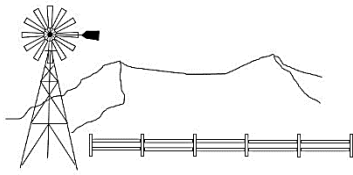


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*Comment Received From: Jacqueline Ayer
Submitted On: 8/18/2025
Docket Number: 25-OPT-02*

Comment Letter from Save Our Rural Town

Additional submitted attachment is included below.



SAVE OUR RURAL TOWN

August 18, 2025

Lisa Worrall
Project Manager
California Energy Commission
715 P Street, MS-40
Sacramento, CA 95814

Subject: Preliminary Comments by Save Our Rural Town (SORT) pertaining to the AB-205 Application Submitted for a Proposed Battery Energy Storage Project in Acton, CA.

Reference: California Energy Commission Docket Number 25-OPT-02.

Dear Ms. Worrall;

Save Our Rural Town (SORT) respectfully offers the following preliminary comments to the California Energy Commission (Commission) pertaining to the Application submitted for the BESS Project described in the referenced Docket (Application). SORT is a not-for-profit unincorporated association that was organized to protect rural communities from development that is inconsistent with rural character and incompatible with a rural environment. SORT is an apolitical organization that is operated for the benefit of rural residents and rural property owners and was formed for the purpose of

- Presenting the concerns of rural residents to federal, state and local agencies and advocating on their behalf.
- Conveying the concerns of rural residents to the public, the media, elected officials, and candidates for political office.
- Reviewing public projects and private developments that affect rural communities, and taking legal action pursuant thereto if doing so furthers SORT's purposes.

SORT appreciates the opportunity to submit the following comments which were prepared by SORT's director, Jacqueline Ayer, who has extensive engineering experience in both environmental analysis and transmission system assessments. Accordingly, the comments presented herein constitute "substantial evidence" as that term is contemplated by California Law.

PROJECT BACKGROUND

There is little information available regarding the proposed project. According to the Application, the project is the “Prairie Song” Battery Energy Storage System (BESS) proposed by “Prairie Song Reliability Project LLC”, a Delaware limited liability company that is described as a subsidiary of “Coval Infrastructure DevCo LLC” (which, according to the Delaware Division of Corporations, is a Delaware LLC formed on March 14, 2024). A Statement of Information filed with the California Secretary of State on July 18, 2025 reports that “Prairie Song Reliability Project LLC” is managed by “Ambar Power DevCo LLC” at 11801 Domain Blvd. in Austin, Texas (File No. BA20251494350); however, paperwork filed with the Texas Secretary of State indicates the name “Ambar Power DevCo LLC” was amended to “Coval Infrastructure DevCo LLC” on May 15, 2025 (Document #1481438130002). It is not clear why papers filed with the State of California in July of 2025 state that “Ambar Power DevCo LLC” out of Austin manages “Prairie Song Reliability Project LLC” when the State of Texas understood that “Ambar Power DevCo LLC” did not exist after May 15, 2025. Odder still, the paperwork filed with the Texas Secretary of State on December 30, 2024 to register “Ambar Power DevCo LLC” indicates “Ambar Power DevCo LLC” is a Delaware LLC formed on March 14, 2024 (Document # 1438045670003); but a search of records maintained by the Delaware Division of Corporations does not turn up an entity called “Ambar Power DevCo LLC”. Additionally, the Austin Texas address for “Ambar Power DevCo LLC” and “Coval Infrastructure DevCo LLC” and for the manager of “Prairie Song Reliability Project LLC” is also the address for “AYPA Power”. California Secretary of State records indicate that “Prairie Song Reliability Project LLC” was originally registered as “16DO 8me LLC” in 2017 and as of December, 2024, “16DO 8me LLC” was also “managed” by “Ambar Power DevCo LLC” out of the same “AYPA Power” address in Austin. California records also indicate that “16DO 8me LLC” changed its name to “Prairie Song Reliability Project LLC” on April 28, 2025 (File No. BA20250863190).

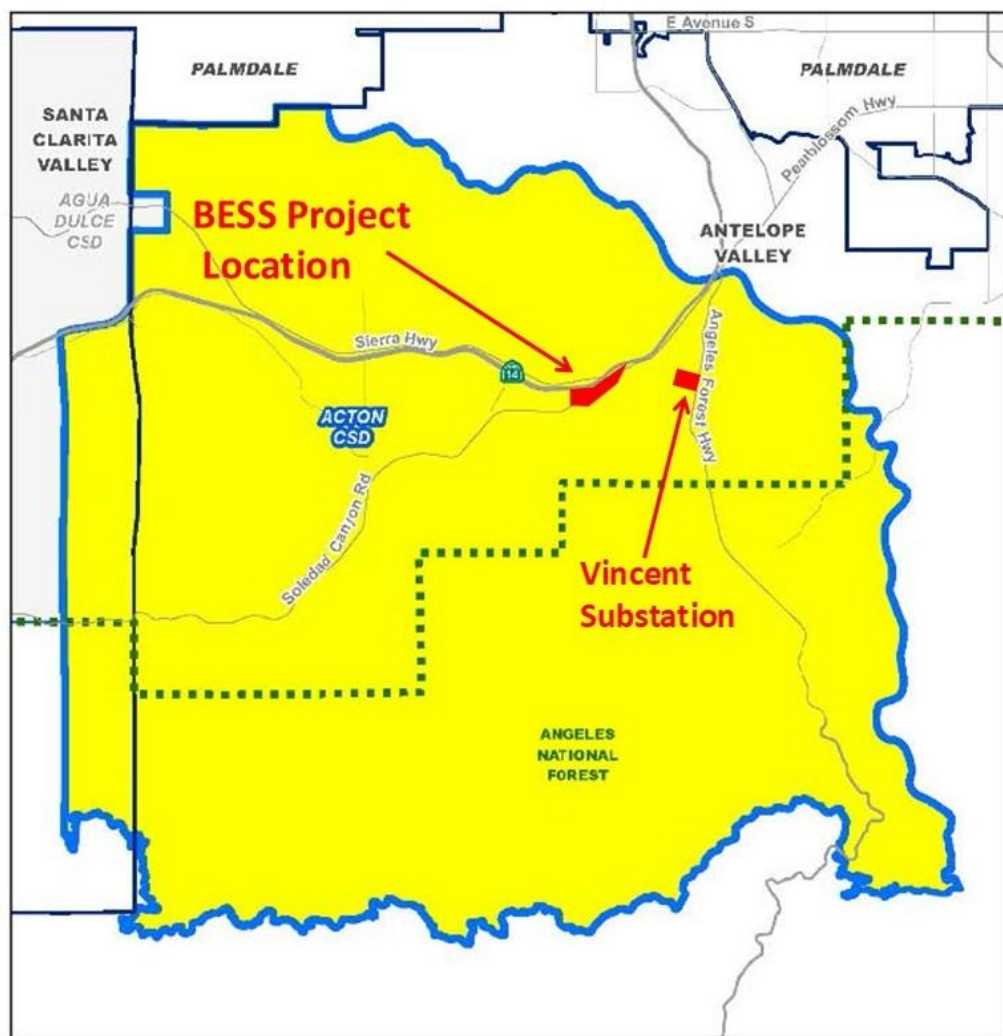
Within the Community of Acton, the proposed project is known as the “Angeleno BESS” (CAISO Queue position 1625) for which a Large Generator Interconnection Agreement (LGIA) was executed by Avantus, Southern California Edison (SCE) and CAISO in January, 2022. Given the murky provenance of the proposed project, SORT will hereafter refer to it as simply the “BESS Project”.

SORT is substantially concerned by the information provided in the Application and finds much of it to be inaccurate; some of it is even materially false. Errors noted in the Application pertain to a broad spectrum of issues ranging from where the project is located to the benefits that it provides to the significant environmental impacts that it creates. The following comments attempt to address these deficiencies.

THE BESS PROJECT IS LOCATED IN THE COMMUNITY OF ACTON.

The Application erroneously asserts that the BESS Project is located “approximately 3 miles northeast of the community of Acton” [page 3.5-2]. This statement is incorrect because the BESS Project is located *within the Community of Acton*. Acton’s boundaries were established by the County of Los Angeles operating as a political subdivision of the State of California through the exercise of powers granted by the California Constitution; pursuant thereto, Acton’s boundaries are firmly codified in Chapter 22.302 of the Los Angeles County Code. Figure 1 provides a map of Acton’s boundaries and also indicates the location of the BESS Project and the Vincent Substation; clearly, the BESS Project is located in the Community of Acton. The developer knows this because Avantus presented the BESS Project at an Acton Town Council meeting convened on May 1, 2023.

Figure 1. Map Depicting Acton Boundaries and the BESS Project Location.



Aside from improperly identifying the BESS Project location as being outside of Acton, the Application gives the incorrect impression that the BESS Project is in the Antelope Valley and page 3.9-2 actually refers to “the Project site in Palmdale”. The BESS Project is not in Palmdale and it is not in the Antelope Valley; it is in Acton. Acton lies in the Santa Clara River Valley and it encompasses the headwaters of the Santa Clara River. Acton is a mountainous area (as indicated in Figure 3.13-7a of the Application) that is physically separated from the Antelope Valley by the Sierra Pelona Mountain range to the north and the Soledad Pass to the east; the Soledad Pass provides the only access to the Antelope Valley from the South. Unlike Acton, most of the Antelope Valley is generally flat and it lies predominantly outside of fire hazard zones.

THE BESS PROJECT CONFLICTS WITH LOCAL ZONING REGULATIONS AND LAND USE PLANS ADOPTED BY THE COUNTY OF LOS ANGELES.

The developer contends that the BESS Project does not conflict with local land use plans or regulations. This is incorrect.

The BESS Project Conflicts with Los Angeles County Zoning Regulations.

The BESS Project is proposed for installation in a designated agricultural zone, and if approved, it will establish energy storage devices as a principal use on numerous agriculturally zoned parcels in Acton. Specifically, all the parcels that underlie the BESS Project are zoned either “Light Agriculture A-1” or “Heavy Agriculture A-2”. However, the Los Angeles County Zoning Code expressly prohibits the placement of energy storage devices as a principal use in any agricultural zone; the relevant provisions of the Code are provided in Figure 2. Because energy storage devices are not an authorized principal use in agricultural zones, the BESS Project is intrinsically inconsistent with the County’s Zoning Ordinance and thus does not conform with local regulations or standards. Accordingly, the Commission cannot certify the proposed BESS Project without making determinations pursuant to Sections 25523(d)(1) and 25525 of the Public Resources Code that the BESS Project is required for public convenience and necessity and that more prudent means of achieving such public convenience and necessity are not available. These determinations must account for all significant environmental impacts created by the proposed BESS Project. SORT contends no such determinations can be made because more prudent project alternatives are available that will not threaten the safety or wellbeing of rural residents (as discussed below).

The developer fails to inform the Commission that the BESS Project is not permitted by the Zoning Code and instead obfuscates the issue by claiming that a “Memorandum” released by the County “permits this land use in Agricultural zones with either a Site Plan Review or a Conditional Use Permit” [Page 3.6-21]. This statement is incorrect.

Figure 2. Excerpt from the Los Angeles County Zoning Code Showing “Electrical Storage Facilities” in “Light Agricultural A-1” Zones are Prohibited.

22.16.030 - Land Use Regulations for Zones A-1, A-2, O-S, R-R, and W.



A. General. This Section prescribes the land use regulations for Zones A-1, A-2, O-S, R-R, and W.

B. Permit and Review Requirements. Table 22.16.030-A, below, identifies the permit or review required to establish each use listed in Subsection C, below.

EXPAND

TABLE 22.16.030-A: PERMIT AND REVIEW REQUIREMENTS		
Abbreviation	Permit or Review Requirement	Reference
-	Not Permitted	
P	Permitted	
AP	Animal Permit	Chapter 22.152
CEM	Cemetery Permit	Chapter 22.154
CUP	Conditional Use Permit	Chapter 22.158
MCUP	Minor Conditional Use Permit	Chapter 22.160
EP	Explosives Permit	Chapter 22.164
SPR	Ministerial Site Plan Review	Chapter 22.186
SEP	Special Events Permit	Chapter 22.188
SMP	Surface Mining Permit	Chapter 22.190

C. Use Regulations.

1. Principal Uses. Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

EXPAND

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	A-2	O-S	R-R	W	Additional Regulations
Agricultural and Resource-Based Uses						
Any use owned and maintained by the Forest Service of the United States Department of Agriculture, and any authorized leased use designated to be part of the Forest Service overall recreational plan of development	-	-	-	-	SPR ¹	
Aqueducts	-	-	CUP	-	-	
Renewable Energy Uses						
Energy generating or storage devices, including but not limited to solar, wind, or geothermal devices	-	-	CUP	-	-	
Utility-scale solar energy facilities, ground-mounted	-	CUP	-	CUP	-	Section 22.140.510
Utility-scale solar energy facilities, structure-mounted	P	P	-	P	-	Section 22.140.510
Utility-scale wind energy facilities	-	-	-	-	-	

The “Memorandum” includes no such language (see Attachment 1) and it certainly does not “permit” BESS uses in agricultural zones (even with a Conditional Use Permit). In fact, the “Memorandum” was issued merely for the purpose of “defining energy storage devices as a land use” and does not mention “agricultural zones”. The “Memorandum” also reflects the decision issued by the Los Angeles County Department of Regional Planning that design standards codified in Zoning Code Section 22.140.200 for “Electrical Distribution Substations” (EDS) would be applied to BESS. However, the plain language in the Zoning Code establishes that Section 22.140.200 does not apply to A-1 or A-2 zones¹; accordingly, the “Memorandum” is not pertinent. Importantly, the only zones in which a BESS can be approved pursuant to the “Memorandum” are those zones which authorize the approval of an unlisted that is similar to a listed use².

The “Memorandum” is currently the focus of ongoing litigation before the Los Angeles County Superior Court (Case No. 23STCPO3422) and a trial was convened on July 17, 2025. While a final judgment has not yet been issued, SORT’s impression is that the Court will limit the applicability of the Memorandum to only those zones which authorize the approval of an unlisted use that is similar to a listed use. Accordingly, the Memorandum does not apply to agricultural zones because 1) the Zoning Code *does not* permit unlisted uses in Agricultural Zones even if they are similar to listed uses; and 2) the Zoning Code *prohibits* energy storage devices in Agricultural Zones

The BESS Project Conflicts with Adopted Land Use Plans.

The Application identifies the “Antelope Valley Area Plan” (the AV Area Plan) as the land use plan that applies to the BESS Project and Table 3.6-1 lists various AV Area Plan policies which the developer claims are achieved by the BESS Project. However, virtually all claims made in Table 3.6-1 are specious, many are materially incorrect, and some important AV Area Plan provisions are omitted from consideration. SORT has compiled and summarized these errors in the analysis provided in Attachment 2 which evaluates the BESS Project through the lens of the AV Area Plan. The analysis presented in Attachment 2 stands as further proof that the BESS Project is subject to the more rigorous “Public Convenience and Necessity” requirements imposed by Sections 25523(d)(1) and 25525 of the Public Resources Code.

¹ Section 22.140.200.A states “This Section applies to electric distribution substations, including related microwave facilities, in Zones C-H, C-1, C-2, C-3, C-M, C-MJ, C-RU, MXD-RU, and M-1”. This provision does not apply to the BESS Project because Section 22.140.200.A does not apply to either A-1 or A-2. See https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZODIV7STSPUS_CH22.140STSPUS_22.140.200ELDISUINREMIFA

² The Zoning Code in effect as of 8/15/2025 establishes that unlisted uses can only be permitted via a similarity determination in “Heavy Manufacturing” (M-1.5 and M-2) zones per Section 22.22.030.D. See https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZODIV3ZO_CH22.22INZO_22.22.030LAUSREZO55.

THE BESS PROJECT POSES SIGNIFICANT PUBLIC SAFETY RISKS THAT ARE IGNORED BY THE DEVELOPER.

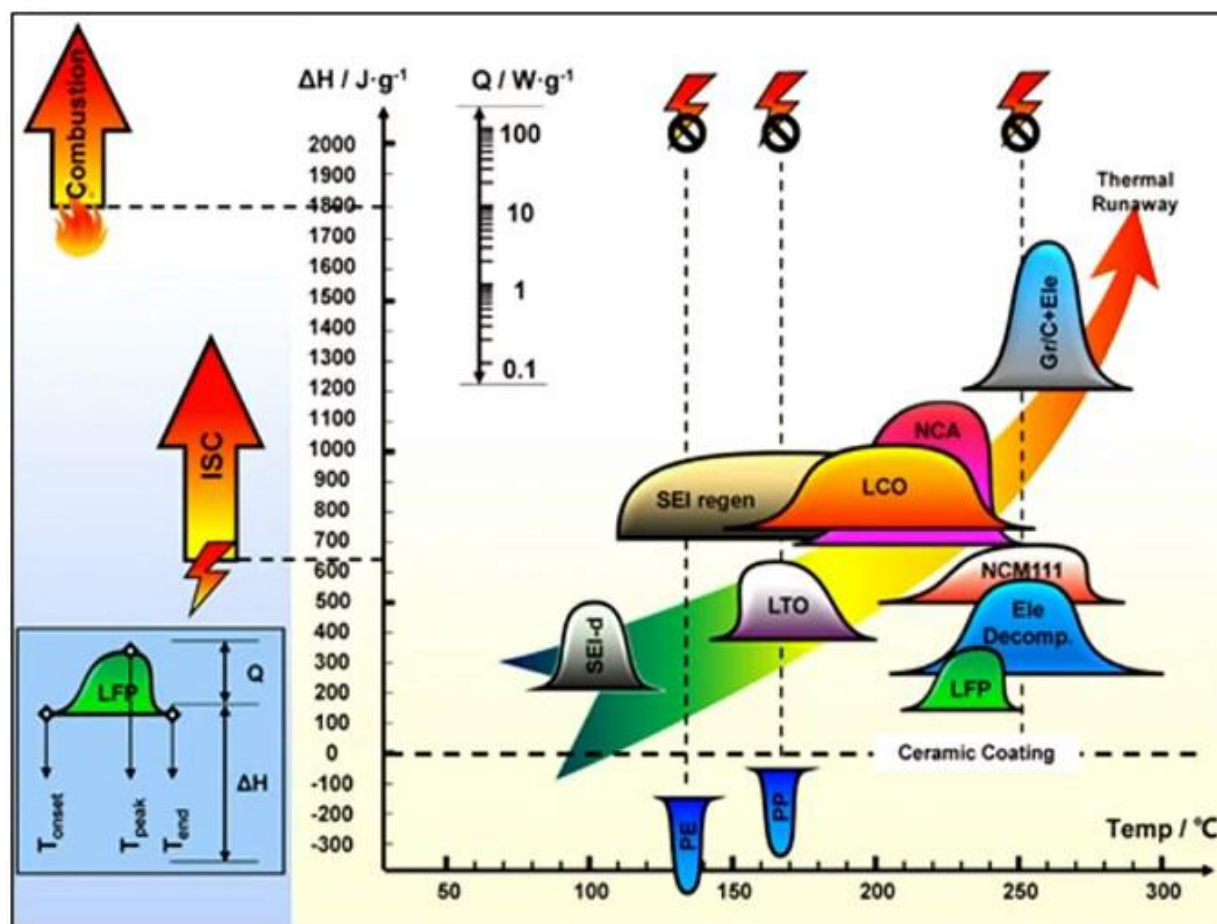
According to page 2-4, the BESS Project is slated to utilize a “Sungrow Power Titan II” (Sungrow Titan) BESS system or similar to store electrical energy. The Sungrow Titan utilizes a lithium iron phosphate (LFPO) battery chemistry and, according to the manufacturer, each 20 foot container has a 5.015 MWh energy capacity³; therefore, the 2,035 Sungrow Titan units proposed for the BESS Project will have a combined energy capacity of 10,205 MWh (which is substantially higher than the 9,200 MWh stated in the Application). According to a Sungrow promotional video, each unit can produce 2.5 MW (see Attachment 3) but even if the BESS Project units are only capable of less than 1 MW, that would put the power capacity of the BESS Project at well over 1,000 MW. Because the Sungrow Titan relies on a lithium battery chemistry, it is susceptible to deflagration, explosion, and toxic release because of a phenomenon known as “thermal runaway” which occurs when battery cells enter an uncontrollable, self-heating state. The ensuing fire cannot be extinguished and the resulting toxic emissions cannot be controlled; in fact, BESS containers are now designed to include vents to release toxic gases into the environment when thermal runaway is initiated. Moreover, emergency response personnel do not attempt to extinguish BESS fires; instead, they monitor the situation from a safe distance, douse surrounding structures to prevent them from igniting, and knock down errant embers/flames that escape the burn footprint. These features demonstrate that the BESS Project poses a significant public safety hazard which is substantially exacerbated by its location in East Acton because East Acton LIES entirely within a Very High Fire Hazard Severity Zone (VHFHSZ).

The BESS Project Utilizes a Particularly Dangerous Battery Chemistry

All Lithium-based batteries contain lithium and rely on the transfer of lithium ions; therefore, they are *all* susceptible to thermal runaway, explosion, and deflagration. The LFPO batteries that will be installed for the BESS Project will utilize Iron Phosphate as a cathodic material (other battery chemistries use a combination of Nickel, Manganese, and Cobalt and are often referred to as “NMC Batteries”). Energy developers tout LFPO BESS as “safe” because the temperature at which thermal runaway is normally initiated in LFPO batteries is higher than the temperature at which thermal runaway is initiated in NMC batteries. However, research conducted by the Fire Safety Research Institute (“FSRI”) operated under the “Underwriters Laboratories” (UL) indicate that the actual temperature difference is not significant (as shown in Figure 3).

³ https://info-support.sungrowpower.com/application/pdf/2024/12/07/ST5015UX-2H-US_ST5015UX-4H-US%20Datasheet.pdf . See Also Attachment 3.

Figure 3. Temperature Trends of Battery Chemistries.



Source: *The Science of Fire and Explosion Hazards from Lithium Ion Batteries*. Presentation by Adam Barowy at the UL Fire Safety Research Institute Lithium-Ion Battery Symposium March 2023 [timestamp 13:55]. <https://fsri.org/research-update/lithium-ion-battery-symposium-resource-library>.

More importantly, when LFPO batteries become overcharged, the temperature at which they experience thermal runaway is *actually lower than the temperature at which thermal runaway is initiated in other types of lithium batteries including NMC*⁴. This means that LFPO BESS are **more susceptible** to thermal runaway than NMC BESS in overcharge conditions. Furthermore, experiments with fully charged (but not overcharged) LFPO batteries show that the protective film that is formed on the anode and which is a key factor in preventing thermal runaway *actually begins to degrade at*

⁴ Thermal Runaway can be initiated at only 116 °C in overcharged LiFePO₄ batteries. *Study on Temperature Change of LiFePO₄/C Battery Thermal Runaway under Overcharge Condition*. Fei Gao et al 2021. Presented at the 3rd International Conference on Air Pollution and Environmental Engineering. IOP Conference Series: Earth and Environmental Science 631. <https://iopscience.iop.org/article/10.1088/1755-1315/631/1/012114/pdf>

only 80 °C⁵. As degradation of this protective film progresses, the anode becomes more exposed and when sufficient degradation occurs, thermal runaway is initiated. Finally, recent studies conducted by FSRI demonstrate that LFPO BESS fires are *more intense* and *more explosive* than NMC BESS fires because LFPO batteries generate far more hydrogen gas and combustible hydrocarbons when thermal runaway occurs⁶. This makes LFPO thermal runaway events more dangerous than NMC thermal runaway events. This fact has been corroborated by others⁷.

UL Certification Protocols Prove BESS Facilities are Prone to Deflagration.

Underwriters Laboratories ("UL") Test Method 9540A is the primary test protocol for certifying the explosion and flame characteristics of BESS units, and it establishes that large BESS units are deemed to be "UL-compliant" if the flames that occur when they deflagrate do not propagate "beyond the width of the initiating BESS" (see Figure 4). In other words, the fundamental assumption in UL 9540A is that BESS containers *will* ignite and that such outcomes are acceptable as long as the explosions and flames are unlikely to engulf other BESS containers. UL 9540A constitutes a tacit admission that BESS pose very real fire and safety dangers because it expressly anticipates that UL-compliant BESS containers *will* ignite.

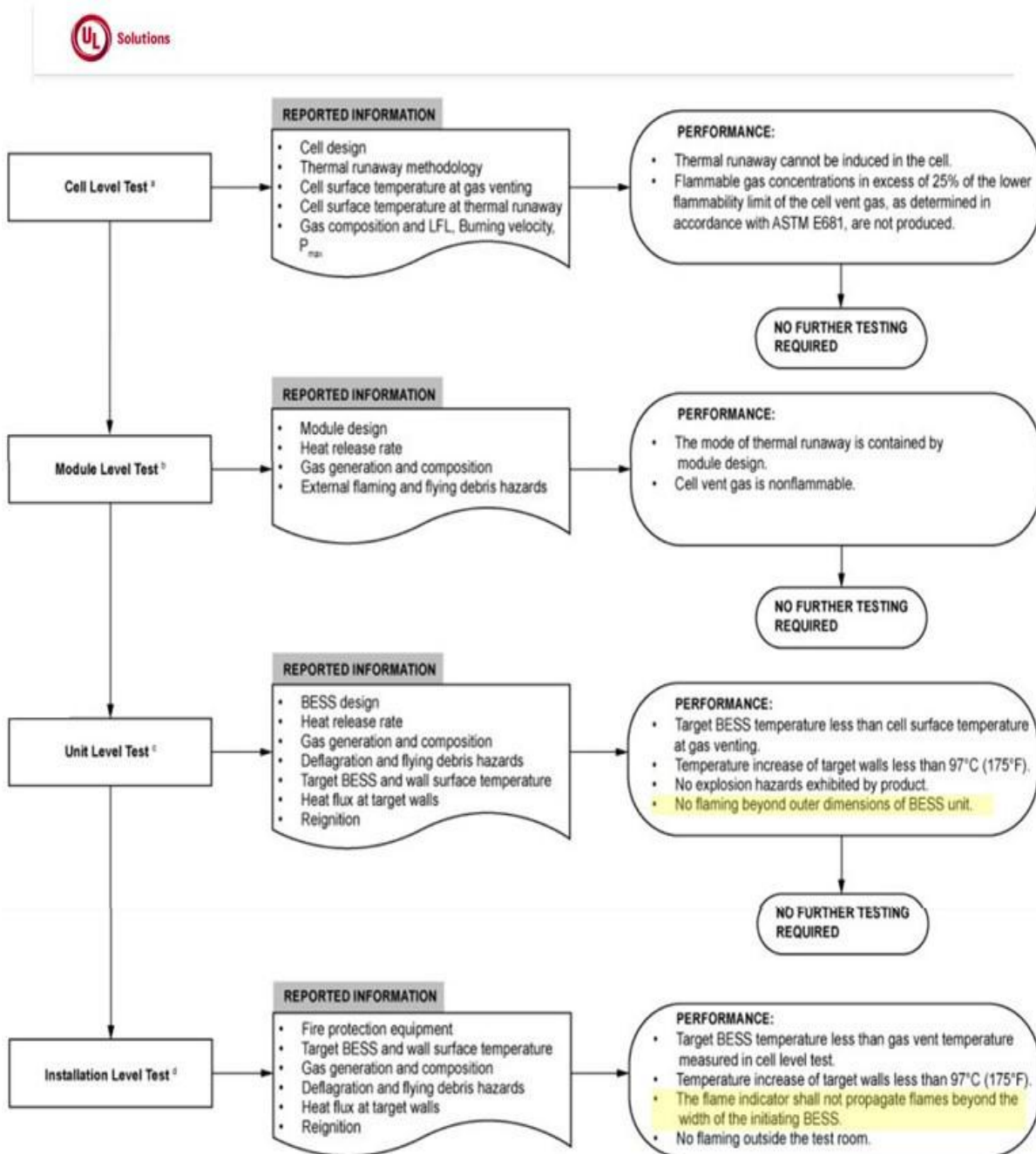
It must also be noted that Method 9540A test conditions are artificially constrained and do not represent "real world" circumstances in outdoor BESS developments like the BESS Project. For instance, the UL9540A test methodology requires that ambient wind speeds not exceed 12 miles per hour, and it is only under this highly restricted windspeed condition that UL 9540A certification is valid. In other words, the only time that a UL9540A-certified BESS container is unlikely to engulf an adjacent storage container is when the ambient windspeed is less than 12 miles per hour; when

⁵ To prevent thermal runaway, lithium ion batteries form a solid electrolyte interphase film (known as an "SEI film") to prevent thermal runaway; however, charged (but not overcharged) LFPO batteries have their protective SEI film begin to degrade at temperatures as low as 80°C. *Revealing the Thermal Runaway Behavior of Lithium Iron Phosphate Power Batteries at Different States of Charge and Operating Environment*. Tianyi Li, Yinghou Jia. Journal of Electrochemical Science (September 2022) Article Number: 221030 <http://www.electrochemsci.org/papers/vol17/221030.pdf>

⁶ LFPO batteries release approximately 50% hydrogen and 20% hydrocarbons, whereas NMC batteries release approximately 30% hydrogen and 16% hydrocarbons. *The Science of Fire and Explosion Hazards from Lithium Ion Batteries*. Presentation by Adam Barowy at the UL Fire Safety Research Institute Lithium-Ion Battery Symposium March 2023 [timestamp 18:10]. <https://fsri.org/research-update/lithium-ion-battery-symposium-resource-library>.

⁷ *A Review of Thermal Runaway Prevention and Mitigation Strategies for Lithium Ion Batteries*. S. Shahid, M. Agelin-Chaab. Journal of Energy Conversion and Management; Vol. 16. Dec 2022. Table 2. <https://www.sciencedirect.com/science/article/pii/S2590174522001337/pdf?md5=bbada63bcd4dca9cce371e45dc62c00&pid=1-s2.0-S2590174522001337-main.pdf>. See also <https://www.pv-magazine.com/2024/04/10/how-safe-are-lithium-iron-phosphate-batteries/> <https://www.pv-magazine.com/2024/04/10/how-safe-are-lithium-iron-phosphate-batteries/> which discusses research done in the United Kingdom.

Figure 4. UL-9540A Test Method Acceptance Chart.



Source: "UL 9540A Battery Energy Storage System (ESS) Test Method" by Howard D. Hopper, FPE - Global Regulatory Services Manager. This graphic was originally available on the UL website at <https://www.ul.com/news/ul-9540a-battery-energy-storage-system-ess-test-method> however the link has been modified and the information has been removed. Fortunately, SORT retained a copy of the original article; it is provided in Attachment 4

Note: The highlighted portions of this "Flow Chart" demonstrate that a BESS unit is deemed to meet the UL 9540A standard if it experiences a deflagration event which does not produce flames that extend beyond the width of the BESS Unit.

windspeeds exceed 12 miles per hour, there is no guarantee that adjacent BESS units will not ignite. This *fact* was proven by a major BESS ignition that occurred at the Victoria BESS facility in Australia in 2021 when a burning BESS unit ignited the adjacent container because wind speeds exceeded 23 miles per hour⁸. A photograph of this deflagration event is provided in Figure 5 and it demonstrates that fire-engulfed UL 9540A compliant BESS containers can (and will) ignite other containers at relatively low ambient windspeeds⁹. Figure 5 also shows the remarkable fury of BESS container fires during even low wind conditions; this is a substantial problem in wind prone areas like Acton where windspeeds routinely exceed 20 miles per hour. It is virtual certainty that a similar event will occur in Acton if the BESS Project is constructed, and when it does, a wildfire is likely to ignite (particularly if the event occurs during hot, dry “Santa Ana” fire weather conditions when sustained winds whip through the community at 40 miles per hour).

Figure 5. Engulfed Battery container at the Victoria BESS facility in Australia in 2021.



Source: <https://www.crowdjustice.com/case/bess-battery-storage-hazardous-material/>

⁸ Page 5 of the “Report of Technical Findings” issued for the Victoria BESS Fire incident states that “wind was the dominant contributory factor in the propagation of fire from [container number] MP-1 to [container number] MP-2. At the time of the fire, a 20-30 knot (37-56 km/hr, 23-35 mph) wind was recorded out of the north”. This “Report of Technical Findings” is provided in Attachment 5.

⁹ This facility was constructed in 2020 with “Tesla Megapack” products which, according to TESLA, was UL 9540A certified as of 2020 [<https://r6.ieee.org/sfias/wp-content/uploads/sites/67/J-Gromadzki-Tesla-On-site-Energy-Storage-Systems.pdf>]. Page 32.

Thermal Runaway at the BESS Project Will Result in Toxic Emissions.

Wildfire risk is not the only safety hazard posed by the BESS Project; when a BESS container ignites, it releases substantial quantities of toxic gases, including Hydrogen Fluoride (HF), Hydrogen Chloride (HCl), and Hydrogen Cyanide (HCN). These gases are emitted as highly concentrated toxic vapor which is colorless and invisible; when it wafts into surrounding areas, it creates a life-threatening environment at great distances from the BESS. For instance, the ignition of a single Lithium BESS container with a storage capacity of 7.6 MWh can release more than 3,000 pounds of deadly HF which creates a toxic cloud that is more than 2 miles in length¹⁰; under such circumstances, prudence demands the evacuation of the surrounding area.

Recent events demonstrate that concerns regarding the toxicity of vapor clouds created by BESS fires are not overstated. At a BESS fire in Australia, the toxicity concerns prompted officials to impose a “shelter in place” order that extended 6 miles; a map of the affected area is provided in Figure 6. Additionally, the public safety risk posed by toxic releases by the Moss Landing BESS fire in 2022 was so significant that Highway 1 in California *was closed for more than 12 hours*¹¹. Late in 2024, the Vincent Thomas bridge was closed for more than 30 hours because a BESS unit exploded after a traffic mishap. And, when a BESS container caught fire during transport in July, 2024, officials were compelled to close the 15 Freeway in San Bernardino County for almost 48 hours¹². Notably, this particular incident involved an LFPO BESS unit¹³; this refutes claims by energy developers that LFPO BESS are “safe”.

It is an established fact that the gases released from Lithium batteries kill. According to Congressional Testimony offered by Chief Fire Marshal Flynn of the New York City Fire Department, the cause of deaths in multiple New York City micro battery fires was the toxic fumes released by the batteries. He said "There was no fire that extended to the apartments of the people that were killed there. The smoke from these devices is so toxic

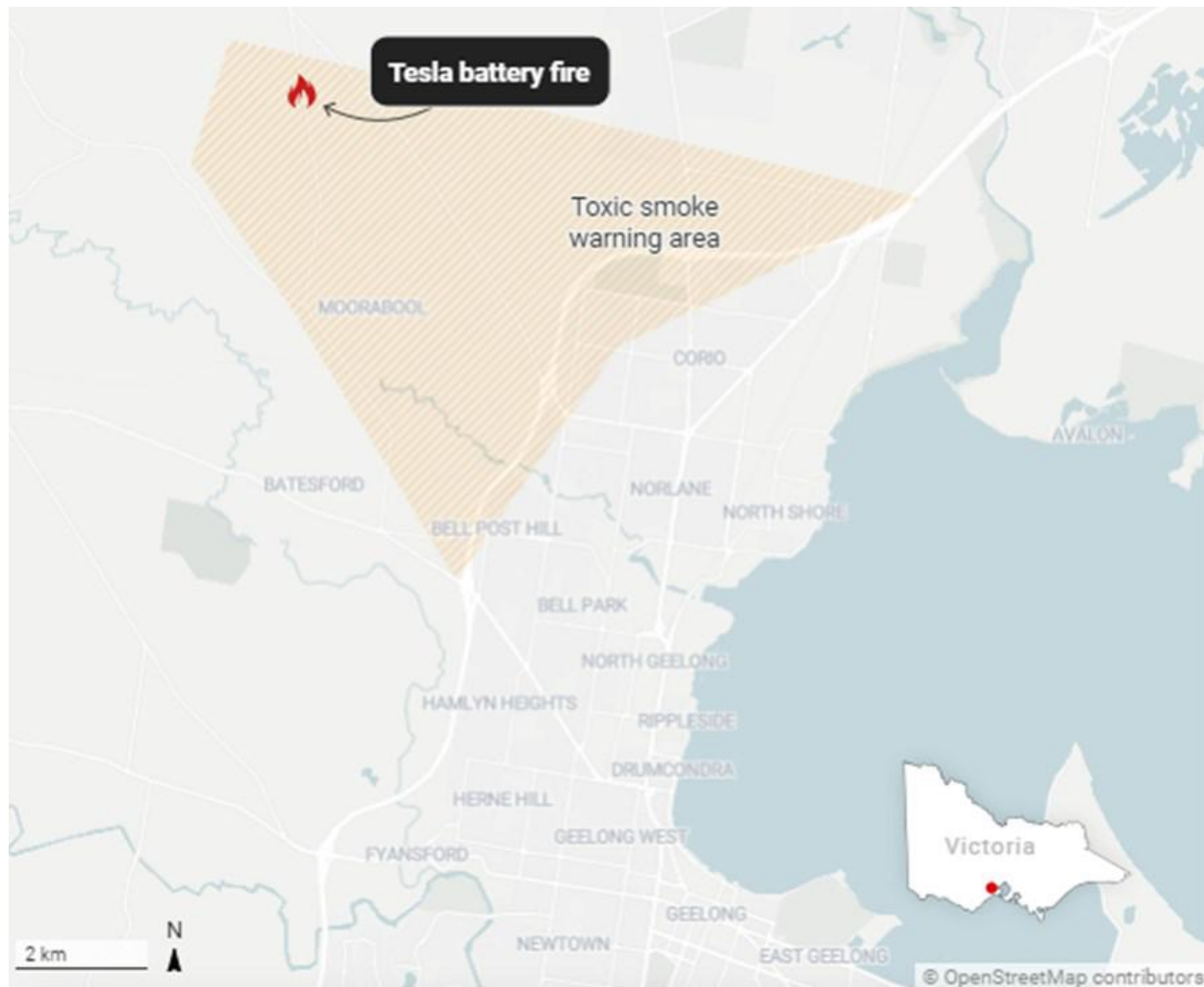
¹⁰ A study published by *Nature* reports that 20 - 200 mg of HF are released per watt-hour of discharge capacity in Lithium Ion batteries [Attachment 6]; this is equivalent to 20-200 kilograms (or 44-440 pounds) of HF per MWh. For a BESS unit with a discharge capacity of 7.6 MWh, the HF releases is as high as 3,344 pounds. EPA's air dispersion model for hazardous chemical release demonstrates that this circumstance would render downwind areas within two miles of the release point to be “Immediately Dangerous to Life or Health” (“IDLH”) – See Attachment 7. This analysis only considers the toxicity of HF released from a BESS container; it does not consider the additional risk posed by other toxic gases (Hydrogen Cyanide, Hydrogen Chloride) that are also present.

¹¹ <https://www.ksbw.com/article/highway-1-reopened-near-moss-landing-shelter-in-place-lifted/41302918>

¹² <https://www.vvng.com/15-freeway-between-california-and-las-vegas-reopens-after-two-day-lithium-battery-fire-near-baker/>

¹³ When the LFPO BESS unit ignited, news stations reported the event was “the first in the nation” [<https://www.fox5vegas.com/2024/08/15/truck-fire-behind-i-15-shutdown-was-first-us-caltrans-says/>].

Figure 6. Map of "Shelter in Place" Area Ordered During an Australia BESS Fire.



Source: <https://www.theage.com.au/national/victoria/blaze-at-tesla-big-battery-extinguished-after-three-day-battle-for-control-20210802-p58f6x.html>.

that if it reaches your apartment, you're immediately overcome by this toxic gas"¹⁴. Given these facts, it is imprudent to locate a utility-scale BESS near residences or anywhere near commuter corridors, train corridors, or in locations where people congregate. Additionally, in communities like Acton where there are many animal rescues and animal training facilities, BESS facilities are particularly unsuitable because it would be difficult if not impossible for such facilities to quickly bring all their animals "indoors" to "shelter in place" at a moment's notice.

¹⁴ <https://goldman.house.gov/media/press-releases/video-and-rush-transcript-congressman-dan-goldman-pushes-greater-regulation>

Many Mechanisms Can Trigger a Thermal Runaway Event

Thermal runaway events occur frequently because they result from many different factors. One cause is manufacturing error; for instance, if the separator barrier between the anode and cathode is defective, then an internal short circuit occurs and thermal runaway is immediately initiated. Other manufacturing errors will result in impaired Battery Management Systems (BMSs) which can fail to prevent battery overcharging which in turn damages the separator barrier; when sufficient damage is done, a short circuit will occur and thermal runaway will initiate. BMS failures can also cause battery cells to overdischarge (which drops the cell voltage to a level below the manufacturer's recommendation); if this occurs multiple times, thermal runaway can be triggered when the cell is recharged¹⁵. Manufacturing errors can also result in flawed cooling systems which fail to maintain proper battery temperature and thus cause thermal runaway.

Manufacturing defects are perhaps the most insidious causes of thermal runaway because they are generally invisible and undetectable. Manufacturing defects are also frighteningly common. Clean Energy Associates (CEA) recently conducted inspections at 64 percent of "Tier 1" lithium-ion BESS manufacturers around the world (in the United States, South Korea, India, Viet Nam, and China) and found a very high incidence of manufacturing deficiencies¹⁶. Among other things, the CEA study cited substandard quality control procedures, defects in upstream components that were not caught during quality checks, poorly welded wiring connections, charging/discharging failures, structural deformations, and "abnormally large temperature and voltage variations among battery cells". The study also found that 26% of the BESS systems that were inspected had deficiencies related to the fire detection and suppression system and 18% had deficiencies related to the thermal management system. Notably, each of these deficiencies (whether related to wiring, welding, structural deformations, or system controls) can cause a thermal runaway event.

Another cause of thermal runaway is the failure of a mechanical cooling system which results in temperature exceedances within individual battery cells. This is a constant concern because charging and discharging cycles generate significant heat; like any mechanical system, BESS cooling equipment is susceptible to operational "glitches" and failure. When this happens, thermal runaway ensues.

¹⁵ *What Causes Thermal Runaway?* Underwriter Laboratories Research Institutes. Accessed July 28, 2025. <https://ul.org/research/electrochemical-safety/getting-started-electrochemical-safety/what-causes-thermal>

¹⁶ *BESS QUALITY RISKS: A Summary of the Most Common Battery Energy Storage System Manufacturing Defects*. February, 2024. CEA Insights. A copy is provided in Attachment 8. <https://info.cea3.com/hubfs/CEA%20BESS%20Quality%20Risks%20Report.pdf>

Another cause of thermal runaway at a BESS facility is installation errors; many types of installation mishaps can trigger thermal runaway. For example, mishandling can damage a single battery cell in a manner that compromises the separator barrier; this will cause a short circuit and thermal runaway will initiate. And, because BESS containers are always shipped and installed in a charged state, thermal runaway can occur even during shipping and installation; this is why several freeways in California have been closed after transportation mishaps involving LFPO and NMC BESS containers. Other types of installation errors can also cause thermal runaway. For example, the Australian BESS fire described above resulted from a liquid coolant leak that occurred during construction¹⁷. Installation errors sometimes do not reveal themselves until after construction is complete and the system is online. This was the case in one of the first BESS fires at Moss Landing which occurred because numerous vent shields were improperly installed. One of the improperly installed vent shields dislodged an umbrella valve which caused significant quantities of water to pour onto the stacked battery cells; this shorted them out and thermal runaway was immediately initiated¹⁸.

Given the numerous pathways for initiating thermal runaway and the high number of manufacturing deficiencies reported by CEA, it is surprising that there have not been *more* BESS explosions and fires. Nonetheless, more BESS fires will occur over time because BESS units degrade as they age^{19,20} and because manufacturing defects and installation errors will eventually assert themselves.

The BESS Project Size and Location Pose Significant Public Safety Risks.

The Application asserts that the BESS Project will have a power capacity of 1,150 MW and an energy capacity of 9,200 MWh. However, each of the 2,035 Sungrow Titan units that are projected for installation have an energy capacity of 5.015 MWh, so the actual energy capacity of the BESS Project is more than 10,200 MWh. The Application states that the BESS Project is a “long duration” facility, meaning that it will be capable of discharging for at least 8 hours per day. This suggests that the power capacity of the

¹⁷ <https://www.energy-storage.news/investigation-confirms-cause-of-fire-at-teslas-victorian-big-battery-in-australia/>.

¹⁸ <https://www.pgecurrents.com/articles/3832-pg-e-shares-findings-september-2022-moss-landing-megapack-incident>

¹⁹ “[B]atteries remain the primary cost component for BESSs. Due to a multitude of cell internal aging mechanisms, lithium-ion cells are subject to degradation, which manifests itself in capacity loss, cell resistance increase, as well as safety implications.” *Aging aware operation of lithium-ion battery energy storage systems: A review*. Nov, 25, 2022. N. Collath, B. Tepe, S. Englberger, A. Jossen, H. Hesse. <https://www.sciencedirect.com/science/article/pii/S2352152X2201622X>

²⁰ The separator barrier between the anode and cathode degrades with time and thus creates a progressively higher probability that a short circuit will occur and initiate thermal runaway.

BESS facility is at least 1,275 MW²¹ (and may be higher because Sungrow Titan units can deliver 2.5 MW). These statistics indicate that the BESS Project will be the largest battery storage facility in the world; it will certainly be much larger than any BESS facility in California²². The significant number of lithium battery cells that will be installed on the BESS Project substantially increase the risk of periodic thermal runaway events, and its configuration (stretching more than a mile and winding around Acton homes) guarantees that the wellbeing of Acton residents will be threatened by each thermal runaway event that occurs. Equally concerning, the BESS Project is located in the VHFHSZ of East Acton where, during fire weather conditions, high winds traveling west from the Antelope Valley actually increase speed as they funnel through the Soledad Pass. Sustained high wind speeds and gusts exceeding 40 miles per hour are not uncommon (which is why Acton is persistently among the hardest hit communities in California during “public safety power shutoff” events initiated by SCE). Any spark or ember that is released from the confines of the BESS Project during high wind conditions will be carried into the surrounding chaparral and ignite a conflagration that will first burn through Acton, then through Agua Dulce, and then threaten the City of Santa Clarita. Simply put, East Acton is the **worst possible location** for the BESS Project because it is where hot, dry Santa Ana winds originate in the community.

The Application Trivializes the Likelihood of Thermal Runaway.

The Application generally ignores the public safety risks posed by the BESS Project; in fact, the only acknowledgement of explosion and deflagration risks that SORT found is on page 2-7 which states “Faults, mechanical damage, or manufacturing defects in lithium-ion batteries can cause thermal runaway, which can lead to fires or other hazards. Should a thermal runaway event occur, the BESS enclosures are designed and constructed in such a way that fire will not propagate from one enclosure to a neighboring enclosure”. This statement refers to the UL 9540A test method which certifies a BESS even if it explodes or catches fire as long as it does not ignite an adjacent container. However, and as discussed above, this claim is only valid for BESS facilities that operate in areas that do not experience windspeeds exceeding 12 mph; because Acton routinely experiences windspeeds exceeding 12 mph, developer assurances that “fire will not propagate from one enclosure to a neighboring enclosure” are meaningless. Elsewhere, the Application misrepresents the scope of applicable design standards. For example, page 3.5-14 states that National Fire Protection Association (NFPA) Standard 855 was “designed to prevent thermal runaway”. This is incorrect. NFPA 855 establishes standards for BESS spacing, fire suppression, monitoring systems and

²¹ (5.015 MWh per unit/8 hours) x 2,035 units = 1,275.6 MW

²² The Sanborn BESS is one third the size of the BESS Project (it purports to store 3,287MWh) and the Darden Project is not even half as large as the BESS Project (it will store 4,600 MWh of energy).

response planning, *but it **does not and cannot*** “prevent thermal runaway” because thermal runaway occurs at the battery cell level, not the system level. Moreover, NFPA 855 cites to UL 9540A which is only valid only under low wind conditions. SORT acknowledges that NFPA 855 is a critical tool to ensure that BESS are designed and installed as safely as possible, but compliance with NFPA 855 does not “prevent thermal runaway” and the developer is wrong to declare otherwise. As another example, page 3.16-15 characterizes CFC Section 1207.6 as a “method to prevent” thermal runaway; this is incorrect. CFC Section 1207.6 pertains to ventilation system/explosion management protocols that activate after thermal runaway initiates.

On the rare occasion that the Application actually addresses thermal runaway, it provides reassuring descriptions of “failsafe” systems designed to “prevent” thermal runaway (page 3.17-20) or points to UL 9540A certification to claim that fire will not propagate (pages 3.17-21 and 2-7). There is no such thing as a “failsafe” system that “prevents” thermal runaway; at best, such systems “manage” thermal runaway events after they are initiated. This is why energy developers who propose lithium-based BESS facilities will **never** guarantee that deflagration and toxic release will not occur.

BESS Safety Myths Perpetuated by Energy Interests and Energy Developers.

Energy interests and energy developers have perpetuated many myths about lithium-based BESS which have given the public and decisionmakers a false impression that BESS facilities are “safe”. For example, at a public workshop sponsored by the Commission in 2024, a panel member representing the energy industry assured that LFPO batteries “can be designed to be safe” and that “concerns about the thermal runaway and the intensity of fires” do not apply to LFPO batteries”²³. At a presentation convened by a BESS developer on August 12, 2025, Acton residents and representatives of elected officials were assured that LFPO BESS facilities are “safe”²⁴. These assurances are meaningless. As explained above, LFPO batteries are susceptible to thermal runaway and when it occurs, the resulting fires are *more intense* and *burn faster* than other lithium chemistries because they release more hydrogen gas and hydrocarbons. Contrary to what has been conveyed to the Commission, elected officials, and the public, *no lithium-based battery can be designed to eliminate the threat of thermal runaway*. This fact was affirmed in an analysis prepared in 2023 for the CPUC which explains that

²³ Scott Murtishaw from the California Energy Storage Alliance (a consortium of energy developers) made these remarks as a panelist at a BESS Safety workshop convened by the Commission on Feb. 23, 2024. Mr. Murtishaw stated LFPO batteries “*can be designed to be safe.... as the industry is moving towards more Lithium Iron Phosphate, a lot of the concerns about the thermal runaway and the intensity of those fires actually apply to NMC and not to Lithium Ion Phosphate*” [Timestamp 1:11:07]. The recording is here: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=254710&DocumentContentId=90335>.

²⁴ This assurance was provided by representatives of Fullmark Energy, an energy developer that is advancing plans to construct the “Maathai” BESS in East Acton.

every component of a lithium BESS unit is “a potential **point of failure**—the risk of which can be minimized via quality control, testing, and ongoing monitoring and maintenance but cannot be entirely eliminated”²⁵.

Another myth perpetuated by energy developers and energy interests is that the public safety risk posed by a BESS facility is independent of the size of the facility. For example, a report issued in 2023 erroneously states “Regardless of project size, the fundamental question in assessing a [BESS] project’s risk is what happens if a single unit fails, rather than what happens if every unit fails at once”²⁶. This statement is predicated on the assumption implicit in UL 9540A that, when a BESS container is engulfed in flames, it will not spread to other containers; however, this assumption is only valid when windspeeds do not exceed 12 miles per hour. At higher windspeeds, there is no certainty that adjacent containers will not deflagrate (as proven by the 2021 Victoria BESS fire in Australia). This statement also fails to address the mathematical fact that, as the number of BESS units increase in a particular area, the probability that a “single unit” failure will occur in the area is proportionately increased. This is because thermal runaway is a phenomenon that occurs at the battery cell level; accordingly, the more battery cells present in an area, the more likely a thermal runaway event will be initiated. And, as discussed above, a recent survey of BESS manufacturers around the world revealed a significant number of defects; all of this increases the likelihood of thermal runaway. If one assumes these defective devices are randomly distributed, then it is axiomatic that, as the total number of BESS units increase in a given area, the number of defective BESS units also increase in the area; this increases the probability of ignition. Finally, this myth mistakenly presumes that any given BESS facility will only ever experience a “single unit failure” when in fact BESS facilities can experience successive “single unit failure” events over time where each “single unit failure” has the potential to result in a significant public safety event (such as the four BESS fires that required multiple fire department responses at the Sanborn BESS facility in 2024). In other words, what drives the risks posed by a BESS is not just that a “single unit” will fail and cause a public safety response in a specific area; BESS risks are also driven by the fact that “single unit” failures can occur at the same facility successively over time. And, because the probability of a “single unit failure” increases as the number of BESS units increase, the frequency with which these “single unit failures” will occur is much higher at large BESS facilities and in areas where multiple BESS facilities are located. These circumstances make the BESS facilities in such locations even “riskier”.

²⁵ CPUC Energy Storage Procurement Study: Safety Best Practices. Attachment F. Found here: https://lumenenergystrategy.com/uploads/1/3/6/3/136375767/2023-05-31_lumen_energy-storage-procurement-study-report-attf-final.pdf at F-6

²⁶ The Report is title “*Energy Storage in Local Zoning Ordinances*” and was published in October 2023 by PNNL. [https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-34462.pdf]

Another myth perpetuated by energy developers and energy interests is that BESS facilities are safe because they are constructed with “layered” protection systems using three basic mechanisms: 1) a BMS; 2) a Detection System; and 3) a Fire suppression system. However, these “layered” mechanisms are themselves not “failsafe” and they *do not* render BESS “safe”. A BMS coordinates and integrates battery operations and is supposed to ensure that the many battery cells in a BESS unit never overheat, overcharge, or overdischarge. However, BMS are not infallible and, like the batteries themselves, can have manufacturing defects, installation errors, and operational “glitches”. Given that thermal runaway can be initiated when just *one* of the battery cells in a BESS becomes overcharged (which, as described above, is a particular concern for LFPO BESS), the fallibility of BMSs render this “protection layer” to be susceptible to failure. “Detection” involves detecting the presence of combustible gas or smoke; when this occurs, the operator can halt the BESS charging/discharging process, activate alarms, and open vents. However, “Detection” does not “warn” of a possible thermal runaway event; rather it confirms that a thermal runaway is already initiated. In fact, the combustible gas that these systems detect is the vaporized electrolyte solution which battery cells release *after* thermal runaway is initiated. Thus, “Detection” does not prevent or avoid thermal runaway; rather, it notifies an operator that thermal runaway is initiated²⁷. “Fire Suppression” involves “putting out” a BESS fire. However, BESS fires involve self-reactive electrochemical energy and they can sustain themselves without oxygen; therefore, they persist and reignite in any cell where the thermal runaway initiation temperature is exceeded *regardless of the suppression material*. That is why emergency responders remain at a BESS fire for days and even weeks with water hoses “at the ready”. For instance, it took firefighters nearly 17 days to “clear the scene” at the Otay Mesa BESS fire that ignited on May 15, 2024 and which persistently reignited. Finally, these “layers” (BMS, Detection, and Fire Suppression) are functionally distinct without significant overlap; accordingly, they are *not* redundant. This means each individual “layer” must continuously work perfectly at all times (which is unlikely because mechanical systems are not immune to malfunction).

²⁷ Energy developers present “Detection” as a panacea solution that provides sufficient advance notice of a potential problem to enable an operator to take steps and prevent thermal runaway and the self-sustaining fire that it creates. For example, STATX claims that “Detection” provides “an opportunity to mitigate the problem before it requires a response action from fire suppression equipment” [<https://www.statx.com/whitepaper/fire-suppression-battery-energy-storage-systems/>]. This suggests that “Detection” allows operators to “head off” thermal runaway when in fact “Detection” merely identifies when thermal runaway is already initiated. ORR asserts “Detecting potential fires early can assist to prevent and mitigate the risk of fire” [<https://www.orrprotection.com/applications/power-generation-overview/battery-energy-storage-systems>]; this statement is baffling; if a fire is “detected”, then it is ongoing and neither it nor its risks can be prevented. EVLO explains that its “Detection” system “forces fresh air in from outside the enclosure. Simultaneously, the venting panels open to release hot gas from the enclosure” [<https://evloenergy.com/news/ensuring-fire-safety-in-bess>]; however, the presence of hot gases is indicative that thermal runaway is already ongoing.

Another myth perpetuated by energy developers is that BESS fires do not release toxic gases and are treated like any other fire scenario. For instance, a consultant working on behalf of an energy developer recently told the Los Angeles County Board of Supervisors that BESS fires are “similar to other fire scenarios” and “can be treated with the same precautions as something like a sofa, mattress, or office fire”²⁸. To support this claim, the energy developer pointed to a study conducted in 2017 that measured toxic emissions from the ignition of small individual battery cells. However, the developer deliberately misrepresents the report which actually states that “a smoldering Li-ion battery” can be “treated with the same precautions as something like a sofa, mattress, or office fire in terms of toxicity”. The “sofa fire” equivalency drawn by the report pertained to a *single* lithium battery cell, not an entire BESS unit which has thousands of battery cells²⁹. Furthermore, the developer failed to disclose that the report showed that peak toxic emission concentrations from lithium battery cells were 10 times higher³⁰ which means that lithium battery fires are substantially more deadly *because the danger posed by toxic gas emissions is driven by concentration*. Another example of a consultant trivializing the risks posed by BESS fires occurred during a recent workshop hosted by the County of Los Angeles³¹ where the consultant said that HF emissions are a “misnomer”, that HF produced by BESS fires dissipate within yards of the BESS³², and that “HF isn’t the issue”³³. It was pointed out by other attendees that air monitoring occurs long after a BESS fire initiates (for example, EPA did not begin continuous air monitoring for HF at the Vistra BESS until January 18³⁴ well after the facility ignited). This consultant also claimed that UL 1973 compliant BESS will not have “cell to cell” propagation during thermal runaway.³⁵

²⁸ See page 15 of a 19 page “memo” written on behalf of Hecate Grid LLC (now known as Fullmark Energy) and dated August 14, 2024 which is appended to a letter to the Board of Supervisors dated October 8, 2024 and found here: <https://file.lacounty.gov/SDSInter/bos/supdocs/197666.pdf>.

²⁹ *Considerations for ESS Fire Safety* Consolidated Edison and NYSEDA Report No.: OAPUS301WIKO(PP151894), Rev. 4. February 9th, 2017. <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Publications/Research/Energy-Storage/20170118-ConEd-NYSEDA-Battery-Testing-Report.pdf> . Page 10.

³⁰ Id at Figure 4.

³¹ The consultant was Mr. Robert Davidson who apparently manages “Davidson Code Concepts LLC” and provides consulting to energy interests. For example, in March of 2025, Mr. Davidson offered comments on BESS safety to the Texas State Senate on behalf of the “Advanced Power Alliance” and “Texas Solar+Storage Association” [<https://poweralliance.org/wp-content/uploads/2025/03/CCG-SB1825-and-CV.pdf>]. Advanced Power Alliance is a consortium of energy developers/interests (<https://poweralliance.org/>); Texas Solar+Storage Association is a trade association that promotes the deployment of energy storage and solar resources in Texas (<https://txsolarstorage.org>).

³² “Battery Energy Storage Systems in LA County” workshop convened June 17, 2025. Timestamp 1:51:00. https://planning.lacounty.gov/wp-content/uploads/2025/06/BESS_Meeting_Recording.mp4.

³³ Id. [Time stamp 1:53:15].

³⁴ <https://www.readymontereycounty.org/emergency/2025-moss-landing-vistra-power-plant-fire/testing/air>

³⁵ He was referring to UL standards, and said “UL 1973 is the requirement for the modules to be listed; that’s the standard that says you can’t have a cell to cell propagation; a cell, if it makes it to thermal

Another myth perpetuated by energy developers and energy interests is that thermal runaway only happens during charging and discharging, and that because the “battery management system” controls charging and discharging, it will stop either process when the onset of thermal runaway is detected. However, it is incorrect to state that thermal runaway only happens during charging and discharging. In fact, lithium batteries that are not connected to anything are known to deflagrate; for example, a number of oceangoing container ships have sunk because a lithium battery pack that was being transported spontaneously ignited.

THE APPLICATION DOES NOT COMPLY WITH AB 205 COMMUNITY BENEFIT PLAN REQUIREMENTS.

Public Resources Code Section 25545.9 requires applicants to enter into legally binding agreements with community based organizations (CBOs) that represent community interests; the agreement must provide mutual benefit to the parties to the agreement. Additionally, Title 20 Section 1877(g) of the California Code of Regulations requires “Opt in Applications” to provide a strategy and a timeline for executing such benefit agreements. Pursuant thereto, the developer has provided a “Draft Antelope Valley and Los Angeles County Community Benefits Agreement Plan” which states that the developer will enter into a “Community Benefit Agreement” and commit to “investments in programs aligned with priorities in Antelope Valley and Los Angeles County”. This “Draft Plan” does not comply with either PRC Section 25545.9 or 20 CCR § 1877(g).

First, the Draft Plan does not provide any “strategy” for executing any agreements. For example, it does not identify any CBOs that represent Acton Community interests and it certainly does not describe any discussions with Acton CBOs. *In fact, the Draft Plan **does not even mention** Acton!* The only definitive statement in the Draft Plan is that the developer intends to enter into a binding agreement with the “Los Angeles/ Orange Counties Building and Construction Trades Council” (LAOCBCTC) which is a Labor Union Organization based in the City of Los Angeles.³⁶ SORT learned from LAOCBCTC that it has state-wide agreements to facilitate BESS construction with union labor; SORT was also informed that the union workers who will be involved in BESS Project construction will come from Santa Clarita, Lancaster and Palmdale³⁷. When asked how

runaway, cannot propagate to another cell. You can’t get the 1973 listing if you propagate. 9540 is a system level standard that ties that 1973 standard to everything else so that everything actually works” [time stamp 1:14:51]. SORT observes that UL 1973 was in effect in 2013, then updated in 2018 and 2022. If it were true that UL 1973 compliant battery modules do not allow thermal runaway propagation, then there would be no need of UL 9540A because multi-cell propagation would be impossible.

³⁶ The LAOCBCTC website states the address is 1626 Beverly Boulevard, Los Angeles.

³⁷ SORT learned from LAOCBCTC that it has no known members in Acton. However, even if Acton residents were members, it would not still not “count” as a benefit because Section 25545.9 requires Agreements to benefit the *community*, not just a few people who live in the community.

a commitment to hire union workers from Santa Clarita, Palmdale and Lancaster will benefit a CBO representing Acton Community interests, SORT was informed that, because Acton is not a city, BESS Project benefits will be used to support County programs and priorities. This is consistent with numerous representations made in the Draft Plan which reveal that the developer is only committed to providing *County-based benefits* and **not** *community-based benefits* as required by Section 25545.9. For example, page 1 of the Draft Plan asserts the developer is committed to investing in programs that align with Los Angeles County priorities and page 10 states the developer is coordinating with Los Angeles County on “broader community development efforts”. Additionally, Appendix 1E states that the developer “does plan to fund education in some capacity in the County, and such discussions between the Applicant and public schools are in progress”; apparently, these discussions have not involved any schools in Acton because SORT has contacted the local school district and been informed that it has not discussed benefits with BESS Project representatives.

All of these Draft Plan elements are contrary to the plain and unambiguous directive established by Section 25545.9 which requires developers to establish agreements with *community based organizations* that represent *community interests*. Agreements with groups that do not represent the interests of the Acton Community (i.e. labor union organizations in Los Angeles and schools outside of Acton) and agreements with County officials that benefit areas outside of the Acton Community **do not** satisfy the developer’s statutory obligation under Section 25545.9. The BESS Project will be constructed and operated in Acton and Acton will bear **all** the significantly adverse impacts that the BESS Project creates; accordingly, Acton must be the **sole** recipient of whatever benefits accrue from the BESS Project. Because the Draft Plan fails to present a strategy for securing agreements with local CBOs that represent Acton Community interests or with government entities that ensure benefits accrue exclusively to the Acton Community, it is deficient and should have been rejected by the Commission. Moreover, “voluntary” agreements between the developer and a union organization which may satisfy prevailing wage and other requirements imposed by AB 205 **do not** satisfy compulsory “Community Benefit” requirements imposed by Section 25545.9.

Additionally, the “timeline” established by Draft Plan merely states that “outreach” will begin in early July and take several months. This is not a “timeline”; it is merely a statement so it does not satisfy Section 1877(g). More importantly, it is a false statement because July is over and no “outreach” has occurred. The Draft Plan also states an agreement with LAOCBCTC will be executed within 45 days of a Commission finding that the Application is “deemed complete” but this statement is neither dispositive nor relevant because LAOCBCTC is not a CBO that represents Acton community interests.

Furthermore, mere claims that the developer will conduct “Community Outreach” and focus on “local workforce training, economic development, open space access, and STEM education” do not satisfy requirements imposed by Section 25545.9 and 20 CCR § 1877(g). More importantly, it is both premature and untoward for the developer to have already decided that Acton will benefit from “economic development”, “open space access”, “workforce training”, and “STEM education” (particularly since the developer has not even reached out to the Acton Community). It appears the developer is unaware that the Community of Acton and its 7,500 residents are committed to preserving Acton as a rural community and thus tend to resist commercialization, urbanization, and other similar “economic development” forces which erode Acton’s rural character. Moreover, Acton has no demonstrable need of “Open Spaces” because the Acton community is surrounded by the Angeles National Forest and the San Gabriel Mountains National Monument and because large tracts of land within Acton are already set aside as dedicated “Open Space”. It is not clear what the developer means by “Workforce Training” and “STEM Education” (which are vague terms that are meaningless without context) and it is even less clear how such activities fill a need in Acton. For example, “Workforce Training” is industry specific and its success in any given community is tied to whether the community has a strong manufacturing, commercial, or industrial economic base. Acton does not have a strong manufacturing, commercial, or industrial base; in fact, most of the industrially zoned land in Acton is used for outdoor storage businesses that provide no employment or workforce training opportunities. Therefore, the developer’s “Workforce Training” commitment rings hollow. “STEM Education” suggests the developer would make some sort of contribution to local public schools operated by the Acton-Agua Dulce Unified School District (AADUSD), but insofar as SORT is aware, the developer has not even contacted the AADUSD and the District has not agreed to any “STEM Education” programs. None of the vague references to activities which the developer has unilaterally identified and declared to be “beneficial” to the Acton Community are sufficient to satisfy Community Benefit Agreement “strategy” requirement imposed by 20 CCR § 1877(g).

In short, the Application is incomplete because the Draft Plan does not provide a “strategy” or “timeline” for securing the Community Benefit Agreements required by 20 CCR § 1877(g). Moreover, developer commitments to execute an agreement with a Los Angeles labor organization, support County “priorities”, and “fund education in some capacity in the County” do not satisfy Section 25545.9 requirements because they are not activities that serve **community interests** of Acton.

SORT is very concerned that the final “Community Benefit Agreements” which will be advanced for the BESS Project will either involve organizations that do not represent

Acton Community interests or they will benefit individuals and communities outside of Acton. These concerns are based on the Application itself which states on page 1-12 that the developer will make investments over the next 5 years to 10 years in programs in the *Antelope Valley* and *Los Angeles County* and plans to meet with *County-based Community Organizations*. To be perfectly clear, “County Based Organizations” **do not** represent the interests of the Acton Community and therefore engaging with “County Based Organizations” does not satisfy requirement imposed by Section 25545.9. Furthermore, **it is not** the residents of the Antelope Valley or Los Angeles County that will be burdened with all the significantly adverse impacts of the BESS Project; **it is only** the residents of Acton that will be so burdened. Our concerns are further heightened by the fact that the Draft Plan *does not even mention* Acton or acknowledge that the BESS Project is in Acton. Moreover, the risks which the BESS Project poses to the Community of Acton will persist for the entire length of time that the BESS Project remains operational (which, according to the application, may be 45 years or longer). Therefore, it is not enough that the developer invests in the Acton community for a mere 5 or 10 years; such investments must continue *throughout the life of the BESS project*.

SORT’s concerns are not without justification. An analysis of the Community Benefit Plan that the Commission recently authorized for the Darden project (Docket 23-OPT-02) indicates that most of the benefits are not centered on the area where the Darden project is located; instead, they are largely distributed throughout Fresno County or to businesses and residents in the City of Fresno. Specifically, contributions by the Darden Project developer will support:

- Fresno City organizations including the Beyond Housing Foundation (formerly the Fresno Housing Education Corps) and the “Valley PBS” cable station.
- A scholarship fund for Fresno County.
- tree planting in Fresno County.
- PBS programming in Fresno County.
- The Central California Food Bank serving Fresno, Madera, Tulare, Kings, and Kern counties.
- Literacy in Western Fresno County.
- Reduced transit fares for residents in Biola in 2024 (20 miles from the Darden project).
- “Comprehensive Asthma Remediation and Education Services” in Western Fresno County.

- Air conditioner programs for households in Five Points, El Porvenir and Cantua Creek.
- Reduced transit fares in 2025 for residents near the project area.
- Upgrades of the Westside Elementary School.

Only the last four activities (which are very moderate in scope and effect) focus on the specific area that will bear the adverse impacts of the Darden project. SORT acknowledges that the Darden Project does not appear to be near residences or located in an area with an established community boundary and perhaps that is why the benefit programs established for the Darden Project are diffused throughout Fresno County. However, these are not the circumstances attending the BESS Project which is within Acton and surrounded by homes and businesses. To ensure compliance with Section 25545.9 requirements, BESS Project Community Benefit Agreements must focus solely on the Community of Acton and solely benefit the Community of Acton.

THE “NET BENEFITS ANALYSIS” MISREPRESENTS ECONOMIC BENEFITS OF THE BESS PROJECT.

SORT disputes several allegations in the “Net Benefits Analysis” (Appendix 1 E).

Job Claims are Controverted by Data Provided in the Application.

The developer’s “Net Benefits Analysis” asserts that the BESS Project will create 543 construction jobs and what is equivalent to 303 “Full Time” positions for the duration of the 2 year construction interval. However, information provided in Section 2.4 of the Application suggests these estimates are overstated. Specifically, Table 2-8 reports that “Site Preparation” work on the BESS and Substation and “Civil Work/Grading” work on the BESS and Substation will involve 242 vehicle trips per day (which equates to 121 workers on site per day); Table 2-7 states these workers will be employed for a total of seven months (March 1 to September 30, 2027). The next step (“Paving” which includes foundations and underground equipment installation according to page 2-20) involves 16 vehicle trips per day and thus employs 8 workers; Table 2-7 reports these workers will be employed for six weeks (from August 15 to September 30, 2027). The next step (“BESS Installation”), involves 121 trips per day and therefore requires 60 workers who will be onsite for a year (from October 1, 2027 to October 1, 2028). Next is “Substation Installation” which will overlap “BESS installation” for 8 months (from February 1 to October 1, 2028) and will involve 121 trips per day; therefore, an additional 60 workers will be onsite during this 8 month period. Next is “Gen-Tie Foundation and Erection” which will employ 60 workers for four months (from February 1 to May 31, 2028) followed by “Gen Tie Stringing” which will also employ 60 workers for an additional month (June 1 to July 1, 2028). And, for six months (from April 1-October 1 2028), SCE

will construct its portion of the transmission line and modify the Vincent substation with an additional 60 workers. The final activity (Commissioning) will occur after all other work is completed and involve 242 daily vehicle trips (121 daily workers) for six months. The “SCE Interconnection” work will overlap the “Gen-tie Foundation/Erection + Stringing” work, the “BESS Installation” work, and the “Substation Installation” work for a three month period (from April 1 to June 30, 2028); this means that a maximum of 240 workers will be onsite simultaneously for a three month period and, for a five month period, a maximum of 180 workers will be onsite simultaneously. At all other times, the number of simultaneous onsite workers will be 121 or less. These facts suggest that it not mathematically possible for the BESS Project to create the equivalent of 303 “Full Time” positions for 2 years; even if every construction worker put in more than 16 hours per day, this threshold could not be achieved. Of course, construction could never occur for 16 hours per day because County noise standards limit construction activities to 12 hours per day (as discussed below).

School District Revenue Claims are Erroneous.

Table 3 of the “Net Benefits Analysis” asserts that \$1,366,815 in property tax revenue will be allocate annually to the Acton-Agua Dulce Unified School District (AADUSD) and that, over the life of the project, AADUSD will accrue more than \$54.6 million. This is incorrect. AADUSD funding is determined based on the number of students who attend school in the district and it is allocated according to the “Local Control Funding Formula” (LCFF). Contrary to what the “Net Benefits Analysis” asserts, AADUSD funding will not increase as local property tax revenue increases. Moreover, because the BESS Project precludes residential development on large vacant parcels that are zoned for residential uses and which can accommodate 30 or more homes where families could be raised³⁸, it will directly affect future attendance levels and thus result in significant and long term adverse impacts on the local school district. This is because lands underlying the BESS Project are supposed to be developed with homes occupied by families that send their children to schools in the district; besides increasing school revenues, these families would also contribute to a vibrant educational ecosystem. Instead, the BESS project damages the school district and the Acton Community by eliminating lands that are currently designated for housing stock. The “Net Benefits Analysis” ignores all of this. Worse yet, page 11 claims (without basis or evidence) that, unless the BESS is constructed, the land will not be used for anything.

³⁸ The 70+ acre BESS site has an RL2 Land Use designation, it is zoned for 2 acre lots, and “Accessory Dwelling Units” are permitted; thus, at least 30 homes and up to 70 homes could be constructed onsite.

The BESS Project Site is Not Optimal and Was Not Evaluated By CAISO.

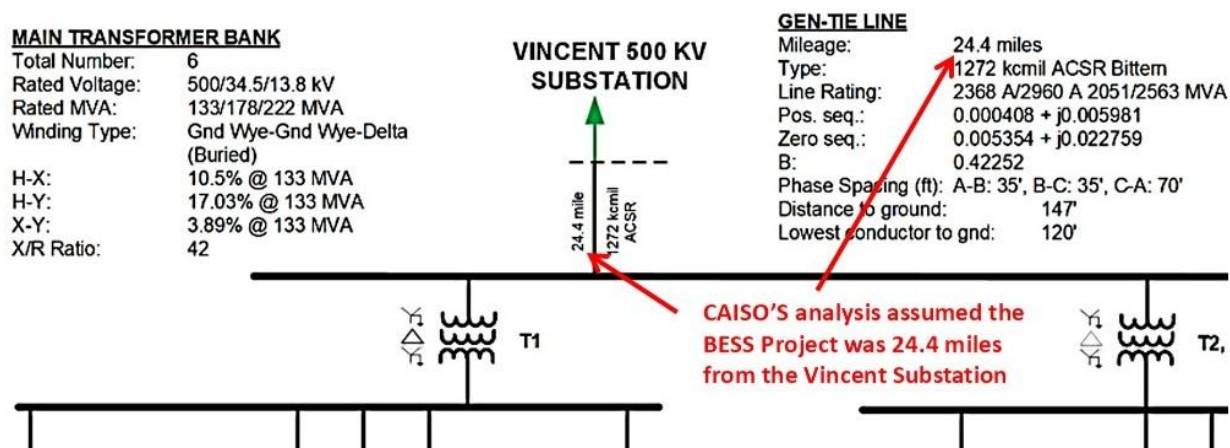
Page 11 of the “Net Benefits Analysis” states that “years of engineering studies by the California Independent System Operator (CAISO) in conjunction with the regional electricity distributor determined the site location was optimal”. This is incorrect. *CAISO’s engineering studies **never even considered** that the BESS Project site would be in Acton* and CAISO certainly never concluded that a “site location” in Acton was “optimal”. The LGIA that was executed for the BESS Project establishes that both CAISO’s and SCE’s engineering analyses were based on a site location that is far outside of Acton because it clearly states that the BESS Project would be located more than 24 miles from the Vincent substation. This **fact** is established by Figure 7 which is an excerpt of the “single line diagram” taken from Appendix C of the BESS Project LGIA; it clearly shows that the location of the BESS Project analyzed by CAISO and SCE was 24.4 miles away from the Vincent Substation interconnection point. The LGIA also suggests that the BESS Project was originally slated for an area identified by the term “Marcott” because it designates the 500 kV gen tie line as the “Vincent-Marcott 500 kV Transmission Line” (see page 97). Furthermore, the Project site is not “uniquely suited for a BESS facility” because it is in a residential area within a VHFHSZ where BESS deflagration poses a constant and significant public safety risk.

Additional claims on page 11 that the BESS Project site is “uniquely situated for a BESS facility”, and that it is optimal because of “secondary factors” such as “zoning”, “minimal environmental impacts”, and “relatively flat land” are similarly specious. The Zoning Code expressly prohibits development of “energy storage devices” as a principal use in agricultural zones (as explained above). Therefore, “zoning” on the project site is prohibitory, not “optimal”. Additionally, the environmental impacts that will result from the BESS Project are significant and unmitigable and the substantial public safety risks posed by the BESS Project are exacerbated by its proximity to residences and transportation corridors (as explained below). These impacts further demonstrate that the BESS Project site is not “optimal”. Finally, the “flatness” of the site is irrelevant; there are thousands of acres of flat vacant land in the Antelope Valley where the BESS can be located outside of fire hazard areas and away from homes and transportation corridors. In short, *nothing* that the “Net Benefits Analysis” states about the appropriateness of the BESS Project site is accurate.

The “Net Benefits Analysis” asserts on page 11 that the BESS Project site was selected because it is “uniquely situated” to serve the “LA Basin load pocket” during “peak demand” even though it is located outside the load pocket. Moreover, sound planning principals demonstrate that the optimal location for BESS facilities is *within* the load pocket, and *not* outside of it. This is because placing BESS facilities outside the load

Figure 7. Single Line Diagram for the BESS Project Approved by CAISO in 2022.

TOT903/Q1625 – ANGELENO SOLAR FARM 1150 MW FULL CAPACITY



Source: Page 119 of the Angeleno LGIA Executed by CAISO, SCE, and Avantis in 2022

pocket will actually **increase** congestion on CAISO's grid by putting power onto the bulk electrical system during peak demand at precisely the time that transmission lines are most congested. Moreover, distributing more than a thousand megawatts of energy storage facilities throughout the load pocket will fully capture remotely generated renewable resources at the time they are most abundant during off-peak hours when transmission lines have excess capacity; these storage facilities will then serve peak load directly from distribution and subtransmission networks³⁹ *without taking up capacity on already congested transmission lines*. Furthermore, by embedding storage resources in the load pocket, the curtailment problems identified on page 1-2 of the Application will be eliminated because off-peak power generation that is otherwise curtailed will be stored *directly in the load pocket*. And, when storage resources in the load pocket are combined with generation resources, the Los Angeles Basin "Local Capacity Requirements" discussed on page 1-2 will be met *without the need to construct additional transmission facilities*. Finally, placing storage and generation resources in the load pocket increases system resiliency and reliability by reducing urban dependencies on a transmission network that is intrinsically vulnerable and is becoming increasingly fragile⁴⁰.

³⁹ "Subtransmission" refers to power line facilities operating between 50 kV and 200 kV. Typically, SCE's subtransmission operates at 66 and 115 kV; SDGE's and PGE's operates at 69 kV and 138 kV.

⁴⁰ Recent CAISO transmission plans focus on accessing generation far from California load pockets (such as in Idaho, Texas, Humboldt, etc.).

Investor Owned Utilities argue that distributing storage and generation facilities in the load pocket will require substantial upgrades to distribution and subtransmission networks. SORT respectfully disagrees. By properly diffusing these resources throughout the load pocket at energy densities which are at or slightly below the localized energy demand in the areas where they are located, very few upgrades are required. Furthermore, ratepayer costs that would be incurred to implement such upgrades are substantially less than the costs that will burden ratepayers if current CAISO expansion plans are realized. Specifically, CAISO has approved nearly \$20 billion in new transmission projects over the last few years⁴¹ and is poised to approve another \$63 billion over the next two decades⁴²; ratepayers will be burdened with 100% of these costs. Furthermore, CAISO *always* underestimates costs by a substantial margin⁴³, so the actual ratepayer costs of these combined transmission projects is likely to exceed \$150 billion rather than \$83 billion. Worse yet, neither CAISO nor the CPUC have ever bothered to quantify (or even consider) how these transmission expansion programs will affect customer electrical rates.

The “Net Benefits Analysis” Ignores BESS Project Impacts on Surrounding Property Values and, by Extension, Property Taxes.

A substantial deficiency in the “Net Benefits Analysis” is its failure to consider how the BESS Project will adversely affect property values (and therefore property taxes) along the 2+ mile length of the BESS yard and transmission line. Because the BESS is an unsightly, high density, heavy industrial use that stretches more than a mile through a rural residential area and will be seen and heard by all surrounding residences, it will substantially reduce property values in the area which will in turn drive down property taxes. And, because the 500 kV transmission line is in an entirely new corridor, is more than a mile long, involves unsightly lattice towers exceeding 240 feet in height, and poses significant wildfire risks⁴⁴, it will also drive down all property values and property taxes in the area. It is not mere speculation that the BESS Project will drive down property values; it is fact. BESS warnings are now included in standard Real Estate Disclosure Forms and the BESS Project itself is explicitly identified. The relevant excerpt is provided in Figure 8; the full Disclosure is provided in Attachment 9.

⁴¹ \$7.3 billion in new transmission projects were approved by CAISO in 2023, \$6.1 billion were approved in 2024, and \$4.8 billion were approved in 2025.

⁴² “CAISO 2024 20-Year Transmission Outlook” page 2. [<https://www.caiso.com/documents/2024-20-year-transmission-outlook-jul-31-2024.pdf>].

⁴³ *Public Advocates Office Reply Comments On The Administrative Law Judges’ Ruling Inviting Comment On Staff Proposal*. July 15, 2024. Pages 14-15. CPUC Proceeding R.23-05-018. <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M536/K087/536087239.PDF>

⁴⁴ SCE Transmission lines cause wildfires. For example, the CPUC concluded that the deadly 2019 Saddleridge fire was ignited by the failure of a fitting that held an insulator string in place on a 220 kV transmission line located on the southern slopes of the San Gabriel Mountains in Los Angeles County.

Figure 8. Excerpt from Standard Realtor Disclosure Form Identifying the BESS Project.

Acton and Agua Dulce Area Disclosures

1. **Agua Dulce Airpark/Airport:** Buyer is advised and hereby acknowledges the Subject Property may be located within close proximity to the private Agua Dulce Airpark. Buyer is hereby advised to investigate the hours of operation of the Airpark, types of aircraft (jet or otherwise) flying into and departing from the Airpark, types of flights (private or commercial) flying into and from the Airpark, flight patterns associated with the Airpark as well as any other related information concerning the actual or potential impact of the Airpark, including but not limited to any possible future expansion of the Airpark. For more information, go to www.170airport.com.

2. **BESS- Battery Energy Storage Systems:** There are multiple and various projects associated with lithium batteries and large scale storage systems throughout Acton and Agua Dulce areas, including but not limited to ~~The Hecate Humidor BESS is one such project~~, which would add approximately 300 megawatts to the grid using large lithium-ion batteries for storage. ~~Avantus - Angeleno BESS Facility~~, and possibly more in the future, including but not limited to Flea Flicker-BESS, Maathai-BESS and Juniper & Quercus-BESS facilities. Buyer should fully investigate with appropriate professionals and entities to satisfy any concerns and refer to town council websites for Acton and Agua Dulce.

3. **Community Standards District:** Acton and Agua Dulce have active Town Councils and has developed a Community Standards District intended to help preserve the character of the community and addresses, including but not limited to, minimum lot size, residential and commercial development standards, street improvements, public trails, signage, the number of cargo shipping containers allowed, allowable home-based occupations, the number

Additionally, it is certain that the wildfire risk posed by both the BESS facility and the 500 kV transmission line will drive up homeowner insurance rates in East Acton (which is a VHFHSZ); this will force more property owners into the “California Fair Plan” which provides minimal coverage at maximum cost. When property owners are unable to obtain adequate fire insurance, they will lose their mortgages. This will further drive down both property values and property tax revenues because people will not purchase an existing home or build a new home that is uninsurable. A short while ago, one Acton resident was informed that, to maintain full wildfire coverage for her home, her annual insurance premium would increase from \$3,000 per year to \$18,000 per year. She could not afford this increase, so she changed her policy and eliminated wildfire coverage; she could only do this because her house was paid off and she was not required to maintain full coverage. Property owners with mortgages do not have this option and must either pay the higher premium or sell their homes at discounted prices because they are uninsurable. All of this will drive down property values and property tax revenues. SORT is concerned that the BESS Project and its associated wildfire risks will result in even higher insurance rates and thus drive property values and property tax revenues down even more. The “Net Benefits Analysis” is substantially deficient because it fails to address these negative economic effects of the BESS Project.

The Developer’s “Alternative Investments” Analysis is Insubstantial.

Page 11 of the “Net Benefits Analysis” states that, if the BESS Project is not approved, the developer will not pursue other BESS projects in the region. This is a fatuously puerile position which fails to consider that there are a number of places in Southern California that are not in VHFHSZs or populated areas where the BESS Project could be located. For instance, the large (1,000+ MW) Sanborn BESS located in the high desert just north of the Los Angeles County line is not in a fire zone or a populated area, so

when it ignited *multiple times* in 2024, no populations were affected and no evacuations or “shelter in place” orders were issued. The position taken in the “Alternative Investments” analysis is that the developer will not install any BESS in future if the Commission does accede to developer demands and approve the BESS Project as proposed; this is the corporate equivalent of a child’s playground threat to “pick up his marbles and go home”. Moreover, the statutory requirements that apply to the BESS Project cannot be “waived away” just to satisfy a petulant energy developer. For instance, the requirements imposed by Sections 25523(d)(1) and 25525 of the Public Resources Code that compel findings pertaining to whether the BESS Project is required for public convenience and necessity and whether more prudent means are available to achieve such public convenience and necessity must be met regardless of energy developer threats to forego future BESS developments in the region.

THE LGIA IS NOT A CONFIDENTIAL DOCUMENT.

SORT is disappointed by the Commission’s decision to maintain the “Large Generator Interconnection Agreement” (LGIA) as a confidential document because there is no basis for withholding the LGIA from the public. The LGIA was signed pursuant to the CAISO Tariff that was approved by the Federal Energy Regulatory Commission (FERC) and clearly states in Section 22.1.11 of both Appendix Z and CC that consent to the release of information pertaining to an LGIA “shall not be unreasonably withheld”. There is nothing “confidential” about the LGIA and nothing in the LGIA includes any information that qualifies as “confidential” as that term is defined in the CAISO Tariff⁴⁵. Furthermore, the LGIA *is not* designated “confidential” under the CAISO Tariff and it does not contain “Critical Electric Infrastructure Information”; therefore, it does not warrant confidentiality and it cannot be withheld from the public. SORT understands that the Commission granted the developer’s confidentiality request for the LGIA because it is incorporated into an appendix which also includes an interconnection study that CAISO marked as “confidential”; however, the LGIA itself *is not* marked confidential and it *cannot be* marked confidential under the CAISO Tariff. Accordingly, SORT respectfully requests that the Commission release the LGIA.

THE ENVIRONMENTAL IMPACT ANALYSIS PRESENTED IN THE APPLICATION IS SUBSTANTIALLY DEFICIENT.

The Application lists various adverse environmental impacts that could result from BESS Project development and declares that all these impacts are “less than significant”.

⁴⁵ Article 22 of Appendix Z and Appendix CC states “Confidential Information shall include, without limitation, all information relating to a Party’s technology, research and development, business affairs, and pricing, and any information supplied by any of the Parties to the other Parties *prior to the execution* of this LGIA” (emphasis added). Notably, the LGIA contains no information related to the developer’s technology, research, development, business affairs, or pricing and is thus not confidential.

However, the Application fails to properly address these listed impacts and it ignores a number of other significantly adverse environmental effects.

The Description of “Cumulative Projects” is Deficient.

Section 3.2 ostensibly identifies all the developments in the project area that may compound or increase the environmental impacts of the BESS Project. While the Application properly identifies the Humidor BESS project (a 545 MW/2,360 MWh BESS project in East Acton near the BESS Project), it fails to identify the Maathai BESS which is also slated for development in East Acton. The “Maathai” BESS development is a “CAISO Cluster 14” project that has completed both its Phase I and II Cluster studies (an LGIA is pending). A public workshop to discuss this project was convened by the developer on August 12, 2025 and SORT believes that the actual project capacity will exceed 400 MW/1,600 MWh. Between the BESS Project and the Humidor BESS and the Maathai BESS, SORT estimates that the combined BESS power capacity in East Acton will exceed that of Diablo Canyon (the largest power plant in California). There is no doubt that this overconcentration of BESS facilities in the quiet rural Community of Acton will result in numerous cumulatively significant environmental impacts, including (but not limited to) air quality, public safety, aesthetics, hazard risk, wildfire risk, and noise. The Application’s failure to recognize these risks and address them constitutes a substantial deficiency.

The Application Ignores Significant BESS Project Air Quality Impacts.

Section 3.1.3.2.3 concludes that, with mitigation, the BESS Project will not expose sensitive receptors to substantial pollutant concentrations, and Section 3.1.3.2.4 concludes that the BESS Project will not result in any air emissions that would adversely affect a substantial number of people. The “Air Quality” analysis is centered on criteria pollutants, fugitive dust (which introduces Valley Fever), Carbon Monoxide, and odors, but it does not address (or mention) the toxic pollutants that will be released each time a BESS unit deflagrates. This fact is rendered even more remarkable given that the developer does not guarantee that the site will never experience one or more BESS unit fires. Because there is no evidence demonstrating that BESS Project operations will never result in toxic emissions, CEQA requires consideration of the adverse air quality impacts resulting from one or more BESS fires⁴⁶. And, because the BESS Project site frequently experiences windspeeds exceeding 12 mph, the BESS Project air quality

⁴⁶ CEQA Guidelines Section 15002 states that the purpose of CEQA is to provide information “about the potential, significant environmental effects of proposed activities” and Section 15126.2(b) states “The EIR shall also analyze any significant environmental effects the project might cause” by bringing development “into the area affected”. Because the BESS Project might cause toxic emission events in the area affected, these toxic emission events must be addressed in the air quality analysis.

assessment must assume multiple BESS units will ignite⁴⁷ and significant toxic emissions will occur. And, because other BESS developments in East Acton will present similarly significant and adverse air quality impacts, the air quality analysis must consider the extent to which multiple toxic release events in East Acton are cumulatively considerable.

Finally, the Application's analysis of Valley Fever impacts is substantially deficient⁴⁸. For instance, the Application states on page 3.1-8 that "sparse rainfall" is "most conducive to the survival and replication of the spores". This is incorrect. Wet soil conditions are the primary driver for fungal replication and spore production, and that is why the incidence of Valley Fever tends to increase following years of good rainfall⁴⁹. Over time, the incidence of Valley Fever substantially increased across the state; the highest number of cases on record occurred in 2024⁵⁰. This is not surprising, given that the 2022-2023 rainy season was the seventh highest on record in Los Angeles County⁵¹. It is also why SORT consistently opposes dust control measures that rely on large quantities of water to "wet down" soil on large solar farm construction sites⁵². Ideal conditions for maximum Valley Fever spore replication are a heavy rainy season followed by a year of little or no rain; when conditions dry out the soil, windborne dispersion is facilitated by land disturbances such as grading and scraping.

The Application also states on page 3.1-8 that Los Angeles County is not a "highly endemic" Valley Fever area because only 14.5 cases per 100,000 people were reported in 2024 (which is below the "highly endemic" threshold of 20 cases per 100,000). However, Valley Fever cases in Los Angeles county are concentrated in the north⁵³ where the population is relatively low (less than 1,000,000 people); when this disparate incidence rate is accounted for, the data reveals that actual Valley Fever rates in North

⁴⁷ SORT recommends the analysis assume the ignition of at least 5 BESS units in a single BESS fire event.

⁴⁸ Valley Fever is caused by coccidioidomycosis, a "dimorphic fungus" that exists as both mold and yeast. In the soil, it is a mold which, when the soil is moistened, produces infectious spores that are then carried away by wind during land disturbance activities (construction or agriculture) after the soil dries. When the spores are inhaled, they germinate but instead of growing into mold, they become a pathogenic yeast.

⁴⁹ <https://www.uclahealth.org/news/article/heavy-rain-high-temps-means-greater-risk-valley-fever#:~:text=Weather%20conditions%20have%20led%20to,soils%20of%20the%20desert%20Southwest>.

⁵⁰ CDPH reports "Valley fever is on the rise in California with over 5,500 provisional cases reported through the first six months of 2025. In 2024, California reported nearly 12,500 cases, the highest year on record for California and a significant jump from the 7,000-9,000 cases reported annually from 2017 through 2023". <https://www.cdph.ca.gov/Programs/OPA/Pages/NR25-010.aspx>

⁵¹ <https://www.monolake.org/today/stormwater-capture-in-los-angeles-hits-new-high/>

⁵² For instance, SORT successfully convinced the City of Lancaster to prohibit clear scraping a large solar farm site and avoid the use of water for dust control by instead deploying a thin layer of clean mulch to the site before installation; another key element of this "non-water" dust control program was that the construction area was limited to 5 acres so that, at any given time, no more than 5 acres was being disturbed.

⁵³ <https://rx.ph.lacounty.gov/RxCocci0717>

Los Angeles County exceeds 100 cases per 100,000 which makes North Los Angeles County (where the BESS Project is located) a highly endemic area for Valley Fever. Moreover, several residents of Acton have suffered severe health impacts from Valley Fever over the last decade and it has been a topic of discussion at community meetings convened by the Acton Town Council. It is not possible to pinpoint the precise location where these individuals contracted the disease, but it certainly suggests that Acton is, in and of itself, a “highly endemic” area because multiple residents have contracted the disease but there are only 7,500 people living in the community.

The Application states on page 3.1-40 that Valley Fever impacts will be less than significant because Los Angeles County is not a “highly endemic area” and so, “even if spores are present at the site, construction activities may not result in increased incidence of valley fever”. This dismissive analysis ignores the fact that North Los Angeles County is a “highly endemic area” and the fact that the Community of Acton where the BESS Project is located is, in all likelihood, a “highly endemic area” (as explained above). The Application also states that implementing Title 8 worker protection requirements (remaining upwind of excavation activities, using heavy equipment with enclosed cabs, wearing respirators, etc.) will also render Valley Fever impacts “less than significant”. However, this myopic conclusion fails to account for non-worker (i.e. resident) exposures because residents will not be able to move upwind and will not wear respirators. Finally, the Application concludes that, because Valley Fever only harms 40% of people that are exposed to it, health impacts will be minimal (see page 3.1-40). This conclusion is *stunning*. The fact that Valley Fever harms nearly half the people who are exposed to it *does not* render the impacts of the disease “less than significant”; to the contrary, it demonstrates that Valley Fever concerns must be taken very seriously. And, given that the BESS Project will involve substantial grading and excavation work that will go on for at least 5 months and cover a massive area (70+ acres), there is a significant risk of exposure to Valley Fever spores, (and by extension, Valley Fever infection) which *will not* be sufficiently reduced by the “MM-AQ-3” mitigation measure that the developer proposes to implement.

Specifically, “MM-AQ-3” is merely a “dust control plan” which identifies protocols to be implemented during grading and construction to reduce fugitive dust emissions (page 3.1-50). However, the only protocol that will have some effect on the incidence of Valley Fever (spraying water on the site 3 times per day) is *not* efficacious; SORT estimates the emission reduction efficiency is less than 65%⁵⁴. This means at least one-third of the

⁵⁴ The developer did not provide any air quality modeling information in a format that is accessible to the public (apparently it is on a private network called “kiteworks”), so SORT was unable to determine the control efficiency assumed by the developer’s CALEEMOD modeling. However, the control efficiency that

dust that will be generated during 5 months of grading, scraping, and excavation will escape the BESS site and blow into the surrounding residential areas *carrying Valley Fever spores with it*. Equally important, water spraying will only occur for half the day *at most* because County Noise Standards restrict grading activities to the hours between 7 AM and 7 PM (as explained below). So, at least half the time, dust will blow off unstable and disturbed soil on the site and travel into the surrounding neighborhood *carrying Valley Fever spores with it*. Together, these facts demonstrate that BESS construction will result in a significant Valley Fever impact on surrounding residential and commercial properties (though Valley Fever impacts to onsite workers will probably be less than significant). Accordingly, the “Valley Fever” impact analysis must be revised to address these concerns; additionally, the air quality modeling inputs and results should be provided in an accessible format so that they can be properly assessed.

Comments on the Biological Resources Impact Analysis.

Section 3.2 addresses project impacts on biological resources and offers “Mitigation Measure BIO-5” (MM-BIO-5) which entails the recordation of a conservation easement that permanently preserves up to 188 acres of open space within the “Project Boundary”. Unfortunately, the “Project Boundary” is not depicted on any maps provided in Section 3.2 (although Figure 3.2-8 does map the boundaries of a “Study Area”). While SORT does not object to a mitigation measure that expresses an intent to set aside property for open space purposes, we believe the language should clearly identify how much land will be set aside, where it will be located, and include provisions to preserve existing public access to trails and pathways on the land. MM-BIO-5 does not incorporate these protections because it states “The Applicant shall demonstrate recordation of a conservation easement, as defined by California Civil Code section 815.1, that permanently preserves up to approximately 188 acres of open space... within the Project boundary”. Inclusion of the vague phrase “up to” is unacceptable because it allows the developer to satisfy measure MM-BIO-5 by simply setting aside an acre or less for open space purposes. Moreover, the BESS Project “Study Area” is traversed by numerous and extensive trails (as indicated in Figure 3.2-8) that are frequently utilized for hiking, biking, and equestrian uses. These trails must be preserved for public use, and any “Conservation Easement” or land dedication instrument that is executed pursuant to a BESS Project mitigation measure must include language which expressly vests the public with rights to continue using these trails.

The Application Ignores Significant BESS Hazardous Material Risks.

the SCAQMD assigns for spraying water to control dust during construction is only 61% [https://www.aqmd.gov/docs/default-source/ceqa/handbook/mitigation-measures-and-control-efficiencies/fugitive-dust/fugitive-dust-table-xi-a.doc?sfvrsn=b76a1d61_2].

SORT has numerous concerns with Section 3.5 pertaining to the Hazardous Material risks posed by the BESS project. Beginning with the minor concerns first, SORT notes that page 3.5-2 states that the project site is vacant and not used for agricultural purposes, then it states that the project site includes fenced pasture areas used for horse ranches, and then it declares that this is a “de minimis” agricultural use. Notably, the County General Plan and AV Area Plan establish that the sole intent of the “Rural Land Use” designation that underlies the BESS Project site and surrounding area is to support development of animal keeping, agricultural, and single family residential uses. Accordingly, “fenced pasture” is a principal uses under the General Plan and hardly “de minimis”. Acton ranches are more humble and unassuming than ranches in wealthy communities like Woodside and Wildon, but that does render them “de minimis”. Additionally, Chapter 3.5 purports to identify the “sensitive receptors” in the project area and depicts them in Figure 3.5-1, but the figure omits dwelling units which are designated sensitive uses under the Los Angeles County Code⁵⁵. Accordingly, Section 3.5 fails to properly capture the “sensitive receptors” that will be affected by the BESS Project.

Moving on to more major concerns: Section 3.5.2.3.1 concludes that the BESS Project poses no public hazard related to the transportation or disposal of hazardous material. This is incorrect. The transport of thousands of BESS containers to and from the BESS site on public roads and through Acton’s rural neighborhoods poses a significant public hazard given the propensity of such containers to explode and ignite (as explained above, several highways and freeways have been shut down because of such events).

Section 3.5.2.3.2 concludes that public hazard impacts from an upset or accident occurring during transportation, construction and decommissioning activities is less than significant. However, this analysis is substantially deficient because it only considers hazards posed by the use of “fuels, asphalt, lubricants, toxic solvents, pesticides, and herbicides” and it ignores the significant public hazards posed by the susceptibility of BESS units to ignite and explode (with attendant toxic emissions) during BESS unit transport, installation, and decommissioning.

Section 3.5.2.3.2 acknowledges that lithium BESS units are “hazardous materials”, but then concludes that BESS Project operations will result in a “less than significant” public hazard impact because “best management practices” will be adopted and “regulatory requirements” will be adhered to. This conclusion ignores the fact that implementation of best management practices and adherence to regulatory requirements *does not* eliminate the hazards posed by BESS deflagration. This fact is proven by UL

⁵⁵ See Section 22.14.190.

Certification Method 9540A which is premised on the fact that BESS containers can and will ignite (as explained above). Worse yet, the Application states that “accidental release hazard” impacts are “less than significant” because the BESS Project will implement “engineering controls” and comply with Articles 79 and 80 of the California Fire Code. Putting aside the fact that CFC Article 79 pertains to gasoline storage tanks and Article 80 merely lists standards used in the code, this statement ignores the fact that “engineering controls” *do not* prevent BESS deflagration. Additionally, the consideration of “fire and explosion hazards” presented in Section 3.5.2.3.2 is disturbingly superficial because it only addresses emergency spills and storage of flammable materials, lubrication oils and diesel fuel; it gives no consideration to BESS deflagration. In fact, the Application trivializes BESS concerns by asserting that compliance with NFPA 855 and UL certifications will “prevent thermal runaway” and the presence of fire hydrants and a wall around the BESS yard will protect from fire. These claims are erroneous because NFPA and UL certifications do not “prevent thermal runaway and BESS explosion and toxic release events cannot be contained by a wall or eliminated with water (particularly during high wind conditions).

Finally, the Application ignores cumulative hazard risks posed by the BESS Project in addition to the other BESS developments in East Acton. For all these reasons, the developer’s “Hazard Material” impact assessment is substantially deficient.

The Application Ignores Significant BESS Project Land Use Impacts.

Section 3.6 addresses Land Use, and Section 3.6.2.3.2 concludes that the BESS Project will not cause significant environmental impacts because it is consistent with adopted land use plans, policies and regulations. This conclusion is based on two pieces of evidence:

- A tabulated AV Area Plan Land Use Policy conformity analysis presented in Table 3.6-1; and
- A brief zoning analysis presented on page 3.6-21 which concludes that the BESS Project could be approved with just a Conditional Use Permit (CUP) because a “Memorandum” issued by the Los Angeles County Planning Director authorizes BESS uses in agricultural zones.

However, and as explained above and in Attachment 2, the Land Use Policy conformity analysis is rife with errors and the zoning analysis is incorrect because 1) The “Memorandum” does not authorize BESS in agricultural zones; 2) The “Memorandum” does not apply to the BESS Project; and 3) The Zoning Code expressly prohibits the establishment of energy storage facilities as a principal use in Agricultural Zones.

On page 3.6-21, the Application claims the BESS Project is consistent with the adopted County General Plan and it specifically states that the project is consistent with the underlying “Rural Land” use designation. This is incorrect. The County General Plan establishes that the intent of every “Rural Land” use designation is to provide for “Single family residences, equestrian and limited animal uses, and limited agricultural and related activities” (See Attachment 10). The BESS Project is neither a residence nor an equestrian, animal, or agricultural use; to the contrary, it is an unsightly, high density, industrial development. Accordingly, it is intrinsically inconsistent with the underlying Rural Land Use designation and the developer is wrong to declare otherwise. The Application then asserts on page 3.6-21 that the BESS Project is consistent with Area Plan goals pertaining to the development of renewable energy resources while preserving and protecting natural and rural environments. However, the BESS Project is not a renewable energy project; in fact, Page 2-2 explains that the energy stored by the BESS Project will not be 100% renewable because it will only “predominately” come from “emissions free power sources”. More importantly, the developer fails to explain how Acton’s natural and rural environment is preserved and protected by the unsightly, high density, industrial and deflagration prone BESS Project. In point of fact, no such explanation is possible because the BESS Project is the antithesis of Acton’s natural and rural environment. The Application then claims that the BESS Project is consistent with the AV Area Plan because Page LU-13 states that “Utility-scale renewable energy production facilities may be allowed in Rural Land designations without a Plan Amendment”. However, the BESS Project is *not* a “renewable energy production facility”; in fact, BESS facilities are not even mentioned in, or addressed by, the County’s “Renewable Energy Ordinance”⁵⁶.

Page 3.6-21 then goes on to describe how, if the BESS Project were to undergo the County’s CUP process, it would meet all the requisite conditions because it would not “adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area” or be “materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site” or “jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare”. These claims are incorrect:

- The propensity of BESS units to deflagrate and release toxic gases will adversely affect the health, peace, comfort, and welfare of persons residing or working in the surrounding area.

⁵⁶ The Los Angeles County Renewable Energy Ordinance (REO) is codified in Section 21.140.510 of the Los Angeles County Code and it does not regulate (or even mention) BESS facilities. [https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV7STSPUS_CH22.140STSPUS_22.140.510REEN].

- The BESS Project will substantially reduce the valuation of property of others located in the vicinity of the project site (as described above).
- BESS Project aesthetic and noise impacts will be materially detrimental to the use and enjoyment of properties of others in the vicinity of the site (as described below).
- The BESS Project, its location in a VHFHSZ, and its susceptibility to deflagration and toxic emissions will jeopardize, endanger, and otherwise constitute a menace to the public health, safety, or general welfare.

Everything the developer claims regarding BESS Project consistency with adopted planning and land use regulations is incorrect. Accordingly, SORT respectfully suggests that the Commission direct the developer to provide supplemental information which addresses both the deficiencies noted above and the fact that the significantly adverse land use impacts created by the BESS Project will be cumulatively considerable when considered in conjunction with other BESS developments slated for East Acton.

The Application Ignores Significant BESS Project Noise Impacts.

The Application claims that BESS Project noise impacts are less than significant because they comply with adopted noise standards; however, this claim is refuted by the very data upon which it is based. Additionally, the Application fails to address significant low frequency noise impacts that will result from BESS Project operations.

According to page 3.7-7, the mobile equipment that will be deployed for BESS Project construction is subject to the more relaxed 75 dBA residential noise limit set forth in County Code Section 12.08.440.B.1 rather than the stringent 50 dBA limit in Section 12.08.390. This is incorrect. Section 12.08.440.B.1 clearly states that the 75 dBA mobile source noise limit *only applies to short term projects lasting 10 days or less*⁵⁷; this limit was authorized by County decisionmakers who concluded that a relaxed mobile equipment standard for short term construction projects would not be too burdensome on surrounding properties. Because mobile construction equipment will be deployed for months, the 75 dBA standard set by Section 12.08.440.B.1 *does not* apply and the more stringent 50 dBA daytime standard in 12.08.390 *does* apply (though the 60 dBA *stationary* equipment standard set by Section 12.08.440.B.1 is applicable⁵⁸). SORT is very troubled by the manner in which the developer misleads the Commission and the public by incorrectly asserting that a 75 dBA noise standard applies to the mobile equipment that will be deployed for BESS Project construction.

⁵⁷ The 75 dBA mobile source noise limit is the “maximum noise levels for nonscheduled, intermittent, *short-term operation (less than 10 days)* of mobile equipment” (emphasis added).

⁵⁸ The 60 dBA *stationary source* noise limit is the “maximum noise level for repetitively scheduled and relatively long-term operation (periods of 10 days or more) of stationary equipment”.

Page 3.7-7 also states (without citation or evidence) that County noise standards should be interpreted to be “8 hour average L_{eq} ” limits which allow all noise insults over an 8 hour period to be averaged together in a manner that completely masks *actual* peak noise levels. This is incorrect. County noise standards are *maximum* sound limits, not *average* sound limits; this means that a project is deemed to violate noise standards when they are exceeded. Accordingly, the stationary construction equipment deployed for the BESS Project must continuously meet the 60 dBA residential noise standard established by Section 12.08.440.B.1 and the mobile construction equipment deployed for the BESS Project must continuously meet the 50 dBA daytime residential noise standard established by Section 12.08.390.

The BESS Project construction noise levels are summarized in Table 3.7-5 which shows quite clearly that *every* phase of construction will result in mobile source noise levels that substantially exceeds the applicable 50 dBA residential noise limit. In fact, some mobile construction activities (like grading at 93 dBA and site preparation at 91 dBA) even exceed the relaxed noise standard of 75 dBA which the developer incorrectly claims is applicable to the BESS Project. Notably, these activities will be performed *before* the solid block wall is constructed around the BESS yard (see page 3.7-9), so BESS construction noise impacts will be significant and unmitigable. Table 3.7-5 also shows that the 60 dBA stationary equipment noise standard established by Section 12.08.440.B.1 will be violated.⁵⁹ Equally important, the noise levels reported in Table 3.7-5 are *8 hour average* values⁶⁰ which *masks* the actual maximum noise levels that will occur; therefore, Table 3.7-5 substantially underreports the *actual* construction noise levels that residential receptors will experience. Table 3.7-5 *proves* that BESS Project construction will violate County noise standards despite developer claims to the contrary. It appears that none of the conclusions presented in the Application regarding BESS Project construction noise impacts are accurate or honest.

Another deficiency noted in the Application is that it fails to provide any information regarding how the construction noise results reported in Table 3.7-5 were derived, what assumptions were included, or how the operations were modeled⁶¹; therefore, it is impossible to assess the accuracy or representativeness of the modeled results. What is certain is that the modeling that was done to derive the data presented in Table 3.7-5

⁵⁹ For instance, demolition activities involving stationary equipment will reach 73 dBA at the nearest residential receptor.

⁶⁰ The “Notes” provided at the bottom of Table 3.7-5 state that the values reported are L_{eq} values were obtained by averaging all noise levels over an 8 hour period.

⁶¹ The Application claims that noise model supporting data is in Appendix 3-7, but Appendix 3-7 only provides some field data reports, Roadway Construction Noise Model Inputs, Construction Vibration Calculations, and BESS Noise profile data.

assumed an exceedingly high sound attenuation rate. For instance, Table 3.7-5 states that the 93 dBA noise level at 50 feet from the grading location will drop to just 69 dBA at 500 feet from the source. This remarkable noise reduction rate is not attributable to the presence of the block wall around the BESS yard because page 3.7-9 states that the wall will not be constructed *after* grading is completed; accordingly, sound attenuation during grading activities will only occur through geometric spreading. The significant drop from 93 at dBA at 50 feet to 69 dBA at 500 feet implies a geometric attenuation rate of >6 dBA per distance doubled which, while perhaps valid in urban and suburban areas where structures reduce sound propagation and vegetation dampens and absorbs noise, *is not* valid in rural Acton where sound reverberates and travels very far with little attenuation because it is a hilly environment with few structures, hard packed dirt, and little vegetation. The combination of these factors yields a more accurate geometric sound attenuation rate of 4 dBA per distance doubled; this means that the 93 dBA average noise level at 50 feet reported in Table 3.7-5 for grading activities will exceed 77 dBA at 800 feet and 73 dBA at 1,600 feet. In other words, BESS Project grading activities will result in noise levels that substantially exceed the 50 dBA County noise standard at residential receptors located more than a quarter mile away! Equally troubling, the results presented in Table 3.7-5, cannot be substantiated or validated because the Application fails to provide any supporting information regarding the modeling upon which these results are based. Because the modeling results appear to be based on unreasonable attenuation factors that do not properly account for Acton's environment, SORT contends that they are biased low and substantially understate the *actual* noise levels that will result from BESS Project construction activities.

Next, the Application correctly asserts that the County Noise Standards which apply to BESS Project operations are 50 dBA during the daytime and 45 dBA at night⁶² and then it points to Table 3.7-8 to claim these standards are met. However, what Table 3.7-8 *actually* shows is that BESS Project operations will substantially exceed the 45 dBA nighttime limit at virtually all residential receptors and it will exceed the 50 dBA daytime limit at two residential receptors. Accordingly, BESS Project operations *will not comply* with County Noise Standards. So how does the developer conclude that BESS Project operations comply with County Noise Standards when tabulated noise results clearly show they do not? It is because the developer has added a 5 dBA "adjustment" to the County's 45 dBA nighttime noise standard⁶³ which increases the

⁶² Page 3.7-13 states "Los Angeles County Municipal Code limits operational sound sources to 50 dBA L₅₀ during daytime hours (7:00 a.m. to 10:00 p.m.) and 45 dBA L₅₀ during nighttime hours (10:00 p.m. to 7:00 a.m.)."

⁶³ The developer feels that this "adjustment" to the County's nighttime standard is warranted because one of the daytime L₅₀ measurements reported in Table 3.7-3 is 51 dBA which exceeds the County's 50 dBA daytime standard. It is absurd to adjust nighttime noise standards based on daytime measurements.

standard to 50 dBA; the developer has also added a 2 dBA “adjustment” to the County’s 50 dBA daytime noise standard for the two receptor locations where the daytime standard is exceeded. These “adjustments” are contrived to allow the developer to claim that operational noise levels will remain just at or below the “adjusted” standards. The developer claims that these adjustments were warranted because one of the daytime L_{50} noise measurements reported in Table 3.7-3 was 51 dBA (which is 1 dBA above the County’s 50 dBA daytime standard). The developer is incorrect. First, it is inappropriate to adjust nighttime noise standards based on daytime measurements. Second, Noise Standards imposed by Section 12.08.390B apply regardless of existing ambient noise levels. Third, County Noise Standards *do not* allow “adjustments”; they are inviolate and must be adhered to. Finally, the developer does not cite to any Code provisions which authorize “adjustments” to adopted Noise Standards; therefore, the Commission should disregard conclusions that are based on these impermissible “adjustments”.

The bottom line is that County Code Section 12.08.390B prohibits any development from generating a nighttime L_{50} noise level at a residential structure that exceeds 45 dBA or a daytime L_{50} noise level at a residential structure that exceeds 50 dBA. Table 3.7-8 demonstrates that BESS Project operations will exceed both these levels; accordingly, BESS Project operations violate County Noise Standards.

SORT is also concerned that the BESS Project noise levels summarized in Table 3.7-8 substantially understate the *actual* noise levels that will be generated by BESS Project operations. For instance, the Application states that the model used to derive these noise projections assumed a “Ground factor” value of 0.5 which is too high⁶⁴. Additionally, the noise contours graphed in Figure 3.7-2 indicate that noise levels along Sierra Highway and at the homes along San Gabriel Avenue will be less than 45 dBA. However, these locations are at a higher elevation than the BESS Project and will have a direct “line of sight” to the BESS units and PCS facilities. This means that the block wall surrounding the BESS yard will not attenuate any of the noise that is incident on these receptor locations, so noise attenuation will be purely geometric. Assuming a reasonable attenuation rate of 4 dBA per distance doubled, SORT concludes that the homes and businesses in this area will continuously experience noise levels exceeding 60 dBA *which violates both daytime and nighttime County Noise Standards*. Furthermore, the wall surrounding the BESS yard will only be 8 feet high in most areas, which means that it will not effectively attenuate noise from the BESS units and PCS facilities which are nearly 10 feet tall. Accordingly, the noise contours presented in Figure 3.7-2 appear to be inaccurate and understated.

⁶⁴ Acton has very little vegetation and is predominantly hard packed dirt; therefore, a ground factor of 0.5 is much too high.

Another concern with the BESS Project noise analysis is that it fails to address significant low frequency noise impacts that will result from BESS facility operations. To understand the importance of this, a brief discussion on noise frequency is in order. As explained in Section 3.7.1 of the Application, human response to a sound source is dictated by “loudness” (which is a function of the amplitude or pressure level of the sound wave and is measured in decibels or dB) and “pitch” (which is a function of the frequency of the sound wave and is measured in hertz or Hz). The Application further explains that the human ear is most sensitive to sounds in the 1,000-5,000 hertz range because a sound within that range is perceived by the ear as more intense than a sound of lower frequency with the same magnitude. To emphasize this frequency range where the human ear is most sensitive, adjustments are made within sound level meters to increase the weighting of noise frequencies in the 1,000-5,000 hertz range and essentially suppress the measurement of noise in the low frequency range. These automatic adjustments are known as “A-scale weighting” and, as the Application explains, they “approximate the frequency response of the average young ear when listening to ordinary sounds” so that, when people hear a sound, their judgement of the relative loudness of a sound will “correlate well with the A-scale sound levels of those sounds”. Because of this, noise standards, noise reporting, and noise measurement methodologies are generally based on A-weighted sound levels (known as dBA). All sound levels discussed in the Application are based solely on A-weighted decibels (dBA).

However, humans **are** substantially affected by low frequency sounds below 1,000 Hz even though these sounds are not fully perceived by the human ear; this is because low frequency sounds are perceived by the body as a whole. Low frequency noise insults present themselves as a background hum that verges on a low vibration which the body “senses” more than the ear “hears”. A person can actually be unaware of low frequency noise insults that their body perceives until the noise is curtailed at which time they experience an immediate sense of relief. Low frequency sound is often characterized as an “annoyance” because of the way that it affects the human body. And, because adopted noise standards and noise reporting procedures are all based on the A-weighted scale, they fail to capture or address significant noise insults that occur in the low frequency range. According to a publication on the National Institutes of Health and the National Library of Medicine website, low frequency noise is a “special environmental noise problem, particularly to sensitive people in their homes”; the article further points out that “conventional methods of assessing annoyance, typically based on [an] A-weighted equivalent level, *are inadequate for low frequency noise and lead to incorrect decisions by regulatory authorities*”⁶⁵ (emphasis added). This is important because

⁶⁵ Leventhall H. G. Low frequency noise and annoyance. Noise Health. 2004 Apr-Jun;6(23):59-72. A copy is provided in Attachment 11.

utility scale electrical facilities tend to generate significant low frequency noise that is very disruptive to adjacent residential uses; it has become a substantial problem in Acton where residents in the vicinity of SCE's Vincent Substation experience substantial annoyance due to the "humming" emanating from the substation. This humming became apparent after the substation yard was significantly expanded and several high voltage transformers were added as part of the Tehachapi Renewable Transmission Project (TRTP) in 2013⁶⁶. The CPUC failed to address or even consider low frequency noise impacts when it approved the TRTP Project in 2009⁶⁷.

The Application itself demonstrates that the BESS Project will generate substantially high levels of low frequency noise; specifically, the last page of Appendix 3-7 reports that peak low frequency noise levels from the PCS and the transformers are 96.9 and 108 dB, respectively. These significant noise levels will not be attenuated by the block wall surrounding the BESS yard because low frequencies are not effectively attenuated with a barrier⁶⁸. And, while vegetation and ground cover can provide a limited amount of absorption in the low frequency range, Acton lacks sufficient vegetation to make any difference; therefore, noise reduction will only occur via geometric attenuation. In other words, *all* the homes surrounding the BESS Project will be subject to continuous and substantial low frequency noise insults that will exceed 80 dB; even homes north of the Freeway along San Gabriel Avenue will experience continuous low frequency noise levels exceeding 70 dB. These impacts will be significant and unmitigable, and they must be addressed in any environmental assessment of the BESS Project regardless of the fact that they are ignored by the Application (which only addresses A-weighted noise impacts) and even though no state or local standards have been adopted to address low frequency noise problems.

Other concerns with the Noise Study include:

- "Short term" baseline noise measurements were collected only during the day and most were collected at locations that are not near the BESS Project site. In fact, one test site was more than a mile away from the nearest BESS property boundary. Accordingly, the baseline measurements are invalid.

⁶⁶ Residents attending community meetings in Acton have complained about this problem several times and explained that it is often very difficult to sleep because of the humming that they experience. On separate occasions, staff from SCE and the County health department came to one of the homes and measured noise levels; because they used A-weighted instruments, they found no significant noise concerns. The property owners could not convince SCE or County staff to measure low frequency noise.

⁶⁷ CPUC Decision D.09-12-044 [https://docs.cpuc.ca.gov/published/final_decision/111744.htm].

⁶⁸ Federal Railway Administration High-Speed Ground Transportation Noise and Vibration Impact Assessment Manual. Page 4-17 states low frequencies "are inherently difficult to shield with a barrier". [https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/2680/20120220_FRA_HSR_NV_Manual_FIN_AL_102412.pdf].

- Page 3.7-13 explains that the baseline noise measurements that were collected during and as far away as a mile from the BESS Project site were “adjusted” to represent existing daytime and nighttime conditions at the project site. However, the Application provides no foundation for, or explanation of, these “adjustments”; in fact, the numbers appear to be completely contrived. For example, the daytime ambient L₅₀ levels of 51 dBA, 49 dBA, and 48dBA that were measured and are reported in Table 3.7-3 were somehow “morphed” into estimated ambient nighttime L₅₀ values that are as high as 59 dBA as reported in Table 3.7-7. This does not make sense; nighttime ambient noise is typically lower than daytime ambient noise. Because these “morphed” L₅₀ values provide the entire basis of the developer’s operational noise impact assessment, and because they do not even represent actual conditions at the BESS Project site, the developer’s operational noise assessment results are fundamentally unreliable.
- The locations of the short term measurement points that are depicted in Figure 3.7-1 are not consistent with the latitude/longitude locations reported in Appendix 3.7A.
- The Application correctly asserts on page 3.7-4 that L₅₀ is a “statistical sound level” which is exceeded 50% of the time during a noise test that is conducted over a given measurement period. However, the Application then claims on page 3.7-7 that L₅₀ is the basis for the County’s Noise Standards. This is not correct. As set forth in Section 12.08.390.A of the County Code, the basis of County Noise standards is *actual* sound levels, not “statistical” sound levels. Section 12.08.390.B establishes that the L₅₀ standard is only applicable when ambient L₅₀ levels exceed the sound standards set forth in Section 12.08.390.A⁶⁹. Because Table 3.7-3 reports that the L₅₀ values recorded at two of the three “Short Term” measurement locations *do not* exceed the 50 dB daytime standard established by Section 12.08.390.A for residential uses, L₅₀ **is not** the applicable standard for assessing daytime residential noise impacts. The developer errs in claiming that it is.
- The Application states on page 3.7-8 that “noisy construction activities will not occur between the hours of 8:00 p.m. and 7:00 a.m. or at any time on Sundays or holidays”. This statement does not address limits imposed by County Code Section 12.08.440.A which prohibits construction activities that create a noise disturbance across a residential property line between the hours of 7:00 p.m. and 7:00 a.m. and on Sundays and holidays; accordingly, the proper timeframe in which noisy nighttime construction activities are precluded is 7:00 p.m. and 7:00 a.m.

⁶⁹ . Section 12.08.390.B states “Standard No. 1 shall be the applicable noise level from subsection A of this section; or, if the ambient L₅₀ exceeds the foregoing level, then the ambient L₅₀ becomes the exterior noise level for Standard No. 1.”

Finally, other BESS facilities proposed in the same area of East Acton will have similarly significant adverse noise impacts in East Acton; therefore, the significantly adverse noise impacts created by the BESS Project will also be cumulatively considerable.

The Application Ignores Significant BESS Project Public Health Concerns.

Section 3.9 states that the exposure of sensitive receptors to toxic pollutant concentrations as a result of the BESS Project is “less than significant” (page 3.9-2); this statement is based on an assessment of potential “Diesel Particulate Matter” (DPM) emissions from the operation of diesel-fueled equipment during BESS Project construction and operation. However, Section 3.9 fails to address or even consider the public health concerns posed by toxic emissions that will be released during BESS deflagration events which, as indicated in the dispersion modeling results provided in Attachment 7, exceed IDLH standards. Accordingly, the developer’s claim that public health concerns posed by the BESS Project are “less than significant” can only be accepted as true if the developer guarantees that the BESS Project will never experience any deflagration events. Because the developer can issue no such guarantee, now weight can be accorded to the developer’s claim that public health risks posed by the BESS Project are less than significant.

SORT is also concerned that the sensitive receptor locations depicted in Figures 3.9-1 and 3.9-2 are incomplete. For instance, these figures appear to identify the location of Meadowlark Elementary School as the nearest school receptor, when in fact that County of Los Angeles has approved a parochial school site that is much closer to the development (specifically on APN 3208-011-052). And, according to the Los Angeles County GIS mapping portal, the location labeled “Maximally Exposed Recreational Receptor” is actually a vacant lot with no established use (recreational or otherwise). Figures 3.9-1 and 3.9-2 also fail to take into consideration the recreational vehicle park located on parcel numbers 3057-015-054 and 3057-016-016. These deficiencies render Section 3.9 conclusions to be unreliable. Finally, other BESS developments proposed in the East Acton near the BESS Project will have similarly significant adverse public health impacts; therefore, the significantly adverse public health impacts created by the BESS Project are cumulatively considerable.

The Application Ignores Significant BESS Project Socioeconomic Impacts.

The Application asserts that the BESS Project will not impact existing housing or have an adverse effect on public services; it also claims that the BESS Project will have a beneficial impact on the community and the local economy. These conclusions are incorrect because they are drawn from superficial socioeconomic assessments that are based on County-wide data and statistics; thus, they fail to address “local” economy

concerns and “community” level socioeconomic impacts as required by CEQA. Additionally, the Application provides incorrect statistics pertaining to the Acton-Agua Dulce School District which does not have 12,875 students; actual enrollment at AADUSD is not even 10% of this value. Virtually every conclusion set forth in Section 3.10 is incorrect. As explained above:

- BESS Project operations will make homes in the vicinity of the development unlivable because of continuous, low-frequency noise generated by the BESS Project;
- BESS Project operations will drive down property values throughout East Acton because it introduces a massive and unsightly industrial use in a low density rural area which poses significant and unmitigable toxic emission and wildfire risks;
- The BESS Project will eliminate the potential for developing more than 30 homes in Acton which will impact the local school district in future;
- A BESS fire at the site will require local first responders to remain onsite for days or even weeks; this will drain local public services and reduce the number of responders available to the Acton Community;
- Acton will experience only adverse economic impacts from the BESS Project and will not accrue any economic benefits; this fact is affirmed by the “Draft Community Benefit Plan” which conveys benefits to only non-local schools and union organizations and supports only County priorities and Antelope Valley programs.
- The number of jobs created by the BESS Project will be less than the 303 FTE claimed in the Application (as explained above).

These factors demonstrate the BESS Project will create significantly adverse socioeconomic impacts in the Community of Acton and the Application is wrong to declare otherwise. These adverse socioeconomic impacts are cumulatively considerable because they will be amplified by the other BESS facilities proposed in East Acton.

The Soils Impact Assessment provided in the Application is Deficient.

Section 3.11 asserts that percolation testing was conducted at four locations where stormwater capture basins are proposed on the BESS Project. However, SORT could not find the percolation test results in either the Application or the Appendices (including Appendix 3-4A where soil test results are ostensibly provided). Accordingly, the Application appears to be incomplete. And, given that most of the site is covered in dense to very dense soils near the surface⁷⁰ (which tend to result in low percolation rates), there is no evidence that the soils can accommodate either the stormwater

⁷⁰ Page 3.11-4 of the Application; page 14 of the Geotechnical Engineering Report in Appendix 3-4.A.

capture facilities or the conventional septic system leach lines at the locations where they are proposed. Moreover, every development in Acton is required by “State Onsite Wastewater Treatment System” (OWTS) policies to conduct percolation testing at the location where septic system leach lines and expansion systems will be installed; it appears however that percolation testing was not done at the leach line locations (only stormwater basin percolation testing is discussed). These factors render the Application incomplete and the developer should be directed to provide supplemental information including percolation test results for both the stormwater facility locations and the septic leach line locations.

The Application Ignores Significant BESS Project Transportation Impacts.

Section 3.12 asserts that the BESS Project will not result in significantly increased hazards associated with the transportation of hazardous materials to or from the Project site (see pages 3.12-2 and 3.12-25). This is incorrect. The thousands of BESS LFPO modules that will be transported to the site are designated by the U.S. Department of Transportation as “Dangerous Goods” because of their propensity to spontaneously ignite; their assigned UN Number is 3536 and DG Classification is Class 9. Yet, the Application concludes there is little risk posed by the transportation phase of the BESS Project because transportation standards will be met. History has shown that compliance with transportation standards does not eliminate BESS transportation hazards on public roads⁷¹; accordingly, Section 3.12 conclusions should be disregarded and a proper analysis for BESS transportation hazards should be prepared.

Section 3.12 also asserts the BESS Project will not result in inadequate emergency access because the Project will have access driveways onto Soledad Canyon (see page 3.12-14). However, this explanation myopically considers only emergency access to and from the BESS Project and ignores emergency access to and from surrounding residences. For instance, and as indicated in Figure 9, the BESS Project eliminates existing secondary access routes that are relied upon by homes on East Tortuga Street. Therefore, the BESS Projects does adversely affect important emergency access/egress routes.

Finally, Section 3.12 asserts that the BESS Project does not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities (page 3.12-12). This is incorrect. The BESS Project is located along a mapped regional trail corridor that was adopted by the Los Angeles

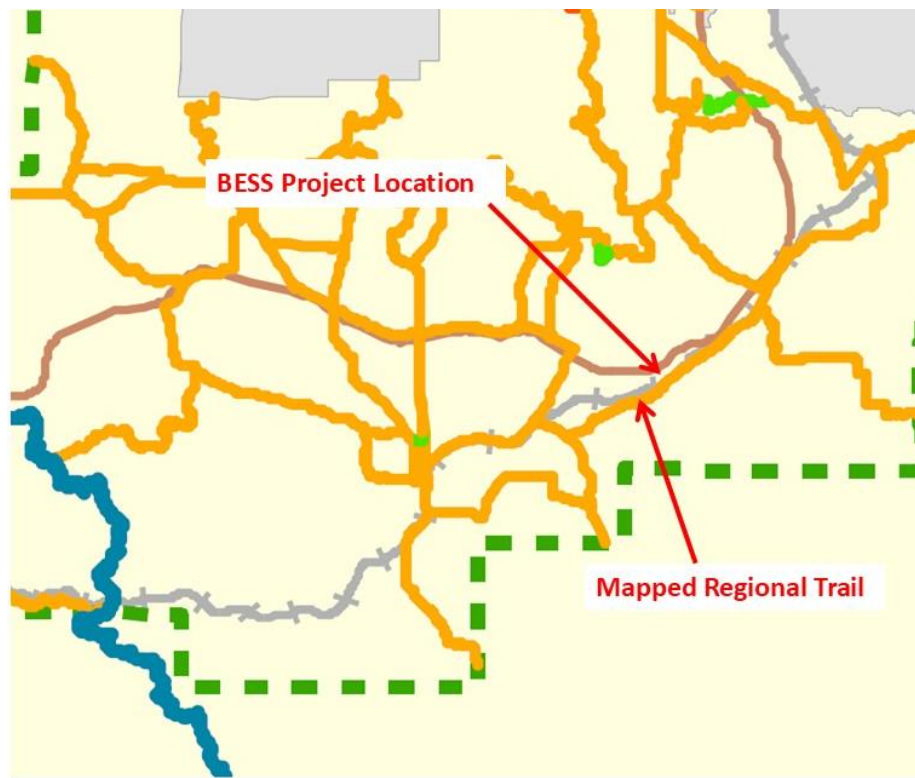
⁷¹ when a LFPO BESS container caught fire in July, 2024 during transport, officials were compelled to close the 15 Freeway in San Bernardino County for almost 48 hours <https://www.vvng.com/15-freeway-between-california-and-las-vegas-reopens-after-two-day-lithium-battery-fire-near-baker/> ; this was the first transportation incident involving a LFPO BESS [<https://www.fox5vegas.com/2024/08/15/truck-fire-behind-i-15-shutdown-was-first-us-caltrans-says/>].

Figure 9. Aerial Image of Secondary access Routes Eliminated by the BESS Project.



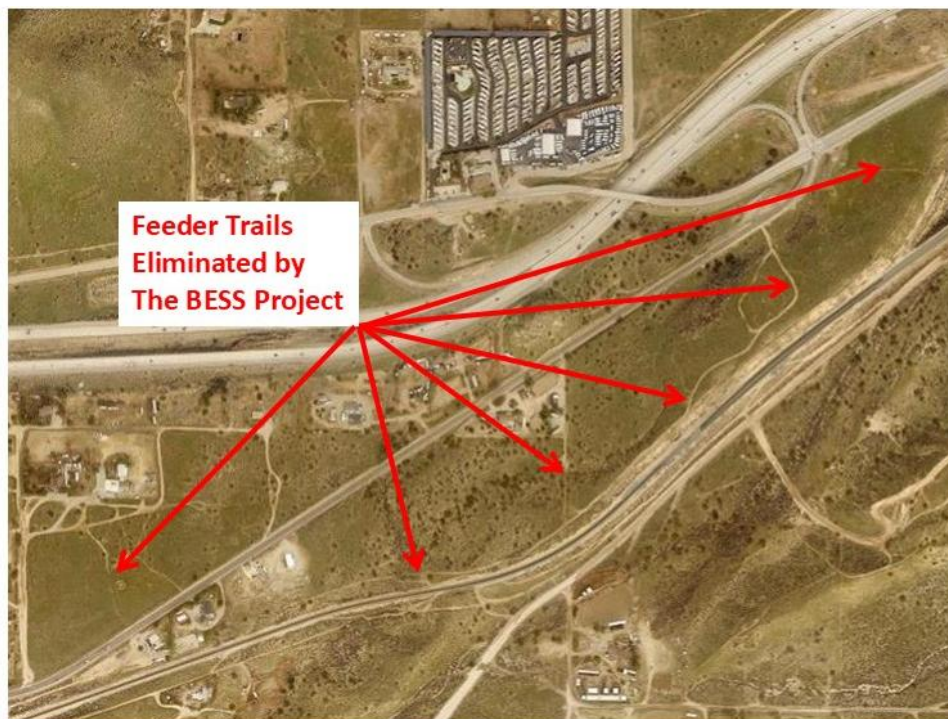
County Board of Supervisors in 2015 as part of the Mobility Element of the County General Plan (see Figure 10). The trail lies just north of the railroad right of way along the southern boundary of the BESS Project. Additionally, the BESS Project site is traversed by numerous feeder trails that access this mapped regional trail (See Figure 11). Because the BESS Project eliminates these feeder trails, it controverts Mobility Policy M 2.7 that requires “sidewalks, trails and bikeways to accommodate the *existing* and projected volume of pedestrian, equestrian and bicycle activity, considering both the paved width and the unobstructed width available for walking” and Policy M 2.8: “*Connect trails and pedestrian and bicycle paths* to schools, public transportation, major employment centers, shopping centers, government buildings, *residential neighborhoods*, and other destinations” (emphasis added). These policies were adopted to achieve “Mobility Goal #2: Interconnected and safe bicycle- and pedestrian-friendly streets, sidewalks, *paths and trails* that promote active transportation and transit use” and “ensure that land uses account for equestrian uses, including the development of feeder trails and regional trails, to address equestrian mobility issues”. Because the BESS Project eliminates feeder trails and obliterates access to an adopted Regional

Figure 10. Excerpt from the Adopted County “Regional Trail System” Plan.



Source: Excerpt from Figure 10-1 of the Los Angeles County General Plan found here:
https://planning.lacounty.gov/wp-content/uploads/2022/11/10.8_Chapter10_Figures.pdf

Figure 11. Aerial of Feeder Trails on BESS Project Site.



Trail, it controverts transportation plan goals and policies. To mitigate this impact, the developer should be directed to execute trail dedications⁷². And, because such dedications will merely preserve existing trail access opportunities that Acton residents already enjoy, they do not “count” as a “community benefit”.

The Application Ignores Significant BESS Project Visual Resource Impacts.

SORT has also noted numerous deficiencies in the “Visual Resource” impact analysis provided in Section 3.13. For example, neither the Application nor Appendix 3.13A provide maps of the scenic resources that are alleged to be within 5 miles of the project (such as FS 4N24.2, FS 4233, FS 5N01, FS 4N24.1, FS 4N20Ao, FS Road 4425, FS 4N23, FS 4N20Bo, Bonneville Power & Light Road, etc.) and none of the references cited in Section 3.13 provide information related to these and other listed byways. This lack of supporting information makes it difficult to properly assess the veracity of visual resource impact claims made by the developer. Additionally, Section 3.13 fails to consider or address the “Regional Trails System” Plan discussed above which identifies all County “Backbone” trails that are currently used by pedestrians and equestrians despite the fact that most are not yet maintained by the Department of Parks and Recreation⁷³. As explained above, the BESS Project site is adjacent to a mapped “Regional Trail” and it encompasses several feeder trails. Accordingly, the visual impacts of the BESS facilities and 500 kV transmission line on this existing trail system are significantly adverse and unmitigable.

Incredibly, the Application states on page 3.13-9 that the BESS project will not have any impacts on visual resources because “there are no designated public scenic vistas identified in the Los Angeles County General Plan and there are no known or recognized public scenic vistas in the surrounding area”. Apparently, the developer obtusely fails to recognize that the term used in the General Plan and AV Area Plan to describe a “scenic vista” is “scenic resource”. And, instead of acknowledging that extensive “scenic resources” are protected by these adopted Plans, the developer dismisses them completely simply because they are not called “scenic vistas”. To “set the record straight”, SORT offers the following:

- The County General Plan includes extensive protective language pertaining to scenic resources which are specifically defined to include scenic viewsheds that provide scenic vistas from highways (see page 142).

⁷² A trail dedication would have been required had the developer pursued the County approval process for the BESS Project (which would have required a zone change and a General Plan Amendment).

⁷³ The “Regional Trail System” is depicted in Figure 10.1 of the General Plan Parks and Recreation Element. https://planning.lacounty.gov/wp-content/uploads/2022/11/10.8_Chapter10_Figures.pdf

- The County General Plan expressly identifies unsightly uses (such as the massive industrial BESS facility) and utility lines (such as the BESS 500 kV transmission line) as “visual pollution” that “detracts from and often obscures many of the County's scenic resources” (see page 143).
- Scenic Resource protections established by the County General Plan include, but are not limited to, Goal C/NR 13 “Protected visual and scenic resources”; Policy C/NR 13.1 “Protect scenic resources through land use regulations that mitigate development impacts” and Policy C/NR 13.4 “Encourage developments to be designed to create a consistent visual relationship with the natural terrain and vegetation”. The BESS Project is intrinsically inconsistent with these provisions.
- A key intent of the AV Area Plan is to protect designated “Scenic Drives” by ensuring “incompatible development is discouraged” (Policy COS 5.7); the AV Area Plan also includes protective language pertaining to scenic resources which are designated as “Special Management Areas” (page LU-11) and are specifically defined to include “Scenic Drives” (page COS-5). The BESS Project controverts these policies and objectives because it blights multiple “Scenic Drives” (Soledad Canyon Road, the 14 Freeway, and the Angeles Forest Highway).

Because of its location between designated “Scenic Drives”, the BESS Project will be highly visible within multiple “public scenic vistas”. The developer is wrong to declare otherwise.

P3.13-9 claims that impacts to scenic resources are “less than significant” because “the natural silhouette of significant ridgelines and native vegetation will be preserved”. This is incorrect. The BESS Project eliminates *all* the native vegetation along a one-mile stretch of two different “Scenic Drives”. Moreover, the fact that the BESS Project does not obliterate the “natural silhouette of significant ridgelines” does not mean that it has no significant visual impacts.

Page 3.13-9 states that the BESS Project site “is not considered a scenic resource by the County of Los Angeles and it is not within an area plan designated as a scenic resource”. This is incorrect. The BESS Project site abuts, and is sandwiched between, two “Scenic Drives” which are explicitly included in the definition of “Scenic Resources” in the AV Area Plan (page COS-5).

There is no question that the unsightly, massive, and industrial BESS Project that is spread out over a mile in East Acton is intrinsically incompatible with the rural, low density character of the surrounding area and will create a significant and unmitigable visual blight on scenic resources (including, but not limited to, the viewsheds of three

different “Scenic Drives”). This fact is proven by the photographs included in the Application which were taken from two of these “Scenic Drives”. For instance, Figure 3.13-2b was taken from the mapped “Scenic Drive” on the 14 Freeway and it shows the visual blight created by the project. Notably, this figure does not appear to be an accurate depiction of how the BESS facility will look because the nearly ten foot high BESS and PCS units will be visible above the 8 foot high block wall and because the 14 freeway is at a higher elevation than the BESS yard and will look down into it. Therefore, the thousands of BESS units in the BESS yard will be more visible than what is depicted. Another example is Figure 3.13-3b which was taken from the mapped “Scenic Drive” on Soledad Canyon Road and clearly depicts the significantly adverse visual impacts of the BESS Project because it proves that the block wall around the BESS yard *eliminates* half the viewshed from this “Scenic Drive”. Because the wall around the BESS yard blocks the scenic viewshed on the north side of Soledad Canyon Road, it will result in significant and unmitigable impacts to this designated scenic resource.

Figure 3.13-3b also reveals that the BESS Project will further affect the Soledad Canyon “Scenic Drive” because it eliminates the scenic viewshed on the south side and replaces it with a view of the unsightly industrial transmission substation. Additionally, Figure 3.13-4b clearly shows just how the 14 Freeway “Scenic Drive” (shown in the foreground) will be blighted by the transmission substation in a manner that is significant and unmitigable. Scenic resources in the far east side of Acton are already blighted by the presence of the 500 kV Vincent substation that was massively expanded 10 years ago and which, in addition to aesthetic impacts, creates significant noise and public safety⁷⁴ impacts. The blight should not be extended toward the west by the introduction of another massive 500 kV substation and transmission line and unsightly BESS yard. Enough is enough.

Page 3.13-15 states that scenic resources in the area are “Santa Clara River local hills and regional mountains” and that visual impacts are less than significant because the BESS Project does not affect local hills and regional mountains. This is incorrect. The AV Area Plan defines scenic resources to include “scenic drives, water features, significant ridgelines, buttes, and Hillside Management Areas” (page COS-5); because the BESS Project impairs viewsheds from all adjacent “Scenic Drives” (see Figures 3.13-2b, 3.13-3b, and 3.13-4b), its visual resource impacts are significant and unmitigable.

⁷⁴ Transmission substations pose wildfire and toxic emission risks. In 2003, a 500 kV transformer at the Vincent substation exploded and the ensuing fire threatened the lives and property of residents in the Foreston neighborhood of Acton. Fortunately, this event did not occur during fire weather conditions or the impacts would have been devastating. The event forced CAISO to completely derate WECC Path 26 and it took weeks to fully restore service (see CAISO Summary provided in Attachment 12). Grid impacts were significant but manageable because the event did not occur during peak summer demand.

Page 3.13-15 also states that “view blockage” of hills and mountains “will be brief” and that “scenic landform resources will be returned to views upon passing the Project site”. Apparently, the developer has concluded that, although the BESS Project blights adjacent “Scenic Drives” and scenic viewsheds, this is not a significant impact because cars traveling at high speeds along these “Scenic Drives” will only have a “brief” glimpse of the blight. This argument ignores the fact that equestrian and pedestrian travelers in the area *will not* be traveling at high speeds and will thus perceive the blight created by the BESS Project for an extended period of time. Furthermore, CEQA *does not* permit a significant visual impact to be ignored or dismissed simply because it is perceived only for a short time by the traveling public. Accordingly, the visual blight introduced to mapped scenic resources by the BESS Project is significant and unmitigable. Page 3.13-15 also states that only Sierra Highway will be affected by the BESS Project’s 500 kV substation. This is incorrect. As Figure 1-3 shows, the entire 500 kV substation is located on Soledad Canyon Road; therefore, it will completely blight all views along this designated “Scenic Drive”.

Page 3.13-15 also states that, because the block wall and substation components will have a tan color, they will not detract from the view. This is incorrect. The block wall will *completely block viewsheds* and eliminate what is now a broad and expansive viewscape of the east Acton Valley from the Soledad Canyon “Scenic Drive”; these significant visual resource impacts are not reduced simply because the wall will have a tan color. Additionally, the 500 kV substation will dominate the southerly viewshed of the 14 Freeway “Scenic Drive” and the Soledad Canyon Road “Scenic Drive”; these significant visual resource impacts are not reduced simply because the massive equipment at the substation will be painted a tan color. The developer has obfuscated this fact by omitting photographic viewpoints of the transmission substation from either the Soledad Canyon “Scenic Drive” or the 14 Freeway “Scenic Drive”. To remedy this deficiency, the developer should be directed to augment the Visual Resource analysis and provide views along the length of the entire BESS Project from both the 14 Freeway “Scenic Drive” and the Soledad Canyon Road “Scenic Drive” including the portion of Soledad Canyon where BESS facilities are located on both sides of this “Scenic Drive”.

Page 3.13-15 also states that the BESS Project will have no impact on “scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway”. This is incorrect. The plain language of this “impact descriptor” and its use of the phrase “including, but not limited to” establishes that it pertains to *all* scenic resources and not just scenic resources along “state scenic highways”. And, as explained above, the BESS Project *will* result in significantly adverse impacts to designated visual resources that are explicitly identified in adopted County planning

documents (such as the Soledad Canyon Road “Scenic Drive” and the 14 Freeway “Scenic Drive”); therefore, this impact is significantly adverse and unmitigable.

Page 3.13-16 affirms that the BESS Project will “result in a substantial change to the existing visual appearance/character” of the project site; this admission is supported by Figures 3.13-2b, 3.13-3b, 3.13-4b, and 3.13-5b. Nonetheless, the developer concludes that the BESS Project will not “substantially degrade the existing visual character or quality of public views of the site and its surroundings” because all project infrastructure will be tan-colored and motorists will have only a “brief exposure” to the visual blight. This is incorrect. The visual blight of a huge 500 kV substation is not reduced by painting it tan and the visual character of extensive scenic viewsheds is not preserved by the construction of a solid, tan-colored wall that only partially obscures a massive industrial BESS facility. Equally important, the length of time that a traveler is exposed to the visual blight perpetrated on a “Scenic Drive” is not a legitimate factor in assessing the magnitude of visual resource impacts because if it were, then the County would never have designated any highways or freeways in Acton as “Scenic Drives”.

Page 3.13-16 appears to argue that a wall surrounding the BESS facility will be beneficial because it states that, although the wall “will be apparent”, it will also help “obscure the form, scale, and line of the numerous BESS enclosures across the facility from view” and landscaping will “lessen wall visibility”. This argument ignores the visual blight created by the wall itself and fails to consider the extent to which it eliminates scenic viewsheds to the north and south along designated “Scenic Drives”. This argument is also specious. First, the block wall will not obscure the view of BESS units because the BESS units are taller than the 8 foot wall. Second, solid block walls are deemed a “visual blight” in the community of Acton and that is why County Code Section 22.302.060.G prohibits solid perimeter walls in Acton except under very limited circumstances (such as outdoor storage uses established on industrially zoned property). Third, the proposed “landscaping” will *never* “lessen wall visibility” because it merely consists of trees that are planted far apart and thus will do nothing to obscure the wall; this fact is demonstrated by Figures 3.13-2e, 3.13-3e, 3.13-4e, and 3.13-5e. And, when landscaping is actually installed around the BESS yard, it will not consist of the trees depicted in these figures because they pose too great a fire risk in the event of BESS deflagration; instead, low shrubbery will be planted which will do nothing to “lessen wall visibility”.

Table 3.13-5 presents a “Scenic Quality Regulations Consistency Analysis” that contends the BESS Project complies adopted policies pertaining to scenic quality; however, and as indicated in Table 1 below, every claim presented in this analysis is incorrect.

Table 1. Explanation of why the “Scenic Quality Regulations Consistency Analysis” presented in the Application is Specious.

Adopted County Visual Resource Policy	Why the BESS Project is Inconsistent
County Plan CNR Policy 1.1: Protect and enhance the scenic quality of natural and built environments in unincorporated areas	The high density, unsightly, industrial BESS and massive 500 kV transmission substation will ruin the scenic quality of East Acton.
County Plan CNR Policy 1.2: Ensure that new development is designed to minimize visual impacts on scenic resources, including views of mountains, valleys, and other natural features.	Visual impacts of the high density, unsightly, industrial BESS and massive 500 kV substation in a scenic resource area adjacent to “Scenic Drives” cannot be minimized.
County Plan CNR Policy 2.1: Identify and protect scenic corridors and vistas that contribute to the visual quality of the county.	The massive, unsightly, industrial BESS and substation detract from scenic corridors and vistas adjacent to “Scenic Drives”
County Plan CNR Policy 2.2: Implement measures to preserve and enhance scenic resources, such as limiting the height and bulk of structures, and requiring landscaping and screening	The 243 foot high 500 kV transmission towers and 100+ foot high transmission substation structures exceed height limits and cannot be screened or landscaped.
County Plan CNR Policy 3.1: Preserve natural landforms and minimize grading in hillside areas to maintain the visual integrity of the landscape.	The high density, unsightly, industrial BESS and massive 500 kV substation eliminate more than a mile of “natural landform”.
County Plan CNR Policy 3.2: Encourage the use of vegetation and natural materials to blend structures with the surrounding environment.	The massive block wall, 243 foot 500 kV towers and 100+ foot substation structures cannot be “blended” with the environment.
County Plan LU Policy 5.1: Maintain and enhance the unique character of rural communities by ensuring that new development is compatible with existing community character and aesthetics.	The high density, unsightly, industrial BESS and massive 500 kV transmission substation is intrinsically incompatible with the low density rural character of East Acton.
County Plan LU Policy 5.2: Ensure that new development is designed to minimize visual impacts on scenic resources, including views of mountains, valleys, and other natural features.	“Scenic Drives” are designated as scenic resources, and the unsightly industrial BESS and massive transmission substation destroy views from two adjacent “Scenic Drives”.
AV Area Plan NR Policy 2.1: Identify and protect scenic corridors and vistas that contribute to the visual quality of the Antelope Valley.	Two “Scenic Drives” and the scenic corridors and vistas that are adjacent to them are destroyed by the unsightly BESS Project.
AV Area Plan NR Policy 2.2: Implement measures to preserve and enhance scenic resources, such as limiting the height and bulk of structures, and requiring landscaping and screening.	Scenic resources in East Acton will be forever blighted by the unsightly, massive, and industrial BESS yard and power line which cannot be screened with landscaping.
AV Area Plan NR Policy 3.1: Preserve natural landforms and minimize grading in hillside areas to maintain the visual integrity of the landscape.	The high density, unsightly, industrial BESS and massive 500 kV substation eliminates more than a mile of “natural landform”.

AV Area Plan NR Policy 3.2: Encourage the use of vegetation and natural materials to blend structures with the surrounding environment.	The massive block wall, 243 foot 500 kV towers and 100+ foot substation structures cannot be “blended” with the environment.
AV Area Plan C & O Policy COS 5.7: Ensure that incompatible development is discouraged in designated Scenic Drives by developing and implementing development standards and guidelines for development within identified viewsheds of these routes.	The high density, unsightly, industrial BESS and massive 500 kV transmission substation is sandwiched between two “Scenic Drives” and is intrinsically incompatible with the natural and rural environment in East Acton; therefore, it must be discouraged.
AV Area Plan C & O Policy COS 13.7: Limit the aesthetic impacts of utility-scale renewable energy production facilities to preserve rural character.	The BESS Project is <i>not</i> a renewable energy production facility, but it does destroy rural character because it is massive and unsightly
AV Area Plan C & O Policy COS 15.1: Ensure that outdoor lighting, including street lighting, is provided at the lowest possible level while maintaining safety.	The BESS Project will violate the adopted “Dark Skies” ordinance because only some of its lights will be fully shielded; in fact, the Project will create significant light pollution.
AV Area Plan C & O Policy COS 15.2: Prohibit continuous all-night outdoor lighting in rural areas, unless required for land uses with unique security concerns, such as fire stations, hospitals, and prisons.	The BESS Project will utilize continuous all-night outdoor lighting in rural East Acton and it is not a fire station, hospital, or prison.

Page 3.13-22 states that the BESS Project will not create visual resource impacts that are cumulatively significant. This is incorrect. The BESS Project will, in and of itself, result in significantly adverse impacts to scenic resources (as described above); accordingly, when it is considered in combination with the other large utility scale BESS facilities slated for development in East Acton, the significant adverse impacts posed by the BESS Project are cumulatively considerable.

Finally, the visual simulations provided in the Application do not depict the BESS and PCS units (which are nearly 10 feet high) as being taller than the 8 foot wall which surrounds them. They also fail to provide visual illustrations of the substation from the two adjacent “Scenic Drives”. They also fail to provide visual illustrations of the BESS yard and the 500 kV transmission line from adjacent residential neighborhoods. To address these deficiencies, the developer should be directed to provide supplemental visual illustrations. In particular, additional views of BESS Project facilities should be provided from the vicinity of Tortuga Street and Malinta Avenue, from midway up San Gabriel Avenue (where residents will look directly down onto the BESS yard and substation), and from the Kentucky Springs and Foreston neighborhoods traversed by the 500 kV transmission line.

The Application Ignores Significant Waste Management Impacts.

Section 3.14 addresses how the BESS Project will dispose of waste, and Table 3.14-1 lists four Class III landfills that are nearest to the project (although only three are operational because Chiquita Canyon is closed). The Application also identifies two hazardous waste disposal facilities that can accept hazardous waste generated by construction, operation, and decommissioning activities (Kettleman City and Buttonwillow). Notably, the activity that is likely to generate the largest waste stream is decommissioning; however, the Application does not address this waste stream other than to state on page 3.14-8 that decommissioning is “not expected to generate quantities of waste such that the surrounding accepting facilities cannot accommodate the additional materials”. There is no evidence to support this claim because the Application does not quantify the amount of waste that will be generated from decommissioning. More importantly, Section 3.14 does not discuss (or even address) the measures that will be undertaken to recycle the thousands of BESS units that will be removed at the end of their lifecycle. In fact, the only mention of BESS disposal is in an offhand statement on page 3.14-8 that “Batteries and other equipment and materials will be recycled to the extent feasible to minimize disposal in landfills”.

The developer is disinclined to even admit that spent BESS units are designated as hazardous waste because the Application states on page 3.14-7 that “batteries *may* be considered hazardous waste in California when they are discarded” (emphasis added). However, spent lithium batteries are banned from Class III landfills and at the very least, they are designated as hazardous waste by the California Department of Toxic Substance Control (DTSC) because they meet the definition of “Universal Waste”⁷⁵. SORT has consulted with DTSC and understands that there are no licensed lithium battery recycling facilities in California, so the Kettleman City and Buttonwillow facilities identified in the Application are not equipped to process the enormous hazardous battery waste stream that will be generated by the BESS Project.

The “Decommissioning Plan” provides no information on how or where BESS units will be disposed of other than to say that “batteries would be recycled at a specialized recycling plant” and that adequate facilities will be available when needed because “recycling enhancements and innovation are anticipated to continue and are anticipated to be in place by the projected end of life of the proposed BESS, estimated to be approximately 40 years after the start of operations”. However, the recycling facilities required to process BESS waste from the Project must be online within 10 years, not 40 years because LFPO BESS units only last about 10 years and then they must be replaced.

⁷⁵ <https://dtsc.ca.gov/universalwaste/>

Recycling of lithium batteries is a complicated and dangerous process;⁷⁶ in fact, the largest recycling facility in the U.S.A. burned down in Missouri just nine months ago (less than a year after it began operating); the facility operator appears to be linked to another lithium battery recycling facility in Illinois that experienced two large fires⁷⁷. Lithium battery recycling is a young industry and recycling processes are still being perfected. Given the troubling dearth of existing and planned lithium battery recycling facilities and the fact that the BESS Project will begin generating a substantial volume of battery waste within 10 years of startup, SORT contends it would be imprudent for the Commission to proceed with licensing the BESS Project until a “Recycling Plan” is developed that clearly identifies which recycling facilities will receive and handle the thousands of battery units that will be soon be retired from the BESS Project. The Recycling Plan must demonstrate that the recycling facilities have sufficient capacity to process the entire hazardous waste stream and that this capacity is reserved exclusively for the BESS Project. The latter is particularly important: numerous BESS facilities have been constructed over the last 5 years, and there does not appear to be sufficient recycling capacity available to process the cumulatively significant hazardous waste streams that these projects will soon generate. The developer must demonstrate that the BESS Project will not exacerbate this looming waste disposal problem. The environmental impact analysis of the BESS Project must adopt a “cradle to grave” perspective which considers the public safety risks posed by the transportation of thousands of BESS units to and through Acton as well as the risks posed by operating these BESS units and ultimately transporting and recycling them at the end of their useful life.

The Application Ignores Significant Water Resource Impacts.

Section 3.15 concludes that all water resource impacts created by the BESS Project are “less than significant” (pages 3.15-1 to 3.15-2). This is incorrect.

The Application states that BESS Project water will come from an existing onsite domestic well; however, there is no evidence this well is capable of providing hundreds of thousand gallons of water that is needed to control a BESS deflagration event. And, given that the BESS Project is located in an area where winds frequently exceed 20 mph, it is likely that multiple BESS units will ignite during a deflagration event. Therefore, the developer should be directed to demonstrate that there are sufficient water resources at the BESS Project site to manage multiple BESS unit deflagrations simultaneously for a sustained period of at least two weeks.

⁷⁶ NFPA Article “Missouri Fire Highlights Unique Dangers of Battery Recycling” found here:

<https://www.nfpa.org/news-blogs-and-articles/blogs/2024/11/01/missouri-battery-plant-fire>

⁷⁷ <https://fox2now.com/news/missouri/history-of-fires-for-linked-recycling-facilities/>

It is not likely the existing domestic well will be capable of supplying sufficient water to meet fire protection requirements, particularly given that the BESS Project is in an area with very limited groundwater supplies. In fact, residents in the Foreston neighborhood just southeast of the BESS Project are frequently compelled to purchase hauled water from a local purveyor to serve their domestic water needs. And, even if the developer could extract hundreds of thousands of gallons of groundwater for fire protection purposes, doing so would substantially reduce groundwater levels in the area and cause adjacent domestic wells to “dry up”. The nearest municipal water connection is half a mile from the project boundary, so the developer could extend the 8 inch main to utilize resources provided by Waterworks District #37 (WWD37); however, the amount of water needed for fire protection services could exceed the delivery capacity of the system and strain WWD37 supplies to other areas of the community⁷⁸. Accordingly, the water resource impacts posed by the BESS Project are significant and not obviously mitigable.

The Application Ignores Significant Wildfire Impacts.

The Application asserts that BESS Project operations will not “exacerbate wildfire risks” or result in the “uncontrolled spread of a wildfire” because the combination of the BESS containers and UL 9540A certification will “reduce projected flame lengths to levels that will be manageable by firefighting resources” (page 3.16-11). SORT appreciates the developer’s candor in admitting that a BESS units can become engulfed in flames; however, the developer’s reliance on UL 9540A to ensure that such flames will be “manageable by firefighting resources” is misplaced. As explained above, the UL 9540A certification is only valid when prevailing windspeeds are less than 12 miles per hour. And in areas like Acton where sustained windspeeds typically exceed 20 mph and gusts can exceed 50 mph during “fire weather” conditions, the UL 9540A certification is of little value; it certainly does not guarantee that “flame lengths” will be reduced to “levels that will be manageable by firefighting resources”.

Section 3.16.2.3.2 downplays BESS wildfire risks by claiming (without citation or evidence) that “the highest potential risk of a wildfire originating within the proposed Project would occur during the construction and demolition phases” (page 3.16-11). This is incorrect. SORT has found no reports pertaining to fires ignited by BESS construction activities; however, there are extensive reports of fires ignited by BESS operations⁷⁹.

⁷⁸ WWD37 is a small water district with 1,431 service connections [<https://pw.lacounty.gov/core-service-areas/water-resources/waterworks-districts/district-overview/>]

⁷⁹ Since early 2024, five BESS fires have occurred *just in Southern California*. Multiple fires at Sanborn (Attachment 13), Gateway [<https://www.theenergymix.com/battery-storage-fire-in-california-sparks-widespread-safety-concerns/>], Santa Ana [<https://newsantaana.com/the-sapd-has-closed-streets-as-fire-crews-battle-a-battery-energy-storage-facility-blaze/>], Escondido [<https://www.energy-storage.news/fire-at-battery-storage-facility-in-california-triggers-evacuation-order/>], and Vistra [<https://www.energy-storage.news/vistra-to-write-off-us400-million-from-moss-landing-bess/>].

Section 3.16.2.3.3 dismisses wildfire threats posed by the 500 kV transmission line by arguing that the transmission line is “short” and that “only a portion of this extends over vegetation that can sustain a fire”. This is incorrect. The transmission line is more than a mile long and is located in a Significant Ecological Area within a VHFHSZ; therefore, most of it “extends over vegetation that can sustain a fire”. The transmission towers will be subject to wind gusts exceeding 50 mph, and if they are just built to comply with the CPUC’s General Order 95, they will be susceptible to failure in high winds⁸⁰. This will further exacerbate fire risks in Acton where utility fire risks are already too high⁸¹.

Section 3.16.3 concludes that the BESS Project will not contribute to any “cumulative” wildfire effects because the effects of wildfire “are not cumulative in the same way that traffic or pollution is where each contribution provides a direct additive effect”. According to this reasoning, wildfire effects can never be cumulatively considerable no matter how many BESS facilities or high voltage transmission lines are concentrated in a single location. The problem with this logic is that it ignores wildfire **risk** which is cumulatively considerable in the same way that traffic and pollution are cumulatively considerable. The Commission should reject the developer’s argument that wildfire impacts are not cumulatively considerable and then address cumulative wildfire impacts in terms of wildfire **risk**; this is consistent with contemporary wildfire mitigation and planning protocols for electrical facilities *all of which are founded on risk reduction models*⁸². When wildfire impacts are properly considered in terms of risk, it becomes self-evident that cumulative wildfire impacts resulting from the BESS Project in

⁸⁰ GO 95 compliance requires transmission lines to be constructed and maintained as “Grade B” equipment (Section 42). Above an elevation of 3,000 feet, cylindrical towers have a minimum design wind load of 6 pounds per square foot (psf) and lattice towers appear to have a minimum design wind load of 10 psf (Section 43.1). Both have a Safety Factor of 1.25 (Table 4); thus, GO 95 requires cylindrical towers to withstand a wind load of 7.5 psf (equivalent to 54 mph) and lattice towers to withstand 12.5 psf (equivalent to 69.9 mph). Wind gusts near transmission lines in Acton during fire weather conditions can and do exceed these levels, so compliance with GO 95 does not guarantee transmission lines will not spark a wildfire in Acton. Additionally, GO 95 imposes design standards for transmission line conductors and hardware fixtures (conductor fastenings, pins, insulators, etc.); because they are typically rounded in shape, their base wind load design requirement is assumed to be 6 psf (Section 43.1) and they are designed with a design safety factor of 2 (Table 4) which results in a minimum wind load of 12 psf or 68.5 mph. However, GO 95 does not require transmission facility replacement until safety factors are reduced to less than two-thirds of the original safety factors (Section 44.3), so the *working* Safety Factor for conductors and hardware fixtures is only 1.3318, and such equipment need not be replaced until the Safety Factor drops below this value. Applying this 1.33 working Safety Factor to the 6 psf design standard yields an actual replacement wind load standard of only 8 psf (or 56 mph) for transmission fixtures! The deadly Saddleridge Fire was ignited in 2019 when a fitting on a 230 kV transmission line built in 1970 failed during a Santa Ana high wind event. The CPUC report is provided in Attachment 14.

⁸¹ Nearly 20 high voltage transmission lines already run through East Acton; some lines are very old.

⁸² For example, the primary goal of SCE’s 2023-2025 Wildfire Mitigation Plan is to “reduce the risk of wildfires associated with utility equipment” [<https://energysafety.ca.gov/what-we-do/electrical-infrastructure-safety/wildfire-mitigation-and-safety/wildfire-mitigation-plans/2025-wildfire-mitigation-plans/> at 4].

combination with other proposed BESS facilities in East Acton are *significant* and *unmitigable*. The combined power capacity of all the BESS projects proposed for East Acton exceeds that of the largest power plant in California, and every one of these BESS developments and associated transmission lines pose an intrinsic wildfire risk. Therefore, these wildfire and public safety risks are cumulatively considerable. Furthermore, there are nearly 20 high voltage transmission lines in East Acton that already pose a significant wildfire risk because of their sheer number and because they are crammed together near the Vincent substation in corridors which are so narrow that they *do not comply* with any adopted utility transmission standards. The existing significant wildfire risk posed by this overconcentration of transmission lines in East Acton will be further exacerbated by the proposed BESS developments and their associated transmission lines. In short, *every* conclusion presented by the developer pertaining to cumulative wildfire impacts is incorrect.

Other errors noted in the “Wildfire Impact Analysis” include:

- Page 3.16-2 states “The County and the nearby unincorporated community of Acton contain several miles of WUI”. This substantially understates circumstances in the BESS Project area which is actually located *in* Acton, a community that is approximately 100 square miles in size and located *entirely in* the WUI.
- The Application states on page 3.16-3 that the project is located at the boundary of the “Western Transverse Ranges ecological subregion and Mojave Desert ecological region” and it cites to a “Jepson Flora” website. However, the “Jepson Flora” website does not support this statement and does not demonstrate that the BESS Project is on the boundary of the Mojave Desert ecological region; in fact, it is several miles from the Mojave Desert ecological region.
- The Application states on page 3.16-3 that “There are no narrow canyons, box canyons, chimneys, or other terrain features that would exacerbate a wildfire burning near the Project site”. This is incorrect. As shown in Figure 12, the BESS Project is located just southwest of the Soledad Pass in a valley between steep hills. During “Santa Ana” (fire weather) conditions, high winds out of the Soledad Pass cut through the valley where the BESS Project is located. Wind conditions are so significant that SCE frequently shuts off power to residents out of fear that local power lines will spark a wildfire that will be whipped into a conflagration (SCE calls these “Public Safety Power Shutoff” events). The high winds and hilly terrain will certainly exacerbate wildfires burning near the project site. Furthermore, these high winds will cause fire spread at the BESS Project should a BESS unit deflagrate during fire weather conditions or should the associated 500 kV transmission line ignite a

wildfire⁸³. The steep terrain south of the BESS Project is shown clearly in Figures 3.14-2a and 3.14-4a while the view depicted in Figure 3.13-3a reveals the steep terrain northeast of the project site. Moreover, the statement on page 3.16-3 that no terrain features in the BESS Project area would “exacerbate a wildfire burning near the Project site” is contradicted by the statement on page 3.16-6 that “mountainous areas to the south and east of the Project site include topography that can funnel winds and dry air, creating areas with high wind speeds that can quickly spread fire by reheating vegetation uphill and *exacerbate the spread of a wildfire*”.

- Section 3.16.1.4 devotes significant attention to the “vegetation dynamics” in the BESS Project area and provides details on the fire characteristics of “coastal scrub” and “annual grassland”. However, Section 3.2 pertaining to biological resources does not indicate that the site is either “coastal scrub” or “annual grassland”⁸⁴. In fact, Table 3.2-3 shows much of the area is dominated by California Juniper Woodland and saltbush scrub. Previous studies in the area do not report the presence of “coastal scrub” or “annual grassland”⁸⁵. Accordingly, the “vegetation dynamics” discussion in Section 3.16.1.4 does not appear to be relevant.
- Page 3.16-10 states “access to existing roadways near the Project site will be maintained throughout the construction, operation, and decommissioning phases”. This is incorrect; the BESS Project eliminates residential access on east Tortuga.
- Section 3.16.1.9 suggests there are abundant Fire Protection resources in the project area and Table 3.16-1 lists 4 fire stations within 11 miles of the BESS Project entrance. However, a BESS fire will require a specialized response from the County “Haz Mat” team located at Station 150 in Santa Clarita (more than 23 miles away⁸⁶). While the stations listed in Table 3.16-1 will roll out quickly and be first on scene, the response team with the specialized equipment needed to address a BESS fire will not arrive for at least half an hour; this adds to the risk posed by the BESS Project.

⁸³ To prevent wildfire occurrences SCE routinely cuts power on distribution circuits in Acton during fire weather conditions; yet SCE **never** cuts power on transmission lines in Acton even though they are subject to the same wind load standards as distribution circuits under CPUC General Order 95 and even though transmission towers in Acton are located on ridgelines where sustained wind speeds are very high and more likely to ignite a wildfire. The 500 kV transmission line component of the BESS Project will pose a significant wildfire risk but it will **never** be de-energized during fire weather conditions.

⁸⁴ Nowhere does Section 3.2 indicate the area is “coastal scrub”. Though page 3.2-28 states “As previously discussed, the area consists primarily of vegetation communities that are classified as chaparral, coastal sage scrub... and juniper woodland”, no “previous discussions” allege the existence of coastal scrub.

⁸⁵ Additionally, surveys done for the TRTP transmission project do not report coastal scrub in the area [https://ia.cpuc.ca.gov/environment/info/aspen/sunrise/TRTP_SpecialistReports/SpecialistReports/2BioResources/Apps/App-G-VegMapping.pdf].

⁸⁶ The 23 miles assumes travel along the 14 Freeway from Santa Clarita to Acton. Locational information on the Haz Mat Team at Station 150 can be found here: <https://fire.lacounty.gov/emergency-operations/> (click on the “Hazardous Materials Response” tile).

- The Application points to the “Los Angeles County Operational Area Emergency Operations Plan (OAEOP)” and resources provided by the Los Angeles County Office of Emergency Management (OEM) as evidence that there is sufficient protection for “extraordinary emergency situations impacting unincorporated areas of the County” (see page 3.16-10). However, the developer does not disclose that County emergency management programs are substantially underfunded and lack coordination; for example, dysfunctional communications and coordination failures among County agencies caused OEM to not issue timely evacuation warnings during the Eaton fire in which 19 unincorporated residents died. OEM (which is responsible for the safety of more than 10 million people) is shamefully underfunded; in fact, its annual budget is only \$15 million⁸⁷ which is absurdly low when compared to other municipalities⁸⁸. The developer’s claim that OAEOP and other OEM programs can be relied upon to provide adequate emergency response in unincorporated areas like Acton is not dispositive and should be accorded little weight.
- Page 3.16-6 makes generalized claims regarding windspeeds that are not reliable because they are based on data collected far from the BESS Project area⁸⁹.

THE ALTERNATIVES ANALYSIS IS DEFICIENT.

The Application correctly describes the relationship between project alternatives and project objectives that is established by CEQA and Title 20 Energy Facilities Siting Regulations: that project alternatives can be eliminated as “infeasible” if they fail to achieve most of the project objectives. However, the Application fails to address the equally compelling requirement that project objectives cannot be so narrowly defined that they foreclose consideration of reasonable project alternatives. CEQA establishes that project objectives must be sufficiently broad in scope to ensure a meaningful alternatives analysis; they may not be so prescriptive that they preclude all alternatives other than the proposed project or exclude alternatives which achieve the project’s fundamental purpose [*North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647]. The developer’s project objectives violate this fundamental principal

⁸⁷ <https://www.washingtonpost.com/weather/2025/08/04/los-angeles-county-budget-disaster-response/>

⁸⁸ The FY25 budget for New York City Emergency Management serving a population of approximately 8.5 million is \$175.9 million [<https://council.nyc.gov/budget/wp-content/uploads/sites/54/2024/03/017-NYCEM.pdf> at page 1]. In 2025, Cook County, Illinois set aside \$131.7 million for its Department of Emergency Management And Regional Security; it serves a population of 5.2 million. <https://www.cookcountyil.gov/sites/g/files/ymwepo161/files/documents/2024-10/Volume%20II%20-%20Department%20Line%20Item%20Budget%20FY2025%20Executive%20Budget%20Recommendation.pdf>. Page 66.

⁸⁹ According to the “Reference” section, FEMS data from 2024 were analyzed for four stations: Newhall Pass, Saugus, Camp 9, and Acton camp. None of these stations are near the BESS Project site and none of them reflect wind conditions in the Santa Clara River Valley near the Soledad Pass.

because they include requirements which are so narrowly constrained that they preclude all technology and configuration alternatives and exclude location alternatives outside of East Acton. The impermissibly narrow project objectives are those that require:

- A battery energy storage facility;
- An “electricity storage facility in close proximity to a utility grid-connected substation with existing capacity available for interconnection for charging and discharging”;
- A location that is near an existing transmission substation to avoid “the construction of substantial new regional transmission infrastructure or network upgrades”;
- Limit the transmission line to a “reasonable length to the Point of Interconnection”;
- Require the site to be “in close proximity to existing electrical infrastructure and the Vincent Substation” to avoid “long 500kV gen-tie lines”; and
- Require the Project to be located “near existing roadways and related infrastructure”.

None of these objectives are essential to achieving the project purpose - adding storage to the California transmission grid. However, the only alternatives that can meet these objectives are those that provide a utility scale battery storage facility in East Acton (which is why the developer only considers East Acton alternative). To facilitate the consideration of other technology, configuration, and location alternatives, these particular project objectives must be rejected as impermissibly narrow and unnecessary to achieve the fundamental project purpose.

Perhaps one location alternative that could be considered is the site that is 24.4 miles away from the Vincent substation where, according to page 119 the LGIA, the BESS Project was originally authorized by CAISO and SCE as part of a hybrid development that included 1,415 MW of solar generation⁹⁰. SORT is not sure of the precise location authorized by CAISO and SCE, but it was certainly far from homes and businesses because it was part of a solar farm that would have occupied more than 1,000 acres⁹¹. The fact that the System Impact Studies and Facilities studies prepared by CAISO and SCE assume this original location, coupled with the initial intent to construct the BESS at this original location, constitute substantial evidence that the original location is “feasible” as that term is contemplated by CEQA.

⁹⁰ According to page 118 of the LGIA, the BESS Project included a solar farm that was equipped with three-hundred thirty-seven (337) Ninja 5 4200 PV inverters with a rated output of 4.2 MW. Reconciling these data yields a 1,415 MW generation capacity [4.2 MW/inverter x 337 inverters = 1,415 MW].

⁹¹ This assumes that 5 acres of land will generate 1 MW [5 acres/ MW x 1,415 MW = 7,075 acres].

Other feasible location alternatives are those places within the lowland portions of the Antelope Valley that are half a mile or more from homes and businesses because they are outside of fire hazard zones; they also present no noise or aesthetic impacts and substantially reduce public safety risks because they are more than half a mile from homes and businesses. Such areas abound in the Antelope Valley and are often found near existing high voltage transmission lines.

Other feasible location alternatives are those areas adjacent to the many remote 500 kV transmission lines that connect to the Vincent substation. These alternatives involve upgrading the existing 500 kV corridor to interconnect the BESS; they achieve a connection to the Vincent substation and substantially reduce impacts by eliminating the construction of a new transmission corridor through a Significant Ecological Area.

Technology alternatives that the developer rejects should also be considered as feasible. For example, the developer rejects the flywheel alternative because it 1) does not involve a battery system; and 2) is more suited to short-duration application. These reasons are technically flawed. The grid storage purpose of the Project can be achieved with any number of technologies and need not be limited to batteries. Moreover, no matter what technology is deployed, long duration (8 hour) storage is achieved by simply increasing the number of storage units at the facility. This fact is demonstrated by the BESS Project itself which achieves long duration storage simply because it has 2,035 BESS units on site⁹²; if it were a short duration facility, the BESS yard would be much smaller (and require half the number of BESS units) because it would be configured to deliver 1,150 MW for only four hours instead of eight⁹³. This fact is confirmed on page 4-15 of the Application which states that, if the BESS Project were a short duration development, the BESS yard would drop from 71 acres to 45 acres. The same principal applies to non-battery technologies like the flywheel; long duration storage is achieved by simply increasing the number of flywheel storage units.

Flow battery technology alternatives are also rejected by the developer primarily because they require a larger footprint⁹⁴ (which the developer inexplicably refers to as

⁹² Each BESS unit will deliver 5.015 MWh. Because the BESS Project must deliver 1,150 MW for 8 hours, it must have at least 1,834 BESS units $[(1,150 \text{ MW} \times 8 \text{ Hr}) \div 5.015 \text{ MWh/unit} = 1,834 \text{ BESS units}]$. A reserve cushion of at least 10% is also needed; that is probably why 2,035 BESS units are proposed.

⁹³ For a short duration facility, each BESS unit will still deliver 5.015 MWh but because the 1,150 MW would only have to be delivered for 4 hours, it would require less than 1,000 BESS units $(1,150 \text{ MW} \times 4 \text{ Hr}) \div 5.015 \text{ MWh/unit} = 917 \text{ BESS units}$

⁹⁴ “Manufacturing capacities” is another reason cited, but that is a concern that will resolve itself as more flow battery systems come online. A “round trip efficiency” of up to 85% is also a reason that is cited; however, this is only slightly less than the 90% efficiency typically achieved by LFPO batteries (battery

“space-intensive system infrastructure”). This argument is specious: even if the footprint for a flow battery facility is twice that of a lithium battery facility, the incremental difference is negligible in comparison to the enormous footprint required to generate the wind and solar energy resources that will be stored by the Project. And, because flow battery systems do not create the wildfire and toxic emission risks that plague lithium battery systems, they can be placed indoors and/or underground to reduce noise and aesthetic impacts.

Configuration alternatives that substantially reduce visual blight and wildfire risk are also ignored by the developer. For example, constructing the 500 kV substation as a “Gas Insulated System” (GIS) will substantially reduce the footprint and allow the substation to be fully enclosed. This is a feasible alternative because the 500 kV substation facilities are not extensive; they will involve a bus with perhaps four bays, some 500/34.5 MVA transformers, circuit breakers, and associated equipment. All of this can be fit into a compact and enclosed GIS substation.

The developer fails to consider any of the forementioned alternatives and instead presents a truncated alternatives assessment that only considers locations in East Acton which pose the same adverse environmental impacts as the BESS Project itself. This is because the developer believes the BESS Project will “not result in any significant and unavoidable adverse impacts for which feasible mitigation measures could not reduce the impacts to below significance” (page 4-4). However, the BESS Project *will* result in numerous unmitigable impacts that are significantly adverse (as explained above) and as such, alternative locations, technologies, and configurations which reduce or eliminate these impacts must be considered. Moreover, the developer rejects locations outside of East Acton because the developer concludes (without evidentiary support) that construction of a longer transmission line would “result in greater impacts than the [BESS] Project” (page 4-5). This unsupported conclusion is specious. The impacts resulting from the construction of a longer transmission line are relatively small in comparison to the significant environmental impacts that will be eliminated if the BESS Project is located in a non-fire zone that is away from homes and businesses and outside of a Significant Ecological Area.

Finally, SORT disputes the argument that a “Distributed Storage Alternative” will forego “system reliability benefits” which the developer alleges are provided by the BESS

manufacturers claim that LFPO battery efficiencies are 95%; however, in actual operation, LFPO efficiencies are not that high. See for example Table 1-2 in the study performed for the New York State Energy Research and Development Authority titled “*Energy Storage System Performance Impact Evaluation*” [<https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Publications/PPSER/NYSERDA/2024-Energy-Storage-Impact-Evaluation-Report.pdf>].

Project. As explained above, the placement of storage resources outside the load pocket actually *decreases* system reliability because it increases congestion on transmission lines during peak demand and it makes urban Californians increasingly dependent on long, vulnerable transmission lines that are susceptible to failure due to natural and manmade forces. These lines are connected by remote, exposed, and defenseless transmission substations⁹⁵ which, if taken out of service by natural or manmade events, would interrupt bulk power flows across California for months⁹⁶. California's transmission grid is a fragile "house of cards" with vulnerabilities that increase with each utility scale storage and generation facility that it interconnects.

Other concerns with the alternatives analysis include:

- Page 4-13 states that the entry point to the Vincent Substation for the Peaceful Valley alternative "requires crossing over the Midway-Vincent 500kV line as specified in the Large Generator Interconnection Agreement". However, SORT can find no mention of the "Midway Vincent 500 kV line" in the LGIA.
- Page 4-14 states that alternative locations are rejected because they "cannot avoid or substantially lessen any of the potential significant effects of the Project". This statement contradicts Table 4.2 and Section 8 which allege that the BESS Project does not have any "potential significant effects".
- The Application states repeatedly that the "Reduced Project Alternative" only eliminates 18 acres of development (pages 4-15 to 4-20). This is incorrect. Section 4.8.1 states that the "Reduced Project Alternative" decreases the size of the BESS yard from 70.9 acres to 44.8 acres which is a reduction of 26.1 acres, not 18 acres.
- Page 4-15 explains that the "Reduced Project Alternative" is rejected because it would "deprive the area of some of the Project's beneficial impacts"; however, the area where the BESS Project is located will not accrue *any* beneficial impacts. And, contrary to what is asserted in Table 8.1, the BESS Project does not provide Acton with beneficial economic or fiscal impacts; in fact, the economic and fiscal impacts of the BESS Project on Acton are significantly adverse (as explained above).
- Table 4-1 states the "Reduced Project Alternative" does not secure the development of a 1,150 MW BESS facility. This is incorrect. The "Reduced Project Alternative" achieves a 1,150 MW power capacity for 4 hours.

⁹⁵ Utilities persistently claim that they have "hardened" their transmission substations; however, these open air facilities remain vulnerable to damage from natural or man-made events.

⁹⁶ A successful attack on a subset of these substations would cut power to the Los Angeles area for months.

- The Application fails to consider that the “Reduced Project Alternative” will reduce noise impacts and the wildfire/public safety risks posed by the BESS Project because it eliminates half of the BESS units which are the sources of these impacts. Although the “Reduced Project Alternative” will not eliminate significant noise impacts and wildfire/public safety risks, it will substantially lessen them; therefore, it is an alternative that cannot be ignored or dismissed.

THE PROJECT SITE WILL NOT BE RETURNED TO A “NATURAL STATE”.

Page 3.6-14 asserts the that BESS Project is consistent with an AV Area Plan policy which requires decommissioned project sites to be returned to their “natural state”. This suggests that thousands of tons of concrete and direct buried cable will eventually be removed from the BESS site⁹⁷. However, the “Waste Management” analysis presented in Section 3.14 does not discuss waste streams from decommissioning or quantify the concrete waste volumes that will be generated. Moreover, page 2-25 states that material that is 3 feet or more below the surface will be left behind and the “Draft Decommissioning Plan” indicates foundations and cables will be abandoned in place. This suggests that the developer does not intend to return the site to a “natural state”. Moreover, the abandoned detritus is likely to prevent the re-establishment of native species⁹⁸. Accordingly, the “Decommissioning Plan” should be revised to include measures that ensure the BESS Project site will be fully restored to its “natural state”.

BESS PROJECT VULNERABILITIES MUST BE ADDRESSED

As explained above, the placement of utility scale generation and storage facilities at remote locations outside urban load pockets increases the vulnerability of California’s transmission grid. The BESS Project (which supplies more than 1,100 MW and will thus serve more than 2,750,000 people) is no exception, and its location and concentrated configuration make it vulnerable. A single individual can quickly and easily decimate the BESS yard and/or the 500 kV substation in a manner that initiates a deflagration event which endangers the Acton community. These vulnerabilities must be assessed and addressed as the BESS Project moves through the licensing process.

⁹⁷ Page 2-20 states that substation foundations will be at least 7 feet deep and that the 2,035 BESS units will have “slab on grade” or pile foundations, so most of the BESS yard will be covered in concrete.

⁹⁸ According to Table 3.2-3, the native vegetation communities that currently occupy more than half the BESS Project site are Big Sagebrush, California Juniper Woodland, California Buckwheat scrub, and Rubber Rabbitbrush scrub. These vegetation communities rely on keystone species that develop deep taproots extending beyond 3 feet. Accordingly, the abandonment of extensive concrete foundations will inhibit the reestablishment of these species by preventing taproot development. Also, root growth is likely to be inhibited by the vast network of abandoned cables that will leach copper into the soil upon disintegration of their protective sheaths (which is expected to occur within 50 years of construction).

CONCLUSION

For the reasons set forth above, SORT respectfully requests that the Commission direct the developer to amend that Application to address the deficiencies noted herein before the Application is deemed complete. We also request that the abovementioned concerns be factored into the Commission's consideration of the BESS Project.

Sincerely;

/S/ Jacqueline Ayer

Jacqueline Ayer, Director
Save Our Rural Town