels (SLs) published by the California Department of Substances Control (DTSC 2022) for the protection of future commercial/ industrial workers. The project owner shall prepare and submit to the CPM a Soils Management Plan (SMP) prior to any ground disturbing activities. The SMP shall be prepared/approved by an environmental professional, a California Registered Civil Engineer or a California Registered Geologist with sufficient experience in hazardous waste management. The purpose of the SMP is to establish appropriate management practices and procedures for handling impacted soil ~~and/or groundwater~~ or other materials that may be encountered during construction activities to ensure worker protection from toxicant exposure. The SMP shall be updated as needed to reflect changes in laws, regulations, or site conditions. All ground disturbing activities at the site and potential disposal of contaminated soil ~~and/or groundwater~~ shall be conducted in accordance with the SMP. Where actions are required in accordance with the SMP, an SMP summary report, which includes all analytical data and other findings, shall be submitted once the earthwork has been completed.

Topics covered by the SMP shall include, but not be limited to:

1. Land use history including description and locations of any known contamination.
2. The nature and extent of any previous investigations and remediation at the site.
3. The nature and extent of any unremediated contamination at the proposed site.
4. A listing and description of institutional controls such as the county's excavation ordinance and other local, state, and federal regulations and laws that would apply to the project.
5. Names and positions of individuals involved with site management and their specific roles.
6. An earthwork schedule.
7. A description of protocols for the investigation and evaluation of any previously unidentified contamination that may be encountered in time. The protocol shall be for temporary and permanent controls that may be required to reduce exposure to onsite workers, visitors, and the public.
8. A site-specific Health and Safety Plan (HSP) to be implemented by all contractors and subcontractors at the site. The HSPs shall be specific to each of the contractors' or subcontractors' scopes of work. The

HSPs shall be prepared by an environmental professional with suitable experience in implementing OSHA standards and cognizant of safety and health threats to workers and would protect onsite workers by including engineering controls, personal protective equipment, monitoring, and security to prevent unauthorized entry and to reduce construction related hazards. The HSPs shall address the possibility of encountering subsurface chemical contamination and include procedures to protect workers and the public. The HSPs shall be updated as needed if site conditions change significantly, such as discovery of contaminated soil or groundwater. Copies of the approved HSPs shall be kept at the project site.

9. Hazardous waste determination and disposal procedures for known and previously unidentified contamination.
10. Requirements for site-specific techniques at the site to minimize dust, manage stockpiles, run-on and run-off controls, waste disposal procedures, etc.
11. Copies of relevant permits or closures from regulatory agencies.

**Verification:** At least 45 days prior to any ground disturbance, the project owner shall submit the SMP to the Solano ~~Fresno~~ County CUPA for review and comment and to the CPM for review and approval. An SMP summary shall be submitted to the CPM within 30 days of completion of any ground disturbance.

**Basis:** SMP would only be necessary if soil sampling results indicate elevated levels of residual pesticide contaminants; no other potential contaminant sources or issues were identified.

## **PROPOSED REVISIONS TO HAZ-7**

**HAZ-7** The project owner shall provide the resume of an experienced and qualified professional engineer or professional geologist, who shall be available for consultation during site characterization (if needed), ~~demolition~~, excavation, and grading activities, to the CPM for review and approval. The resume shall reflect experience in remedial investigation and feasibility studies.

The professional engineer or professional geologist shall be given full authority by the project owner to oversee any earth moving activities that have the potential to disturb contaminated soil and/or groundwater.

**Verification:** At least 30 days prior to the start of site mobilization, the project owner shall submit the resume to the CPM for review and approval.

Basis: The Project is not proposing demolition.

### **NO REVISIONS TO HAZ-8**

### **NO REVISIONS TO NOISE-1 THROUGH NOISE-2**

### **PROPOSED REVISIONS TO NOISE-3**

**NOISE-3** Operational Noise Restrictions. The project design and implementation shall include appropriate noise mitigation measures adequate to ensure that operation of the project at ~~R-8 and R-13~~ will not cause noise levels due to ~~power plant~~ project operation to exceed ~~54~~ 55 dBA Leq (~~existing daytime ambient levels at both locations~~ Solano County General Plan non-transportation daytime noise standard) at sensitive receptors during the hours of 7:00 A.M. to 10:00 P.M.

The project design and implementation shall also ensure that noise levels will not exceed ~~the existing nighttime ambient levels of 46 dBA Leq at R-8 and 50 dBA Leq at R-13~~ 50 dBA Leq (Solano County General Plan non-transportation nighttime noise standard) at sensitive receptors during the hours of 10:00 P.M. to 7:00 A.M.

No new pure-tone components may be introduced. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints.

When the project first achieves a sustained output of 85 percent or greater of rated capacity, the project owner shall conduct a 25-hour community noise survey at ~~R-8 and R-13~~ Rec01, Rec02, and Rec04, which are the sensitive receptors predicted to receive the highest sound levels from project operations. If the landowners of these properties do not give permission for the survey to be conducted on their property, the survey will be completed at the project's property boundary or at the pre-construction monitoring locations. This survey during power plant operation shall also include measurement of one-third octave band sound pressure levels at the above locations to ensure that no new pure-tone noise components have been introduced.

If the results from the noise survey indicate that the power plant noise levels (Leq) at the affected receptors exceed the above value for any given hour during the survey, mitigation measures shall be implemented to

reduce noise to a level of compliance with this limit. If the results from these noise survey indicate that pure tones are present, mitigation measures shall be implemented to eliminate the pure tones.

**Verification:** The survey shall take place within 45 days of the project first achieving a sustained output that produces the highest noise level. Within 30 days after completing the survey, the project owner shall submit a summary report of the survey to the CPM. Included in the survey report will be a description of any additional mitigation measures necessary to achieve compliance with the above listed noise limits, and a schedule, subject to CPM approval, for implementing these measures. When these measures are in place, the project owner shall repeat the noise survey. Within 15 days of completion of the new survey, the project owner shall submit to the CPM a summary report of the new noise survey, performed as described above and showing compliance with this condition.

Basis: Proposed condition was updated to reflect applicable Solano County limits and sensitive receptor locations.

#### **NO REVISIONS TO NOISE-4**

#### **PROPOSED REVISIONS TO NOISE-5**

**NOISE-5** Construction Noise Restrictions. Heavy construction work relating to any project features, including linear facilities and pile driving, further than 1,000 feet from any residences, shall be restricted to the times delineated below:

Monday through Sunday: 7:00 A.M. to 5:00 P.M.

~~Mondays through Fridays: 6:00 A.M. to 9:00 P.M.~~

~~Saturdays and Sundays: 7:00 A.M. to 5:00 P.M.~~

~~Heavy equipment operation and noisy construction work relating to any project features within 1,000 feet of any residences shall be restricted to only the times delineated below:~~

~~Mondays through Fridays: 7:00 A.M. to 7:00 P.M.~~

~~Saturdays and Sundays: 7:00 A.M. to 5:00 P.M.~~

~~Helicopter operation shall be restricted to only the times delineated below:~~

~~Mondays through Fridays: 6:00 A.M. to 7:00 P.M.~~

~~Helicopter operation required for installation of the gen-tie across I-5 may occur outside these times if approved by CalTrans. Construction work, including helicopter overflight and pile driving activity, shall be performed~~



in a manner to ensure excessive noise (noise that draws a project-related complaint) is prohibited and the potential for noise complaints is reduced as much as practicable. Haul trucks and other engine-powered equipment shall be equipped with adequate mufflers and other state-required noise attenuation devices. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use (jake braking) shall be limited to emergencies.

**Verification:** Prior to ground disturbance, the project owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the construction of the project.

**Basis:** Proposed condition was updated to reflect applicable Solano County construction schedule restrictions and to remove references to helicopter use.

## **PROPOSED REVISIONS TO NOISE-6**

**NOISE-6** Pile Driving Control. The project owner shall perform pile driving within 1,000 feet of any residence in a manner to reduce the potential for any project-related noise and vibration complaints. The project owner shall notify residences in the vicinity of pile driving prior to start of these activities.

**Verification:** At least 15 days prior to first pile driving, the project owner shall submit to the CPM a description of the pile driving technique to be employed, including calculations showing its projected noise impacts and peak particle velocity at monitoring locations ~~R-5, R-8, and R-13~~ sensitive receptors.

Examples of noise-reducing techniques include: (1) the use of pads or impact cushions of plywood; (2) dampened driving, which involves some form of blanket or enclosure around the hammer; (3) the use of vibratory drivers or hydraulic pile pushers instead of impact drivers; or (4) installation of a temporary barriers such as a mobile sound screen near the pile driver or other effective mitigation measures that reduce the noise and vibration impacts of pile driving.

At least 10 days prior to first production pile driving, the project owner shall notify residences in the vicinity of the project. The notification may be in the form of letters, or other effective means, as approved by the CPM. In this notification, the project owner shall state that it will perform this activity in a manner to reduce the potential for any project-related noise and vibration complaints.

Basis: Removed references to Darden sensitive receptor locations.

#### **NO REVISIONS TO SOCIOECONOMICS-1**

#### **NO REVISIONS TO WASTE-1**

#### **NO REVISIONS TO TLSN-1 THROUGH TLSN-4**

#### **PROPOSED REVISIONS TO TLSN-5**

**TLSN-5** Gen-Tie line and other transmission related structures: Transmission facilities are constructed to satisfy CPUC and PG&E construction standards such as G.O 95,128 and 131-E. Additionally, PG&E or Project Owner should get approval from the FAA if the transmission structures reach a height of 200 feet or above.

**Verification:** At least 30 days before the construction of structures above 200 feet tall, the project owner shall transmit to the CPM a letter confirming compliance with this condition.

Basis: Revised language to include the Project Owner.

#### **PROPOSED REVISIONS TO TRANSPORTATION-1**

**TRANS-1** The project owner shall comply with limitations imposed by Caltrans and other relevant jurisdictions, including the County of Solano ~~Fresno~~, on vehicle sizes, weights, driver licensing, and truck routes.

**Verification:** The project owner shall retain copies of permits and supporting documents on-site for CPM inspection if requested.

Basis: Updated language to Solano County.

#### **NO REVISIONS TO TRANS-2**

#### **PROPOSED REVISIONS TO TRANSPORTATION-3**

**TRANS-3** The project owner shall prepare and implement a Construction Management Plan (CMP). The CMP shall address the movement of workers, vehicles, equipment, and materials, including arrival and departure schedules, carpooling, a parking/staging plan, and designated workforce and delivery routes. Traffic control plans shall be prepared as necessary to address construction staging, as well as any roadway or lane

closures and shall include any signage or roadway lighting improvements deemed necessary during construction. The CMP shall address means of access for emergency vehicles to the project, as well as means of maintaining access to any adjacent residential and commercial property during the construction of the project.

The CMP shall include procedures to restore damages to existing roadways caused by project construction traffic. The construction contractor shall work with Solano ~~Fresno~~ County and Caltrans to prepare a schedule and mitigation plan for the roadways along construction routes, in accordance with the procedures established by the CMP.

**Verification:** At least 60 calendar days prior to the start of construction, the project owner shall submit the CMP to Caltrans and Solano ~~Fresno~~ County for review and comment and to the compliance project manager (CPM) for review and approval. The project owner shall also provide the CPM with a copy of the transmittal letter to Caltrans and Solano ~~Fresno~~ County requesting review and comment.

At least 30 calendar days prior to the start of construction, the project owner shall provide copies of any comment letters received from Caltrans or Solano ~~Fresno~~ County, or any other interested agencies, along with any changes to the CMP, for CPM review and approval. After CPM review and approval, the project owner shall provide completed copies of the final CMP to Caltrans and Solano ~~Fresno~~ County and any other interested agencies, sending copies of the correspondence to the CPM.

Basis: Updated language to refer to Solano County.

## **PROPOSED REVISIONS TO VIS-1**

**VIS-1** The project owner shall use exterior surface coatings, colors, finishes, materials, and a gloss level that diffuse illumination or collection, reflectance and scattering offsite and skyward from the exterior surfaces of the project buildings, structures, and equipment, and specifically include:

- a. An exterior surface coating, color, finish, material, and gloss level that minimize contrast and do not introduce specular reflection in the existing physical landscape.
- b. An exterior surface coating, color, finish, material, and gloss level that is in conformance with applicable adopted architectural design and site development related policies and ordinances of the County of Solano ~~Fresno~~.

The project owner shall submit to the Compliance Project Manager (CPM) for approval an exterior surface coatings, colors, finishes, and materials plan for the project buildings, structures and equipment that satisfy the above requirements and include the following:

1. A list of the large/major buildings, equipment, structures; perimeter wall and/or fence; transmission line towers and/or poles; above ground pipelines serving the facility onsite and offsite in public view, and a list of their proposed exterior surface coatings, colors, finishes, and materials identified by vendor, name and number, and according to the RAL color matching system or similar universal designation system.
2. Supply one set of brochures showing coating/color chips, and/or samples of the coatings/colors or finish, materials to be applied/installed to buildings, equipment, and structures.
3. A time schedule for the completion of the application/installation of the coating, color, finish, and materials.
4. A maintenance plan that includes procedures for the upkeep of the coatings, colors, finishes, and materials for the life of the project.  
The project owner shall not purchase product or service from a vendor for the project exterior surface coatings, colors, finishes, materials prior to CPM approval of the exterior surface coating, color, finish, and materials plan.

**Verification:**

- a. The project owner shall submit an exterior surface coating, color, finish and materials plan to the CPM for approval and simultaneously to the Director of Planning and Development Services for the County of Solano ~~Fresno~~ for review and comment sixty (60) days prior to executing a contract to purchase coating, color, finish and materials with a vendor. The CPM shall provide the Director of Planning and Development Services at least 30 days to review the plan and provide comments to the applicant and the CPM.
- b. If the CPM determines that the exterior surface coating, color, finish, and materials plan requires a revision, the project owner shall provide to the CPM a plan with the specified revision(s) for approval by the CPM before any action or activity with the vendor is executed. Any revision to the plan must be approved by the CPM.
- c. The project owner shall notify the CPM that exterior surface coatings, colors, and finishes of all listed buildings, equipment, and structures that has been completed are ready for inspection. With this notification,

the applicant shall supply to the CPM one set of color photographs showing the project from the Key Views evaluated for the project certification, and individual color photographs showing the completed exterior surface coatings, colors, finishes, and materials for the following: the clarifiers, control room, cooling tower, maintenance building, thickener, and any other building, equipment, and structure as requested by the CPM. Color photographs may be electronically filed or manually filed on electronic media.

- d. Exterior surface coatings, colors, finishes, and materials shall be installed/applied (completed) on the exterior surfaces of the large/major buildings, equipment, and structures prior to the start of commercial operation.
- e. The project owner shall supply a description of the condition (status) of the exterior surface coatings, colors, finishes, and materials for the large/major buildings, equipment, structures, and others as needed for the reporting year in the Annual Compliance Report. The report shall include:
  - 1. The condition of the exterior surfaces of buildings, equipment, and structures at the end of the reporting year.
  - 2. A listing of maintenance activities performed during the reporting year.
  - 3. A tentative time schedule for maintenance activities for the upcoming year.

Basis: Updated Condition language to reflect Solano County.

## **PROPOSED REVISIONS TO VIS-2**

**VIS-2** New outdoor light and glare emitted from the project site and construction laydown area shall not result in light being a pollutant offsite and skyward, "light pollution." The project owner shall include use of luminaires that:

- a. Only be on when needed.
- b. Only light the area that needs it.
- c. Illuminate no brighter than necessary.
- d. Minimize blue light emissions.
- e. Are fully shielded (BUG Rating U0).
- f. Are DarkSky International "DarkSky Approved" program products.

- g. Comply with the applicable adopted outdoor lighting regulations of the County of Solano ~~Fresno~~.

The project owner shall submit to the CPM for approval and simultaneously to the Director of Planning and Development Services for the County of Solano ~~Fresno~~ for review and comment a light pollution control plan or equivalent plan prepared for the project that satisfy the above requirements and include the following:

1. Supply one set of product brochures and/or printouts (e.g., diagram, drawing) showing and describing the types of outdoor luminaires to be applied/installed to buildings, equipment, structures, and other locations on the project site (lighting schedule).
2. A diagram(s) or drawing(s) of the project site showing the approximate location of the installation/placement of the luminaire and its direction and angle (luminaire location).

**Verification:**

- a. The project owner shall submit a light pollution control plan to the CPM for approval and simultaneously to the Director of Planning and Development Services for the County of Solano ~~Fresno~~ for review and comment sixty (60) days prior to executing a contract to purchase permanent outdoor luminaires for the project. The CPM shall provide the Director of Planning and Development Services at least 30 days to review the plan and provide comments to the applicant and the CPM.
- b. If the CPM determines the light pollution control plan requires a revision, the project owner shall provide to the CPM a plan with the specified revision(s) for approval by the CPM before any action or activity with the vendor is executed. Any revision to the plan must be approved by the CPM.
- c. The project owner shall notify the CPM when the installation of the luminaires has been completed and are ready for inspection. After inspection if the CPM requires a modification to a luminaire(s) (e.g., design, installation, location), the project owner shall have 30 days after receiving the notification to complete the modification and request a follow-up inspection.
- d. If a light and glare complaint is filed with the project owner within 48 hours of receiving the complaint, the project owner shall supply the

CPM with a completed complaint resolution form report as specified in the Compliance Conditions, a proposal to resolve the complaint and time schedule for resolution. The project owner shall notify the CPM within 48 hours after completing/resolving the complaint.

Basis: Updated language to Solano County.

### **PROPOSED REVISIONS TO VISUAL-3**

**VIS-3** New overhead support structures within close proximity to I-80 I-5 and new utility wires crossing I-80 I-5 shall be sited as to not be a visual impact for drivers along the I-80 I-5 corridor. The structures should follow the same Surface Treatment Plan for these structures to have exterior surface coatings, colors, finishes, materials, and a gloss level that diffuse illumination or collection, reflectance and scattering offsite and skyward from the exterior surfaces.

#### **Verification:**

- a. The project owner shall submit a plan locating the support structures adjacent to I-80 I-5 for approval to the CPM, Director of Planning and Development Services for the County of Solano ~~Fresno~~ for review and comment sixty (60) days prior to siting the structures.
- b. The project owner shall submit an exterior surface coating, color, finish and materials plan for the utility structures crossing I-80 I-5 for approval to the CPM, Director of Planning and Development Services for the County of Solano ~~Fresno~~ for review and comment sixty (60) days prior to executing a contract to purchase coating, color, finish and materials with a vendor. The CPM shall provide the Director of Planning and Development Services at least 30 days to review the plan and provide comments to the applicant and the CPM.
- c. If the CPM determines that the exterior surface coating, color, finish, and materials plan requires a revision, the project owner shall provide to the CPM a plan with the specified revision(s) for approval by the CPM before any action or activity with the vendor is executed. Any revision to the plan must be approved by the CPM.
- d. The project owner shall notify the CPM that exterior surface coatings, colors, and finishes of the structures has been completed are ready for inspection. With this notification, the applicant shall supply to the CPM one set of color photographs showing the project from the Key Views

evaluated for the project certification, and individual color photographs showing the completed exterior surface coatings, colors, finishes, and materials as requested by the CPM. Color photographs may be electronically filed or manually filed on electronic media.

- e. Exterior surface coatings, colors, finishes, and materials shall be installed/applied (completed) on the exterior surfaces of the structures prior to the start of commercial operation.

Basis: Updated language to Solano County and revised to the applicable freeway.

## **NO REVISIONS TO WATER-1 THROUGH WATER -2**

## **PROPOSED REVISIONS TO WATER RESOURCES-3**

### **WATER-3 REMOVED**

Basis: The Project does not propose solar panels nor is it within flood zones.

## **PROPOSED REVISIONS TO WATER RESOURCES-4**

### **WATER-4 REMOVED**

Basis: The project does not contain an on-site septic system.

## **PROPOSED REVISIONS TO WATER RESOURCES-5**

**WATER-5** Water for project operational use shall be groundwater produced from well(s) to be installed adjacent to the proposed ~~O&M~~ facility. The groundwater production well(s) shall be installed and constructed per applicable California Water Code section, as well as DWR standards presented in bulletins 74-81 and 74-90, as well as applicable ~~Fresno~~ Solano County Department of Public Health (FCDPH) Resource Management (SCDRM) well installation requirements.

**Verification:** At a frequency determined by the CPM, the project owner shall keep the CPM apprised of all aspects of production well installation. The project owner shall provide the CPM with all information required ~~for~~ to obtain a ~~FCDPH~~ SCDRM well installation permit. The project owner shall file a well completion report to DWR for the extraction well. Any testing results or correspondence exchanged between the project owner and the California Department of Health Services or the ~~FCDPH~~ SCDRM during



operations shall be provided to the CPM in the annual compliance report. All results and diagrams associated with groundwater production well installation shall be included in the annual compliance report.

Basis: Updated condition for Solano County.

#### **PROPOSED REVISIONS TO WATER RESOURCES-6**

**WATER-6** Water supply for project construction and operation shall be either groundwater beneath the project property or provided by Solano Irrigation District (SID) by benefit of the option agreement to purchase with the WWD. If water is obtained from SID, tThe project owner shall provide the CPM with a copy of the SID option agreement to provide construction and/or operations water purchase after conclusion. Water use during construction shall not exceed 1,200 30 AF and operational water use shall be limited to a maximum of 40 2 AFY for temporary landscaping irrigation until the landscaping is established. The project owner shall record daily water use for the project construction and operation.

**Verification:** During project construction, the monthly compliance report shall include a summary of monthly water use. The project's annual compliance report shall include a monthly and annual summary of water use identifying construction or operations and water source.

Basis: Updated condition language to reflect proposed water source options and usage quantities.

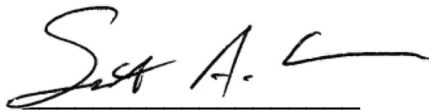
#### **NO REVISIONS TO COM-1 THROUGH COM-15**

#### **NO REVISIONS TO LABOR-1**

We continue to request that Staff set up a meeting to discuss these and our previously proposed changes to the COCs to assist in advancing the project to completion. We urge the Commission to set such a meeting within the next 30 days.

Dated: July 18, 2025

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott A. Galati", is written over a horizontal line.

Scott A. Galati  
Counsel to North Bay Interconnect, LLC and  
Corby Energy Storage, LLC